

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

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)),¹ 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)),² 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.)

Editorial Notes

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—

(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 4601-34 of this title;

(B) to ensure the protection, comfort, and well-being of the public (including the protec-

tion 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)¹ 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 non-reimbursable under the Federal reclamation laws (the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 371)),² and Acts supplementary thereto and amendatory thereof.

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

Editorial Notes

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 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 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.

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

² See References in Text note below.

¹ So in original. No par. (2) has been enacted.

² See References in Text note below.