

(i) Hydroelectric facilities

Notwithstanding any provision of this subchapter, or regulations and management plans undertaken pursuant to its provisions, the Federal Energy Regulatory Commission shall retain its current jurisdiction concerning all aspects of the continued and future operation of hydroelectric facilities, licensed or relicensed under the Federal Power Act (16 U.S.C. 791a et seq.), located within the boundaries of the conservation area.

(Pub. L. 103-64, § 4, Aug. 4, 1993, 107 Stat. 305; Pub. L. 111-11, title II, § 2301(c)(2), Mar. 30, 2009, 123 Stat. 1101.)

REFERENCES IN TEXT

Act of June 28, 1934, referred to in subsec. (f), is act June 28, 1934, ch. 865, 48 Stat. 1269, as amended, which is classified principally to subchapter I (§ 315 et seq.) of chapter 8A of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 315 of Title 43 and Tables.

The Federal Power Act, referred to in subsec. (i), 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.

AMENDMENTS

2009—Subsec. (a)(2). Pub. L. 111-11, § 2301(c)(2)(A), substituted “conservation area is” for “Conservation Area is”.

Subsec. (d). Pub. L. 111-11, § 2301(c)(2)(B), substituted “visitors center” for “Visitors Center”.

ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. For treatment of references to Committee on Merchant Marine and Fisheries, see section 1(b)(3) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

§ 460iii-4. Additions**(a) Acquisitions**

(1) The Secretary is authorized to acquire lands and interests therein within the boundaries of the conservation area by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency, except that such lands or interests owned by the State of Idaho or a political subdivision thereof may be acquired only by donation or exchange.

(2) Any lands located within the boundaries of the conservation area that are acquired by the United States on or after August 4, 1993, shall become a part of the conservation area and shall be subject to this subchapter.

(b) Purchase of lands

In addition to the authority in section 1748(d) of title 43 and notwithstanding section 4607-9(a)¹ of this title, monies appropriated from the Land and Water Conservation Fund may be used as authorized in section 1534(b) of this title, for the purposes of acquiring lands or interests therein within the conservation area for administration

as public lands as a part of the conservation area.

(c) Land exchanges

The Secretary shall, within 4 years after August 4, 1993, study, identify, and initiate voluntary land exchanges which would resolve ownership related land use conflicts within the conservation area.

(Pub. L. 103-64, § 5, Aug. 4, 1993, 107 Stat. 308.)

REFERENCES IN TEXT

Section 4607-9(a) of this title, referred to in subsec. (b), was in the original “section 7(a) of the Land and Water Conservation Fund Act of 1964 (16 U.S.C. 4607-9(a)),” and was translated as reading section 7(a) of the Land and Water Conservation Fund Act of 1965, to reflect the probable intent of Congress.

§ 460iii-5. Other laws and administrative provisions**(a) Other laws**

(1) Nothing in this subchapter shall be construed to supersede, limit, or otherwise affect administration and enforcement of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or to limit the applicability of the National Trails System Act [16 U.S.C. 1241 et seq.] to any lands within the conservation area.

(2) Except as otherwise specifically provided in this subchapter, nothing in this subchapter shall be construed as limiting the applicability to lands in the conservation area of laws applicable to public lands generally, including but not limited to the National Historic Preservation Act [16 U.S.C. 470 et seq.], the Archaeological Resources Protection Act of 1979 [16 U.S.C. 470aa et seq.], or the Native American Graves Protection and Repatriation Act [25 U.S.C. 3001 et seq.].

(3) Nothing in this subchapter shall be construed as by itself altering the status of any lands that on August 4, 1993, were not managed by the Bureau of Land Management.

(4) Nothing in this subchapter shall be construed as prohibiting the Secretary from engaging qualified persons to use public lands within the conservation area for the propagation of plants (including seeds) to be used for vegetative enhancement of the conservation area in accordance with the plan and in furtherance of the purposes for which the conservation area is established.

(b) Release

The Congress finds and directs that the public lands within the Snake River Birds of Prey Natural Area established as a natural area in October 1971 by Public Land Order 5133 have been adequately studied and found unsuitable for wilderness designation pursuant to section 1782 of title 43. Such lands are hereby released from further management pursuant to section 1782(c) of title 43 and shall be managed in accordance with other applicable provisions of law, including this subchapter.

(c) Existing administrative withdrawal terminated

Public Land Orders 5133 dated October 12, 1971, and 5777 dated November 21, 1980, issued by the Secretary are hereby revoked subject to subsections (d)(3) and (d)(4) of this section.

¹ See References in Text note below.

(d) Water

(1) The Congress finds that the United States is currently a party in an adjudication of rights to waters of the Snake River, including water rights claimed by the United States on the basis of the reservation of lands for purposes of conservation of fish and wildlife and that consequently there is no need for this subchapter to effect a reservation by the United States of rights with respect to such waters in order to fulfill the purposes for which the conservation area is established.

(2) Nothing in this subchapter or any action taken pursuant thereto shall constitute either an expressed or implied reservation of water or water rights for any purpose.

(3) Nothing in this subchapter shall be construed as effecting a relinquishment or reduction of any of the water rights held or claimed by the United States within the State of Idaho or elsewhere on or before August 4, 1993.

(4) The Secretary and all other officers of the United States shall take all steps necessary to protect all water rights claimed by the United States in the Snake River adjudication now pending in the district court of the State of Idaho in which the United States is joined under section 666 of title 43.

(Pub. L. 103-64, § 6, Aug. 4, 1993, 107 Stat. 308.)

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in subsec. (a)(1), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

The National Trails System Act, referred to in subsec. (a)(1), is Pub. L. 90-543, Oct. 2, 1968, 82 Stat. 919, as amended, which is classified generally to chapter 27 (§1241 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1241 of this title and Tables.

The National Historic Preservation Act, referred to in subsec. (a)(2), is Pub. L. 89-665, Oct. 15, 1966, 80 Stat. 915, as amended, which is classified generally to subchapter II (§470 et seq.) of chapter 1A of this title. For complete classification of this Act to the Code, see section 470 of this title and Tables.

The Archaeological Resources Protection Act of 1979, referred to in subsec. (a)(2), is Pub. L. 96-95, Oct. 31, 1979, 93 Stat. 721, which is classified generally to chapter 1B (§470aa et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 470aa of this title and Tables.

The Native American Graves Protection and Repatriation Act, referred to in subsec. (a)(2), is Pub. L. 101-601, Nov. 16, 1990, 104 Stat. 3048, which is classified principally to chapter 32 (§3001 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 25 and Tables.

§ 460iii-6. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this subchapter.

(Pub. L. 103-64, § 7, Aug. 4, 1993, 107 Stat. 310.)

SUBCHAPTER CXXI—JEMEZ NATIONAL
RECREATIONAL AREA**§ 460jjj. Establishment****(a) In general**

In order to conserve, protect, and restore the recreational, ecological, cultural, religious, and wildlife resource values of the Jemez Mountains, there is hereby established the Jemez National Recreational Area (hereinafter in this subchapter referred to as the "recreation area"), to be administered by the Secretary of Agriculture (hereinafter in this subchapter referred to as the "Secretary").

(b) Area included

The recreation area shall be comprised of approximately 57,000 acres of lands and interests in lands within the Santa Fe National Forest as generally depicted on the map entitled "Jemez National Recreation Area—Proposed" and dated September 1992. The map shall be on file and available for public inspection in the offices of the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia. The Secretary may from time to time, in consultation with local tribal leaders, make minor revisions in the boundary of the recreation area to promote management effectiveness and efficiency in furtherance of the purposes of this subchapter.

(c) Map and description

As soon as practicable after October 12, 1993, the Secretary shall file a map and legal description of the recreation area with the Committee on Natural Resources of the House of Representatives and with the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate. Such map and legal description shall have the same force and effect as if included in this subchapter, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(d) No additional lands

No lands or interests therein outside of the boundaries of the recreation area may be added to the recreation area without specific authorization by Congress.

(Pub. L. 103-104, § 1, Oct. 12, 1993, 107 Stat. 1025; Pub. L. 103-437, § 6(q), Nov. 2, 1994, 108 Stat. 4587.)

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-437 in first sentence struck out "Select" before "Committee on Indian Affairs".

§ 460jjj-1. Administration**(a) In general**

The Secretary shall administer the recreation area in accordance with this subchapter and the laws, rules, and regulations applicable to National Forest System lands in a manner that will further the purposes of the recreation area. Management of the natural resources within the recreation area shall be permitted only to the