

continued use of which property for noncommercial residential purposes for a limited time will not, in the judgment of the Secretary of the Interior, unduly interfere with the development of public-use facilities for the national recreation area and will not, in the judgment of the Secretary of the Army, unduly interfere with the operation of the Tocks Island Reservoir project, may retain a right of use and occupancy of such property for noncommercial residential purposes for, as said owner may elect, either (i) a period terminating upon his death or the death of his spouse, whichever occurs later, or (ii) a term of not more than twenty-five years: *Provided*, That in no case shall the period or term for which such right of use and occupancy is retained extend beyond the term of the freehold interest acquired by the United States. The price payable to the owner of such property shall be reduced by an amount equal to the value of the right retained. As used in this subchapter "improved residential property" means a single-family year-round dwelling, the construction of which was begun before January 21, 1963, which dwelling serves as the owner's permanent place of abode at the time of its acquisition by the United States, together with not more than three acres of land on which the dwelling and appurtenant buildings are located which land the Secretary of the Interior or the Secretary of the Army, as the case may be, finds is reasonably necessary for the owner's continued use and occupancy of the dwelling: *Provided, further*, That whenever an owner of property elects to retain a right of use and occupancy pursuant to this subchapter, such owner shall be deemed to have waived any benefits or rights under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601 et seq.].

(Pub. L. 89-158, §2, Sept. 1, 1965, 79 Stat. 612; Pub. L. 92-575, §2, Oct. 27, 1972, 86 Stat. 1250; Pub. L. 95-625, title III, §316, Nov. 10, 1978, 92 Stat. 3483.)

REFERENCES IN TEXT

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (d), is Pub. L. 91-646, Jan. 2, 1971, 84 Stat. 1894, which is classified principally to chapter 61 (§4601 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 4601 of Title 42 and Tables.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-625 authorized acquisition of lands within the exterior boundaries of the area by the Secretary of the Interior, retention of use and occupancy rights, termination of Federal agency authority over lands and transfer of authority and funds to the Secretary of the Interior, and prescribed acquisition priorities for the Secretary of the Interior.

1972—Subsec. (d). Pub. L. 92-575 provided for waiver of benefits or rights under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, upon election to retain right of use and occupancy pursuant to this subchapter.

§ 460o-2. Designation of area; boundaries

(a) Publication in Federal Register; description of boundaries; administration of transferred lands and waters

As soon as practicable after September 1, 1965, and following the transfer to the Secretary of

the Interior by the Secretary of the Army of jurisdiction over those lands and interests therein within the boundary generally depicted on the drawing described in section 460o-1 of this title which, in the opinion of the Secretary of the Interior, constitute an efficiently administrable unit, the Secretary of the Interior shall declare establishment of the area by publication of notice thereof in the Federal Register. Such notice shall contain a detailed description of the boundaries of the area which shall encompass, to the extent practicable, the lands and waters shown on said drawing. Prior to such establishment, the Secretary of the Interior shall administer such transferred lands and waters, consistent with the construction of the project, for purposes in contemplation of the establishment of the area pursuant to this subchapter.

(b) Adjustments in boundaries; publication in Federal Register; acquisition of additional lands; acreage limitations

The Secretary of the Interior may subsequently make adjustments in the boundary of 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.)