

**§ 460gg-12. Development and operation of facilities and services; cooperation with Federal, State, etc., agencies**

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, restoration and maintenance of the historic setting and background of towns and settlements within the recreation area.

(Pub. L. 94-199, §15, Dec. 31, 1975, 89 Stat. 1122.)

**§ 460gg-13. Authorization of appropriations**

**(a) Acquisition of lands**

There is hereby authorized to be appropriated the sum of not more than \$10,000,000 for the acquisition of lands and interests in lands within the recreation area.

**(b) Development of recreation facilities**

There is hereby authorized to be appropriated the sum of not more than \$10,000,000 for the development of recreation facilities within the recreation area.

**(c) Inventory, identification, development and protection of historic and archeological sites**

There is hereby authorized to be appropriated the sum of not more than \$1,500,000 for the inventory, identification, development, and protection of the historic and archeological sites described in section 5 of this Act.

(Pub. L. 94-199, §16, Dec. 31, 1975, 89 Stat. 1122.)

REFERENCES IN TEXT

Section 5 of this Act, referred to in subsec. (c), is section 5 of Pub. L. 94-199. Subsec. (a) of section 5 added par. (57) to section 1276(a) of this title, relating to the designation of the Snake River for potential addition to the national wildlife and scenic rivers system. Subsec. (b) of section 5, relating to the deauthorization of the Asotin Dam, was not classified to the Code.

SUBCHAPTER XCII—CHICKASAW NATIONAL RECREATION AREA

**§ 460hh. Establishment; boundaries; publication in Federal Register**

In order to provide for public outdoor recreation use and enjoyment of Arbuckle Reservoir and land adjacent thereto, and to provide for more efficient administration of other adjacent area containing scenic, scientific, natural, and historic values contributing to public enjoyment of the area and to designate the area in such manner as will constitute a fitting memorialization of the Chickasaw Indian Nation, there is hereby established the Chickasaw National Recreation Area (hereinafter referred to as the "recreation area") consisting of lands and interests in lands within the area as generally depicted on the drawing entitled "Boundary Map, Chickasaw National Recreation Area," numbered 107-20004-A and dated February 1974, which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary")

may from time to time revise the boundaries of the recreation area by publication of a map or other boundary description in the Federal Register, but the total acreage of the recreation area may not exceed ten thousand acres.

(Pub. L. 94-235, §1, Mar. 17, 1976, 90 Stat. 235.)

CHICKASAW NATIONAL RECREATION AREA LAND EXCHANGE

Pub. L. 108-389, Oct. 30, 2004, 118 Stat. 2239, known as the Chickasaw National Recreation Area Land Exchange Act of 2004, provided for the facilitation of a land exchange among the National Park Service, the Chickasaw Nation, and the City of Sulphur, Oklahoma, for the construction of the Chickasaw Nation Cultural Center within the Chickasaw National Recreation Area.

**§ 460hh-1. Acquisition of property**

**(a) Authority of Secretary; manner of acquisition**

The Secretary may acquire land or interests in lands within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries, and any land so acquired and not utilized for exchange shall be reported to the General Services Administration for disposal under chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41. Any Federal property located within the boundaries of the recreation area may be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the recreation area. Lands within the boundaries of the recreation area owned by the State of Oklahoma, or any political subdivision thereof, may be acquired only by donation: *Provided*, That the Secretary may also acquire lands by exchange with the city of Sulphur, utilizing therefor only such lands as may be excluded from the recreation area which were formerly within the Platt National Park.

**(b) Acquisition of improved residential property; retention by owners of right of use and occupancy for noncommercial residential purposes; terms; payment of fair market value**

With respect to improved residential property acquired for the purposes of this subchapter, which is beneficially owned by a natural person and which the Secretary determines can be continued in that use for a limited period of time without undue interference with the administration, development, or public use of the recreation area, the owner thereof may on the date of its acquisition by the Secretary retain a right of use and occupancy of the property for non-commercial residential purposes for a term, as the owner may elect, ending either (1) at the death of the owner or his spouse, whichever occurs later, or (2) not more than twenty-five years from the date of acquisition. Any right so retained may, during its existence, be transferred or assigned. The Secretary shall pay to

the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner.

**(c) “Improved residential property” defined; determination by Secretary**

As used in this subchapter, “improved residential property” means a single-family year-round dwelling, the construction of which began before March 1, 1975, and which serves as the owner’s permanent place of abode at the time of its acquisition by the United States, together with not more than three acres of land on which the dwelling and appurtenant buildings are located that the Secretary finds is reasonably necessary for the owner’s continued use and occupancy of the dwelling: *Provided*, That the Secretary may exclude from improved residential property any waters and adjoining land that the Secretary deems is necessary for public access to such waters.

**(d) Termination of right of use and occupancy; determination by Secretary**

The Secretary may terminate a right to use and occupancy retained pursuant to this section upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this subchapter, and upon tender to the holder of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(Pub. L. 94-235, § 2, Mar. 17, 1976, 90 Stat. 235.)

CODIFICATION

In subsec. (a), “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

**§ 460hh-2. Establishment of hunting and fishing zones; exceptions; consultation with State agencies**

The Secretary shall permit hunting and fishing on lands and waters within the recreation area in accordance with applicable Federal and State laws: *Provided*, That he may designate zones where, and establish periods when, no hunting or fishing will be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations issued by the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting and fishing activities.

(Pub. L. 94-235, § 3, Mar. 17, 1976, 90 Stat. 236.)

**§ 460hh-3. Law governing; Arbuckle Dam and Reservoir**

(a) Except as otherwise provided in this subchapter, the Secretary shall administer the recreation area in accordance with the provi-

sions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4),<sup>1</sup> as amended and supplemented.

(b) Nothing contained in this subchapter shall affect or interfere with the authority of the Secretary by the Act of August 24, 1962 (76 Stat. 395) [43 U.S.C. 616k et seq.], to operate the Arbuckle Dam and Reservoir in accordance with and for the purposes set forth in that Act.

(Pub. L. 94-235, § 4, Mar. 17, 1976, 90 Stat. 236.)

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§ 3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

Act of August 24, 1962, referred to in subsec. (b), is Pub. L. 87-594, Aug. 24, 1962, 76 Stat. 395, which was classified to subchapter XL (§ 616k et seq.) of chapter 12 of Title 43, Public Lands, and which was omitted from the Code because of limited applicability.

**§ 460hh-4. Platt National Park designation repealed; incorporation of areas into Chickasaw National Recreation Area**

The Act of June 29, 1906 (34 Stat. 837), which directed that certain lands now included by this subchapter in the recreation area be designated as the Platt National Park, is hereby repealed, and such lands shall hereafter be considered and known as an integral part of the Chickasaw National Recreation Area: *Provided*, That within such area the Secretary may cause to be erected suitable markers or plaques to honor the memory of Orville Hitchcock Platt and to commemorate the original establishment of Platt National Park.

(Pub. L. 94-235, § 5, Mar. 17, 1976, 90 Stat. 236.)

REFERENCES IN TEXT

Act of June 29, 1906, referred to in text, is act June 29, 1906, No. 42, 34 Stat. 837, which was classified to sections 151, 152, and 153 of this title, and was repealed by Pub. L. 94-235, § 5, Mar. 17, 1976, 90 Stat. 236.

**§ 460hh-5. Concurrent legislative jurisdiction with State of Oklahoma; requisites; notice in Federal Register**

Notwithstanding the provisions of section 153 of this title, which retain exclusive jurisdiction in the United States, upon notification in writing to the Secretary by the appropriate State officials of the acceptance by the State of Oklahoma of concurrent legislative jurisdiction over the lands formerly within the Platt National Park, the Secretary shall publish a notice to that effect in the Federal Register and, upon such publication, concurrent legislative jurisdiction over such lands is hereby ceded to the State of Oklahoma: *Provided*, That such cession

<sup>1</sup> See References in Text note below.