

poses of the wildlife refuges, games ranges, fish hatcheries, and other fish and wildlife conservation areas.

(Pub. L. 87-714, §3, Sept. 28, 1962, 76 Stat. 653.)

**§ 460k-3. Charges and fees; permits; regulations; penalties; enforcement**

The Secretary may establish reasonable charges and fees and issue permits for public use of national wildlife refuges, game ranges, national fish hatcheries, and other conservation areas administered by the Department of the Interior for fish and wildlife purposes. The Secretary may issue regulations to carry out the purposes of this subchapter. A violation of such regulations shall be a misdemeanor with maximum penalties of imprisonment for not more than six months, or a fine of not more than \$500, or both. The provisions of this subchapter and any such regulation shall be enforced by any officer or employee of the United States Fish and Wildlife Service designated by the Secretary of the Interior.

(Pub. L. 87-714, §4, Sept. 28, 1962, 76 Stat. 654; Pub. L. 95-616, §3(e), Nov. 8, 1978, 92 Stat. 3111; Pub. L. 98-473, title II, §221, Oct. 12, 1984, 98 Stat. 2028.)

AMENDMENTS

1984—Pub. L. 98-473 substituted “misdemeanor” for “petty offense (18 U.S.C. 1)”.

1978—Pub. L. 95-616 provided for designation of enforcement personnel.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, see section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of Title 18, Crimes and Criminal Procedure.

**§ 460k-4. Authorization of appropriations**

There is authorized to be appropriated such funds as may be necessary to carry out the purposes of this subchapter, including the construction and maintenance of public recreational facilities.

(Pub. L. 87-714, §5, Sept. 28, 1962, 76 Stat. 654.)

SUBCHAPTER LXIX—OUTDOOR  
RECREATION PROGRAMS

PART A—COORDINATION OF PROGRAMS

**§ 460l. Repealed. Pub. L. 113-287, §7, Dec. 19, 2014, 128 Stat. 3272**

Section, Pub. L. 88-29, §1, May 28, 1963, 77 Stat. 49, related to congressional findings and declaration of policy. See section 200101 of Title 54, National Park Service and Related Programs.

**§ 460l-1. Repealed. Pub. L. 113-287, §7, Dec. 19, 2014, 128 Stat. 3272**

Section, Pub. L. 88-29, §2, May 28, 1963, 77 Stat. 49; Pub. L. 91-375, §6(h), Aug. 12, 1970, 84 Stat. 776, related to powers and duties of Secretary of the Interior. See section 200103 of Title 54, National Park Service and Related Programs.

**§ 460l-2. Repealed. Pub. L. 113-287, §7, Dec. 19, 2014, 128 Stat. 3272**

Section, Pub. L. 88-29, §3, May 28, 1963, 77 Stat. 50, related to consultations of Secretary of the Interior with administrative officers. See section 200104 of Title 54, National Park Service and Related Programs.

**§ 460l-3. Repealed. Pub. L. 113-287, §7, Dec. 19, 2014, 128 Stat. 3272**

Section, Pub. L. 88-29, §4, May 28, 1963, 77 Stat. 50; Pub. L. 96-205, title VI, §608(c), Mar. 12, 1980, 94 Stat. 92, defined “United States” and “States”. See section 200102 of Title 54, National Park Service and Related Programs.

PART B—LAND AND WATER CONSERVATION FUND

**§ 460l-4. Transferred**

CODIFICATION

Section, Pub. L. 88-578, title I, §1(b), Sept. 3, 1964, 78 Stat. 897, which stated purposes of Pub. L. 88-578, was transferred and is set out as a note under section 100101 of Title 54, National Park Service and Related Programs.

**§ 460l-5. Repealed. Pub. L. 113-287, §7, Dec. 19, 2014, 128 Stat. 3272**

Section, Pub. L. 88-578, title I, §2, Sept. 3, 1964, 78 Stat. 897; Pub. L. 89-72, §11, July 9, 1965, 79 Stat. 218; Pub. L. 90-401, §§1(a), 2, July 15, 1968, 82 Stat. 354, 355; Pub. L. 91-308, §2, July 7, 1970, 84 Stat. 410; Pub. L. 91-485, §1, Oct. 22, 1970, 84 Stat. 1084; Pub. L. 94-273, §2(7), Apr. 21, 1976, 90 Stat. 375; Pub. L. 94-422, title I, §101(1), Sept. 28, 1976, 90 Stat. 1313; Pub. L. 95-42, §1(1), June 10, 1977, 91 Stat. 210; Pub. L. 100-203, title V, §5201(f)(1), Dec. 22, 1987, 101 Stat. 1330-267, related to establishment of land and water conservation fund. See section 200302 of Title 54, National Park Service and Related Programs.

**§ 460l-5a. Repealed. Pub. L. 100-203, title V, §5201(d)(1), Dec. 22, 1987, 101 Stat. 1330-266**

Section, Pub. L. 96-514, title I, §100, Dec. 12, 1980, 94 Stat. 2960, provided for revenues received from recreation fee collections by Federal agencies to be paid into the Land and Water Conservation Fund and to be available for appropriation for any and all authorized purposes.

RECREATION USE FEES COLLECTED AND DEPOSITED IN  
UNITED STATES TREASURY BY CORPS OF ENGINEERS

Pub. L. 97-88, title I, §100, Dec. 4, 1981, 95 Stat. 1136, related to special recreation use fees collected by, and deposited in the Treasury by the Corps of Engineers, prior to repeal by Pub. L. 100-203, title V, §5201(d)(3), Dec. 22, 1987, 101 Stat. 1330-267.

**§ 460l-6. Repealed. Pub. L. 113-287, §7, Dec. 19, 2014, 128 Stat. 3272**

Section, Pub. L. 88-578, title I, §3, Sept. 3, 1964, 78 Stat. 899; Pub. L. 100-203, title V, §5201(f)(2), Dec. 22, 1987, 101 Stat. 1330-267, related to appropriations for expenditure of land and water conservation fund moneys. See section 200303 of Title 54, National Park Service and Related Programs.

**§ 460l-6a. Repealed. Pub. L. 113-287, §7, Dec. 19, 2014, 128 Stat. 3272**

Section, Pub. L. 88-578, title I, §4, as added Pub. L. 92-347, §2, July 11, 1972, 86 Stat. 459; amended Pub. L. 93-81, §1, 2, Aug. 1, 1973, 87 Stat. 178, 179; Pub. L. 93-303, §1, June 7, 1974, 88 Stat. 192; Pub. L. 96-344, §9, Sept. 8, 1980, 94 Stat. 1135; Pub. L. 100-203, title V, §5201(a)-(c),

Dec. 22, 1987, 101 Stat. 1330-263, 1330-264; Pub. L. 103-66, title V, § 5001(b), title X, §§ 10001, 10002, Aug. 10, 1993, 107 Stat. 379, 402, 403; Pub. L. 103-437, § 6(p)(1), Nov. 2, 1994, 108 Stat. 4586; Pub. L. 104-66, title I, § 1081(f), Dec. 21, 1995, 109 Stat. 721; Pub. L. 105-327, § 1, Oct. 30, 1998, 112 Stat. 3055; Pub. L. 108-447, div. J, title VIII, § 813(a), Dec. 8, 2004, 118 Stat. 3390; Pub. L. 109-54, title I, § 132(a), (b), Aug. 2, 2005, 119 Stat. 526, related to admission and special recreation use fees. Subsecs. (a) to (h) and (i)(1)(A), (B), (2) to (4), which related to various fees and permits and reporting requirements, had been previously repealed. Subsecs. (i)(1)(C) and (j) to (n) were repealed and restated in section 100904 of Title 54, National Park Service and Related Programs.

**§ 4601-6b. Repealed. Pub. L. 100-203, title V, § 5201(d)(2), Dec. 22, 1987, 101 Stat. 1330-267**

Section, Pub. L. 96-87, title IV, § 402, Oct. 12, 1979, 93 Stat. 666; Pub. L. 96-487, title II, § 202(3)(a), Dec. 2, 1980, 94 Stat. 2382, prohibited entrance or admission fees in excess of amounts in effect Jan. 1, 1979, at any unit of National Park System and user fees for transportation services and facilities in Denali National Park, Alaska.

**§ 4601-6c. Admission, entrance, and recreation fees**

**(a) Definitions**

As used in this section:

**(1) Area of concentrated public use**

The term “area of concentrated public use” means an area administered by the Secretary that meets each of the following criteria:

(A) The area is managed primarily for outdoor recreation purposes.

(B) Facilities and services necessary to accommodate heavy public use are provided in the area.

(C) The area contains at least 1 major recreation attraction.

(D) Public access to the area is provided in such a manner that admission fees can be efficiently collected at 1 or more centralized locations.

**(2) Boat launching facility**

The term “boat launching facility” includes any boat launching facility, regardless of whether specialized facilities or services, such as mechanical or hydraulic boat lifts or facilities, are provided.

**(3) Campground**

The term “campground” means any campground where a majority of the following amenities are provided, as determined by the Secretary:

(A) Tent or trailer spaces.

(B) Drinking water.

(C) An access road.

(D) Refuse containers.

(E) Toilet facilities.

(F) The personal collection of recreation use fees by an employee or agent of the Secretary.

(G) Reasonable visitor protection.

(H) If campfires are permitted in the campground, simple devices for containing the fires.

**(4) Secretary**

The term “Secretary” means the Secretary of Agriculture.

**(b) Authority to impose fees**

The Secretary may charge—

(1) admission or entrance fees at national monuments, national volcanic monuments, national scenic areas, and areas of concentrated public use administered by the Secretary; and

(2) recreation use fees at lands administered by the Secretary in connection with the use of specialized outdoor recreation sites, equipment, services, and facilities, including visitors’ centers, picnic tables, boat launching facilities, and campgrounds.

**(c) Amount of fees**

The amount of the admission, entrance, and recreation fees authorized to be imposed under this section shall be determined by the Secretary.

(Pub. L. 103-66, title I, § 1401, Aug. 10, 1993, 107 Stat. 331.)

CODIFICATION

Section was enacted as part of the Agricultural Reconciliation Act of 1993 and as part of the Omnibus Budget Reconciliation Act of 1993, and not as part of the Land and Water Conservation Fund Act of 1965.

**§ 4601-6d. Commercial filming**

**(a) Commercial filming fee**

**(1) In general**

The Secretary of the Interior or the Secretary of Agriculture (hereafter individually referred to as the “Secretary” with respect to land (except land in a System unit as defined in section 100102 of title 54) under their respective jurisdictions) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal land administered by the Secretary. The fee shall provide a fair return to the United States and shall be based on the following criteria:

(A) The number of days the filming activity or similar project takes place on Federal land under the Secretary’s jurisdiction.

(B) The size of the film crew present on Federal land under the Secretary’s jurisdiction.

(C) The amount and type of equipment present.

**(2) Other factors**

The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.

**(b) Recovery of costs**

The Secretary shall collect any costs incurred as a result of filming activities or similar project, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

**(c) Still photography**

**(1) In general**

Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on land administered by the Secretary if such photography takes place where members of the public are gener-

ally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

**(2) Exception**

The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site's natural or cultural resources or administrative facilities.

**(d) Protection of resources**

The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines that—

- (1) there is a likelihood of resource damage;
- (2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or
- (3) the activity poses health or safety risks to the public.

**(e) Use of proceeds**

**(1) Fees**

All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.

**(2) Costs**

All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

**(f) Processing of permit applications**

The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.

(Pub. L. 106-206, § 1, May 26, 2000, 114 Stat. 314; Pub. L. 113-287, §§ 4(c), 7, Dec. 19, 2014, 128 Stat. 3261, 3272.)

CODIFICATION

Section was not enacted as part of the Land and Water Conservation Fund Act of 1965.

AMENDMENTS

2014—Pub. L. 113-287, § 4(c), amended section generally. Prior to amendment, section related to commercial filming with respect to lands under the jurisdiction of the Secretaries of the Interior and Agriculture.

REPEALS

Section repealed by Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272, insofar as applicable to the National Park System. See section 100905 of Title 54, National Park Service and Related Programs.

**§ 4601-7. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272**

Section, Pub. L. 88-578, title I, § 5, formerly § 4, Sept. 3, 1964, 78 Stat. 900; Pub. L. 90-401, § 3, July 15, 1968, 82 Stat. 355; renumbered § 5, Pub. L. 92-347, § 2, July 11, 1972, 86 Stat. 459; amended Pub. L. 94-273, § 3(4), Apr. 21, 1976, 90 Stat. 376; Pub. L. 94-422, title I, § 101(2), Sept. 28, 1976, 90 Stat. 1314; Pub. L. 95-42, § 1(2), June 10, 1977, 91 Stat. 210, related to allocation of land and water conservation fund for State and Federal purposes. See sec-

tion 200304 of Title 54, National Park Service and Related Programs.

A prior section 5 of Pub. L. 88-578 was renumbered section 6 and was classified to section 4601-8 of this title prior to repeal by Pub. L. 113-287.

**§ 4601-8. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272**

Section, Pub. L. 88-578, title I, § 6, formerly § 5, Sept. 3, 1964, 78 Stat. 900; renumbered § 6, Pub. L. 92-347, § 2, July 11, 1972, 86 Stat. 459; amended Pub. L. 93-303, § 2, June 7, 1974, 88 Stat. 194; Pub. L. 94-422, title I, § 101(3), Sept. 28, 1976, 90 Stat. 1314; Pub. L. 95-625, title VI, § 606, Nov. 10, 1978, 92 Stat. 3519; Pub. L. 99-645, title III, § 303, Nov. 10, 1986, 100 Stat. 3587; Pub. L. 103-322, title IV, § 40133, Sept. 13, 1994, 108 Stat. 1918; Pub. L. 103-437, § 6(p)(2), Nov. 2, 1994, 108 Stat. 4586; Pub. L. 104-333, div. I, title VIII, § 814(d)(1)(H), Nov. 12, 1996, 110 Stat. 4196, related to financial assistance to States. See sections 200301(2) and 200305 of Title 54, National Park Service and Related Programs.

A prior section 6 of Pub. L. 88-578 was renumbered section 7 and was classified to section 4601-9 of this title prior to repeal by Pub. L. 113-287.

**§ 4601-9. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272**

Section, Pub. L. 88-578, title I, § 7, formerly § 6, Sept. 3, 1964, 78 Stat. 903; Pub. L. 90-401, § 1(c), July 15, 1968, 82 Stat. 355; renumbered § 7, Pub. L. 92-347, § 2, July 11, 1972, 86 Stat. 459; amended Pub. L. 93-205, § 13(c), Dec. 28, 1973, 87 Stat. 902; Pub. L. 94-422, title I, § 101(4), Sept. 28, 1976, 90 Stat. 1317; Pub. L. 95-42, § 1(3)-(5), June 10, 1977, 91 Stat. 210, 211; Pub. L. 96-203, § 2, Mar. 10, 1980, 94 Stat. 81; Pub. L. 99-645, title III, § 302, Nov. 10, 1986, 100 Stat. 3587; Pub. L. 103-437, § 6(p)(3), Nov. 2, 1994, 108 Stat. 4586; Pub. L. 104-333, div. I, title VIII, § 814(b), (d)(2)(C), Nov. 12, 1996, 110 Stat. 4194, 4196; Pub. L. 106-176, title I, § 120(b), 129, Mar. 10, 2000, 114 Stat. 28, 30, related to allocation of land and water conservation fund moneys for Federal purposes. See sections 100506(c) and 200306 of Title 54, National Park Service and Related Programs.

A prior section 7 of Pub. L. 88-578 was renumbered section 8 and was classified to section 4601-10 of this title prior to repeal by Pub. L. 113-287.

**§ 4601-10. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272**

Section, Pub. L. 88-578, title I, § 8, formerly § 7, Sept. 3, 1964, 78 Stat. 903; renumbered § 8, Pub. L. 92-347, § 2, July 11, 1972, 86 Stat. 459; amended Pub. L. 94-422, title I, § 101(5), Sept. 28, 1976, 90 Stat. 1318, related to availability of land and water conservation fund for public purposes. See section 200307 of Title 54, National Park Service and Related Programs.

A prior section 8 of Pub. L. 88-578 was renumbered section 9 and was classified to section 4601-10a of this title prior to repeal by Pub. L. 113-287.

**§ 4601-10a. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272**

Section, Pub. L. 88-578, title I, § 9, formerly § 8, as added Pub. L. 90-401, § 4, July 15, 1968, 82 Stat. 355; amended Pub. L. 91-308, § 3, July 7, 1970, 84 Stat. 410; renumbered § 9, Pub. L. 92-347, § 2, July 11, 1972, 86 Stat. 459, and amended Pub. L. 93-303, § 3, June 7, 1974, 88 Stat. 194, related to contracts for acquisition of lands and waters. See section 200308 of Title 54, National Park Service and Related Programs.

A prior section 9 of Pub. L. 88-578 was renumbered section 10 and was classified to section 4601-10b of this title prior to repeal by Pub. L. 113-287.

**§ 4601-10b. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272**

Section, Pub. L. 88-578, title I, § 10, formerly § 9, as added Pub. L. 90-401, § 4, July 15, 1968, 82 Stat. 355; re-

numbered § 10, Pub. L. 92-347, § 2, July 11, 1972, 86 Stat. 459, related to contracts for options to acquire lands and waters in national park system. See section 200309 of Title 54, National Park Service and Related Programs.

A prior section 10 of Pub. L. 88-578 was renumbered section 11 and was classified to section 4601-10c of this title prior to repeal by Pub. L. 113-287.

**§ 4601-10c. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272**

Section, Pub. L. 88-578, title I, § 11, formerly § 2(a) (in part), Sept. 3, 1964, 78 Stat. 899; renumbered § 10, Pub. L. 90-401, § 1(a), July 15, 1968, 82 Stat. 354; renumbered § 11, Pub. L. 92-347, § 2, July 11, 1972, 86 Stat. 459, repealed provisions prohibiting collection of recreation fees or user charges.

**§ 4601-10d. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272**

Section, Pub. L. 88-578, title I, § 12, as added Pub. L. 94-422, title I, § 101(6), Sept. 28, 1976, 90 Stat. 1318, required review and report on the needs, problems, and opportunities associated with urban recreation in highly populated regions.

**§ 4601-10e. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272**

Section, Pub. L. 88-578, title I, § 13, as added Pub. L. 104-333, div. I, title X, § 1021(b), Nov. 12, 1996, 110 Stat. 4210; amended Pub. L. 105-83, title V, § 505, Nov. 14, 1997, 111 Stat. 1617; Pub. L. 106-176, title I, § 123(b), Mar. 10, 2000, 114 Stat. 29, related to an advisory commission on water-based recreation.

**§ 4601-11. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272**

Section, Pub. L. 88-578, title II, § 201, Sept. 3, 1964, 78 Stat. 904; Pub. L. 91-605, title III, § 302, Dec. 31, 1970, 84 Stat. 1743; Pub. L. 94-273, § 3(4), Apr. 21, 1976, 90 Stat. 376; Pub. L. 94-280, title III, § 302, May 5, 1976, 90 Stat. 456; Pub. L. 95-599, title V, § 503(b), Nov. 6, 1978, 92 Stat. 2757; Pub. L. 97-424, title V, § 531(c), Jan. 6, 1983, 96 Stat. 2191; Pub. L. 99-514, § 2, title XVIII, § 1875(e), Oct. 22, 1986, 100 Stat. 2095, 2897; Pub. L. 100-17, title V, § 503(c), Apr. 2, 1987, 101 Stat. 258; Pub. L. 101-508, title XI, § 11211(g)(2), Nov. 5, 1990, 104 Stat. 1388-427; Pub. L. 102-240, title VIII, § 8002(d)(2)(B), Dec. 18, 1991, 105 Stat. 2204; Pub. L. 105-178, title IX, § 9002(c)(2)(B), June 9, 1998, 112 Stat. 500; Pub. L. 109-59, title XI, § 11101(c)(2)(B), Aug. 10, 2005, 119 Stat. 1944; Pub. L. 112-30, title I, § 142(e)(2)(B), Sept. 16, 2011, 125 Stat. 356; Pub. L. 112-102, title IV, § 402(e)(2)(B), Mar. 30, 2012, 126 Stat. 282; Pub. L. 112-140, title IV, § 402(d)(2)(B), June 29, 2012, 126 Stat. 403; Pub. L. 112-141, div. D, title I, § 40102(e)(2)(B), July 6, 2012, 126 Stat. 845, related to transfers to and from land and water conservation fund. See section 200310 of Title 54, National Park Service and Related Programs.

PART C—WATER RESOURCES PROJECTS

**§ 4601-12. Recreation and fish and wildlife benefits of Federal multiple-purpose water resources projects; Congressional declaration of policy**

It is the policy of the Congress and the intent of this part (a) in investigating and planning any Federal navigation, flood control, reclamation, hydroelectric, or multiple-purpose water resource project, full consideration shall be given to the opportunities, if any, which the project affords for outdoor recreation and for fish and wildlife enhancement and that, wherever any such project can reasonably serve ei-

ther or both of these purposes consistently with the provisions of this part, it shall be constructed, operated, and maintained accordingly; (b) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain, and replace facilities provided for those purposes unless such areas or facilities are included or proposed for inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

(Pub. L. 89-72, § 1, July 9, 1965, 79 Stat. 213.)

REFERENCES IN TEXT

This part, referred to in text, was in the original “this Act”, meaning Pub. L. 89-72, which enacted sections 4601-12 to 4601-21 of this title and amended former section 4601-5(a) and section 662(d) of this title.

SHORT TITLE

Pub. L. 89-72, § 12, July 9, 1965, 79 Stat. 218, provided: “This Act [enacting this section and sections 4601-13 to 4601-21 of this title and amending sections 4601-5(a) and 662(d) of this title], may be cited as the ‘Federal Water Project Recreation Act’.”

**§ 4601-13. Non-Federal administration of project land and water areas**

**(a) Allocation of costs**

If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation or fish and wildlife enhancement or for both of these purposes pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and to bear not less than one-half the separable costs of the project allocated to recreation, and to bear one-quarter of such costs allocated to fish and wildlife enhancement and not less than one-half the costs of operation, maintenance, and replacement incurred therefor—

(1) the benefits of the project to said purpose or purposes shall be taken into account in determining the economic benefits of the project;

(2) costs shall be allocated to said purpose or purposes and to other purposes in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: *Provided*, That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits or reasonably equivalent use and location by the least costly alternative means; and

(3) not more than one-half the separable costs of the project allocated to recreation and exactly three-quarters of such costs allocated to fish and wildlife enhancement and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable.

Projects authorized during the calendar year 1965 may include recreation and fish and wildlife enhancement on the foregoing basis without the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of any project to which this subsection is applicable.

**(b) Non-Federal share of costs**

The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest at a rate comparable to that for other interest-bearing functions of Federal water resource projects, within fifty years of first use of project recreation or fish and wildlife enhancement facilities: *Provided*, That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and are made subject to review and renegotiation at intervals of not more than five years.

(Pub. L. 89-72, § 2, July 9, 1965, 79 Stat. 214; Pub. L. 93-251, title I, § 77(a)(1), (2), Mar. 7, 1974, 88 Stat. 33; Pub. L. 102-575, title XXVIII, § 2804(a), Oct. 30, 1992, 106 Stat. 4691.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-575 substituted “not less than one-half the costs of operation” for “all the costs of operation” in introductory provisions.

1974—Subsec. (a). Pub. L. 93-251 substituted in text preceding item (1) “separable costs of the project allocated to recreation, and to bear one-quarter of such costs allocated to fish and wildlife enhancement” for “separable costs of the project allocated to either or both of said purposes, as the case may be” and in item (3) “separable costs of the project allocated to recreation and exactly three-quarters of such costs allocated to fish and wildlife enhancement” for “separable costs”, respectively.

EFFECTIVE DATE OF 1974 AMENDMENT

Pub. L. 93-251, title I, § 77(b), Mar. 7, 1974, 88 Stat. 33, provided that: “The amendments made by this section [amending this section and section 4601-14 of this title] shall apply to all projects the construction of which is not substantially completed on the date of enactment of this Act [Mar. 7, 1974].”

COST SHARING REQUIREMENTS

Pub. L. 93-251, title I, § 77(c), Mar. 7, 1974, 88 Stat. 33, provided that: “In the case of any project (1) authorized subject to specific cost-sharing requirements which were based on the same percentages as those established in the Federal Water Project Recreation Act [section 4601-12 et seq. of this title], and (2) construc-

tion of which is not substantially completed on the date of enactment of this Act [Mar. 7, 1974], the cost-sharing requirements for such project shall be the same percentages as are established by the amendments made by subsection (a) of this section [to subsec. (a) of this section and section 4601-14(b)(1) of this title] for projects which are subject to the Federal Water Project Recreation Act [section 4601-12 et seq. of this title].”

**§ 4601-14. Facilities or project modifications to be provided without written indication of intent**

**(a) Other project purposes as justification; public health and safety requirement of minimum facilities at access points; basis for calculation of benefits; nonreimbursable costs**

No facilities or project modifications which will furnish recreation or fish and wildlife enhancement benefits shall be provided in the absence of the indication of intent with respect thereto specified in section 4601-13(a) of this title unless (1) such facilities or modifications serve other project purposes and are justified thereby without regard to such incidental recreation or fish and wildlife enhancement benefits as they may have or (2) they are minimum facilities which are required for the public health and safety and are located at access points provided by roads existing at the time of project construction or constructed for the administration and management of the project. Calculation of the recreation and fish and wildlife enhancement benefits in any such case shall be based on the number of visitor-days anticipated in the absence of recreation and fish and wildlife enhancement facilities or modifications except as hereinbefore provided and on the value per visitor-day of the project without such facilities or modifications. Project costs allocated to recreation and fish and wildlife enhancement on this basis shall be nonreimbursable.

**(b) Preservation of recreation and fish and wildlife enhancement potential; execution of agreements within ten year period; disposition of lands in absence of such agreements, prohibition against uses conflicting with project purposes, and preference to uses promoting and not detracting from such potential**

Notwithstanding the absence of an indication of intent as specified in section 4601-13(a) of this title, lands may be provided in connection with project construction to preserve the recreation and fish and wildlife enhancement potential of the project:

(1) If non-Federal public bodies execute an agreement after initial operation of the project (which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation or fish and wildlife enhancement or both pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and will bear not less than one-half the costs of lands, facilities, and project modifications provided for recreation, and will bear one-quarter of such costs for fish and wildlife enhancement, and not less than one-half the costs of planning studies, and the costs of operation, maintenance, and replacement attributable thereto) the remainder of the costs of

lands, facilities, and project modifications provided pursuant to this paragraph shall be nonreimbursable. Such agreement and subsequent development, however, shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of this subsection, the head of the agency having jurisdiction over the project may utilize the lands for any lawful purpose within the jurisdiction of his agency, or may offer the land for sale to its immediate prior owner or his immediate heirs at its appraised fair market value as approved by the head of the agency at the time of offer or, if a firm agreement by said owner or his immediate heirs is not executed within ninety days of the date of the offer, may transfer custody of the lands to another Federal agency for use for any lawful purpose within the jurisdiction of that agency, or may lease the lands to a non-Federal public body, or may transfer the lands to the Administrator of General Services for disposition in accordance with the surplus property laws of the United States. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed, and in every case except that of an offer to purchase made, as hereinbefore provided, by the prior owner or his heirs preference shall be given to uses which will preserve and promote the recreation and fish and wildlife enhancement potential of the project or, in the absence thereof, will not detract from that potential.

**(c) Expansion or modification of existing facilities**

(1) Any recreation facility constructed under this part may be expanded or modified if—

(A) the facility is inadequate to meet recreational demands; and

(B) a non-Federal public body executes an agreement which provides that such public body—

(i) will administer the expanded or modified facilities pursuant to a plan for development for the project that is approved by the agency with administrative jurisdiction over the project; and

(ii) will bear not less than one-half of the planning and capital costs of such expansion or modification and not less than one-half of the costs of the operation, maintenance, and replacement attributable to the expansion of the facility.

(2) The Federal share of the cost of expanding or modifying a recreational facility described in paragraph (1) may not exceed 50 percent of the total cost of expanding or modifying the facility.

(Pub. L. 89-72, § 3, July 9, 1965, 79 Stat. 214; Pub. L. 93-251, title I, § 77(a)(3), Mar. 7, 1974, 88 Stat. 33; Pub. L. 102-575, title XXVIII, § 2804(b), (d), Oct. 30, 1992, 106 Stat. 4691.)

REFERENCES IN TEXT

This part, referred to in subsec. (c)(1), was in the original "this Act", meaning Pub. L. 89-72, which en-

acted sections 4601-12 to 4601-21 of this title and amended former section 4601-5(a) and section 662(d) of this title.

AMENDMENTS

1992—Subsec. (b)(1). Pub. L. 102-575, § 2804(b), struck out "within ten years" after "execute an agreement" and substituted "not less than one-half the costs of planning studies, and the costs of operation, maintenance, and replacement attributable" for "all costs of operation, maintenance, and replacement attributable".

Subsec. (c). Pub. L. 102-575, § 2804(d), added subsec. (c). 1974—Subsec. (b)(1). Pub. L. 93-251 substituted "modifications provided for recreation, and will bear one-quarter of such costs for fish and wildlife enhancement" for "modifications provided for either or both of those purposes, as the case may be".

EFFECTIVE DATE OF 1974 AMENDMENT

For effective date of amendment by Pub. L. 93-251, see section 77(b) of Pub. L. 93-251, set out as a note under section 4601-13 of this title.

**§ 4601-15. Lease of facilities and lands to non-Federal public bodies**

At projects, the construction of which has commenced or been completed as of July 9, 1965, where non-Federal public bodies agree to administer project land and water areas for recreation and fish and wildlife enhancement purposes and to bear the<sup>1</sup> not less than one-half the costs of operation, maintenance, and replacement of existing facilities serving those purposes, such facilities and appropriate project lands may be leased to non-Federal public bodies.

(Pub. L. 89-72, § 4, July 9, 1965, 79 Stat. 215; Pub. L. 102-575, title XXVIII, § 2804(c), Oct. 30, 1992, 106 Stat. 4691.)

AMENDMENTS

1992—Pub. L. 102-575 substituted "not less than one-half the costs of operation" for "costs of operation".

**§ 4601-16. Postauthorization development of projects without allocation or reallocation of costs**

Nothing herein shall be construed as preventing or discouraging postauthorization development of any project for recreation or fish and wildlife enhancement or both by non-Federal public bodies pursuant to agreement with the head of the Federal agency having jurisdiction over the project. Such development shall not be the basis for any allocation or reallocation of project costs to recreation or fish and wildlife enhancement.

(Pub. L. 89-72, § 5, July 9, 1965, 79 Stat. 215.)

**§ 4601-17. Miscellaneous provisions**

**(a) Project reports; outdoor recreation views; conformity to State comprehensive plan**

The views of the Secretary of the Interior developed in accordance with section 200104 of title 54, with respect to the outdoor recreation aspects shall be set forth in any report of any project or appropriate unit thereof within the purview of this part. Such views shall include a report on the extent to which the proposed

<sup>1</sup> So in original. The word "the" probably should not appear.

recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to section 200305(d) of title 54.

**(b) Omitted**

**(c) Migratory waterfowl refuges at Federal projects; expenditure limitation for acquisition of lands**

Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, shall not exceed \$28,000,000: *Provided*, That the aforementioned expenditure limitation in this subsection shall not apply to the costs of mitigating damages to migratory waterfowl caused by such water resource project.

**(d) Nonapplication to certain projects**

This part shall not apply to the Tennessee Valley Authority, but the Authority is authorized to recognize and provide for recreational and other public uses at any dams and reservoirs heretofore or hereafter constructed in a manner consistent with the promotion of navigation, flood control, and the generation of electrical energy, as otherwise required by law, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended [43 U.S.C. 422a et seq.], or under authority of the Watershed Protection and Flood Prevention Act, as amended [16 U.S.C. 1001 et seq.].

**(e) Nonapplication to certain other projects**

Sections 4601-13, 4601-14, 4601-15, and 4601-16 of this title shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects, or to project areas or facilities authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

**(f) Interpretation of “nonreimbursable”**

As used in this part, the term “nonreimbursable” shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

**(g) Nonapplication of section 200306(a)(3) of title 54 to nonreimbursable costs of the United States**

section<sup>1</sup> 200306(a)(3) of title 54 shall not apply to costs allocated to recreation and fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to section 4601-13(a) or section 4601-14(b)(1) of this title.

<sup>1</sup> So in original. Probably should be capitalized.

**(h) Deposits in Treasury as miscellaneous receipts; deposits of revenue from conveyance of certain lands in Land and Water Conservation Fund**

All payments and repayment by non-Federal public bodies under the provisions of this part shall be deposited in the Treasury as miscellaneous receipts, and revenue from the conveyance by deed, lease, or otherwise, of lands under section 4601-14(b)(2) of this title shall be deposited in the Land and Water Conservation Fund.

(Pub. L. 89-72, §6, July 9, 1965, 79 Stat. 216; Pub. L. 94-576, Oct. 21, 1976, 90 Stat. 2728; Pub. L. 113-287, §5(d)(1), Dec. 19, 2014, 128 Stat. 3264.)

REFERENCES IN TEXT

This part, referred to in subsecs. (a), (d), (f), and (h), was in the original “this Act”, meaning Pub. L. 89-72, which enacted sections 4601-12 to 4601-21 of this title and amended former section 4601-5(a) and section 662(d) of this title.

The Small Reclamation Projects Act, referred to in subsec. (d), is act Aug. 6, 1956, ch. 972, 70 Stat. 1044, as amended, which is classified generally to subchapter IV (§422a et seq.) of chapter 12 of Title 43, Public Lands. For complete classification of this Act to the Code, see section 422k of Title 43 and Tables.

The Watershed Protection and Flood Prevention Act, referred to in subsec. (d), is act Aug. 4, 1954, ch. 656, 68 Stat. 666, which is classified principally to chapter 18 (§1001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

CODIFICATION

In subsec. (a), “section 200104 of title 54” substituted for “section 3 of the Act of May 28, 1963 (77 Stat. 49)” on authority of Pub. L. 113-287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

Subsec. (b) of this section amended section 662(d) of this title.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-287, §5(d)(1)(A), substituted “section 200305(d) of title 54” for “section 4601-8(d) of this title”.

Subsec. (g). Pub. L. 113-287, §5(d)(1)(B), substituted “section 200306(a)(3) of title 54” for “Section 4601-9(a)(2) of this title”.

1976—Subsec. (d). Pub. L. 94-576 authorized recreational and other public uses at dams and reservoirs consistent with promotion of navigation, flood control, and generation of electrical energy.

**§ 4601-18. Authority of Secretary of the Interior**

**(a) Provision of facilities, acquisition of lands, and provision for public use and enjoyment of project lands, facilities, and water areas in coordination with other project purposes; execution of agreements before providing lands, facilities, and project modifications**

The Secretary is authorized, in conjunction with any reservoir heretofore constructed by him pursuant to the Federal reclamation laws or any reservoir which is otherwise under his control, except reservoirs within national wildlife refuges, to investigate, plan, construct, operate and maintain, or otherwise provide for public outdoor recreation and fish and wildlife enhancement facilities, to acquire or otherwise make available such adjacent lands or interests therein as are necessary for public outdoor

recreation or fish and wildlife use, and to provide for public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes. Lands, facilities and project modifications for the purposes of this subsection may be provided only after an agreement in accordance with subsection (b) or (c) of section 4601-14 of this title has been executed.

**(b) Agreements with government agencies to promote development and operation of lands or facilities for recreation and fish and wildlife enhancement purposes**

The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance, and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease agreement or exchange upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation and fish and wildlife enhancement purposes.

**(c) Transfer of lands; consent of other Federal agencies to use of lands for recreation or fish and wildlife purposes; transfers to Secretary of Agriculture of forest lands; continuing administration of lands and waters for other project purposes; prohibition against limitation of authority under existing provisions of law**

No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation or fish and wildlife purposes under the authority of this section without the consent of the head of such agency; and the head of any such agency is authorized to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this section. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent to the exterior boundaries of national forests and facilities thereon to the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest unless the Secretaries of Agriculture and Interior jointly determine otherwise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture, the lands involved shall become national forest lands: *Provided*, That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation. Nothing herein shall limit the authority of the Secretary of the Interior granted by existing provisions of law relating to recreation or fish and wildlife development in connection with water resource projects or to disposition of public lands for such purposes.

(Pub. L. 89-72, §7, July 9, 1965, 79 Stat. 216; Pub. L. 102-377, title II, §206, Oct. 2, 1992, 106 Stat.

1332; Pub. L. 102-575, title XXVIII, §2804(e), Oct. 30, 1992, 106 Stat. 4692.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-575, §2804(e)(2), substituted “subsection (b) or (c) of section 4601-14” for “subsection 4601-14(b)”.

Pub. L. 102-575, §2804(e)(1), which directed amendment of subsec. (a) by striking “purposes: *Provided*,” and all that follows through end of sentence and inserting “purposes”, could not be executed because the words “purposes: *Provided*,” did not appear subsequent to amendment by Pub. L. 102-377. See below.

Pub. L. 102-377 substituted “purposes.” for “purposes: *Provided*,” That not more than \$100,000 shall be available to carry out the provisions of this subsection at any one reservoir.”

**§ 4601-19. Feasibility reports**

Effective on and after July 1, 1966, neither the Secretary of the Interior nor any bureau nor any person acting under his authority shall engage in the preparation of any feasibility report under reclamation law with respect to any water resource project unless the preparation of such feasibility report has been specifically authorized by law, any other provision of law to the contrary notwithstanding.

(Pub. L. 89-72, §8, July 9, 1965, 79 Stat. 217.)

**§ 4601-20. Construction of projects under certain laws with allocations to recreation and fish and wildlife enhancement exceeding allocations to other functions unauthorized; exception**

Nothing contained in this part shall be taken to authorize or to sanction the construction under the Federal reclamation laws or under any Rivers and Harbors or Flood Control Act of any project in which the sum of the allocations to recreation and fish and wildlife enhancement exceeds the sum of the allocations to irrigation, hydroelectric power, municipal, domestic and industrial water supply, navigation, and flood control, except that this section shall not apply to any such project for the enhancement of anadromous fisheries, shrimp, or for the conservation of migratory birds protected by treaty, when each of the other functions of such a project has, of itself, a favorable benefit-cost ratio.

(Pub. L. 89-72, §9, July 9, 1965, 79 Stat. 217.)

REFERENCES IN TEXT

This part, referred to in text, was in the original “this Act”, meaning Pub. L. 89-72, which enacted sections 4601-12 to 4601-21 of this title and amended former section 4601-5(a) and section 662(d) of this title.

Rivers and Harbors or Flood Control Act, referred to in text, is classified principally to Title 33, Navigation and Navigable Waters.

**§ 4601-21. Definitions**

As used in this part:

(a) The term “project” shall mean a project or any appropriate unit thereof.

(b) The term “separable costs,” as applied to any project purpose, means the difference between the capital cost of the entire multiple-purpose project and the capital cost of the project with the purpose omitted.

(c) The term “joint costs” means the difference between the capital cost of the entire multiple-purpose project and the sum of the separable costs for all project purposes.

(d) The term “feasibility report” shall mean any report of the scope required by the Congress when formally considering authorization of the project of which the report treats.

(e) The term “capital cost” includes interest during construction, wherever appropriate.

(Pub. L. 89-72, § 10, July 9, 1965, 79 Stat. 218.)

#### REFERENCES IN TEXT

This part, referred to in text, was in the original “this Act”, meaning Pub. L. 89-72, which enacted sections 4601-12 to 4601-21 of this title and amended former section 4601-5(a) and section 662(d) of this title.

#### PART D—LAND TRANSFERS

### § 4601-22. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 90-401, § 5, July 15, 1968, 82 Stat. 356; Pub. L. 98-506, § 2, Oct. 19, 1984, 98 Stat. 2338, related to conveyance of property and interests in property in national park system and miscellaneous areas. See sections 100903 and 102901 of Title 54, National Park Service and Related Programs.

#### PART E—RECLAMATION RECREATION MANAGEMENT

### § 4601-31. Findings

The Congress finds and declares the following:

(1) There is a Federal responsibility to provide opportunities for public recreation at Federal water projects.

(2) Some provisions of the Federal Water Project Recreation Act [16 U.S.C. 4601-12 et seq.] are outdated because of increases in demand for outdoor recreation and changes in the economic climate for recreation managing entities.

(3) Provisions of such Act relating to non-Federal responsibility for all costs of operation, maintenance, and replacement of recreation facilities result in an unfair burden, especially in cases where the facilities are old or underdesigned.

(4) Provisions of such Act that limit the Federal share of recreation facility development at water projects completed before 1965 to \$100,000 preclude a responsible Federal share in providing adequate opportunities for safe outdoor recreation.

(5) There should be Federal authority to expand existing recreation facilities to meet public demand, in partnership with non-Federal interests.

(6) Nothing in this part changes the responsibility of the Bureau to meet the purposes for which Federal Reclamation projects were initially authorized and constructed.

(7) It is therefore in the best interest of the people of this Nation to amend the Federal Water Project Recreation Act [16 U.S.C. 4601-12 et seq.] to remove outdated restrictions and authorize the Secretary of the Interior to undertake specific measures for the management of Reclamation lands.

(Pub. L. 102-575, title XXVIII, § 2802, Oct. 30, 1992, 106 Stat. 4690.)

#### REFERENCES IN TEXT

The Federal Water Project Recreation Act, referred to in pars. (2) to (4) and (7), is Pub. L. 89-72, July 9, 1965, 79 Stat. 213, as amended, which is classified principally to part C (§ 4601-12 et seq.) of this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 4601-12 of this title and Tables.

This part, referred to in par. (6), was in the original “this title”, meaning title XXVIII of Pub. L. 102-575, Oct. 30, 1992, 106 Stat. 4690, which enacted sections 4601-31 to 4601-34 of this title and amended sections 4601-13 to 4601-15 and 4601-18 of this title.

#### SHORT TITLE

Pub. L. 102-575, title XXVIII, § 2801, Oct. 30, 1992, 106 Stat. 4690, provided that: “This title [enacting this part and amending sections 4601-13 to 4601-15 and 4601-18 of this title] may be cited as the ‘Reclamation Recreation Management Act of 1992.’”

### § 4601-32. Definitions

For the purposes of this part:

(1) The term “Reclamation lands” means real property administered by the Secretary, acting through the Commissioner of Reclamation, and includes all acquired and withdrawn lands and water areas under jurisdiction of the Bureau.

(2) The term “Reclamation program” means any activity authorized under the Federal reclamation laws (the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 371)),<sup>1</sup> and Acts supplementary thereto and amendatory thereof.

(3) The term “Reclamation project” means any water supply or water delivery project constructed or administered by the Bureau of Reclamation under the Federal reclamation laws (the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 371)),<sup>2</sup> and Acts supplementary thereto and amendatory thereof.

(4) The term “Secretary” means the Secretary of the Interior.

(Pub. L. 102-575, title XXVIII, § 2803, Oct. 30, 1992, 106 Stat. 4691.)

#### REFERENCES IN TEXT

This part, referred to in text, was in the original “this title”, meaning title XXVIII of Pub. L. 102-575, Oct. 30, 1992, 106 Stat. 4690, which enacted sections 4601-31 to 4601-34 of this title and amended sections 4601-13 to 4601-15 and 4601-18 of this title.

Act of June 17, 1902, referred to in pars. (2) and (3), is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to chapter 12 (§ 371 et seq.) of Title 43, Public Lands. However, section 371 of Title 43 is act Dec. 5, 1924, ch. 4, § 4, subsec. A, 43 Stat. 701. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of Title 43 and Tables.

### § 4601-33. Management of reclamation lands

#### (a) Administration

(1) Upon a determination that any such fee, charge, or commission is reasonable and appropriate, the Secretary acting through the Commissioner of Reclamation, is authorized to establish—

<sup>1</sup> So in original. There should probably be only a single closing parenthesis. See References in Text note below.

<sup>2</sup> See References in Text note below.

(A) filing fees for applications and other documents concerning entry upon and use of Reclamation lands;

(B) recreation user fees; and

(C) charges or commissions for the use of Reclamation lands.

(2) The Secretary, acting through the Commissioner of Reclamation, shall promulgate such regulations as the Secretary determines to be necessary—

(A) to carry out the provisions of this section and section 460L-34 of this title;

(B) to ensure the protection, comfort, and well-being of the public (including the protection of public safety) with respect to the use of Reclamation lands; and

(C) to ensure the protection of resource values.

**(b) Inventory**

The Secretary, acting through the Commissioner of Reclamation, is authorized to—

(1) prepare and maintain on a continuing basis an inventory of resources and uses made of Reclamation lands and resources, keep records of such inventory, and make such records available to the public; and

(2) ascertain the boundaries of Reclamation lands and provide a means for public identification (including, where appropriate, providing signs and maps).

**(c) Planning**

(1)(A)<sup>1</sup> The Secretary, acting through the Commissioner of Reclamation, is authorized to develop, maintain, and revise resource management plans for Reclamation lands.

(B) Each plan described in subparagraph (A)—

(i) shall be consistent with applicable laws (including any applicable statute, regulation, or Executive order);

(ii) shall be developed in consultation with—

(I) such heads of Federal and non-Federal departments or agencies as the Secretary determines to be appropriate; and

(II) the authorized beneficiaries (as determined by the Secretary) of any Reclamation project included in the plan; and

(iii) shall be developed with appropriate public participation.

(C) Each plan described in subparagraph (A) shall provide for the development, use, conservation, protection, enhancement, and management of resources of Reclamation lands in a manner that is compatible with the authorized purposes of the Reclamation project associated with the Reclamation lands.

**(d) Nonreimbursable funds**

Funds expended by the Secretary in carrying out the provisions of this part shall be nonreimbursable under the Federal reclamation laws (the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 371),<sup>2</sup> and Acts supplementary thereto and amendatory thereof).

(Pub. L. 102-575, title XXVIII, §2805, Oct. 30, 1992, 106 Stat. 4692.)

<sup>1</sup> So in original. No par. (2) has been enacted.

<sup>2</sup> See References in Text note below.

REFERENCES IN TEXT

This part, referred to in subsec. (d), was in the original “this title”, meaning title XXVIII of Pub. L. 102-575, Oct. 30, 1992, 106 Stat. 4690, which enacted sections 460L-31 to 460L-34 of this title and amended sections 460L-13 to 460L-15 and 460L-18 of this title.

Act of June 17, 1902, referred to in subsec. (d), is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to chapter 12 (§371 et seq.) of Title 43, Public Lands. However, section 371 of Title 43 is act Dec. 5, 1924, ch. 4, §4, subsec. A, 43 Stat. 701. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of Title 43 and Tables.

**§ 460L-34. Protection of authorized purposes of reclamation projects**

(a) Nothing in this part shall be construed to change, modify, or expand the authorized purposes of any Reclamation project.

(b) The expansion or modification of a recreational facility constructed under this part shall not increase the capital repayment responsibilities or operation and maintenance expenses of the beneficiaries of authorized purposes of the associated Reclamation project. The term “beneficiaries” does not include those entities who sign agreements or enter into contracts for recreation facilities pursuant to the Federal Water Project Recreation Act [16 U.S.C. 460L-12 et seq.].

(Pub. L. 102-575, title XXVIII, §2806, Oct. 30, 1992, 106 Stat. 4693.)

REFERENCES IN TEXT

This part, referred to in text, was in the original “this title”, meaning title XXVIII of Pub. L. 102-575, Oct. 30, 1992, 106 Stat. 4690, which enacted sections 460L-31 to 460L-34 of this title and amended sections 460L-13 to 460L-15 and 460L-18 of this title.

The Federal Water Project Recreation Act, referred to in subsec. (b), is Pub. L. 89-72, July 9, 1965, 79 Stat. 213, as amended, which is classified principally to part C (§460L-12 et seq.) of this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 460L-12 of this title and Tables.

SUBCHAPTER LXX—OZARK NATIONAL SCENIC RIVERWAYS

**§ 460m. Establishment**

For the purpose of conserving and interpreting unique scenic and other natural values and objects of historic interest, including preservation of portions of the Current River and the Jacks Fork River in Missouri as free-flowing streams, preservation of springs and caves, management of wildlife, and provisions for use and enjoyment of the outdoor recreation resources thereof by the people of the United States, the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall designate for establishment as the Ozark National Scenic Riverways the area (hereinafter referred to as “such area”) generally depicted on map numbered NR OZA 7002 entitled “Proposed Ozark National Rivers” dated December 1963 which map is on file for public inspection in the office of the National Park Service, Department of the Interior: *Provided*, That the area so designated shall not include more than sixty-five thousand acres of land now in private ownership and that no lands shall be designated