

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—

(1) make grants and enter into contracts and cooperative agreements with Federal agencies, governmental units, nonprofit organizations, corporations, and individuals; and

(2) accept gifts under section 2269 of title 7 notwithstanding that the donor conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

(Pub. L. 105-277, div. A, §101(e) [title V, §526], Oct. 21, 1998, 112 Stat. 2681-231, 2681-316.)

**§ 460III-27. Designation of national recreation trail**

Effective on the date of transfer pursuant to section 460III-41 of this title, the North-South Trail is designated as a national recreation trail under section 1243 of this title.

(Pub. L. 105-277, div. A, §101(e) [title V, §527], Oct. 21, 1998, 112 Stat. 2681-231, 2681-317.)

**§ 460III-28. Cemeteries**

The Secretary shall maintain an inventory of and ensure access to cemeteries within the Recreation Area for purposes of burial, visitation, and maintenance.

(Pub. L. 105-277, div. A, §101(e) [title V, §528], Oct. 21, 1998, 112 Stat. 2681-231, 2681-317.)

**§ 460III-29. Resource management**

**(a) Minerals**

**(1) Withdrawal**

The land within the Recreation Area is withdrawn from the operation of the mining and mineral leasing laws of the United States.

**(2) Use of mineral materials**

The Secretary may permit the use of common varieties of mineral materials for the development and maintenance of the Recreation Area.

**(b) Hunting and fishing**

**(1) In general**

The Secretary shall permit hunting and fishing on land and water under the jurisdiction of the Secretary within the boundaries of the Recreation Area in accordance with applicable laws of the United States and of each State, respectively.

**(2) Prohibition**

**(A) In general**

The Secretary may designate areas where, and establish periods when, hunting or fishing is prohibited for reasons of public safety, administration, or public use and enjoyment.

**(B) Consultation**

Except in emergencies, a prohibition under subparagraph (A) shall become effective only after consultation with the appropriate fish and game departments of the States.

**(3) Fish and wildlife**

Nothing in this subchapter affects the jurisdiction or responsibilities of the States with respect to wildlife and fish on national forests.

(Pub. L. 105-277, div. A, §101(e) [title V, §529], Oct. 21, 1998, 112 Stat. 2681-231, 2681-317.)

**§ 460III-30. Hematite Dam**

Within one year from the date of transfer pursuant to section 460III-41 of this title, the Tennessee Valley Authority shall cause any breach in the Hematite Dam to be repaired, or if such repairs have previously been made, the Tennessee Valley Authority shall certify in a letter to the Secretary the sound condition of the dam. Future repair costs and maintenance of the Hematite Dam shall be the responsibility of the Secretary.

(Pub. L. 105-277, div. A, §101(e) [title V, §530], Oct. 21, 1998, 112 Stat. 2681-231, 2681-317.)

**§ 460III-31. Trust Fund**

**(a) Establishment**

There is established in the Treasury of the United States a special interest-bearing fund known as the ‘‘Land Between the Lakes Trust Fund’’.

**(b) Availability**

Amounts in the Fund shall be available to the Secretary, until expended, for—

(1) public education, grants, and internships related to recreation, conservation, and multiple use land management in the Recreation Area; and

(2) regional promotion in the Recreation Area, in cooperation with development districts, chambers of commerce, and State and local governments.

**(c) Deposits**

The Tennessee Valley Authority shall deposit into the Fund \$1,000,000 annually for each of the 5 fiscal years commencing in the first fiscal year of the transfer. Funding to carry out this section shall be derived from funding described in section 460III-49 of this title.

(Pub. L. 105-277, div. A, §101(e) [title V, §531], Oct. 21, 1998, 112 Stat. 2681-231, 2681-317.)

PART C—TRANSFER PROVISIONS

**§ 460III-41. Effective date of transfer**

Effective on October 1 of the first fiscal year for which Congress does not appropriate to the Tennessee Valley Authority at least \$6,000,000 for the Recreation Area, or, if this subchapter is enacted during a fiscal year for which Congress has not made such an appropriation, effective as of October 21, 1998, administrative jurisdiction over the Recreation Area is transferred from the Tennessee Valley Authority to the Secretary.

(Pub. L. 105-277, div. A, §101(e) [title V, §541], Oct. 21, 1998, 112 Stat. 2681-231, 2681-318.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original ‘‘this Act’’ and was translated as meaning section 101(e) of div. A of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-231, known as the Department of the Interior and Related Agencies Appropriations Act, 1999. For complete classification of this Act to the Code, see Tables.

**§ 460III-42. Statement of policy**

It is the policy of the United States that, to the maximum extent practicable—