

classifies as suitable for exchange and which is under his administrative jurisdiction. The values of the properties so exchanged shall be approximately equal or, if they are not approximately equal, they shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. In the exercise of his exchange authority, the Secretary may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(e) Mineral interests

Nothing in this subchapter shall be construed as limiting the authority of the Secretary to acquire mineral interests in lands within the recreation area, with or without the consent of the owner. Upon acquisition of any such interest, the lands and/or minerals covered by such interest are by this subchapter withdrawn from entry or appropriation under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(f) State lands

Any land or interest in land owned by the State of Idaho or any of its political subdivisions may be acquired only by donation or exchange.

(g) Transfer from Federal agency to administrative jurisdiction of Secretary

Notwithstanding any other provision of law, any Federal property located within the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this subchapter. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the recreation area shall become parts of the recreation area and of the national forest within or adjacent to which they are located.

(h) Condemnation authority

Except as otherwise provided, the Secretary shall have the authority to use condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(Pub. L. 92-400, § 3, Aug. 22, 1972, 86 Stat. 612.)

§ 460aa-3. Private land, regulations

(a) Use, subdivision and development standards; detail and specificity; land differences; amendment; promulgation; civil actions: jurisdiction, complaint, declaratory judgment

The Secretary shall make and publish regulations setting standards for the use, subdivision, and development of privately owned property within the boundaries of the recreation area. Such regulations shall be generally in furtherance of the purposes of this subchapter and shall have the object of assuring that the highest and best private use, subdivision, and development of such privately owned property is consistent with the purposes of this subchapter and with the overall general plan of the recreation area. Such regulations shall be as detailed and specific as is reasonably required to accomplish

such objective and purpose. Such regulations may differ amongst the several parcels of private land in the boundaries and may from time to time be amended by the Secretary. All regulations adopted under this section shall be promulgated in conformity with the provisions of subchapter II of chapter 5, and chapter 7, of title 5. The United States District Court for the District of Idaho shall have jurisdiction to review any regulations established pursuant to the first sentence of this subsection, upon a complaint filed within six months after the effective date of such regulations, by any affected landowner in an action for a declaratory judgment.

(b) Condemnation restriction; acquisitions limitation

After publication of such regulations, no privately owned lands shall be acquired by the Secretary by condemnation unless he determines, in his judgment, that such lands are being used, or are in imminent danger of being used, in a manner incompatible with the regulations established pursuant to this section or unless such lands are determined to be necessary for access or development, in which case such acquisitions shall be subject to the 5 per centum limitation established in section 460aa-2(a) of this title.

(Pub. L. 92-400, § 4, Aug. 22, 1972, 86 Stat. 613.)

CODIFICATION

In subsec. (a), "subchapter II of chapter 5, and chapter 7, of title 5" was substituted for "the Administrative Procedure Act" on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

§ 460aa-4. Repealed. Pub. L. 114-46, title I, § 108(a), Aug. 7, 2015, 129 Stat. 480

Section, Pub. L. 92-400, § 5, Aug. 22, 1972, 86 Stat. 614, related to administrative determination of suitability for designation as wilderness areas.

§ 460aa-5. Cooperation with other agencies in development and operation of facilities and services; Stanley, restoration

The Secretary may cooperate with other Federal agencies, with State and local public agencies, and with private individuals and agencies in the development and operation of facilities and services in the area in furtherance of the purposes of this subchapter, including, but not limited to, the restoration and maintenance of the historic setting and background of the frontier ranch-type town of Stanley.

(Pub. L. 92-400, § 6, Aug. 22, 1972, 86 Stat. 614.)

§ 460aa-6. State civil and criminal jurisdiction

Nothing in this subchapter shall diminish, enlarge, or modify any right of the State of Idaho, or any political subdivision thereof, to exercise civil and criminal jurisdiction within the recreation area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the recreation area.

(Pub. L. 92-400, § 7, Aug. 22, 1972, 86 Stat. 614.)

§ 460aa-7. Hunting and fishing regulations

The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction

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.