

## “SECRETARY” DEFINED

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 95-625, set out as a note under section 45f of this title.

SUBCHAPTER XCVI—RATTLESNAKE  
NATIONAL RECREATION AREA

**§ 4601. Findings and declaration of policy**

(a) The Congress finds that—

(1) certain lands on the Lolo National Forest in Montana have high value for watershed, water storage, wildlife habitat, primitive recreation, historical, scientific, ecological, and educational purposes. This national forest area has long been used as a wilderness by Montanans and by people throughout the Nation who value it as a source of solitude, wildlife, clean, free-flowing waters stored and used for municipal purposes for over a century, and primitive recreation, to include such activities as hiking, camping, backpacking, hunting, fishing, horse riding, and bicycling; and

(2) certain other lands on the Lolo National Forest, while not predominantly of wilderness quality, have high value for municipal watershed, recreation, wildlife habitat, and ecological and educational purposes.

(b) Therefore, it is hereby declared to be the policy of Congress that, to further the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131) and the National Forest Management Act of 1976 (16 U.S.C. 1600), the people of the Nation and Montana would best be served by national recreation area designation of the Rattlesnake area to include the permanent preservation of certain of these lands under established statutory designation as wilderness, and to promote the watershed, recreational, wildlife, and educational values of the remainder of these lands.

(Pub. L. 96-476, §1, Oct. 19, 1980, 94 Stat. 2271.)

## REFERENCES IN TEXT

The Wilderness Act (16 U.S.C. 1131), referred to in subsec. (b), 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.

The National Forest Management Act of 1976 (16 U.S.C. 1600), referred to in subsec. (b), is Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2949, as amended, which enacted sections 472a, 521b, 1600, and 1611 to 1614 of this title, amended sections 500, 515, 516, 518, 576b, and 1601 to 1610 of this title, repealed sections 476, 513, and 514 of this title, and enacted provisions set out as notes under sections 476, 513, 528, 594-2, and 1600 of this title. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 1600 of this title and Tables.

## SHORT TITLE

Pub. L. 96-476, §1, Oct. 19, 1980, 94 Stat. 2271, provided in part: “That this Act [enacting this subchapter] may be cited as the ‘Rattlesnake National Recreation Area and Wilderness Act of 1980’.”

**§ 4601-1. Rattlesnake Wilderness**

**(a) Designation of area**

In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131), certain lands within the Rattlesnake National Recreation

Area as designated by this subchapter, which comprise approximately 33,000 acres as generally depicted as the “Rattlesnake Wilderness” on a map entitled “Rattlesnake National Recreation Area and Wilderness—Proposed”, and dated October 1, 1980, are hereby designated as wilderness and shall be known as the Rattlesnake Wilderness.

**(b) Administration**

Subject to valid existing rights, the Rattlesnake Wilderness as designated by this subchapter shall be administered by the Secretary of Agriculture, hereafter referred to as the Secretary, in accordance with the provisions of the Wilderness Act [16 U.S.C. 1131 et seq.] governing areas designated by that Act as wilderness: *Provided*, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this subchapter.

(Pub. L. 96-476, §2, Oct. 19, 1980, 94 Stat. 2271.)

## 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.

The effective date of the Wilderness Act, referred to in subsec. (b), means Sept. 3, 1964, the date of enactment of Pub. L. 88-577, which enacted chapter 23 of this title.

The effective date of this subchapter, referred to in subsec. (b), means Oct. 19, 1980, the date of enactment of Pub. L. 96-476, which enacted this subchapter.

**§ 4601-2. Rattlesnake National Recreation Area**

An area of land as generally depicted as the “Rattlesnake National Recreation Area” on a map entitled “Rattlesnake National Recreation Area and Wilderness—Proposed”, and dated October 1, 1980, is hereby established as the Rattlesnake National Recreation Area.

(Pub. L. 96-476, §3, Oct. 19, 1980, 94 Stat. 2272.)

**§ 4601-3. Land acquisition and exchange**

**(a) Authority of Secretary of Agriculture**

Within the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness, the Secretary is authorized and directed to acquire with donated or appropriated funds including amounts appropriated from the Land and Water Conservation Fund, by exchange, gift, or purchase, such non-Federal lands, interests, or any other property, in conformance with the provisions of this section. Nothing in this subchapter shall be construed to limit or diminish the existing authority of the Secretary to acquire lands and interests therein within or contiguous to the Rattlesnake National Recreation Area or Rattlesnake Wilderness.

**(b) Exchange of lands for bidding rights on coal lease sales or coal lease modifications; bidding rights as monetary credit; transfer or sale**

(1) The Secretary of the Interior, in consultation with the Secretary of Agriculture, is authorized to consider and consummate an ex-

change with the owner of the private lands or interests therein within or contiguous to the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness, as described in sections 4601-1 and 4601-2 of this title, by which the Secretary of the Interior may accept conveyance of title to these private lands for the United States and in exchange issue bidding rights that may be exercised in competitive coal lease sales, or in coal lease modifications, or both, under sections 2 and 3 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 201(a), 203). Any lands so acquired shall become national forest lands under the jurisdiction of the Secretary of Agriculture to be managed in accordance with the provisions of this subchapter and other laws applicable to the management of national forest lands. Nothing in this subchapter shall be construed to limit or diminish any existing authority of the Secretaries of the Interior and Agriculture to acquire private lands and interests therein in the Rattlesnake National Recreation Area and Rattlesnake Wilderness. Nothing in this subchapter shall be construed to require any owner of the lands within or contiguous to the Rattlesnake National Recreation Area or Rattlesnake Wilderness to accept coal lease bidding rights in exchange for title to those private lands.

(2) The coal lease bidding rights to be issued may be exercised as payment of bonus or other payment required of the successful bidder for a competitive coal lease, or required of an applicant for a coal lease modification. The bidding rights shall equal the fair market value of the private lands or interests therein conveyed in exchange for their issuance. The use and exercise of the bidding rights shall be subject to the provisions of the Secretary of the Interior's regulations governing coal lease bidding rights, to the extent that they are not inconsistent with this subchapter, that are in effect at the time the bidding rights are issued.

(3) If for any reason, including but not limited to the failure of the Secretary of the Interior to offer for lease lands in the Montana portion of the Powder River Coal Production Region as defined in the Federal Register of November 9, 1979 (44 F.R. 65196), or the failure of the holder of the bidding rights to submit a successful high bid for any such leases, any bidding rights issued in an exchange under this subchapter have not been exercised within two years from October 31, 1983, the bidding rights may be used as a monetary credit, which shall be considered "money" within the meaning of section 35 of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 191), against that portion of bonus payments, rental or royalty payments paid into the Treasury of the United States and retained by the Federal Government on any Federal coal lease won or otherwise held by the applicant, its successors or assigns. The holder of the bidding rights shall pay the balance due on such bonus payments, rental or royalty payments in cash for transmittal to the States in the same manner and in the same amounts as though the entire payment were made in cash under the provisions of the Mineral Leasing Act of 1920 as amended [30 U.S.C. 181 et seq.]. The bidding rights may be transferred or sold at any time by the owner to any

other party with all the rights of the owner to the credit, and after such transfer, the owner shall notify the Secretary.

(4) It is the intent of Congress that the exchange of bidding rights for the private lands or interests therein authorized by this subchapter shall occur within three years of October 19, 1980.

(5) In order to facilitate the exchange authorized by this subchapter, the Executive order captioned "Order of Withdrawal", of June 6, 1929, creating "Coal Reserve No. 1, Montana, No. 1", is hereby revoked to the extent that it constitutes a withdrawal of the lands therein from disposal under the Mineral Lands Leasing Act of 1920, as amended [30 U.S.C. 181 et seq.].

**(c) Exchange of lands involving Burlington Northern, Inc.**

The exchange of lands involving Burlington Northern, Inc. shall be in accordance with the agreement entitled "Statement of Intent" entered into by Burlington Northern, Inc. and the Regional Forester of the United States Forest Service, Region 1, signed September 18, 1980, and it is the intent of Congress that this exchange shall occur within three years of October 19, 1980.

**(d) Non-Federal lands; water rights**

(1) As non-Federal lands and interests in the Rattlesnake National Recreation Area are acquired, the lands shall become part of the Rattlesnake National Recreation Area. As non-Federal lands and interests in the Rattlesnake Wilderness are acquired, the lands shall become part of the Rattlesnake Wilderness. The Secretary shall publish from time to time a notice of such classifications in the Federal Register. It is the intention of Congress that acquisition of the non-Federal lands shall be completed no later than three years after October 19, 1980.

(2) Nothing in this subchapter shall be construed to permit the Secretary to affect or diminish any water right which is vested under either State or Federal law on October 19, 1980, nor the rights of the owner of such water right to the customary and usual access, including necessary motorized use over and along existing roads and trails to any facilities used in connection therewith, and the right to operate and maintain such facilities.

**(e) Exchange of land owned by Montana Power Company for bidding rights**

The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall consummate the exchange of the lands owned by the Montana Power Company within the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness by issuing bidding rights to the Montana Power Company which shall equal the negotiated cash equivalent of the fair market value of such Montana Power Company lands, as provided in the agreement of April 4, 1983, signed by the authorized representatives of the Secretary of Agriculture, the Secretary of the Interior and the Montana Power Company, except that adjustments in the "Cash Equivalency Rate" referred to in said agreement shall not exceed a rate determined by the Secretary of the Interior taking into consideration

the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the remaining period during which the bidding rights may be used.

(Pub. L. 96-476, §4, Oct. 19, 1980, 94 Stat. 2272; Pub. L. 98-140, §7, Oct. 31, 1983, 97 Stat. 907.)

#### REFERENCES IN TEXT

Section 2 of the Mineral Lands Leasing Act of 1920, referred to in subsec. (b)(1), probably means section 2(a) of the Mineral Lands Leasing Act of 1920, act Feb. 25, 1920, ch. 85, §2(a), 41 Stat. 438, which enacted section 201(a) of Title 30, Mineral Lands and Mining. Section 2(b) to (d) of the Mineral Lands Leasing Act of 1920 enacted sections 201(b), 202, and 202(a) of Title 30, respectively.

The Mineral Lands Leasing Act of 1920, as amended, referred to in subsec. (b)(3), (5), is act Feb. 25, 1920, ch. 85, 41 Stat. 437, as amended, known as the Mineral Leasing Act, which is classified generally to chapter 3A (§181 et seq.) of Title 30. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables.

#### CODIFICATION

In subsec. (b)(3), “October 31, 1983” substituted for “the date of enactment of this Act”, meaning the date of enactment of Pub. L. 98-140, section 7(a) of which amended generally subsec. (b)(3), as the probable intent of Congress.

#### AMENDMENTS

1983—Subsec. (b)(3). Pub. L. 98-140, §7(a), amended par. (3) generally, substituting “two years from October 31, 1983, the bidding rights may be used as a monetary credit, which shall be considered ‘money’ within the meaning of section 35 of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 191), against that portion of bonus payments, rental or royalty payments paid into the Treasury of the United States and retained by the Federal Government on any Federal coal lease won or otherwise held by the applicant, its successors or assigns” for “three years from October 19, 1980, the holder of the bidding rights may, at its election, use the outstanding bidding rights as a credit against any royalty, rental, or advance royalty payments owed to the United States on any Federal coal lease(s) it may then hold” and inserting provisions that the holder of the bidding rights shall pay the balance due on such bonus payments, rental or royalty payments in cash for transmittal to the States in the same manner and in the same amounts as though the entire payment were made in cash under the provisions of the Mineral Leasing Act of 1920 as amended, and that the bidding rights may be transferred or sold at any time by the owner to any other party with all the rights of the owner to the credit, and after such transfer, the owner shall notify the Secretary.

Subsec. (e). Pub. L. 98-140, §7(b), added subsec. (e).

#### § 460ll-4. Filing of maps and descriptions

As soon as practicable after October 19, 1980, a map and legal description of the Rattlesnake National Recreational Area and a map and legal description of the Rattlesnake Wilderness shall be filed with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such maps and legal descriptions shall have the same force and effect as if included in this subchapter: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made.

(Pub. L. 96-476, §5, Oct. 19, 1980, 94 Stat. 2273.)

#### CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

#### § 460ll-5. Authorization of appropriations

Effective October 1, 1981, there is hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this subchapter.

(Pub. L. 96-476, §6, Oct. 19, 1980, 94 Stat. 2274.)

#### [SUBCHAPTER XCVII—RESERVED]

#### SUBCHAPTER XCVIII—STEESE NATIONAL CONSERVATION AREA AND WHITE MOUNTAINS NATIONAL RECREATION AREA

#### § 460mm. Establishment of conservation area

##### (a) In general

In order to provide for the immediate and future protection of the lands in Federal ownership within the framework of a program of multiple use and sustained yield and for the maintenance of environmental quality, the Steese National Conservation Area is hereby established.

##### (b) Boundaries; special values

The Steese National Conservation Area shall include approximately one million two hundred twenty thousand acres of public lands, as generally depicted on the map entitled “Steese National Conservation Area—proposed”, and dated October 1978. Special values to be considered in planning and management of the area are: caribou range and Birch Creek.

(Pub. L. 96-487, title IV, §401, Dec. 2, 1980, 94 Stat. 2396.)

#### § 460mm-1. Administration of conservation area

##### (a) Management and use of land; land use plan

Subject to valid existing rights, the Secretary, through the Bureau of Land Management, shall administer the Steese National Conservation Area established in section 460mm of this title pursuant to the applicable provisions of the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.] dealing with the management and use of land in Federal ownership, and shall, within five years of Dec. 2, 1980, develop a land use plan for each such area, and for the area established in section 460mm-2 of this title.

##### (b) Transfer of lands; mineral exploration and development

No public lands within the national conservation area shall be transferred out of Federal ownership except by exchange pursuant to section 206 of the Federal Land Policy and Management Act [43 U.S.C. 1716]. Where consistent with the land use plans for the area, mineral development may be permitted pursuant to the Mineral Leasing Act of 1920, as amended, and supplemented (30 U.S.C. 181-287) or the Materials Act of 1947, as amended (30 U.S.C. 601-603). Subject to valid existing rights, the minerals in Federal