

Editorial Notes**AMENDMENTS**

2022—Subsec. (b)(3). Pub. L. 117-328 added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “The Secretary may administer the Recreation Area as a separate unit of the National Forest System or in conjunction with an existing national forest.”

§ 460III-12. Civil and criminal jurisdiction**(a) Administration**

The Secretary, acting through the Chief of the Forest Service, shall administer the Recreation Area in accordance with this subchapter and the laws, rules, and regulations pertaining to the National Forest System.

(b) Status

Land within the Recreation Area shall have the status of land acquired under the Act of March 1, 1911 (commonly known as the “Weeks Act”) (16 U.S.C. 515 et seq.).

(c) Law enforcement

In order to provide for a cost-effective transfer of the law enforcement responsibilities between the Forest Service and the Tennessee Valley Authority, the law enforcement authorities designated under section 831c-3 of this title are hereby granted to special agents and law enforcement officers of the Forest Service. The law enforcement authorities designated under section 551 of this title, section 559 of this title, the National Forest System Drug Control Act of 1986 (16 U.S.C. 559b-559g) are hereby granted to law enforcement agents of the Tennessee Valley Authority, within the boundaries of the Recreation Area, for a period of 1 year from October 21, 1998.

(Pub. L. 105-277, div. A, §101(e) [title V, §512], Oct. 21, 1998, 112 Stat. 2681-231, 2681-313.)

Editorial Notes**REFERENCES IN TEXT**

Act of March 1, 1911, referred to in subsec. (b), is act Mar. 1, 1911, ch. 186, 36 Stat. 961, popularly known as the Weeks Law, which enacted former sections 513 and 514 and sections 515 to 519, 521, 552, and 563 of this title and amended sections 480 and 500 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

The National Forest System Drug Control Act of 1986, referred to in subsec. (c), is title XV of Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207-191, which enacted sections 559b to 559g of this title, amended section 841 of Title 21, Food and Drugs, and enacted provisions set out as a note under section 559b of this title. For complete classification of title XV to the Code, see Short Title note set out under section 559b of this title and Tables.

§ 460III-13. Payments to States and counties**(a) Payments in lieu of taxes**

Land within the Recreation Area shall be subject to the provisions for payments in lieu of taxes under chapter 69 of title 31.

(b) Distribution

All amounts received from charges, use fees, and natural resource utilization, including timber and agricultural receipts, shall not be subject to distribution to States under section 500 of this title.

(c) Payments by the Tennessee Valley Authority

After the transfer of administrative jurisdiction is made under section 460III-41 of this title—

(1) the Tennessee Valley Authority shall continue to calculate the amount of payments to be made to States and counties under section 831I of this title; and

(2) each State (including, for the purposes of this subsection, the State of Kentucky, the State of Tennessee, and any other State) that receives a payment under that section shall continue to calculate the amounts to be distributed to the State and local governments, as though the transfer had not been made.

(Pub. L. 105-277, div. A, §101(e) [title V, §513], Oct. 21, 1998, 112 Stat. 2681-231, 2681-313.)

§ 460III-14. Forest highways**(a) In general**

For purposes of section 204¹ of title 23, the road known as “The Trace” and every other paved road within the Recreation Area (including any road constructed to secondary standards) shall be considered to be a forest highway.

(b) State responsibility**(1) In general**

The States shall be responsible for the maintenance of forest highways within the Recreation Area.

(2) Reimbursement

To the maximum extent provided by law, from funds appropriated to the Department of Transportation and available for purposes of highway construction and maintenance, the Secretary of Transportation shall reimburse the States for all or a portion of the costs of maintenance of forest highways in the Recreation Area.

(Pub. L. 105-277, div. A, §101(e) [title V, §514], Oct. 21, 1998, 112 Stat. 2681-231, 2681-313.)

Editorial Notes**REFERENCES IN TEXT**

Section 204 of title 23, referred to in subsec. (a), was repealed and a new section 204 enacted by Pub. L. 112-141, div. A, title I, §1119(a), July 6, 2012, 126 Stat. 473, 489.

PART B—MANAGEMENT PROVISIONS**§ 460III-21. Land and resource management plan****(a) In general**

As soon as practicable after the effective date of the transfer of jurisdiction under section 460III-41 of this title, the Secretary shall prepare a land and resource management plan for the Recreation Area in conformity with the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.) and other applicable law.

(b) Interim provision

Until adoption of the land and resource management plan, the Secretary may use, as appropriate, the existing Tennessee Valley Authority Natural Resource Management Plan to provide

¹ See References in Text note below.

interim management direction. Use of all or a portion of the management plan by the Secretary shall not be considered to be a major Federal action significantly affecting the quality of the human environment.

(Pub. L. 105-277, div. A, §101(e) [title V, §521], Oct. 21, 1998, 112 Stat. 2681-231, 2681-314.)

Editorial Notes

REFERENCES IN TEXT

The National Forest Management Act of 1976, referred to in subsec. (a), is Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2949, which enacted sections 472a, 521b, 1600, and 1611 to 1614 of this title, amended sections 500, 515, 516, 518, 576b, and 1601 to 1610 of this title, repealed sections 476, 513, and 514 of this title, and enacted provisions set out as notes under sections 476, 513, 528, 594-2, and 1600 of this title. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 1600 of this title and Tables.

§ 460III-22. Advisory Board

(a) Establishment

Not later than 90 days after the date of transfer pursuant to section 460III-41 of this title, the Secretary shall establish the Land Between the Lakes Advisory Board.

(b) Membership

The Advisory Board shall be composed of 13 members, of whom—

(1) 4 individuals shall be appointed by the Secretary, including—

(A) 2 residents of the State of Kentucky; and

(B) 2 residents of the State of Tennessee;

(2) 2 individuals shall be appointed by the Kentucky Fish and Wildlife Commissioner or designee;

(3) 1 individual shall be appointed by the Tennessee Fish and Wildlife Commission or designee; and

(4) 2 individuals shall be appointed by appropriate officials of each of the 3 counties containing the Recreation Area.

(c) Term

(1) In general

The term of a member of the Advisory Board shall be 5 years.

(2) Nonconsecutive terms

Members of the Advisory Board may serve multiple terms, but may not serve consecutive terms.

(d) Chairperson

The Regional Forester shall serve as chairperson of the Advisory Board.

(e) Rules of procedure

The Secretary shall prescribe the rules of procedure for the Advisory Board.

(f) Functions

The Advisory Board shall advise the Secretary on—

(1) means of promoting public participation for the land and resource management plan for the Recreation Area;

(2) environmental education;

(3) an annual work plan for recreation and environment education areas in the Recreation Area, including the heritage program, with the nonappropriated amounts in the Land Between the Lakes Management Fund;

(4) an annual forest management and harvest plan for the Recreation Area; and

(5) the Land Between the Lakes Management Fund.

(g) Meetings

(1) Frequency

The Advisory Board shall meet at least twice each year.

(2) Public meeting

A meeting of the Advisory Board shall be open to the general public.

(3) Notice of meetings

The chairperson, through the placement of notices in local news media, on a public website of the Department of Agriculture, and by other appropriate means shall give 2 weeks' public notice of each meeting of the Advisory Board.

(4) Minutes

The Secretary shall publish the minutes of each meeting of the Advisory Board on a public website of the Department of Agriculture.

(h) No termination

Section 1013(a) of title 5 shall not apply to the Advisory Board.

(Pub. L. 105-277, div. A, §101(e) [title V, §522], Oct. 21, 1998, 112 Stat. 2681-231, 2681-314; Pub. L. 117-286, §4(a)(94), Dec. 27, 2022, 136 Stat. 4316; Pub. L. 117-328, div. DD, title II, §201(c), Dec. 29, 2022, 136 Stat. 5582.)

Editorial Notes

AMENDMENTS

2022—Subsec. (b). Pub. L. 117-328, §201(c)(1)(A), substituted “13” for “17” in introductory provisions.

Subsec. (b)(4). Pub. L. 117-328, §201(c)(1)(B)–(D), redesignated par. (6) as (4) and struck out former par. (4) which read as follows: “2 individuals shall be appointed by the Governor of the State of Tennessee;”.

Subsec. (b)(5). Pub. L. 117-328, §201(c)(1)(B), struck out par. (5) which read as follows: “2 individuals shall be appointed by the Governor of the State of Kentucky; and”.

Subsec. (b)(6). Pub. L. 117-328, §201(c)(1)(D), redesignated par. (6) as (4).

Subsec. (c)(2). Pub. L. 117-328, §201(c)(2), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “Members of the Advisory Board may not succeed themselves.”

Subsec. (f). Pub. L. 117-328, §201(c)(3)(A), substituted “shall advise” for “may advise” in introductory provisions.

Subsec. (f)(3) to (5). Pub. L. 117-328, §201(c)(3)(B)–(D), added pars. (3) to (5).

Subsec. (g)(1). Pub. L. 117-328, §201(c)(4)(A), substituted “twice each year” for “biannually”.

Subsec. (g)(3). Pub. L. 117-328, §201(c)(4)(B), inserted “, on a public website of the Department of Agriculture,” before “and by”.

Subsec. (g)(4). Pub. L. 117-328, §201(c)(4)(C), added par. (4).

Subsec. (h). Pub. L. 117-286 substituted “Section 1013(a) of title 5” for “Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.)”.