

the area by publication of the amended description thereof in the Federal Register and acquire, by such means as he may deem to be in the public interest, including an exchange of excluded for included lands or interests therein with or without the payment or receipt of money to equalize values, additional lands and interests therein included in the area by reason of the boundary adjustment: *Provided*, That the area encompassed by such revised boundary shall not exceed the acreage included within the detailed boundary first described pursuant to this section.

(c) Continuance of existing uses

On lands acquired pursuant to this subchapter for recreation purposes, the Secretary of the Army, with the concurrence of the Secretary of the Interior, may permit the continuance of existing uses consistent with the purposes of this subchapter.

(Pub. L. 89-158, §3, Sept. 1, 1965, 79 Stat. 613.)

§ 460o-3. Administration authorities for conservation, management, or disposal of natural resources; coordination of administrative responsibilities of the Secretary of the Interior and Secretary of the Army

In the administration of the area for the purposes of this subchapter, the Secretary of the Interior may utilize such statutory authorities relating to areas of the national park system and such statutory authorities otherwise available to him for the conservation, management, or disposal of vegetative, mineral, or fish or wildlife resources as he deems appropriate to carry out the purposes of this subchapter. To assure consistent and effective planning, development, and operation for all purposes of the project, the Secretary of the Interior and the Secretary of the Army shall coordinate the administration of their respective responsibilities in the project; and such administration shall be consistent with the joint resolution approved September 27, 1961 (re Delaware River Basin compact; 75 Stat. 688).

(Pub. L. 89-158, §4, Sept. 1, 1965, 79 Stat. 613.)

§ 460o-4. Land and water use management plan; adoption, implementation, and revision; provisions

In the administration of the area for the purposes of this subchapter, the Secretary of the Interior, subject to provisions of section 460o-3 of this title, shall adopt and implement, and may from time to time revise, a land and water use management plan, which shall include specific provision for, in order of priority—

- (1) public outdoor recreation benefits;
- (2) preservation of scenic, scientific, and historic features contributing to public enjoyment;
- (3) such utilization of natural resources as in the judgment of the Secretary of the Interior is consistent with, and does not significantly impair, public recreation and protection of scenic, scientific, and historic features contributing to public enjoyment.

(Pub. L. 89-158, §5, Sept. 1, 1965, 79 Stat. 614.)

§ 460o-5. Hunting and fishing

The Secretary of the Interior shall permit hunting and fishing on lands and waters under his jurisdiction within the area in accordance with the applicable laws and regulations of the States concerned and of the United States. The Secretary of the Interior may designate zones where, and establish periods when, no hunting shall be permitted for reasons of public safety, wildlife management, administration, or public use and enjoyment not compatible with hunting, and may, in his plan for the area, provide areas for intensive fish and wildlife management, including public hunting and fishing, and shall issue appropriate regulations after consultation with appropriate officials of the States concerned. The Secretary of the Interior shall encourage such officials to adopt uniform regulations applicable to the whole of the Delaware Water Gap National Recreation Area.

(Pub. L. 89-158, §6, Sept. 1, 1965, 79 Stat. 614.)

§ 460o-6. Civil and criminal jurisdiction and taxing power of State

Nothing in this subchapter shall be construed to deprive any State or political subdivision thereof, of its right to exercise civil and criminal jurisdiction over the lands and waters within the area or of its right to tax persons, corporations, franchises, or property on the lands and waters included in the area.

(Pub. L. 89-158, §7, Sept. 1, 1965, 79 Stat. 614.)

§ 460o-7. Authorization of appropriations

There are hereby authorized to be appropriated to the Secretary of the Interior for the acquisition of lands and interests in land pursuant to the provisions of section 460o-1 of this title and for expenses incident thereto not more than \$65,000,000 which moneys shall be transferred to the Secretary of the Army. There are also authorized to be appropriated not more than \$18,200,000 for the cost of installing and constructing recreation facilities on the lands and interests in lands so acquired. The amounts herein authorized to be appropriated are supplemental to those authorized to be appropriated for the Tocks Island project and related facilities by the Flood Control Act of 1962 (76 Stat. 1182).

(Pub. L. 89-158, §8, Sept. 1, 1965, 79 Stat. 614; Pub. L. 92-575, §1, Oct. 27, 1972, 86 Stat. 1250.)

REFERENCES IN TEXT

The amounts authorized to be appropriated for the Tocks Island project and related facilities by the Flood Control Act of 1962, referred to in text, appear at 76 Stat. 1182, and were not classified to the Code. The Flood Control Act of 1962 is Title II of Pub. L. 87-874, Oct. 23, 1962, 76 Stat. 1173. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1972—Pub. L. 92-575 substituted “\$65,000,000” for “\$37,412,000”.

SUBCHAPTER LXXIV—SPRUCE KNOB-SENECA ROCKS NATIONAL RECREATION AREA

§ 460p. Establishment

In order to provide for the public outdoor recreation use and enjoyment thereof by the people of the United States, the Secretary of Agriculture shall establish the Spruce Knob-Seneca Rocks National Recreation Area in the State of West Virginia.

(Pub. L. 89-207, § 1, Sept. 28, 1965, 79 Stat. 843.)

§ 460p-1. Designation of area; acreage limitation; boundaries; publication in Federal Register

The Secretary of Agriculture (hereinafter called the "Secretary") shall—

(1) designate as soon as practicable after September 28, 1965, the Spruce Knob-Seneca Rocks National Recreation Area within and adjacent to, and as a part of, the Monongahela National Forest in West Virginia, not to exceed in the aggregate one hundred thousand acres comprised of the area including Spruce Knob, Smoke Hole, and Seneca Rock, and lying primarily in the drainage of the South Branch of the Potomac River, the boundaries of which shall be those shown on the map entitled "Proposed Spruce Knob-Seneca Rocks National Recreation Area", dated March 1965, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture; and

(2) publish notice of the designation in the Federal Register, together with a map showing the boundaries of the recreation area.

(Pub. L. 89-207, § 2, Sept. 28, 1965, 79 Stat. 843.)

§ 460p-2. Acquisition of lands, etc.

(a) Authority of Secretary; manner and place; boundaries of Monongahela National Forest; concurrence of State owner

The Secretary shall acquire by purchase with donated or appropriated funds, by gift, exchange, condemnation, transfer from any Federal agency, or otherwise, such lands, waters, or interests therein within the boundaries of the recreation area as he determines to be needed or desirable for the purposes of this subchapter. For the purposes of section 4607-9 of this title, the boundaries of the Monongahela National Forest, as designated by the Secretary pursuant to section 460p-1 of this title, shall be treated as if they were the boundaries of that forest on January 1, 1965. Lands, waters, or interests therein owned by the State of West Virginia or any political subdivision of that State may be acquired only with the concurrence of such owner.

(b) Transfer from Federal agency to administrative jurisdiction of Secretary

Notwithstanding any other provision of law, any Federal property located within the boundaries of the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in implementing the purposes of this subchapter.

(c) Exchange of property

In exercising his authority to acquire lands by exchange the Secretary may accept title to non-Federal property within the recreation area and convey to the grantor of such property any federally owned property in the State of West Virginia under his jurisdiction.

(d) State expenditures for public schools, public roads, or other public purposes

The portion of the moneys paid to the State of West Virginia under the provisions of section 500 of this title for expenditure for the benefit of Pendleton and Grant Counties, West Virginia, may be expended as the State legislature may prescribe for the benefit of such counties for public schools, public roads, or other public purposes.

(Pub. L. 89-207, § 3, Sept. 28, 1965, 79 Stat. 843.)

§ 460p-3. Outdoor recreation facilities development; cooperation with Federal and State agencies

(a) After the Secretary acquires an acreage within the area designated pursuant to paragraph (1) of section 460p-1 of this title that is in his opinion efficiently administrable to carry out the purposes of this subchapter, he shall institute an accelerated program of development of facilities for outdoor recreation. Said facilities shall be so devised to take advantage of the topography and geographical location of the lands in relation to the growing recreation needs of the people of the United States.

(b) The Secretary may cooperate with all Federal and State authorities and agencies that have programs which will hasten completion of the recreation area and render services which will aid him in evaluating and effectuating the establishment of adequate summer and winter outdoor recreation facilities.

(Pub. L. 89-207, § 4, Sept. 28, 1965, 79 Stat. 843.)

§ 460p-4. Administration, protection, and development

The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of natural resources as in his judgment will promote, or is compatible with, and does not significantly impair the purposes for which the recreation area is established.

(Pub. L. 89-207, § 5, Sept. 28, 1965, 79 Stat. 844.)

§ 460p-5. Hunting and fishing

The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the Spruce Knob-Seneca Rocks National Recreation Area in accordance with applicable Federal and State laws. The Secretary may designate zones where, and establish periods when, no hunting shall be permitted for reasons of