

**§ 460ii-4. Funding sources and general management plan**

**(a) Funding**

**(1) Limitation on use of appropriated funds**

From the appropriations authorized for fiscal year 1978 and succeeding fiscal years pursuant to the Land and Water Conservation Fund Act (78 Stat. 897),<sup>1</sup> as amended, not more than \$115,000,000 may be expended for the acquisition of lands and interests in lands authorized to be acquired pursuant to the provisions of this subchapter. For purposes of section 200306(a)(4) of title 54, the statutory ceiling on appropriations under this subsection shall be deemed to be a statutory ceiling contained in a provision of law enacted prior to the convening of the Ninety-sixth Congress.

**(2) Donations**

The Secretary may accept a donation of funds or land or an interest in land to carry out this subchapter.

**(3) Relation to other funding sources**

Funds made available under paragraph (1) are in addition to funding and the donation of land and interests in land by the State of Georgia, local government authorities, private foundations, corporate entities, and individuals for purposes of this subchapter.

**(b) Authorization of appropriations for development of essential public services**

Effective on October 1, 1978, there are authorized to be appropriated not to exceed \$500,000 for the development of essential public facilities.

**(c) General management plan**

**(1) Initial plan**

Within seven years from August 15, 1978, the Secretary shall, after consulting with the Governor of the State of Georgia, develop and transmit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a general management plan for the use and development of the recreation area consistent with the findings and purposes of this subchapter and chapter 43 of this title, indicating:

(A) lands and interests in lands adjacent or related to the recreation area which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area in furtherance of the purposes of this subchapter, the estimated cost of acquisition, and the recommended public acquisition agency;

(B) the number of visitors and types of public use within the recreation area that can be accommodated in accordance with the full protection of its resources; and

(C) the facilities deemed necessary to accommodate and provide access for such visitors and uses, including their location and estimated cost.

<sup>1</sup> See References in Text note below.

**(2) Revised plan**

**(A) In general**

Within 3 years after the date funds are made available, the Secretary shall submit to the committees specified in paragraph (1) a revised general management plan to provide for the protection, enhancement, enjoyment, development, and use of the recreation area.

**(B) Public participation**

In preparing the revised plan, the Secretary shall encourage the participation of the State of Georgia and affected political subdivisions of the State, private landowners, interested citizens, public officials, groups, agencies, educational institutions, and other entities.

**(d) Federal actions affecting corridor area; procedural requirements: notification of Secretary, Secretary's recommendations or notification of Congressional committees, copies of decisions and recommendations to Congressional committees; concurrence condition; exemptions**

(1) Whenever any Federal department, agency, or instrumentality proposes to undertake any action, or provide Federal assistance for any action, or issue any license or permit for an action within the corridor referred to in section 460ii of this title which may have a direct and adverse effect on the natural or cultural resources of the recreation area, the head of such department, agency, or instrumentality shall—

(A) promptly notify the Secretary of the action at the time it is planning the action, preparing an environmental assessment regarding the action, or preparing an environmental impact statement under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] for the action;

(B) provide the Secretary a reasonable opportunity to comment and make recommendations regarding the effect of the Federal action on the natural and cultural resources of the recreation area; and

(C) notify the Secretary of the specific decisions made in respect to the comments and recommendations of the Secretary.

The requirements of this subsection shall be carried out in accordance with procedures established by the Federal agency responsible for undertaking or approving the Federal action. These procedures may utilize the procedures developed by such Agency pursuant to the National Environmental Policy Act [42 U.S.C. 4321 et seq.].

(2) Following receipt of notification pursuant to paragraph (1)(A), the Secretary, after consultation with the Governor of Georgia, shall make such comments and recommendations as the Secretary deems appropriate pursuant to paragraph (1)(B) as promptly as practicable in accordance with the notifying agency's procedures established pursuant to paragraph (1)(A). In any instance in which the Secretary does not provide comments and recommendations under paragraph (1)(B), the Secretary shall notify in writing, the appropriate committees of Congress.

(3) Following receipt of the notifying agency's decisions pursuant to paragraph (1)(C), the Secretary shall submit to the appropriate committees of Congress, including the authorizing committees with primary jurisdiction for the program under which the proposed action is being taken, a copy of the notifying agency's specific decisions made pursuant to paragraph (1)(C), along with a copy of the comments and recommendations made pursuant to paragraph (1)(B).

(4) In any instance in which the Secretary has not been notified of a Federal agency's proposed action within the corridor, and on his or her own determination finds that such action may have a significant adverse effect on the natural or cultural resources of the recreation area, the Secretary shall notify the head of such Federal agency in writing. Upon such notification by the Secretary, such agency shall promptly comply with the provisions of subparagraphs (A), (B), and (C) of paragraph (1) of this subsection.

(5) Each agency or instrumentality of the United States conducting Federal action upon federally owned lands or waters which are administered by the Secretary and which are located within the authorized boundary of the recreation area shall not commence such action until such time as the Secretary has concurred in such action.

(6) The following Federal actions which constitute a major and necessary component of an emergency action shall be exempt from the provisions of this subsection—

(A) those necessary for safeguarding of life and property;

(B) those necessary to respond to a declared state of disaster;

(C) those necessary to respond to an imminent threat to national security; and

(D) those that the Secretary has determined to be not inconsistent with the general management plan for the recreation area.

Actions which are part of a project recommended in the study entitled "Metropolitan Atlanta Water Resources Management Study, Georgia: Report of Chief of Engineers", dated June 1, 1982, and any Federal action which pertains to the control of air space, which is regulated under the Clean Air Act [42 U.S.C. 7401 et seq.], or which is required for maintenance or rehabilitation of existing structures or facilities shall also be exempt from the provisions of this subsection.

(Pub. L. 95-344, title I, §105, Aug. 15, 1978, 92 Stat. 476; Pub. L. 98-568, §1(e), Oct. 30, 1984, 98 Stat. 2929; Pub. L. 106-154, §2(d), (e)(4), Dec. 9, 1999, 113 Stat. 1738, 1739.)

#### REFERENCES IN TEXT

The Land and Water Conservation Fund Act (78 Stat. 897), 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, which was classified principally to part B (§460l-4 et seq.) of subchapter LXIX of this chapter. Sections 2, 3, 4(i)(1)(C), (j) to (n), 5 to 10, and 201 of the Act were repealed and restated as sections 100506(c) and 100904 and chapter 2003 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 7, Dec. 19, 2014, 128 Stat. 3094, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title,

see Disposition Table preceding section 100101 of Title 54.

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.

#### CODIFICATION

In subsec. (a)(1), "section 200306(a)(4) of title 54" substituted for "section 7(a)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9(a)(3))" on authority of Pub. L. 113-287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

#### 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-

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