

SUBCHAPTER XCII—CHICKASAW NATIONAL RECREATION AREA

§ 460hh. Establishment; boundaries; publication in Federal Register

In order to provide for public outdoor recreation use and enjoyment of Arbuckle Reservoir and land adjacent thereto, and to provide for more efficient administration of other adjacent area containing scenic, scientific, natural, and historic values contributing to public enjoyment of the area and to designate the area in such manner as will constitute a fitting memorialization of the Chickasaw Indian Nation, there is hereby established the Chickasaw National Recreation Area (hereinafter referred to as the “recreation area”) consisting of lands and interests in lands within the area as generally depicted on the drawing entitled “Boundary Map, Chickasaw National Recreation Area,” numbered 107-20004-A and dated February 1974, which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the “Secretary”) may from time to time revise the boundaries of the recreation area by publication of a map or other boundary description in the Federal Register, but the total acreage of the recreation area may not exceed ten thousand acres.

(Pub. L. 94-235, §1, Mar. 17, 1976, 90 Stat. 235.)

CHICKASAW NATIONAL RECREATION AREA LAND EXCHANGE

Pub. L. 108-389, Oct. 30, 2004, 118 Stat. 2239, known as the Chickasaw National Recreation Area Land Exchange Act of 2004, provided for the facilitation of a land exchange among the National Park Service, the Chickasaw Nation, and the City of Sulphur, Oklahoma, for the construction of the Chickasaw Nation Cultural Center within the Chickasaw National Recreation Area.

§ 460hh-1. Acquisition of property

(a) Authority of Secretary; manner of acquisition

The Secretary may acquire land or interests in lands within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries, and any land so acquired and not utilized for exchange shall be reported to the General Services Administration for disposal under 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. Any Federal property located within the boundaries of the recreation area may be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the recreation area. Lands within the boundaries of the recreation area owned by the State of Oklahoma, or any political subdivision thereof, may be acquired only by donation: *Provided*, That the Secretary may also acquire lands by exchange with the city of Sulphur, utilizing therefor only

such lands as may be excluded from the recreation area which were formerly within the Platt National Park.

(b) Acquisition of improved residential property; retention by owners of right of use and occupancy for noncommercial residential purposes; terms; payment of fair market value

With respect to improved residential property acquired for the purposes of this subchapter, which is beneficially owned by a natural person and which the Secretary determines can be continued in that use for a limited period of time without undue interference with the administration, development, or public use of the recreation area, the owner thereof may on the date of its acquisition by the Secretary retain a right of use and occupancy of the property for non-commercial residential purposes for a term, as the owner may elect, ending either (1) at the death of the owner or his spouse, whichever occurs later, or (2) not more than twenty-five years from the date of acquisition. Any right so retained may, during its existence, be transferred or assigned. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner.

(c) “Improved residential property” defined; determination by Secretary

As used in this subchapter, “improved residential property” means a single-family year-round dwelling, the construction of which began before March 1, 1975, and which serves as the owner’s permanent place of abode at the time of its acquisition by the United States, together with not more than three acres of land on which the dwelling and appurtenant buildings are located that the Secretary finds is reasonably necessary for the owner’s continued use and occupancy of the dwelling: *Provided*, That the Secretary may exclude from improved residential property any waters and adjoining land that the Secretary deems is necessary for public access to such waters.

(d) Termination of right of use and occupancy; determination by Secretary

The Secretary may terminate a right to use and occupancy retained pursuant to this section upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this subchapter, and upon tender to the holder of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(Pub. L. 94-235, §2, Mar. 17, 1976, 90 Stat. 235.)

CODIFICATION

In subsec. (a), “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” substituted for “the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.