

(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.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Wilderness Act, referred to in subsec. (b), 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 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 mineral 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.)

**Editorial Notes**

**CODIFICATION**

In subsec. (a), “subchapter II of chapter 5, and chapter 7, of title 5” was substituted for “the Administra-

tive 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. Repealed. Pub. L. 114-46, title I, § 108(a), Aug. 7, 2015, 129 Stat. 480**

Section, Pub. L. 92-400, §5, Aug. 22, 1972, 86 Stat. 614, related to administrative determination of suitability for designation as wilderness areas.

**§ 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.)