

“(1) to include the land within the Arapaho and the Roosevelt National Forests known as the Indian Peaks Area in the National Wilderness Preservation System so as to protect the area’s enduring scenic and historic wilderness character and its unique wildlife and to preserve the area’s scientific, educational, recreational, and inspirational resources and challenges; and

“(2) to create the Arapaho National Recreation Area within the Arapaho and the Roosevelt National Forests and the Colorado Big Thompson project so as to preserve and protect the natural, scenic, historic, pastoral, and wildlife resources of the area and to enhance the recreational opportunities provided.”

#### § 460jj-1. Land acquisition

##### (a) Determination of necessity; “scenic easement” defined

(1) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, or bequest, any lands or lesser interests therein, including mineral interests and scenic easements, which the Secretary determines are needed to establish and manage the Arapaho National Recreation Area. In determining what private property is needed to establish and manage the Arapaho National Recreation Area the Secretary shall utilize the approved county zoning plan to identify those properties whose use or intended use is not in conformance with the overall intent of this subchapter.

(2) As used in this section, the term “scenic easement” means the right to control the use of land in order to carry out this subchapter, but shall not preclude the continuation of any use that is compatible with the overall management plan for the Arapaho National Recreation Area developed pursuant to subsection (c) of section 460jj of this title.

##### (b) Privately owned land

In exercising the authority conferred by this section to acquire lands, the Secretary shall give prompt and careful consideration to any offer made by an individual owning any land, or interest in land, within the Arapaho National Recreation Area. In considering any such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring the property. Purchases made under this authority shall be made on a willing buyer, willing seller basis.

##### (c) Exchange of property; cash equalization

In exercising the authority conferred by this section to acquire property by exchange, the Secretary may accept title to any non-Federal land, or interests therein, located within the Arapaho National Recreation Area and the Secretary may convey in exchange therefor any federally owned lands or interests inlands within the State of Colorado which are classified by the Secretary as suitable for exchange and which are under the Secretary’s administrative jurisdiction. The values of any lands or interests in lands so exchanged shall be approximately equal, or if they are not approximately equal, they shall be equalized by the payment of cash to the grantor or to the Secretary so long as payment does not exceed 25 per centum of the total value of the land or interest in land. In utilizing cash equalization in exchanges the Secretary shall try to reduce the amount of the

payment of money to as small an amount as possible. In the exercise of his exchange authority, the Secretary may utilize authorities and procedures available to him in making exchanges of national forest lands.

##### (d) State land

Any land or interest in land owned by the State of Colorado or any of its political subdivisions may be acquired only by donation or exchange.

##### (e) Transfer of Federal land

Notwithstanding any other provision of law, any Federal lands or interests in lands located within the Arapaho National Recreation Area shall be transferred without consideration to the administrative jurisdiction of the Secretary for use by the Secretary in carrying out this subchapter. Lands within the Arapaho National Recreation Area acquired by the Secretary or transferred to the Secretary’s administrative jurisdiction shall become part of that recreation area and of the national forest within or adjacent to which they are located: *Provided*, That the operation and facilities of the Colorado Big Thompson project shall remain under the jurisdiction of the United States Bureau of Reclamation.

(Pub. L. 95-450, § 5, Oct. 11, 1978, 92 Stat. 1096.)

#### REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a) and (e), was in the original “this Act”, meaning Pub. L. 95-450, Oct. 11, 1978, 92 Stat. 1095, which enacted this subchapter and enacted provisions set out as notes under sections 460jj and 1132 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460jj of this title and Tables.

#### § 460jj-2. Hunting and fishing

The Secretary shall permit hunting and fishing on lands and waters under the Secretary’s jurisdiction within the boundaries of the Arapaho National Recreation Area in accordance with the laws of the United States and the State of Colorado, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, area general administration, or public use and enjoyment. Except in emergencies, any regulations made by the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

(Pub. L. 95-450, § 6, Oct. 11, 1978, 92 Stat. 1097.)

#### § 460jj-3. Permits for facilities and services

The Secretary shall cooperate with other Federal agencies, with State and local public agencies, and with private individuals and organizations in the issuance of permits for facilities and services in the Arapaho National Recreation Area and the development and operation of those facilities and services.

(Pub. L. 95-450, § 7, Oct. 11, 1978, 92 Stat. 1097.)

#### § 460jj-4. Application of State water laws

The jurisdiction of the State of Colorado and the United States over waters of any stream in-