

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