

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1220a, 1220d of this title.

§ 1220a. Transfer of title; terms and conditions

If, after consideration of such comments and views as are received pursuant to section 1220(c) of this title, the Secretary finds that the use of obsolete ships proposed by a State will not violate any Federal law, contribute to degradation of the marine environment, create undue interference with commercial fishing or navigation, and is not frivolous, he may transfer without consideration to the State all right, title, and interest of the United States in and to any obsolete ships which are available for transfer under this chapter if—

(1) the State gives to the Secretary such assurances as he deems necessary that such ships will be utilized and maintained only for the purposes stated in the application and, when sunk, will be charted and marked as a hazard to navigation;

(2) the State agrees to secure any licenses or permits which may be required under the provisions of any other applicable Federal law;

(3) the State agrees to such other terms and conditions as the Secretary shall require in order to protect the marine environment and other interests of the United States; and

(4) the transfer would be at no cost to the Government with the State taking delivery of such obsolete ships at fleetside of the National Defense Reserve Fleet in an “as is—where is” condition.

(Pub. L. 92-402, § 4, Aug. 22, 1972, 86 Stat. 618; Pub. L. 98-623, title II, § 207(1), (3), Nov. 8, 1984, 98 Stat. 3397.)

AMENDMENTS

1984—Pub. L. 98-623 substituted “obsolete ships” for “Liberty ships” wherever appearing in provisions preceding par. (1) and in par. (4), and substituted “may transfer” for “shall transfer” in provisions preceding par. (1).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1220d of this title.

§ 1220b. Obsolete ships available; number; equitable administration

A State may apply for more than one obsolete ship under this chapter. The Secretary shall, however, taking into account the number of obsolete ships which may be or become available for transfer under this chapter, administer this chapter in an equitable manner with respect to the various States.

(Pub. L. 92-402, § 5, Aug. 22, 1972, 86 Stat. 618; Pub. L. 98-623, title II, § 207(1), Nov. 8, 1984, 98 Stat. 3397.)

AMENDMENTS

1984—Pub. L. 98-623 substituted “obsolete ships” for “Liberty ships” wherever appearing.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1220d of this title.

§ 1220c. Denial of applications; finality of decision

A decision by the Secretary denying any application for a¹ obsolete ship under this chapter is final.

(Pub. L. 92-402, § 6, Aug. 22, 1972, 86 Stat. 618; Pub. L. 98-623, title II, § 207(1), Nov. 8, 1984, 98 Stat. 3397.)

AMENDMENTS

1984—Pub. L. 98-623 substituted “obsolete ship” for “Liberty ship”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1220d of this title.

§ 1220d. “Obsolete ship” defined

For purposes of sections 1220, 1220a, 1220b, and 1220c of this title, the term “obsolete ship” means any vessel owned by the Department of Transportation that has been determined to be of insufficient value for commercial or national defense purposes to warrant its maintenance and preservation in the national defense reserve fleet and has been designated as an artificial reef candidate.

(Pub. L. 92-402, § 7, as added Pub. L. 98-623, title II, § 207(4), Nov. 8, 1984, 98 Stat. 3397.)

CHAPTER 26—ESTUARINE AREAS

Sec.

1221. Congressional declaration of policy.
1222. General study and inventory of estuaries and their natural resources.
- (a) Estuaries included; considerations; other applicable studies.
 - (b) Federal or State land acquisition or administration; other protective methods.
 - (c) Report to Congress; recommendations; authorization for acquisition of lands; consultation with States and Federal agencies; accompanying statement of views, probable effects, and major trends.
 - (d) Authorization of appropriations.
1223. Agreements with States and subdivisions; equitable sharing of costs; development improvements; availability of appropriations; State hunting and fishing laws applicable.
1224. Commercial and industrial development considerations; reports to Congress; recommendations.
1225. State consideration of protection and restoration of estuaries in State comprehensive planning and proposals for financial assistance under certain Federal laws; grants; terms and conditions, prohibition against disposition of lands without approval of the Secretary.
1226. Federal agency authority to carry out Federal project within an estuary unaffected.

§ 1221. Congressional declaration of policy

Congress finds and declares that many estuaries in the United States are rich in a variety of natural, commercial, and other resources, including environmental natural beauty, and are of immediate and potential value to the present

¹ So in original. Probably should be “an”.

and future generations of Americans. It is therefore the purpose of this chapter to provide a means for considering the need to protect, conserve, and restore these estuaries in a manner that adequately and reasonably maintains a balance between the national need for such protection in the interest of conserving the natural resources and natural beauty of the Nation and the need to develop these estuaries to further the growth and development of the Nation. In connection with the exercise of jurisdiction over the estuaries of the Nation and in consequence of the benefits resulting to the public, it is declared to be the policy of Congress to recognize, preserve, and protect the responsibilities of the States in protecting, conserving, and restoring the estuaries in the United States.

(Pub. L. 90-454, §1, Aug. 3, 1968, 82 Stat. 625.)

§ 1222. General study and inventory of estuaries and their natural resources

(a) Estuaries included; considerations; other applicable studies

The Secretary of the Interior, in consultation and in cooperation with the States, the Secretary of the Army, and other Federal agencies, shall conduct directly or by contract a study and inventory of the Nation's estuaries, including without limitation coastal marshlands, bays, sounds, seaward areas, lagoons, and land and waters of the Great Lakes. For the purpose of this study, the Secretary shall consider, among other matters, (1) their wildlife and recreational potential, their ecology, their value to the marine, anadromous, and shell fisheries and their esthetic value, (2) their importance to navigation, their value for flood, hurricane, and erosion control, their mineral value, and the value of submerged lands underlying the waters of the estuaries, and (3) the value of such areas for more intensive development for economic use as part of urban developments and for commercial and industrial developments. This study and inventory shall be carried out in conjunction with the comprehensive estuarine pollution study authorized by section 5(g) of the Federal Water Pollution Control Act, as amended [33 U.S.C. 1254(n)], and other applicable studies.

(b) Federal or State land acquisition or administration; other protective methods

The study shall focus attention on whether any land or water area within an estuary and the Great Lakes should be acquired or administered by the Secretary or by a State or local subdivision thereof, or whether such land or water area may be protected adequately through local, State, or Federal laws or other methods without Federal land acquisition or administration.

(c) Report to Congress; recommendations; authorization for acquisition of lands; consultation with States and Federal agencies; accompanying statement of views, probable effects, and major trends

The Secretary of the Interior shall, not later than January 30, 1970, submit to the Congress through the President a report of the study conducted pursuant to this section, together with any legislative recommendations, including rec-

ommendations on the feasibility and desirability of establishing a nationwide system of estuarine areas, the terms, conditions, and authorities to govern such system, and the designation and acquisition of any specific estuarine areas of national significance which he believes should be acquired by the United States. No lands within such area may be acquired until authorized by subsequent Act of Congress. Recommendations made by the Secretary for the acquisition of any estuarine area shall be developed in consultation with the States, municipalities, and other interested Federal agencies. Each such recommendation shall be accompanied by (1) expressions of any views which the interested States, municipalities, and other Federal agencies and river basin commissions may submit within sixty days after having been notified of the proposed recommendations, (2) a statement setting forth the probable effect of the recommended action on any comprehensive river basin plan that may have been adopted by Congress or that is serving as a guide for coordinating Federal programs in the basin wherein such area is located, (3) in the absence of such a plan, a statement indicating the probable effect of the recommended action on alternative beneficial users of the resources of the proposed estuarine area, and (4) a discussion of the major economic, social, and ecological trends occurring in such area.

(d) Authorization of appropriations

There is authorized to be appropriated not to exceed \$250,000 for fiscal year 1969 and \$250,000 for fiscal year 1970 to carry out the provisions of this section. Such sums shall be available until expended.

(Pub. L. 90-454, §2, Aug. 3, 1968, 82 Stat. 626.)

REFERENCES IN TEXT

Section 5(g) of the Federal Water Pollution Control Act, as amended, referred to in text, was originally classified to section 466c(g) of Title 33, Navigation and Navigable Waters. Section 5(g) of the Act was redesignated as section 5(m) by sec. 105(l) of Pub. L. 91-224, Apr. 3, 1970, 84 Stat. 111, and was reclassified to section 1155(m) of Title 33. The Federal Water Pollution Control Act was amended generally by sec. 2 of Pub. L. 92-500, Oct. 18, 1972, 86 Stat. 816, and the provisions relating to comprehensive estuarine pollution study are contained in section 104(n), which is classified to section 1254(n) of Title 33.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1223 of this title.

§ 1223. Agreements with States and subdivisions; equitable sharing of costs; development improvements; availability of appropriations; State hunting and fishing laws applicable

After the completion of the general study authorized by section 1222 of this title, the Secretary of the Interior, with the approval of the President, may enter into an agreement, containing such terms and conditions as are mutually acceptable, with any State or with a political subdivision or agency thereof (if the agreement with such subdivision or agency is first approved by the Governor of the State involved or by a State agency designated for that purpose) for the permanent management, development,

and administration of any area, land, or interests therein within an estuary and adjacent lands which are owned or thereafter acquired by a State or by any political subdivision thereof: *Provided*, That, with the approval of the Governor of the State involved or of a State agency designated for that purpose, the Secretary may also enter into such an agreement for any particular area whenever the segment of the general study applicable to that area is completed subject to the provisions of subsections (a) and (b) of section 1222 of this title. Such agreement shall, among other things, provide that the State or a political subdivision or agency thereof and the Secretary shall share in an equitable manner in the cost of managing, administering, and developing such areas, and such development may include the construction, operation, installation, and maintenance of buildings, devices, structures, recreational facilities, access roads, and other improvements, and such agreement shall be subject to the availability of appropriations. State hunting and fishing laws and regulations shall be applicable to such areas to the extent they are now or hereafter applicable.

(Pub. L. 90-454, § 3, Aug. 3, 1968, 82 Stat. 627.)

§ 1224. Commercial and industrial development considerations; reports to Congress; recommendations

In planning for the use or development of water and land resources, all Federal agencies shall give consideration to estuaries and their natural resources, and their importance for commercial and industrial developments, and all project plans and reports affecting such estuaries and resources submitted to the Congress shall contain a discussion by the Secretary of the Interior of such estuaries and such resources and the effects of the project on them and his recommendations thereon. The Secretary of the Interior shall make his recommendations within ninety days after receipt of such plans and reports.

(Pub. L. 90-454, § 4, Aug. 3, 1968, 82 Stat. 627.)

§ 1225. State consideration of protection and restoration of estuaries in State comprehensive planning and proposals for financial assistance under certain Federal laws; grants; terms and conditions, prohibition against disposition of lands without approval of the Secretary

The Secretary of the Interior shall encourage States and local subdivisions thereof to consider, in their comprehensive planning and proposals for financial assistance under the Federal Aid in Wildlife Restoration Act (50 Stat. 917), as amended (16 U.S.C. 669 et seq.), the Federal Aid in Fish Restoration Act (64 Stat. 430), as amended (16 U.S.C. 777 et seq.), the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) [16 U.S.C. 4601-4 et seq.], the Commercial Fisheries Research and Development Act of 1964¹ (78 Stat. 197) [16 U.S.C. 779 et seq.], and the Anadromous and Great Lakes Fisheries Conservation Act of October 30, 1965 (79 Stat. 1125) [16 U.S.C. 757a et

seq.], the needs and opportunities for protecting and restoring estuaries in accordance with the purposes of this Act. In approving grants made pursuant to said laws for the acquisition of all or part of an estuarine area by a State, the Secretary shall establish such terms and conditions as he deems desirable to insure the permanent protection of such areas, including a provision that the lands or interests therein shall not be disposed of by sale, lease, donation, or exchange without the prior approval of the Secretary.

(Pub. L. 90-454, § 5, Aug. 3, 1968, 82 Stat. 627.)

REFERENCES IN TEXT

The Federal Aid in Wildlife Restoration Act, as amended, referred to in text, is act Sept. 2, 1937, ch. 899, 50 Stat. 917, as amended, which is classified generally to chapter 5B (§669 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 669 of this title and Tables.

The Federal Aid in Fish Restoration Act, as amended, referred to in text, is act Aug. 9, 1950, ch. 658, 64 Stat. 430, as amended, which is classified generally to chapter 10B (§777 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 777 of this title and Tables.

The Land and Water Conservation Fund Act of 1965, referred to in text, is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§4601-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4601-4 of this title and Tables.

The Commercial Fisheries Research and Development Act of 1964, referred to in text, is Pub. L. 88-309, May 20, 1964, 78 Stat. 197, as amended, which was classified generally to chapter 10D (§779 et seq.) of this title, was repealed by Pub. L. 99-659, title III, §309, Nov. 14, 1986, 100 Stat. 3736.

The Anadromous and Great Lakes Fisheries Conservation Act of October 30, 1965, referred to in text, probably means the Anadromous Fish Conservation Act, Pub. L. 89-304, Oct. 30, 1965, 79 Stat. 1125, as amended, which is classified generally to sections 757a to 757g of this title. For complete classification of this Act to the Code, see Short Title note set out under section 757a of this title and Tables.

§ 1226. Federal agency authority to carry out Federal project within an estuary unaffected

Nothing in this chapter shall be construed to affect the authority of any Federal agency to carry out any Federal project heretofore or hereafter authorized within an estuary.

(Pub. L. 90-454, § 6, Aug. 3, 1968, 82 Stat. 628.)

CHAPTER 27—NATIONAL TRAILS SYSTEM

- | | |
|-------|--|
| Sec. | |
| 1241. | Congressional statement of policy and declaration of purpose. <ul style="list-style-type: none"> (a) Considerations for determining establishment of trails. (b) Initial components. (c) Volunteer citizen involvement. |
| 1242. | National trails system. <ul style="list-style-type: none"> (a) Composition: recreation trails; scenic trails; historic trails; connecting or side trails; uniform markers. (b) Extended trails. |
| 1243. | National recreation trails; establishment and designation; prerequisites. |
| 1244. | National scenic and national historic trails. <ul style="list-style-type: none"> (a) Establishment and designation; administration. |

¹ See References in Text note below.