

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

“Federal Energy Regulatory Commission” substituted for “Federal Power Commission” in subsec. (f) pursuant to Pub. L. 95-91, § 402(a)(1)(A), which is classified to section 7172(a)(1)(A) of Title 42, The Public Health and Welfare.

The Federal Power Commission was terminated, and its functions with regard to licenses and permits for dams, reservoirs, or other works for development and improvement of navigation and for development and utilization of power across, along, from, or in navigable waters under part I of Federal Power Act (16 U.S.C. 792 et seq.) were transferred to the Federal Energy Regulatory Commission by sections 7172(a)(1)(A) and 7293 of Title 42.

SUBCHAPTER XC—CUYAHOGA VALLEY NATIONAL PARK

§ 460ff. Establishment

For the purpose of preserving and protecting for public use and enjoyment, the historic, scenic, natural, and recreational values of the Cuyahoga River and the adjacent lands of the Cuyahoga Valley and for the purpose of providing for the maintenance of needed recreational open space necessary to the urban environment, the Cuyahoga Valley National Park, hereafter referred to as the “park”, shall be established within six months after December 27, 1974. In the management of the park, the Secretary of the Interior (hereafter referred to as the “Secretary”) shall utilize the park resources in a manner which will preserve its scenic, natural, and historic setting while providing for the recreational and educational needs of the visiting public.

(Pub. L. 93-555, § 1, Dec. 27, 1974, 88 Stat. 1784; Pub. L. 106-291, title I, § 149(c), Oct. 11, 2000, 114 Stat. 956.)

Editorial Notes

AMENDMENTS

2000—Pub. L. 106-291 substituted “National Park” for “National Recreation Area” and substituted “park” for “recreation area” wherever appearing.

Statutory Notes and Related Subsidiaries

REDESIGNATION OF CUYAHOGA VALLEY NATIONAL RECREATION AREA

Pub. L. 106-291, title I, § 149(a), (b), Oct. 11, 2000, 114 Stat. 956, provided that:

“(a) REDESIGNATION.—The Cuyahoga Valley National Recreation Area is redesignated as Cuyahoga Valley National Park.

“(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Cuyahoga Valley National Recreation Area is deemed to be a reference to Cuyahoga Valley National Park.”

§ 460ff-1. Acquisition of land

(a) Composition and boundaries; boundary revisions; certain specific property

The park shall comprise the lands and waters generally depicted on the map entitled “Boundary Map, Cuyahoga Valley National Park, Ohio”, numbered 644-80,054 and dated July 1986, which shall be on file and available for inspection

in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and in the main public library of Akron, Ohio, and Cleveland, Ohio. After advising the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, in writing, the Secretary may make minor revisions of the boundaries of the park when necessary by publication of a revised drawing or other boundary description in the Federal Register: *Provided*, That with respect to the property known as the Hydraulic Brick Company located in Independence, Ohio, the Secretary shall have the first right of refusal to purchase such property for a purchase price not exceeding the fair market value of such property on the date it is offered for sale. When acquired such property shall be administered as part of the park, subject to the laws and regulations applicable thereto. The park shall also comprise any lands designated as “City of Akron Lands” on the map referred to in the first sentence which are offered as donations to the Department of the Interior or which become privately owned. The Secretary shall revise such map to depict such lands as part of the park.

(b) Manner of acquisition; scenic easements; donation of State lands; private lands essential to area; transfer of Federal property to Secretary

Within the boundaries of the park, the Secretary, after consultation with the Governor of the State of Ohio and the Advisory Commission established in section 460ff-4¹ of this title, may acquire lands, improvements, waters, or interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer. The Secretary may not acquire fee title to any lands included within the park in 1986 which are designated on the map referred to in subsection (a) as “Scenic Easement Acquisition Areas”. The Secretary may acquire only scenic easements in such designated lands. Unless consented to by the owner from which the easement is acquired, any such scenic easement may not prohibit any activity, the subdivision of any land, or the construction of any building or other facility if such activity, subdivision, or construction would have been permitted under laws and ordinances of the unit of local government in which such land was located on April 1, 1986, as such laws and ordinances were in effect on such date. Any lands or interests owned therein, as well as any lands hereafter acquired, by the State of Ohio or any political subdivision thereof (including any park district or other public entity) within the boundaries of the park may be acquired only by donation or exchange for equal value. In determining the exchange value of lands of the State or any political subdivision thereof under this subsection, the Secretary shall not include in the value of those lands amounts paid from the land and water conservation fund, if any, for the original acquisition of those lands by the State or political subdivision. The Secretary shall not acquire privately owned lands which are held and used for

¹ See References in Text note below.

public recreation uses unless he determines that such lands are essential to carry out the purposes of this subchapter. Notwithstanding any other provisions of law, any Federal property located within the boundaries of the park may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the park.

(c) Scenic easements or other interests in improved property; prerequisites to acquisition of fee title

With respect to improved properties, as defined in this subchapter, the Secretary may acquire scenic easements or such other interests as, in his judgment, are necessary for the purposes of the park. Fee title to such improved properties shall not be acquired unless the Secretary finds that such lands are being used, or are threatened with uses, which are detrimental to the purposes of the park, or unless such acquisition is necessary to fulfill the purposes of this subchapter.

(d) Acquired lands partly outside boundaries; exchange for non-Federal lands within boundaries; report to General Services Administration for disposal

When any tract of land is only partly within the boundaries of the park, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries. Any portion of the land acquired outside the boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41: *Provided*, That no disposal shall be for less than the fair market value of the lands involved.

(e) "Improved property" defined; determination by Secretary

For the purposes of this subchapter, the term "improved property" means: (i) a detached single family dwelling, the construction of which was begun before January 1, 1975 (hereafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures necessary to the dwelling which are situated on the land so designated, or (ii) property developed for agricultural uses, together with any structures accessory thereto which were so used on or before January 1, 1975. In determining when and to what extent a property is to be considered an "improved property", the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1975, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed prior to such date. In applying this

subsection with respect to lands and interests therein added to the park by action of the Ninety-fifth Congress, the date "January 1, 1978," shall be substituted for the date "January 1, 1975," in each place it appears.

(f) Retention by owner of right of use and occupancy for noncommercial residential or agricultural purposes; terms; payment of fair market value; termination by Secretary for use inconsistent with statutory purpose

The owner of an improved property, as defined in this subchapter, on the date of its acquisition, as a condition of such acquisition, may retain for himself, his heirs and assigns, a right of use and occupancy of the improved property for noncommercial residential or agricultural purposes, as the case may be, for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this subchapter, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(g) Offers to sell by owners claiming undue hardship

In exercising his authority to acquire property under this subchapter, the Secretary shall give prompt and careful consideration to any offer made by an individual owning property within the park to sell such property, if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship.

(Pub. L. 93-555, §2, Dec. 27, 1974, 88 Stat. 1784; Pub. L. 94-578, title III, §323(a), Oct. 21, 1976, 90 Stat. 2742; Pub. L. 95-625, title III, §315(a), (d), (f), Nov. 10, 1978, 92 Stat. 3483; Pub. L. 96-87, title IV, §401(g), Oct. 12, 1979, 93 Stat. 666; Pub. L. 99-606, §16, Nov. 6, 1986, 100 Stat. 3468; Pub. L. 102-431, §1, Oct. 23, 1992, 106 Stat. 2211; Pub. L. 103-437, §6(a)(5), Nov. 2, 1994, 108 Stat. 4583; Pub. L. 106-291, title I, §149(b), (c)(2), Oct. 11, 2000, 114 Stat. 956.)

Editorial Notes

REFERENCES IN TEXT

Section 460ff-4 of this title, referred to in subsec. (b), was in the original "section 5 of this Act" meaning section 5 of Pub. L. 93-555 which was repealed and section 6 was redesignated section 5 by Pub. L. 106-291, title I, §149(d), Oct. 11, 2000, 114 Stat. 956.

CODIFICATION

In subsec. (d), "chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41" substituted for "the

Federal Property and Administrative Services Act of 1949, as amended” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

2000—Pub. L. 106-291, §149(c)(2), substituted “the park” for “the recreation area” wherever appearing and “The park” for “The recreation area” in subsec. (a).

Subsec. (a). Pub. L. 106-291, §149(b), substituted “The park shall” for “The recreational area shall” and “National Park” for “National Recreation Area”.

1994—Subsec. (a). 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 Congress”.

1992—Subsec. (b). Pub. L. 102-431 substituted “within the boundaries of the recreation area may be acquired only by donation or exchange for equal value. In determining the exchange value of lands of the State or any political subdivision thereof under this subsection, the Secretary shall not include in the value of those lands amounts paid from the land and water conservation fund, if any, for the original acquisition of those lands by the State or political subdivision” for “may be acquired only by donation”.

1986—Subsec. (a). Pub. L. 99-606, §16(1), (2), substituted “numbered 644-80,054 and dated July 1986” for “numbered 655-90,001-A and dated May 1978” and inserted provisions relating to City of Akron Lands on the map referred to in first sentence offered as donations or privately owned, and revision of such map.

Subsec. (b). Pub. L. 99-606, §16(3), inserted provisions prohibiting acquisition of fee title to any lands designated on the map referred to in subsection (a) as “Scenic Easement Acquisition Areas”, but acquisition of only scenic easement with no prohibition on activities unless consented to by owner, if such activity, etc. would have been permitted under laws of the local government on Apr. 1, 1986.

1979—Subsec. (a). Pub. L. 96-87 substituted “numbered 655-90,001-A” for “numbered 90,001-A”.

1978—Subsec. (a). Pub. L. 95-625, §315(a), (f), substituted reference to Boundary Map “numbered 90,001-A, and dated May 1978” for “numbered 90,000-A, and dated September 1976” and inserted provision for land acquisition of the Hydraulic Brick Company and administration of the property as part of the recreation area.

Subsec. (e). Pub. L. 95-625, §315(d), provided for substitution of date “January 1, 1978” for “January 1, 1975” wherever appearing in application of the subsec. to lands and interests therein added to the recreation area by action of the Ninety-fifth Congress.

1976—Subsec. (a). Pub. L. 94-578 substituted “‘Boundary Map, Cuyahoga Valley National Recreation Area, Ohio’, numbered 90,000-A, and dated September 1976” for “‘Boundary Map, Cuyahoga Valley National Recreation Area, Ohio’, numbered NRA-CUYA-20,000-A, and dated December 1974”.

§ 460ff-2. Land acquisition plan

(a) Submission to Congressional committees; time; contents

Within one year after December 27, 1974, the Secretary shall submit, in writing, to the Committees on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

- (i) the lands and areas which he deems essential to the protection and public enjoyment of this park,

- (ii) the lands which he has previously acquired by purchase, donation, exchange, or transfer for the purpose of this park, and

- (iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

(b) Congressional intent for land acquisition completion

It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated by this subchapter within six years after December 27, 1974.

(Pub. L. 93-555, §3, Dec. 27, 1974, 88 Stat. 1786; Pub. L. 106-291, title I, §149(c)(2), Oct. 11, 2000, 114 Stat. 956.)

Editorial Notes

AMENDMENTS

2000—Subsec. (a)(i), (ii). Pub. L. 106-291 substituted “park” for “recreation area”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the “Committee System Reorganization Amendments of 1977”), approved Feb. 4, 1977.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 460ff-3. Administration

(a) Provisions applicable; utilization of authorities for conservation and management of wildlife and natural resources

The Secretary shall administer the park in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535) as amended and supplemented (16 U.S.C. 1, 2-4).¹ In the administration of the park, the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this subchapter.

(b) Federal-State cooperative agreements for police and fire protection

The Secretary may enter into cooperative agreements with the State of Ohio, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(c) Water resource developments; restoration of vegetative cover to eliminate erosion

(1) The authority of the Secretary of the Army to undertake or contribute to water resource development, including erosion control and flood control, on land or waters within the park shall

¹ See References in Text note below.