

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.

Public Law 485, Eighty-fourth Congress, second session, referred to in text, is act Apr. 11, 1956, ch. 203, 70 Stat. 105, as amended, which is popularly known as the Colorado River Storage Project Act, and which is classified generally to chapter 12B (§620 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 620 of Title 43 and Tables.

#### **§ 460dd-4. Hunting and fishing**

The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance with applicable laws of the United States and the States of Utah and Arizona, except that the Secretary may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any regulation of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

(Pub. L. 92-593, § 5, Oct. 27, 1972, 86 Stat. 1312.)

#### **§ 460dd-5. Mineral and grazing leases; Bureau of Land Management administration and policies**

The administration of mineral and grazing leases within the recreation area shall be by the Bureau of Land Management. The same policies followed by the Bureau of Land Management in issuing and administering mineral and grazing leases on other lands under its jurisdiction shall be followed in regard to the lands within the boundaries of the recreation area, subject to the provisions of sections 460dd-2(a) and 460dd-3 of this title.

(Pub. L. 92-593, § 6, Oct. 27, 1972, 86 Stat. 1312.)

#### **§ 460dd-6. Easements and rights-of-way**

The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the recreation area unless he finds that the route of such easements and rights-of-way would have significant adverse effects on the administration of the recreation area.

(Pub. L. 92-593, § 7, Oct. 27, 1972, 86 Stat. 1312.)

#### **§ 460dd-7. Proposed road study**

##### **(a) Criteria and environmental impact of specific route**

The Secretary, together with the Highway Department of the State of Utah, shall conduct a study of proposed road alignments within and adjacent to the recreation area. Such study shall locate the specific route of a scenic, low-speed road, hereby authorized, from Glen Canyon City to Bullfrog Basin, crossing the Escalante River south of the point where the river has entered Lake Powell when the lake is at the three thousand seven hundred-foot level. In determining the route for this road, special

care shall be taken to minimize any adverse environmental impact and said road is not required to meet ordinary secondary road standards as to grade, alignment, and curvature. Turnouts, overlooks, and scenic vistas may be included in the road plan. In no event shall said route cross the Escalante River north of Stephens Arch.

##### **(b) Timetable**

The study shall include a reasonable timetable for the engineering, planning, and construction of the road authorized in subsection (a) and the Secretary of the Interior shall adhere to said timetable in every way feasible to him.

##### **(c) Markers and other interpretative devices**

The Secretary is authorized to construct and maintain markers and other interpretative devices consistent with highway safety standards.

##### **(d) Additional roads**

The study specified in subsection (a) hereof shall designate what additional roads are appropriate and necessary for full utilization of the area for the purposes of this subchapter and to connect with all roads of ingress to, and egress from the recreation area.

##### **(e) Report to Congress**

The findings and conclusions of the Secretary and the Highway Department of the State of Utah, specified in subsection (a), shall be submitted to Congress within two years of October 27, 1972, and shall include recommendations for any further legislation necessary to implement the findings and conclusions. It shall specify the funds necessary for appropriation in order to meet the timetable fixed in subsection (b).

(Pub. L. 92-593, § 8, Oct. 27, 1972, 86 Stat. 1312.)

#### **§ 460dd-8. Report to President**

Within two years from October 27, 1972, the Secretary shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act [16 U.S.C. 1132(c) and (d)], his recommendations as to the suitability or non-suitability of any area within the recreation area for preservation as wilderness, and any designation of any such area as wilderness shall be in accordance with said Wilderness Act [16 U.S.C. 1131 et seq.].

(Pub. L. 92-593, § 9, Oct. 27, 1972, 86 Stat. 1313.)

#### 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.

#### **§ 460dd-9. Authorization of appropriations; limitation**

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter, not to exceed, however, \$400,000 for the acquisition of lands and interests in lands and not to exceed \$37,325,400 for development. The sums authorized in this section shall be available for acquisition

and development undertaken subsequent to the approval of this subchapter.

(Pub. L. 92-593, §10, Oct. 27, 1972, 86 Stat. 1313.)

SUBCHAPTER LXXXIX—BIG SOUTH FORK NATIONAL RIVER AND RECREATION AREA

§ 460ee. Establishment

(a) **“Secretary” defined; statement of purposes; boundaries; acquisition of outside sites for administrative, visitor orientation, and recreation facilities**

As used in this section the term “Secretary” shall mean the Secretary of the Army, acting through the Chief of Engineers. The Secretary, in accordance with the national recreation area concept included in the interagency report prepared pursuant to section 218 of the Flood Control Act of 1968 (Public Law 90-483) by the Corps of Engineers, the Department of the Interior, and the Department of Agriculture, as modified by this section, is authorized and directed to establish on the Big South Fork of the Cumberland River in Kentucky and Tennessee the Big South Fork National River and Recreation Area (hereafter in this section referred to as the “National Area”) for the purposes of conserving and interpreting an area containing unique cultural, historic, geologic, fish and wildlife, archeologic, scenic, and recreational values, preserving as a natural, free-flowing stream the Big South Fork of the Cumberland River, major portions of its Clear Fork and New River stems, and portions of their various tributaries for the benefit and enjoyment of present and future generations, the preservation of the natural integrity of the scenic gorges and valleys, and the development of the area’s potential for healthful outdoor recreation. The boundaries shall be as generally depicted on the drawing prepared by the Corps of Engineers and entitled “Big South Fork National River and Recreation Area” identified as map number BSF-NRRA(1)(A) and dated October 1972, which shall be on file and available for public inspection in the office of the District Engineer, U.S. Army Engineer District, Nashville, Tennessee. The Secretary may acquire sites at locations outside such boundaries, as he determines necessary, for administrative and visitor orientation facilities. The Secretary may also acquire a site outside such boundaries at or near the location of the historic Tabard Inn in Ruby,<sup>1</sup> Tennessee, including such lands as he deems necessary, for the establishment of a lodge with recreational facilities as provided in subsection (e)(3).

(b) **Transfer of responsibility for planning, acquisition, and development, and administrative jurisdiction to Secretary of the Interior; boundary revisions; acreage limitation**

Effective upon November 15, 1990, responsibility for all planning, acquisition, and development, as well as administrative jurisdiction over all Federal lands, water, interests therein, and improvements thereon, within the National Area is hereby transferred to the Secretary of the Interior. The Secretary may complete all ac-

quisition and development activities in progress on November 15, 1990, and the Secretary and the Secretary of the Interior may, by mutual agreement, provide for an orderly and phased assumption of responsibilities (including but not limited to land acquisition and the construction of necessary access roads, day-use facilities, campground facilities, lodges, and administrative buildings) and available funds by the Secretary of the Interior in furtherance of the purposes of this section. The Secretary of the Interior shall administer the National Area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4),<sup>2</sup> as amended and supplemented. The authorities set forth in this section which were available to the Secretary immediately prior to November 15, 1990, shall after November 15, 1990, be available to the Secretary of the Interior. In the administration of the National Area the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this section. The Secretary of the Interior may, after transfer to him, revise the boundaries from time to time, but the total acreage within such boundaries shall not exceed one hundred and twenty-five thousand acres. Following such transfer the authorities available to the Secretary in subsection (c) of this section shall likewise be available to the Secretary of the Interior.

(c) **Acquisition of property; tracts; exchange and disposal of property; transfer from Federal agency to administrative jurisdiction of Secretary; residential property, right of use and occupancy; fair market value; transfer or assignment; lifetime residence of tenant or spouse; accrual of obligation or rental to United States; “improved property” defined; mineral rights**

(1) Within the boundaries of the National Area, the Secretary may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, or exchange or otherwise, except that lands (other than roads and rights-of-way for roads) owned by the States of Kentucky and Tennessee or any political subdivisions thereof which were in public ownership on October 22, 1976, may be acquired only by donation. When an individual tract of land is only partly within the boundaries of the National Area, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the National Area may be exchanged by the Secretary for non-Federal lands within the National Area boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41. Notwithstanding any other provision of law, any Federal property within the boundaries of the National Area shall be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this section.

<sup>1</sup> So in original. Probably should be “Rugby”.

<sup>2</sup> See References in Text note below.