

tate visitor understanding and enjoyment of the New River Gorge National River and the Gauley River National Recreation Area in the vicinity of the confluence of the New and Gauley Rivers. Such center and related facilities are authorized to be constructed at a site outside of the boundary of the New River Gorge National River or Gauley River National Recreation Area unless a suitable site is available within the boundaries of either unit.

(Pub. L. 104-333, div. I, title IV, §406(b), Nov. 12, 1996, 110 Stat. 4150.)

CODIFICATION

Section was enacted as part of the Omnibus Parks and Public Lands Management Act of 1996, and not as part of title XI of the National Parks and Recreation Act of 1978 which comprises this subchapter.

NEW RIVER VISITOR CENTER

Pub. L. 105-178, title I, §1214(c), June 9, 1998, 112 Stat. 205, provided that:

“(1) IN GENERAL.—The Secretary shall allocate to the Secretary of the Interior amounts made available by this subsection for the planning, design, and construction of a visitor center, and such other related facilities as may be necessary, to facilitate visitor understanding and enjoyment of the scenic, historic, cultural, and recreational resources of the New River Gorge National River in the State of West Virginia. The center and related facilities shall be located at a site for which title is held by the United States in the vicinity of the I-64 Sandstone intersection.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$1,300,000 for fiscal year 1998, \$1,200,000 for fiscal year 1999, and \$9,900,000 for fiscal year 2000.

“(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.”

§ 460m-30. Applicable provisions of other law

(a) Cooperative agreements

The provisions of section 460ww-1(e)(1) of this title shall apply to the New River Gorge National River in the same manner and to the same extent as such provisions apply to the Gauley River National Recreation Area.

(b) Remnant lands

The provisions of the second sentence of section 460ww-2(a) of this title shall apply to tracts of land partially within the boundaries of the New River Gorge National River in the same manner and to the same extent as such provisions apply to tracts of land only partially within the Gauley River National Recreation Area.

(Pub. L. 95-625, title XI, §1117, as added Pub. L. 104-333, div. I, title IV, §406(a)(3), Nov. 12, 1996, 110 Stat. 4150.)

SUBCHAPTER LXXII—LAKE MEAD NATIONAL RECREATION AREA

§ 460n. Administration

In recognition of the national significance of the Lake Mead National Recreation Area, in the States of Arizona and Nevada, and in order to establish a more adequate basis for effective ad-

ministration of such area for the public benefit, the Secretary of the Interior hereafter may exercise the functions and carry out the activities prescribed by this subchapter.

(Pub. L. 88-639, §1, Oct. 8, 1964, 78 Stat. 1039.)

§ 460n-1. Boundaries of area; filing of map with Federal Register; revision; donations of land; property acquisition and exclusion

Lake Mead National Recreation Area shall comprise that particular land and water area which is shown on a certain map, identified as “boundary map, RA-LM-7060-B, revised July 17, 1963”, which is on file and which shall be available for public inspection in the office of the National Park Service of the Department of the Interior. An exact copy of such map shall be filed with the Federal Register within thirty days following October 8, 1964, and an exact copy thereof shall be available also for public inspection in the headquarters office of the superintendent of the said Lake Mead National Recreation Area.

The Secretary of the Interior is authorized to revise the boundaries of such national recreation area, subject to the requirement that the total acreage of that area, as revised, shall be no greater than the present acreage thereof. In the event of such boundary revision, maps of the recreation area, as revised, shall be prepared by the Department of the Interior, and shall be filed in the same manner, and shall be available for public inspection also in accordance with the aforesaid procedures and requirements relating to the filing and availability of maps. The Secretary may accept donations of land and interests in land within the exterior boundaries of such area, or such property may be procured by the Secretary in such manner as he shall consider to be in the public interest.

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within the boundaries of the recreation area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary, not withstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

Establishment or revision of the boundaries of the said national recreation area, as herein prescribed, shall not affect adversely any valid rights in the area, nor shall it affect the validity of withdrawals heretofore made for reclamation or power purposes. All lands in the recreation area which have been withdrawn or acquired by the United States for reclamation purposes shall remain subject to the primary use thereof for reclamation and power purposes so long as they are withdrawn or needed for such purposes. There shall be excluded from the said national recreation area by the Secretary of the Interior any property for management or protection by the Bureau of Reclamation, which would be subject otherwise to inclusion in the said recreation area, and which the Secretary of the Interior considers in the national interest should be excluded therefrom.

(Pub. L. 88-639, § 2, Oct. 8, 1964, 78 Stat. 1039.)

TRANSFER OF ADMINISTRATIVE JURISDICTION TO
NATIONAL PARK SERVICE

Pub. L. 107-282, title III, § 302, Nov. 6, 2002, 116 Stat. 2006, provided that:

“(a) IN GENERAL.—Administrative jurisdiction over the parcel of land described in subsection (b) is transferred from the Bureau of Land Management to the National Park Service for inclusion in the Lake Mead National Recreation Area.

“(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is the approximately 10 acres of Bureau of Land Management land, as depicted on the map entitled ‘Eldorado/Spirit Mountain’ and dated October 1, 2002.

“(c) USE OF LAND.—The parcel of land described in subsection (b) shall be used by the National Park Service for administrative facilities.”

§ 460n-2. Hualapai Indian lands; inclusion within area; mineral rights; leases and permits; hunting and fishing rights

The authorities granted by this subchapter shall be subject to the following exceptions and qualifications when exercised with respect to any tribal or allotted lands of the Hualapai Indians that may be included within the exterior boundaries of the Lake Mead National Recreation Area:

(a) The inclusion of Indian lands within the exterior boundaries of the area shall not be effective until approved by the Hualapai Tribal Council.

(b) Mineral developments or use of the Indian lands shall be permitted only in accordance with the laws that relate to Indian lands.

(c) Leases and permits for general recreational use, business sites, home sites, vacation cabin sites, and grazing shall be executed in accordance with the laws relating to leases of Indian lands, provided that all development and improvement leases so granted shall conform to the development program and standards prescribed for the Lake Mead National Recreation Area.

(d) Nothing in this subchapter shall deprive the members of the Hualapai Tribe of hunting and fishing privileges presently exercised by them, nor diminish those rights and privileges of that part of the reservation which is included in the Lake Mead Recreation Area.

(Pub. L. 88-639, § 3, Oct. 8, 1964, 78 Stat. 1039.)

§ 460n-3. Purposes and uses of area

(a) Public recreation, benefit, and use

Lake Mead National Recreation Area shall be administered by the Secretary of the Interior for general purposes of public recreation, benefit, and use, and in a manner that will preserve, develop, and enhance, so far as practicable, the recreation potential, and in a manner that will preserve the scenic, historic, scientific, and other important features of the area, consistently with applicable reservations and limitations relating to such area and with other authorized uses of the lands and properties within such area.

(b) Specific activities

In carrying out the functions prescribed by this subchapter, in addition to other related ac-

tivities that may be permitted hereunder, the Secretary may provide for the following activities, subject to such limitations, conditions, or regulations as he may prescribe, and to such extent as will not be inconsistent with either the recreational use or the primary use of that portion of the area heretofore withdrawn for reclamation purposes:

(1) General recreation use, such as bathing, boating, camping, and picnicking;

(2) Grazing;

(3) Mineral leasing;

(4) Vacation cabin site use, in accordance with existing policies of the Department of the Interior relating to such use, or as such policies may be revised hereafter by the Secretary.

(Pub. L. 88-639, § 4, Oct. 8, 1964, 78 Stat. 1040.)

§ 460n-4. Hunting, fishing and trapping

The Secretary of the Interior shall permit hunting, fishing, and trapping on the lands and waters under this jurisdiction within the recreation area in accordance with the applicable laws and regulations of the United States and the respective States: *Provided*, That the Secretary, after consultation with the respective State fish and game commissions, may issue regulations designating zones where and establishing periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(Pub. L. 88-639, § 5, Oct. 8, 1964, 78 Stat. 1040.)

§ 460n-5. Regulation of area; violations and penalties

Such national recreation area shall continue to be administered in accordance with regulations heretofore issued by the Secretary of the Interior relating to such areas, and the Secretary may revise such regulations or issue new regulations to carry out the purposes of this subchapter. In his administration and regulation of the area, the Secretary shall exercise authority, subject to the provisions and limitations of this subchapter, comparable to his general administrative authority relating to areas of the national park system.

Any person who violates a rule or regulation issued pursuant to this subchapter shall be guilty of a misdemeanor, and may be punished by a fine of not more than \$500, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

(Pub. L. 88-639, § 6, Oct. 8, 1964, 78 Stat. 1040; Pub. L. 91-383, § 10(a)(4), as added Pub. L. 94-458, § 2, Oct. 7, 1976, 90 Stat. 1941.)

AMENDMENTS

1976—Pub. L. 91-383, § 10(a)(4), as added Pub. L. 94-458, struck out provisions relating to arrest powers of superintendent, caretakers, officers, or rangers of the Lake Mead National Recreation Area.

§ 460n-6. Political jurisdiction; taxing power; Hualapai Indians

Nothing in this subchapter shall deprive any State, or any political subdivision thereof, of its

civil and criminal jurisdiction over the lands within the said national recreation area, or of its rights to tax persons, corporations, franchises, or property on the lands included in such area. Nothing in this subchapter shall modify or otherwise affect the existing jurisdiction of the Hualapai Tribe or alter the status of individual Hualapai Indians within that part of the Hualapai Indian Reservation included in said Lake Mead National Recreation Area.

(Pub. L. 88-639, §7, Oct. 8, 1964, 78 Stat. 1041.)

§ 460n-7. Revenues and fees; disposition

Revenues and fees obtained by the United States from operation of the national recreation area shall be subject to the same statutory provisions concerning the disposition thereof as are similar revenues collected in areas of the national park system with the exception, that those particular revenues and fees including those from mineral developments, which the Secretary of the Interior finds are reasonably attributable to Indian lands shall be paid to the Indian owner of the land, and with the further exception that other fees and revenues obtained from mineral development and from activities under other public land laws within the recreation area shall be disposed of in accordance with the provisions of the applicable laws.

(Pub. L. 88-639, §8, Oct. 8, 1964, 78 Stat. 1041.)

§ 460n-8. United States magistrate judge: appointment; functions; probation; fees

A United States magistrate judge shall be appointed for that portion of the Lake Mead National Recreation Area that is situated in Mohave County, Arizona. Such magistrate judge shall be appointed by the United States district court having jurisdiction thereover, and the magistrate judge shall serve as directed by such court, as well as pursuant to, and within the limits of, the authority of said court.

The functions of the magistrate judge shall include the trial and sentencing of persons charged with the commission of misdemeanors and infractions as defined in section 3581 of title 18. The exercise of additional functions by the magistrate judge shall be consistent with and be carried out in accordance with the authority, laws, and regulations, of general application to United States magistrate judges. The probation laws shall be applicable to persons tried by the magistrate judge and he shall have power to grant probation. The magistrate judge shall receive the fees, and none other, provided by law for like or similar services.

(Pub. L. 88-639, §9, Oct. 8, 1964, 78 Stat. 1041; Pub. L. 98-473, title II, §222, Oct. 12, 1984, 98 Stat. 2028; Pub. L. 100-702, title IV, §404(c), Nov. 19, 1988, 102 Stat. 4651; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

AMENDMENTS

1988—Pub. L. 100-702 struck out after second sentence of second par. “The provisions of title 18, section 3402, and the rules of procedure and practice prescribed by the Supreme Court pursuant thereto, shall apply to all cases handled by such magistrate.”

1984—Pub. L. 98-473, §222(a), substituted “magistrate” for “commissioner” wherever appearing in first par.

Pub. L. 98-473, §222(b), substituted provisions relating to trial and sentencing of persons charged with misdemeanors and infractions as defined in section 3581 of title 18, for provisions relating to trial and sentencing of persons committing petty offenses as defined in title 18, section 1, and right of election of such persons to be tried in the district court of the United States.

CHANGE OF NAME

“United States magistrate judge”, “magistrate judge”, and “United States magistrate judges” substituted for “United States magistrate”, “magistrate”, and “United States magistrates”, respectively, wherever appearing in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-702 effective Dec. 1, 1988, see section 407 of Pub. L. 100-702, set out as a note under section 2071 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, see section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of Title 18, Crimes and Criminal Procedure.

§ 460n-9. Authorization of appropriations

There are hereby authorized to be appropriated not more than \$7,100,000 for the acquisition of land and interests in land pursuant to section 460n-1 of this title.

(Pub. L. 88-639, §10, Oct. 8, 1964, 78 Stat. 1041; Pub. L. 93-477, title I, §101(12), Oct. 26, 1974, 88 Stat. 1445.)

AMENDMENTS

1974—Pub. L. 93-477 substituted “\$7,100,000” for “\$1,200,000”.

SUBCHAPTER LXXIII—DELAWARE WATER GAP NATIONAL RECREATION AREA

§ 460o. Establishment

In order to further the purposes of the joint resolution approved September 27, 1961 (re Delaware River Basin compact; 75 Stat. 688), and to provide in a manner coordinated with the other purposes of the Tocks Island Reservoir project, for public outdoor recreation use and enjoyment of the proposed Tocks Island Reservoir and lands adjacent thereto by the people of the United States and for preservation of the scenic, scientific, and historic features contributing to public enjoyment of such lands and waters, the Secretary of the Interior is authorized, as herein provided, to establish and administer the Delaware Water Gap National Recreation Area, hereinafter referred to as the “area”, as part of the Tocks Island Reservoir project, hereinafter referred to as “the project”.

(Pub. L. 89-158, §1, Sept. 1, 1965, 79 Stat. 612.)

REFERENCES IN TEXT

The joint resolution approved September 27, 1961, referred to in text, is Pub. L. 87-328, which was not classified to the Code.

JOSEPH M. MCDADE RECREATIONAL TRAIL

Pub. L. 105-277, div. A, §101(e) [title I, §118], Oct. 21, 1998, 112 Stat. 2681-231, 2681-257, provided that: “The 37