

(Pub. L. 94-199, § 8, Dec. 31, 1975, 89 Stat. 1119.)

CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

**§ 460gg-6. Acquisition of property**

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

The Secretary is authorized to acquire such lands or interests in land (including, but not limited to, scenic easements) as he deems necessary to accomplish the purposes of this subchapter by purchase with donated or appropriated funds with the consent of the owner, donation, or exchange.

**(b) Acquisition without consent of owners; limitations; scenic easements**

The Secretary is further authorized to acquire by purchase with donated or appropriated funds such lands or interests in lands without the consent of the owner only if (1) he deems that all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and (2) the total acreage of all other lands within the recreation area to which he has acquired fee simple title or, lesser interests therein without the consent of the owner is less than 5 per centum of the total acreage which is privately owned within the recreation area on December 31, 1975: *Provided*, That the Secretary may acquire scenic easements in lands without the consent of the owner and without restriction to such 5 per centum limitation: *Provided further*, That the Secretary may only acquire scenic easements in lands without the consent of the owner after the date of publication of the regulations required by section 460gg-7 of this title when he determines that such lands are being used, or are in imminent danger of being used, in a manner incompatible with such regulations.

**(c) Donation of Oregon land; donation or exchange of Idaho land**

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

**(d) "Scenic easement" defined**

As used in this subchapter the term "scenic easement" means the right to control the use of land in order to protect esthetic values for the purposes of this subchapter, but shall not preclude the continuation of any farming or pastoral use exercised by the owner as of December 31, 1975.

**(e) Offers to sell land; hardship from delay**

The Secretary shall give prompt and careful consideration to any offer made by a person

owning land within the recreation area to sell such land to the United States. The Secretary shall specifically consider any hardship to such person which might result from an undue delay in acquiring his property.

**(f) Exchange of land; equalization payments**

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property, or interests therein, located within the recreation area and, notwithstanding any other provision of law, he may convey in exchange therefor any federally owned property within the same State which he classifies as suitable for exchange and which is under his administrative jurisdiction: *Provided*, That 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 United States 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.

**(g) Acquisition of mineral interests**

Notwithstanding any other provision of law, the Secretary is authorized 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.

**(h) Transfer of Federal property to 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 national forest within or adjacent to which they are located.

(Pub. L. 94-199, § 9, Dec. 31, 1975, 89 Stat. 1120.)

**§ 460gg-7. Rules and regulations**

The Secretary shall promulgate, and may amend, such rules and regulations as he deems necessary to accomplish the purposes of this subchapter. Such rules and regulations shall include, but are not limited to—

(a) standards for the use and development of privately owned property within the recreation area, which rules or regulations the Secretary may, to the extent he deems advisable, implement with the authorities delegated to him in section 460gg-6 of this title, and which may differ among the various parcels of land within the recreation area;

(b) standards and guidelines to insure the full protection and preservation of the historic, archeological, and paleontological resources in the recreation area;

(c) provision for the control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of any Federal land within the recreation area;

(d) provision for the control of the use and number of motorized and nonmotorized river craft: *Provided*, That the use of such craft is hereby recognized as a valid use of the Snake River within the recreation area; and

(e) standards for such management, utilization, and disposal of natural resources on federally owned lands, including but not limited to, timber harvesting by selective cutting, mining, and grazing and the continuation of such existing uses and developments as are compatible with the provisions of this subchapter.

(Pub. L. 94-199, §10, Dec. 31, 1975, 89 Stat. 1121.)

**§ 460gg-8. Lands withdrawn from location, entry, and patent under United States mining laws**

Notwithstanding the provisions of section 1133(d)(2) of this title and 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, and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(Pub. L. 94-199, §11, Dec. 31, 1975, 89 Stat. 1122.)

**§ 460gg-9. Hunting and fishing**

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 States wherein the lands and waters are located except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons for 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. 94-199, §12, Dec. 31, 1975, 89 Stat. 1122.)

**§ 460gg-10. Ranching, grazing, etc., as valid uses of area**

Ranching, grazing, farming, timber harvesting, and the occupation of homes and lands associated therewith, as they exist on December 31, 1975, are recognized as traditional and valid uses of the recreation area.

(Pub. L. 94-199, §13, Dec. 31, 1975, 89 Stat. 1122.)

**§ 460gg-11. Civil and criminal jurisdiction of Idaho and Oregon**

Nothing in this subchapter shall diminish, enlarge, or modify any right of the States of Idaho, Oregon, or any political subdivisions 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. 94-199, §14, Dec. 31, 1975, 89 Stat. 1122.)

**§ 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")