

considered to be the boundaries of the national forest.

(Pub. L. 106-530, §8, Nov. 22, 2000, 114 Stat. 2532.)

CODIFICATION

In subsec. (c)(2)(B), “sections 100506(c) and 200306 of title 54” substituted for “section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4607-9)” on authority of Pub. L. 113-287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

§ 410hhh-7. Water rights

(a) Omitted

(b) Effect on water rights

(1) In general

Subject to the amendment made by subsection (a),¹ nothing in this subchapter affects—

(A) the use, allocation, ownership, or control, in existence on November 22, 2000, of any water, water right, or any other valid existing right;

(B) any vested absolute or decreed conditional water right in existence on November 22, 2000, including any water right held by the United States;

(C) any interstate water compact in existence on November 22, 2000; or

(D) subject to the provisions of paragraph (2), State jurisdiction over any water law.

(2) Water rights for national park and national preserve

In carrying out this subchapter, the Secretary shall obtain and exercise any water rights required to fulfill the purposes of the national park and the national preserve in accordance with the following provisions:

(A) Such water rights shall be appropriated, adjudicated, changed, and administered pursuant to the procedural requirements and priority system of the laws of the State of Colorado.

(B) The purposes and other substantive characteristics of such water rights shall be established pursuant to State law, except that the Secretary is specifically authorized to appropriate water under this subchapter exclusively for the purpose of maintaining ground water levels, surface water levels, and stream flows on, across, and under the national park and national preserve, in order to accomplish the purposes of the national park and the national preserve and to protect park resources and park uses.

(C) Such water rights shall be established and used without interfering with—

(i) any exercise of a water right in existence on November 22, 2000, for a non-Federal purpose in the San Luis Valley, Colorado; and

(ii) the Closed Basin Division, San Luis Valley Project.

(D) Except as provided in subsections (c) and (d), no Federal reservation of water may be claimed or established for the national park or the national preserve.

(c) National Forest water rights

To the extent that a water right is established or acquired by the United States for the Rio Grande National Forest, the water right shall—

(1) be considered to be of equal use and value for the national preserve; and

(2) retain its priority and purpose when included in the national preserve.

(d) National Monument water rights

To the extent that a water right has been established or acquired by the United States for the Great Sand Dunes National Monument, the water right shall—

(1) be considered to be of equal use and value for the national park; and

(2) retain its priority and purpose when included in the national park.

(e) Acquired water rights and water resources

(1) In general

(A) If, and to the extent that, the Luis Maria Baca Grant No. 4 is acquired, all water rights and water resources associated with the Luis Maria Baca Grant No. 4 shall be restricted for use only within—

(i) the national park;

(ii) the preserve;

(iii) the national wildlife refuge; or

(iv) the immediately surrounding areas of Alamosa or Saguache Counties, Colorado.

(B) USE.—Except as provided in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LLC, and Baca Grande Water and Sanitation District, dated August 28, 1997, water rights and water resources described in subparagraph (A) shall be restricted for use in—

(i) the protection of resources and values for the national monument, the national park, the preserve, or the wildlife refuge;

(ii) fish and wildlife management and protection; or

(iii) irrigation necessary to protect water resources.

(2) State authority

If, and to the extent that, water rights associated with the Luis Maria Baca Grant No. 4 are acquired, the use of those water rights shall be changed only in accordance with the laws of the State of Colorado.

(f) Disposal

The Secretary is authorized to sell the water resources and related appurtenances and fixtures as the Secretary deems necessary to obtain the termination of obligations specified in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LLC and the Baca Grande Water and Sanitation District, dated August 28, 1997. Prior to the sale, the Secretary shall determine that the sale is not detrimental to the protection of the resources of Great Sand Dunes National Monument, Great Sand Dunes National Park, and Great Sand Dunes National Preserve, and the Baca National Wildlife Refuge, and that appropriate measures to provide for such protection are included in the sale.

¹ See Codification note below.

(Pub. L. 106-530, §9, Nov. 22, 2000, 114 Stat. 2533.)

CODIFICATION

Section is comprised of section 9 of Pub. L. 106-530. Subsec. (a) of section 9 of Pub. L. 106-530 amended section 1501(a) of Pub. L. 102-575, 106 Stat. 4663, which is not classified to the Code.

§ 410hhh-8. Advisory Council

(a) Establishment

The Secretary shall establish an advisory council to be known as the “Great Sand Dunes National Park Advisory Council”.

(b) Duties

The Advisory Council shall advise the Secretary with respect to the preparation and implementation of a management plan for the national park and the preserve.

(c) Members

The Advisory Council shall consist of 10 members, to be appointed by the Secretary, as follows:

- (1) One member of, or nominated by, the Alamosa County Commission.
- (2) One member of, or nominated by, the Saguache County Commission.
- (3) One member of, or nominated by, the Friends of the Dunes Organization.
- (4) Four members residing in, or within reasonable proximity to, the San Luis Valley and 3 of the general public, all of whom have recognized backgrounds reflecting—
 - (A) the purposes for which the national park and the preserve are established; and
 - (B) the interests of persons that will be affected by the planning and management of the national park and the preserve.

(d) Applicable law

The Advisory Council shall function in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other applicable laws.

(e) Vacancy

A vacancy on the Advisory Council shall be filled in the same manner as the original appointment.

(f) Chairperson

The Advisory Council shall elect a chairperson and shall establish such rules and procedures as it deems necessary or desirable.

(g) No compensation

Members of the Advisory Council shall serve without compensation.

(h) Termination

The Advisory Council shall terminate upon the completion of the management plan for the national park and preserve.

(Pub. L. 106-530, §10, Nov. 22, 2000, 114 Stat. 2535.)

REFERENCES IN TEXT

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

§ 410hhh-9. Authorization of appropriations

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

(Pub. L. 106-530, §11, Nov. 22, 2000, 114 Stat. 2536.)

SUBCHAPTER LIX-GG—CEDAR CREEK AND BELLE GROVE NATIONAL HISTORICAL PARK

§ 410iii. Purpose

The purpose of this subchapter is to establish the Cedar Creek and Belle Grove National Historical Park in order to—

- (1) help preserve, protect, and interpret a nationally significant Civil War landscape and antebellum plantation for the education, inspiration, and benefit of present and future generations;
- (2) tell the rich story of Shenandoah Valley history from early settlement through the Civil War and beyond, and the Battle of Cedar Creek and its significance in the conduct of the war in the Shenandoah Valley;
- (3) preserve the significant historic, natural, cultural, military, and scenic resources found in the Cedar Creek Battlefield and Belle Grove Plantation areas through partnerships with local landowners and the community; and
- (4) serve as a focal point to recognize and interpret important events and geographic locations within the Shenandoah Valley Battlefields National Historic District representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. (Stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864.

(Pub. L. 107-373, §2, Dec. 19, 2002, 116 Stat. 3104.)

SHORT TITLE

Pub. L. 107-373, §1, Dec. 19, 2002, 116 Stat. 3104, provided that: “This Act [enacting this subchapter] may be cited as the ‘Cedar Creek and Belle Grove National Historical Park Act.’”

§ 410iii-1. Findings

Congress finds the following:

- (1) The Battle of Cedar Creek, also known as the battle of Belle Grove, was a major event of the Civil War and the history of this country. It represented the end of the Civil War’s Shenandoah Valley campaign of 1864 and contributed to the reelection of President Abraham Lincoln and the eventual outcome of the war.
- (2) 2,500 acres of the Cedar Creek Battlefield and Belle Grove Plantation were designated a national historic landmark in 1969 because of their ability to illustrate and interpret important eras and events in the history of the United States. The Cedar Creek Battlefield, Belle Grove Manor House, the Heater House, and Harmony Hall (a National Historic Landmark) are also listed on the Virginia Landmarks Register.
- (3) The Secretary of the Interior has approved the Shenandoah Valley Battlefields National Historic District Management Plan and the National Park Service Special Resource Study, both of which recognized Cedar Creek Battlefield as the most significant Civil War resource within the historic district. The management plan, which was developed with extensive public participation over a 3-year period and is administered by the Shenandoah