

ofices of the National Park Service, Department of the Interior, Washington, District of Columbia. After advising the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate in writing, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

(Pub. L. 92-592, §§1, 3(b)(2), Oct. 27, 1972, 86 Stat. 1308; Pub. L. 103-437, §6(n)(3), Nov. 2, 1994, 108 Stat. 4586; Pub. L. 106-132, §1(2), Dec. 7, 1999, 113 Stat. 1681.)

AMENDMENTS

1999—Subsec. (a)(4). Pub. L. 106-132 added Pub. L. 92-592, §3(b)(2). See 1972 Amendment note below.

1994—Subsec. (b). Pub. L. 103-437 substituted "Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate" for "Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate".

1972—Subsec. (a)(4). Pub. L. 92-592, §3(b)(2), as added by Pub. L. 106-132, substituted "World War Veterans Park at Miller Field" for "Miller Field".

DEKORTE STATE PARK; PROTECTION AND USE OF; STUDY FOR ESTABLISHMENT AS A UNIT OF THE NATIONAL PARK SYSTEM AND ADMINISTRATION AS UNIT OF GATEWAY NATIONAL RECREATION AREA; REPORT TO CONGRESSIONAL COMMITTEES; AUTHORIZATION OF APPROPRIATIONS

Pub. L. 96-442, §3, Oct. 13, 1980, 94 Stat. 1887, directed Secretary of the Interior to conduct a study to determine appropriate measures for protection, interpretation, and public use of natural wetlands and undeveloped uplands of that portion of Hackensack Meadows District identified as DeKorte State Park on official zoning maps of that District, with Secretary to consult with and seek advice of, representatives of interested local, State, and other Federal agencies, to determine suitability and feasibility of establishing the area as a unit of national park system, including its administration as a unit of Gateway National Recreation Area, together with alternative measures that could be undertaken to protect and interpret resources of area for public, and not later than two complete fiscal years from Oct. 13, 1980, to transmit a report of the study, including estimated development, operation, and maintenance costs of alternatives identified therein, to Senate Committee on Energy and Natural Resources and Committee on Interior and Insular Affairs of House of Representatives, together with his recommendations for such further legislation as may be appropriate, and authorized to be appropriated from amounts previously authorized to study lands for possible inclusion in national park system not to exceed \$150,000 to carry out provisions of this Act.

§ 460cc-1. Acquisition of property

(a) Authority of Secretary; donation of State lands

Within the boundaries of the recreation area, the Secretary may acquire lands and waters or interests therein by donation, purchase or exchange, except that lands owned by the States of New York or New Jersey or any political subdivisions thereof may be acquired only by donation.

(b) Transfer from Federal agency to administrative jurisdiction of Secretary

With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the recreation area may be transferred, without consideration, to the administrative jurisdiction of the Secretary for administration as a part of the recreation area.

(c) Breezy Point Unit; public use and access; agreement for use of lands for single-family residential community; specific provisions; Rockaway parking lot conveyance

Within the Breezy Point Unit, (1) the Secretary shall acquire an adequate interest in the area depicted on the map referred to in section 460cc of this title to assure the public use of and access to the entire beach. The Secretary may enter into an agreement with any property owner or owners to assure the continued maintenance and use of all remaining lands in private ownership as a residential community composed of single-family dwellings. Any such agreement shall be irrevocable, unless terminated by mutual agreement, and shall specify, among other things:

(A) that the Secretary may designate, establish and maintain a buffer zone on Federal lands separating the public use area and the private community;

(B) that all construction commencing within the community, including the conversion of dwellings from seasonal to year-round residences, shall comply with standards to be established by the Secretary;

(C) that additional commercial establishments shall be permitted only with the express prior approval of the Secretary or his designee.

(2) If a valid, enforceable agreement is executed pursuant to paragraph (1) of this subsection, the authority of the Secretary to acquire any interest in the property subject to the agreement, except for the beach property, shall be suspended.

(3) The Secretary is authorized to accept by donation from the city of New York any right, title, or interest which it holds in the parking lot at Rockaway which is part of the Marine Bridge project at Riis Park. Nothing herein shall be deemed to authorize the United States to extinguish any present or future encumbrance or to authorize the State of New York or any political subdivision or agency thereof to further encumber any interest in the property so conveyed.

(d) Jamaica Bay Unit; Broad Channel Community; title acceptance conditions

Within the Jamaica Bay Unit, (1) the Secretary may accept title to lands donated by the city of New York subject to a retained right to continue existing uses for a specifically limited period of time if such uses conform to plans agreed to by the Secretary, and (2) the Secretary may accept title to the area known as Broad Channel Community only if, within five years after October 27, 1972, all improvements have been removed from the area and a clear title to the area is tendered to the United States.

(Pub. L. 92-592, § 2, Oct. 27, 1972, 86 Stat. 1308.)

§ 460cc-2. Administration

(a) Provisions applicable; utilization of authorities for conservation and management of wildlife and natural resources; Jamaica Bay Unit

The Secretary shall administer the recreation area in accordance with the provisions of sections 1, 2, 3, and 4 of this title, as amended and supplemented. In the administration of the recreation 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 subchapter: *Provided*, That the Secretary shall administer and protect the islands and waters within the Jamaica Bay Unit with the primary aim of conserving the natural resources, fish, and wildlife located therein and shall permit no development or use of this area which is incompatible with this purpose.

(b) William Fitts Ryan Visitor Center; designation

(1) The Secretary shall designate the principal visitor center within the recreation area as the "William Fitts Ryan Visitor Center" in commemoration of the leadership and contributions which Representative William Fitts Ryan made with respect to the creation and establishment of this public recreation area. To inform the public of the contributions of Representative Ryan to the creation of the recreation area, the Secretary shall provide such signs, markers, maps, interpretive materials, literature, and programs as he deems appropriate. Not later than December 31, 1980, the Secretary shall take such additional actions as he deems appropriate to recognize and commemorate the contributions of Representative Ryan to the recreation area.

(2) The portion of the Staten Island Unit of the recreation area known as Miller Field is hereby designated as "World War Veterans Park at Miller Field". Any reference to such Miller Field in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to "World War Veterans Park at Miller Field".

(c) Federal-State cooperative agreements for police and fire protection

The Secretary is authorized to enter into cooperative agreements with the States of New York and New Jersey, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(d) Water resource developments

The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection, and navigation improvements (including the deepening of the shipping channel from the Atlantic Ocean to the New York harbor) on land and/or waters within the recreation

area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this subchapter and the purpose of existing statutes dealing with water and related land resource development.

(e) Airway facilities; maintenance, operation, and installation; Jamaica Bay and Floyd Bennett Field restrictions

The authority of the Secretary of Transportation to maintain and operate existing airway facilities and to install necessary new facilities within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of Transportation and which are consistent with both the purpose of this subchapter and the purpose of existing statutes dealing with the establishment, maintenance, and operation of airway facilities: *Provided*, That nothing in this section shall authorize the expansion of airport runways into Jamaica Bay or air facilities at Floyd Bennett Field.

(f) Hunting, fishing, and trapping

The Secretary shall permit hunting, fishing, shellfishing, trapping, and the taking of specimens on the lands and waters under his jurisdiction within the Gateway National Recreation Area in accordance with the applicable laws of the United States and the laws of the States of New York and New Jersey and political subdivisions thereof, except that the Secretary may designate zones where and establish periods when these activities may not be permitted, for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment.

(g) Sandy Hook and Staten Island Units; programs for preservation, restoration, interpretation, and utilization of sites and structures

In the Sandy Hook and Staten Island Units, the Secretary shall inventory and evaluate all sites and structures having present and potential historical, cultural, or architectural significance and shall provide for appropriate programs for the preservation, restoration, interpretation, and utilization of them.

(h) Donations for services and facilities; acceptance

Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds from individuals, foundations, or corporations for the purpose of providing services and facilities which he deems consistent with the purposes of this subchapter.

(i) Rights to solid waste byproducts of Fountain Avenue Landfill; conveyance from United States to city of New York; rights-of-way and permits; conditions; payments to United States for development and improvement of Gateway National Recreation Area

Notwithstanding the provisions of subsection (a) of this section, the United States hereby conveys to the city of New York all rights to the methane gas and associated byproducts resulting from solid waste decomposition on the area within the Jamaica Bay Unit known as the