

the Secretary, acting through the Director of the National Park Service. The Secretary shall appoint no fewer than three individuals to represent each of the following categories of entities: municipalities; educational and cultural institutions; environmental organizations; business and commercial entities, including those related to transportation, tourism and the maritime industry; and Boston Harbor-related advocacy organizations; and organizations representing Native American interests.

(3) Procedures

Each meeting of the Advisory Council and its committees shall be open to the public.

(4) FACA

The provisions of section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), are hereby waived with respect to the Advisory Council.

(h) Authorization of appropriations

(1) In general

There are authorized to be appropriated such sums as may be necessary to carry out this section, provided that no funds may be appropriated for land acquisition.

(2) Matching requirement

Amounts appropriated in any fiscal year to carry out this section may only be expended on a matching basis in a ratio of at least three non-Federal dollars to every Federal dollar. The non-Federal share of the match may be in the form of cash, services, or in-kind contributions, fairly valued.

(Pub. L. 104-333, div. I, title X, §1029, Nov. 12, 1996, 110 Stat. 4232; Pub. L. 105-355, title V, §513, Nov. 6, 1998, 112 Stat. 3266; Pub. L. 106-176, title I, §126, Mar. 10, 2000, 114 Stat. 30; Pub. L. 108-352, §12, Oct. 21, 2004, 118 Stat. 1397; Pub. L. 109-241, title IX, §902(h)(1), July 11, 2006, 120 Stat. 567; Pub. L. 111-11, title VII, §7109, Mar. 30, 2009, 123 Stat. 1197; Pub. L. 111-281, title IX, §903(a)(8), Oct. 15, 2010, 124 Stat. 3010.)

REFERENCES IN TEXT

The Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4), referred to in subsec. (d)(1), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 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 Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467), referred to in subsec. (d)(1), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, known as the Historic Sites Act of 1935 and also as the Historic Sites, Buildings, and Antiquities Act, which enacted sections 461 to 467 of this title. The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54,

National Park Service and Related Programs, by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 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.

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (g)(4), is section 14 of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2010—Subsec. (e)(2)(B). Pub. L. 111-281 made technical amendment to directory language of Pub. L. 109-241, §902(h)(1). See 2006 Amendment note below.

2009—Subsec. (d)(3). Pub. L. 111-11, §7109(a), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: "The Secretary may consult and enter into cooperative agreements with the Commonwealth of Massachusetts or its political subdivisions to acquire from and provide to the Commonwealth or its political subdivisions goods and services to be used in the cooperative management of lands within the recreation area, if the Secretary determines that appropriations for that purpose are available and the agreement is in the best interest of the United States."

Subsec. (e)(2)(B). Pub. L. 111-11, §7109(b)(1), substituted "Coast Guard." for "Coast Guard".

Subsec. (e)(11). Pub. L. 111-11, §7109(b)(2), substituted "Notwithstanding" for "Notwithstanding".

2006—Subsec. (e)(2)(B). Pub. L. 109-241, §902(h)(1), as amended by Pub. L. 111-281, §903(a)(8), substituted "Commandant of the Coast Guard." for "Secretary of Transportation, to represent the United States Coast Guard."

2004—Subsec. (c)(2)(B)(i). Pub. L. 108-352, §12(1), substituted "referenced" for "reference".

Subsec. (d)(4). Pub. L. 108-352, §12(2), inserted period after "plans".

2000—Pub. L. 106-176, §126(1), substituted "National Recreation Area" for "Recreation Area" in section catchline.

Subsec. (b)(1). Pub. L. 106-176, §126(2), inserted quotation marks around "recreation area".

Subsec. (e)(3)(B). Pub. L. 106-176, §126(3), which directed substitution of "subparagraphs (C), (D), (E), (F), (G), (H), (I), and (J) of paragraph (2)." for "subsections (b)(3), (4), (5), (6), (7), (8), (9), and (10) of this section.", was executed by making the substitution for text that did not include the phrase "of this section.."

Subsec. (f)(2)(A)(i). Pub. L. 106-176, §126(4), substituted "private-sector roles" for "profit sector roles".

Subsec. (g)(1). Pub. L. 106-176, §126(5), substituted "and revenue-raising activities." for "and revenue raising activities."

Subsec. (h)(2). Pub. L. 106-176, §126(6), substituted "ratio" for "ration".

1998—Subsec. (c)(3). Pub. L. 105-355 added par. (3).

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.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-281, title IX, §903(a), Oct. 15, 2010, 124 Stat. 3010, provided that the amendment by section 903(a)(8) is effective with enactment of Pub. L. 109-241.

SUBCHAPTER CXXIII—LAND BETWEEN THE LAKES PROTECTION

§ 460III. Definitions

In this subchapter:

(1) Administrator

The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Advisory Board

The term “Advisory Board” means the Land Between the Lakes Advisory Board established under section 460III–22 of this title.

(3) Chairman

The term “Chairman” means the Chairman of the Board of Directors of the Tennessee Valley Authority.

(4) Eligible employee

The term “eligible employee” means a person that was, on the date of transfer pursuant to section 460III–41 of this title, a full-time or part-time annual employee of the Tennessee Valley Authority at the Recreation Area.

(5) Environmental law**(A) In general**

The term “environmental law” means all applicable Federal, State, and local laws (including regulations) and requirements related to protection of human health, natural and cultural resources, or the environment.

(B) Inclusions

The term “environmental law” includes—

- (i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);
- (ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);
- (iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);
- (iv) the Clean Air Act (42 U.S.C. 7401 et seq.);
- (v) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);
- (vi) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);
- (vii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);
- (viii) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
- (ix) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(6) Forest highway

The term “forest highway” has the meaning given the term in section 101(a) of title 23.¹

(7) Governmental unit

The term “governmental unit” means an agency of the Federal Government or a State or local government, local governmental unit, public or municipal corporation, or unit of a State university system.

(8) Hazardous substance

The term “hazardous substance” 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).

(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.

¹ See References in Text note below.

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.).