

within the boundaries of the recreation area in accordance with applicable laws of the United States and the State of Idaho, 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, 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.

(Pub. L. 92-400, § 8, Aug. 22, 1972, 86 Stat. 614.)

#### § 460aa-8. Federal-State water rights

The jurisdiction of the State and the United States over waters of any stream included in the recreation area shall be determined by established principles of law. Under the provisions of this subchapter, any taking by the United States of a water right which is vested under either State or Federal law at the time of enactment of this subchapter shall entitle the owner thereof to just compensation. Nothing in this subchapter shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(Pub. L. 92-400, § 9, Aug. 22, 1972, 86 Stat. 614.)

#### REFERENCES IN TEXT

Time of enactment of this subchapter, referred to in text, means Aug. 22, 1972, the date of enactment of Pub. L. 92-400, which enacted this subchapter.

#### § 460aa-9. Mining restriction; Federal lands withdrawn from location, entry, and patent under United States mining laws

Subject to valid existing rights, all Federal lands located in the recreation area are hereby withdrawn from all forms of location, entry, and patent under the mining laws of the United States.

(Pub. L. 92-400, § 10, Aug. 22, 1972, 86 Stat. 614.)

#### § 460aa-10. Land surface protection; regulations

The Congress hereby recognizes and declares the need to take action to regulate the use of, and protect the surface values of, the Federal lands in the recreation area, and directs that rules and regulations necessary to carry out this section shall be promulgated and issued by the Secretary of Agriculture after consultation with the Secretary of the Interior. Such regulations shall include, when deemed necessary, provisions for control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of such Federal land in connection with any authorized activities on such land, including but not limited to mineral prospecting, exploration, or development operations.

(Pub. L. 92-400, § 11, Aug. 22, 1972, 86 Stat. 614.)

#### § 460aa-11. Patents; restriction on issuance

Patents shall not hereafter be issued for locations and claims heretofore made in the recreation area under the mining laws of the United States.

(Pub. L. 92-400, § 12, Aug. 22, 1972, 86 Stat. 615.)

#### § 460aa-12. Authorization of appropriations; availability of land and water conservation fund money

There are authorized to be appropriated for the purposes of this subchapter not more than \$47,802,000 for the acquisition of lands and interests in lands and not more than \$26,241,000 for development. Money appropriated from the land and water conservation fund shall be available for the acquisition of lands, waters, and interests therein within the recreation area.

(Pub. L. 92-400, § 13, Aug. 22, 1972, 86 Stat. 615; Pub. L. 95-625, title II, § 202, Nov. 10, 1978, 92 Stat. 3473.)

#### AMENDMENTS

1978—Pub. L. 95-625 increased land acquisition appropriations authorization to \$47,802,000 from \$19,802,000.

#### § 460aa-13. Area analysis for park or park administrative unit proposal

##### (a) Report to Congress

The Secretary of the Interior, in consultation with appropriate Federal, State, and local agencies, shall make a comprehensive analysis of the natural, economic, and cultural values of the recreation area and the adjacent Pioneer Mountains for the purpose of evaluating the potentiality of establishing therein a national park or other unit of the national park system. He shall submit a report of the results of the analysis along with his recommendations to the Congress by December 31, 1974.

##### (b) Considerations manifested in report to Congress

His report shall show that in making the aforesaid recommendations he took into consideration, among other things—

(1) the feasible alternative uses of the land and the long- and short-term effect of such alternative uses upon, but not limited to, the following—

- (A) the State and local economy,
- (B) the natural and cultural environment,
- (C) the management and use of water resources,
- (D) the management of grazing, timber, mineral, and other commercial activities,
- (E) the management of fish and wildlife resources,
- (F) the continued occupancy of existing homesites, campsites, commercial and public recreation enterprises, and other privately owned properties and the future development of the same,
- (G) the interrelation between recreation areas, wilderness areas and park lands, and

(2) the establishment of a national park in the mountain peaks and upland areas together with such portions of the national recreation area as may be necessary and appropriate for the proper administration and public use of and access to such parks lands, leaving the valleys and low-lying lands available for multiple-use purposes.

**(c) Master plan, cost estimates and proposed legislation for establishment of park administrative unit**

Any recommendation for the establishment of a unit of the national park system shall be accompanied by (1) a master plan for the development and administration of such unit, indicating proposed boundaries, access or other roads, visitor facilities, and proposed management concepts applicable to such unit; (2) a statement of the estimated Federal cost for acquisition, development, and operation of such unit; and (3) proposed legislation for establishment of such park administrative unit.

**(d) Authorization of appropriations**

There are authorized to be appropriated not more than \$50,000 to carry out the provisions of this section.

(Pub. L. 92-400, § 14, Aug. 22, 1972, 86 Stat. 615.)

**§ 460aa-14. Separability**

If any provision of this subchapter is declared to be invalid, such declaration shall not affect the validity of any other provision of this subchapter.

(Pub. L. 92-400, § 15, Aug. 22, 1972, 86 Stat. 615.)

SUBCHAPTER LXXXVI—GOLDEN GATE  
NATIONAL RECREATION AREA

**§ 460bb. Establishment**

In order to preserve for public use and enjoyment certain areas of Marin and San Francisco Counties, California, possessing outstanding natural, historic, scenic, and recreational values, and in order to provide for the maintenance of needed recreational open space necessary to urban environment and planning, the Golden Gate National Recreation Area (hereinafter referred to as the "recreation area") is hereby established. In the management of the recreation area, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall utilize the resources in a manner which will provide for recreation and educational opportunities consistent with sound principles of land use planning and management. In carrying out the provisions of this subchapter, the Secretary shall preserve the recreation area, as far as possible, in its natural setting, and protect it from development and uses which would destroy the scenic beauty and natural character of the area.

(Pub. L. 92-589, § 1, Oct. 27, 1972, 86 Stat. 1299.)

SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109-131, title II, § 201, Dec. 20, 2005, 119 Stat. 2568, provided that: "This title [amending section 460bb-1 of this title] may be cited as the 'Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act'."

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-350, § 1, Oct. 24, 2000, 114 Stat. 1361, provided that: "This Act [amending section 460bb-1 of this title] may be cited as the 'Golden Gate National Recreation Area Boundary Adjustment Act of 2000'."

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-299, § 1, June 9, 1992, 106 Stat. 236, provided that: "This Act [amending section 460bb-1 of this title

and enacting provisions set out as a note under section 460bb-1 of this title] may be cited as the 'Golden Gate National Recreation Area Addition Act of 1992'."

VISITOR SERVICES IN CRISSY FIELD AND FORT POINT  
AREAS

Pub. L. 108-108, title I, § 118, Nov. 10, 2003, 117 Stat. 1268, provided that: "Notwithstanding other provisions of law, the National Park Service hereafter may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-7, div. F, title I, § 120, Feb. 20, 2003, 117 Stat. 240.

Pub. L. 107-63, title I, § 123, Nov. 5, 2001, 115 Stat. 440.

Pub. L. 106-291, title I, § 140, Oct. 11, 2000, 114 Stat. 949.

EXEMPTION OF PRESIDIO TRUST FROM CALIFORNIA  
TAXES

Pub. L. 106-291, title III, § 315, Oct. 11, 2000, 114 Stat. 989, provided that: "All interests created under leases, concessions, permits and other agreements associated with the properties administered by the Presidio Trust, hereafter shall be exempt from all taxes and special assessments of every kind by the State of California and its political subdivisions."

Similar provisions were contained in Pub. L. 106-113, div. B, § 1000(a)(3) [title III, § 316], Nov. 29, 1999, 113 Stat. 1535, 1501A-192.

THE PRESIDIO OF SAN FRANCISCO

Pub. L. 104-333, div. I, title I, Nov. 12, 1996, 110 Stat. 4097, as amended by Pub. L. 105-83, title III, § 351, Nov. 14, 1997, 111 Stat. 1607; Pub. L. 106-113, div. B, § 1000(a)(3) [title III, § 334], Nov. 29, 1999, 113 Stat. 1535, 1501A-198; Pub. L. 106-176, title I, § 101, Mar. 10, 2000, 114 Stat. 23; Pub. L. 107-107, div. B, title XXVIII, § 2861, Dec. 28, 2001, 115 Stat. 1328, provided that:

"SEC. 101. FINDINGS.

"The Congress finds that—

"(1) the Presidio, located amidst the incomparable scenic splendor of the Golden Gate, is one of America's great natural and historic sites;

"(2) the Presidio was the oldest continuously operated military post in the Nation dating from 1776, and was designated a National Historic Landmark in 1962;

"(3) preservation of the cultural and historic integrity of the Presidio for public use recognizes its significant role in the history of the United States;

"(4) the Presidio, in its entirety, is a part of the Golden Gate National Recreation Area, in accordance with Public Law 92-589 [16 U.S.C. 460bb et seq.];

"(5) as part of the Golden Gate National Recreation Area, the Presidio's significant natural, historic, scenic, cultural, and recreational resources must be managed in a manner which is consistent with sound principles of land use planning and management, and which protects the Presidio from development and uses which would destroy the scenic beauty and historic and natural character of the area and cultural and recreational resources;

"(6) removal and/or replacement of some structures within the Presidio must be considered as a management option in the administration of the Presidio; and

"(7) the Presidio will be managed through an innovative public/private partnership that minimizes cost to the United States Treasury and makes efficient use of private sector resources.

"SEC. 102. AUTHORITY AND RESPONSIBILITY OF  
THE SECRETARY OF THE INTERIOR.

"(a) INTERIM AUTHORITY.—The Secretary of the Interior (hereinafter in this title referred to as the 'Secretary') is authorized to manage leases in existence on