

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(9) Person

The term “person” has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(10) Pollutant or contaminant

The term “pollutant or contaminant” has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(11) Recreation Area

The term “Recreation Area” means the Land Between the Lakes National Recreation Area.

(12) Release

The term “release” has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(13) Response action

The term “response action” has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(14) Secretary

The term “Secretary” means the Secretary of Agriculture.

(15) State

The term “State” means the State of Kentucky and the State of Tennessee.

(Pub. L. 105-277, div. A, §101(e) [title V, §502], Oct. 21, 1998, 112 Stat. 2681-231, 2681-310.)

REFERENCES IN TEXT

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, referred to in par. (5)(B)(i), is Pub. L. 96-510, Dec. 11, 1980, 94 Stat. 2767, as amended, which is classified principally to chapter 103 (§9601 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 9601 of Title 42 and Tables.

The Solid Waste Disposal Act, referred to in par. (5)(B)(ii), is title II of Pub. L. 89-272, Oct. 20, 1965, 79 Stat. 997, as amended generally by Pub. L. 94-580, §2, Oct. 21, 1976, 90 Stat. 2795, which is classified generally to chapter 82 (§6901 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 6901 of Title 42 and Tables.

The Federal Water Pollution Control Act, referred to in par. (5)(B)(iii), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

The Clean Air Act, referred to in par. (5)(B)(iv), is act July 14, 1955, ch. 360, 69 Stat. 322, as amended, which is classified generally to chapter 85 (§7401 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 7401 of Title 42 and Tables.

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in par. (5)(B)(v), is act June 25, 1947, ch.

125, as amended generally by Pub. L. 92-516, Oct. 21, 1972, 86 Stat. 973, which is classified generally to subchapter II (§136 et seq.) of chapter 6 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 136 of Title 7 and Tables.

The Toxic Substances Control Act, referred to in par. (5)(B)(vi), is Pub. L. 94-469, Oct. 11, 1976, 90 Stat. 2003, as amended, which is classified generally to chapter 53 (§2601 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 15 and Tables.

The Safe Drinking Water Act, referred to in par. (5)(B)(vii), is title XIV of act July 1, 1944, as added Pub. L. 93-523, §2(a), Dec. 16, 1974, 88 Stat. 1660, as amended, which is classified generally to subchapter XII (§300f et seq.) of chapter 6A 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 201 of Title 42 and Tables.

The National Environmental Policy Act of 1969, referred to in par. (5)(B)(viii), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, 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 Endangered Species Act of 1973, referred to in par. (5)(B)(ix), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

Section 101(a) of title 23, referred to in par. (6), was subsequently amended, and section 101(a) no longer defines “forest highway”.

SHORT TITLE

Pub. L. 105-277, div. A, §101(e) [title V, §501], Oct. 21, 1998, 112 Stat. 2681-231, 2681-310, provided that: “This title [enacting this subchapter] may be referred to as ‘The Land Between the Lakes Protection Act of 1998’.”

§ 460III-1. Purposes

The purposes of this subchapter are—

(1) to transfer without consideration administrative jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary so that the Recreation Area may be managed as a unit of the National Forest System;

(2) to protect and manage the resources of the Recreation Area for optimum yield of outdoor recreation and environmental education through multiple use management by the Forest Service;

(3) to authorize, research, test, and demonstrate innovative programs and cost-effective management of the Recreation Area;

(4) to authorize the Secretary to cooperate between and among the States, Federal agencies, private organizations, and corporations, and individuals, as appropriate, in the management of the Recreation Area and to help stimulate the development of the surrounding region and extend the beneficial results as widely as practicable; and

(5) to provide for the smooth and equitable transfer of jurisdiction from the Tennessee Valley Authority to the Secretary.

(Pub. L. 105-277, div. A, §101(e) [title V, §503], Oct. 21, 1998, 112 Stat. 2681-231, 2681-311.)

PART A—ESTABLISHMENT, ADMINISTRATION, AND JURISDICTION

§ 460III-11. Establishment

(a) In general

On the transfer of administrative jurisdiction under section 460III-41 of this title, the Land Between the Lakes National Recreation Area in the States of Kentucky and Tennessee is established as a unit of the National Forest System.

(b) Management

(1) In general

The Secretary shall manage the Recreation Area for multiple use as a unit of the National Forest System.

(2) Emphases

The emphases in the management of the Recreation Area shall be—

(A) to provide public recreational opportunities;

(B) to conserve fish and wildlife and their habitat; and

(C) to provide for diversity of native and desirable non-native plants, animals, opportunities for hunting and fishing, and environmental education.

(3) Status of unit

The Secretary may administer the Recreation Area as a separate unit of the National Forest System or in conjunction with an existing national forest.

(c) Area included

(1) In general

The Recreation Area shall comprise the federally owned land, water, and interests in the land and water lying between Kentucky Lake and Lake Barkley in the States of Kentucky and Tennessee, as generally depicted on the map entitled “Land Between the Lakes National Recreation Area—January, 1998”.

(2) Map

The map described in paragraph (1) shall be available for public inspection in the Office of the Chief of the Forest Service, Washington, D.C.

(d) Waters

(1) Water levels and navigation

Nothing in this subchapter affects the jurisdiction of the Tennessee Valley Authority or the Army Corps of Engineers to manage and regulate water levels and navigation of Kentucky Lake and Lake Barkley and areas subject to flood easements.

(2) Occupancy and use

Subject to the jurisdiction of the Tennessee Valley Authority and the Army Corps of Engineers, the Secretary shall have jurisdiction to regulate the occupancy and use of the surface waters of the lakes for recreational purposes.

(Pub. L. 105-277, div. A, §101(e) [title V, §511], Oct. 21, 1998, 112 Stat. 2681-231, 2681-312.)

§ 460III-12. Civil and criminal jurisdiction

(a) Administration

The Secretary, acting through the Chief of the Forest Service, shall administer the Recreation

Area in accordance with this subchapter and the laws, rules, and regulations pertaining to the National Forest System.

(b) Status

Land within the Recreation Area shall have the status of land acquired under the Act of March 1, 1911 (commonly known as the “Weeks Act”) (16 U.S.C. 515 et seq.).

(c) Law enforcement

In order to provide for a cost-effective transfer of the law enforcement responsibilities between the Forest Service and the Tennessee Valley Authority, the law enforcement authorities designated under section 831c-3 of this title are hereby granted to special agents and law enforcement officers of the Forest Service. The law enforcement authorities designated under section 551 of this title, section 559 of this title, the National Forest System Drug Control Act of 1986 (16 U.S.C. 559b-559g) are hereby granted to law enforcement agents of the Tennessee Valley Authority, within the boundaries of the Recreation Area, for a period of 1 year from October 21, 1998.

(Pub. L. 105-277, div. A, §101(e) [title V, §512], Oct. 21, 1998, 112 Stat. 2681-231, 2681-313.)

REFERENCES IN TEXT

Act of March 1, 1911, referred to in subsec. (b), is act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, popularly known as the Weeks Law, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

The National Forest System Drug Control Act of 1986, referred to in subsec. (c), is title XV of Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207-191, which enacted sections 559b to 559g of this title, amended section 841 of Title 21, Food and Drugs, and enacted provisions set out as a note under section 559b of this title. For complete classification of title XV to the Code, see Short Title note set out under section 559b of this title and Tables.

§ 460III-13. Payments to States and counties

(a) Payments in lieu of taxes

Land within the Recreation Area shall be subject to the provisions for payments in lieu of taxes under chapter 69 of title 31.

(b) Distribution

All amounts received from charges, use fees, and natural resource utilization, including timber and agricultural receipts, shall not be subject to distribution to States under section 500 of this title.

(c) Payments by the Tennessee Valley Authority

After the transfer of administrative jurisdiction is made under section 460III-41 of this title—

(1) the Tennessee Valley Authority shall continue to calculate the amount of payments to be made to States and counties under section 831I of this title; and

(2) each State (including, for the purposes of this subsection, the State of Kentucky, the State of Tennessee, and any other State) that receives a payment under that section shall continue to calculate the amounts to be distributed to the State and local governments, as though the transfer had not been made.