

(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