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STUDY OF LAND USE FOR RECREATION AND FISH AND WILDLIFE ENHANCEM--ETC(U)  
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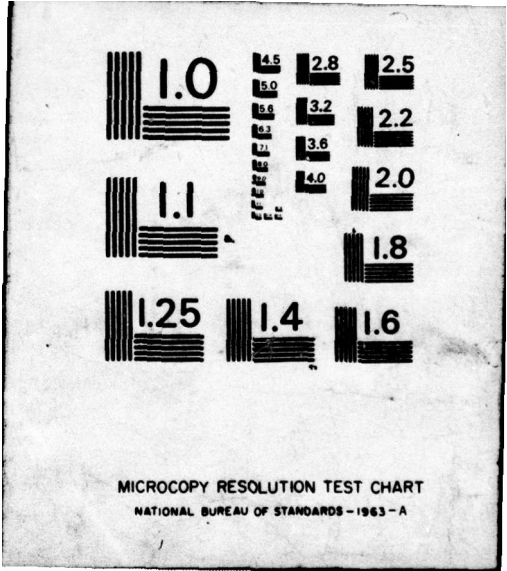
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Appendix B

**STUDY OF LAND USE FOR RECREATION AND FISH AND WILDLIFE ENHANCEMENT**

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**Foundations for Legal Analyses**

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Submitted to  
**Office, Chief of Engineers  
U.S. Army • Corps of Engineers**

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By  
**Coastal Zone Resources Corporation  
Wilmington, North Carolina**

**May 1975**

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20. ABSTRACT (Continue on reverse side if necessary and identify by block number)  The report describes legislative authorities, policy direction, and land use practices of the U.S. Army Corps of Engineers. It identifies problems and makes recommendations for improved management of project resources.		

409.387 - *dm*

# COASTAL ZONE RESOURCES CORPORATION

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## APPENDIX B

### Study of Land Use for Recreation and Fish and Wildlife Enhancement

### FOUNDATIONS FOR LEGAL ANALYSES

Submitted to

Recreation-Resource Management Branch  
Office, Chief of Engineers  
U. S. Army

by

Coastal Zone Resources Corporation  
Wilmington, North Carolina

May 1975

ACCESSION for	
DTIC	Water Section <input checked="" type="checkbox"/>
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All legal authorities, material to the study, have been compiled and classified. The statutory authorities were assembled after lengthy investigation. The United States Code was surveyed both section-by-section, and by key words, the latter being performed with the aid of "JURIST", a computer system used by the Department of Justice. Additionally, the titles of relevant statutes were gathered from various compendia, including:

P. W. Gates, History of Public Land Law Development (1970)

Shepard's citations, Inc., Digest of Public Land Law (1970)

U.S. Department of the Army, Office of the Chief of Engineers, Digest of Water Resources Policies and Activities, Appendix B, EP 1165-2-1 (1972)

U.S. Department of the Army, Office of the Chief of Engineers, Recreation Resources Planning, Appendix E, ER 1120-2-400 (1971)

U.S. Department of the Interior, Laws Relating to the National Park Service (1933, 1944, 1963, 1972)

U.S. House of Representatives, Committee on Merchant Marine and Fisheries, a Compilation of Federal Laws Relating to Conservation and Development of Our Nation's Fish and Wildlife Resources, Environmental Quality, and Oceanography (1973)

U.S. House of Representatives, Committee on Public Works, Laws of the United States Relating to the Improvement of Rivers and Harbors (1967)

R.D. Wolff, Laws Relating to the Corps of Engineers' Planning of Water Resources Projects, EEP-41, 1971

The titles of relevant OCE regulations were selected from, U.S. Department of the Army, Office of the Chief of Engineers, Military Publications, Index of OCE Directives and Publications Media, EP 310-1-1, 1974. Each statutory and regulatory authority has been classified in accordance with a general topic outline. Attachment A.

The general topic outline reflects the various subject areas being scrutinized under the study. Whenever appropriate, a law or regulation has been classified under more than one topic or subtopic. The master list, Attachment B, presents the relevant legal authorities in an orderly arrangement -- by code reference for statutes and by ER number for regulations -- with each indexed to the topic or topics in the general outline to which it pertains.

Three distinct sets of resource material have been assembled as the result of the foregoing compilation and classification. The first is a multi-volume set containing OCE regulations and publications. The second is a volume containing a summary of each material legal authority, ordered to parallel the master list. The third is a multi-volume set in which these summaries have been organized according to their placement within the general topic outline.

The materials contained in this appendix were originally submitted as Milestone Report #4. They are being resubmitted intact as Appendix B to acquaint the reader with the scope and operation of the General Topic Outline and the Statutory Masterlist discussed in Chapter One Section A of the report. Analysis and review of these materials since the Milestone was originally submitted has shown that the original Masterlist

was more comprehensive than the study required. Therefore, a number of entries in the list may no longer appear to be fully relevant. The list is included in its original form for historical and developmental as well as explanatory reasons.

ATTACHMENT A

GENERAL TOPIC OUTLINE

- I. Introduction
  - A. Topics to be Surveyed
  - B. Explanation of Statutory Analysis
- II. Authorities and Responsibilities of Federal Departments and Agencies with Regard to Public Recreation
  - A. Water Related Activities
  - B. Land Related Activities
  - C. Educational Activities
- III. Authorities and Responsibilities of Federal Departments and Agencies with Regard to Fish and Wildlife Enhancement
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    - 1. Concessions
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- b. Rivers and Harbors
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- d. Wild and Scenic Rivers

**B. Preservation of Historic Structures and Archeological Data**

**VI. Authorities and Responsibilities of Federal Departments and Agencies with Regard to Environmental Quality**

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- C. Water Pollution Abatement
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- E. Noise Pollution Abatement
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ATTACHMENT B

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1120-2-404	II. III.A. V.A.1.a. V.A.1.b.
1130-2-333	II.A.
1130-2-400	II.A. II.B. II.C. IV.A.2.d. V.A.1.b. VI.A. VI.B. VI.C. VI.D. VI.E. VI.F.
1130-2-409	II.
1140-2-303	II. III. IV.A. V.A. V.B. VI.
1160-2-101	II. III. V.A.2.a.
1165-2-1	V.A.2.
1165-2-2	VI.G.
1165-2-107	V.A.2.a.

**Engineer Regulation**

1165-2-305

II.  
III.  
V.A.2.a.  
V.A.2.b.  
VI.

1165-2-400

II.  
III.A.

**Miscellaneous**

36 C.F.R. Parts 313, 327

II.A.  
II.B.  
IV.A.1.  
IV.C.  
V.A.2.

43 C.F.R. Part 9

V.A.1.c.

50 C.F.R. Parts 27-28

II.  
III.A.  
V.A.1.a.

E.O. No. 11644

II.B.  
III.A.  
III.D.  
IV.C.  
V.A.1.a.  
V.A.1.c.  
V.A.1.d.  
VI.G.

E.O. No. 11752

VI.A.  
VI.B.  
VI.C.  
VI.D.  
VI.E.

F.M.C. Circular 73-5  
(Dec. 17, 1973)

II.  
III.  
IV.  
V.

H.R. 15856, 93rd Cong.

III.D.  
V.A.1.d.

S. 424, 93rd Cong.

II.  
III.  
IV.  
V.  
VI.