

US Code

(Unofficial compilation from the Legal Information Institute)

TITLE 43 - PUBLIC LANDS

CHAPTER 32B—COLORADO RIVER FLOODWAY

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TITLE 43 PUBLIC LANDS

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CHAPTER 32B—COLORADO RIVER FLOODWAY

Sec.

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§ 1600. Findings and purposes

(a) Findings

The Congress finds that—

- (1) there are multiple purposes established by law for the dams and other control structures administered by the Secretary of the Interior on the Colorado River;
- (2) the maintenance of the Colorado River Floodway established in this chapter is essential to accomplish these multiple purposes;
- (3) developments within the Floodway are and will continue to be vulnerable to damaging flows such as the property damage which occurred in 1983 and may occur in the future;
- (4) certain Federal programs which subsidize or permit development within the Floodway threaten human life, health, property, and natural resources; and
- (5) there is a need for coordinated Federal, State, and local action to limit Floodway development.

(b) Purpose

The Congress declares that the purposes of this chapter are to—

- (1) establish the Colorado River Floodway, as designated and described further in this chapter, so as to provide benefits to river users and to minimize the loss of human life, protect health and safety, and minimize damage to property and natural resources by restricting future Federal expenditures and financial assistance, except public health funds, which have the effect of encouraging development within the Colorado River Floodway; and
- (2) establish a task force to advise the Secretary of the Interior and the Congress on establishment of the Floodway and on managing existing and future development within the Floodway, including the appropriateness of compensation in specified cases of extraordinary hardship.

(Pub. L. 99–450, § 2, Oct. 8, 1986, 100 Stat. 1129.)

References in Text

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 99–450, Oct. 8, 1986, 100 Stat. 1129, known as the Colorado River Floodway Protection Act, which enacted this chapter and section 4029 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Short Title

Section 1 of Pub. L. 99-450 provided that: "This Act [enacting this chapter and section 4029 of Title 42, The Public Health and Welfare] may be cited as the 'Colorado River Floodway Protection Act'."

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§ 1600a. Definitions

(a) The term "Committees" refers to the Committee on Natural Resources of the United States House of Representatives and the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the United States Senate.

(b) The term "financial assistance" means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance other than—

(1) general revenue-sharing grants made under section 6702¹ of title 31;

(2) deposit or account insurance for customers of banks, savings and loan associations, credit unions, or similar institutions;

(3) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation;

(4) assistance for environmental studies, plans, and assessments that are required incident to the issuance of permits or other authorizations under Federal law; and

(5) assistance pursuant to programs entirely unrelated to development, such as any Federal or federally assisted public assistance program or any Federal old-age, survivors, or disability insurance program.

Such term also includes flood insurance described in sections² 4029(a) and (b) of title 42 on and after the dates on which the provisions of those sections² become effective.

(c) The term "Secretary" means the Secretary of the Interior.

(d) The term "water district" means any public agency providing water service, including water districts, county water districts, public utility districts, and irrigation districts.

(e) The term "Floodway" means the Colorado River Floodway established in section 1600c of this title.

Footnotes

¹ See References in Text note below.

² So in original. Probably should be in the singular.

(Pub. L. 99-450, § 3, Oct. 8, 1986, 100 Stat. 1129; Pub. L. 103-437, § 16(a)(4), Nov. 2, 1994, 108 Stat. 4594.)

References in Text

Chapter 67 of title 31, including section 6702, referred to in subsec. (b)(1), was repealed by Pub. L. 99-272, title XIV, § 1400(a)(1), Apr. 7, 1986, 100 Stat. 327. See also Codification note below.

The dates on which the provisions of sections 4029 (a) and (b) of title 42 become effective, referred to in subsec. (b), is Oct. 8, 1986, the date of enactment of Pub. L. 99-450 which enacted section 4029 (a), (b) of Title 42, The Public Health and Welfare.

Codification

In subsec. (b)(1), "section 6702 of title 31" substituted for "section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221)" on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Amendments

1994—Subsec. (a). Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" before "of the United States House".

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§ 1600b. Colorado River Floodway Task Force

(a) Establishment and membership

To advise the Secretary and the Congress there shall be a Colorado River Floodway Task Force, which shall include one representative of—

- (1) each State (appointed by the Governor) and Indian reservation in which the Floodway is located;
- (2) each county in which the Floodway is located;
- (3) a law enforcement agency from each county in which the Floodway is located;
- (4) each water district in which the Floodway is located;
- (5) the cities of Needles, Parker, Blythe, Bullhead City, Yuma, Laughlin, Lake Havasu City, Nevada (if and when incorporated), and Mojave County, Arizona Supervisor District No. 2 (chosen by, but not a member of the Board of Supervisors);
- (6) of the Chamber of Commerce from each county in which the Floodway is located;
- (7) the Colorado River Wildlife Council;
- (8) the Army Corps of Engineers;
- (9) the Federal Emergency Management Agency (FEMA);
- (10) the Department of Agriculture;
- (11) the Department of the Interior; and
- (12) the Department of State.

(b) Charter and operation; reports and recommendations

The task force shall be chartered and operate under the provisions of the Federal Advisory Committee Act (Public Law 92–463; 5 U.S.C. App.) and shall prepare recommendations concerning the Colorado River Floodway, which recommendations shall deal with:

- (1) the means to restore and maintain the Floodway specified in section 1600c of this title, including, but not limited to, specific instances where land transfers or relocations, or other changes in land management, might best effect the purposes of this chapter;
- (2) the necessity for additional Floodway management legislation at local, tribal, State, and Federal levels;
- (3) the development of specific design criteria for the creation of the Floodway boundaries;
- (4) the review of mapping procedures for Floodway boundaries;
- (5) whether compensation should be recommended in specific cases of economic hardship resulting from impacts of the 1983 flood on property outside the Floodway which could not reasonably have been foreseen; and
- (6) the potential application of the Floodway on Indian lands and recommended legislation or regulations that might be needed to achieve the purposes of the Floodway taking into consideration the special Federal status of Indian lands.

(c) Termination of task force; report to Secretary and Congressional Committees

The task force shall exist for at least one year after October 8, 1986, or until such time as the Secretary has filed with the Committees the maps described in section 1600c (b)(2)¹ of this title. The task force shall file its report with the Secretary and the Committees within nine months after October 8, 1986.

Footnotes

¹ See References in Text note below.

(Pub. L. 99–450, § 4, Oct. 8, 1986, 100 Stat. 1130.)

References in Text

The Federal Advisory Committee Act, referred to in subsec. (b), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

Section 1600c (b)(2) of this title, referred to in subsec. (c), was struck out and former subsec. (b)(1)(ii) of section 1600c redesignated subsec. (b)(2) of section 1600c by Pub. L. 105-362, title IX, § 901(d)(1), Nov. 10, 1998, 112 Stat. 3289. As so amended, section 1600c (b)(2) no longer relates to maps required to be prepared and filed by the Secretary.

Transfer of Functions

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315 (a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313 (1) and sections 551 (d), 552 (d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

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§ 1600c. Colorado River Floodway

(a) Establishment

There is established the Colorado River Floodway as identified and generally depicted on maps that are to be submitted by the Secretary.

(b) Study of tributary floodflows; determination of Floodway boundary

Within eighteen months after October 8, 1986, the Secretary, in consultation with the seven Colorado River Basin States, represented by persons designated by the Governors of those States, the Colorado River Floodway Task Force, and any other interested parties shall:

- (1) complete a study of the tributary floodflows downstream of Davis Dam;
- (2) define the specific boundaries of the Colorado River Floodway so that the Floodway can accommodate either a one-in-one hundred year river flow consisting of controlled releases and tributary inflow, or a flow of forty thousand cubic feet per second (cfs), whichever is greater, from below Davis Dam to the Southerly International Boundary between the United States of America and the Republic of Mexico.

(c) Review and modification of boundaries; notice and comment; written justification for decision of Secretary

- (1) The Secretary shall conduct, at least once every five years, a review of the Colorado River Floodway and make, after notice to and in consultation with appropriate chief executive officers of States, counties, municipalities, water districts, Indian tribes, or equivalent jurisdictions in which the Floodway is located, and others, such minor and technical modifications to the boundaries of the Floodway as are necessary solely to reflect changes that have occurred in the size or location of any portion of the floodplain as a result of natural forces, and as necessary pursuant to subsection (c) of section 1600e of this title.
- (2) If, in the case of any minor and technical modification to the boundaries of the Floodway made under the authority of this subsection, an appropriate chief executive officer of a State, county, municipality, water district, Indian tribe, or equivalent jurisdiction, to which notice was given in accordance with this subsection files comments disagreeing with all or part of the modification and the Secretary makes a modification which is in conflict with such comments, the Secretary shall submit to the chief executive officer a written justification for his failure to make modifications consistent with such comments or proposals.

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(Pub. L. 99–450, § 5, Oct. 8, 1986, 100 Stat. 1131; Pub. L. 105–362, title IX, § 901(d), Nov. 10, 1998, 112 Stat. 3289.)

Amendments

1998—Subsec. (b). Pub. L. 105–362, § 901(d)(1), struck out par. (1) designation, redesignated cls. (i) and (ii) of former par. (1) as pars. (1) and (2), respectively, and struck out former pars. (2) and (3) which related to preparation and filing of maps with congressional committees, Federal, State, and local government agencies, and federally insured financial institutions.

Subsec. (c)(1). Pub. L. 105–362, § 901(d)(2), substituted “appropriate chief executive officers of States, counties, municipalities, water districts, Indian tribes, or equivalent jurisdictions in which the Floodway is located,” for “the appropriate officers referred to in paragraph (3) of subsection (b) of this section.”.

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§ 1600d. Limitations on Federal expenditures affecting Floodway

(a) Except as provided in section 1600e of this title, no new expenditures or new financial assistance may be made available under authority of any Federal law for any purpose within the Floodway established under section 1600c of this title.

(b) An expenditure or financial assistance made available under authority of Federal law shall, for purposes of this chapter, be a new expenditure or new financial assistance if—

- (1) in any case with respect to which specific appropriations are required, no money for construction or purchase purposes was appropriated before October 8, 1986; or
- (2) no legally binding commitment for the expenditure or financial assistance was made before October 8, 1986.

(Pub. L. 99–450, § 6, Oct. 8, 1986, 100 Stat. 1132.)

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§ 1600e. Exceptions

Notwithstanding section 1600d of this title, the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures or financial assistance available within the Colorado River Floodway for—

- (a) any dam, channel or levee construction, operation or maintenance for the purpose of flood control, water conservation, power or water quality;
- (b) other remedial or corrective actions, including but not limited to drainage facilities essential to assist in controlling adjacent high ground water conditions caused by flood flows;
- (c) the maintenance, replacement, reconstruction, repair, and expansion, of publicly or tribally owned or operated roads, structures (including bridges), or facilities: Provided, That, no such expansion shall be permitted unless—
 - (1) the expansion is designed and built in accordance with the procedures and standards established in section 650.101 of title 23, Code of Federal Regulations, and the following as they may be amended from time to time; and
 - (2) the boundaries of the Floodway are adjusted to account for changes in flows caused, directly or indirectly, by the expansion;
- (d) military activities essential to national security;
- (e) any of the following actions or projects, but only if the Secretary finds that the making available of expenditures or assistance therefor is consistent with the purposes of this chapter:
 - (1) projects for the study, management, protection and enhancement of fish and wildlife resources and habitats, including, but not limited to, acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects;

- (2) the establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto;
- (3) projects eligible for funding under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 through 11);
- (4) scientific research, including but not limited to aeronautical, atmospheric, space, geologic, marine, fish and wildlife and other research, development, and applications;
- (5) assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 305 and 306 of the Disaster Relief Act of 1974¹ (42 U.S.C. 5145 and 5146) and are limited to actions that are necessary to alleviate the emergency. Disaster assistance under other provisions of the Disaster Relief Act of 1974¹ (Public Law 93–288, as amended) [42 U.S.C. 5121 et seq.] may also be provided with respect to persons residing within the Floodway, or structures or public infrastructure in existence or substantially under construction therein, on the date ninety days after October 8, 1986: Provided, That, such persons, or with respect to public infrastructure the State or local political entity which owns or controls such infrastructure, had purchased flood insurance for structures or infrastructure under the National Flood Insurance Program, if eligible, and had taken prudent and reasonable steps, as determined by the Administrator of the Federal Emergency Management Agency, to minimize damage from future floods or operations of the Floodway established in the chapter;
- (6) other assistance for public health purposes, such as mosquito abatement programs;
- (7) nonstructural projects for riverbank stabilization that are designed to enhance or restore natural stabilization systems;
- (8) publicly or tribally financed, owned and operated compatible recreational developments such as regional parks, golf courses, docks, boat launching ramps (including steamboat and ferry landings), including compatible recreation uses and accompanying utility or interpretive improvements which are essential or closely related to the purpose of restoring the accuracy of a National Historical Landmark and which meet best engineering practices considering the nature of Floodway conditions;
- (9) compatible agricultural uses that do not involve permanent crops and include only a minimal amount of permanent facilities in the Floodway.

Footnotes

¹ See References in Text note below.

(Pub. L. 99–450, § 7, Oct. 8, 1986, 100 Stat. 1132; Pub. L. 109–295, title VI, § 612(c), Oct. 4, 2006, 120 Stat. 1410.)

References in Text

The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 through 11), referred to in subsec. (e)(3), 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 Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 4601–4 of Title 16 and Tables.

The Disaster Relief Act of 1974, referred to in subsec. (e)(5), is Pub. L. 93–288, May 22, 1974, 88 Stat. 143, as amended, which is classified principally to chapter 68 (§ 5121 et seq.) of Title 42, The Public Health and Welfare. The 1974 Act was renamed “The Robert T. Stafford Disaster Relief and Emergency Assistance Act”, and was substantially revised by Pub. L. 100–707, Nov. 23, 1988, 102 Stat. 4689. Section 102(b) of Pub. L. 100–707 provided that a reference in any other law to a provision of the Disaster Relief Act of 1974 shall be deemed to be a reference to such provision of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The Act was renamed the “Robert T. Stafford Disaster Relief and Emergency Assistance Act” by Pub. L. 106–390, title III, § 301, Oct. 30, 2000, 114 Stat. 1572. Section 105(d) of Pub. L. 100–707 repealed sections 305 and 306 of the Act (42 U.S.C. 5145 and 5146) and redesignated sections 308 and 309 of the Act (42 U.S.C. 5148 and 5149), and any references thereto, as sections 305 and 306, respectively. For corresponding provisions to former sections 305 and 306 of the Act, see sections 5170a,

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5170b, and 5192 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

Change of Name

“Administrator of the Federal Emergency Management Agency” substituted for “Director of the Federal Emergency Management Agency” in subsec. (e)(5) on authority of section 612(c) of Pub. L. 109–295, set out as a note under section 313 of Title 6, Domestic Security. Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109–295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109–295, set out as a note under section 313 of Title 6.

Transfer of Functions

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315 (a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313 (1) and sections 551 (d), 552 (d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

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§ 1600f. Certification of compliance

The Secretary of the Interior shall, on behalf of each Federal agency concerned, make written certification that each agency has complied with the provisions of this chapter during each fiscal year beginning after September 30, 1985. Such certification shall be submitted on an annual basis to the United States House of Representatives and the United States Senate on or before January 15 of each fiscal year.

(Pub. L. 99–450, § 8, Oct. 8, 1986, 100 Stat. 1134.)

Termination of Reporting Requirements

For termination, effective May 15, 2000, of provisions in this section relating to the requirement that the Secretary submit written certifications on an annual basis to the United States House of Representatives and the United States Senate, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 6th item on page 113 of House Document No. 103–7.

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§ 1600g. Priority of laws

Nothing contained in this chapter shall be construed to alter, amend, repeal, modify, interpret, or be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 944, 59 Stat. 1219), the Flood Control Act of 1944 (58 Stat. 887), the decree entered by the Supreme Court of the United States in *Arizona v. California*, and others (376 U.S. 340), the Boulder Canyon Project Act (45 Stat. 1057) [43 U.S.C. 617 et seq.], the Boulder Canyon Project Adjustment Act (54 Stat. 774; 43 U.S.C. 618a) [43 U.S.C. 618 et seq.], the Colorado River Storage Project Act (70 Stat. 105; 43 U.S.C. 620) [43 U.S.C. 620 et seq.], the Colorado River Basin Project Act (82 Stat. 885; 43 U.S.C. 1501) [43 U.S.C. 1501 et seq.]. Furthermore, nothing contained in this chapter shall be construed as indicating an intent on the part of the Congress to change the existing relationship of other Federal laws to the law of a State, or a political subdivision of a State, or to relieve any person of any obligation imposed by any law of any State, tribe, or political subdivision of a State. No provision of this chapter shall be construed to invalidate any provision

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of State, tribal, or local law unless there is a direct conflict between such provision and the law of the State, or political subdivision of the State or tribe, so that the two cannot be reconciled or consistently stand together. Inconsistencies shall be reviewed by the task force, and the task force shall make recommendations concerning such local laws. This chapter shall in no way be interpreted to interfere with a State’s or tribe’s right to protect, rehabilitate, preserve, and restore lands within its established boundary.

(Pub. L. 99–450, § 9, Oct. 8, 1986, 100 Stat. 1134.)

References in Text

The Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), and the Water Treaty of 1944, referred to in text, are not classified to the Code.

The Flood Control Act of 1944, referred to in text, is act Dec. 22, 1944, ch. 665, 58 Stat. 887, as amended, which enacted section 390 of this title, sections 460d and 825s of Title 16, Conservation, and sections 701–1, 701a–1, 708, and 709 of Title 33, Navigation and Navigable Waters, and enacted provisions set out as notes under sections 701c, 701f, and 701j of Title 33. For complete classification of this Act to the Code, see Tables.

The Boulder Canyon Project Act, referred to in text, is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 617t of this title and Tables.

The Boulder Canyon Project Adjustment Act, referred to in text, is act July 19, 1940, ch. 643, 54 Stat. 774, as amended, which is classified generally to subchapter II (§ 618 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 618o of this title and Tables.

The Colorado River Storage Project Act, referred to in text, is act Apr. 11, 1956, ch. 203, 70 Stat. 105, as amended, which is classified generally to chapter 12B (§ 620 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 620 of this title and Tables.

The Colorado River Basin Project Act, referred to in text, is Pub. L. 90–537, Sept. 30, 1968, 82 Stat. 885, as amended, which is classified principally to chapter 32 (§ 1501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

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§ 1600h. Separability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Pub. L. 99–450, § 10, Oct. 8, 1986, 100 Stat. 1134.)

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§ 1600i. Reports to Congress

Within one year after October 8, 1986, the Secretary shall prepare and submit to the Committees a report regarding the Colorado River Floodway, the task force’s report, and the Secretary’s recommendations with respect to the objectives outlined in section 1600b (b) of this title. In making his report, the Secretary shall analyze the effects of this chapter on the economic development of the Indian tribes whose lands are located within the Floodway.

(Pub. L. 99–450, § 11, Oct. 8, 1986, 100 Stat. 1134.)

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§ 1600j. Federal leases

(a) Lease of lands owned in whole or in part by United States within Floodway; determination of consistency with operation and maintenance

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No lease of lands owned in whole or in part by the United States and within the Colorado River Floodway shall be granted after October 8, 1986, unless the Secretary determines that such lease would be consistent with the operation and maintenance of the Colorado River Floodway.

(b) Extension of existing leases; minimization of inconsistency with operation and maintenance of Floodway

No existing lease of lands owned in whole or in part by the United States and within the Colorado River Floodway shall be extended beyond October 8, 1986, or the stated expiration date of its current term, whichever is later, unless the lessee agrees to take reasonable and prudent steps determined to be necessary by the Secretary to minimize the inconsistency of operation under such lease with the operation and maintenance of the Colorado River Floodway.

(c) Lease of lands owned in whole or in part by United States between Hoover Dam and Davis Dam

No lease of lands owned in whole or part by the United States between Hoover Dam and Davis Dam below elevation 655.0 feet on Lake Mohave shall be granted unless the Secretary determines that such lease would be consistent with the operation of Lake Mohave.

(d) Lease operations on Indian lands

The provisions of subsections (a) and (b) of this section shall not apply to lease operations on Indian lands pursuant to a lease providing for activities which are exempted under section 1600e of this title.

(e) Lands held in trust by United States for benefit of Indian tribes or individuals

Subsections (a) and (b) of this section shall not apply to lands held in trust by the United States for the benefit of any Indian tribe or individual with respect to any lease where capital improvements, and operation and maintenance costs are not provided for by Federal financial assistance if the lessee, tribe, or individual has provided insurance or other security for the benefit of the Secretary sufficient to insure against all reasonably foreseeable,¹ direct, and consequential damages to the property of the tribe, private persons, and the United States, which may result from the proposed lease.

Footnotes

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

(Pub. L. 99-450, § 13, Oct. 8, 1986, 100 Stat. 1135.)

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§ 1600k. Notices and existing laws

(a) Provisions relating to construction work, liability for damage, etc., on Mississippi River; notice to lessees

- (1) Nothing in this chapter shall alter or affect in any way the provisions of section 702c of title 33.
- (2) The Secretary shall provide notice of the provisions of section 702c of title 33 and this chapter to all existing and prospective lessees of lands leased by the United States and within the Colorado River Floodway.

(b) National Flood Insurance Act and National Flood Insurance Program; continuation

Except as otherwise specifically provided in this chapter, all provisions of the National Flood Insurance Act of 1968, as amended [42 U.S.C. 4001 et seq.], and requirements of the National Flood Insurance Program (“NFIP”) shall continue in full force and effect within areas wholly or partially within the Colorado River Floodway. Any maps or other information required to be prepared by this chapter shall be used to the maximum extent practicable to support implementation of the NFIP.

(c) National Flood Insurance Act provisions relating directly to Floodway; notice to communities affected

NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

The Secretary shall publish notice on three successive occasions in newspapers of general circulation in communities affected by the provisions of section 4029 of title 42.

(Pub. L. 99–450, § 14, Oct. 8, 1986, 100 Stat. 1136.)

References in Text

The National Flood Insurance Act of 1968, referred to in subsec. (b), is title XIII of Pub. L. 90–448, Aug. 1, 1968, 82 Stat. 572, as amended, which is classified principally to chapter 50 (§ 4001 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 4001 of Title 42 and Tables.

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§ 1600l. Authorization of appropriations

There is authorized to be appropriated to the Department of the Interior \$600,000, through the end of fiscal year 1990, in addition to any other funds now available to the Department to discharge its duties to implement sections 1600b to 1600k of this title and section 4029 of title 42: Provided, That by mutual agreement, such funds shall be made available to the Federal Emergency Management Agency to discharge its duties under section 4029 of title 42: Provided further, That the provisions of sections 1600d and 1600e of this title shall not be affected by this section: And Provided further, in addition, Indian tribes may be eligible under Public Law 93–638 [25 U.S.C. 450 et seq.] to contract for studies of Indian lands required under the provisions of this chapter.

(Pub. L. 99–450, § 15, Oct. 8, 1986, 100 Stat. 1136.)

References in Text

Public Law 93–638, referred to in text, is Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2203, as amended, known as the Indian Self-Determination and Education Assistance Act, which is classified principally to subchapter II (§ 450 et seq.) of chapter 14 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

Transfer of Functions

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315 (a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313 (1) and sections 551 (d), 552 (d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.