

### § 460ii-1. Acquisition of property

#### (a) Manner of acquisition of lands, etc., within area

Within the recreation area the Secretary is authorized to acquire lands, waters, and interests therein by donation, purchase from willing sellers with donated or appropriated funds, or exchange. Property owned by the State of Georgia or any political subdivision thereof may be acquired only by donation.

#### (b) Manner of acquisition of lands partly within and partly without area; disposal of unutilized lands

When a tract of land lies partly within and partly without the boundaries of the recreation area, the Secretary may acquire the entire 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 recreation area may be exchanged by the Secretary for non-Federal land within such 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.

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

Except for property which the Secretary determines to be necessary for the purposes of administration, development, access, or public use, an owner of improved property which is used solely for noncommercial residential purposes on the date of its acquisition by the Secretary may retain, as a condition of such acquisition, a right of use and occupancy of the property for such residential purposes. The right retained may be for a definite term which shall not exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of the spouse, whichever occurs later. The owner shall elect the term to be retained. The Secretary shall pay the owner the fair market value of the property on the date of such acquisition, less the fair market value of the term retained by the owner.

#### (d) Terms and conditions respecting rights of use and occupancy retained; termination of right of use and occupancy

Any right of use and occupancy retained pursuant to this section may, during its existence, be conveyed or transferred, but all rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of the property in accordance with the purposes of this subchapter. Upon his determination that the property, or any portion thereof, has ceased to be so used in accordance with such terms and conditions, the Secretary may terminate the right of use and occupancy by tendering to the holder of such right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

#### (e) "Improved property" defined

As used in this section, the term "improved property" means a detached, year-round noncommercial residential dwelling, the construction of which was begun before January 1, 1975, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(Pub. L. 95-344, title I, §102, Aug. 15, 1978, 92 Stat. 474; Pub. L. 98-568, §1(c), Oct. 30, 1984, 98 Stat. 2928; Pub. L. 106-154, §2(b), (e)(1), Dec. 9, 1999, 113 Stat. 1737, 1738.)

#### CODIFICATION

In subsec. (b), "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 (40 U.S.C. 471 et seq.)" 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.

#### AMENDMENTS

1999—Subsec. (a). Pub. L. 106-154, §2(b)(1), inserted "from willing sellers" after "purchase".

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

Subsec. (f). Pub. L. 106-154, §2(b)(2), struck out subsec. (f) which read as follows:

"(f)(1) The Secretary shall exchange those federally owned lands identified on the map referenced in section 460ii of this title as 'exchange lands' for non-Federal lands which are within the boundaries of the recreation area. The values of the lands exchanged under this subsection shall be equal, or shall be equalized in the same manner as provided in section 1716 of title 43.

"(2) At three year intervals after October 30, 1984, the Secretary shall publish in the Federal Register a progress report on the land exchanges which have taken place and the exchanges which are likely to take place under the authority of this subsection. Such report shall identify the lands which are unsuitable for exchange pursuant to such authority.

"(3) Effective on the date ten years after October 30, 1984, the exchange authority of paragraph (1) shall terminate. The exchange lands identified under paragraph (1) which have not been exchanged prior to such date shall be retained in Federal ownership as a part of the recreation area.

"(4) The Secretary shall publish a revision of the boundary map referred to in section 460ii of this title to exclude from the boundaries of the recreation area any exchange lands which are used to acquire non-Federal lands under paragraph (3)."

1984—Subsec. (f). Pub. L. 98-568 added subsec. (f).

### § 460ii-2. Administration, protection, and development

#### (a) Applicability of statutory provisions; consideration of Federal, State, and local plans

The Secretary shall administer, protect, and develop the recreation area in accordance with the Act of August 25, 1916 (39 Stat. 535),<sup>1</sup> and in

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

accordance with any other statutory authorities available to him for the conservation and management of historic and natural resources, including fish and wildlife, to the extent he finds such authority will further the purposes of this subchapter. In developing and administering the recreation area, the Secretary shall take into consideration applicable Federal, State, and local recreation plans and resource use and development plans, including, but not limited to, the Atlanta Regional Commission Chattahoochee Corridor Study, dated July 1972.

**(b) Cooperative agreements**

The Secretary may enter into cooperative agreements with the State of Georgia, political subdivisions of the State, and other entities to ensure standardized acquisition, planning, design, construction, and operation of the recreation area.

**(c) Consultation with Secretary of Army**

In planning for the development and public use of the recreation area, the Secretary shall consult with the Secretary of the Army to assure that public use of adjacent or related water resource development or flood control projects and that of the recreation area are complementary.

**(d) Establishment, regulations governing, etc., of fishing zones**

In administering the recreation area, the Secretary may permit fishing in waters under his jurisdiction in accordance with applicable State and Federal laws and regulations. The Secretary, after consultation with the appropriate State agency responsible for fishing activities, may designate zones where, and establish periods when, fishing shall be permitted and issue such regulations as he may determine to be necessary to carry out the provisions of this subsection. Except in emergencies, such regulations shall be put into effect only after consultation with the appropriate State agency.

(Pub. L. 95-344, title I, §103, Aug. 15, 1978, 92 Stat. 475; Pub. L. 106-154, §2(c), (e)(1), Dec. 9, 1999, 113 Stat. 1737, 1738.)

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535), referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 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.

AMENDMENTS

1999—Subsec. (a). Pub. L. 106-154, §2(e)(1), substituted “of this subchapter” for “of this subchapter and chapter 43 of this title”.

Subsec. (b). Pub. L. 106-154, §2(c), added subsec. (b) and struck out former subsec. (b) which read as follows: “The Secretary is authorized and encouraged to enter into cooperative agreements with the State or its polit-

ical subdivisions whereby he may assist in the planning for and interpretation of non-Federal publicly owned lands within or adjacent or related to the recreation area to assure that such lands are used in a manner consistent with the findings and purposes of this subchapter and chapter 43 of this title.”

**§ 460ii-3. Federal supervision of water resources projects**

**(a) Limitations on licensing and assistance authorities; criteria for upgrading, improving, etc., supply and quality enhancement programs**

The Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (16 U.S.C. 791a et seq.), on or directly affecting the recreation area, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such area is established, except where such project is determined by the State of Georgia to be necessary for water supply or water quality enhancement purposes and authorized by the United States Congress. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments upstream or downstream from the recreation area or on any stream tributary thereto which will not invade the recreation area or unreasonably diminish the scenic, recreational, and fish and wildlife values present therein on August 15, 1978. Nothing contained in this subsection shall preclude the upgrading, improvement, expansion or development of facilities or public works for water supply or water quality enhancement purposes if such action would not have a material adverse effect on the values for which the recreation area is established.

**(b) Limitations on recommending authorizations and requesting appropriations; applicability of local considerations and criteria**

No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such area is established, as determined by the Secretary, nor shall such department or agency request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without at least sixty days in advance, (1) advising the Secretary in writing of its intention to do so and (2) reporting to the Committee on Natural Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate the nature of the project involved and the manner in which such project would conflict with the purposes of this subchapter or would affect the recreation area and the values to be protected by it under this subchapter. It is not the intention of Congress by this subchapter to require the manipulation or reduction of lake water levels in Lake Sidney Lanier. Nothing in this subchapter shall be construed in any way to restrict, prohibit, or affect any recommendation