

MEMORANDUM OF AGREEMENT BETWEEN THE NATIONAL
PARK SERVICE AND THE BUREAU OF RECLAMATION RELATING TO
THE DEVELOPMENT AND ADMINISTRATION OF THE BOULDER
CANYON PROJECT AREA

WHEREAS the Bureau of Reclamation is charged with responsibility for the construction, operation and maintenance of the Boulder Canyon Project, and

WHEREAS a large area of land has been withdrawn for the purposes of the project in accordance with the first form of withdrawal authorized by Section 3 of the act of June 17, 1902 (32 Stat. 388), the exterior limits of which area are marked in blue on the attached map marked "Appendix A", and which area as so indicated or as it may hereafter be altered by the proper authority is herein designated as the Boulder Canyon Project Area; and

WHEREAS a large number of visitors used the lands and waters of the Boulder Canyon Project Area for purposes of recreation; and

WHEREAS the National Park Service has an organization experienced in administering areas devoted to recreational uses; and

WHEREAS the National Park Service has authority and funds for the administration, protection and maintenance of the recreational activities of the Boulder Canyon Project Area and for the construction and improvement of roads and trails therein (Public No. 741, 74th Congress);

NOW, THEREFORE, the National Park Service and the Bureau of Reclamation, with the approval of the Secretary of the Interior, do hereby mutually agree as follows:

ARTICLE I

GENERAL PROVISIONS

1. The Bureau of Reclamation shall retain complete jurisdiction and authority over and responsibility for Boulder Dam, all engineering works connected therewith and the territory immediately adjacent thereto. The Bureau of Reclamation shall also retain jurisdiction and authority over and responsibility for Boulder City and all activities therein located. The National Park Service shall have jurisdiction over the remainder of the Boulder Canyon Project Area, including the airport on the outskirts of Boulder City, and shall have authority over and responsibility for all activities conducted or to be conducted thereon. The agreed territorial division of authority and jurisdiction between the Bureau of Reclamation and the National Park Service is more definitely shown on the maps which are made a part of this agreement and attached hereto as "Appendix A" and "Appendix B."

2. It is mutually understood that the Boulder Canyon Project was constructed for the storage, release and utilization of water, and that the accomplishment of those purposes is to be the dominant consideration in the administration and utilization of the Boulder Canyon Project Area as a whole. The Bureau of Reclamation shall retain, therefore, complete and exclusive control of the flow and utilization of water at the Dam as well as of all public access to the Dam and the engineering works connected therewith. Likewise the Bureau of Reclamation shall retain the right to determine any controversy which may arise because of conflict between the recreational uses of the Boulder Canyon Project Area and the uses of the project for storage, release and utilization of water, and the National Park Service agrees to accept such determination, subject to the right to request the Secretary of the Interior to consider and adjudge the propriety of the determination made by the Bureau which determination shall remain effective unless and until it is reversed by the said Secretary.

3. Prior to making any new development or granting any concession, lease, license or permit, which, because of its nature or location, will affect directly or indirectly Boulder City or Boulder Dam or any established business or activity at either the City or the Dam, the National Park Service shall secure the approval of the Bureau of Reclamation. Likewise, before making any new development or granting any concession, lease, license or permit at Boulder City or Boulder Dam, which will affect directly or indirectly the recreational and tourist facilities on the remainder of the Boulder Canyon Project Area, the Bureau of Reclamation shall secure the approval of the National Park Service. If either the Bureau of Reclamation or the National Park Service, as the case may be, refuses to grant its approval, and if the difference of opinion between the two cannot be resolved informally by them, the development shall not proceed or the concession, lease, permit or license shall not issue, but the difference of opinion may be submitted to the Secretary of the Interior for consideration, after which such action shall be taken as is determined to be proper by said Secretary. It is understood and agreed that the provisions of this paragraph shall not be operative where the proposed action affects the storage, release and utilization of water, in which case the provisions of paragraph 2, above, shall control.

4. The income from all leases, licenses, or permits issued by the National Park Service within the Boulder Canyon Project Area will be deposited in a special deposit account for payment to the Bureau of Reclamation for the benefit of the Colorado River Dam Fund pursuant to the Act of December 21, 1928 (45 Stat. 1057).

ARTICLE II

FUNCTIONS OF THE NATIONAL PARK SERVICE

Subject to the territorial limitations and other provisions contained in Article I hereof, the National Park Service shall:

1. Prepare all plans for the development of recreational facilities including roads and trails, supervise the construction of such facilities, or, if found desirable, undertake and prosecute the construction of such facilities.

2. Advertise for, evaluate and approve or reject all bids or contracts for the installation or construction of recreational facilities.

3. Negotiate and enter into contracts, with the approval of the Secretary of the Interior, with private individuals, partnerships or corporations for supplying necessary public services related to the recreational use of the area, including the use of Lake Mead for boating, canoeing, bathing and sight-seeing; and to prescribe and enforce reasonable rates and standards for the supplying of such services. No such contract shall be entered into which shall extend for a period of more than 20 years, except that such contracts may be renewable for additional periods of not more than 20 years in the discretion of the National Park Service.

4. Supervise and operate, or enter into a contract with private individuals, partnerships or corporations for the operation of the Boulder City Airport.

5. Establish and enforce policies regarding the occupation or leasing of lands of the area for any purpose not related to construction or operation of Boulder Dam and related works, including the reservoir, and Boulder City. It is understood that mining and grazing shall be permitted under the control and supervision of the National Park Service.

6. Make and enforce such rules and regulations for the recreational use of the area and for the safety of those who make use of it as may appear necessary or desirable.

7. Make and enforce rules and regulations for the conservation of any historic or archeological remains, and for control of all archeological excavation and historic or archeological research and, in its discretion, establish a museum or museums or adopt other means of displaying the archeological, historical, plants, animal, and mineral resources of the area.

8. Establish and maintain ranger, educational, life guard and other special services as may be necessary for the safe and full use of the area for recreational purposes.

9. Control all public transportation on the area, whether by land or water or air, except such transportation as the Bureau of Reclamation may require for the performance of its functions.

10. Coordinate its activities with those of the Bureau of the Biological Survey for the conservation and protection of wildlife within the area.

11. Extend to the Bureau of Reclamation advice and counsel in connection with any park, resort, or recreational development within the limits of Boulder City, whether intended primarily for use by residents of the City or the visiting public.

ARTICLE III

FUNCTIONS OF THE BUREAU OF RECLAMATION

Subject to the territorial limitations and other provisions contained in Article I hereof, the Bureau of Reclamation shall:

1. Operate Boulder Dam and reservoir and incidental engineering works for the proper storage, release, protection and utilization of water.
2. Operate and administer Boulder City. This power shall include authority to make and enforce all rules and regulations necessary for government of the City and maintenance of law and order and shall include the power to control all activities within the City, whether recreational or otherwise, and to issue leases, permits or licenses therefor.
3. Consult with the National Park Service on all matters in connection with the development or administration of Boulder City which relate to the establishment of parks or other recreational facilities, or which may in any way affect the development, administration or use of the remainder of the Boulder Canyon Project Area for recreational purposes.
4. Provide, in so far as it can without additional expense, facilities in Boulder City to accommodate the administrative personnel of the National Park Service located on the Boulder Canyon Project Area.
5. Establish and enforce rules and regulations governing public access to Boulder Dam and the engineering works appurtenant thereto, and for the control of traffic on the roads providing immediate access to the Dam and its appurtenant engineering works.
6. Provide, directly or by contract, such skilled guide and lecture service at the Dam as may be necessary to give the visiting public the important facts regarding it, including the history of its construction, and coordinate such educational activity with any related educational service which may be established elsewhere in the area by the National Park Service.
7. Establish and, in cooperation with the National Park Service, enforce such limits of approach to the Dam by water as may be necessary either for its efficient functioning or for the safety of the public.

ARTICLE IV

TERMINATION

This agreement shall remain in force until otherwise directed by the Secretary of the Interior, in the exercise of his discretion, or until the enactment by Congress of legislation inconsistent herewith.

Signed this 29 day of August, 1936.

(Sgd.) A. E. Demaray,

Acting Director, National Park Service.

(Sgd.) R. F. Walter,

Acting Commissioner, Bureau of Reclamation.

Approved: October 13, 1936.

(Sgd.) H. L. Ickes,

Secretary of the Interior