

priate to assure the use of the property in accordance with the purposes of this subchapter. Upon his determination that the property, or any portion thereof, has ceased to be so used in accordance with such terms and conditions, the Secretary may terminate the right of use and occupancy by tendering to the holder of such right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(e) “Improved property” defined

As used in this section, the term “improved property” means a detached, year-round non-commercial residential dwelling, the construction of which was begun before January 1, 1975, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(Pub. L. 95-344, title I, §102, Aug. 15, 1978, 92 Stat. 474; Pub. L. 98-568, §1(c), Oct. 30, 1984, 98 Stat. 2928; Pub. L. 106-154, §2(b), (e)(1), Dec. 9, 1999, 113 Stat. 1737, 1738.)

CODIFICATION

In subsec. (b), “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 (40 U.S.C. 471 et seq.)” 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.

AMENDMENTS

1999—Subsec. (a). Pub. L. 106-154, §2(b)(1), inserted “from willing sellers” after “purchase”.

Subsec. (d). Pub. L. 106-154, §2(e)(1), substituted “this subchapter” for “this subchapter and chapter 43 of this title”.

Subsec. (f). Pub. L. 106-154, §2(b)(2), struck out subsec. (f) which read as follows:

“(f)(1) The Secretary shall exchange those federally owned lands identified on the map referenced in section 460ii of this title as ‘exchange lands’ for non-Federal lands which are within the boundaries of the recreation area. The values of the lands exchanged under this subsection shall be equal, or shall be equalized in the same manner as provided in section 1716 of title 43.

“(2) At three year intervals after October 30, 1984, the Secretary shall publish in the Federal Register a progress report on the land exchanges which have taken place and the exchanges which are likely to take place under the authority of this subsection. Such report shall identify the lands which are unsuitable for exchange pursuant to such authority.

“(3) Effective on the date ten years after October 30, 1984, the exchange authority of paragraph (1) shall terminate. The exchange lands identified under paragraph (1) which have not been exchanged prior to such date shall be retained in Federal ownership as a part of the recreation area.

“(4) The Secretary shall publish a revision of the boundary map referred to in section 460ii of this title to exclude from the boundaries of the recreation area any exchange lands which are used to acquire non-Federal lands under paragraph (3).”

1984—Subsec. (f). Pub. L. 98-568 added subsec. (f).

§ 460ii-2. Administration, protection, and development

(a) Applicability of statutory provisions; consideration of Federal, State, and local plans

The Secretary shall administer, protect, and develop the recreation area in accordance with sections 1, 2, 3, and 4 of this title, and in accordance with any other statutory authorities available to him for the conservation and management of historic and natural resources, including fish and wildlife, to the extent he finds such authority will further the purposes of this subchapter. In developing and administering the recreation area, the Secretary shall take into consideration applicable Federal, State, and local recreation plans and resource use and development plans, including, but not limited to, the Atlanta Regional Commission Chattahoochee Corridor Study, dated July 1972.

(b) Cooperative agreements

The Secretary may enter into cooperative agreements with the State of Georgia, political subdivisions of the State, and other entities to ensure standardized acquisition, planning, design, construction, and operation of the recreation area.

(c) Consultation with Secretary of Army

In planning for the development and public use of the recreation area, the Secretary shall consult with the Secretary of the Army to assure that public use of adjacent or related water resource development or flood control projects and that of the recreation area are complementary.

(d) Establishment, regulations governing, etc., of fishing zones

In administering the recreation area, the Secretary may permit fishing in waters under his jurisdiction in accordance with applicable State and Federal laws and regulations. The Secretary, after consultation with the appropriate State agency responsible for fishing activities, may designate zones where, and establish periods when, fishing shall be permitted and issue such regulations as he may determine to be necessary to carry out the provisions of this subsection. Except in emergencies, such regulations shall be put into effect only after consultation with the appropriate State agency.

(Pub. L. 95-344, title I, §103, Aug. 15, 1978, 92 Stat. 475; Pub. L. 106-154, §2(c), (e)(1), Dec. 9, 1999, 113 Stat. 1737, 1738.)

AMENDMENTS

1999—Subsec. (a). Pub. L. 106-154, §2(e)(1), substituted “of this subchapter” for “of this subchapter and chapter 43 of this title”.

Subsec. (b). Pub. L. 106-154, §2(c), added subsec. (b) and struck out former subsec. (b) which read as follows: “The Secretary is authorized and encouraged to enter into cooperative agreements with the State or its political subdivisions whereby he may assist in the planning for and interpretation of non-Federal publicly owned lands within or adjacent or related to the recreation area to assure that such lands are used in a manner consistent with the findings and purposes of this subchapter and chapter 43 of this title.”

§ 460ii-3. Federal supervision of water resources projects

(a) Limitations on licensing and assistance authorities; criteria for upgrading, improving, etc., supply and quality enhancement programs

The Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (16 U.S.C. 791a et seq.), on or directly affecting the recreation area, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such area is established, except where such project is determined by the State of Georgia to be necessary for water supply or water quality enhancement purposes and authorized by the United States Congress. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments upstream or downstream from the recreation area or on any stream tributary thereto which will not invade the recreation area or unreasonably diminish the scenic, recreational, and fish and wildlife values present therein on August 15, 1978. Nothing contained in this subsection shall preclude the upgrading, improvement, expansion or development of facilities or public works for water supply or water quality enhancement purposes if such action would not have a material adverse effect on the values for which the recreation area is established.

(b) Limitations on recommending authorizations and requesting appropriations; applicability of local considerations and criteria

No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such area is established, as determined by the Secretary, nor shall such department or agency request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without at least sixty days in advance, (1) advising the Secretary in writing of its intention to do so and (2) reporting to the Committee on Natural Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate the nature of the project involved and the manner in which such project would conflict with the purposes of this subchapter or would affect the recreation area and the values to be protected by it under this subchapter. It is not the intention of Congress by this subchapter to require the manipulation or reduction of lake water levels in Lake Sidney Lanier. Nothing in this subchapter shall be construed in any way to restrict, prohibit, or affect any recommendation of the Metropolitan Atlanta Water Resources Study as authorized by the Public Works Committee of the United States Senate on March 2, 1972.

(c) Expeditious acquisition of lands and interests in lands necessary for establishment, etc., of area

The Secretary is directed to proceed as expeditiously as possible to acquire the lands and interests in lands necessary to achieve the purposes of this subchapter and chapter 43 of this title.

(d) Mitigation funds for adverse impacts; accepted lands; limitation of amount; replacement lands

(1) Notwithstanding any other authority of law, any department, agency, or instrumentality of the United States or of the State of Georgia, or any other entity which may construct any project recommended in the study entitled "Metropolitan Atlanta Water Resources Management Study, Georgia: Report of Chief of Engineers," dated June 1, 1982, which directly adversely impacts any lands within the authorized recreation boundaries of the Bowman's Island tract as shown on the map numbered and dated CHAT-20,003, September 1984, which were in Federal ownership as of September 1, 1984, shall, upon request by the Secretary, mitigate such adverse impacts. It is expressly provided that use of or adverse impact upon any other lands within the recreation area as result of any such project shall not require mitigation. Mitigation required by this paragraph shall be provided by payment to the United States of a sum not to exceed \$3,200,000. The mitigation funds paid pursuant to this paragraph shall be utilized by the Secretary for the acquisition of replacement lands. Such replacement lands shall be acquired only after consultation with the Governor of Georgia.

(2) In acquiring replacement lands under paragraph (1) priority shall be given to acquisition of lands within the recreation area boundary and those lands within or adjacent to the 2,000 foot wide corridor referred to in section 460ii of this title. Any lands acquired pursuant to this subsection lying outside the boundaries of the recreation area shall, upon acquisition, be included within the recreation area and transferred to the Secretary for management under this subchapter. The Secretary shall publish a revised boundary map to include any lands added to the recreation area pursuant to this subsection.

(3) If lands as described in paragraph (2) are not available for acquisition, other lands within the State of Georgia may be acquired as replacement lands under paragraph (1) if such lands are transferred to the State of Georgia for permanent management for public outdoor recreation.

(Pub. L. 95-344, title I, §104, Aug. 15, 1978, 92 Stat. 476; Pub. L. 98-568, §1(d), Oct. 30, 1984, 98 Stat. 2928; Pub. L. 103-437, §6(d)(18), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 106-154, §2(e)(2), (3), Dec. 9, 1999, 113 Stat. 1739.)

REFERENCES IN TEXT

The Federal Power Act (16 U.S.C. 791a et seq.), referred to in subsec. (a), is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, which is classified generally to chapter 12 (§791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.