

§ 460y-2. Program of multiple usage and sustained yield of renewable natural resources; public and private assistance in preparation; provisions

The Secretary shall use public and private assistance as he may require, for the purpose of preparing for the Area a program of multiple usage and of sustained yield of renewable natural resources. Such program shall include but need not be limited to (1) a quantitative and qualitative analysis of the resources of the Area; (2) the proposed boundaries of the Area; (3) a plan of land use, development, and management of the Area together with any proposed cooperative activities with the State of California, local governments, and others; (4) a statement of expected costs and an economic analysis of the program with particular reference to costs to the United States and expected economic effects on local communities and governments; and (5) an evaluation by the Secretary of the program in terms of the public interest.

(Pub. L. 91-476, § 3, Oct. 21, 1970, 84 Stat. 1068.)

§ 460y-3. Procedure for establishment

The Secretary shall establish the Area after a period of at least ninety calendar days from and after the date that he has (1) submitted copies of the program required by section 460y-2 of this title to the President of the Senate and the Speaker of the House of Representatives, the Governor of the State of California, and the governing body of the county or counties in which the area is located and (2) published a notice of intention to establish the area in the Federal Register and in at least two newspapers which circulate generally within the Area.

(Pub. L. 91-476, § 4, Oct. 21, 1970, 84 Stat. 1068.)

§ 460y-4. Authority of Secretary

The Secretary is authorized—

(1) Conduct of public hearings

To conduct a public hearing or hearings to receive expression of local views relating to establishment of the area.

(2) Acquisition of land or interests in land by donation, by purchase with donated funds or funds specifically appropriated for such purpose, or by exchange; consent of owner; acquired lands or interests in lands as public lands

To acquire by donation, by purchase with donated funds or with funds appropriated specifically for that purpose, or by exchange, any land or interest in land within the area described in section 460y-8 of this title, which the Secretary, in his judgment, determines to be desirable for consolidation of public lands within the Area in order to facilitate efficient and beneficial management of the public lands or otherwise to accomplish the purposes of this subchapter: *Provided*, That the Secretary may not acquire, without the consent of the owner, any such lands or interests therein which are utilized on October 21, 1970, for residential, agricultural, or commercial purposes so long as he finds such property is devoted to uses compatible with the purposes of this sub-

chapter. Any lands or interests in lands acquired by the United States under the authority of this section shall, upon acceptance of title, become public lands, and shall become a part of the area subject to all the laws and regulations applicable thereto.

(3) Procedure for acquisition of land or interests in land by exchange

In the exercise of his authority to acquire land or interests in land by exchange under this subchapter, to accept title to any non-Federal land located within the Area and to convey to the grantor of such land not to exceed an equal value of surveyed, unappropriated, and unreserved public lands or interests, in lands and appropriated funds when in his judgment the exchange will be in the public interest, and in accordance with the following:

(A) The public lands offered in exchange for non-Federal lands or interests in non-Federal lands must be in the same county or counties, and must be classified by the Secretary as suitable for exchange. For a period of five years, any such public lands suitable for transfer to nonpublic ownership shall be classified for exchange under this subchapter.

(B) If the lands or interests in lands offered in exchange for public lands have a value at least equal to two-thirds of the value of the public lands, the exchange may be completed upon payment to the Secretary of the difference in value, or the submittal of a cash deposit or a performance bond in an amount at least equal to the difference in value assuring that additional lands acceptable to the Secretary and at least equal to the difference in value will be conveyed to the Government within a time certain to be specified by the Secretary. Any such payment made to the Secretary shall be deposited in the Treasury as a miscellaneous receipt.

(C) If the public lands offered in exchange for non-Federal lands or interests in non-Federal lands have a value at least equal to two-thirds of the value of the non-Federal lands, the exchange may be completed upon payment by the Secretary of the difference in value.

(D) Either party to an exchange under this subchapter may reserve minerals, easements, or rights of use either for its own benefit, for the benefit of third parties, or for the benefit of the general public. Any such reservation, whether in lands conveyed to or by the United States, shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary. When minerals are reserved in a conveyance by the United States, any person who prospects for or acquires the right to mine and remove the reserved mineral deposits shall be liable to the surface owners according to their respective interests for any actual damage to the surface or to the improvements thereon resulting from prospecting, entering, or mining operations; and such person shall, prior to entering, either

obtain the surface owner's written consent, or file with the Secretary a good and sufficient bond or undertaking to the United States in an amount acceptable to the Secretary for the use and benefit of the surface owner to secure payment of such damages as may be determined in an action brought on the bond or undertaking in a court of competent jurisdiction.

(4) Payment of fair market value for purchased lands; determination by independent appraisal

In the exercise of his authority to purchase lands under this subchapter to pay for any such purchased lands their fair market value, as determined by the Secretary, who may, in his discretion, base his determination on an independent appraisal obtained by him.

(5) Identification of appropriate public uses of public lands and interests therein within Area; disposition of public lands within Area

To identify the appropriate public uses of all of the public lands and interests therein within the Area. Disposition of the public lands within the Area, or any of the lands subsequently acquired as part of the Area, is prohibited, and the lands in the Area described in section 460y-8 of this title are hereby withdrawn from all forms of entry, selection, or location under existing or subsequent law, except as provided in section 460y-5 of this title. Notwithstanding any provision of this section, the Secretary may (A) exchange public lands or interests therein within the area for privately owned lands or interests therein also located within the Area, and (B) issue leases, licenses, contracts, or permits as provided by other laws.

(6) Construction, operation, and maintenance of roads, trails, and other access and recreational facilities within Area

To construct or cause to be constructed and to operate and maintain such roads, trails, and other access and recreational facilities in the area as the Secretary deems necessary and desirable for the proper protection, utilization, and development of the area.

(7) Reforestation and revegetation of lands within Area; installation of soil- and water-conserving works and practices

To reforest and revegetate such lands within the area and install such soil- and water-conserving works and practices to reduce erosion and improve forage and timber capacity as the Secretary deems necessary and desirable.

(8) Cooperative arrangements with State and local governmental agencies, and nonprofit organizations concerning installation, construction, maintenance, and operation of access and recreational facilities, etc.; designation of zones and establishment of periods for hunting and fishing

To enter into such cooperative arrangements with the State of California, local governmental agencies, and nonprofit organizations as the Secretary deems necessary or desirable concerning but not limited to installa-

tion, construction, maintenance, and operation of access and recreational facilities, reforestation, revegetation, soil and moisture conservation, and management of fish and wildlife including hunting and fishing and control of predators. The Secretary shall permit hunting and fishing on lands and waters under the jurisdiction within the boundaries of the recreation area in accordance with the applicable laws of the United States and the State of California, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

(9) Issuance of regulations

To issue such regulations and to do such other things as the Secretary deems necessary and desirable to carry out the terms of this subchapter.

(Pub. L. 91-476, §5, Oct. 21, 1970, 84 Stat. 1068; Pub. L. 95-352, §2(1), Aug. 20, 1978, 92 Stat. 516.)

AMENDMENTS

1978—Par. (3)(B). Pub. L. 95-352 inserted provisions relating to deposit of receipts into Treasury.

§ 460y-5. Applicability of mining laws; prospecting commenced or conducted and mining claims located subsequent to October 21, 1970, as subject to regulations; patents issued on mining claims located subsequent to October 21, 1970, as subject to regulations; provisions of regulations; rights of owner of existing valid mining claim as unaffected

(a) Subject to valid existing rights, nothing in this subchapter shall affect the applicability of the United States mining laws on the federally owned lands within the Area, except that all prospecting commenced or conducted and all mining claims located after October 21, 1970, shall be subject to such reasonable regulations as the Secretary may prescribe to effectuate the purposes of this subchapter. Any patent issued on any mining claim located after October 21, 1970, shall recite this limitation and continue to be subject to such regulations. All such regulations shall provide, among other things, for such measures as may be reasonable to protect the scenic and esthetic values of the Area against undue impairment and to assure against pollution of the streams and waters within the Area.

(b) Nothing in this section shall be construed to limit or restrict rights of the owner or owners of any existing valid mining claim.

(Pub. L. 91-476, §6, Oct. 21, 1970, 84 Stat. 1070.)

§ 460y-6. Administration of public lands within Area

Except as may otherwise be provided in this subchapter, the public lands within the area shall be administered by the Secretary under any authority available to him for the conservation, development, and management of natural