

§ 1223. Agreements with States and subdivisions; equitable sharing of costs; development improvements; availability of appropriations; State hunting and fishing laws applicable

After the completion of the general study authorized by section 1222 of this title, the Secretary of the Interior, with the approval of the President, may enter into an agreement, containing such terms and conditions as are mutually acceptable, with any State or with a political subdivision or agency thereof (if the agreement with such subdivision or agency is first approved by the Governor of the State involved or by a State agency designated for that purpose) for the permanent management, development, and administration of any area, land, or interests therein within an estuary and adjacent lands which are owned or thereafter acquired by a State or by any political subdivision thereof: *Provided*, That, with the approval of the Governor of the State involved or of a State agency designated for that purpose, the Secretary may also enter into such an agreement for any particular area whenever the segment of the general study applicable to that area is completed subject to the provisions of subsections (a) and (b) of section 1222 of this title. Such agreement shall, among other things, provide that the State or a political subdivision or agency thereof and the Secretary shall share in an equitable manner in the cost of managing, administering, and developing such areas, and such development may include the construction, operation, installation, and maintenance of buildings, devices, structures, recreational facilities, access roads, and other improvements, and such agreement shall be subject to the availability of appropriations. State hunting and fishing laws and regulations shall be applicable to such areas to the extent they are now or hereafter applicable. (Pub. L. 90-454, § 3, Aug. 3, 1968, 82 Stat. 627.)

§ 1224. Commercial and industrial development considerations; reports to Congress; recommendations

In planning for the use or development of water and land resources, all Federal agencies shall give consideration to estuaries and their natural resources, and their importance for commercial and industrial developments, and all project plans and reports affecting such estuaries and resources submitted to the Congress shall contain a discussion by the Secretary of the Interior of such estuaries and such resources and the effects of the project on them and his recommendations thereon. The Secretary of the Interior shall make his recommendations within ninety days after receipt of such plans and reports.

(Pub. L. 90-454, § 4, Aug. 3, 1968, 82 Stat. 627.)

§ 1225. State consideration of protection and restoration of estuaries in State comprehensive planning and proposals for financial assistance under certain Federal laws; grants; terms and conditions, prohibition against disposition of lands without approval of the Secretary

The Secretary of the Interior shall encourage States and local subdivisions thereof to con-

sider, in their comprehensive planning and proposals for financial assistance under the Federal Aid in Wildlife Restoration Act (50 Stat. 917), as amended (16 U.S.C. 669 et seq.), the Federal Aid in Fish Restoration Act (64 Stat. 430), as amended (16 U.S.C. 777 et seq.), chapter 2003 of title 54, the Commercial Fisheries Research and Development Act of 1964¹ (78 Stat. 197) [16 U.S.C. 779 et seq.], and the Anadromous and Great Lakes Fisheries Conservation Act of October 30, 1965 (79 Stat. 1125) [16 U.S.C. 757a et seq.], the needs and opportunities for protecting and restoring estuaries in accordance with the purposes of this chapter. In approving grants made pursuant to said laws for the acquisition of all or part of an estuarine area by a State, the Secretary shall establish such terms and conditions as he deems desirable to insure the permanent protection of such areas, including a provision that the lands or interests therein shall not be disposed of by sale, lease, donation, or exchange without the prior approval of the Secretary.

(Pub. L. 90-454, § 5, Aug. 3, 1968, 82 Stat. 627; Pub. L. 113-287, § 5(d)(22), Dec. 19, 2014, 128 Stat. 3266.)

Editorial Notes

REFERENCES IN TEXT

The Federal Aid in Wildlife Restoration Act, as amended, referred to in text, is act Sept. 2, 1937, ch. 899, 50 Stat. 917, also known as the Pittman-Robertson Wildlife Restoration Act, which is classified generally to chapter 5B (§669 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 669 of this title and Tables.

The Federal Aid in Fish Restoration Act, as amended, referred to in text, is act Aug. 9, 1950, ch. 658, 64 Stat. 430, also known as the Dingell-Johnson Sport Fish Restoration Act and the Fish Restoration and Management Projects Act, which is classified generally to chapter 10B (§777 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 777 of this title and Tables.

The Commercial Fisheries Research and Development Act of 1964, referred to in text, is Pub. L. 88-309, May 20, 1964, 78 Stat. 197, which was classified generally to chapter 10D (§779 et seq.) of this title and was repealed by Pub. L. 99-659, title III, §309, Nov. 14, 1986, 100 Stat. 3736.

The Anadromous and Great Lakes Fisheries Conservation Act of October 30, 1965, referred to in text, probably means the Anadromous Fish Conservation Act, Pub. L. 89-304, Oct. 30, 1965, 79 Stat. 1125, which is classified generally to sections 757a to 757g of this title. For complete classification of this Act to the Code, see Short Title note set out under section 757a of this title and Tables.

AMENDMENTS

2014—Pub. L. 113-287 substituted “chapter 2003 of title 54” for “the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)”.

§ 1226. Federal agency authority to carry out Federal project within an estuary unaffected

Nothing in this chapter shall be construed to affect the authority of any Federal agency to carry out any Federal project heretofore or hereafter authorized within an estuary.

(Pub. L. 90-454, § 6, Aug. 3, 1968, 82 Stat. 628.)

¹ See References in Text note below.