

values for which such area is established, except where such project is determined by the State of Georgia to be necessary for water supply or water quality enhancement purposes and authorized by the United States Congress. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments upstream or downstream from the recreation area or on any stream tributary thereto which will not invade the recreation area or unreasonably diminish the scenic, recreational, and fish and wildlife values present therein on August 15, 1978. Nothing contained in this subsection shall preclude the upgrading, improvement, expansion or development of facilities or public works for water supply or water quality enhancement purposes if such action would not have a material adverse effect on the values for which the recreation area is established.

(b) Limitations on recommending authorizations and requesting appropriations; applicability of local considerations and criteria

No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such area is established, as determined by the Secretary, nor shall such department or agency request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without at least sixty days in advance, (1) advising the Secretary in writing of its intention to do so and (2) reporting 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 the nature of the project involved and the manner in which such project would conflict with the purposes of this subchapter or would affect the recreation area and the values to be protected by it under this subchapter. It is not the intention of Congress by this subchapter to require the manipulation or reduction of lake water levels in Lake Sidney Lanier. Nothing in this subchapter shall be construed in any way to restrict, prohibit, or affect any recommendation of the Metropolitan Atlanta Water Resources Study as authorized by the Public Works Committee of the United States Senate on March 2, 1972.

(c) Expeditious acquisition of lands and interests in lands necessary for establishment, etc., of area

The Secretary is directed to proceed as expeditiously as possible to acquire the lands and interests in lands necessary to achieve the purposes of this subchapter and chapter 43 of this title.

(d) Mitigation funds for adverse impacts; accepted lands; limitation of amount; replacement lands

(1) Notwithstanding any other authority of law, any department, agency, or instrumentality of the United States or of the State of Georgia, or any other entity which may construct any project recommended in the study entitled "Metropolitan Atlanta Water Resources Management Study, Georgia: Report of Chief of

Engineers," dated June 1, 1982, which directly adversely impacts any lands within the authorized recreation boundaries of the Bowman's Island tract as shown on the map numbered and dated CHAT-20,003, September 1984, which were in Federal ownership as of September 1, 1984, shall, upon request by the Secretary, mitigate such adverse impacts. It is expressly provided that use of or adverse impact upon any other lands within the recreation area as result of any such project shall not require mitigation. Mitigation required by this paragraph shall be provided by payment to the United States of a sum not to exceed \$3,200,000. The mitigation funds paid pursuant to this paragraph shall be utilized by the Secretary for the acquisition of replacement lands. Such replacement lands shall be acquired only after consultation with the Governor of Georgia.

(2) In acquiring replacement lands under paragraph (1) priority shall be given to acquisition of lands within the recreation area boundary and those lands within or adjacent to the 2,000 foot wide corridor referred to in section 460ii of this title. Any lands acquired pursuant to this subsection lying outside the boundaries of the recreation area shall, upon acquisition, be included within the recreation area and transferred to the Secretary for management under this subchapter. The Secretary shall publish a revised boundary map to include any lands added to the recreation area pursuant to this subsection.

(3) If lands as described in paragraph (2) are not available for acquisition, other lands within the State of Georgia may be acquired as replacement lands under paragraph (1) if such lands are transferred to the State of Georgia for permanent management for public outdoor recreation.

(Pub. L. 95-344, title I, §104, Aug. 15, 1978, 92 Stat. 476; Pub. L. 98-568, §1(d), Oct. 30, 1984, 98 Stat. 2928; Pub. L. 103-437, §6(d)(18), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 106-154, §2(e)(2), (3), Dec. 9, 1999, 113 Stat. 1739.)

Editorial Notes

REFERENCES IN TEXT

The Federal Power Act (16 U.S.C. 791a et seq.), referred to in subsec. (a), is act June 10, 1920, ch. 285, 41 Stat. 1063, which is classified generally to chapter 12 (§791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

AMENDMENTS

1999—Subsec. (b). Pub. L. 106-154, §2(e)(2), substituted "this subchapter" for "this subchapter and chapter 43 of this title" wherever appearing.

Subsec. (d)(2). Pub. L. 106-154, §2(e)(3), substituted "under this subchapter" for "under this subchapter and chapter 43 of this title".

1994—Subsec. (b). Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" after "Committee on".

1984—Subsec. (d). Pub. L. 98-568 added subsec. (d).

§ 460ii-4. Funding sources and general management plan

(a) Funding

(1) Limitation on use of appropriated funds

From the appropriations authorized for fiscal year 1978 and succeeding fiscal years pur-

suant to the Land and Water Conservation Fund Act (78 Stat. 897),¹ as amended, not more than \$115,000,000 may be expended for the acquisition of lands and interests in lands authorized to be acquired pursuant to the provisions of this subchapter. For purposes of section 200306(a)(4) of title 54, the statutory ceiling on appropriations under this subsection shall be deemed to be a statutory ceiling contained in a provision of law enacted prior to the convening of the Ninety-sixth Congress.

(2) Donations

The Secretary may accept a donation of funds or land or an interest in land to carry out this subchapter.

(3) Relation to other funding sources

Funds made available under paragraph (1) are in addition to funding and the donation of land and interests in land by the State of Georgia, local government authorities, private foundations, corporate entities, and individuals for purposes of this subchapter.

(b) Authorization of appropriations for development of essential public services

Effective on October 1, 1978, there are authorized to be appropriated not to exceed \$500,000 for the development of essential public facilities.

(c) General management plan

(1) Initial plan

Within seven years from August 15, 1978, the Secretary shall, after consulting with the Governor of the State of Georgia, develop and transmit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a general management plan for the use and development of the recreation area consistent with the findings and purposes of this subchapter and chapter 43 of this title, indicating:

(A) lands and interests in lands adjacent or related to the recreation area which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area in furtherance of the purposes of this subchapter, the estimated cost of acquisition, and the recommended public acquisition agency;

(B) the number of visitors and types of public use within the recreation area that can be accommodated in accordance with the full protection of its resources; and

(C) the facilities deemed necessary to accommodate and provide access for such visitors and uses, including their location and estimated cost.

(2) Revised plan

(A) In general

Within 3 years after the date funds are made available, the Secretary shall submit to the committees specified in paragraph (1) a revised general management plan to provide for the protection, enhancement, enjoyment, development, and use of the recreation area.

(B) Public participation

In preparing the revised plan, the Secretary shall encourage the participation of the State of Georgia and affected political subdivisions of the State, private landowners, interested citizens, public officials, groups, agencies, educational institutions, and other entities.

(d) Federal actions affecting corridor area; procedural requirements: notification of Secretary, Secretary's recommendations or notification of Congressional committees, copies of decisions and recommendations to Congressional committees; concurrence condition; exemptions

(1) Whenever any Federal department, agency, or instrumentality proposes to undertake any action, or provide Federal assistance for any action, or issue any license or permit for an action within the corridor referred to in section 460ii of this title which may have a direct and adverse effect on the natural or cultural resources of the recreation area, the head of such department, agency, or instrumentality shall—

(A) promptly notify the Secretary of the action at the time it is planning the action, preparing an environmental assessment regarding the action, or preparing an environmental impact statement under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] for the action;

(B) provide the Secretary a reasonable opportunity to comment and make recommendations regarding the effect of the Federal action on the natural and cultural resources of the recreation area; and

(C) notify the Secretary of the specific decisions made in respect to the comments and recommendations of the Secretary.

The requirements of this subsection shall be carried out in accordance with procedures established by the Federal agency responsible for undertaking or approving the Federal action. These procedures may utilize the procedures developed by such Agency pursuant to the National Environmental Policy Act [42 U.S.C. 4321 et seq.].

(2) Following receipt of notification pursuant to paragraph (1)(A), the Secretary, after consultation with the Governor of Georgia, shall make such comments and recommendations as the Secretary deems appropriate pursuant to paragraph (1)(B) as promptly as practicable in accordance with the notifying agency's procedures established pursuant to paragraph (1)(A). In any instance in which the Secretary does not provide comments and recommendations under paragraph (1)(B), the Secretary shall notify in writing, the appropriate committees of Congress.

(3) Following receipt of the notifying agency's decisions pursuant to paragraph (1)(C), the Secretary shall submit to the appropriate committees of Congress, including the authorizing committees with primary jurisdiction for the program under which the proposed action is being taken, a copy of the notifying agency's specific decisions made pursuant to paragraph (1)(C), along with a copy of the comments and recommendations made pursuant to paragraph (1)(B).

¹ See References in Text note below.

(4) In any instance in which the Secretary has not been notified of a Federal agency's proposed action within the corridor, and on his or her own determination finds that such action may have a significant adverse effect on the natural or cultural resources of the recreation area, the Secretary shall notify the head of such Federal agency in writing. Upon such notification by the Secretary, such agency shall promptly comply with the provisions of subparagraphs (A), (B), and (C) of paragraph (1) of this subsection.

(5) Each agency or instrumentality of the United States conducting Federal action upon federally owned lands or waters which are administered by the Secretary and which are located within the authorized boundary of the recreation area shall not commence such action until such time as the Secretary has concurred in such action.

(6) The following Federal actions which constitute a major and necessary component of an emergency action shall be exempt from the provisions of this subsection—

(A) those necessary for safeguarding of life and property;

(B) those necessary to respond to a declared state of disaster;

(C) those necessary to respond to an imminent threat to national security; and

(D) those that the Secretary has determined to be not inconsistent with the general management plan for the recreation area.

Actions which are part of a project recommended in the study entitled "Metropolitan Atlanta Water Resources Management Study, Georgia: Report of Chief of Engineers", dated June 1, 1982, and any Federal action which pertains to the control of air space, which is regulated under the Clean Air Act [42 U.S.C. 7401 et seq.], or which is required for maintenance or rehabilitation of existing structures or facilities shall also be exempt from the provisions of this subsection.

(Pub. L. 95-344, title I, §105, Aug. 15, 1978, 92 Stat. 476; Pub. L. 98-568, §1(e), Oct. 30, 1984, 98 Stat. 2929; Pub. L. 106-154, §2(d), (e)(4), Dec. 9, 1999, 113 Stat. 1738, 1739.)

Editorial Notes

REFERENCES IN TEXT

The Land and Water Conservation Fund Act (78 Stat. 897), referred to in subsec. (a)(1), probably means the Land and Water Conservation Fund Act of 1965, Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, which was classified principally to part B (§460i-4 et seq.) of subchapter LXIX of this chapter. Sections 2, 3, 4(i)(1)(C), (j) to (n), 5 to 10, and 201 of the Act were repealed and restated as sections 100506(c) and 100904 and chapter 2003 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 7, Dec. 19, 2014, 128 Stat. 3094, 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 convening of the Ninety-sixth Congress, referred to in subsec. (a)(1), took place on Jan. 15, 1979.

The National Environmental Policy Act of 1969, referred to in subsec. (d)(1), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Clean Air Act, referred to in subsec. (d)(6), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§7401 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

CODIFICATION

In subsec. (a)(1), "section 200306(a)(4) of title 54" substituted for "section 7(a)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460i-9(a)(3))" 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.

AMENDMENTS

1999—Pub. L. 106-154, §2(d)(1), inserted section catchline.

Subsec. (a). Pub. L. 106-154, §2(d)(1), (2), inserted subsec. heading, designated existing provisions as par. (1), inserted heading, substituted "\$115,000,000" for "\$79,400,000" and "this subchapter" for "this subchapter and chapter 43 of this title", and added pars. (2) and (3).

Subsec. (c). Pub. L. 106-154, §2(d)(3), inserted subsec. heading, designated existing provisions as par. (1), inserted par. (1) heading, redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, substituted "transmit to the Committee on Resources of the House of Representatives" for "transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives", and added par. (2).

Subsec. (c)(1)(A). Pub. L. 106-154, §2(e)(4), substituted "of this subchapter" for "of this subchapter and chapter 43 of this title".

1984—Subsec. (a). Pub. L. 98-568, §1(e)(1), substituted "\$79,400,000" for "\$72,900,000" and inserted provision respecting applicable statutory ceiling on appropriations.

Subsec. (c). Pub. L. 98-568, §1(e)(2), substituted "seven years" for "three years".

Subsec. (d). Pub. L. 98-568, §1(e)(3), added subsec. (d).

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.

§ 460ii-5. Chattahoochee River National Recreation Area Advisory Commission

(a) Establishment; duties; membership: voting members and Park Superintendent as non-voting member; Chairman

There is hereby established the Chattahoochee River National Recreation Area Advisory Commission (hereinafter in this subchapter referred to as the "Advisory Commission") to advise the Secretary regarding the management and operation of the area, protection of resources with¹ the recreation area, and the priority of lands to be acquired within the recreation area. The Advisory Commission shall be composed of the following thirteen voting members appointed by the Secretary:

(1) four members appointed from among individuals recommended by local governments—

(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;

¹ So in original. Probably should be "within".