

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.)

Editorial Notes

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 National 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.

Statutory Notes and Related Subsidiaries

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

Pub. L. 98-568, §2, Oct. 30, 1984, 98 Stat. 2932, 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 appropriate 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 noncommercial 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.)

Editorial Notes

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.