

section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of the Outstanding Natural Area in order to protect the privacy of traditional cultural and religious activities in such areas by the Indian tribe or Indian religious community. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996 et seq.; commonly referred to as the “American Indian Religious Freedom Act”).

(11) No buffer zones

The designation of the Outstanding Natural Area is not intended to lead to the creation of protective perimeters or buffer zones around⁴ area. The fact that activities outside the Outstanding Natural Area and not consistent with the purposes of this section can be seen or heard within the Outstanding Natural Area shall not, of itself, preclude such activities or uses up to the boundary of the Outstanding Natural Area.

(e) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section. (Pub. L. 110-229, title II, §201, May 8, 2008, 122 Stat. 759; Pub. L. 113-287, §5(l)(8), Dec. 19, 2014, 128 Stat. 3271.)

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (c)(3), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of this title and Tables.

The Archaeological Resources Protection Act of 1979, referred to in subsec. (d)(3)(E), is Pub. L. 96-95, Oct. 31, 1979, 93 Stat. 721, which is classified generally to chapter 1B (§470aa et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 470aa of Title 16 and Tables.

The American Indian Religious Freedom Act, referred to in subsec. (d)(10), is Pub. L. 95-341, Aug. 11, 1978, 92 Stat. 469, which is classified to sections 1996 and 1996a of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1996 of Title 42 and Tables.

CODIFICATION

Section was enacted as part of the Consolidated Natural Resources Act of 2008, and not as part of the Federal Land Policy and Management Act of 1976 which comprises this chapter.

AMENDMENTS

2014—Subsec. (d)(3)(E). Pub. L. 113-287 substituted “division A of subtitle III of title 54” for “the National Historic Preservation Act (16 U.S.C. 470 et seq.)”.

§ 1787. Jupiter Inlet Lighthouse Outstanding Natural Area

(a) Definitions

In this section:

(1) Commandant

The term “Commandant” means the Commandant of the Coast Guard.

(2) Lighthouse

The term “Lighthouse” means the Jupiter Inlet Lighthouse located in Palm Beach County, Florida.

(3) Local Partners

The term “Local Partners” includes—

- (A) Palm Beach County, Florida;
- (B) the Town of Jupiter, Florida;
- (C) the Village of Tequesta, Florida; and
- (D) the Loxahatchee River Historical Society.

(4) Management plan

The term “management plan” means the management plan developed under subsection (c)(1).

(5) Map

The term “map” means the map entitled “Jupiter Inlet Lighthouse Outstanding Natural Area” and dated October 29, 2007.

(6) Outstanding Natural Area

The term “Outstanding Natural Area” means the Jupiter Inlet Lighthouse Outstanding Natural Area established by subsection (b)(1).

(7) Public land

The term “public land” has the meaning given the term “public lands” in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(8) Secretary

The term “Secretary” means the Secretary of the Interior.

(9) State

The term “State” means the State of Florida.

(b) Establishment of the Jupiter Inlet Lighthouse Outstanding Natural Area

(1) Establishment

Subject to valid existing rights, there is established for the purposes described in paragraph (2) the Jupiter Inlet Lighthouse Outstanding Natural Area, the boundaries of which are depicted on the map.

(2) Purposes

The purposes of the Outstanding Natural Area are to protect, conserve, and enhance the unique and nationally important historic, natural, cultural, scientific, educational, scenic, and recreational values of the Federal land surrounding the Lighthouse for the benefit of present generations and future generations of people in the United States, while—

(A) allowing certain recreational and research activities to continue in the Outstanding Natural Area; and

(B) ensuring that Coast Guard operations and activities are unimpeded within the boundaries of the Outstanding Natural Area.

(3) Availability of map

The map shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

⁴So in original. Probably should be followed by “the”.

(4) Withdrawal**(A) In general**

Subject to valid existing rights, subsection (e), and any existing withdrawals under the Executive orders and public land order described in subparagraph (B), the Federal land and any interests in the Federal land included in the Outstanding Natural Area are withdrawn from—

- (i) all forms of entry, appropriation, or disposal under the public land laws;
- (ii) location, entry, and patent under the mining laws; and
- (iii) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(B) Description of Executive orders

The Executive orders and public land order described in subparagraph (A) are—

- (i) the Executive Order dated October 22, 1854;
- (ii) Executive Order No. 4254 (June 12, 1925); and
- (iii) Public Land Order No. 7202 (61 Fed. Reg. 29758).

(c) Management plan**(1) In general**

Not later than 3 years after May 8, 2008, the Secretary, in consultation with the Commandant, shall develop a comprehensive management plan in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to—

- (A) provide long-term management guidance for the public land in the Outstanding Natural Area; and
- (B) ensure that the Outstanding Natural Area fulfills the purposes for which the Outstanding Natural Area is established.

(2) Consultation; public participation

The management plan shall be developed—

- (A) in consultation with appropriate Federal, State, county, and local government agencies, the Commandant, the Local Partners, and other partners; and
- (B) in a manner that ensures full public participation.

(3) Existing plans

The management plan shall, to the maximum extent practicable, be consistent with existing resource plans, policies, and programs.

(4) Inclusions

The management plan shall include—

- (A) objectives and provisions to ensure—
 - (i) the protection and conservation of the resource values of the Outstanding Natural Area; and
 - (ii) the restoration of native plant communities and estuaries in the Outstanding Natural Area, with an emphasis on the conservation and enhancement of healthy, functioning ecological systems in perpetuity;
- (B) objectives and provisions to maintain or recreate historic structures;

(C) an implementation plan for a program of interpretation and public education about the natural and cultural resources of the Lighthouse, the public land surrounding the Lighthouse, and associated structures;

(D) a proposal for administrative and public facilities to be developed or improved that—

- (i) are compatible with achieving the resource objectives for the Outstanding Natural Area described in subsection (d)(1)(A)(ii); and
- (ii) would accommodate visitors to the Outstanding Natural Area;

(E) natural and cultural resource management strategies for the Outstanding Natural Area, to be developed in consultation with appropriate departments of the State, the Local Partners, and the Commandant, with an emphasis on resource conservation in the Outstanding Natural Area and the interpretive, educational, and long-term scientific uses of the resources; and

(F) recreational use strategies for the Outstanding Natural Area, to be prepared in consultation with the Local Partners, appropriate departments of the State, and the Coast Guard, with an emphasis on passive recreation.

(5) Interim plan

Until a management plan is adopted for the Outstanding Natural Area, the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) shall be in effect.

(d) Management of the Jupiter Inlet Lighthouse Outstanding Natural Area**(1) Management****(A) In general**

The Secretary, in consultation with the Local Partners and the Commandant, shall manage the Outstanding Natural Area—

- (i) as part of the National Landscape Conservation System;
- (ii) in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of the Outstanding Natural Area, including an emphasis on the restoration of native ecological systems; and
- (iii) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws.

(B) Limitation

In managing the Outstanding Natural Area, the Secretary shall not take any action that precludes, prohibits, or otherwise affects the conduct of ongoing or future Coast Guard operations or activities on lots 16 and 18, as depicted on the map.

(2) Uses

Subject to valid existing rights and subsection (e), the Secretary shall only allow uses of the Outstanding Natural Area that the Sec-

retary, in consultation with the Commandant and Local Partners, determines would likely further the purposes for which the Outstanding Natural Area is established.

(3) Cooperative agreements

To facilitate implementation of the management plan and to continue the successful partnerships with local communities and other partners, the Secretary may, in accordance with section 307(b) of the Federal Land Management¹ Policy and Management Act of 1976 (43 U.S.C. 1737(b)), enter into cooperative agreements with the appropriate Federal, State, county, other local government agencies, and other partners (including the Loxahatchee River Historical Society) for the long-term management of the Outstanding Natural Area.

(4) Research activities

To continue successful research partnerships, pursue future research partnerships, and assist in the development and implementation of the management plan, the Secretary may, in accordance with section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)), authorize the conduct of appropriate research activities in the Outstanding Natural Area for the purposes described in subsection (b)(2).

(5) Acquisition of land

(A) In general

Subject to subparagraph (B), the Secretary may acquire for inclusion in the Outstanding Natural Area any State or private land or any interest in State or private land that is—

- (i) adjacent to the Outstanding Natural Area; and
- (ii) identified in the management plan as appropriate for acquisition.

(B) Means of acquisition

Land or an interest in land may be acquired under subparagraph (A) only by donation, exchange, or purchase from a willing seller with donated or appropriated funds.

(C) Additions to the Outstanding Natural Area

Any land or interest in land adjacent to the Outstanding Natural Area acquired by the United States after May 8, 2008, under subparagraph (A) shall be added to, and administered as part of, the Outstanding Natural Area.

(6) Law enforcement activities

Nothing in this section, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects—

(A) any maritime security, maritime safety, or environmental protection mission or activity of the Coast Guard;

(B) any border security operation or law enforcement activity by the Department of

Homeland Security or the Department of Justice; or

(C) any law enforcement activity of any Federal, State, or local law enforcement agency in the Outstanding Natural Area.

(7) Future disposition of Coast Guard facilities

If the Commandant determines, after May 8, 2008, that Coast Guard facilities within the Outstanding Natural Area exceed the needs of the Coast Guard, the Commandant may relinquish the facilities to the Secretary without removal, subject only to any environmental remediation that may be required by law.

(e) Effect on ongoing and future Coast Guard operations

Nothing in this section, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects ongoing or future Coast Guard operations or activities in the Outstanding Natural Area, including—

(1) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the Coast Guard High Frequency antenna site on lot 16;

(2) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the military family housing area on lot 18;

(3) the continued and future use of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the pier on lot 18;

(4) the existing lease of the Jupiter Inlet Lighthouse on lot 18 from the Coast Guard to the Loxahatchee River Historical Society; or

(5) any easements or other less-than-fee interests in property appurtenant to existing Coast Guard facilities on lots 16 and 18.

(f) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section.

(Pub. L. 110-229, title II, §202, May 8, 2008, 122 Stat. 763.)

REFERENCES IN TEXT

The Executive Order dated October 22, 1854, and Executive Order No. 4254 (June 12, 1925), referred to in subsec. (b)(4)(B)(i), (ii), were not classified to the Code.

The Federal Land Policy and Management Act of 1976, referred to in subsec. (d)(1)(A)(iii), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of this title and Tables.

CODIFICATION

Section was enacted as part of the Consolidated Natural Resources Act of 2008, and not as part of the Federal Land Policy and Management Act of 1976 which comprises this chapter.

CHAPTER 36—OUTER CONTINENTAL SHELF RESOURCE MANAGEMENT

Sec. 1801. Congressional findings.

¹ So in original. The word "Management" probably should not appear.