

of this Act to the Code, see Short Title note set out under section 460bbb of this title and Tables.

§ 460bbb-5. Fish and game

Nothing in this subchapter shall be construed to affect the jurisdiction or responsibilities of the State of California with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping on any lands managed by the Secretary under this subchapter, except that the Secretary may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of protecting nongame species and their habitats, public safety, administration, or public use and enjoyment. Except in emergencies, any regulation of the Secretary pursuant to this section shall be put into effect only after consultation with the fish and wildlife agency of the State of California.

(Pub. L. 101-612, § 7, Nov. 16, 1990, 104 Stat. 3214.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this Act", meaning Pub. L. 101-612, Nov. 16, 1990, 104 Stat. 3209, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 460bbb of this title and Tables.

§ 460bbb-6. Minerals

(a) Withdrawal

Subject to valid existing rights, Federal lands within the exterior boundary of the recreation area are hereby withdrawn from all forms of location, entry, and patent under the United States mining laws and from disposition under the mineral leasing laws, including all laws pertaining to geothermal leasing.

(b) Patents

Patents may not be issued under the mining laws of the United States after November 16, 1990, for locations and claims made before November 16, 1990, on Federal lands located within the exterior boundaries of the recreation area.

(c) Administration

Subject to valid existing rights except for extraction of common variety minerals such as stone, sand, and gravel for use in construction and maintenance of roads and other facilities within the recreation area and the excluded areas, all other mineral development on federally owned lands within the recreation area is prohibited.

(d) Regulations

The Secretary is authorized and directed to issue supplementary regulations to promote and protect the purposes for which the recreation area is designated.

(Pub. L. 101-612, § 8, Nov. 16, 1990, 104 Stat. 3214.)

§ 460bbb-7. Management planning

The Secretary shall revise the document entitled "Smith River National Recreation Area Management Plan" dated February 1990 to conform to the provisions of this subchapter, and such revised plan shall guide management of the recreation area and shall be incorporated in its

entirety into the forest plan for the Six Rivers National Forest. This incorporation shall not be deemed a revision or amendment to the forest plan for purposes of the¹ section 1604 of this title. The Secretary shall make such further revisions to the management plan as are necessary in order to include more specific development and use plans for the recreation areas. Such revisions shall be made no later than 5 years after November 16, 1990. Such revisions and any other modifications of the management plan shall be made only through the processes of revision or amendment of the forest plan pursuant to section 1604 of this title, including appropriate consultation with State and local government officials and provision for full public participation considering the views of all interested parties, organizations, and individuals.

(Pub. L. 101-612, § 9, Nov. 16, 1990, 104 Stat. 3214.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this Act", meaning Pub. L. 101-612, Nov. 16, 1990, 104 Stat. 3209, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 460bbb of this title and Tables.

MANAGEMENT

Pub. L. 101-612, § 10(c), Nov. 16, 1990, 104 Stat. 3219, provided that: "The management plan prepared under section 9 of this Act [this section] shall be deemed to satisfy the requirement for a comprehensive management plan required under section 3(d)(1) of the Wild and Scenic Rivers Act [section 1274(d)(1) of this title]."

§ 460bbb-8. Streamside protection zones

(a) Three hundred foot zones

For each of the rivers and river segments specified in this subsection, there is hereby established a streamside protection zone in which timber harvesting shall be prohibited except as permitted by section 460bbb-3(a)(7) of this title. Such zone shall extend 300 feet from each bank of the rivers and river segments, or 100 feet from the inner gorge of said rivers and river segments, or within the limit of high and extreme landslide hazards on said rivers and river segments, whichever is greater. The provisions of this subsection shall apply to the following rivers and river segments:

(1) Rowdy Creek (from California-Oregon border to NRA boundary).

(2) Shelly Creek (from its headwaters to Patrick Creek).

(3) East Fork Patrick Creek (from its headwaters to Patrick Creek).

(4) West Fork Patrick Creek (from its headwaters to Patrick Creek).

(5) Little Jones Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(6) Patrick Creek (from the confluence of the East and West forks of Patrick Creek to the Middle Fork of the Smith River).

(7) Monkey Creek (from its headwaters to its confluence with the Middle Fork of the Smith River).

(8) Hardscrabble Creek (from its headwaters to its confluence with the Middle Fork of the Smith River).

¹ So in original. Word "the" probably should not appear.

(9) Quartz Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(10) Jones Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(11) Upper Hurdygurdy Creek (from its headwaters to Dry Lake).

(12) Gordon Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(13) Coon Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(14) Craigs Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(15) Goose Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(16) East Fork of Goose Creek (from its headwaters to its confluence with Goose Creek).

(17) Muzzleloader Creek (from its headwaters to its confluence with Jones Creek).

(18) Canthook Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(19) Rock Creek (from the NRA boundary to its confluence with the South Fork of the Smith River).

(20) Blackhawk Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(b) One-quarter mile zones

For each of the rivers and river segments specified in this subsection there is established a streamside protection zone in which timber harvesting shall be prohibited except as permitted in section 460bbb-3(a)(7) of this title. Such zone shall extend on the average of one-quarter mile on either side of said rivers and river segments, or 100 feet from the inner gorge of said rivers and river segments, or within the limit of high and extreme landslide hazards on said rivers and river segments, whichever is greater. The provisions of this subsection shall apply to the following rivers and river segments:

(1) Main stem Smith (from the South Fork to the NRA boundary).

(2) Middle Fork Smith (from its headwaters to its confluence with the Middle Fork of the Smith River).

(3) Myrtle Creek (from its headwaters to its confluence with the Middle Fork of the Smith River).

(4) Kelly Creek (from its headwaters to its confluence with the Middle Fork of the Smith River).

(5) Packsaddle Creek (from its headwaters to its confluence with the Middle Fork of the Smith River).

(6) Griffin Creek (from its headwaters to its confluence with the Middle Fork of the Smith River).

(7) Knopti Creek (from its headwaters to its confluence with the Middle Fork of the Smith River).

(8) North Fork of the Smith River (from the California/Oregon border to its confluence with the Middle Fork of the Smith River).

(9) Diamond Creek (from the California/Oregon border to its confluence with the North Fork of the Smith River).

(10) Bear Creek (from its headwaters to its confluence with Diamond Creek).

(11) Still Creek (from its headwaters to its confluence with the North Fork of the Smith River).

(12) North Fork of Diamond Creek (from the California/Oregon border to its confluence with Diamond Creek).

(13) High Plateau Creek (from its headwaters to its confluence with Diamond Creek).

(14) Stony Creek (from its headwaters to its confluence with the North Fork of the Smith River).

(15) Peridotite Creek (from its headwaters to its confluence with the North Fork of the Smith River).

(16) Siskiyou Fork, Smith River (from its headwaters to the Middle Fork of the Smith River).

(17) South Siskiyou Fork of the Smith River (from its headwaters to its confluence with the Siskiyou Fork of the Smith River).

(18) South Fork¹ Smith River (from its headwaters to its confluence with the Middle Fork of the Smith River).

(19) Williams Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(20) Eight Mile Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(21) Harrington Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(22) Prescott Fork of the Smith River (from its headwaters to its confluence with the South Fork of the Smith River).

(23) Buck Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(c) Lower Hurdygurdy Creek

For the Lower Hurdygurdy Creek (from Dry Lake to its confluence with the South Fork of the Smith River) there is established a streamside protection zone in which timber harvesting shall be prohibited except as permitted by section 460bbb-3(a)(7) of this title. Such zone shall extend one-eighth mile on either side of said Lower Hurdygurdy Creek.

(d) Other restrictions on timber harvesting

The provisions of this section shall be in addition to, and not in lieu of, any restrictions on timber harvesting or other activities applicable to the streamside protection zones established by this section under any other applicable provision of this subchapter.

(Pub. L. 101-612, §11, Nov. 16, 1990, 104 Stat. 3219.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (d), was in the original "this Act", meaning Pub. L. 101-612, Nov. 16, 1990, 104 Stat. 3209, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 460bbb of this title and Tables.

¹ So in original. Probably should be followed by "of the".

§ 460bbb-9. State and local jurisdiction and assistance

(a) State and local jurisdiction

Nothing in this subchapter shall diminish, enlarge, or modify any right of the State of California or any political subdivision thereof, to exercise civil and criminal jurisdiction or to carry out State fish and game laws, rules, and regulations within the recreation area, or to tax persons, franchise, or private property on the lands and waters included in the recreation area, or to regulate the private lands within the recreation area.

(b) Cooperative agreements

The Secretary is authorized and encouraged to enter into cooperative agreements with the State of California or its political subdivisions for—

- (1) the rendering on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire prevention agencies; and
- (2) the planning for use, management, and development of non-Federal lands within the recreation area and elsewhere in the Smith River watershed in the furtherance of the purposes of this subchapter.

(c) Technical assistance

To enable the State of California and its political subdivisions to develop and implement programs compatible with the purposes of this subchapter, the Secretary, in consultation with the Secretaries of the Interior, Commerce, and Housing and Urban Development, shall consider upon request such technical assistance to the State and its political subdivisions as is necessary to fulfill the purposes of this section. Such assistance may include payments or grants, within existing programs, for technical aid and program development.

(d) Land information system

The Secretary of Agriculture shall assist the county of Del Norte in developing a land information system that will be compatible with the Forest Service and National Park Service systems for the Federal lands in Del Norte County and such non-Federal systems as may be appropriate and that will be made available to Federal and non-Federal entities for use in coordinating planning for the recreation area and other lands in the Smith River watershed.

(Pub. L. 101-612, § 12, Nov. 16, 1990, 104 Stat. 3221.)

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a), (b)(2), and (c), was in the original "this Act", meaning Pub. L. 101-612, Nov. 16, 1990, 104 Stat. 3209, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 460bbb of this title and Tables.

§ 460bbb-10. Savings provision

(a) Activities on lands outside of recreation area

Nothing in this subchapter shall limit, restrict, or require specific management practices on lands outside the recreation area boundary. The fact that activities or uses outside the recreation area can be seen, heard, or otherwise

perceived within the recreation area shall not, of itself, limit, restrict, or preclude such activities or uses up to the boundary of the recreation area.

(b) Prior rights

(1) Nothing in this subchapter shall limit, restrict, or preclude the implementation of valid timber sale contracts or other contracts or agreements executed by the Secretary before November 16, 1990.

(2) Except as specifically provided herein nothing in this subchapter shall be construed as diminishing or relinquishing any right, title, or interest of the United States in any lands, waters, or interests therein within the boundaries of the recreation area designated by this subchapter.

(c) Road easements

Nothing in this subchapter shall be construed as affecting the responsibilities of the State of California or any of its political subdivisions with respect to road easements, including maintenance and improvement of State Highway 199 and County Route 427.

(d) Rights of access

Existing rights provided by Federal law for access by private landowners across National Forest System lands shall not be affected by this subchapter.

(e) Entitlement moneys

Annually for the first two full fiscal years after November 16, 1990, the Secretary shall pay for use by units of local government within the recreation area an amount equal to the difference between the amounts payable for such purposes pursuant to the Act of May 23, 1908 (chapter 193; 35 Stat. 251; 16 U.S.C. 500) and the average amount paid for such purpose under such Act during the five fiscal years preceding November 16, 1990. The amount payable under this subsection shall be reduced by 10 percent annually thereafter for each succeeding fiscal year until the amount payable shall be reduced 100 percent by the end of the twelfth fiscal year after November 16, 1990. This subsection shall expire 11 years after the first payment pursuant to this subsection.

(Pub. L. 101-612, § 13, Nov. 16, 1990, 104 Stat. 3222.)

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a) to (d), was in the original "this Act", meaning Pub. L. 101-612, Nov. 16, 1990, 104 Stat. 3209, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 460bbb of this title and Tables.

Act of May 23, 1908 (chapter 193; 35 Stat. 251; 16 U.S.C. 500), referred to in subsec. (e), probably means act May 23, 1908, ch. 192, 35 Stat. 260, which is classified to section 500 of this title.

§ 460bbb-11. Authorization of appropriations

There are authorized to be appropriated such funds as may be necessary to carry out this subchapter and the amendments made by this subchapter.

(Pub. L. 101-612, § 14, Nov. 16, 1990, 104 Stat. 3222.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this Act", meaning Pub. L. 101-612, Nov. 16, 1990,