

as the Platt National Park, is hereby repealed, and such lands shall hereafter be considered and known as an integral part of the Chickasaw National Recreation Area: *Provided*, That within such area the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is act June 29, 1906, No. 42, 34 Stat. 837, which was classified to sections 151, 152, and 153 of this title, and was repealed by Pub.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 of jurisdiction shall not occur until a written agreement has been reached between the State of Oklahoma and the Secretary providing for the exercise of concurrent jurisdiction over all other lands and waters within the Chickasaw National Recreation Area.

(Pub. L. 94-235, § 6, Mar. 17, 1976, 90 Stat. 236.)

§ 460hh-6. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter, but not to exceed \$1,600,000 for the acquisition of lands and interests in lands, and \$4,567,000 for development.

(Pub. L. 94-235, § 7, Mar. 17, 1976, 90 Stat. 237.)

SUBCHAPTER XCIII—CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA

§ 460ii. Establishment; boundaries; publication in Federal Register

The Congress finds the natural, scenic, recreation, historic, and other values of a forty-eight-mile segment of the Chattahoochee River and certain adjoining lands in the State of Georgia from Buford Dam downstream to Peachtree Creek are of special national significance, and that such values should be preserved and protected from developments and uses which would substantially impair or destroy them. In order to assure such preservation and protection for public benefit and enjoyment, there is hereby established the Chattahoochee River National Recreation Area (hereinafter referred to as the "recreation area"). The recreation area shall consist of the river and its bed together with the

lands, waters, and interests therein within the boundary generally depicted on the map entitled "Chattahoochee River National Recreation Area", numbered CHAT-20,003, and dated September 1984, and on the maps entitled "Chattahoochee River National Recreation Area Interim Boundary Map #1", "Chattahoochee River National Recreation Area Interim Boundary Map #2", and "Chattahoochee River National Recreation Area Interim Boundary Map #3", and dated August 6, 1998, which shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior. No sooner than 180 days after December 9, 1999, the Secretary of the Interior (hereafter referred to as the "Secretary") may modify the boundaries of the recreation area to include other land within the Chattahoochee River corridor by submitting a revised map or other boundary description to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. The revised map or other boundary description shall be prepared by the Secretary after consultation with affected landowners, the State of Georgia, and affected political subdivisions of the State. The revised boundaries shall take effect 180 days after the date of submission unless, within the 180-day period, Congress enacts a joint resolution disapproving the revised boundaries. The total area, exclusive of the river and its bed, within the recreation area may not exceed 10,000 acres. For purposes of facilitating Federal technical and other support to State and local governments to assist State and local efforts to protect the scenic, recreational, and natural values of a 2,000 foot wide corridor adjacent to each bank of the Chattahoochee River and its impoundments in the 48-mile segment referred to above, such corridor is hereby declared to be an area of national concern.

(Pub. L. 95-344, title I, § 101, Aug. 15, 1978, 92 Stat. 474; Pub. L. 98-568, § 1(a), (b), Oct. 30, 1984, 98 Stat. 2928; Pub. L. 103-437, § 6(d)(18), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 106-154, § 2(a), Dec. 9, 1999, 113 Stat. 1737.)

AMENDMENTS

1999—Pub. L. 106-154, § 2(a)(3), substituted "may not exceed 10,000 acres" for "may not exceed approximately 6,800 acres" in penultimate sentence.

Pub. L. 106-154, § 2(a)(2), inserted fourth sentence and struck out former fourth sentence which read as follows: "Following reasonable notice in writing to the Committee on Natural Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate of his intention to do so, the Secretary of the Interior (hereinafter referred to as the 'Secretary') may, by publication of a revised map or other boundary description in the Federal Register, (1) make minor revisions in the boundary of the recreation area, and (2) revise the boundary to facilitate access to the recreation area, or to delete lands which would be of little or no benefit to the recreation area due to the existence of valuable improvements completely constructed prior to August 15, 1978."

Pub. L. 106-154, § 2(a)(1), in third sentence, inserted "and on the maps entitled 'Chattahoochee River National Recreation Area Interim Boundary Map #1', 'Chattahoochee River National Recreation Area Interim Boundary Map #2', and 'Chattahoochee River Na-

tional Recreation Area Interim Boundary Map #3', and dated August 6, 1998," after "numbered CHAT-20,003, and dated September 1984."

1994—Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" after "Committee on".

1984—Pub. L. 98-568 substituted "CHAT-20,003, and dated September 1984" for "CHAT-20,000, and dated July 1976" and "approximately 6,800 acres" for "six thousand three hundred acres" and inserted provision declaring the corridor area to be an area of national concern.

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

FINDINGS AND PURPOSE

Pub. L. 106-154, §1, Dec. 9, 1999, 106 Stat. 1736, provided that:

"(a) FINDINGS.—Congress finds that—

"(1) the Chattahoochee River National Recreation Area in the State of Georgia is a nationally significant resource;

"(2) the Chattahoochee River National Recreation Area has been adversely affected by land use changes occurring inside and outside the recreation area;

"(3) the population of the metropolitan Atlanta area continues to expand northward, leaving dwindling opportunities to protect the scenic, recreational, natural, and historical values of the 2,000-foot-wide corridor adjacent to each bank of the Chattahoochee River and its impoundments in the 48-mile segment known as the 'area of national concern';

"(4) the State of Georgia has enacted the Metropolitan River Protection Act to ensure protection of the corridor located within 2,000 feet of each bank of the Chattahoochee River, or the corridor located within the 100-year floodplain, whichever is larger;

"(5) the corridor located within the 100-year floodplain includes the area of national concern;

"(6) since establishment of the Chattahoochee River National Recreation Area, visitor use of the recreation area has shifted dramatically from waterborne to water-related and land-based activities;

"(7) the State of Georgia and political subdivisions of the State along the Chattahoochee River have indicated willingness to join in a cooperative effort with the United States to link existing units of the recreation area through a series of linear corridors to be established within the area of national concern and elsewhere on the river; and

"(8) if Congress appropriates funds in support of the cooperative effort described in paragraph (7), funding from the State, political subdivisions of the State, private foundations, corporate entities, private individuals, and other sources will be available to fund more than half the estimated cost of the cooperative effort.

"(b) PURPOSES.—The purposes of this Act [amending this section and sections 460ii-1 to 460ii-5 of this title] are—

"(1) to increase the level of protection of the open spaces within the area of national concern along the Chattahoochee River and to enhance visitor enjoyment of the open spaces by adding land-based linear corridors to link existing units of the recreation area;

"(2) to ensure that the Chattahoochee River National Recreation Area is managed to standardize acquisition, planning, design, construction, and operation of the linear corridors; and

"(3) to authorize the appropriation of Federal funds to cover a portion of the costs of the Federal, State, local, and private cooperative effort to add additional areas to the recreation area so as to establish a series of linear corridors linking existing units of the recreation area and to protect other open spaces of the Chattahoochee River corridor."

COMPLIANCE WITH CONGRESSIONAL BUDGET ACT

Section 2 of Pub. L. 98-568 provided that: "Any provision of any amendment made by this Act [enacting section 460ii-5 of this title and amending this section and sections 460ii-1, 460ii-3, and 460ii-4 of this title] which, directly or indirectly, authorizes the enactment of new budget authority described in section 402(a) of the Congressional Budget Act of 1974 [2 U.S.C. 652(a)] shall be effective only for fiscal years beginning after September 30, 1984."

§ 460ii-1. Acquisition of property

(a) Manner of acquisition of lands, etc., within area

Within the recreation area the Secretary is authorized to acquire lands, waters, and interests therein by donation, purchase from willing sellers with donated or appropriated funds, or exchange. Property owned by the State of Georgia or any political subdivision thereof may be acquired only by donation.

(b) Manner of acquisition of lands partly within and partly without area; disposal of unutilized lands

When a tract of land lies partly within and partly without the boundaries of the recreation area, the Secretary may acquire the entire tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the recreation area may be exchanged by the Secretary for non-Federal land within such boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of 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.

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

Except for property which the Secretary determines to be necessary for the purposes of administration, development, access, or public use, an owner of improved property which is used solely for noncommercial residential purposes on the date of its acquisition by the Secretary may retain, as a condition of such acquisition, a right of use and occupancy of the property for such residential purposes. The right retained may be for a definite term which shall not exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of the spouse, whichever occurs later. The owner shall elect the term to be retained. The Secretary shall pay the owner the fair market value of the property on the date of such acquisition, less the fair market value of the term retained by the owner.

(d) Terms and conditions respecting rights of use and occupancy retained; termination of right of use and occupancy

Any right of use and occupancy retained pursuant to this section may, during its existence, be conveyed or transferred, but all rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appro-

priate to assure the use of the property in accordance with the purposes of this subchapter. Upon his determination that the property, or any portion thereof, has ceased to be so used in accordance with such terms and conditions, the Secretary may terminate the right of use and occupancy by tendering to the holder of such right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(e) “Improved property” defined

As used in this section, the term “improved property” means a detached, year-round non-commercial residential dwelling, the construction of which was begun before January 1, 1975, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(Pub. L. 95-344, title I, §102, Aug. 15, 1978, 92 Stat. 474; Pub. L. 98-568, §1(c), Oct. 30, 1984, 98 Stat. 2928; Pub. L. 106-154, §2(b), (e)(1), Dec. 9, 1999, 113 Stat. 1737, 1738.)

CODIFICATION

In subsec. (b), “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 (40 U.S.C. 471 et seq.)” 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.

AMENDMENTS

1999—Subsec. (a). Pub. L. 106-154, §2(b)(1), inserted “from willing sellers” after “purchase”.

Subsec. (d). Pub. L. 106-154, §2(e)(1), substituted “this subchapter” for “this subchapter and chapter 43 of this title”.

Subsec. (f). Pub. L. 106-154, §2(b)(2), struck out subsec. (f) which read as follows:

“(f)(1) The Secretary shall exchange those federally owned lands identified on the map referenced in section 460ii of this title as ‘exchange lands’ for non-Federal lands which are within the boundaries of the recreation area. The values of the lands exchanged under this subsection shall be equal, or shall be equalized in the same manner as provided in section 1716 of title 43.

“(2) At three year intervals after October 30, 1984, the Secretary shall publish in the Federal Register a progress report on the land exchanges which have taken place and the exchanges which are likely to take place under the authority of this subsection. Such report shall identify the lands which are unsuitable for exchange pursuant to such authority.

“(3) Effective on the date ten years after October 30, 1984, the exchange authority of paragraph (1) shall terminate. The exchange lands identified under paragraph (1) which have not been exchanged prior to such date shall be retained in Federal ownership as a part of the recreation area.

“(4) The Secretary shall publish a revision of the boundary map referred to in section 460ii of this title to exclude from the boundaries of the recreation area any exchange lands which are used to acquire non-Federal lands under paragraph (3).”

1984—Subsec. (f). Pub. L. 98-568 added subsec. (f).

§ 460ii-2. Administration, protection, and development

(a) Applicability of statutory provisions; consideration of Federal, State, and local plans

The Secretary shall administer, protect, and develop the recreation area in accordance with sections 1, 2, 3, and 4 of this title, and in accordance with any other statutory authorities available to him for the conservation and management of historic and natural resources, including fish and wildlife, to the extent he finds such authority will further the purposes of this subchapter. In developing and administering the recreation area, the Secretary shall take into consideration applicable Federal, State, and local recreation plans and resource use and development plans, including, but not limited to, the Atlanta Regional Commission Chattahoochee Corridor Study, dated July 1972.

(b) Cooperative agreements

The Secretary may enter into cooperative agreements with the State of Georgia, political subdivisions of the State, and other entities to ensure standardized acquisition, planning, design, construction, and operation of the recreation area.

(c) Consultation with Secretary of Army

In planning for the development and public use of the recreation area, the Secretary shall consult with the Secretary of the Army to assure that public use of adjacent or related water resource development or flood control projects and that of the recreation area are complementary.

(d) Establishment, regulations governing, etc., of fishing zones

In administering the recreation area, the Secretary may permit fishing in waters under his jurisdiction in accordance with applicable State and Federal laws and regulations. The Secretary, after consultation with the appropriate State agency responsible for fishing activities, may designate zones where, and establish periods when, fishing shall be permitted and issue such regulations as he may determine to be necessary to carry out the provisions of this subsection. Except in emergencies, such regulations shall be put into effect only after consultation with the appropriate State agency.

(Pub. L. 95-344, title I, §103, Aug. 15, 1978, 92 Stat. 475; Pub. L. 106-154, §2(c), (e)(1), Dec. 9, 1999, 113 Stat. 1737, 1738.)

AMENDMENTS

1999—Subsec. (a). Pub. L. 106-154, §2(e)(1), substituted “of this subchapter” for “of this subchapter and chapter 43 of this title”.

Subsec. (b). Pub. L. 106-154, §2(c), added subsec. (b) and struck out former subsec. (b) which read as follows: “The Secretary is authorized and encouraged to enter into cooperative agreements with the State or its political subdivisions whereby he may assist in the planning for and interpretation of non-Federal publicly owned lands within or adjacent or related to the recreation area to assure that such lands are used in a manner consistent with the findings and purposes of this subchapter and chapter 43 of this title.”

§ 460ii-3. Federal supervision of water resources projects

(a) Limitations on licensing and assistance authorities; criteria for upgrading, improving, etc., supply and quality enhancement programs

The Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (16 U.S.C. 791a et seq.), on or directly affecting the recreation area, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such area is established, except where such project is determined by the State of Georgia to be necessary for water supply or water quality enhancement purposes and authorized by the United States Congress. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments upstream or downstream from the recreation area or on any stream tributary thereto which will not invade the recreation area or unreasonably diminish the scenic, recreational, and fish and wildlife values present therein on August 15, 1978. Nothing contained in this subsection shall preclude the upgrading, improvement, expansion or development of facilities or public works for water supply or water quality enhancement purposes if such action would not have a material adverse effect on the values for which the recreation area is established.

(b) Limitations on recommending authorizations and requesting appropriations; applicability of local considerations and criteria

No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such area is established, as determined by the Secretary, nor shall such department or agency request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without at least sixty days in advance, (1) advising the Secretary in writing of its intention to do so and (2) reporting to the Committee on Natural Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate the nature of the project involved and the manner in which such project would conflict with the purposes of this subchapter or would affect the recreation area and the values to be protected by it under this subchapter. It is not the intention of Congress by this subchapter to require the manipulation or reduction of lake water levels in Lake Sidney Lanier. Nothing in this subchapter shall be construed in any way to restrict, prohibit, or affect any recommendation of the Metropolitan Atlanta Water Resources Study as authorized by the Public Works Committee of the United States Senate on March 2, 1972.

(c) Expeditious acquisition of lands and interests in lands necessary for establishment, etc., of area

The Secretary is directed to proceed as expeditiously as possible to acquire the lands and interests in lands necessary to achieve the purposes of this subchapter and chapter 43 of this title.

(d) Mitigation funds for adverse impacts; accepted lands; limitation of amount; replacement lands

(1) Notwithstanding any other authority of law, any department, agency, or instrumentality of the United States or of the State of Georgia, or any other entity which may construct any project recommended in the study entitled "Metropolitan Atlanta Water Resources Management Study, Georgia: Report of Chief of Engineers," dated June 1, 1982, which directly adversely impacts any lands within the authorized recreation boundaries of the Bowman's Island tract as shown on the map numbered and dated CHAT-20,003, September 1984, which were in Federal ownership as of September 1, 1984, shall, upon request by the Secretary, mitigate such adverse impacts. It is expressly provided that use of or adverse impact upon any other lands within the recreation area as result of any such project shall not require mitigation. Mitigation required by this paragraph shall be provided by payment to the United States of a sum not to exceed \$3,200,000. The mitigation funds paid pursuant to this paragraph shall be utilized by the Secretary for the acquisition of replacement lands. Such replacement lands shall be acquired only after consultation with the Governor of Georgia.

(2) In acquiring replacement lands under paragraph (1) priority shall be given to acquisition of lands within the recreation area boundary and those lands within or adjacent to the 2,000 foot wide corridor referred to in section 460ii of this title. Any lands acquired pursuant to this subsection lying outside the boundaries of the recreation area shall, upon acquisition, be included within the recreation area and transferred to the Secretary for management under this subchapter. The Secretary shall publish a revised boundary map to include any lands added to the recreation area pursuant to this subsection.

(3) If lands as described in paragraph (2) are not available for acquisition, other lands within the State of Georgia may be acquired as replacement lands under paragraph (1) if such lands are transferred to the State of Georgia for permanent management for public outdoor recreation.

(Pub. L. 95-344, title I, §104, Aug. 15, 1978, 92 Stat. 476; Pub. L. 98-568, §1(d), Oct. 30, 1984, 98 Stat. 2928; Pub. L. 103-437, §6(d)(18), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 106-154, §2(e)(2), (3), Dec. 9, 1999, 113 Stat. 1739.)

REFERENCES IN TEXT

The Federal Power Act (16 U.S.C. 791a et seq.), referred to in subsec. (a), is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, which is classified generally to chapter 12 (§791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

AMENDMENTS

1999—Subsec. (b). Pub. L. 106-154, §2(e)(2), substituted “this subchapter” for “this subchapter and chapter 43 of this title” wherever appearing.

Subsec. (d)(2). Pub. L. 106-154, §2(e)(3), substituted “under this subchapter” for “under this subchapter and chapter 43 of this title”.

1994—Subsec. (b). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

1984—Subsec. (d). Pub. L. 98-568 added subsec. (d).

§ 460ii-4. Funding sources and general management plan

(a) Funding

(1) Limitation on use of appropriated funds

From the appropriations authorized for fiscal year 1978 and succeeding fiscal years pursuant to the Land and Water Conservation Fund Act (78 Stat. 897), as amended [16 U.S.C. 460l-4 et seq.], not more than \$115,000,000 may be expended for the acquisition of lands and interests in lands authorized to be acquired pursuant to the provisions of this subchapter. For purposes of section 7(a)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9(a)(3)), the statutory ceiling on appropriations under this subsection shall be deemed to be a statutory ceiling contained in a provision of law enacted prior to the convening of the Ninety-sixth Congress.

(2) Donations

The Secretary may accept a donation of funds or land or an interest in land to carry out this subchapter.

(3) Relation to other funding sources

Funds made available under paragraph (1) are in addition to funding and the donation of land and interests in land by the State of Georgia, local government authorities, private foundations, corporate entities, and individuals for purposes of this subchapter.

(b) Authorization of appropriations for development of essential public services

Effective on October 1, 1978, there are authorized to be appropriated not to exceed \$500,000 for the development of essential public facilities.

(c) General management plan

(1) Initial plan

Within seven years from August 15, 1978, the Secretary shall, after consulting with the Governor of the State of Georgia, develop and transmit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a general management plan for the use and development of the recreation area consistent with the findings and purposes of this subchapter and chapter 43 of this title, indicating:

(A) lands and interests in lands adjacent or related to the recreation area which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area in furtherance of the purposes of this subchapter, the estimated cost of acquisition, and the recommended public acquisition agency;

(B) the number of visitors and types of public use within the recreation area that can be accommodated in accordance with the full protection of its resources; and

(C) the facilities deemed necessary to accommodate and provide access for such visitors and uses, including their location and estimated cost.

(2) Revised plan

(A) In general

Within 3 years after the date funds are made available, the Secretary shall submit to the committees specified in paragraph (1) a revised general management plan to provide for the protection, enhancement, enjoyment, development, and use of the recreation area.

(B) Public participation

In preparing the revised plan, the Secretary shall encourage the participation of the State of Georgia and affected political subdivisions of the State, private landowners, interested citizens, public officials, groups, agencies, educational institutions, and other entities.

(d) Federal actions affecting corridor area; procedural requirements: notification of Secretary, Secretary's recommendations or notification of Congressional committees, copies of decisions and recommendations to Congressional committees; concurrence condition; exemptions

(1) Whenever any Federal department, agency, or instrumentality proposes to undertake any action, or provide Federal assistance for any action, or issue any license or permit for an action within the corridor referred to in section 460ii of this title which may have a direct and adverse effect on the natural or cultural resources of the recreation area, the head of such department, agency, or instrumentality shall—

(A) promptly notify the Secretary of the action at the time it is planning the action, preparing an environmental assessment regarding the action, or preparing an environmental impact statement under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] for the action;

(B) provide the Secretary a reasonable opportunity to comment and make recommendations regarding the effect of the Federal action on the natural and cultural resources of the recreation area; and

(C) notify the Secretary of the specific decisions made in respect to the comments and recommendations of the Secretary.

The requirements of this subsection shall be carried out in accordance with procedures established by the Federal agency responsible for undertaking or approving the Federal action. These procedures may utilize the procedures developed by such Agency pursuant to the National Environmental Policy Act [42 U.S.C. 4321 et seq.].

(2) Following receipt of notification pursuant to paragraph (1)(A), the Secretary, after consultation with the Governor of Georgia, shall make such comments and recommendations as

the Secretary deems appropriate pursuant to paragraph (1)(B) as promptly as practicable in accordance with the notifying agency's procedures established pursuant to paragraph (1)(A). In any instance in which the Secretary does not provide comments and recommendations under paragraph (1)(B), the Secretary shall notify in writing, the appropriate committees of Congress.

(3) Following receipt of the notifying agency's decisions pursuant to paragraph (1)(C), the Secretary shall submit to the appropriate committees of Congress, including the authorizing committees with primary jurisdiction for the program under which the proposed action is being taken, a copy of the notifying agency's specific decisions made pursuant to paragraph (1)(C), along with a copy of the comments and recommendations made pursuant to paragraph (1)(B).

(4) In any instance in which the Secretary has not been notified of a Federal agency's proposed action within the corridor, and on his or her own determination finds that such action may have a significant adverse effect on the natural or cultural resources of the recreation area, the Secretary shall notify the head of such Federal agency in writing. Upon such notification by the Secretary, such agency shall promptly comply with the provisions of subparagraphs (A), (B), and (C) of paragraph (1) of this subsection.

(5) Each agency or instrumentality of the United States conducting Federal action upon federally owned lands or waters which are administered by the Secretary and which are located within the authorized boundary of the recreation area shall not commence such action until such time as the Secretary has concurred in such action.

(6) The following Federal actions which constitute a major and necessary component of an emergency action shall be exempt from the provisions of this subsection—

- (A) those necessary for safeguarding of life and property;
- (B) those necessary to respond to a declared state of disaster;
- (C) those necessary to respond to an imminent threat to national security; and
- (D) those that the Secretary has determined to be not inconsistent with the general management plan for the recreation area.

Actions which are part of a project recommended in the study entitled "Metropolitan Atlanta Water Resources Management Study, Georgia: Report of Chief of Engineers", dated June 1, 1982, and any Federal action which pertains to the control of air space, which is regulated under the Clean Air Act [42 U.S.C. 7401 et seq.], or which is required for maintenance or rehabilitation of existing structures or facilities shall also be exempt from the provisions of this subsection.

(Pub. L. 95-344, title I, §105, Aug. 15, 1978, 92 Stat. 476; Pub. L. 98-568, §1(e), Oct. 30, 1984, 98 Stat. 2929; Pub. L. 106-154, §2(d), (e)(4), Dec. 9, 1999, 113 Stat. 1738, 1739.)

REFERENCES IN TEXT

The Land and Water Conservation Fund Act (78 Stat. 897), as amended, referred to in subsec. (a)(1), probably

means the Land and Water Conservation Fund Act of 1965, Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§460-4 et seq.) of subchapter LXIX of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 460-4 of this title and Tables.

The convening of the Ninety-sixth Congress, referred to in subsec. (a)(1), took place on Jan. 15, 1979.

The National Environmental Policy Act of 1969, referred to in subsec. (d)(1), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Clean Air Act, referred to in subsec. (d)(6), is act July 14, 1955, ch. 360, 69 Stat. 322, as amended, which is classified generally to chapter 85 (§7401 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

AMENDMENTS

1999—Pub. L. 106-154, §2(d)(1), inserted section catchline.

Subsec. (a). Pub. L. 106-154, §2(d)(1), (2), inserted subsec. heading, designated existing provisions as par. (1), inserted heading, substituted "\$115,000,000" for "\$79,400,000" and "this subchapter" for "this subchapter and chapter 43 of this title", and added pars. (2) and (3).

Subsec. (c). Pub. L. 106-154, §2(d)(3), inserted subsec. heading, designated existing provisions as par. (1), inserted par. (1) heading, redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, substituted "transmit to the Committee on Resources of the House of Representatives" for "transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives", and added par. (2).

Subsec. (c)(1)(A). Pub. L. 106-154, §2(e)(4), substituted "of this subchapter" for "of this subchapter and chapter 43 of this title".

1984—Subsec. (a). Pub. L. 98-568, §1(e)(1), substituted "\$79,400,000" for "\$72,900,000" and inserted provision respecting applicable statutory ceiling on appropriations.

Subsec. (c). Pub. L. 98-568, §1(e)(2), substituted "seven years" for "three years".

Subsec. (d). Pub. L. 98-568, §1(e)(3), added subsec. (d).

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 460ii-5. Chattahoochee River National Recreation Area Advisory Commission

(a) Establishment; duties; membership; voting members and Park Superintendent as non-voting member; Chairman

There is hereby established the Chattahoochee River National Recreation Area Advisory Commission (hereinafter in this subchapter referred to as the "Advisory Commission") to advise the Secretary regarding the management and operation of the area, protection of resources with¹ the recreation area, and the priority of lands to be acquired within the recreation area. The Advisory Commission shall be composed of the following thirteen voting members appointed by the Secretary:

- (1) four members appointed from among individuals recommended by local governments—

¹ So in original. Probably should be "within".

(A) one of whom shall be recommended by the Board of County Commissioners of Forsyth County;

(B) one of whom shall be recommended by the Board of County Commissioners of Fulton County;

(C) one of whom shall be recommended by the Board of County Commissioners of Cobb County; and

(D) one of whom shall be recommended by the Board of County Commissioners of Gwinnett County;

(2) one member appointed from among individuals recommended by the Governor of Georgia;

(3) one member appointed from among individuals recommended by the Atlanta Regional Commission;

(4) four members appointed from among individuals recommended by a coalition of citizens public interest groups, recreational users, and environmental organizations concerned with the protection and preservation of the Chattahoochee River;

(5) one member appointed from among individuals recommended by the Business Council of Georgia or by a local chamber of commerce in the vicinity of the recreation area; and

(6) two members who represent the general public, at least one of whom shall be a resident of one of the counties referred to in paragraph (1).

In addition, the Park Superintendent for the recreation area shall serve as a nonvoting member of the Advisory Commission. The Advisory Commission shall designate one of its members as Chairman.

(b) Terms of office; reappointment

(1) Except as provided in paragraph (2), members of the Advisory Commission shall serve for terms of three years. Any voting member of the Advisory Commission may be reappointed for one additional three-year term.

(2) The members first appointed under paragraph (1) shall serve for a term of one year. The members first appointed under paragraphs (2), (3), (5), and (6) shall serve for a term of two years.

(c) Meetings

The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the park. Commission meetings shall be held at locations and in such a manner as to insure adequate public involvement.

(d) Compensation and expenses

Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this subchapter on vouchers signed by the Chairman.

(e) Termination

The Advisory Commission shall terminate on the date ten years after October 30, 1984.

(Pub. L. 95-344, title I, §106, as added Pub. L. 98-568, §1(f), Oct. 30, 1984, 98 Stat. 2931; amended

Pub. L. 106-154, §2(e)(5), (6), Dec. 9, 1999, 113 Stat. 1739.)

AMENDMENTS

1999—Subsec. (a). Pub. L. 106-154, §2(e)(5), substituted “this subchapter” for “this subchapter and chapter 43 of this title” in introductory provisions.

Subsec. (d). Pub. L. 106-154, §2(e)(6), substituted “this subchapter” for “this subchapter and chapter 43 of this title”.

SUBCHAPTER XCIV—ARAPAHO NATIONAL RECREATION AREA

§ 460jj. Establishment

(a) In general

An area of land comprising approximately 35,235 acres located in Grand County, Colorado, within the Arapaho and the Roosevelt National Forests and the Colorado Big Thompson project (as generally depicted as the “Arapaho National Recreation Area” on a map entitled “Indian Peaks Wilderness Area and Arapaho National Recreation Area” and dated May 2007) is established as the Arapaho National Recreation Area.

(b) Administration

The Secretary shall administer the Arapaho National Recreation Area, in accordance with the laws and regulations applicable to the national forests, in such a manner as will best provide for—

(1) public recreation and enjoyment;

(2) the conservation and development of the scenic, natural, historic, and pastoral values of the area;

(3) the management, utilization, and disposal of natural resources such as timber, grazing, and mineral resources so that their utilization will not substantially impair the purposes for which the recreation area is established; and

(4) the management of water quality in the recreation area consistent with the development of needed water supply and waste-water systems, including the control of aquatic vegetation in the streams, lakes, and reservoirs within the recreation area.

(c) Management plan

The Secretary shall develop an overall management plan for the Arapaho National Recreation Area. This plan shall be developed in consultation with State and local political subdivisions and other interested persons.

(Pub. L. 95-450, §4, Oct. 11, 1978, 92 Stat. 1095; Pub. L. 111-11, title I, §1955(b), Mar. 30, 2009, 123 Stat. 1075.)

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-11 substituted “35,235 acres” for “thirty-six thousand two hundred thirty-five acres” and “and dated May 2007” for “, dated July 1978”.

SHORT TITLE

Section 1 of Pub. L. 95-450 provided that: “This Act [enacting this subchapter and enacting notes set out under this section and section 1132 of this title] may be cited as the ‘Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act.’”

LEGISLATIVE FINDINGS; PURPOSES

Section 2 of Pub. L. 95-450 provided that: “The Congress finds that it is in the national interest—