

**(B) Exclusion from Wilderness**

Regardless of the level of the Gunnison River, no portion of the Gunnison River is included in the Wilderness.

**(i) Effect**

Nothing in this subchapter—

(1) diminishes the jurisdiction of the State with respect to fish and wildlife in the State; or

(2) imposes any Federal water quality standard upstream of the Conservation Area or within the mainstem of the Gunnison River that is more restrictive than would be applicable had the Conservation Area not been established.

**(j) Valid existing rights**

The designation of the Conservation Area and Wilderness is subject to valid rights in existence on March 30, 2009.

(Pub. L. 111-11, title II, §2405, Mar. 30, 2009, 123 Stat. 1104.)

**§ 460zzz-5. Management plan****(a) In general**

Not later than 3 years after March 30, 2009, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Conservation Area.

**(b) Purposes**

The management plan shall—

(1) describe the appropriate uses and management of the Conservation Area;

(2) be developed with extensive public input;

(3) take into consideration any information developed in studies of the land within the Conservation Area; and

(4) include a comprehensive travel management plan.

(Pub. L. 111-11, title II, §2406, Mar. 30, 2009, 123 Stat. 1107.)

**§ 460zzz-6. Advisory Council****(a) Establishment**

Not later than 180 days after March 30, 2009, the Secretary shall establish an advisory council, to be known as the “Dominguez-Escalante National Conservation Area Advisory Council”.

**(b) Duties**

The Council shall advise the Secretary with respect to the preparation and implementation of the management plan.

**(c) Applicable law**

The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

**(d) Members**

The Council shall include 10 members to be appointed by the Secretary, of whom, to the extent practicable—

(1) 1 member shall be appointed after considering the recommendations of the Mesa County Commission;

(2) 1 member shall be appointed after considering the recommendations of the Montrose County Commission;

(3) 1 member shall be appointed after considering the recommendations of the Delta County Commission;

(4) 1 member shall be appointed after considering the recommendations of the permittees holding grazing allotments within the Conservation Area or the Wilderness; and

(5) 5 members shall reside in, or within reasonable proximity to, Mesa County, Delta County, or Montrose County, Colorado, with backgrounds that reflect—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and Wilderness.

**(e) Representation**

The Secretary shall ensure that the membership of the Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Council.

**(f) Duration**

The Council shall terminate on the date that is 1 year from the date on which the management plan is adopted by the Secretary.

(Pub. L. 111-11, title II, §2407, Mar. 30, 2009, 123 Stat. 1107.)

## REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (c)(1), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

The Federal Land Policy and Management Act of 1976, referred to in subsec. (c)(2), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

**§ 460zzz-7. Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this subchapter.

(Pub. L. 111-11, title II, §2408, Mar. 30, 2009, 123 Stat. 1108.)

SUBCHAPTER CXXXVIII—NELLIS DUNES  
OFF-HIGHWAY VEHICLE RECREATION  
AREA**§ 460aaaa. Nellis Dunes Off-Highway Vehicle  
Recreation Area****(1) Definitions**

In this section:

**(A) City**

The term “City” means the city of North Las Vegas, Nevada.

**(B) Clark County Off-Highway Vehicle Recreation Park**

The term “Clark County Off-Highway Vehicle Recreation Park” means the approximately 960 acres of land identified on the Map

as “Clark County Off-Highway Vehicle Recreation Park”.

**(C) County**

The term “County” means Clark County, Nevada.

**(D) Map**

The term “Map” means the map entitled “Nellis Dunes OHV Recreation Area” and dated December 17, 2013.

**(E) Nellis Dunes Off-Highway Recreation Area**

The term “Nellis Dunes Off-Highway Recreation Area” means the approximately 10,035 acres of land identified on the Map as “Nellis Dunes OHV Recreation Area”.

**(F) Secretary**

The term “Secretary” means the Secretary of the Interior.

**(G) State**

The term “State” means the State of Nevada.

**(2) Conveyance of Federal land to County**

**(A) In general**

As soon as practicable after December 19, 2014, the Secretary shall convey to the County, subject to valid existing rights and subparagraph (B), without consideration, all right, title, and interest of the United States in and to the Clark County Off-Highway Vehicle Recreation Park.

**(B) Reservation of mineral estate**

In conveying the parcels of Federal land under subparagraph (A), the Secretary shall reserve the mineral estate, except for purposes related to flood mitigation (including removal from aggregate flood events).

**(C) Use of conveyed land**

**(i) In general**

The parcels of land conveyed under subparagraph (A) may be used by the County for any public purposes described in clause (ii), consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.).

**(ii) Authorized uses**

The land conveyed under subparagraph (A)—

(I) shall be used by the County—

(aa) to provide a suitable location for the establishment of a centralized off-road vehicle recreation park in the County;

(bb) to provide the public with opportunities for off-road vehicle recreation, including a location for races, competitive events, training and other commercial services that directly support a centralized off-road vehicle recreation area and County park;

(cc) to provide a designated area and facilities that would discourage unauthorized use of off-highway vehicles in areas that have been identified by the Federal Government, State government, or County government as containing environmentally sensitive land; and

(II) shall not be disposed of by the County.

**(iii) Reversion**

If the County ceases to use any parcel of land conveyed under subparagraph (A) for the purposes described in clause (ii)—

(I) title to the parcel shall revert to the Secretary, at the option of the Secretary; and

(II) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.

**(iv) Management plan**

The Secretary of the Air Force and the County, may develop a special management plan for the land conveyed under subparagraph (A)—

(I) to enhance public safety and safe off-highway vehicle recreation use in the Nellis Dunes Recreation Area;

(II) to ensure compatible development with the mission requirements of the Nellis Air Force Base; and

(III) to avoid and mitigate known public health risks associated with off-highway vehicle use in the Nellis Dunes Recreation Area.

**(D) Agreement with Nellis Air Force Base**

**(i) In general**

Before the Federal land may be conveyed to the County under subparagraph (A), the Clark County Board of Commissioners and Nellis Air Force Base shall enter into an interlocal agreement for the Federal land and the Nellis Dunes Recreation Area—

(I) to enhance safe off-highway recreation use; and

(II) to ensure that development of the Federal land is consistent with the long-term mission requirements of Nellis Air Force Base.

**(ii) Limitation**

The use of the Federal land conveyed under subparagraph (A) shall not compromise the national security mission of Nellis Air Force Base.

**(E) Additional terms and conditions**

With respect to the conveyance of Federal land under subparagraph (A), the Secretary may require such additional terms and conditions as the Secretary considers to be appropriate to protect the interests of the United States.

**(3) Designation of Nellis Dunes Off-Highway Vehicle Recreation Area**

**(A) In general**

The approximately 10,035 acres of land identified on the Map as the “Nellis Dunes OHV Recreation Area” shall be known and designated as the “Nellis Dunes Off-Highway Vehicle Recreation Area”.

**(B) Management plan**

The Secretary may develop a special management plan for the Nellis Dunes Off-Highway Recreation Area to enhance the safe use of off-highway vehicles for recreational purposes.

(Pub. L. 113–291, div. B, title XXX, § 3092(j), Dec. 19, 2014, 128 Stat. 3876.)

## REFERENCES IN TEXT

Act of June 14, 1926, referred to in par. (2)(C)(i), is act June 14, 1926, ch. 578, 44 Stat. 741, popularly known as the Recreation and Public Purposes Act, which is classified to sections 869 to 869–4 of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 869 of Title 43 and Tables.

## SUBCHAPTER CXXXIX—MARTIN LUTHER KING, JR. NATIONAL HISTORICAL PARK

## CODIFICATION

Pub. L. 96–428, which enacted this subchapter, originally established the Martin Luther King, Junior, National Historic Site, which is listed in a table of National Historic Sites under section 320101 of Title 54, National Park Service and Related Programs. The amendments made by Pub. L. 115–108 effectively redesignated the site as the Martin Luther King, Jr. National Historical Park, after which the text of Pub. L. 96–428 was set out as this subchapter.

## § 460bbbb. Establishment of Martin Luther King, Jr. National Historical Park

(a) In order to protect and interpret for the benefit, inspiration, and education of present and future generations the places where Martin Luther King, Junior, was born, where he lived, worked, and worshipped, and where he is buried, there is hereby established the Martin Luther King, Jr. National Historical Park in the State of Georgia. The national historical park shall consist of that real property in the city of Atlanta, Georgia, within the boundary generally depicted on the map entitled “Martin Luther King, Jr. National Historical Park Proposed Boundary Revision”, numbered 489/128,786 and dated June 2015, together with the property known as 234 Sunset Avenue, Northwest. The map referred to in this subsection shall be on file and available for public inspection in the local and Washington, District of Columbia offices of the National Park Service, Department of the Interior.

(b) In furtherance of the purposes of this subchapter, there is hereby established the Martin Luther King, Junior, Preservation District, which shall consist of the area identified as “Preservation District” in the map referred to in subsection (a) of this section.

(Pub. L. 96–428, § 1, Oct. 10, 1980, 94 Stat. 1839; Pub. L. 102–575, title XL, § 4024(a), Oct. 30, 1992, 106 Stat. 4768; Pub. L. 115–108, § 2(1)–(3), Jan. 8, 2018, 131 Stat. 2267.)

## CODIFICATION

This subchapter is comprised of Pub. L. 96–428, as amended. Pub. L. 96–428 is also listed in a table of National Historic Sites set out under section 320101 of Title 54, National Park Service and Related Programs.

## AMENDMENTS

2018—Subsec. (a). Pub. L. 115–108 substituted “Martin Luther King, Jr. National Historical Park” for “Martin Luther King, Junior, National Historic Site”, “the map entitled ‘Martin Luther King, Jr. National Historical Park Proposed Boundary Revision’, numbered 489/128,786 and dated June 2015” for “the map entitled ‘Martin Luther King, Junior, National Historic Site Bound-

ary Map’, number 489/80,013B, and dated September 1992”, and “national historical park” for “national historic site”.

1992—Subsec. (a). Pub. L. 102–575 substituted “number 489/80,013B, and dated September 1992” for “numbered NASM/SERO/20, 109–C, and dated May 1980”.

## SHORT TITLE OF 2017 AMENDMENT

Pub. L. 115–108, § 1, Jan. 8, 2018, 131 Stat. 2267, provided that: “This Act [amending this section and sections 460bbbb–1, 460bbbb–2, and 460bbbb–4 of this title and enacting provisions set out as a note under this section] may be cited as the ‘Martin Luther King, Jr. National Historical Park Act of 2017.’”

## SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108–314, § 1, Oct. 5, 2004, 118 Stat. 1198, provided that: “This Act [amending section 460bbbb–1 of this title and enacting provisions set out as a note under this section] may be cited as the ‘Martin Luther King, Junior, National Historic Site Land Exchange Act’.”

## REFERENCES

Pub. L. 115–108, § 3, Jan. 8, 2018, 131 Stat. 2267, provided that: “Any reference in a law (other than this Act [See Short Title of 2017 Amendment note above]), map, regulation, document, paper, or other record of the United States to ‘Martin Luther King, Junior, National Historic Site’ shall be deemed to be a reference to ‘Martin Luther King, Jr. National Historical Park’.”

## FINDINGS AND PURPOSE

Pub. L. 108–314, § 2, Oct. 5, 2004, 118 Stat. 1198, provided that:

“(a) FINDINGS.—Congress finds the following:

“(1) Public Law 96–438 [probably means 96–428, enacting this subchapter] established the Martin Luther King, Junior, National Historic Site [now Martin Luther King, Jr. National Historical Park], and allows acquisition, by donation only, of lands owned by the State.

“(2) The National Park Service owns a vacant lot that has no historic significance. The City of Atlanta has expressed interest in acquiring this property to encourage commercial development along Edgewood Avenue.

“(3) The National Historic Site Visitor Center and Museum is land-locked and has no emergency ingress or egress, making it virtually impossible for fire-fighting equipment to reach.

“(4) The acquisition of city-owned property would enable the National Park Service to establish easy street access to the National Historic Site Visitor Center and Museum, and would benefit the City by exchanging a piece of property that the City could develop.

“(b) PURPOSE.—The purpose of this Act [see Short Title of 2004 Amendment note above] is to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia.”

## § 460bbbb–1. Administration

(a) The Secretary of the Interior (hereinafter referred to as “the Secretary”) shall administer the Martin Luther King, Jr. National Historical Park and Preservation District in accordance with the provisions of this Act, and the provisions of law generally applicable to national historic sites,<sup>1</sup> including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–7).

(b)(1) Within the national historical park the Secretary is authorized to acquire by donation,

<sup>1</sup> So in original. Probably should be “to the National Park System.”