

Fountain Avenue Landfill site, subject to payments to the United States of 50 per centum of the revenue received by the city of New York, if any, from the development of such rights. The Secretary shall grant to the City, its lessee or assignee, all rights-of-way and other permits necessary from the Department of the Interior to extract and transport the gas from the site: *Provided*, That the rights-of-way and other permits shall provide for reasonable restoration of the site, including removal of any processing or storage facilities used in the disposal, development, or extraction of the gas, access by the Secretary to the site for safety and other recreation area purposes, and such other reasonable conditions as the Secretary deems necessary to further purposes of the recreation area. All such payments to the United States shall be credited to the appropriations of the National Park Service for the development and improvement of Gateway National Recreation Area.

(Pub. L. 92-592, §3, Oct. 27, 1972, 86 Stat. 1309; Pub. L. 96-344, §11(1), Sept. 8, 1980, 94 Stat. 1136; Pub. L. 97-232, §1, Aug. 9, 1982, 96 Stat. 259; Pub. L. 106-132, §1, Dec. 7, 1999, 113 Stat. 1681.)

#### AMENDMENTS

1999—Subsec. (b). Pub. L. 106-132 designated existing provisions as par. (1) and added par. (2).

1982—Subsec. (i). Pub. L. 97-232 added subsec. (i).

1980—Subsec. (b). Pub. L. 96-344 struck out “constructed” after “visitor center” and inserted provision authorizing the Secretary to inform the public of the contributions of Representative Ryan to the creation of the recreation area by means of signs, markers, etc., and to take such additional action, not later than Dec. 31, 1980, as deemed appropriate to recognize and commemorate the contributions of Representative Ryan to the recreation area.

#### § 460cc-3. Gateway National Recreation Area Advisory Commission

##### (a) Establishment; termination date

There is hereby established a Gateway National Recreation Area Advisory Commission (hereinafter referred to as the “Commission”). Said Commission shall terminate twenty years after the date of the establishment of the recreation area.

##### (b) Membership; appointment; terms of office; representation of interests

The Commission shall be composed of fifteen members each appointed for a term of two years by the Secretary as follows:

(1) two members to be appointed from recommendations made by the Governor of the State of New York;

(2) two members to be appointed from recommendations made by the Governor of the State of New Jersey;

(3) two members to be appointed from recommendations made by the mayor of New York City;

(4) two members to be appointed from recommendations made by the mayor of Newark, New Jersey; and

(5) seven members to be appointed by the Secretary to represent the general public.

##### (c) Chairman; vacancies

The Secretary shall designate one member to be Chairman. Any vacancy in the Commission

shall be filled in the same manner in which the original appointment was made.

##### (d) Compensation and expenses; vouchers

A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibility under this subchapter upon vouchers signed by the Chairman.

##### (e) Voting

The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

##### (f) Consultations of Secretary with members

The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of the recreation area.

(Pub. L. 92-592, §4, Oct. 27, 1972, 86 Stat. 1310; Pub. L. 96-344, §11(2), Sept. 8, 1980, 94 Stat. 1136; Pub. L. 97-232, §2, Aug. 9, 1982, 96 Stat. 259.)

#### AMENDMENTS

1982—Subsec. (a). Pub. L. 97-232 substituted “twenty” for “ten”.

1980—Subsec. (b). Pub. L. 96-344 substituted in provision preceding par. (1) “fifteen” for “eleven” and in par. (5) “seven” for “three”.

#### § 460cc-4. Authorization of appropriations; limitation; adjustments

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter, but not more than \$12,125,000 for the acquisition of lands and interests in lands and not more than \$92,813,000 (July, 1971 prices) for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in the construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

(Pub. L. 92-592, §5, Oct. 27, 1972, 86 Stat. 1311.)

#### SUBCHAPTER LXXXVIII—GLEN CANYON NATIONAL RECREATION AREA

#### § 460dd. Establishment; boundaries; publication in Federal Register

(a) In order to provide for public outdoor recreation use and enjoyment of Lake Powell and lands adjacent thereto in the States of Arizona and Utah and to preserve scenic, scientific, and historic features contributing to public enjoyment of the area, there is established the Glen Canyon National Recreation Area (hereafter referred to as the “recreation area”) to comprise the area generally depicted on the drawing entitled “Boundary Map Glen Canyon National Recreation Area,” numbered GLC-91,006 and dated August 1972, which is on file and available for public inspection in the office of the National Park Service, Department of the Interior. The Secretary of the Interior (hereafter referred to as the “Secretary”) may revise the boundaries of the recreation area from time to time by publication in the Federal Register of a revised drawing or other boundary description,

but the total acreage of the national recreation area may not exceed 1,256,000 acres.

(b) In addition to the boundary change authority under subsection (a) of this section, the Secretary may acquire approximately 152 acres of private land in exchange for approximately 370 acres of land within the boundary of Glen Canyon National Recreation Area, as generally depicted on the map entitled “Page One Land Exchange Proposal”, number 608/60573a-2002, and dated May 16, 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon conclusion of the exchange, the boundary of the recreation area shall be revised to reflect the exchange.

(Pub. L. 92-593, §1, Oct. 27, 1972, 86 Stat. 1311; Pub. L. 108-43, §2, July 1, 2003, 117 Stat. 841.)

#### AMENDMENTS

2003—Pub. L. 108-43 designated existing provisions as subsec. (a), substituted “1,256,000 acres” for “one million two hundred and thirty-six thousand eight hundred and eighty acres”, and added subsec. (b).

#### SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-43, §1, July 1, 2003, 117 Stat. 841, provided that: “This Act [amending this section] may be cited as the ‘Glen Canyon National Recreation Area Boundary Revision Act.’”

### § 460dd-1. Acquisition of property

#### (a) Authority of Secretary; concurrence or exchange of State lands; concurrence of tribal council respecting trust lands

Within the boundaries of the recreation area, the Secretary may acquire lands and interests in lands by donation, purchase, or exchange. Any lands owned by the States of Utah or Arizona, or any State, political subdivisions thereof, may be acquired only by donation or exchange. No lands held in trust for any Indian tribe may be acquired except with the concurrence of the tribal council.

#### (b) Navajo Indian Tribe and Tribal Council reserved mineral and land use rights unaffected

Nothing in this subchapter shall be construed to affect the mineral rights reserved to the Navajo Indian Tribe under section 2 of the Act of September 2, 1958 (72 Stat. 1686), or the rights reserved to the Navajo Indian Tribal Council in said section 2 with respect to the use of the lands there described under the heading “PARCEL B”.

(Pub. L. 92-593, §2, Oct. 27, 1972, 86 Stat. 1311.)

#### REFERENCES IN TEXT

Act of September 2, 1958 (72 Stat. 1686), referred to in subsec. (b), provided for exchange of lands between United States and Navajo Tribe and for other purposes, and was not classified to the Code.

### § 460dd-2. Public lands

#### (a) Withdrawal from location, entry, and patent under Federal mining laws; removal of minerals

The lands within the recreation area, subject to valid existing rights, are withdrawn from lo-

cation, entry, and patent under the United States mining laws. Under such regulations as he deems appropriate, the Secretary shall permit the removal of the nonleasable minerals from lands or interests in lands within the national recreation area in the manner prescribed by section 387 of title 43, and he shall permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if he finds that such disposition would not have significant adverse effects on the Glen Canyon project or on the administration of the national recreation area pursuant to this subchapter.

#### (b) Disposition of funds from permits and leases

All receipts derived from permits and leases issued on lands in the recreation area under the Mineral Leasing Act of February 25, 1920, as amended [30 U.S.C. 181 et seq.], or the Act of August 7, 1947 [30 U.S.C. 351 et seq.], shall be disposed of as provided in the applicable Act; and receipts from the disposition of nonleasable minerals within the recreation area shall be disposed of in the same manner as moneys received from the sale of public lands.

(Pub. L. 92-593, §3, Oct. 27, 1972, 86 Stat. 1312.)

#### REFERENCES IN TEXT

The Mineral Leasing Act of February 25, 1920, as amended, referred to in text, is act Feb. 25, 1920, ch. 85, 41 Stat. 437, as amended, known as the Mineral Leasing Act, which is classified generally to chapter 3A (§181 et seq.) of Title 30. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables.

The Acquired Lands Mineral Leasing Act of August 7, 1947, referred to in text, is act Aug. 7, 1947, ch. 513, 61 Stat. 913, as amended, which is classified generally to chapter 7 (§351 et seq.) of Title 30. For complete classification of this Act to the Code, see Short Title note set out under section 351 of Title 30 and Tables.

### § 460dd-3. Administration, protection, and development; statutory authorities for conservation and management of natural resources; Glen Canyon Dam and Reservoir

The Secretary shall administer, protect, and develop the recreation area in accordance with the provisions of sections 1, 2, 3, and 4 of this title, as amended and supplemented, and with any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this subchapter: *Provided, however*, That nothing in this subchapter shall affect or interfere with the authority of the Secretary granted by Public Law 485, Eighty-fourth Congress, second session [43 U.S.C. 620 et seq.], to operate Glen Canyon Dam and Reservoir in accordance with the purposes of the Colorado River Storage Project Act [43 U.S.C. 620 et seq.] for river regulation, irrigation, flood control, and generation of hydroelectric power.

(Pub. L. 92-593, §4, Oct. 27, 1972, 86 Stat. 1312.)

#### REFERENCES IN TEXT

Public Law 485, Eighty-fourth Congress, second session, referred to in text, is act Apr. 11, 1956, ch. 203, 70

Stat. 105, as amended, which is popularly known as the Colorado River Storage Project Act, and which is classified generally to chapter 12B (§620 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 620 of Title 43 and Tables.

#### **§ 460dd-4. Hunting and fishing**

The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance with applicable laws of the United States and the States of Utah and Arizona, except that the Secretary may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any regulation of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

(Pub. L. 92-593, § 5, Oct. 27, 1972, 86 Stat. 1312.)

#### **§ 460dd-5. Mineral and grazing leases; Bureau of Land Management administration and policies**

The administration of mineral and grazing leases within the recreation area shall be by the Bureau of Land Management. The same policies followed by the Bureau of Land Management in issuing and administering mineral and grazing leases on other lands under its jurisdiction shall be followed in regard to the lands within the boundaries of the recreation area, subject to the provisions of sections 460dd-2(a) and 460dd-3 of this title.

(Pub. L. 92-593, § 6, Oct. 27, 1972, 86 Stat. 1312.)

#### **§ 460dd-6. Easements and rights-of-way**

The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the recreation area unless he finds that the route of such easements and rights-of-way would have significant adverse effects on the administration of the recreation area.

(Pub. L. 92-593, § 7, Oct. 27, 1972, 86 Stat. 1312.)

#### **§ 460dd-7. Proposed road study**

##### **(a) Criteria and environmental impact of specific route**

The Secretary, together with the Highway Department of the State of Utah, shall conduct a study of proposed road alignments within and adjacent to the recreation area. Such study shall locate the specific route of a scenic, low-speed road, hereby authorized, from Glen Canyon City to Bullfrog Basin, crossing the Escalante River south of the point where the river has entered Lake Powell when the lake is at the three thousand seven hundred-foot level. In determining the route for this road, special care shall be taken to minimize any adverse environmental impact and said road is not required to meet ordinary secondary road standards as to grade, alinement, and curvature. Turnouts, overlooks, and scenic vistas may be included in the road plan. In no event shall said

route cross the Escalante River north of Stephens Arch.

##### **(b) Timetable**

The study shall include a reasonable timetable for the engineering, planning, and construction of the road authorized in subsection (a) of this section and the Secretary of the Interior shall adhere to said timetable in every way feasible to him.

##### **(c) Markers and other interpretative devices**

The Secretary is authorized to construct and maintain markers and other interpretative devices consistent with highway safety standards.

##### **(d) Additional roads**

The study specified in subsection (a) of this section shall designate what additional roads are appropriate and necessary for full utilization of the area for the purposes of this subchapter and to connect with all roads of ingress to, and egress from the recreation area.

##### **(e) Report to Congress**

The findings and conclusions of the Secretary and the Highway Department of the State of Utah, specified in subsection (a) of this section, shall be submitted to Congress within two years of October 27, 1972, and shall include recommendations for any further legislation necessary to implement the findings and conclusions. It shall specify the funds necessary for appropriation in order to meet the timetable fixed in subsection (b) of this section.

(Pub. L. 92-593, § 8, Oct. 27, 1972, 86 Stat. 1312.)

#### **§ 460dd-8. Report to President**

Within two years from October 27, 1972, the Secretary shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act [16 U.S.C. 1132(c) and (d)], his recommendations as to the suitability or non-suitability of any area within the recreation area for preservation as wilderness, and any designation of any such area as wilderness shall be in accordance with said Wilderness Act [16 U.S.C. 1131 et seq.].

(Pub. L. 92-593, § 9, Oct. 27, 1972, 86 Stat. 1313.)

#### REFERENCES IN TEXT

The Wilderness Act, referred to in text, is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

#### **§ 460dd-9. Authorization of appropriations; limitation**

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter, not to exceed, however, \$400,000 for the acquisition of lands and interests in lands and not to exceed \$37,325,400 for development. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this subchapter.

(Pub. L. 92-593, § 10, Oct. 27, 1972, 86 Stat. 1313.)

SUBCHAPTER LXXXIX—BIG SOUTH FORK NATIONAL RIVER AND RECREATION AREA

**§ 460ee. Establishment**

**(a) “Secretary” defined; statement of purposes; boundaries; acquisition of outside sites for administrative, visitor orientation, and recreation facilities**

As used in this section the term “Secretary” shall mean the Secretary of the Army, acting through the Chief of Engineers. The Secretary, in accordance with the national recreation area concept included in the interagency report prepared pursuant to section 218 of the Flood Control Act of 1968 (Public Law 90-483) by the Corps of Engineers, the Department of the Interior, and the Department of Agriculture, as modified by this section, is authorized and directed to establish on the Big South Fork of the Cumberland River in Kentucky and Tennessee the Big South Fork National River and Recreation Area (hereafter in this section referred to as the “National Area”) for the purposes of conserving and interpreting an area containing unique cultural, historic, geologic, fish and wildlife, archeologic, scenic, and recreational values, preserving as a natural, free-flowing stream the Big South Fork of the Cumberland River, major portions of its Clear Fork and New River stems, and portions of their various tributaries for the benefit and enjoyment of present and future generations, the preservation of the natural integrity of the scenic gorges and valleys, and the development of the area’s potential for healthful outdoor recreation. The boundaries shall be as generally depicted on the drawing prepared by the Corps of Engineers and entitled “Big South Fork National River and Recreation Area” identified as map number BSF-NRRA(1)(A) and dated October 1972, which shall be on file and available for public inspection in the office of the District Engineer, U.S. Army Engineer District, Nashville, Tennessee. The Secretary may acquire sites at locations outside such boundaries, as he determines necessary, for administrative and visitor orientation facilities. The Secretary may also acquire a site outside such boundaries at or near the location of the historic Tabard Inn in Ruby, Tennessee, including such lands as he deems necessary, for the establishment of a lodge with recreational facilities as provided in subsection (e)(3) of this section.

**(b) Transfer of responsibility for planning, acquisition, and development, and administrative jurisdiction to Secretary of the Interior; boundary revisions; acreage limitation**

Effective upon November 15, 1990, responsibility for all planning, acquisition, and development, as well as administrative jurisdiction over all Federal lands, water, interests therein, and improvements thereon, within the National Area is hereby transferred to the Secretary of the Interior. The Secretary may complete all acquisition and development activities in progress on November 15, 1990, and the Secretary and the Secretary of the Interior may, by mutual agreement, provide for an orderly and phased assumption of responsibilities (including but not limited to land acquisition and the construction of necessary access roads, day-use facilities, camp-

ground facilities, lodges, and administrative buildings) and available funds by the Secretary of the Interior in furtherance of the purposes of this section. The Secretary of the Interior shall administer the National Area in accordance with sections 1, 2, 3, and 4 of this title, as amended and supplemented. The authorities set forth in this section which were available to the Secretary immediately prior to November 15, 1990, shall after November 15, 1990, be available to the Secretary of the Interior. In the administration of the National Area 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 section. The Secretary of the Interior may, after transfer to him, revise the boundaries from time to time, but the total acreage within such boundaries shall not exceed one hundred and twenty-five thousand acres. Following such transfer the authorities available to the Secretary in subsection (c) of this section shall likewise be available to the Secretary of the Interior.

**(c) Acquisition of property; tracts; exchange and disposal of property; transfer from Federal agency to administrative jurisdiction of Secretary; residential property, right of use and occupancy; fair market value; transfer or assignment; lifetime residence of tenant or spouse; accrual of obligation or rental to United States; “improved property” defined; mineral rights**

(1) Within the boundaries of the National Area, the Secretary may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, or exchange or otherwise, except that lands (other than roads and rights-of-way for roads) owned by the States of Kentucky and Tennessee or any political subdivisions thereof which were in public ownership on October 22, 1976, may be acquired only by donation. When an individual tract of land is only partly within the boundaries of the National Area, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the National Area may be exchanged by the Secretary for non-Federal lands within the National Area boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of 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. Notwithstanding any other provision of law, any Federal property within the boundaries of the National Area shall be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this section.

(2) With the exception of property or any interest in property that the Secretary determines is necessary for purposes of administration, preservation, or public use, any owner or owners (hereafter in this section referred to as “owner”) of improved property used solely for non-commercial residential purposes on the date of its acquisition by the Secretary may retain the