

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.)

Editorial Notes

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.)

Editorial Notes

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.)

Editorial Notes

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.)

Editorial Notes

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, 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.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 102–575, title XXVIII, § 2801, Oct. 30, 1992, 106 Stat. 4690, provided that: “This title [enacting this part