

Public Law 102-427
102d Congress

An Act

To establish the Little River Canyon National Preserve in the State of Alabama.

Oct. 21, 1992
[H.R. 3665]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Little River Canyon National Preserve Act of 1992".

SEC. 2. ESTABLISHMENT.

(a) **IN GENERAL.**—In order to protect and preserve the natural, scenic, recreational, and cultural resources of the Little River Canyon area in DeKalb and Cherokee Counties, Alabama, and to provide for the protection and public enjoyment of the resources, there is established the Little River Canyon National Preserve (referred to in this Act as the "Preserve").

(b) **AREA INCLUDED.**—The Preserve shall consist of the lands, waters, and interests in lands and waters generally depicted on the boundary map entitled "Little River Canyon National Preserve", numbered NA-LRNP-80,001C, and dated March 1992.

(c) **MAP.**—The map referred to in subsection (b) shall—

(1) be on file and available for public inspection in the offices of the National Park Service of the Department of the Interior in Washington, District of Columbia; and

(2) be filed with the appropriate offices of DeKalb and Cherokee Counties in the State of Alabama.

(d) **PUBLICATION OF DESCRIPTION.**—Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior (referred to in this Act as the "Secretary") shall publish in the Federal Register a detailed description of the boundaries of the Preserve.

SEC. 3. ADMINISTRATION.

(a) **IN GENERAL.**—The Preserve shall be administered by the Secretary in accordance with this Act and in accordance with the laws generally applicable to units of the National Park System, including—

(1) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) **HUNTING AND FISHING.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), the Secretary shall permit hunting, trapping, and fishing on lands and waters under the jurisdiction of the Secretary within the Preserve in accordance with applicable Federal and State laws.

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note.
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16 USC 698r.

(2) **TIME AND PLACE RESTRICTIONS.**—Subject to such terms and conditions as the Secretary considers necessary in furtherance of this Act, and after consultation with the Department of Conservation and Natural Resources of the State of Alabama and owners of lands adjacent to the Preserve, the Secretary may designate zones where, and establish periods when, the activities described in paragraph (1) will not be permitted within the Preserve for reasons of public safety, administration, fish and wildlife habitat, or public use and enjoyment.

(3) **RESTRICTIONS IN BOUNDARY AREAS.**—After consultation with the Department of Conservation and Natural Resources of the State of Alabama and with the owners of lands adjacent to the Preserve, the Secretary may restrict hunting in areas within the Preserve that are adjacent to the boundaries of the Preserve where the restriction is necessary or appropriate to protect public safety.

(4) **CONGRESSIONAL INTENT.**—Nothing in this Act is intended to affect the jurisdiction or responsibilities of the State of Alabama with respect to fish and wildlife.

(c) **WATER RESOURCES PROJECTS.**—Subsection (a) of section 7 of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)) shall apply to that portion of the Little River that flows through the Preserve in the same manner and to the same extent as such subsection applies to the rivers referred to in such subsection. The application of such subsection to the Preserve shall not affect any determination of the value of the lands, waters, or interests in lands and waters within the boundaries of the Preserve.

(d) **COOPERATIVE AGREEMENTS WITH STATE.**—

(1) **LAW ENFORCEMENT AND FIRE PREVENTION.**—In administering the Preserve, the Secretary may enter into cooperative agreements with the State of Alabama, or any political subdivision of the State, for the rendering of—

(A) rescue, fire fighting, and law enforcement services; and

(B) cooperative assistance by law enforcement and fire preventive agencies located in the vicinity of the Preserve.

(2) **PREPARATION OF MANAGEMENT PLAN.**—To facilitate the purposes of this section, the Secretary may enter into cooperative agreements with the State of Alabama and directly affected political subdivisions of the State to provide professional assistance in the preparation of the management plan for the Preserve.

Contracts.

(e) **DESOTO STATE PARK.**—If lands within DeSoto State Park are acquired by the Secretary, at the request of the Department of Conservation and Natural Resources of the State of Alabama, the Secretary shall enter into a cooperative agreement with the Department for the continued management by the Department of the lodge and other facilities that, as of the date of enactment of this Act, are part of DeSoto State Park. The cooperative agreement shall provide for the management and operation of the lodge and facilities in a manner that, to the maximum extent practicable, is consistent with similar operations elsewhere in the National Park System.

(f) **PUBLIC INVOLVEMENT.**—

(1) **PUBLIC AWARENESS AND PARTICIPATION PROGRAM.**—The Secretary shall develop and conduct a program to promote and encourage awareness of and participation in the develop-

ment of the general management plan for the Preserve by persons owning property in the vicinity of the Preserve, other interested groups and individuals, State, county, and municipal agencies, and the general public. Prior to final approval of the plan, the Secretary shall hold public meetings in DeKalb and Cherokee Counties.

(2) CONSIDERATION OF PUBLIC COMMENT.—In preparing and implementing the plan described in paragraph (1), the Secretary shall give full consideration to the views and comments of the individuals, groups, and agencies described in paragraph (1).

(g) GREEN PITCHER PLANT.—Upon the transfer by Alabama Power Company to the United States of any lands within the boundaries of the Preserve that contain the Green Pitcher Plant (*Sarracenia oreophila*), all rights and obligations of Alabama Power Company under the agreement entered into between the company and the Department of the Interior (including the United States Fish and Wildlife Service) on May 12, 1983, in settlement of the action brought on September 24, 1980, against the Secretary and the Director of the Fish and Wildlife Service in the United States District Court for the Northern District of Alabama (Civil Action No. CV 80-C-1242-M), shall be extinguished.

SEC. 4. ACQUISITION.

16 USC 698s.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary is authorized to acquire lands, waters, and interests in lands and waters within the boundaries of the Preserve by donation, purchase with donated or appropriated funds, or exchange.

(2) CONSENT OF THE OWNER.—The Secretary may not acquire lands, waters, or interests in lands and waters for the Preserve without the consent of the owner.

(3) STATE LANDS.—Lands, waters, and interests in lands and waters within the boundaries of the Preserve that are owned by the State of Alabama, or any political subdivision of the State, may be acquired only by donation or exchange.

(b) NEGOTIATIONS FOR ACQUISITION.—

(1) COMMENCEMENT OF NEGOTIATIONS.—Immediately after publication of a description of the boundaries of the Preserve in accordance with section 2(d), the Secretary shall commence negotiations for the acquisition of the lands, waters, and interests in lands and waters within the boundaries of the Preserve.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit, in writing, a detailed schedule of actions and a progress report regarding the acquisition to—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Interior and Insular Affairs of the House of Representatives; and

(C) the Committees on Appropriations of Congress.

(3) ACQUISITION DEADLINE.—The Secretary shall substantially complete the acquisition of the lands, waters, and interests in lands and waters within the Preserve, in accordance with the purposes of this Act, not later than 2 years after

the date of enactment of this Act, subject to the availability of funds.

(c) ENVIRONMENTAL AUDITS.—

(1) **AVAILABILITY TO OWNER.**—Promptly following completion of any environmental audit performed by or on behalf of the Secretary with respect to any property proposed to be acquired for the purposes of this Act, the Secretary shall make available to the owner of the property a copy of the audit.

(2) **INCLUSION IN DOCUMENTS TRANSFERRING TITLE.**—Any audit described in paragraph (1), and any environmental audit performed by the owner of the property and submitted to the Secretary prior to the date of the acquisition, shall be included as part of the documents transferring title to the property to the United States.

(d) **FUTURE ADDITIONS.**—No lands or interest in lands may be added to the Preserve after the date of enactment of this Act without specific authorization by Congress and the consent of the owner of the lands or interest.

16 USC 698t.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved October 21, 1992.

LEGISLATIVE HISTORY—H.R. 3665:

HOUSE REPORTS: No. 102-482 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 102-472 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 138 (1992):

Apr. 7, considered and passed House.

Oct. 1, considered and passed Senate, amended.

Oct. 3, House concurred in Senate amendment.