

(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 Sections 2, 3, 4(i)(1)(C), (j) to (n), 5 to 10, and 201 of the Act were repealed and restated as sections 100506(c) and 100904 and chapter 2003 of Title 54, National Park Service and Related Programs, by Pub.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".

(C) one of whom shall be recommended by the Board of County Commissioners of Cobb County; and

(D) one of whom shall be recommended by the Board of County Commissioners of Gwinnett County;

(2) one member appointed from among individuals recommended by the Governor of Georgia;

(3) one member appointed from among individuals recommended by the Atlanta Regional Commission;

(4) four members appointed from among individuals recommended by a coalition of citizens public interest groups, recreational users, and environmental organizations concerned with the protection and preservation of the Chattahoochee River;

(5) one member appointed from among individuals recommended by the Business Council of Georgia or by a local chamber of commerce in the vicinity of the recreation area; and

(6) two members who represent the general public, at least one of whom shall be a resident of one of the counties referred to in paragraph (1).

In addition, the Park Superintendent for the recreation area shall serve as a nonvoting member of the Advisory Commission. The Advisory Commission shall designate one of its members as Chairman.

(b) Terms of office; reappointment

(1) Except as provided in paragraph (2), members of the Advisory Commission shall serve for terms of three years. Any voting member of the Advisory Commission may be reappointed for one additional three-year term.

(2) The members first appointed under paragraph (1) shall serve for a term of one year. The members first appointed under paragraphs (2), (3), (5), and (6) shall serve for a term of two years.

(c) Meetings

The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the park. Commission meetings shall be held at locations and in such a manner as to insure adequate public involvement.

(d) Compensation and expenses

Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this subchapter on vouchers signed by the Chairman.

(e) Termination

The Advisory Commission shall terminate on the date ten years after October 30, 1984.

(Pub. L. 95-344, title I, §106, as added Pub. L. 98-568, §1(f), Oct. 30, 1984, 98 Stat. 2931; amended Pub. L. 106-154, §2(e)(5), (6), Dec. 9, 1999, 113 Stat. 1739.)

Editorial Notes

AMENDMENTS

1999—Subsec. (a). Pub. L. 106-154, §2(e)(5), substituted “this subchapter” for “this subchapter and chapter 43 of this title” in introductory provisions.

Subsec. (d). Pub. L. 106-154, §2(e)(6), substituted “this subchapter” for “this subchapter and chapter 43 of this title”.

SUBCHAPTER XCIV—ARAPAHO NATIONAL RECREATION AREA

§ 460jj. Establishment

(a) In general

An area of land comprising approximately 35,235 acres located in Grand County, Colorado, within the Arapaho and the Roosevelt National Forests and the Colorado Big Thompson project (as generally depicted as the “Arapaho National Recreation Area” on a map entitled “Indian Peaks Wilderness Area and Arapaho National Recreation Area” and dated May 2007) is established as the Arapaho National Recreation Area.

(b) Administration

The Secretary shall administer the Arapaho National Recreation Area, in accordance with the laws and regulations applicable to the national forests, in such a manner as will best provide for—

(1) public recreation and enjoyment;

(2) the conservation and development of the scenic, natural, historic, and pastoral values of the area;

(3) the management, utilization, and disposal of natural resources such as timber, grazing, and mineral resources so that their utilization will not substantially impair the purposes for which the recreation area is established; and

(4) the management of water quality in the recreation area consistent with the development of needed water supply and waste-water systems, including the control of aquatic vegetation in the streams, lakes, and reservoirs within the recreation area.

(c) Management plan

The Secretary shall develop an overall management plan for the Arapaho National Recreation Area. This plan shall be developed in consultation with State and local political subdivisions and other interested persons.

(Pub. L. 95-450, §4, Oct. 11, 1978, 92 Stat. 1095; Pub. L. 111-11, title I, §1955(b), Mar. 30, 2009, 123 Stat. 1075.)

Editorial Notes

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-11 substituted “35,235 acres” for “thirty-six thousand two hundred thirty-five acres” and “and dated May 2007” for “, dated July 1978”.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 95-450, §1, Oct. 11, 1978, 92 Stat. 1095, provided that: “This Act [enacting this subchapter and enacting notes set out under this section and section 1132 of this title] may be cited as the ‘Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act’.”

LEGISLATIVE FINDINGS; PURPOSES

Pub. L. 95-450, §2, Oct. 11, 1978, 92 Stat. 1095, provided that: “The Congress finds that it is in the national interest—