

area by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries, and any land so acquired and not utilized for exchange shall be reported to the General Services Administration for disposal under chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41. Any Federal property located within the boundaries of the recreation area may be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the recreation area. Lands within the boundaries of the recreation area owned by the State of Oklahoma, or any political subdivision thereof, may be acquired only by donation: *Provided*, That the Secretary may also acquire lands by exchange with the city of Sulphur, utilizing therefor only such lands as may be excluded from the recreation area which were formerly within the Platt National Park.

(b) Acquisition of improved residential property; retention by owners of right of use and occupancy for noncommercial residential purposes; terms; payment of fair market value

With respect to improved residential property acquired for the purposes of this subchapter, which is beneficially owned by a natural person and which the Secretary determines can be continued in that use for a limited period of time without undue interference with the administration, development, or public use of the recreation area, the owner thereof may on the date of its acquisition by the Secretary retain a right of use and occupancy of the property for noncommercial residential purposes for a term, as the owner may elect, ending either (1) at the death of the owner or his spouse, whichever occurs later, or (2) not more than twenty-five years from the date of acquisition. Any right so retained may, during its existence, be transferred or assigned. 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.

(c) "Improved residential property" defined; determination by Secretary

As used in this subchapter, "improved residential property" means a single-family year-round dwelling, the construction of which began before March 1, 1975, and which serves as the owner's permanent place of abode at the time of its acquisition by the United States, together with not more than three acres of land on which the dwelling and appurtenant buildings are located that the Secretary finds is reasonably necessary for the owner's continued use and occupancy of the dwelling: *Provided*, That the Secretary may exclude from improved residential property any waters and adjoining land that the Secretary deems is necessary for public access to such waters.

(d) Termination of right of use and occupancy; determination by Secretary

The Secretary may terminate a right to use and occupancy retained pursuant to this section upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this subchapter, and upon tender to the holder of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(Pub. L. 94-235, § 2, Mar. 17, 1976, 90 Stat. 235.)

CODIFICATION

In subsec. (a), "chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41" substituted for "the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended" on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 460hh-2. Establishment of hunting and fishing zones; exceptions; consultation with State agencies

The Secretary shall permit hunting and fishing on lands and waters within the recreation area in accordance with applicable Federal and State laws: *Provided*, That he may designate zones where, and establish periods when, no hunting or fishing will be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations issued by the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting and fishing activities.

(Pub. L. 94-235, § 3, Mar. 17, 1976, 90 Stat. 236.)

§ 460hh-3. Law governing; Arbuckle Dam and Reservoir

(a) Except as otherwise provided in this subchapter, the Secretary shall administer the recreation area in accordance with the provisions of sections 1, 2, 3, and 4 of this title, as amended and supplemented.

(b) Nothing contained in this subchapter shall affect or interfere with the authority of the Secretary by the Act of August 24, 1962 (76 Stat. 395) [43 U.S.C. 616k et seq.], to operate the Arbuckle Dam and Reservoir in accordance with and for the purposes set forth in that Act.

(Pub. L. 94-235, § 4, Mar. 17, 1976, 90 Stat. 236.)

REFERENCES IN TEXT

Act of August 24, 1962, referred to in subsec. (b), is Pub. L. 87-594, Aug. 24, 1962, 76 Stat. 395, which was classified to subchapter XL (§ 616k et seq.) of chapter 12 of Title 43, Public Lands, and which was omitted from the Code because of limited applicability.

§ 460hh-4. Platt National Park designation repealed; incorporation of areas into Chickasaw National Recreation Area

The Act of June 29, 1906 (34 Stat. 837), which directed that certain lands now included by this subchapter in the recreation area be designated