

(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—

“(1) to include the land within the Arapaho and the Roosevelt National Forests known as the Indian Peaks Area in the National Wilderness Preservation System so as to protect the area’s enduring scenic and historic wilderness character and its unique wildlife and to preserve the area’s scientific, educational, recreational, and inspirational resources and challenges; and

“(2) to create the Arapaho National Recreation Area within the Arapaho and the Roosevelt National Forests and the Colorado Big Thompson project so as to preserve and protect the natural, scenic, historic, pastoral, and wildlife resources of the area and to enhance the recreational opportunities provided.”

§ 460jj-1. Land acquisition

(a) Determination of necessity; “scenic easement” defined

(1) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, or bequest, any lands or lesser interests therein, including mineral interests and scenic easements, which the Secretary determines are needed to establish and manage the Arapaho National Recreation Area. In determining what private property is needed to establish and manage the Arapaho National Recreation Area the Secretary shall utilize the approved county zoning plan to identify those properties whose use or intended use is not in conformance with the overall intent of this subchapter.

(2) As used in this section, the term “scenic easement” means the right to control the use of land in order to carry out this subchapter, but shall not preclude the continuation of any use that is compatible with the overall management plan for the Arapaho National Recreation Area developed pursuant to subsection (c) of section 460jj of this title.

(b) Privately owned land

In exercising the authority conferred by this section 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 Arapaho National Recreation Area. In considering any such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring the property. Purchases made under this authority shall be made on a willing buyer, willing seller basis.

(c) Exchange of property; cash equalization

In exercising the authority conferred by this section to acquire property by exchange, the Secretary may accept title to any non-Federal land, or interests therein, located within the Arapaho National Recreation Area and the Secretary may convey in exchange therefor any federally owned lands or interests inlands within the State of Colorado which are classified by the Secretary as suitable for exchange and which are under the Secretary’s administrative jurisdiction. The values of any lands or interests in lands 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 so long as payment does not exceed 25 per centum of the total value of the land or interest in land. In utilizing cash equalization in exchanges the Secretary shall try to reduce the amount of the

payment of money to as small an amount as possible. In the exercise of his exchange authority, the Secretary may utilize authorities and procedures available to him in making exchanges of national forest lands.

(d) State land

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

(e) Transfer of Federal land

Notwithstanding any other provision of law, any Federal lands or interests in lands located within the Arapaho National Recreation Area shall be transferred without consideration to the administrative jurisdiction of the Secretary for use by the Secretary in carrying out this subchapter. Lands within the Arapaho National Recreation Area acquired by the Secretary or transferred to the Secretary’s administrative jurisdiction shall become part of that recreation area and of the national forest within or adjacent to which they are located: *Provided*, That the operation and facilities of the Colorado Big Thompson project shall remain under the jurisdiction of the United States Bureau of Reclamation.

(Pub. L. 95-450, § 5, Oct. 11, 1978, 92 Stat. 1096.)

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a) and (e), was in the original “this Act”, meaning Pub. L. 95-450, Oct. 11, 1978, 92 Stat. 1095, which enacted this subchapter and enacted provisions set out as notes under sections 460jj and 1132 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460jj of this title and Tables.

§ 460jj-2. Hunting and fishing

The Secretary shall permit hunting and fishing on lands and waters under the Secretary’s jurisdiction within the boundaries of the Arapaho National Recreation Area in accordance with the laws of the United States and the State of Colorado, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, area general administration, or public use and enjoyment. Except in emergencies, any regulations made by the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

(Pub. L. 95-450, § 6, Oct. 11, 1978, 92 Stat. 1097.)

§ 460jj-3. Permits for facilities and services

The Secretary shall cooperate with other Federal agencies, with State and local public agencies, and with private individuals and organizations in the issuance of permits for facilities and services in the Arapaho National Recreation Area and the development and operation of those facilities and services.

(Pub. L. 95-450, § 7, Oct. 11, 1978, 92 Stat. 1097.)

§ 460jj-4. Application of State water laws

The jurisdiction of the State of Colorado and the United States over waters of any stream in-

cluded in the Arapaho National Recreation Area shall be determined by established principles of law. 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. 95-450, §8, Oct. 11, 1978, 92 Stat. 1097.)

§ 460jj-5. Filing of maps

As soon as practicable after October 11, 1978, the Secretary shall file a map and legal description of the Indian Peaks Wilderness Area and the Arapaho National Recreation Area with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives and such description shall have the same force and effect as if included in this subchapter, except that correction of any clerical or typographical errors in such map and description may be made. Such map and the map entitled "Indian Peaks Wilderness Area and Arapaho National Recreation Area", dated July 1978, shall be on file and made available for public inspection in the offices of the Chief of the Forest Service, Department of Agriculture.

(Pub. L. 95-450, §9, Oct. 11, 1978, 92 Stat. 1097.)

CHANGE OF NAME

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.

§ 460jj-6. State civil and criminal jurisdiction

Nothing in this subchapter shall diminish, enlarge, or modify any right of the State of Colorado, or any political subdivision thereof, to exercise civil and criminal jurisdiction within the Indian Peaks Wilderness Area or the Arapaho National Recreation Area or of rights to tax persons, franchises, or property, including mineral or other interests, in or on lands or waters within those areas.

(Pub. L. 95-450, §10, Oct. 11, 1978, 92 Stat. 1098.)

§ 460jj-7. Authorization of appropriations

Effective October 1, 1979, there are authorized to be appropriated to carry out sections 1 through 10 of this Act \$5,000,000 for the acquisition of lands and interests in lands and \$5,000,000 for water quality and recreation development. Moneys appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands and interests therein within the Arapaho National Recreation Area.

(Pub. L. 95-450, §11, Oct. 11, 1978, 92 Stat. 1098.)

REFERENCES IN TEXT

Sections 1 through 10 of this Act, referred to in text, means sections 1 through 10 of Pub. L. 95-450, Oct. 11, 1978, 92 Stat. 1095, which enacted sections 460jj to 460jj-6 of this title and enacted provisions set out as notes under sections 460jj and 1132 of this title.

The Land and Water Conservation Fund, referred to in text, was established by section 460l-5 of this title.

SUBCHAPTER XCV—SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

§ 460kk. Establishment

(a) Findings

The Congress finds that—

(1) there are significant scenic, recreational, educational, scientific, natural, archeological, and public health benefits provided by the Santa Monica Mountains and adjacent coastline area;

(2) there is a national interest in protecting and preserving these benefits for the residents of and visitors to the area; and

(3) the State of California and its local units of government have authority to prevent or minimize adverse uses of the Santa Monica Mountains and adjacent coastline area and can, to a great extent, protect the health, safety, and general welfare by the use of such authority.

(b) Establishment; management

There is hereby established the Santa Monica Mountains National Recreation Area (hereinafter referred to as the "recreation area"). The Secretary shall manage the recreation area in a manner which will preserve and enhance its scenic, natural, and historical setting and its public health value as an airshed for the Southern California metropolitan area while providing for the recreational and educational need of the visiting public.

(c) Description; boundary revisions; notice to Congressional committees, publication in Federal Register; acquisition of property; manner, transfer from Federal agency to administrative jurisdiction of Secretary, exchange of lands with city of Los Angeles, development of municipal cultural resource management program; Nike Site transfer to Secretary

(1) The recreation area shall consist of the lands and waters and interests generally depicted as the recreation area on the map entitled "Santa Monica Mountains National Recreation Area and Santa Monica Mountains Zone, California, Boundary Map", numbered 80,047-C and dated August 2001, which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and in the offices of the General Services Administration in the Federal Office Building in West Los Angeles, California, and in the main public library in Ventura, California. After advising the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, in writing, the Secretary may make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

(2)(A) Not later than ninety days after November 10, 1978, the Secretary, after consultation with the Governor of the State of California, the California Coastal Commission, and the Santa Monica Mountains Comprehensive Planning Commission, shall commence acquisition of