

known as the Refuge Recreation Act, which is classified generally to subchapter LXVIII (§460k et seq.) of this chapter.

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-8, §117(1), substituted “Establishment and purpose” for “Establishment” in heading, designated existing provisions as par. (1) and inserted heading, redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, and inserted headings, substituted “The establishment of the refuge under subparagraph (A)” for “Such establishment” in subpar. (B), and added par. (2).

Subsec. (c). Pub. L. 111-8, §117(2), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (d)(3). Pub. L. 111-8, §117(3), added par. (3).

§ 410hhh-5. Administration of national park and preserve

(a) In general

The Secretary shall administer the national park and the preserve in accordance with—

- (1) this subchapter; and
- (2) all laws generally applicable to units of the National Park System, including—

(A) the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1, 2-4);¹ and

(B) 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.).¹

(b) Grazing

(1) Acquired State or private land

With respect to former State or private land on which grazing is authorized to occur on November 22, 2000, and which is acquired for the national monument, or the national park and preserve, or the wildlife refuge, the Secretary, in consultation with the lessee, may permit the continuation of grazing on the land by the lessee at the time of acquisition, subject to applicable law (including regulations).

(2) Federal land

Where grazing is permitted on land that is Federal land as of November 22, 2000, and that is located within the boundaries of the national monument or the national park and preserve, the Secretary is authorized to permit the continuation of such grazing activities unless the Secretary determines that grazing would harm the resources or values of the national park or the preserve.

(3) Termination of leases

Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the national monument or the national park or the preserve.

(c) Hunting, fishing, and trapping

(1) In general

Except as provided in paragraph (2), the Secretary shall permit hunting, fishing, and trap-

ping on land and water within the preserve in accordance with applicable Federal and State laws.

(2) Administrative exceptions

The Secretary may designate areas where, and establish limited periods when, no hunting, fishing, or trapping shall be permitted under paragraph (1) for reasons of public safety, administration, or compliance with applicable law.

(3) Agency agreement

Except in an emergency, regulations closing areas within the preserve to hunting, fishing, or trapping under this subsection shall be made in consultation with the appropriate agency of the State of Colorado having responsibility for fish and wildlife administration.

(4) Savings clause

Nothing in this subchapter affects any jurisdiction or responsibility of the State of Colorado with respect to fish and wildlife on Federal land and water covered by this subchapter.

(d) Closed Basin Division, San Luis Valley Project

Any feature of the Closed Basin Division, San Luis Valley Project, located within the boundaries of the national monument, national park or the national wildlife refuge, including any well, pump, road, easement, pipeline, canal, ditch, power line, power supply facility, or any other project facility, and the operation, maintenance, repair, and replacement of such a feature—

(1) shall not be affected by this subchapter; and

(2) shall continue to be the responsibility of, and be operated by, the Bureau of Reclamation in accordance with title I of the Reclamation Project Authorization Act of 1972 (43 U.S.C. 615aaa et seq.).¹

(e) Withdrawal

(1) On November 22, 2000, subject to valid existing rights, all Federal land depicted on the map as being located within Zone A, or within the boundaries of the national monument, the national park or the preserve is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

(2) The provisions of this subsection also shall apply to any lands—

(A) acquired under this subchapter; or

(B) transferred from any Federal agency after November 22, 2000, for the national monument, the national park or preserve, or the national wildlife refuge.

(f) Wilderness protection

(1) Nothing in this subchapter alters the Wilderness designation of any land within the national monument, the national park, or the preserve.

(2) All areas designated as Wilderness that are transferred to the administrative jurisdiction of

¹ See References in Text note below.

the National Park Service shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103-77; 16 U.S.C. 539i note). If any part of this subchapter conflicts with the provisions of the Wilderness Act or the Colorado Wilderness Act of 1993 with respect to the wilderness areas within the preserve boundaries, the provisions of those Acts shall control.

(Pub. L. 106-530, §7, Nov. 22, 2000, 114 Stat. 2530.)

Editorial Notes

REFERENCES IN TEXT

The Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1, 2-4), referred to in subsec. (a)(2)(A), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

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.), referred to in subsec. (a)(2)(B), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, known as the Historic Sites Act of 1935 and also as the Historic Sites, Buildings, and Antiquities Act, which enacted sections 461 to 467 of this title. The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Reclamation Project Authorization Act of 1972, referred to in subsec. (d)(2), is Pub. L. 92-514, Oct. 20, 1972, 86 Stat. 964. Title I of the Act was classified generally to subchapter XXXI (§615aaa et seq.) of chapter 12 of Title 43, Public Lands, prior to its omission from the Code. See Codification notes under sections 615aaa to 615iii of Title 43.

The Wilderness Act, referred to in subsec. (f)(2), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, 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 Colorado Wilderness Act of 1993, referred to in subsec. (f)(2), is Pub. L. 103-77, Aug. 13, 1993, 107 Stat. 756. For complete classification of this Act to the Code, see Short Title note set out under section 539i of this title and Tables.

§ 410hhh-6. Acquisition of property and boundary adjustments

(a) Acquisition authority

(1) Within the area depicted on the map as the “Acquisition Area” or the national monument, the Secretary may acquire lands and interests therein by purchase, donation, transfer from another Federal agency, or exchange: *Provided*, That lands or interests therein may only be acquired with the consent of the owner thereof.

(2) Lands or interests therein owned by the State of Colorado, or a political subdivision thereof, may only be acquired by donation or exchange.

(b) Boundary adjustment

As soon as practicable after the acquisition of any land or interest under this section, the Secretary shall modify the boundary of the unit to which the land is transferred pursuant to subsection (b)¹ to include any land or interest acquired.

(c) Administration of acquired lands

(1) General authority

Upon acquisition of lands under subsection (a), the Secretary shall, as appropriate—

(A) transfer administrative jurisdiction of the lands to the National Park Service—

(i) for addition to and management as part of the Great Sand Dunes National Monument, or

(ii) for addition to and management as part of the Great Sand Dunes National Park (after designation of the Park) or the Great Sand Dunes National Preserve; or

(B) transfer administrative jurisdiction of the lands to the United States Fish and Wildlife Service for addition to and administration as part of the Baca National Wildlife Refuge.

(2) Forest service administration

(A) Any lands acquired within the area depicted on the map as being located within Zone B shall be transferred to the Secretary of Agriculture and shall be added to and managed as part of the Rio Grande National Forest.

(B) For the purposes of sections 100506(c) and 200306 of title 54, the boundaries of the Rio Grande National Forest, as revised by the transfer of land under paragraph (A), shall be considered to be the boundaries of the national forest.

(Pub. L. 106-530, §8, Nov. 22, 2000, 114 Stat. 2532.)

Editorial Notes

CODIFICATION

In subsec. (c)(2)(B), “sections 100506(c) and 200306 of title 54” substituted for “section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460f-9)” on authority of Pub. L. 113-287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

§ 410hhh-7. Water rights

(a) Omitted

(b) Effect on water rights

(1) In general

Subject to the amendment made by subsection (a),¹ nothing in this subchapter affects—

(A) the use, allocation, ownership, or control, in existence on November 22, 2000, of any water, water right, or any other valid existing right;

¹ So in original. Probably should be “subsection (c)”.

¹ See Codification note below.