

and the terminus of the Chesapeake and Ohio Canal National Monument near the mouth of Seneca Creek in the State of Maryland. The boundaries of the park shall be as generally depicted on the drawing entitled "Boundary Map, Proposed Chesapeake and Ohio Canal National Historical Park," in five sheets, numbered CHOH 91,000, and dated October 1969, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior: *Provided*, That no lands owned by any State shall be included in the boundaries of the park—

(1) unless they are donated to the United States, or

(2) until a written cooperative agreement is negotiated by the Secretary which assures the administration of such lands in accordance with established administrative policies for national parks, and

(3) until the terms and conditions of such donation or cooperative agreement have been forwarded to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives at least sixty days prior to being executed.

The exact boundaries of the park shall be established, published, and otherwise publicized within eighteen months after January 8, 1971, and the owners of property other than property lying between the canal and the Potomac River shall be notified within said period as to the extent of their property included in the park.

(b) Within the boundaries of the park, the Secretary is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange, but he shall refrain from acquiring, for two years from January 8, 1971, any lands designated on the boundary map for acquisition by any State if he has negotiated and consummated a written cooperative agreement with such State pursuant to subsection (a) of this section.

(Pub. L. 91-664, §3, Jan. 8, 1971, 84 Stat. 1978; Pub. L. 103-437, §6(g), Nov. 2, 1994, 108 Stat. 4585.)

Editorial Notes

AMENDMENTS

1994—Subsec. (a)(3). Pub. L. 103-437 substituted "Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives" for "Committees on Interior and Insular Affairs of the United States House of Representatives and Senate".

§ 410y-1a. Boundary revision

The boundaries of the park are revised to include approximately 600 additional acres.

(Pub. L. 95-625, title III, §320, Nov. 10, 1978, 92 Stat. 3488; Pub. L. 96-199, title I, §101(c), Mar. 5, 1980, 94 Stat. 68.)

Editorial Notes

CODIFICATION

Section was enacted as part of the National Parks and Recreation Act of 1978, and not as part of the Chesapeake and Ohio Canal Development Act which comprises this subchapter.

AMENDMENTS

1980—Pub. L. 96-199 struck out proviso that additions to the park as authorized by this section shall not include any properties located between 30th Street and Thomas Jefferson Street in the northwest section of the District of Columbia.

§ 410y-2. Consideration by Secretary of comprehensive local or State development, land use, or recreational plans

The Secretary shall take into account comprehensive local or State development, land use, or recreational plans affecting or relating to areas in the vicinity of the canal, and shall, wherever practicable, consistent with the purposes of this subchapter, exercise the authority granted by this subchapter, in a manner which he finds will not conflict with such local or State plans.

(Pub. L. 91-664, §4, Jan. 8, 1971, 84 Stat. 1979.)

§ 410y-3. Access

(a) Pre-existing rights and permits

The enactment of this subchapter shall not affect adversely any valid rights heretofore existing, or any valid permits heretofore issued, within or relating to areas authorized for inclusion in the park.

(b) Issuance of permits by Secretary for use of park lands and utility, highway, and railway crossings

Other uses of park lands, and utility, highway, and railway crossings, may be authorized under permit by the Secretary, if such uses and crossings are not in conflict with the purposes of the park and are in accord with any requirements found necessary to preserve park values.

(c) Crossing by foot at designated locations; purposes; conduct

Authority is hereby granted for individuals to cross the park by foot at locations designated by the Secretary for the purpose of gaining access to the Potomac River or to non-Federal lands for hunting purposes: *Provided*, That while such individuals are within the boundaries of the park firearms shall be unloaded, bows unstrung, and dogs on leash.

(Pub. L. 91-664, §5, Jan. 8, 1971, 84 Stat. 1979.)

§ 410y-4. Chesapeake and Ohio Canal National Historical Park Commission

(a) Establishment

There is hereby established a Chesapeake and Ohio Canal National Historical Park Commission (hereafter in this section referred to as the "Commission").

(b) Membership; appointment; term

The Commission shall be composed of nineteen members appointed by the Secretary for terms of five years each, as follows:

(1) Eight members to be appointed from recommendations submitted by the boards of commissioners or the county councils, as the case may be, of Montgomery, Frederick, Washington, and Allegany Counties, Maryland, of which two members shall be appointed from recommendations submitted by each such board or council, as the case may be;

(2) Eight members to be appointed from recommendations submitted by the Governor of the State of Maryland, the Governor of the State of West Virginia, the Governor of the Commonwealth of Virginia, and the Mayor of the District of Columbia, of which two members shall be appointed from recommendations submitted by each such Governor or Mayor, as the case may be; and

(3) Three members to be appointed by the Secretary, one of whom shall be designated Chairman of the Commission and two of whom shall be members of regularly constituted conservation organizations.

(c) Vacancies

Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made. A member may serve after the expiration of his term until his successor has taken office.

(d) Compensation and payment of expenses

Members of the Commission shall serve without compensation, as such, but the Secretary is authorized to pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this subchapter.

(e) Consultation by Secretary

The Secretary, or his designee, shall from time to time but at least annually, meet and consult with the Commission on general policies and specific matters related to the administration and development of the park.

(f) Majority vote

The Commission shall act and advise by affirmative vote of a majority of the members thereof.

(g) Termination

The Commission shall cease to exist 40 years from January 8, 1971.

(Pub. L. 91-664, §6, Jan. 8, 1971, 84 Stat. 1980; Pub. L. 93-198, title IV, §421, Dec. 24, 1973, 87 Stat. 789; Pub. L. 96-555, Dec. 19, 1980, 94 Stat. 3260; Pub. L. 101-320, July 3, 1990, 104 Stat. 292; Pub. L. 106-554, §1(a)(4) [div. B, title I, §134], Dec. 21, 2000, 114 Stat. 2763, 2763A-230.)

Editorial Notes

AMENDMENTS

2000—Subsec. (g). Pub. L. 106-554 substituted “40” for “thirty”.

1990—Subsec. (c). Pub. L. 101-320, §1(a), inserted at end “A member may serve after the expiration of his term until his successor has taken office.”

Subsec. (g). Pub. L. 101-320, §1(b), substituted “thirty” for “twenty”.

1980—Subsec. (g). Pub. L. 96-555 substituted “twenty” for “ten”.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198. Accordingly, “Mayor” substituted in subsec. (b)(2) for “Commissioner” in two places.

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Pub. L. 113-178, §1, Sept. 26, 2014, 128 Stat. 1912, provided that: “The Chesapeake and Ohio Canal National Historical Park Commission (referred to in this Act [enacting this note] as the ‘Commission’) is authorized in accordance with the provisions of section 6 of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y-4), except that the Commission shall terminate 10 years after the date of enactment of this Act [Sept. 26, 2014].”

§ 410y-5. Administration

The Chesapeake and Ohio Canal National Historical Park shall be administered by the Secretary of the Interior in accordance with the Act of August 25, 1916 (30 Stat. 535; 16 U.S.C. 1, 2-4),¹ as amended and supplemented.

(Pub. L. 91-664, §7, Jan. 8, 1971, 84 Stat. 1980.)

Editorial Notes

REFERENCES IN TEXT

The Act of August 25, 1916 (30 Stat. 535; 16 U.S.C. 1, 2-4), referred to in text, 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.

§ 410y-6. Availability of funds; authorization of appropriations; adjustment of appropriations

(a) Any funds that may be available for purposes of administration of the Chesapeake and Ohio Canal property may hereafter be used by the Secretary for the purposes of the park.

(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter, not to exceed \$28,400,000 for land acquisition and not to exceed \$17,000,000 (1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

(Pub. L. 91-664, §8, Jan. 8, 1971, 84 Stat. 1980; Pub. L. 95-625, title III, §320, Nov. 10, 1978, 92 Stat. 3488.)

Editorial Notes

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-625 substituted “\$28,400,000” for “\$20,400,000”.

¹ See References in Text note below.