

able for the effective use of the rights to water and the disposal of waste provided for herein and for other utility and private purposes if permission therefor has been obtained from the State of Oregon, subject to such reasonable terms and conditions as he deems necessary for the protection of the scenic, scientific, historic, and recreational features of the recreation area.

(Pub. L. 92-260, § 11, Mar. 23, 1972, 86 Stat. 101.)

§ 460z-10. Advisory Council

(a) Establishment; membership

The Secretary shall establish an advisory council for the Oregon Dunes National Recreation Area, and shall consult on a periodic and regular basis with such council with respect to matters relating to management and development of the recreation area. The members of the advisory council, who shall not exceed fifteen in number, shall serve for individual staggered terms of three years each and shall be appointed by the Secretary as follows:

(i) a member to represent each county in which a portion of the recreation area is located, each such appointee to be designated by the respective governing body of the county involved;

(ii) a member appointed to represent the State of Oregon, who shall be designated by the Governor of Oregon;

(iii) not to exceed eleven members appointed by the Secretary from among persons who, individually or through association with national or local organizations, have an interest in the administration of the recreation area; and

(iv) the Secretary shall designate one member to be Chairman and shall fill vacancies in the same manner as the original appointment.

(b) Private viewpoints

The Secretary shall, in addition to his consultation with the advisory council, seek the views of other private groups and individuals with respect to administration of the recreation area.

(c) Payment of expenses

The members shall not receive any compensation for their services as members of the council, as such, but the Secretary is authorized to pay expenses reasonably incurred by the council in carrying out its responsibilities.

(Pub. L. 92-260, § 12, Mar. 23, 1972, 86 Stat. 102.)

TERMINATION OF ADVISORY COUNCILS

Advisory councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 460z-11. Area review; report to the President; wilderness designation

Within three years from March 23, 1972, the Secretary shall review the area within the

boundaries of the recreation area and shall report to the President, in accordance with section 1132(b) and (d) of this title, his recommendation as to the suitability or nonsuitability of any area within the recreation area for preservation as a wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with section 1132(b) and (d) of this title.

(Pub. L. 92-260, § 13, Mar. 23, 1972, 86 Stat. 102.)

CODIFICATION

Section 1132(b) and (d) of this title, the first time appearing in text, was in the original "subsections 3(b) and 3(d) of the Wilderness Act" and, the second time appearing in text, was in the original "said subsection of the Wilderness Act".

§ 460z-12. Federal-State cooperation

The Secretary shall cooperate with the State of Oregon or any political subdivision thereof in the administration of the recreation area and in the administration and protection of lands within or adjacent to the recreation area owned or controlled by the State or political subdivision there. Nothing in this subchapter shall deprive the State of Oregon or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the recreation area consistent with this subchapter, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

(Pub. L. 92-260, § 14, Mar. 23, 1972, 86 Stat. 102.)

§ 460z-13. Authorization of appropriations

There are hereby authorized to be appropriated for the acquisition of lands, waters, and interests therein such sums as are necessary, not to exceed \$5,750,000. For development of the recreation area, not more than \$12,700,000 is authorized to be appropriated.

(Pub. L. 92-260, § 15, Mar. 23, 1972, 86 Stat. 102; Pub. L. 94-578, title III, § 316, Oct. 21, 1976, 90 Stat. 2737.)

AMENDMENTS

1976—Pub. L. 94-578 substituted "There are hereby authorized to be appropriated for the acquisition of lands, waters, and interests therein such sums as are necessary, not to exceed \$5,750,000" for "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, but not more than \$2,500,000 is authorized to be appropriated for such purposes".

SUBCHAPTER LXXXV—SAWTOOTH NATIONAL RECREATION AREA

§ 460aa. Establishment

(a) In general

In order to assure the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of the recreational values associated therewith, the Sawtooth National Recreation Area is hereby established.

(b) Boundaries; publication in Federal Register

The Sawtooth National Recreation Area (hereafter referred to as the "recreation area"), in-

cluding the Sawtooth Wilderness Area (hereafter referred to as the "wilderness area"), shall comprise the lands generally depicted on the map entitled "Sawtooth National Recreation Area" dated June 1972, which shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture. The Secretary of Agriculture (hereafter referred to as the "Secretary") shall, as soon as practicable after August 22, 1972, publish a detailed description and map showing the boundaries of the recreation area in the Federal Register.

(Pub. L. 92-400, §1, Aug. 22, 1972, 86 Stat. 612.)

§ 460aa-1. Administration

(a) Recreation area

The Secretary shall administer the recreation area in accordance with the laws, rules and regulations applicable to the national forests in such manner as will best provide (1) the protection and conservation of the salmon and other fisheries; (2) the conservation and development of scenic, natural, historic, pastoral, wildlife, and other values, contributing to and available for public recreation and enjoyment, including the preservation of sites associated with and typifying the economic and social history of the American West; and (3) the management, utilization, and disposal of natural resources on federally owned lands such as timber, grazing, and mineral resources insofar as their utilization will not substantially impair the purposes for which the recreation area is established.

(b) Wilderness area

The lands designated as the Sawtooth Wilderness Area, which supersedes the Sawtooth Primitive Area, shall be administered in accordance with the provisions of this subchapter and the provisions of the Wilderness Act [16 U.S.C. 1131 et seq.], whichever is more restrictive, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this subchapter.

(Pub. L. 92-400, §2, Aug. 22, 1972, 86 Stat. 612.)

REFERENCES IN TEXT

The Wilderness Act, referred to in subsec. (b), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

The effective date of the Wilderness Act, referred to in subsec. (b), means Sept. 3, 1964, the date of enactment of Pub. L. 88-577, which enacted chapter 23 of this title.

The effective date of this subchapter, referred to in subsec. (b), means Aug. 22, 1972, the date of enactment of Pub. L. 92-400, which enacted this subchapter.

§ 460aa-2. Acquisition of land

(a) Authority of Secretary; manner; limitation; "scenic easement" defined

Except as provided in section 460aa-3 of this title, the Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest, or otherwise any lands, or lesser interests therein, including min-

eral interests and scenic easements, which he determines are needed for the purposes of this subchapter: *Provided*, That acquisitions of lands or interests therein for access to and utilization of public property, and for recreation and other facilities, shall not exceed five per centum of the total acreage of all private property within the recreation area as of August 22, 1972.

As used in this subchapter the term "scenic easement" means the right to control the use of land in order to protect the esthetic values for the purposes of this subchapter, but shall not preclude the continuation of any use exercised by the owner as of August 22, 1972.

(b) Offers of land; hardship from acquisition delays

In exercising this authority to acquire lands, the Secretary shall give prompt and careful consideration to any offer made by an individual owning any land, or interest in land, within the boundaries described in section 460aa(b) of this title. In considering such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring his property.

(c) Condemnation proceedings

The Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests therein pursuant to this section only in cases where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to accomplish the objectives of this subchapter.

(d) Exchange of property; cash 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 State of Idaho which he 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. Administrative determination of suitability for designation as wilderness areas

The Secretary shall, as soon as practicable after August 22, 1972, review the undeveloped and unimproved portion or portions of the recreation area as to suitability or nonsuitability for preservation as a part of the National Wilderness Preservation System. In conducting his review, the Secretary shall comply with the provisions of section 1132(d) of this title, relating to public notice, public hearings, and review by State and other agencies, and shall advise the Senate and House of Representatives of his recommendations with respect to the designation as wilderness of the area or areas reviewed.

(Pub. L. 92-400, §5, Aug. 22, 1972, 86 Stat. 614.)

§ 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.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

§ 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.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

§ 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.

(c) Master plan, cost estimates and proposed legislation for establishment of park administrative unit

Any recommendation for the establishment of a unit of the national park system shall be ac-

accompanied by (1) a master plan for the development and administration of such unit, indicating proposed boundaries, access or other roads, visitor facilities, and proposed management concepts applicable to such unit; (2) a statement of the estimated Federal cost for acquisition, development, and operation of such unit; and (3) proposed legislation for establishment of such park administrative unit.

(d) Authorization of appropriations

There are authorized to be appropriated not more than \$50,000 to carry out the provisions of this section.

(Pub. L. 92-400, § 14, Aug. 22, 1972, 86 Stat. 615.)

§ 460aa-14. Separability

If any provision of this subchapter is declared to be invalid, such declaration shall not affect the validity of any other provision of this subchapter.

(Pub. L. 92-400, § 15, Aug. 22, 1972, 86 Stat. 615.)

SUBCHAPTER LXXXVI—GOLDEN GATE
NATIONAL RECREATION AREA

§ 460bb. Establishment

In order to preserve for public use and enjoyment certain areas of Marin and San Francisco Counties, California, possessing outstanding natural, historic, scenic, and recreational values, and in order to provide for the maintenance of needed recreational open space necessary to urban environment and planning, the Golden Gate National Recreation Area (hereinafter referred to as the "recreation area") is hereby established. In the management of the recreation area, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall utilize the resources in a manner which will provide for recreation and educational opportunities consistent with sound principles of land use planning and management. In carrying out the provisions of this subchapter, the Secretary shall preserve the recreation area, as far as possible, in its natural setting, and protect it from development and uses which would destroy the scenic beauty and natural character of the area.

(Pub. L. 92-589, § 1, Oct. 27, 1972, 86 Stat. 1299.)

SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109-131, title II, § 201, Dec. 20, 2005, 119 Stat. 2568, provided that: "This title [amending section 460bb-1 of this title] may be cited as the 'Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act'."

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-350, § 1, Oct. 24, 2000, 114 Stat. 1361, provided that: "This Act [amending section 460bb-1 of this title] may be cited as the 'Golden Gate National Recreation Area Boundary Adjustment Act of 2000'."

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-299, § 1, June 9, 1992, 106 Stat. 236, provided that: "This Act [amending section 460bb-1 of this title and enacting provisions set out as a note under section 460bb-1 of this title] may be cited as the 'Golden Gate National Recreation Area Addition Act of 1992'."

VISITOR SERVICES IN CRISSY FIELD AND FORT POINT
AREAS

Pub. L. 108-108, title I, § 118, Nov. 10, 2003, 117 Stat. 1268, provided that: "Notwithstanding other provisions

of law, the National Park Service hereafter may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-7, div. F, title I, § 120, Feb. 20, 2003, 117 Stat. 240.

Pub. L. 107-63, title I, § 123, Nov. 5, 2001, 115 Stat. 440.

Pub. L. 106-291, title I, § 140, Oct. 11, 2000, 114 Stat. 949.

EXEMPTION OF PRESIDIO TRUST FROM CALIFORNIA
TAXES

Pub. L. 106-291, title III, § 315, Oct. 11, 2000, 114 Stat. 989, provided that: "All interests created under leases, concessions, permits and other agreements associated with the properties administered by the Presidio Trust, hereafter shall be exempt from all taxes and special assessments of every kind by the State of California and its political subdivisions."

Similar provisions were contained in Pub. L. 106-113, div. B, § 1000(a)(3) [title III, § 316], Nov. 29, 1999, 113 Stat. 1535, 1501A-192.

THE PRESIDIO OF SAN FRANCISCO

Pub. L. 104-333, div. I, title I, Nov. 12, 1996, 110 Stat. 4097, as amended by Pub. L. 105-83, title III, § 351, Nov. 14, 1997, 111 Stat. 1607; Pub. L. 106-113, div. B, § 1000(a)(3) [title III, § 334], Nov. 29, 1999, 113 Stat. 1535, 1501A-198; Pub. L. 106-176, title I, § 101, Mar. 10, 2000, 114 Stat. 23; Pub. L. 107-107, div. B, title XXVIII, § 2861, Dec. 28, 2001, 115 Stat. 1328, provided that:

"SEC. 101. FINDINGS.

"The Congress finds that—

"(1) the Presidio, located amidst the incomparable scenic splendor of the Golden Gate, is one of America's great natural and historic sites;

"(2) the Presidio was the oldest continuously operated military post in the Nation dating from 1776, and was designated a National Historic Landmark in 1962;

"(3) preservation of the cultural and historic integrity of the Presidio for public use recognizes its significant role in the history of the United States;

"(4) the Presidio, in its entirety, is a part of the Golden Gate National Recreation Area, in accordance with Public Law 92-589 [16 U.S.C. 460bb et seq.];

"(5) as part of the Golden Gate National Recreation Area, the Presidio's significant natural, historic, scenic, cultural, and recreational resources must be managed in a manner which is consistent with sound principles of land use planning and management, and which protects the Presidio from development and uses which would destroy the scenic beauty and historic and natural character of the area and cultural and recreational resources;

"(6) removal and/or replacement of some structures within the Presidio must be considered as a management option in the administration of the Presidio; and

"(7) the Presidio will be managed through an innovative public/private partnership that minimizes cost to the United States Treasury and makes efficient use of private sector resources.

"SEC. 102. AUTHORITY AND RESPONSIBILITY OF
THE SECRETARY OF THE INTERIOR.

"(a) INTERIM AUTHORITY.—The Secretary of the Interior (hereinafter in this title referred to as the 'Secretary') is authorized to manage leases in existence on the date of this Act [Nov. 12, 1996] for properties under the administrative jurisdiction of the Secretary and located at the Presidio. Upon the expiration of any such lease, the Secretary may extend such lease for a period terminating not later than 6 months after the first meeting of the Presidio Trust. The Secretary may not enter into any new leases for property at the Presidio to be transferred to the Presidio Trust under this title,