

Advisory Commission in matters relating to the park and with respect to carrying out the provisions of this section.

(4) Unless extended by Act of Congress, this Commission shall terminate ten years after the date of its first meeting with the Secretary or his designee.

(f) Authorization of appropriations

(1) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section, but not more than \$10,000,000 for the acquisition of lands and interests in lands.

(2) For the development of essential public facilities there are authorized to be appropriated not more than \$15,000,000.

(Pub. L. 95-629, title II, §201, Nov. 10, 1978, 92 Stat. 3636; Pub. L. 96-344, §13, Sept. 8, 1980, 94 Stat. 1136; Pub. L. 101-628, title V, §501, Nov. 28, 1990, 104 Stat. 4492; Pub. L. 103-437, §6(j), Nov. 2, 1994, 108 Stat. 4585.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-437, §6(j)(1), substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

Subsec. (f)(2). Pub. L. 103-437, §6(j)(2), struck out at end “Within one year from November 10, 1978, the Secretary shall develop and transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a final master plan for the development of the park consistent with the objectives of this section, indicating (A) the facilities needed to accommodate the health, safety, and interpretive needs of the visiting public; (B) the location and estimated cost of all facilities; and (C) the projected need for any additional facilities within the park.”

1990—Subsec. (a). Pub. L. 101-628, §501(a), inserted after first sentence “The park shall also consist of the lands and interests therein within the area bounded by the line depicted as ‘Proposed Boundary Extension’ on the maps entitled ‘San Antonio Missions National Historical Park’, numbered 472-80,075, 472-80,076, 472-80,077, 472-80,078, 472-80,079, 472-80,080, and 472-80,081 and dated June 7, 1990, which shall be on file and available for public inspection in the same manner as is such drawing.”

Subsec. (f)(2). Pub. L. 101-628, §501(b), substituted “\$15,000,000” for “\$500,000”.

1980—Subsec. (e)(1). Pub. L. 96-344 substituted “eleven” for “seven” in provision preceding subpar. (A) and “six” for “two” in subpar. (F).

SUBCHAPTER LIX-D—CHANNEL ISLANDS NATIONAL PARK

§ 410ff. Establishment

In order to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the Channel Islands in the State of California, including, but not limited to, the following:

(1) the brown pelican nesting area;

(2) the undisturbed tide pools providing species diversity unique to the eastern Pacific coast;

(3) the pinnipeds which breed and pup almost exclusively on the Channel islands, including the only breeding colony for northern fur seals south of Alaska;

(4) the Eolian landforms and caliche;

(5) the presumed burial place of Juan Rodriguez Cabrillo; and

(6) the archaeological evidence of substantial populations of Native Americans;

there is hereby established the Channel Islands National Park, the boundaries of which shall include San Miguel and Prince Islands, Santa Rosa, Santa Cruz, Anacapa, and Santa Barbara Islands, including the rocks, islets, submerged lands, and waters within one nautical mile of each island, as depicted on the map entitled, “Proposed Channel Islands National Park” numbered 159-20,008 and dated April 1979, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior. The Channel Islands National Monument is hereby abolished as such, and the lands, waters, and interests therein withdrawn or reserved for the monument are hereby incorporated within and made a part of the new Channel Islands National Park.

(Pub. L. 96-199, title II, §201, Mar. 5, 1980, 94 Stat. 74.)

ROBERT J. LAGOMARSINO VISITOR CENTER

Pub. L. 104-333, div. I, title VIII, §809, Nov. 12, 1996, 110 Stat. 4189, as amended by Pub. L. 106-176, title I, §119, Mar. 10, 2000, 114 Stat. 28, provided that:

“(a) DESIGNATION.—The visitor center at the Channel Islands National Park, California, is designated as the ‘Robert J. Lagomarsino Visitor Center’.

“(b) LEGAL REFERENCES.—Any reference in any law, regulation, document, record, map, or other document of the United States to the visitor center referred to in subsection (a) is deemed to be a reference to the ‘Robert J. Lagomarsino Visitor Center’.”

Similar provisions were contained in Pub. L. 104-208, div. A, title I, §101(d) [title I, §125], Sept. 30, 1996, 110 Stat. 3009-181, 3009-204.

§ 410ff-1. Acquisition of property

(a) Authority of Secretary of the Interior; fair market value; State-owned land; Federal property located within park

Within the boundaries of the park as established in section 410ff of this title, the Secretary of the Interior (hereinafter referred to as the “Secretary”) is authorized to acquire lands, waters, or interests therein (including but not limited to scenic easements) by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or otherwise. 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 any right retained by the owner. Any lands, waters, or interests therein owned by the State of California or any political subdivision thereof shall not be acquired. Notwithstanding any other provision of law, Federal property located within the boundaries of the park shall with the concurrence of the head of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary for the purposes of the park: *Provided*, That the Secretary shall permit the use of federally owned park lands and waters which (i) have been transferred from another Federal agency pursuant to this section or which (ii) were the

subject of a lease or permit issued by a Federal agency as of March 5, 1980, for essential national security missions and for navigational aids, subject to such terms and conditions as the Secretary deems necessary to protect park resources.

(b) Lands owned, or under option to, National Park Foundation, The Nature Conservancy, or similar organizations

Notwithstanding the acquisition authority contained in subsection (a) of this section, any lands, waters, or interests therein, which are owned wholly or in part, by or which hereafter may be owned by, or under option to, the National Park Foundation, The Nature Conservancy (including any lands, waters, or interests therein which are designated as "Nature Conservancy Lands" on the map referred to in section 410ff of this title) or any similar national, non-profit conservation organization, or an affiliate or subsidiary thereof shall be acquired only with the consent of the owner thereof: *Provided*, That the Secretary may acquire such property in accordance with the provisions of this subchapter if he determines that the property is undergoing or is about to undergo a change in use which is inconsistent with the purposes of this subchapter.

(c) Privately owned lands on Santa Rosa Island

With respect to the privately owned lands on Santa Rosa Island, the Secretary shall acquire such lands as expeditiously as possible after March 5, 1980. The acquisition of these lands shall take priority over the acquisition of other privately owned lands within the park.

(d) Retention of rights by owners; compatible use under lease

(1) The owner of any private property may, on the date of its acquisition and as a condition of such acquisition, retain for himself a right of use and occupancy of all or such portion of such property as the owner may elect for a definite term of not more than twenty-five years, or ending at the death of the owner, or his spouse, whichever is later. The owner shall elect the term to be reserved. Any such right retained pursuant to this subsection with respect to any property shall be subject to termination by the Secretary upon his determination that such property is being used for any purpose which is incompatible with the administration of the park or with the preservation of the resources therein, 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.

(2) In the case of any property acquired by the Secretary pursuant to this subchapter with respect to which a right of use and occupancy was not reserved by the former owner pursuant to this subsection, at the request of the former owner, the Secretary may enter into a lease agreement with the former owner under which the former owner may continue any existing use of such property which is compatible with the administration of the park and with the preservation of the resources therein.

(3) Any right retained pursuant to this subsection, and any lease entered into under paragraph (2), shall be subject to such access and other provisions as may be required by the Secretary for visitor use and resources management.

(e) Acquisition of certain property on Santa Cruz Island

(1) Notwithstanding any other provision of law, effective 90 days after November 12, 1996, all right, title, and interest in and to, and the right to immediate possession of, the real property on the eastern end of Santa Cruz Island which is known as the Gherini Ranch is hereby vested in the United States, except for the reserved rights of use and occupancy set forth in Instrument No. 90-027494 recorded in the Official Records of the County of Santa Barbara, California.

(2) The United States shall pay just compensation to the owners of any real property taken pursuant to this subsection, determined as of the date of taking. The full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be in the amount of the agreed negotiated value of such real property plus interest or the valuation of such real property awarded by judgment plus interest. Interest shall accrue from the date of taking to the date of payment. Interest shall be compounded quarterly and computed at the rate applicable for the period involved, as determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities from November 12, 1996, to the last day of the month preceding the date on which payment is made.

(3) In the absence of a negotiated settlement, or an action by the owner, within 1 year after November 12, 1996, the Secretary shall initiate a proceeding, seeking in a court of competent jurisdiction a determination of just compensation with respect to the taking of such property.

(4) The Secretary shall not allow any unauthorized use of the lands to be acquired under this subsection, except that the Secretary shall permit the orderly termination of all current activities and the removal of any equipment, facilities, or personal property.

(Pub. L. 96-199, title II, §202, Mar. 5, 1980, 94 Stat. 74; Pub. L. 104-333, div. I, title VIII, §817, Nov. 12, 1996, 110 Stat. 4200.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (b), was in the original "this Act", meaning Pub. L. 96-199, and was translated as "this subchapter", meaning title II of Pub. L. 96-199, to reflect the probable intent of Congress.

AMENDMENTS

1996—Subsec. (e). Pub. L. 104-333 added subsec. (e).

§ 410ff-2. Natural resources study reports to Congress; cooperative agreements for enforcement of laws and regulations on State-owned land

(a) The Secretary is directed to develop, in cooperation and consultation with the Secretary

of Commerce, the State of California, and various knowledgeable Federal and private entities, a natural resources study report for the park, including, but not limited to, the following:

(1) an inventory of all terrestrial and marine species, indicating their population dynamics, and probable trends as to future numbers and welfare;

(2) recommendations as to what actions should be considered for adoption to better protect the natural resources of the park.

Such report shall be submitted within two complete fiscal years from March 5, 1980, to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and updated revisions of such report shall be similarly submitted at subsequent two year intervals to cover a period of ten years after March 5, 1980.

(b) The Secretary is authorized and directed to enter into and continue cooperative agreements with the Secretary of Commerce and the State of California for the enforcement of Federal and State laws and regulations on those lands and waters within and adjacent to the park which are owned by the State of California. No provision of this subchapter shall be deemed to affect the rights and jurisdiction of the State of California within the park, including, but not limited to, authority over submerged lands and waters within the park boundaries, and the marine resources therein.

(Pub. L. 96-199, title II, §203, Mar. 5, 1980, 94 Stat. 75.)

CHANGE OF NAME

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.

§ 410ff-3. Administration

(a) Authority of Secretary of the Interior; low-intensity, limited-entry basis for administration

Subject to the provisions of section 410ff of this title, the Secretary shall administer the park in accordance with the provisions of sections 1, 2, 3, and 4 of this title, as amended and supplemented. In the administration of the park, the Secretary may utilize such statutory authority available for the conservation and management of wildlife and natural and cultural resources as he deems appropriate to carry out the purposes of this subchapter. The park shall be administered on a low-intensity, limited-entry basis.

(b) Limited visitor use; establishment of appropriate visitor carrying capacities

In recognition of the special fragility and sensitivity of the park's resources, it is the intent of Congress that the visitor use within the park be limited to assure negligible adverse impact on the park resources. The Secretary shall establish appropriate visitor carrying capacities for the park.

(c) Comprehensive general management plan

(1) Within three complete fiscal years from March 5, 1980, the Secretary, in consultation

with The Nature Conservancy and the State of California, shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive general management plan for the park, pursuant to criteria stated in the provisions of section 1a-7(b) of this title. Such plan shall include alternative considerations for the design and operation of a public transportation system connecting the park with the mainland, with such considerations to be developed in cooperation with the State of California and the Secretary of Transportation. The Secretary shall seek the advice of the scientific community in the preparation of said plan, and conduct hearings for public comment in Ventura and Santa Barbara Counties.

(2) Those aspects of such a plan which relate to marine mammals shall be prepared by the Secretary of Commerce, in consultation with the Secretary and the State of California.

(Pub. L. 96-199, title II, §204, Mar. 5, 1980, 94 Stat. 76.)

CHANGE OF NAME

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.

§ 410ff-4. Federal or federally assisted undertakings with respect to lands and waters within, adjacent to, or related to park

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking with respect to the lands and waters within or adjacent or related to the park, and the head of any Federal agency having authority to license or permit any undertaking with respect to such lands and waters, shall, prior to the approval of the expenditure of any Federal funds on such undertaking or prior to the issuance of any license or permit, as the case may be, afford the Secretary a reasonable opportunity to comment with regard to such undertaking and shall give due consideration to any comments made by the Secretary and to the effect of such undertaking on the purposes for which the park is established.

(Pub. L. 96-199, title II, §205, Mar. 5, 1980, 94 Stat. 76.)

§ 410ff-5. Designation of wilderness areas

Within three complete fiscal years from March 5, 1980, the Secretary shall review the area within the park and shall report to the President, in accordance with section 1132(c) and (d) of this title, his recommendations as to the suitability or nonsuitability of any area within the park for designation as wilderness. Any designation of any such areas as wilderness shall be accomplished in accordance with section 1132(c) and (d) of this title.

(Pub. L. 96-199, title II, §206, Mar. 5, 1980, 94 Stat. 77.)

§ 410ff-6. Entrance or admission fees prohibited

Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to the park.

(Pub. L. 96-199, title II, §207, Mar. 5, 1980, 94 Stat. 77.)

§ 410ff-7. Expenditure of Federal funds for research, resources management, and visitor protection and use on private property; transfer of funds; authorization of appropriations

The Secretary is authorized to expend Federal funds for the cooperative management of The Nature Conservancy and other private property for research, resources management, and visitor protection and use. All funds authorized to be appropriated for the purposes of the Channel Islands National Monument are hereby transferred to the Channel Islands National Park. Effective October 1, 1980, there are hereby authorized to be appropriated such further sums as may be necessary to carry out the purposes of this subchapter, but not to exceed \$500,000 for development. From the Land and Water Conservation Fund there is authorized to be appropriated \$30,100,000 for the purposes of land acquisition. For the authorizations made in this section, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years.

(Pub. L. 96-199, title II, §208, Mar. 5, 1980, 94 Stat. 77.)

SUBCHAPTER LIX-E—BISCAYNE NATIONAL PARK

§ 410gg. Establishment; description of boundary; minor boundary revisions; publication in Federal Register

In order to preserve and protect for the education, inspiration, recreation, and enjoyment of present and future generations a rare combination of terrestrial, marine, and amphibious life in a tropical setting of great natural beauty, there is hereby established the Biscayne National Park (hereinafter referred to in this subchapter as the “park”) in the State of Florida. The boundary of the park shall include the lands, waters, and interests therein as generally depicted on the map entitled “Boundary Map, Biscayne National Park”, numbered 169-90,003, and dated April 1980, which map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the “Secretary”) shall publish in the Federal Register, not more than one year after June 28, 1980, a detailed description of the boundary established pursuant to this section. Following reasonable notice in writing to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate of his intention to do so, the Secretary may make minor revisions in the boundary of the park by publication of a revised boundary map or other description in the Federal Register.

(Pub. L. 96-287, title I, §101, June 28, 1980, 94 Stat. 599; Pub. L. 103-437, §6(d)(10), Nov. 2, 1994, 108 Stat. 4584.)

AMENDMENTS

1994—Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

DANTE FASCELL BISCAYNE NATIONAL PARK VISITOR CENTER

Pub. L. 105-307, Oct. 29, 1998, 112 Stat. 2931, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Dante Fascell Biscayne National Park Visitor Center Designation Act’.

“SEC. 2. DESIGNATION OF THE DANTE FASCELL VISITOR CENTER AT BISCAYNE NATIONAL PARK.

“(a) DESIGNATION.—The Biscayne National Park visitor center, located on the shore of Biscayne Bay on Convoy Point, Florida, is designated as the ‘Dante Fascell Visitor Center’.

“(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other document of the United States to the Biscayne National Park visitor center shall be deemed to be a reference to the ‘Dante Fascell Visitor Center’.”

§ 410gg-1. Acquisition of property**(a) Authority of Secretary; manner; State lands; donation, reservations, and restrictions; Federal lands; transfer to administrative jurisdiction of National Park Service and Secretary**

Within the boundary of the park the Secretary is authorized to acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that property owned by the State of Florida or any political subdivision thereof may be acquired only by donation, and subject to such reservations and restrictions as may be provided by Florida law. Lands, waters, and interests therein within such boundary which are owned by the United States and under the control of the Secretary are hereby transferred to the administrative jurisdiction of the National Park Service to be managed for the purposes of the park. Any federally owned lands within the park which are not under the control of the Secretary shall be transferred to his control for purposes of the park at such time as said lands cease to be needed by the agencies which currently control them.

(b) Acquisition period; consideration by Secretary of prompt acquisition of property

It is the express intent of the Congress that the Secretary shall substantially complete the land acquisition program authorized herein within three complete fiscal years from the effective date of this subchapter. Any owner of property within the park may notify the Secretary of the desire of such owner that his property be promptly acquired, and the Secretary shall give immediate and careful consideration, subject to the availability of funds, to the prompt acquisition of such property.

(Pub. L. 96-287, title I, §102, June 28, 1980, 94 Stat. 599.)