

§ 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 sections 100506(c) and 200306 of title 54, 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.)

Editorial Notes**CODIFICATION**

In subsec. (a), "sections 100506(c) and 200306 of title 54" substituted for "section 6 of the Act of September 3, 1964 (78 Stat. 897, 903)" on authority of Pub. L. 113-287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs. Section 6 of act Sept. 3, 1964, Pub. L. 88-578, had been renumbered section 7 by Pub. L. 92-347, §2, July 11, 1972, 86 Stat. 459.

§ 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 public safety, administration, or public use and enjoyment, and shall issue regulations after consultation with the Department of Natural Resources of the State of West Virginia.

(Pub. L. 89-207, §6, Sept. 28, 1965, 79 Stat. 844.)

SUBCHAPTER LXXV—WHISKEYTOWN-SHASTA-TRINITY NATIONAL RECREATION AREA**§ 460q. Establishment; boundaries; administration; integrated management policies**

In order to provide, in a manner coordinated with the other purposes of the Central Valley project, for the public outdoor recreation use and enjoyment of the Whiskeytown, Shasta, Clair Engle, and Lewiston reservoirs and surrounding lands in the State of California by present and future generations and the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Whiskeytown-Shasta-Trinity National Recreation Area in the State of California (hereinafter referred to as the "recreation area"). The

boundaries of the recreation area, which consists of the Whiskeytown unit, the Shasta unit, and the Clair Engle-Lewiston unit, shall be those shown in drawing numbered BOR-WST 1004, dated July 1963, entitled "Proposed Whiskeytown-Shasta-Trinity National Recreation Area", which is on file and available for public inspection in the office of the Director of the Bureau of Outdoor Recreation, Department of the Interior. The Whiskeytown unit shall be administered by the Secretary of the Interior; and the Shasta and Clair Engle-Lewiston units shall be administered by the Secretary of Agriculture, except that lands or waters needed or used for the operation of the Central Valley project shall continue to be administered by the Secretary of the Interior to the extent he determines to be required for such operation. The two Secretaries shall coordinate their planning and administration of the respective units in such manner as to provide integrated management policies for the recreation area as a whole for the purposes of this subchapter in order to bring about uniformity to the fullest extent feasible in the administration and use of the recreation area.

(Pub. L. 89-336, §1, Nov. 8, 1965, 79 Stat. 1295.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Pub. L. 105-44, §1, Sept. 30, 1997, 111 Stat. 1141, provided that:

"(a) DESIGNATION.—The reservoir created by Trinity Dam in the Central Valley project, California, and designated as 'Clair Engle Lake' by Public Law 88-662 (78 Stat. 1093) is hereby redesignated as 'Trinity Lake'.

"(b) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the reservoir referred to in subsection (a) shall be considered to be a reference to 'Trinity Lake'.

"(c) REPEAL OF EARLIER DESIGNATION.—Public Law 88-662 (78 Stat. 1093) is repealed."

§ 460q-1. Acquisition of property

(a) Authority of Secretary concerned; manner and place; concurrence of State owner; transfer from Federal agency to administrative jurisdiction of appropriate Secretary; limitation of acquisition of easements during existence of zoning ordinance; uniform policy considerations

Within the boundaries of the portion of the recreation area under his jurisdiction and outside such boundaries when required for the construction or improvement of access roads thereto, each Secretary is authorized to acquire lands, waters, or other property, or any interest therein, in such manner, including exchange as hereinafter provided, as he considers to be in the public interest to carry out the purposes of this subchapter. In connection with any such acquisition, each Secretary may permit the grantor a reservation of all or any part of the minerals or of any other interest or right of use in such lands or waters on such terms and conditions as the Secretary may deem appropriate. Any property or interest therein owned by the State of California or any political subdivision thereof within the recreation area may be acquired

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

The Secretary of the Interior, in order to assure public access to Clear Creek and to provide hiking and horseback riding trails for the public, may, as he deems necessary for these purposes acquire such easements or other interests on either or both sides of Clear Creek between the south boundary of the Whiskeytown unit and the highway at Igo, California.

The Secretary of Agriculture is authorized to acquire scenic easements or such other interests, including ownership of the land therein, as he determines to be appropriate to protect and assure the appearance of a strip of land not to exceed six hundred and sixty feet on each side of the centerline of Federal Aid Secondary Highway Numbered 1089 between the points where said highway crosses the south line of sections 19 and 20, township 35 north, range 8 west, and where it crosses the south line of section 18, township 36 north, range 7 west, on the north-westerly side of the Clair Engle-Lewiston unit: *Provided*, That such easements or interests shall not be acquired without the consent of the owners so long as the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid, zoning ordinance that, in the judgment of the Secretary of Agriculture, conforms to the zoning standards set forth in regulations issued pursuant to subsection (e).

The two Secretaries shall engage in mutual consultation with respect to such acquisition and to exchange transactions so as to promote uniform policies therefor insofar as practicable, taking into consideration the purposes of the recreation area as a whole, the responsibility of the Secretary of the Interior for the administration of federally owned minerals and of the Central Valley project, and the responsibility of the Secretary of Agriculture for the administration of national forests.

(b) Exchange of property; cash equalization payments; value of mineral interests

When the public interests will be benefited thereby, the Secretary of the Interior and the Secretary of Agriculture are each authorized to accept title to any non-Federal property within any part of the recreation area and in exchange therefor convey to the grantor of such property any federally owned property under his jurisdiction within the State of California which he classifies as suitable for exchange or other disposal, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary of the Interior or the Secretary of Agriculture, as the case may be, may accept cash from or pay cash to the grantor in such exchange in order to equalize the value of the properties exchanged. The Secretary of Agriculture shall obtain the concurrence of the