

§ 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

may issue a special use authorization to the United States Fish and Wildlife Service for the management by the Service of facilities and land agreed on by the Secretary and the Secretary of the Interior.

(B) Fees

(i) In general

Reasonable admission and use fees may be charged for all areas administered by the United States Fish and Wildlife Service.

(ii) Deposit

The fees shall be deposited in accordance with section 460III–24 of this title.

(2) Cooperation

The Secretary and the Secretary of the Interior may cooperate or act jointly on activities such as population monitoring and inventory of fish and wildlife with emphasis on migratory birds and endangered and threatened species, environmental education, visitor services, conservation demonstration projects and scientific research.

(3) Subordination of fish and wildlife activities to overall management

The management and use of areas and facilities under permit to the United States Fish and Wildlife Service as authorized pursuant to this section shall be subordinate to the overall management of the Recreation Area as directed by the Secretary.

(b) Authorities

For the management, maintenance, operation, and interpretation of the Recreation Area and its facilities, the Secretary may—

(1) make grants and enter into contracts and cooperative agreements with Federal agencies, governmental units, nonprofit organizations, corporations, and individuals; and

(2) accept gifts under section 2269 of title 7 notwithstanding that the donor conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

(c) Memoranda of understanding

The Secretary may, for purposes of carrying out this subchapter—

(1) enter into memoranda of understanding with State or local government entities, including law enforcement, as appropriate, to clarify jurisdictional matters, such as road management, policing, and other functions that are typically performed by the entity on non-Federal land; and

(2) make available on a public website of the Department of Agriculture any memoranda of understanding entered into under paragraph (1).

(Pub. L. 105–277, div. A, §101(e) [title V, §526], Oct. 21, 1998, 112 Stat. 2681–231, 2681–316; Pub. L. 117–328, div. DD, title II, §201(f), Dec. 29, 2022, 136 Stat. 5583.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in subsec. (c), was in the original “this Act” and was translated as reading “this

title”, meaning section 101(e) [title V] of div. A of Pub. L. 105–277, known as The Land Between the Lakes Protection Act of 1998, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 460III of this title and Tables.

AMENDMENTS

2022—Subsec. (c). Pub. L. 117–328 added subsec. (c).

§ 460III–27. Designation of national recreation trail

Effective on the date of transfer pursuant to section 460III–41 of this title, the North-South Trail is designated as a national recreation trail under section 1243 of this title.

(Pub. L. 105–277, div. A, §101(e) [title V, §527], Oct. 21, 1998, 112 Stat. 2681–231, 2681–317.)

§ 460III–28. Cemeteries

(a) In general

The Secretary shall maintain an inventory of and ensure access to cemeteries within the Recreation Area for purposes of burial, visitation, and maintenance.

(b) Land for plots for qualified residents or relatives

(1) Requests

The Secretary, on request from a qualified resident or relative or a cemetery association, shall grant additional land for the minor expansion of existing cemeteries within the Recreation Area, to the extent necessary, to allow for the burial of qualified residents or relatives.

(2) Expenses

Any expenses required to move border fences or markers due to an expansion under paragraph (1) shall be the responsibility of the person making the request under that paragraph.

(Pub. L. 105–277, div. A, §101(e) [title V, §528], Oct. 21, 1998, 112 Stat. 2681–231, 2681–317; Pub. L. 117–328, div. DD, title II, §201(g), Dec. 29, 2022, 136 Stat. 5583.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117–328 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

§ 460III–29. Resource management

(a) Minerals

(1) Withdrawal

The land within the Recreation Area is withdrawn from the operation of the mining and mineral leasing laws of the United States.

(2) Use of mineral materials

The Secretary may permit the use of common varieties of mineral materials for the development and maintenance of the Recreation Area.

(b) Hunting and fishing

(1) In general

The Secretary shall permit hunting and fishing on land and water under the jurisdiction of