

## REFERENCES IN TEXT

The Land and Water Conservation Fund Act (78 Stat. 897), as amended, referred to in subsec. (a)(1), probably means the Land and Water Conservation Fund Act of 1965, Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§460l-4 et seq.) of subchapter LXIX of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 460l-4 of this title and Tables.

The convening of the Ninety-sixth Congress, referred to in subsec. (a)(1), took place on Jan. 15, 1979.

The National Environmental Policy Act of 1969, referred to in subsec. (d)(1), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Clean Air Act, referred to in subsec. (d)(6), is act July 14, 1955, ch. 360, 69 Stat. 322, as amended, which is classified generally to chapter 85 (§7401 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

## AMENDMENTS

1999—Pub. L. 106-154, §2(d)(1), inserted section catchline.

Subsec. (a). Pub. L. 106-154, §2(d)(1), (2), inserted subsec. heading, designated existing provisions as par. (1), inserted heading, substituted "\$115,000,000" for "\$79,400,000" and "this subchapter" for "this subchapter and chapter 43 of this title", and added pars. (2) and (3).

Subsec. (c). Pub. L. 106-154, §2(d)(3), inserted subsec. heading, designated existing provisions as par. (1), inserted par. (1) heading, redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, substituted "transmit to the Committee on Resources of the House of Representatives" for "transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives", and added par. (2).

Subsec. (c)(1)(A). Pub. L. 106-154, §2(e)(4), substituted "of this subchapter" for "of this subchapter and chapter 43 of this title".

1984—Subsec. (a). Pub. L. 98-568, §1(e)(1), substituted "\$79,400,000" for "\$72,900,000" and inserted provision respecting applicable statutory ceiling on appropriations.

Subsec. (c). Pub. L. 98-568, §1(e)(2), substituted "seven years" for "three years".

Subsec. (d). Pub. L. 98-568, §1(e)(3), added subsec. (d).

## CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

### § 460ii-5. Chattahoochee River National Recreation Area Advisory Commission

#### (a) Establishment; duties; membership: voting members and Park Superintendent as non-voting member; Chairman

There is hereby established the Chattahoochee River National Recreation Area Advisory Commission (hereinafter in this subchapter referred to as the "Advisory Commission") to advise the Secretary regarding the management and operation of the area, protection of resources with<sup>1</sup> the recreation area, and the priority of lands to be acquired within the recreation area. The Advisory Commission shall be composed of the fol-

lowing thirteen voting members appointed by the Secretary:

(1) four members appointed from among individuals recommended by local governments—

(A) one of whom shall be recommended by the Board of County Commissioners of Forsyth County;

(B) one of whom shall be recommended by the Board of County Commissioners of Fulton County;

(C) one of whom shall be recommended by the Board of County Commissioners of Cobb County; and

(D) one of whom shall be recommended by the Board of County Commissioners of Gwinnett County;

(2) one member appointed from among individuals recommended by the Governor of Georgia;

(3) one member appointed from among individuals recommended by the Atlanta Regional Commission;

(4) four members appointed from among individuals recommended by a coalition of citizens public interest groups, recreational users, and environmental organizations concerned with the protection and preservation of the Chattahoochee River;

(5) one member appointed from among individuals recommended by the Business Council of Georgia or by a local chamber of commerce in the vicinity of the recreation area; and

(6) two members who represent the general public, at least one of whom shall be a resident of one of the counties referred to in paragraph (1).

In addition, the Park Superintendent for the recreation area shall serve as a nonvoting member of the Advisory Commission. The Advisory Commission shall designate one of its members as Chairman.

#### (b) Terms of office; reappointment

(1) Except as provided in paragraph (2), members of the Advisory Commission shall serve for terms of three years. Any voting member of the Advisory Commission may be reappointed for one additional three-year term.

(2) The members first appointed under paragraph (1) shall serve for a term of one year. The members first appointed under paragraphs (2), (3), (5), and (6) shall serve for a term of two years.

#### (c) Meetings

The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the park. Commission meetings shall be held at locations and in such a manner as to insure adequate public involvement.

#### (d) Compensation and expenses

Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this subchapter on vouchers signed by the Chairman.

#### (e) Termination

The Advisory Commission shall terminate on the date ten years after October 30, 1984.

<sup>1</sup> So in original. Probably should be "within".

(Pub. L. 95-344, title I, §106, as added Pub. L. 98-568, §1(f), Oct. 30, 1984, 98 Stat. 2931; amended Pub. L. 106-154, §2(e)(5), (6), Dec. 9, 1999, 113 Stat. 1739.)

#### AMENDMENTS

1999—Subsec. (a). Pub. L. 106-154, §2(e)(5), substituted “this subchapter” for “this subchapter and chapter 43 of this title” in introductory provisions.

Subsec. (d). Pub. L. 106-154, §2(e)(6), substituted “this subchapter” for “this subchapter and chapter 43 of this title”.

### SUBCHAPTER XCIV—ARAPAHO NATIONAL RECREATION AREA

#### § 460jj. Establishment

##### (a) In general

An area of land comprising approximately 35,235 acres located in Grand County, Colorado, within the Arapaho and the Roosevelt National Forests and the Colorado Big Thompson project (as generally depicted as the “Arapaho National Recreation Area” on a map entitled “Indian Peaks Wilderness Area and Arapaho National Recreation Area” and dated May 2007) is established as the Arapaho National Recreation Area.

##### (b) Administration

The Secretary shall administer the Arapaho National Recreation Area, in accordance with the laws and regulations applicable to the national forests, in such a manner as will best provide for—

- (1) public recreation and enjoyment;
- (2) the conservation and development of the scenic, natural, historic, and pastoral values of the area;
- (3) the management, utilization, and disposal of natural resources such as timber, grazing, and mineral resources so that their utilization will not substantially impair the purposes for which the recreation area is established; and
- (4) the management of water quality in the recreation area consistent with the development of needed water supply and waste-water systems, including the control of aquatic vegetation in the streams, lakes, and reservoirs within the recreation area.

##### (c) Management plan

The Secretary shall develop an overall management plan for the Arapaho National Recreation Area. This plan shall be developed in consultation with State and local political subdivisions and other interested persons.

(Pub. L. 95-450, §4, Oct. 11, 1978, 92 Stat. 1095; Pub. L. 111-11, title I, §1955(b), Mar. 30, 2009, 123 Stat. 1075.)

#### AMENDMENTS

2009—Subsec. (a). Pub. L. 111-11 substituted “35,235 acres” for “thirty-six thousand two hundred thirty-five acres” and “and dated May 2007” for “, dated July 1978”.

#### SHORT TITLE

Pub. L. 95-450, §1, Oct. 11, 1978, 92 Stat. 1095, provided that: “This Act [enacting this subchapter and enacting notes set out under this section and section 1132 of this title] may be cited as the ‘Indian Peaks Wilderness

Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act’.”

#### LEGISLATIVE FINDINGS; PURPOSES

Pub. L. 95-450, §2, Oct. 11, 1978, 92 Stat. 1095, provided that: “The Congress finds that it is in the national interest—

“(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 wild-life 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