

106TH CONGRESS
2D SESSION

S. 2638

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2000

Referred to the Committee on Resources

AN ACT

To adjust the boundaries of the Gulf Islands National
Seashore to include Cat Island, Mississippi.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **TITLE I—ADDITION OF CAT IS-**
 2 **LAND TO GULF ISLANDS NA-**
 3 **TIONAL SEASHORE**

4 **SEC. 101. BOUNDARY ADJUSTMENT TO INCLUDE CAT IS-**
 5 **LAND.**

6 (a) IN GENERAL.—The first section of Public Law
 7 91–660 (16 U.S.C. 459h) is amended—

8 (1) in the first sentence, by striking “That, in”
 9 and inserting the following:

10 **“SECTION 1. GULF ISLANDS NATIONAL SEASHORE.**

11 “(a) ESTABLISHMENT.—In”; and

12 (2) in the second sentence—

13 (A) by redesignating paragraphs (1)
 14 through (6) as subparagraphs (A) through (F),
 15 respectively, and indenting appropriately;

16 (B) by striking “The seashore shall com-
 17 prise” and inserting the following:

18 “(b) COMPOSITION.—

19 “(1) IN GENERAL.—The seashore shall com-
 20 prise the areas described in paragraphs (2) and (3).

21 “(2) AREAS INCLUDED IN BOUNDARY PLAN
 22 NUMBERED NS-GI-7100J.—The areas described in
 23 this paragraph are”: and

24 (C) by adding at the end the following:

1 “(3) CAT ISLAND.—Upon its acquisition by the
2 Secretary, the area described in this paragraph is
3 the parcel consisting of approximately 2,000 acres of
4 land on Cat Island, Mississippi, as generally depicted
5 on the map entitled ‘Boundary Map, Gulf Islands
6 National Seashore, Cat Island, Mississippi’, num-
7 bered 635/80085, and dated November 9, 1999 (re-
8 ferred to in this title as the ‘Cat Island Map’).

9 “(4) AVAILABILITY OF MAP.—The Cat Island
10 Map shall be on file and available for public inspec-
11 tion in the appropriate offices of the National Park
12 Service.”.

13 (b) ACQUISITION AUTHORITY.—Section 2 of Public
14 Law 91–660 (16 U.S.C. 459h–1) is amended—

15 (1) in the first sentence of subsection (a), by
16 striking “lands,” and inserting “submerged land,
17 land,”; and

18 (2) by adding at the end the following:

19 “(e) ACQUISITION AUTHORITY.—

20 “(1) IN GENERAL.—The Secretary may acquire,
21 from a willing seller only—

22 “(A) all land comprising the parcel de-
23 scribed in subsection (b)(3) that is above the
24 mean line of ordinary high tide, lying and being
25 situated in Harrison County, Mississippi;

1 “(B) an easement over the approximately
2 150-acre parcel depicted as the ‘Boddie Family
3 Tract’ on the Cat Island Map for the purpose
4 of implementing an agreement with the owners
5 of the parcel concerning the development and
6 use of the parcel; and

7 “(C)(i) land and interests in land on Cat
8 Island outside the 2,000-acre area depicted on
9 the Cat Island Map; and

10 “(ii) submerged land that lies within 1
11 mile seaward of Cat Island (referred to in this
12 title as the ‘buffer zone’), except that sub-
13 merged land owned by the State of Mississippi
14 (or a subdivision of the State) may be acquired
15 only by donation.

16 “(2) ADMINISTRATION.—

17 “(A) IN GENERAL.—Land and interests in
18 land acquired under this subsection shall be ad-
19 ministered by the Secretary, acting through the
20 Director of the National Park Service.

21 “(B) BUFFER ZONE.—Nothing in this title
22 or any other provision of law shall require the
23 State of Mississippi to convey to the Secretary
24 any right, title, or interest in or to the buffer

1 zone as a condition for the establishment of the
2 buffer zone.

3 “(3) MODIFICATION OF BOUNDARY.—The
4 boundary of the seashore shall be modified to reflect
5 the acquisition of land under this subsection only
6 after completion of the acquisition.”.

7 (c) REGULATION OF FISHING.—Section 3 of Public
8 Law 91–660 (16 U.S.C. 459h–2) is amended—

9 (1) by inserting “(a) IN GENERAL.—” before
10 “The Secretary”; and

11 (2) by adding at the end the following:

12 “(b) NO AUTHORITY TO REGULATE MARITIME AC-
13 TIVITIES.—Nothing in this title or any other provision of
14 law shall affect any right of the State of Mississippi, or
15 give the Secretary any authority, to regulate maritime ac-
16 tivities, including nonseashore fishing activities (including
17 shrimping), in any area that, on the date of enactment
18 of this subsection, is outside the designated boundary of
19 the seashore (including the buffer zone).”.

20 (d) AUTHORIZATION OF MANAGEMENT AGREE-
21 MENTS.—Section 5 of Public Law 91–660 (16 U.S.C.
22 459h–4) is amended—

23 (1) by inserting “(a) IN GENERAL.—” before
24 “Except”; and

25 (2) by adding at the end the following:

1 “(b) AGREEMENTS.—

2 “(1) IN GENERAL.—The Secretary may enter
3 into agreements—

4 “(A) with the State of Mississippi for the
5 purposes of managing resources and providing
6 law enforcement assistance, subject to author-
7 ization by State law, and emergency services on
8 or within any land on Cat Island and any water
9 and submerged land within the buffer zone; and

10 “(B) with the owners of the approximately
11 150-acre parcel depicted as the ‘Boddie Family
12 Tract’ on the Cat Island Map concerning the
13 development and use of the land.

14 “(2) NO AUTHORITY TO ENFORCE CERTAIN
15 REGULATIONS.—Nothing in this subsection author-
16 izes the Secretary to enforce Federal regulations
17 outside the land area within the designated bound-
18 ary of the seashore.”.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
20 11 of Public Law 91–660 (16 U.S.C. 459h–10) is
21 amended—

22 (1) by inserting “(a) IN GENERAL.—” before
23 “There”; and

24 (2) by adding at the end the following:

1 “(b) AUTHORIZATION FOR ACQUISITION OF LAND.—
 2 In addition to the funds authorized by subsection (a),
 3 there are authorized to be appropriated such sums as are
 4 necessary to acquire land and submerged land on and ad-
 5 jacent to Cat Island, Mississippi.”.

6 **TITLE II—PECOS NATIONAL HIS-**
 7 **TORICAL PARK LAND EX-**
 8 **CHANGE**

9 **SEC. 201. SHORT TITLE.**

10 This title may be cited as the “Pecos National Histor-
 11 ical Park Land Exchange Act of 2000”.

12 **SEC. 202. DEFINITIONS.**

13 As used in this title—

14 (1) the term “Secretaries” means the Secretary
 15 of the Interior and the Secretary of Agriculture;

16 (2) the term “landowner” means Harold and
 17 Elisabeth Zuschlag, owners of land within the Pecos
 18 National Historical Park; and

19 (3) the term “map” means a map entitled
 20 “Proposed Land Exchange for Pecos National His-
 21 torical Park”, numbered 430/80,054, and dated No-
 22 vember 19, 1999, revised September 18, 2000.

23 **SEC. 203. LAND EXCHANGE.**

24 (a) Upon the conveyance by the landowner to the Sec-
 25 retary of the Interior of the lands identified in subsection

1 (b), the Secretary of Agriculture shall convey the following
2 lands and interests to the landowner, subject to the provi-
3 sions of this title:

4 (1) Approximately 160 acres of Federal lands
5 and interests therein within the Santa Fe National
6 Forest in the State of New Mexico, as generally de-
7 picted on the map.

8 (2) The Secretary of the Interior shall convey
9 an easement for water pipelines to two existing well
10 sites, located within the Pecos National Historical
11 Park, as provided in this paragraph.

12 (A) The Secretary of the Interior shall de-
13 termine the appropriate route of the easement
14 through Pecos National Historical Park and
15 such route shall be a condition of the easement.
16 The Secretary of the Interior may add such ad-
17 ditional terms and conditions relating to the use
18 of the well and pipeline granted under this ease-
19 ment as he deems appropriate.

20 (B) The easement shall be established, op-
21 erated, and maintained in compliance with all
22 Federal laws.

23 (b) The lands to be conveyed by the landowner to the
24 Secretary of the Interior comprise approximately 154

1 acres within the Pecos National Historical Park as gen-
2 erally depicted on the map.

3 (c) The Secretary of Agriculture shall convey the
4 lands and interests identified in subsection (a) only if the
5 landowner conveys a deed of title to the United States,
6 that is acceptable to and approved by the Secretary of the
7 Interior.

8 (d) TERMS AND CONDITIONS.—

9 (1) IN GENERAL.—Except as otherwise pro-
10 vided in this title, the exchange of lands and inter-
11 ests pursuant to this title shall be in accordance
12 with the provisions of section 206 of the Federal
13 Land Policy and Management Act (43 U.S.C. 1716)
14 and other applicable laws including the National En-
15 vironmental Policy Act (42 U.S.C. 4321 et seq.).

16 (2) VALUATION AND APPRAISALS.—The values
17 of the lands and interests to be exchanged pursuant
18 to this title shall be equal, as determined by apprais-
19 als using nationally recognized appraisal standards
20 including the Uniform Appraisal Standards for Fed-
21 eral Land Acquisition. The Secretaries shall obtain
22 the appraisals and insure they are conducted in ac-
23 cordance with the Uniform Appraisal Standards for
24 Federal Land Acquisition. The appraisals shall be

1 paid for in accordance with the exchange agreement
2 between the Secretaries and the landowner.

3 (3) COMPLETION OF THE EXCHANGE.—The ex-
4 change of lands and interests pursuant to this title
5 shall be completed not later than 180 days after Na-
6 tional Environmental Policy Act requirements have
7 been met and after the Secretary of the Interior ap-
8 proves the appraisals. The Secretaries shall report to
9 the Committee on Energy and Natural Resources of
10 the United States Senate and the Committee on Re-
11 sources of the United States House of Representa-
12 tives upon the successful completion of the exchange.

13 (4) ADDITIONAL TERMS AND CONDITIONS.—
14 The Secretaries may require such additional terms
15 and conditions in connection with the exchange of
16 lands and interests pursuant to this title as the Sec-
17 retaries consider appropriate to protect the interests
18 of the United States.

19 (5) EQUALIZATION OF VALUES.—

20 (A) The Secretary of Agriculture shall
21 equalize the values of Federal land conveyed
22 under subsection (a) and the land conveyed to
23 the Federal Government under subsection (b)—

24 (i) by the payment of cash to the Sec-
25 retary of Agriculture or the landowner, as

1 appropriate, except that notwithstanding
2 section 206(b) of the Federal Land Policy
3 and Management Act of 1976 (43 U.S.C.
4 1716(b)), the Secretary of Agriculture may
5 accept a cash equalization payment in ex-
6 cess of 25 percent of the value of the Fed-
7 eral land; or

8 (ii) if the value of the Federal land is
9 greater than the land conveyed to the Fed-
10 eral government, by reducing the acreage
11 of the Federal land conveyed.

12 (B) DISPOSITION OF FUNDS.—Any funds
13 received by the Secretary of Agriculture as cash
14 equalization payment from the exchange under
15 this section shall be deposited into the fund es-
16 tablished by Public Law 90–171 (commonly
17 known as the “Sisk Act”) (16 U.S.C. 484a)
18 and shall be available for expenditure, without
19 further appropriation, for the acquisition of
20 land and interests in the land in the State of
21 New Mexico.

22 **SEC. 204. BOUNDARY ADJUSTMENT AND MAPS.**

23 (a) Upon acceptance of title by the Secretary of the
24 Interior of the lands and interests conveyed to the United
25 States pursuant to section 203 of this title, the boundaries

1 of the Pecos National Historical Park shall be adjusted
2 to encompass such lands. The Secretary of the Interior
3 shall administer such lands in accordance with the provi-
4 sions of law generally applicable to units of the National
5 Park System, including the Act entitled “An Act to estab-
6 lish a National Park Service, and for other purposes”, ap-
7 proved August 25, 1916 (16 U.S.C. 1, 2–4).

8 (b) The map shall be on file and available for public
9 inspection in the appropriate offices of the Secretaries.

10 (c) Not later than 180 days after completion of the
11 exchange described in section 203, the Secretaries shall
12 transmit the map accurately depicting the lands and inter-
13 ests conveyed to the Committee on Energy and Natural
14 Resources of the United States Senate and the Committee
15 on Resources of the United States House of Representa-
16 tives.

Passed the Senate October 27 (legislative day, Sep-
tember 22), 2000.

Attest:

GARY SISCO,
Secretary.