

recreational developments and facilities on Federal lands other than those actually within the national parkway shall be administered by the Secretary of Agriculture;

(2) Upon the request of the Secretary of Agriculture, the Secretary of the Interior shall relocate and reconstruct any national forest roads that may be disturbed by the parkway extension, or provide alternative roads that are necessary to the protection, administration, or utilization of the national forests, and shall allow access to areas to be developed by the Secretary of Agriculture on adjacent national forest lands unless to do so will materially impair the primary purposes of the parkway;

(3) The Secretary of the Interior may relocate and reconstruct portions of the Appalachian Trail, including trail shelters, that may be disturbed by the parkway extension and such relocation and reconstruction may be performed (A) on non-Federal lands when the Appalachian Trail Conference obtains the consent of the owner to the use of the lands for the purpose and agrees to assume maintenance thereof, and (B) upon national forest lands with the approval of the Secretary of Agriculture.

(Pub. L. 90-555, §2, Oct. 9, 1968, 82 Stat. 968.)

Editorial Notes

REFERENCES IN TEXT

Act of August 10, 1961, referred to in text, is Pub. L. 87-135, Aug. 10, 1961, 75 Stat. 337, which was not classified to the Code.

§ 460a-8. Licenses or permits for rights-of-way over parkway lands

The Secretary of the Interior may issue revocable licenses or permits for rights-of-way over, across, and upon parkway lands, or for the use of parkway lands by the owners or lessees of adjacent lands, or for such purposes and under such terms and conditions as he may determine to be consistent with the use of such lands for parkway purposes.

(Pub. L. 90-555, §3, Oct. 9, 1968, 82 Stat. 968.)

§ 460a-9. Part of Blue Ridge Parkway; administration and maintenance of parkway extension

The parkway extension herein authorized shall be a part of the Blue Ridge Parkway and shall be administered and maintained by the Secretary of the Interior in accordance with the laws and regulations applicable thereto, including section 460a-4 of this title.

(Pub. L. 90-555, §4, Oct. 9, 1968, 82 Stat. 968.)

§ 460a-10. Transfer of national forest lands to Secretary of Agriculture

With the concurrence of the Secretary of Agriculture the Secretary of the Interior may transfer to the Secretary of Agriculture for national forest purposes lands or interests in lands within national forests acquired for, or in connection with, the parkway extension.

(Pub. L. 90-555, §5, Oct. 9, 1968, 82 Stat. 968.)

§ 460a-11. Authorization of appropriations

There is hereby authorized to be appropriated, for construction of the Blue Ridge Parkway extension, not more than \$87,536,000, plus or minus such amounts, if any, as may be justified by reason of fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

(Pub. L. 90-555, §6, Oct. 9, 1968, 82 Stat. 968.)

§§ 460b, 460c. Repealed. Pub. L. 85-767, §2 [19, 21, 23, 33], Aug. 27, 1958, 72 Stat. 919

Section 460b, acts June 16, 1936, ch. 582, §5, 49 Stat. 1520; June 8, 1938, ch. 328, §8, 52 Stat. 635; Sept. 5, 1940, ch. 715, §9, 54 Stat. 870, related to determination of location of parkways upon public lands, national forests, or other Federal reservations.

Section 460c, act Sept. 7, 1950, ch. 912, §4(b), 64 Stat. 787, related to administration of parkway appropriations.

SUBCHAPTER LXVI—PUBLIC PARK AND RECREATIONAL FACILITIES AT WATER RESOURCE DEVELOPMENT PROJECTS

§ 460d. Construction and operation of public parks and recreational facilities in water resource development projects; lease of lands; preference for use; penalty; application of section 3401 of title 18; citations and arrests with and without process; limitations; disposition of receipts

The Chief of Engineers, under the supervision of the Secretary of the Army, is authorized to construct, maintain, and operate public park and recreational facilities at water resource development projects under the control of the Department of the Army, to permit the construction of such facilities by local interests (particularly those to be operated and maintained by such interests), and to permit the maintenance and operation of such facilities by local interests. The Secretary of the Army is also authorized to grant leases of lands, including structures or facilities thereon, at water resource development projects for such periods, and upon such terms and for such purposes as he may deem reasonable in the public interest: *Provided*, That leases to nonprofit organizations for park or recreational purposes may be granted at reduced or nominal considerations in recognition of the public service to be rendered in utilizing the leased premises: *Provided further*, That preference shall be given to federally recognized Indian tribes and Federal, State, or local governmental agencies, and licenses or leases where appropriate, may be granted without monetary considerations, to such Indian tribes or agencies for the use of all or any portion of a project area for any public purpose, when the Secretary of the Army determines such action to be in the public interest, and for such periods of time and upon such conditions as he may find advisable: *And provided further*, That in any such lease or license to a federally recognized Indian tribe¹ Federal, State, or local governmental agency which involves lands to be utilized for the development and conservation of fish and wildlife,

¹ So in original.

forests, and other natural resources, the licensee or lessee may be authorized to cut timber and harvest crops as may be necessary to further such beneficial uses and to collect and utilize the proceeds of any sales of timber and crops in the development, conservation, maintenance, and utilization of such lands. Any balance of proceeds not so utilized shall be paid to the United States at such time or times as the Secretary of the Army may determine appropriate. The water areas of all such projects shall be open to public use generally for boating, swimming, bathing, fishing, and other recreational purposes, and ready access to and exit from such areas along the shores of such projects shall be maintained for general public use, when such use is determined by the Secretary of the Army not to be contrary to the public interest, all under such rules and regulations as the Secretary of the Army may deem necessary, including but not limited to prohibitions of dumping and unauthorized disposal in any manner of refuse, garbage, rubbish, trash, debris, or litter of any kind at such water resource development projects, either into the waters of such projects or onto any land federally owned and administered by the Chief of Engineers. Any violation of such rules and regulations shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both. Any persons charged with the violation of such rules and regulations may be tried and sentenced in accordance with the provisions of section 3401 of title 18. All persons designated by the Chief of Engineers for that purpose shall have the authority to issue a citation for violation of the regulations adopted by the Secretary of the Army, requiring the appearance of any person charged with violation to appear before the United States magistrate judge, within whose jurisdiction the water resource development project is located, for trial; and upon sworn information of any competent person any United States magistrate judge in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said regulations. No use of any area to which this section applies shall be permitted which is inconsistent with the laws for the protection of fish and game of the State in which such area is situated. All moneys received by the United States for leases or privileges shall be deposited in the Treasury of the United States as miscellaneous receipts.

(Dec. 22, 1944, ch. 665, § 4, 58 Stat. 889; July 24, 1946, ch. 596, § 4, 60 Stat. 642; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501; Sept. 3, 1954, ch. 1264, title II, § 209, 68 Stat. 1266; Pub. L. 87-874, title II, § 207, Oct. 23, 1962, 76 Stat. 1195; Pub. L. 88-578, § 2(a), Sept. 3, 1964, 78 Stat. 899; Pub. L. 91-611, title II, § 234, Dec. 31, 1970, 84 Stat. 1833; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 110-114, title II, § 2026, Nov. 8, 2007, 121 Stat. 1079.)

Editorial Notes

AMENDMENTS

2007—Pub. L. 110-114 inserted “federally recognized Indian tribes and” before “Federal” and “Indian tribes or” after “considerations, to such” in second proviso and “federally recognized Indian tribe” after “That in any such lease or license to a” in third proviso.

1970—Pub. L. 91-611 provided that the rules and regulations should include but not be limited to prohibitions of dumping and unauthorized disposal of refuse, garbage, rubbish, trash, debris, or litter of any kind at water resource development projects, prescribed penalty for violation of the rules and regulations, provided for trial and sentence in accordance with section 3401 of title 18, authorized issuance of citation for violation of the regulations, provided for issuance of process for arrest of any violators, and recognized the authority of Federal officer without process of arrest any person taken in act of violating the regulations.

1964—Pub. L. 88-578 struck out “, without charge,” after “The water areas of all such projects shall be open to public use generally”.

1962—Pub. L. 87-874 substituted references to water resource development projects for references to reservoir areas wherever appearing, and authorized the Chief of Engineers to permit the construction, maintenance, and operation of facilities by local interests.

1954—Act Sept. 3, 1954, amended section generally, and, among other changes, inserted “for park or recreational purposes” in first proviso, inserted “or leases where appropriate” in second proviso, and inserted third proviso permitting lessees and licensees to cut timber and harvest crop in certain cases and containing provisions with respect to the collection, utilization, and disposition of the proceeds from the sale of timber and crops.

1946—Act July 24, 1946, inserted first proviso dealing with leases to nonprofit organizations.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“United States magistrate judge” substituted for “United States magistrate” wherever appearing in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of Act July 26, 1947, was repealed by section 53 of Act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of Act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

EFFECTIVE DATE OF 1964 AMENDMENT

Pub. L. 88-578, title I, § 1(a), Sept. 3, 1964, 78 Stat. 897, provided in part that: “This Act [amending this section, repealing section 14 of this title, and amending provisions set out as a note under section 120 of Title 23, Highways] shall become effective on January 1, 1965.”

RECREATION POLICY

Pub. L. 104-303, title II, § 208(a), Oct. 12, 1996, 110 Stat. 3680, provided that:

“(1) IN GENERAL.—The Secretary shall provide increased emphasis on, and opportunities for recreation at, water resources projects operated, maintained, or constructed by the Corps of Engineers.

“(2) REPORT.—Not later than 2 years after the date of the enactment of this Act [Oct. 12, 1996], the Secretary shall transmit to Congress a report on specific measures taken to implement this subsection.”

CABIN SITE LEASES

Pub. L. 99-662, title XI, §1134(a)-(c), Nov. 17, 1986, 100 Stat. 4250, provided that:

“(a) On and after December 31, 1989, the Secretary shall continue in effect any lease or assignment thereof to which this section applies, until such time as such lease is terminated by the leaseholder, any successors or assigns of the leaseholder, or by the Secretary under subsection (b) of this section. Any such continuation beyond the date of expiration of such lease as in effect on December 31, 1989, shall be at fair market rentals and on such other reasonable terms and conditions not inconsistent with this section as the Secretary deems necessary. No continuation shall be made beyond such date unless the leaseholder agrees (1) to hold the United States harmless from any claim for damages or injury to persons or property arising from occupancy of or through the use of the property subject to such lease, and (2) to not unreasonably expand existing improvements.

“(b)(1) On and after December 31, 1989, the Secretary and any other officer or employee of the United States shall not terminate a lease to which this section applies, except as provided in paragraph (2) of this subsection.

“(2) On and after December 31, 1989, the Secretary may terminate a lease to which this section applies only if—

“(A) the property covered by the lease is needed for immediate use for public park purposes or other higher public use or for a navigation or flood control project; or

“(B) the leaseholder substantially violates a provision of such lease.

“(c) Subsections (a) and (b) of this section apply to (1) any cottage site lease of property, which lease was entered into by the Secretary of the Army pursuant to section 4 of the Act entitled ‘An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes’, approved December 22, 1944 (58 Stat. 889; 16 U.S.C. 460d), and is in effect on December 31, 1989, and (2) any assignment of such a lease.”

PROHIBITION ON ORDERS TO REMOVE HOUSEBOATS, ETC., FROM RESERVOIRS OR PROJECTS ADMINISTERED BY SECRETARY OF THE ARMY

Pub. L. 99-662, title XI, §1134(d), Nov. 17, 1986, 100 Stat. 4251, as amended by Pub. L. 101-640, title III, §320, Nov. 28, 1990, 104 Stat. 4643, provided that: “On and after December 31, 1989, no houseboat, boathouse, floating cabin, sleeping facilities at marinas, or lawfully installed dock or cabin or trailer and appurtenant structures shall be required to be removed from any Federal water resources reservoir or lake project administered by the Secretary on which it was located on the date of enactment of this Act [Nov. 17, 1986], if (1) such property is maintained in usable and safe condition, (2) such property does not occasion a threat to life or property, and (3) the holder of the lease, permit, or license is in substantial compliance with the existing lease or license, except where necessary for immediate use for public purposes or other higher public use or for a navigation or flood control project.”

Pub. L. 97-140, §6, Dec. 29, 1981, 95 Stat. 1718, provided that: “Notwithstanding any other provision of law, no houseboat, floating cabin, marina (including any with sleeping facilities), or lawfully installed dock or cabin and appurtenant structures shall be required to be removed before December 31, 1989, from any Federal water resources reservoir or lake project administered by the Secretary of the Army, acting through the Chief of Engineers, on which it was located on the date of enactment of this Act [Dec. 29, 1981], if such property is maintained in usable condition, and, in the judgment of the Chief of Engineers, does not occasion a threat to life or property.”

Similar provisions were contained in Pub. L. 97-128, §8, Dec. 29, 1981, 95 Stat. 1685.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of Title 43, Public Lands.

Executive Documents

SECRETARY OF THE AIR FORCE

For transfer of certain functions relating to real property under jurisdiction of Air Force, and certain functions relating to construction of buildings and facilities insofar as they may pertain to Department of the Air Force, from Secretary of the Army to Secretary of the Air Force, see Secretary of Defense Transfer Order Nos. 14, eff. July 1, 1948; 18, eff. July 7, 1948; and 40 [App. B(66)], July 22, 1949.

§ 460d-1. Rentals or other considerations in leases for construction, maintenance, and operation of commercial recreational facilities; adjustment by Chief of Engineers

The Chief of Engineers, under the supervision of the Secretary of the Army, is authorized to amend any lease entered into providing for the construction, maintenance, and operation of commercial recreational facilities at a water resource development project under the jurisdiction of the Secretary of the Army so as to provide for the adjustment, either by increase or decrease, from time to time during the term of such lease of the amount of rental or other consideration payable to the United States under such lease, when and to the extent he determines such adjustment or extension to be necessary or advisable in the public interest. No adjustment shall be made under the authority of this section so as to increase or decrease the amount of rental or other consideration payable under such lease for any period prior to the date of such adjustment.

(Pub. L. 87-236, Sept. 14, 1961, 75 Stat. 509; Pub. L. 89-298, title II, §215, Oct. 27, 1965, 79 Stat. 1088.)

Editorial Notes

AMENDMENTS

1965—Pub. L. 89-298 struck out “before November 1, 1956” after “lease entered into”.

§ 460d-2. Adjustment by Secretary of Agriculture

The Secretary of Agriculture is authorized to amend any lease entered into with respect to lands under the jurisdiction of the Forest Service providing for the construction, maintenance, and operation of commercial recreational facilities at a Federal reservoir project so as to provide for the adjustment, either by increase or decrease, from time to time during the term of such lease of the amount of rental or other consideration payable to the United States under such lease, when and to the extent he determines such adjustment to be necessary or advisable in the public interest. No adjustment shall be made under the authority of this section so as to increase or decrease the amount of rental or other consideration payable under such lease for any period prior to the date of such adjustment.

(Pub. L. 87-411, Mar. 3, 1962, 76 Stat. 20.)