

(Pub. L. 105-277, div. A, §101(e) [title V, §513], Oct. 21, 1998, 112 Stat. 2681-231, 2681-313.)

§ 460III-14. Forest highways

(a) In general

For purposes of section 204 of title 23, the road known as “The Trace” and every other paved road within the Recreation Area (including any road constructed to secondary standards) shall be considered to be a forest highway.

(b) State responsibility

(1) In general

The States shall be responsible for the maintenance of forest highways within the Recreation Area.

(2) Reimbursement

To the maximum extent provided by law, from funds appropriated to the Department of Transportation and available for purposes of highway construction and maintenance, the Secretary of Transportation shall reimburse the States for all or a portion of the costs of maintenance of forest highways in the Recreation Area.

(Pub. L. 105-277, div. A, §101(e) [title V, §514], Oct. 21, 1998, 112 Stat. 2681-231, 2681-313.)

PART B—MANAGEMENT PROVISIONS

§ 460III-21. Land and resource management plan

(a) In general

As soon as practicable after the effective date of the transfer of jurisdiction under section 460III-41 of this title, the Secretary shall prepare a land and resource management plan for the Recreation Area in conformity with the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.) and other applicable law.

(b) Interim provision

Until adoption of the land and resource management plan, the Secretary may use, as appropriate, the existing Tennessee Valley Authority Natural Resource Management Plan to provide interim management direction. Use of all or a portion of the management plan by the Secretary shall not be considered to be a major Federal action significantly affecting the quality of the human environment.

(Pub. L. 105-277, div. A, §101(e) [title V, §521], Oct. 21, 1998, 112 Stat. 2681-231, 2681-314.)

REFERENCES IN TEXT

The National Forest Management Act of 1976, referred to in subsec. (a), is Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2949, as amended, which enacted sections 472a, 521b, 1600, and 1611 to 1614 of this title, amended sections 500, 515, 516, 518, 576b, and 1601 to 1610 of this title, repealed sections 476, 513, and 514 of this title, and enacted provisions set out as notes under sections 476, 513, 528, 594-2, and 1600 of this title. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 1600 of this title and Tables.

§ 460III-22. Advisory Board

(a) Establishment

Not later than 90 days after the date of transfer pursuant to section 460III-41 of this title, the

Secretary shall establish the Land Between the Lakes Advisory Board.

(b) Membership

The Advisory Board shall be composed of 17 members, of whom—

(1) 4 individuals shall be appointed by the Secretary, including—

(A) 2 residents of the State of Kentucky; and

(B) 2 residents of the State of Tennessee;

(2) 2 individuals shall be appointed by the Kentucky Fish and Wildlife Commissioner or designee;

(3) 1 individual shall be appointed by the Tennessee Fish and Wildlife Commission or designee;

(4) 2 individuals shall be appointed by the Governor of the State of Tennessee;

(5) 2 individuals shall be appointed by the Governor of the State of Kentucky; and

(6) 2 individuals shall be appointed by appropriate officials of each of the 3 counties containing the Recreation Area.

(c) Term

(1) In general

The term of a member of the Advisory Board shall be 5 years.

(2) Succession

Members of the Advisory Board may not succeed themselves.

(d) Chairperson

The Regional Forester shall serve as chairperson of the Advisory Board.

(e) Rules of procedure

The Secretary shall prescribe the rules of procedure for the Advisory Board.

(f) Functions

The Advisory Board may advise the Secretary on—

(1) means of promoting public participation for the land and resource management plan for the Recreation Area; and

(2) environmental education.

(g) Meetings

(1) Frequency

The Advisory Board shall meet at least biannually.

(2) Public meeting

A meeting of the Advisory Board shall be open to the general public.

(3) Notice of meetings

The chairperson, through the placement of notices in local news media and by other appropriate means shall give 2 weeks' public notice of each meeting of the Advisory Board.

(h) No termination

Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.

(Pub. L. 105-277, div. A, §101(e) [title V, §522], Oct. 21, 1998, 112 Stat. 2681-231, 2681-314.)

REFERENCES IN TEXT

Section 14(a)(2) of the Federal Advisory Committee Act, referred to in subsec. (h), is section 14(a)(2) of Pub.

L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 460III-23. Fees

(a) Authority

The Secretary may charge reasonable fees for admission to and the use of the designated sites, or for activities, within the Recreation Area.

(b) Factors

In determining whether to charge fees, the Secretary may consider the costs of collection weighed against potential income.

(c) Limitation

No general entrance fees shall be charged within the Recreation Area.

(Pub. L. 105-277, div. A, §101(e) [title V, §523], Oct. 21, 1998, 112 Stat. 2681-231, 2681-315.)

§ 460III-24. Disposition of receipts

(a) In general

All amounts received from charges, use fees, and natural resource utilization, including timber and agricultural receipts, shall be deposited in a special fund in the Treasury of the United States to be known as the "Land Between the Lakes Management Fund".

(b) Use

Amounts in the Fund shall be available to the Secretary until expended, without further Act of appropriation, for the management of the Recreation Area, including payment of salaries and expenses.

(Pub. L. 105-277, div. A, §101(e) [title V, §524], Oct. 21, 1998, 112 Stat. 2681-231, 2681-315.)

§ 460III-25. Special use authorizations

(a) In general

In addition to other authorities for the authorization of special uses within the National Forest System, within the Recreation Area, the Secretary may, on such terms and conditions as the Secretary may prescribe—

- (1) convey for no consideration perpetual easements to governmental units for public roads over United States Route 68 and the Trace, and such other rights-of-way as the Secretary and a governmental unit may agree;
- (2) transfer or lease to governmental units developed recreation sites or other facilities to be managed for public purposes; and
- (3) lease or authorize recreational sites or other facilities, consistent with sections 460III-1(2) and 460III-11(b)(2) of this title.

(b) Consideration

(1) In general

Consideration for a lease or other special use authorization within the Recreation Area shall be based on fair market value.

(2) Reduction or waiver

The Secretary may reduce or waive a fee to a governmental unit or nonprofit organization commensurate with other consideration provided to the United States, as determined by the Secretary.

(c) Procedure

The Secretary may use any fair and equitable method for authorizing special uses within the

Recreation Area, including public solicitation of proposals.

(d) Existing authorizations

(1) In general

A permit or other authorization granted by the Tennessee Valley Authority that is in effect on the date of transfer pursuant to section 460III-41 of this title may continue on transfer of administration of the Recreation Area to the Secretary.

(2) Reissuance

A permit or authorization described in paragraph (1) may be reissued or terminated under terms and conditions prescribed by the Secretary.

(3) Exercise of rights

The Secretary may exercise any of the rights of the Tennessee Valley Authority contained in any permit or other authorization, including any right to amend, modify, and revoke the permit or authorization.

(Pub. L. 105-277, div. A, §101(e) [title V, §525], Oct. 21, 1998, 112 Stat. 2681-231, 2681-315.)

§ 460III-26. Cooperative authorities and gifts

(a) Fish and Wildlife Service

(1) Management

(A) In general

Subject to such terms and conditions as the Secretary may prescribe, the Secretary may issue a special use authorization to the United States Fish and Wildlife Service for the management by the Service of facilities and land agreed on by the Secretary and the Secretary of the Interior.

(B) Fees

(i) In general

Reasonable admission and use fees may be charged for all areas administered by the United States Fish and Wildlife Service.

(ii) Deposit

The fees shall be deposited in accordance with section 460III-24 of this title.

(2) Cooperation

The Secretary and the Secretary of the Interior may cooperate or act jointly on activities such as population monitoring and inventory of fish and wildlife with emphasis on migratory birds and endangered and threatened species, environmental education, visitor services, conservation demonstration projects and scientific research.

(3) Subordination of fish and wildlife activities to overall management

The management and use of areas and facilities under permit to the United States Fish and Wildlife Service as authorized pursuant to this section shall be subordinate to the overall management of the Recreation Area as directed by the Secretary.

(b) Authorities

For the management, maintenance, operation, and interpretation of the Recreation Area and its facilities, the Secretary may—