

(Pub. L. 93-320, title I, §102, June 24, 1974, 88 Stat. 268.)

§ 1573. Construction and maintenance of well fields; land acquisition; land replacement; nonreimbursable costs

(a) The Secretary is authorized to:

(1) Construct, operate, and maintain, consistent with Minute No. 242, well fields capable of furnishing approximately one hundred and sixty thousand acre-feet of water per year for use in the United States and for delivery to Mexico in satisfaction of the 1944 Mexican Water Treaty.

(2) Acquire by purchase, eminent domain, or exchange, to the extent determined by him to be appropriate, approximately twenty-three thousand five hundred acres of lands or interests therein with approximately five miles of the Mexican border on the Yuma Mesa: *Provided, however,* That any such lands which are presently owned by the State of Arizona may be acquired or exchanged for Federal lands.

(3) Any lands removed from the jurisdiction of the Yuma Mesa Irrigation and Drainage District pursuant to clause (2) of this subsection which were available for use under the Gila Reauthorization Act (61 Stat. 628) [43 U.S.C. 613 et. seq.], shall be replaced with like lands within or adjacent to the Yuma Mesa division of the project. In the development of these substituted lands or any other lands within the Gila project, the Secretary may provide for full utilization of the Gila Gravity Main Canal in addition to contracted capacities.

(4) Effective October 1, 1979, and to such extent and in such amounts as are provided in advance in appropriation Acts, enter into contracts under the terms and conditions of the Act of June 17, 1902 (43 U.S.C. 371 et seq.) as amended and supplemented for the delivery of water from said well field to entities within the United States for municipal and industrial or irrigation purposes: *Provided,* That such contracts for municipal and industrial purposes shall contain terms and conditions as substantially provided in section 485h(c)(1) of this title, and that contracts for replacement irrigation water supplies to prevent damage to existing water users on privately developed lands include water charges no greater than if such water users had continued to pump their own wells without the United States lowering the water table and that the acreage limitation and related provisions of the Reclamation Law will not be applicable to such privately developed lands: *Provided further,* That no contract shall be entered which will impair the ability of the United States to continue to deliver to Mexico on the land boundary at San Luis and in the Limitrophe Section of the Colorado River downstream from Morelos Dam approximately one hundred and forty thousand acre-feet annually, consistent with the terms contained in Minute No. 242 of the IBWC.

(b) The cost of work provided for in this section, including delivery of water to Mexico, shall be nonreimbursable; except to the extent

that the waters furnished are used in the United States.

(Pub. L. 93-320, title I, §103, June 24, 1974, 88 Stat. 269; Pub. L. 96-336, §3, Sept. 4, 1980, 94 Stat. 1063.)

Editorial Notes

REFERENCES IN TEXT

The Gila Reauthorization Act, referred to in subsec. (a)(3), is act July 30, 1947, ch. 382, 61 Stat. 628, which was classified generally to subchapter XXI (§613 et seq.) of chapter 12 of this title, and was omitted from the Code.

Act of June 17, 1902, referred to in subsec. (a)(4), 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 this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

The IBWC, referred to in subsec. (a)(4), is identified in section 1571 of this title.

AMENDMENTS

1980—Subsec. (a)(4). Pub. L. 96-336 added par. (4).

§ 1574. Modification of projects

The Secretary is authorized to provide for modifications of the projects authorized by this subchapter to the extent he determines appropriate for purposes of meeting the international settlement objective of this subchapter at the lowest overall cost to the United States. No funds for any such modification shall be expended until the expiration of sixty days after the proposed modification has been submitted to the appropriate committees of the Congress, unless the Congress approves an earlier date by concurrent resolution. The Secretary shall notify the Governors of the Colorado River Basin States of such modifications.

(Pub. L. 93-320, title I, §104, June 24, 1974, 88 Stat. 270.)

§ 1575. Contract authority

The Secretary is authorized to enter into contracts that he deems necessary to carry out the provisions of this subchapter in advance of the appropriation of funds therefor.

(Pub. L. 93-320, title I, §105, June 24, 1974, 88 Stat. 270.)

§ 1575a. Administration and disposition of lands and constructed facilities; revenues credited to general fund of Treasury

The Secretary is hereby authorized to administer and dispose of lands and interests in lands acquired, and facilities constructed under this subchapter, and revenues received in connection with this authority shall be credited to the general fund of the Treasury.

(Pub. L. 93-320, title I, §106, as added Pub. L. 96-336, §4, Sept. 4, 1980, 94 Stat. 1064.)

Editorial Notes

PRIOR PROVISIONS

A prior section 106 of Pub. L. 93-320 was renumbered section 107 and is classified to section 1576 of this title.

§ 1576. Interagency cooperation

In carrying out the provisions of this subchapter, the Secretary shall consult and cooper-

ate with the Secretary of State, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and other affected Federal, State, and local agencies.

(Pub. L. 93-320, title I, §107, formerly §106, June 24, 1974, 88 Stat. 270; renumbered §107, Pub. L. 96-336, §4, Sept. 4, 1980, 94 Stat. 1064.)

Editorial Notes

PRIOR PROVISIONS

A prior section 107 of Pub. L. 93-320 was renumbered section 108 and is classified to section 1577 of this title.

§ 1577. Existing Federal laws not modified

Nothing in this chapter shall be deemed to modify the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.], the Federal Water Pollution Control Act, as amended [33 U.S.C. 1251 et seq.], or, except as expressly stated herein, the provisions of any other Federal law.

(Pub. L. 93-320, title I, §108, formerly §107, June 24, 1974, 88 Stat. 270; renumbered §108, Pub. L. 96-336, §4, Sept. 4, 1980, 94 Stat. 1064.)

Editorial Notes

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in text, is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Federal Water Pollution Control Act, as amended, referred to in text, probably means act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

PRIOR PROVISIONS

A prior section 108 of Pub. L. 93-320 was renumbered section 109 and is classified to section 1578 of this title.

§ 1578. Authorization of appropriations

There is hereby authorized to be appropriated the sum of \$356,400,000 for the construction of the works and accomplishment of the purposes authorized in sections 1571, 1572, 1573, and 1579 of this title, of which \$3,579,000 is authorized for mitigation of fish and wildlife losses associated with replacement of the Coachella Canal in California, and \$6,960,000 is authorized for mitigation of fish and wildlife losses associated with the Desalting Complex Unit and the Protective and Regulatory Pumping Unit in Arizona, based on January 1979, prices plus or minus such amounts as may be justified by reason of ordinary fluctuation in construction costs involved therein, and such sums as may be required to operate and maintain such works and to provide for such modifications as may be made pursuant to section 1574 of this title. In order to provide for the utilization of significant improvements in desalination technologies which may have been developed since the Bureau's evaluation, the Secretary is directed to evaluate such cost effective improvements and implement such improved de-

signs into the plant operations when the evaluation indicates that cost savings will result: *Provided, however*, That no more than five percent of the amount authorized to be appropriated is used for these purposes. There is further authorized to be appropriated such sums as may be necessary to pay condemnation awards in excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601 et seq.].

(Pub. L. 93-320, title I, §109, formerly §108, June 24, 1974, 88 Stat. 270; renumbered §109 and amended Pub. L. 96-336, §§4, 5, Sept. 4, 1980, 94 Stat. 1064.)

Editorial Notes

REFERENCES IN TEXT

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in text, is Pub. L. 91-646, Jan. 2, 1971, 84 Stat. 1894, which is classified principally to chapter 61 (§4601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4601 of Title 42 and Tables.

AMENDMENTS

1980—Pub. L. 96-336, §5, substituted appropriations authorization of \$356,400,000 to carry out sections 1571, 1572, 1573, and 1579 of this title for prior authorizations of \$121,500,000 and \$34,000,000 for purposes of sections 1571 and 1572, and 1573 of this title, and use of January 1979 for April 1973 price basis, authorized sums of \$3,579,000 and \$6,960,000 for mitigation of fish and wildlife losses in California and Arizona, and provided for cost savings desalination plant operations limited to five percent of appropriations authorization.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-336, §5, Sept. 4, 1980, 94 Stat. 1064, provided that the amendment made by section 5 is effective Oct. 1, 1979.

§ 1579. Fish and wildlife habitat; mitigation of losses

Effective October 1, 1979, and to such extent and in such amounts as are provided in advance in appropriate¹ Acts, in order to provide measures determined by the Secretary of the Interior to be appropriated to mitigate loss of fish and wildlife habitat associated with other measures taken under this subchapter:

(a) Appropriation of funds; acquisition and disposal of lands; facilities undertakings; funds restriction for non-Federal facilities

The Secretary is authorized to—

(1) acquire lands by purchase, eminent domain, or exchange;

(2) dispose of land, facilities, and equipment;

(3) construct, operate, maintain, and make replacements of facilities: *Provided, however*, That no funds will be provided for operation, maintenance, or replacement of non-Federal facilities.

(b) Nonreimbursable costs

All costs authorized by this section are non-reimbursable.

¹ So in original. Probably should be "appropriation".