

2935; Pub. L. 100-653, title VI, §§601, 602(b), 603(1), Nov. 14, 1988, 102 Stat. 3829, 3830; Pub. L. 102-570, §2, Oct. 29, 1992, 106 Stat. 4490.)

AMENDMENTS

1992—Subsec. (j). Pub. L. 102-570 added subsec. (j).

1988—Subsec. (c). Pub. L. 100-580, §12(a)(A), substituted “14” for “12” in introductory provisions.

Subsec. (c)(11), (12). Pub. L. 100-580, §12(a)(B), added pars. (11) and (12).

Subsec. (f)(1). Pub. L. 100-653, §602(b), substituted “Procedures” for “Decisions of Task Force” as par. heading and amended text generally. Prior to amendment, text read as follows: “All decisions of the Task Force must be by unanimous vote of all the members.”

Subsec. (h). Pub. L. 100-653, §603(1), substituted “, the State of California, or the State of Oregon” for “or the State of California”.

Subsec. (i). Pub. L. 100-653, §601, substituted “Expenses” for “Limitation on spending authority” in heading and amended text generally, designating existing provisions as par. (2) and adding par. (1).

SPECIAL RULE

Pub. L. 100-580, §12(b), Oct. 31, 1988, 102 Stat. 2935, provided that: “The initial term of the representative appointed pursuant to section 4(c)(11) and (12) of such Act [16 U.S.C. 460ss-3(c)(11), (12)] (as added by the amendment made by subsection (a)) shall be for that time which is the remainder of the terms of the members of the Task Force then serving. Thereafter, the term of such representatives shall be as provided in section 4(e) of such Act.”

§ 460ss-4. Enforcement

(a) Memorandum of agreement¹

In order to strengthen and facilitate the enforcement of Area fishery harvesting regulations, the Secretary shall enter into a memorandum of agreement with the California Department of Fish and Game. Such agreement shall specify the enforcement activities within the Area for which the respective agencies of the Department of² Interior and the California Department of Fish and Game are responsible and shall contain such provisions as are necessary to ensure the coordinated implementation of Federal and State enforcement activities.

(Pub. L. 99-552, §5, Oct. 27, 1986, 100 Stat. 3085.)

§ 460ss-5. Appropriations

(a) Authorization

There are authorized to be appropriated to the Department of the Interior during the period beginning October 1, 1986, and ending on September 30, 2006, \$21,000,000 for the design, construction, operation, and maintenance of the program and for the payment of travel expenses under sections 460ss-2(j) and 460ss-3(i) of this title. Monies appropriated under this subsection shall remain available until expended or October 1, 2006, whichever first occurs.

(b) Cost-sharing

(1) 50 percent of the cost of the development and implementation of the program must be provided by one or more non-Federal sources on a basis considered by the Secretary to be timely and appropriate. For purposes of this subsection,

the term “non-Federal source” includes a State or local government, any private entity, and any individual.

(2) In addition to cash outlays, the Secretary shall consider as financial contributions by a non-Federal source the value of inkind contributions and real and personal property provided by the source for purposes of implementing the program. Valuations made by the Secretary under this paragraph are final and not subject to judicial review.

(3) For purposes of paragraph (2), inkind contributions may be in the form of, but are not limited to, personal services rendered by volunteers.

(4) The Secretary shall by regulation establish—

(A) the training, experience, and other qualifications which such volunteers must have in order for their services to be considered as inkind contributions; and

(B) the standards under which the Secretary will determine the value of inkind contributions and real and personal property for purposes of paragraph (2).

(5) The Secretary may not consider the expenditure, either directly or indirectly, with respect to the program of Federal moneys received by a State or local government to be a financial contribution by a non-Federal source to carry out the program.

(Pub. L. 99-552, §6, Oct. 27, 1986, 100 Stat. 3085; Pub. L. 100-653, title VI, §603(3), (4), Nov. 14, 1988, 102 Stat. 3830.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-653, §603(3), inserted “and for the payment of travel expenses under sections 460ss-2(j) and 460ss-3(i) of this title” before period at end of first sentence.

Subsec. (b)(3). Pub. L. 100-653, §603(4), struck out “in carrying out surveys, censuses, and other scientific studies” after “volunteers”.

§ 460ss-6. Definitions

As used in this subchapter—

(1) The term “program” means the Klamath River Basin Conservation Area Restoration Program established under section 460ss-1(b) of this title.

(2) The term “Secretary” means the Secretary of the Interior.

(Pub. L. 99-552, §7, Oct. 27, 1986, 100 Stat. 3086.)

SUBCHAPTER CV—CROSS FLORIDA NATIONAL CONSERVATION AREA

§ 460tt. Cross Florida Barge Canal

(a) Deauthorization

The barge canal project located between the Gulf of Mexico and the Atlantic Ocean (hereinafter in this section referred to as the “project”), as described in the Act of July 23, 1942 (56 Stat. 703), shall be deauthorized by operation of law immediately upon the Governor and Cabinet of the State of Florida adopting a resolution specifically agreeing on behalf of the State of Florida (hereinafter in this section referred to as the “State”) to all of the terms of the agreement prescribed in subsection (b).

¹ So in original. No subsec. (b) has been enacted.

² So in original. Probably should be “of the”.

(b) Transfer of project lands

Notwithstanding any other provision of law, the Secretary is, subject to the provisions of subsections (d) and (e), directed to transfer to the State all lands and interests in lands acquired by the Secretary and facilities completed for the project in subsection (a), without consideration, if the State agrees to each of the following:

(1) The State shall agree to hold the United States harmless from all claims arising from or through the operations of the lands and facilities conveyed by the United States.

(2) The State shall agree to preserve and maintain a greenway corridor which shall be open to the public for compatible recreation and conservation activities and which shall be continuous, except for areas referred to in subparagraphs (A) and (C) of this paragraph, along the project route over lands acquired by the Secretary or by the State or State Canal Authority, or lands acquired along the project route in the future by the State or State Canal Authority, to the maximum width possible, as determined in the management plan to be developed by the State for former project lands. Such greenway corridor shall not be less than 300 yards wide, except for the following areas:

(A) Any area of the project corridor where, as of November 28, 1990, no land is owned by the State or State Canal Authority.

(B) Any area of the project corridor where, as of November 28, 1990, the land owned by the State or State Canal Authority is less than 300 yards wide.

(C) Any area of the project corridor where a road or bridge crosses the project corridor.

(3) Consistent with paragraph (2) of this subsection, the State shall create a State park or conservation/recreation area in the lands and interests in lands acquired for the project lying between the Atlantic Ocean and the western boundaries of sections 20 and 29, township 15 south, range 23 east.

(4) The State shall agree, consistent with paragraphs (2), (5) and (6) of this subsection, to preserve, enhance, interpret, and manage the water and related land resources of the area containing cultural, fish and wildlife, scenic, and recreational values in the remaining lands and interests in land acquired for the project, lying west of sections 20 and 29, township 15 south, range 23 east, as determined by the State, for the benefit and enjoyment of present and future generations of people and the development of outdoor recreation.

(5) The State shall agree to pay, from the assets of the State Canal Authority and the Cross Florida Canal Navigation District, including revenues from the sale of former project lands declared surplus by the State management plan, to the counties of Citrus, Clay, Duval, Levy, Marion, and Putnam a minimum aggregate sum of \$32,000,000 in cash or, at the option of the counties, payment to be made by conveyance of surplus former project lands selected by the State at current appraised values.

(6) The State shall agree to provide that, after repayment of all sums due to the coun-

ties of Citrus, Clay, Duval, Levy, Marion, and Putnam, the State may use any remaining funds generated from the sale of former project lands declared surplus by the State to acquire the fee title to lands along the project route as to which less than fee title was obtained, or to purchase privately owned lands, or easements over such privately owned lands, lying within the proposed project route, consistent with paragraphs (2), (3), and (4) of this subsection, according to such priorities as are determined in the management plan to be developed by the State for former project lands. Any remaining funds generated from the sale of former project lands declared surplus by the State shall be used for the improvement and management of the greenway corridor consistent with paragraphs (2), (3), and (4) of this subsection.

(c) Enforcement**(1) Remedies and jurisdiction**

The United States is directed to vigorously enforce the agreement referred to in subsections (a) and (b) in the courts of the United States and shall be entitled to any remedies in equity or law, including, without limitation, injunctive relief. The court, in issuing any final order in any suit brought pursuant to this subsection, may, in its discretion, award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party. The United States district courts shall have original and exclusive jurisdiction of any action under this subsection.

(2) State remedies

The State shall be entitled to the same remedies listed in paragraph (1) of this subsection in the courts of the State or of the United States.

(d) Time of transfer

Actual transfer of lands and management responsibilities under this section shall not occur on the constructed portions of the project lying between the Atlantic Ocean and the Eureka Lock and Dam, inclusive, and between the Gulf of Mexico and the Inglis Lock and Dam, inclusive, until the last day of the 24-month period beginning on November 28, 1990.

(e) Management pending transfer

In the 24-month period following November 28, 1990, the Secretary shall carry out any and all programmed maintenance on the portions of the project outlined in subsection (d).

(f) Contract for continued O&M**(1) In general**

During the period beginning on November 28, 1992, and ending on September 30, 1993, the Secretary is authorized and directed to offer to enter into a contract with the St. Johns River Water Management District and the Southwest Florida Water Management District of the State of Florida for the continued operation and maintenance by the Secretary of the portions of the project described in subsection (d). The maintenance shall be performed at a level of service that is necessary to ensure safe operating conditions and to pre-

vent deterioration of the structures. No major rehabilitations or renovations shall be performed by the Secretary in such portions of the project during such period.

(2) Funding

Funding for the continued operation and maintenance of the barge canal project by the Secretary under this subsection shall not exceed \$300,000. The State of Florida shall pay a non-Federal share of \$600,000 to fund the continued maintenance of the portions of the project described in subsection (d) in accordance with paragraph (1).

(g) Survey

The exact acreage and legal description of the real property to be transferred pursuant to this section shall be determined by a survey which is satisfactory to the Secretary and to the State. The cost of such survey shall be borne by the State.

(Pub. L. 99-662, title XI, § 1114, Nov. 17, 1986, 100 Stat. 4232; Pub. L. 101-640, title IV, § 402, Nov. 28, 1990, 104 Stat. 4644; Pub. L. 102-580, title I, § 102(e), Oct. 31, 1992, 106 Stat. 4805.)

REFERENCES IN TEXT

Act of July 23, 1942, referred to in subsec. (a), is act July 23, 1942, ch. 520, 56 Stat. 703, as amended. See National Defense Pipe Lines note set out preceding section 715 of Title 15, Commerce and Trade.

AMENDMENTS

1992—Subsecs. (f), (g). Pub. L. 102-580 added subsec. (f) and redesignated former subsec. (f) as (g).

1990—Pub. L. 101-640 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (i) which established the Cross Florida National Conservation Area, designated to it lands held for high-level barge canal project, required that certain portions of the barge canal project be operated and maintained for navigation, recreation, and fish and wildlife enhancement and for economic benefit of the region, provided for State of Florida to retain jurisdiction and responsibility over water resources planning, development, and control of surface and ground waters, required the Secretary to develop comprehensive management plan, directed operation of Rodman Dam to assure continuation of Lake Ocklawaha reservoir, required acquisition of lands held by Florida Canal Authority for barge canal project and lands held by State of Florida or Canal Authority which were acquired pursuant to section 104 of the River and Harbor Act of 1960, and set forth conditions for effectiveness of certain provisions.

SUBCHAPTER CVI—EL MALPAIS NATIONAL MONUMENT AND CONSERVATION AREA

PART A—EL MALPAIS NATIONAL MONUMENT

§ 460uu. Establishment; description of area

(a) In order to preserve, for the benefit and enjoyment of present and future generations, that area in western New Mexico containing the nationally significant Grants Lava Flow, the Las Ventanas Chacoan Archeological Site, and other significant natural and cultural resources, there is hereby established the El Malpais National Monument (hereinafter referred to as the “monument”). The monument shall consist of approximately 114,000 acres as generally depicted on the map entitled “El Malpais National Monument and National Conservation Area”

numbered NM-ELMA-80,001-B and dated May 1987. The map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior.

(b) As soon as practicable after December 31, 1987, the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall file a legal description of the monument with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this subchapter, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in subsection (a). The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(Pub. L. 100-225, title I, § 101, Dec. 31, 1987, 101 Stat. 1539.)

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.

§ 460uu-1. Transfer of administrative control of lands and waters

Lands and waters and interests therein within the boundaries of the monument, which as of the day prior to December 31, 1987, were administered by the Forest Service, United States Department of Agriculture, are hereby transferred to the administrative jurisdiction of the Secretary to be managed as part of the monument in accordance with this subchapter. The boundaries of the Cibola National Forest shall be adjusted accordingly.

(Pub. L. 100-225, title I, § 102, Dec. 31, 1987, 101 Stat. 1539.)

§ 460uu-2. Management

The Secretary, acting through the Director of the National Park Service, shall manage the monument in accordance with the provisions of this subchapter, the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.),¹ and other provisions of law applicable to units of the National Park System. The Secretary shall protect, manage, and administer the monument for the purposes of preserving the scenery and the natural, historic, and cultural resources of the monument and providing for the public understanding and enjoyment of the same in such a manner as to perpetuate these qualities for future generations.

(Pub. L. 100-225, title I, § 103, Dec. 31, 1987, 101 Stat. 1539.)

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), referred to in text, is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic

¹ See References in Text note below.