

termines is suitable for exchange or other disposal and which is located in the same State as the non-Federal property to be acquired: *Provided, however*, That timber lands subject to harvest under a sustained yield program shall not be so exchanged. Upon request of a State or a political subdivision thereof, or of a party in interest, prior to such exchange the Secretary or his designee shall hold a public hearing in the area where the lands to be exchanged are located. The values of the properties so exchanged, either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

(c) Solid waste disposal operations prohibited; exceptions; regulations

In order to protect the air, land, water, and natural and cultural values of the National Park System and the property of the United States therein, no solid waste disposal site (including any site for the disposal of domestic or industrial solid wastes) may be operated within the boundary of any unit of the National Park System, other than—

(1) a site which was operating as of September 1, 1984, or

(2) a site used only for disposal of wastes generated within that unit of the park system so long as such site will not degrade any of the natural or cultural resources of such park unit.

The Secretary of the Interior shall promulgate regulations to carry out the provisions of this subsection, including reasonable regulations to mitigate the adverse effects of solid waste disposal sites in operation as of September 1, 1984, upon property of the United States.

(d) Proceeds credited to land and water conservation fund

The proceeds received from any conveyance under this section shall be credited to the land and water conservation fund in the Treasury of the United States.

(Pub. L. 90-401, §5, July 15, 1968, 82 Stat. 356; Pub. L. 98-506, §2, Oct. 19, 1984, 98 Stat. 2338.)

AMENDMENTS

1984—Subsecs. (c), (d). Pub. L. 98-506 added subsec. (c) and redesignated former subsec. (c) as (d).

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 are outdated because of increases in demand for outdoor recreation and changes in the economic climate for recreation managing entities.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 oper-

ation, 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

Section 2801 of title XXVIII of Pub. L. 102-575 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.

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.

(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—

(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 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)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 nonreimbursable 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.)

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.

§ 4601-34. 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. 4601-12 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 4601-31 to 4601-34 of this title and amended sections 4601-13 to 4601-15 and 4601-18 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

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

² See References in Text note below.

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 within two miles of the present boundaries of the municipalities of Eminence and Van Buren, Missouri. The Secretary, with the concurrence of the State, shall designate for inclusion in the Ozark National Scenic Riverways, the lands composing Big Springs, Alley Springs, and Round Spring State Parks, and the Secretary is hereby directed to negotiate with the State for the donation and the inclusion of such park lands in the Ozark National Scenic Riverways.

(Pub. L. 88-492, §1, Aug. 27, 1964, 78 Stat. 608.)

§ 460m-1. Acquisition of lands, easements, etc.; exchange of lands; consent of State; reversion to State; administrative jurisdiction of Federal lands or waters

The Secretary may, within the area designated or altered pursuant to section 460m-3 of this title, acquire lands and interests therein, including scenic easements, by such means as he may deem to be in the public interest: *Provided*, That scenic easements may only be acquired with the consent of the owner of the lands or waters thereof: *And provided further*, That any parcel of land containing not more than five hundred acres, which borders either the Current River or the Jacks Fork River, and which is being primarily used for agricultural purposes, shall be acquired by the Secretary in its entirety unless the owner of any such parcel consents to the acquisition of a part thereof. Property so acquired which lies outside the boundary generally depicted on the map referred to in section 460m of this title may be exchanged by the Secretary for any land of approximately equal value within the boundaries. Lands and waters owned by the State of Missouri within such area may be acquired with the consent of the State and, notwithstanding any other provision of law, subject to provision for reversion to such State conditioned upon continued use of the property

for National Scenic Riverway. Federally owned lands or water lying within such area shall, upon establishment of the area pursuant to section 460m-3 of this title, be transferred to the administrative jurisdiction of the Secretary, without transfer of funds, for administration as part of the Ozark National Scenic Riverways.

(Pub. L. 88-492, §2, Aug. 27, 1964, 78 Stat. 608; Pub. L. 92-272, title IV, §401, Apr. 11, 1972, 86 Stat. 122.)

AMENDMENTS

1972—Pub. L. 92-272 substituted provisions authorizing lands and waters owned by the State of Missouri to be acquired with the consent of the State, subject to reversion to such State conditioned upon the continued use of the property for the National Scenic Riverway, for provisions authorizing lands and waters owned by the State of Missouri to be acquired only with the consent of the State.

§ 460m-2. Reservation of use and occupancy of improved property for noncommercial residential purposes; term; valuation

Any owner or owners, including beneficial owners (hereinafter in this section referred to as "owner"), of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the improved property for non-commercial residential purposes for a term ending at the death of such owner, or the death of his spouse, or at the death of the survivor of either of them. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(Pub. L. 88-492, §3, Aug. 27, 1964, 78 Stat. 608.)

§ 460m-3. Establishment; notice in Federal Register; alteration of boundaries; acreage limitation

When the Secretary determines that lands and waters, or interests therein, have been acquired by the United States in sufficient quantity to provide an administrable unit, he shall declare establishment of the Ozark National Scenic Riverways by publication of notice in the Federal Register. The Secretary may thereafter alter such boundaries from time to time, except that the total acreage in the Ozark National Scenic Riverways shall not exceed sixty-five thousand acres, exclusive of land donated by the State of Missouri or its political subdivisions and of federally owned land transferred pursuant to section 460m-1 of this title.

(Pub. L. 88-492, §4, Aug. 27, 1964, 78 Stat. 609.)

§ 460m-4. Cooperative land development programs; hunting and fishing

(a) Development of comprehensive plans

In furtherance of the purposes of this subchapter, the Secretary is authorized to cooperate with the State of Missouri, its political subdivisions, and other Federal agencies and organizations in formulating comprehensive plans for the Ozark National Scenic Riverways and for