

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521b, 1600, and 1611 to 1614 of this title, amended sections 500, 515, 516, 518, 576b, and 1601 to 1610 of this title, repealed sections 476, 513, and 514 of this title, and enacted provisions set out as notes under sections 476, 513, 528, 594-2, and 1600 of this title.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.)”.

§ 460III-23. Fees**(a) Authority**

The Secretary shall charge reasonable fees, in consultation with the Advisory Board and consistent with the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.), for admission to and the use of the designated sites, or for activities, within the Recreation Area.

(b) Factors

In determining whether to charge fees, the Secretary may consider the costs of collection weighed against potential income.

(c) Limitation

No general entrance fees shall be charged within the Recreation Area.

(Pub. L. 105-277, div. A, §101(e) [title V, §523], Oct. 21, 1998, 112 Stat. 2681-231, 2681-315; Pub. L. 117-328, div. DD, title II, §201(d), Dec. 29, 2022, 136 Stat. 5582.)

Editorial Notes

REFERENCES IN TEXT

The Federal Lands Recreation Enhancement Act, referred to in subsec. (a), is title VIII of div. J of Pub. L. 108-447, Dec. 8, 2004, 118 Stat. 3377, which is classified principally to chapter 87 (§6801 et seq.) of this title. For complete classification of title VIII to the Code, see Short Title note set out under section 6801 of this title and Tables.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-328 substituted “shall charge reasonable fees, in consultation with the Advisory Board and consistent with the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.),” for “may charge reasonable fees”.

§ 460III-24. Disposition of receipts**(a) In general**

All amounts received from charges, use fees, and natural resource utilization, including timber and agricultural receipts, shall be deposited in a special fund in the Treasury of the United States to be known as the “Land Between the Lakes Management Fund”.

(b) Use

Amounts in the Land Between the Lakes Management Fund shall be available to the Secretary until expended, without further appropriation, for construction, improvement, or maintenance in the Recreation Area.

(c) Restriction on use of Fund

Except as provided in subsection (b), amounts in the Land Between the Lakes Management Fund shall not be used for management of the Recreation Area, including salaries and expenses.

(Pub. L. 105-277, div. A, §101(e) [title V, §524], Oct. 21, 1998, 112 Stat. 2681-231, 2681-315; Pub. L. 117-328, div. DD, title II, §201(e), Dec. 29, 2022, 136 Stat. 5582.)

Editorial Notes

AMENDMENTS

2022—Subsecs. (b), (c). Pub. L. 117-328 added subsecs. (b) and (c) and struck out former subsec. (b). Prior to

amendment, text of subsec. (b) read as follows: “Amounts in the Fund shall be available to the Secretary until expended, without further Act of appropriation, for the management of the Recreation Area, including payment of salaries and expenses.”

§ 460III-25. Special use authorizations**(a) In general**

In addition to other authorities for the authorization of special uses within the National Forest System, within the Recreation Area, the Secretary may, on such terms and conditions as the Secretary may prescribe—

(1) convey for no consideration perpetual easements to governmental units for public roads over United States Route 68 and the Trace, and such other rights-of-way as the Secretary and a governmental unit may agree;

(2) transfer or lease to governmental units developed recreation sites or other facilities to be managed for public purposes; and

(3) lease or authorize recreational sites or other facilities, consistent with sections 460III-1(2) and 460III-11(b)(2) of this title.

(b) Consideration**(1) In general**

Consideration for a lease or other special use authorization within the Recreation Area shall be based on fair market value.

(2) Reduction or waiver

The Secretary may reduce or waive a fee to a governmental unit or nonprofit organization commensurate with other consideration provided to the United States, as determined by the Secretary.

(c) Procedure

The Secretary may use any fair and equitable method for authorizing special uses within the Recreation Area, including public solicitation of proposals.

(d) Existing authorizations**(1) In general**

A permit or other authorization granted by the Tennessee Valley Authority that is in effect on the date of transfer pursuant to section 460III-41 of this title may continue on transfer of administration of the Recreation Area to the Secretary.

(2) Reissuance

A permit or authorization described in paragraph (1) may be reissued or terminated under terms and conditions prescribed by the Secretary.

(3) Exercise of rights

The Secretary may exercise any of the rights of the Tennessee Valley Authority contained in any permit or other authorization, including any right to amend, modify, and revoke the permit or authorization.

(Pub. L. 105-277, div. A, §101(e) [title V, §525], Oct. 21, 1998, 112 Stat. 2681-231, 2681-315.)

§ 460III-26. Cooperative authorities and gifts**(a) Fish and Wildlife Service****(1) Management****(A) In general**

Subject to such terms and conditions as the Secretary may prescribe, the Secretary