

nia, Boundary Map', numbered 80,047-C and dated August 2001" for "'Boundary Map, Santa Monica Mountains National Recreation Area, California, and Santa Monica Mountains Zone', numbered SMM-NRA 80,000, and dated May 1978" and "Committee on Resources" for "Committee on Natural Resources".

Subsec. (c)(2)(A). Pub. L. 107-236, §2(2), inserted after third sentence "Lands within the 'Wildlife Corridor Expansion Zone' identified on the boundary map referred to in paragraph (1) may be acquired only by donation or with donated funds."

Subsec. (c)(2)(B). Pub. L. 107-236, §3(2), substituted "certain federally owned" for "of certain federally owned" in first sentence.

Subsec. (n)(5). Pub. L. 107-236, §3(3), substituted "laws," for "laws" in second sentence.

1994—Subsec. (c)(1). Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" after "Committee on".

1984—Subsec. (c)(2). Pub. L. 98-572 designated existing provisions as subpar. (A), inserted exception clause in third sentence, and added subpars. (B) and (C).

1980—Subsec. (g)(2)(E). Pub. L. 96-199 increased from 5 to 9 the number of members appointed by the Secretary of the Interior.

1979—Subsec. (f)(1). Pub. L. 96-87 substituted "construction of which was begun before January 1, 1978" for "construction of which was begun before January 1, 1976".

#### ANTHONY C. BEILENSON VISITOR CENTER

Pub. L. 105-277, div. A, §101(e) [title I, §145], Oct. 21, 1998, 112 Stat. 2681-231, 2681-267, provided that: "The principal visitor center for the Santa Monica Mountains National Recreation Area, regardless of location, shall be named for Anthony C. Beilenson and shall be referred to in any law, document or record of the United States as the 'Anthony C. Beilenson Visitor Center'."

#### "SECRETARY" DEFINED

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 95-625, set out as a note under section 2503 of this title.

#### SUBCHAPTER XCVI—RATTLESNAKE NATIONAL RECREATION AREA

### § 460II. Findings and declaration of policy

(a) The Congress finds that—

(1) certain lands on the Lolo National Forest in Montana have high value for watershed, water storage, wildlife habitat, primitive recreation, historical, scientific, ecological, and educational purposes. This national forest area has long been used as a wilderness by Montanans and by people throughout the Nation who value it as a source of solitude, wildlife, clean, free-flowing waters stored and used for municipal purposes for over a century, and primitive recreation, to include such activities as hiking, camping, backpacking, hunting, fishing, horse riding, and bicycling; and

(2) certain other lands on the Lolo National Forest, while not predominantly of wilderness quality, have high value for municipal watershed, recreation, wildlife habitat, and ecological and educational purposes.

(b) Therefore, it is hereby declared to be the policy of Congress that, to further the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131) and the National Forest Management Act of 1976 (16 U.S.C. 1600), the people of the Nation and Montana would best be served by national recreation area designation of the Rattlesnake area to in-

clude the permanent preservation of certain of these lands under established statutory designation as wilderness, and to promote the watershed, recreational, wildlife, and educational values of the remainder of these lands.

(Pub. L. 96-476, §1, Oct. 19, 1980, 94 Stat. 2271.)

#### REFERENCES IN TEXT

The Wilderness Act (16 U.S.C. 1131), referred to in subsec. (b), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

The National Forest Management Act of 1976 (16 U.S.C. 1600), referred to in subsec. (b), is Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2949, as amended, which enacted sections 472a, 521b, 1600, and 1611 to 1614 of this title, amended sections 500, 515, 516, 518, 576b, and 1601 to 1610 of this title, repealed sections 476, 513, and 514 of this title, and enacted provisions set out as notes under sections 476, 513, 528, 594-2, and 1600 of this title. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 1600 of this title and Tables.

#### SHORT TITLE

Pub. L. 96-476, §1, Oct. 19, 1980, 94 Stat. 2271, provided in part: "That this Act [enacting this subchapter] may be cited as the 'Rattlesnake National Recreation Area and Wilderness Act of 1980'."

### § 460II-1. Rattlesnake Wilderness

#### (a) Designation of area

In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131), certain lands within the Rattlesnake National Recreation Area as designated by this subchapter, which comprise approximately 33,000 acres as generally depicted as the "Rattlesnake Wilderness" on a map entitled "Rattlesnake National Recreation Area and Wilderness—Proposed", and dated October 1, 1980, are hereby designated as wilderness and shall be known as the Rattlesnake Wilderness.

#### (b) Administration

Subject to valid existing rights, the Rattlesnake Wilderness as designated by this subchapter shall be administered by the Secretary of Agriculture, hereafter referred to as the Secretary, in accordance with the provisions of the Wilderness Act [16 U.S.C. 1131 et seq.] governing areas designated by that Act as wilderness: *Provided*, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this subchapter.

(Pub. L. 96-476, §2, Oct. 19, 1980, 94 Stat. 2271.)

#### REFERENCES IN TEXT

The Wilderness Act, referred to in text, is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

The effective date of the Wilderness Act, referred to in subsec. (b), means Sept. 3, 1964, the date of enactment of Pub. L. 88-577, which enacted chapter 23 of this title.

The effective date of this subchapter, referred to in subsec. (b), means Oct. 19, 1980, the date of enactment of Pub. L. 96-476, which enacted this subchapter.

**§ 4601-2. Rattlesnake National Recreation Area**

An area of land as generally depicted as the "Rattlesnake National Recreation Area" on a map entitled "Rattlesnake National Recreation area and Wilderness—Proposed", and dated October 1, 1980, is hereby established as the Rattlesnake National Recreation Area.

(Pub. L. 96-476, §3, Oct. 19, 1980, 94 Stat. 2272.)

**§ 4601-3. Land acquisition and exchange**

**(a) Authority of Secretary of Agriculture**

Within the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness, the Secretary is authorized and directed to acquire with donated or appropriated funds including amounts appropriated from the Land and Water Conservation Fund, by exchange, gift, or purchase, such non-Federal lands, interests, or any other property, in conformance with the provisions of this section. Nothing in this subchapter shall be construed to limit or diminish the existing authority of the Secretary to acquire lands and interests therein within or contiguous to the Rattlesnake National Recreation Area or Rattlesnake Wilderness.

**(b) Exchange of lands for bidding rights on coal lease sales or coal lease modifications; bidding rights as monetary credit; transfer or sale**

(1) The Secretary of the Interior, in consultation with the Secretary of Agriculture, is authorized to consider and consummate an exchange with the owner of the private lands or interests therein within or contiguous to the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness, as described in sections 4601-1 and 4601-2 of this title, by which the Secretary of the Interior may accept conveyance of title to these private lands for the United States and in exchange issue bidding rights that may be exercised in competitive coal lease sales, or in coal lease modifications, or both, under sections 2 and 3 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 201(a), 203). Any lands so acquired shall become national forest lands under the jurisdiction of the Secretary of Agriculture to be managed in accordance with the provisions of this subchapter and other laws applicable to the management of national forest lands. Nothing in this subchapter shall be construed to limit or diminish any existing authority of the Secretaries of the Interior and Agriculture to acquire private lands and interests therein in the Rattlesnake National Recreation Area and Rattlesnake Wilderness. Nothing in this subchapter shall be construed to require any owner of the lands within or contiguous to the Rattlesnake National Recreation Area or Rattlesnake Wilderness to accept coal lease bidding rights in exchange for title to those private lands.

(2) The coal lease bidding rights to be issued may be exercised as payment of bonus or other payment required of the successful bidder for a competitive coal lease, or required of an applicant for a coal lease modification. The bidding rights shall equal the fair market value of the private lands or interests therein conveyed in exchange for their issuance. The use and exer-

cise of the bidding rights shall be subject to the provisions of the Secretary of the Interior's regulations governing coal lease bidding rights, to the extent that they are not inconsistent with this subchapter, that are in effect at the time the bidding rights are issued.

(3) If for any reason, including but not limited to the failure of the Secretary of the Interior to offer for lease lands in the Montana portion of the Powder River Coal Production Region as defined in the Federal Register of November 9, 1979 (44 F.R. 65196), or the failure of the holder of the bidding rights to submit a successful high bid for any such leases, any bidding rights issued in an exchange under this subchapter have not been exercised within two years from October 31, 1983, the bidding rights may be used as a monetary credit, which shall be considered "money" within the meaning of section 35 of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 191), against that portion of bonus payments, rental or royalty payments paid into the Treasury of the United States and retained by the Federal Government on any Federal coal lease won or otherwise held by the applicant, its successors or assigns. The holder of the bidding rights shall pay the balance due on such bonus payments, rental or royalty payments in cash for transmittal to the States in the same manner and in the same amounts as though the entire payment were made in cash under the provisions of the Mineral Leasing Act of 1920 as amended [30 U.S.C. 181 et seq.]. The bidding rights may be transferred or sold at any time by the owner to any other party with all the rights of the owner to the credit, and after such transfer, the owner shall notify the Secretary.

(4) It is the intent of Congress that the exchange of bidding rights for the private lands or interests therein authorized by this subchapter shall occur within three years of October 19, 1980.

(5) In order to facilitate the exchange authorized by this subchapter, the Executive order captioned "Order of Withdrawal", of June 6, 1929, creating "Coal Reserve No. 1, Montana, No. 1", is hereby revoked to the extent that it constitutes a withdrawal of the lands therein from disposal under the Mineral Lands Leasing Act of 1920, as amended [30 U.S.C. 181 et seq.].

**(c) Exchange of lands involving Burlington Northern, Inc.**

The exchange of lands involving Burlington Northern, Inc. shall be in accordance with the agreement entitled "Statement of Intent" entered into by Burlington Northern, Inc. and the Regional Forester of the United States Forest Service, Region 1, signed September 18, 1980, and it is the intent of Congress that this exchange shall occur within three years of October 19, 1980.

**(d) Non-Federal lands; water rights**

(1) As non-Federal lands and interests in the Rattlesnake National Recreation Area are acquired, the lands shall become part of the Rattlesnake National Recreation Area. As non-Federal lands and interests in the Rattlesnake Wilderness are acquired, the lands shall become part of the Rattlesnake Wilderness. The Secretary shall publish from time to time a notice