

tion of this Act to the Code, see Short Title of 1988 Amendment note set out under section 2687 of Title 10 and Tables.

The Defense Base Closure and Realignment Act of 1990, referred to in subsec. (d), is part A of title XXIX of div. B of Pub. L. 101-510, Nov. 5, 1990, 104 Stat. 1808, as amended, which amended section 2687 of Title 10 and enacted provisions set out as a note under section 2687 of Title 10.

AMENDMENTS

2019—Subsec. (a). Pub. L. 116-9, §1456(1), designated first sentence as par. (1) and second sentence as par. (2), inserted par. headings, substituted “The Secretary shall negotiate in good faith to reach an agreement with the California State Lands Commission (referred to in this section as the ‘Commission’)” for “Upon request of the California State Lands Commission (hereinafter in this section referred to as the ‘Commission’), the Secretary shall enter into negotiations for an agreement” in par. (1) and “To the maximum extent practicable, not later than 10 years after October 31, 1994, the Secretary shall” for “The Secretary shall negotiate in good faith to” in par. (2), and inserted “, national monuments, off-highway vehicle recreation areas,” after “more of the wilderness areas” in par. (1).

Subsec. (b)(1). Pub. L. 116-9, §1456(2), inserted “, national monuments, off-highway vehicle recreation areas,” after “wilderness areas”.

§ 410aaa-78. Access to private property

The Secretary shall provide adequate access to nonfederally owned land or interests in land within the boundaries of the conservation units and wilderness areas designated by this Act which will provide the owner of such land or interest the reasonable use and enjoyment thereof.

(Pub. L. 103-433, title VII, §708, Oct. 31, 1994, 108 Stat. 4500.)

REFERENCES IN TEXT

This Act, referred to in text, is defined in section 3 of Pub. L. 103-433, which is set out as a Definitions note under section 410aaa of this title.

§ 410aaa-79. Federal facilities fee equity

(a) Policy statement

It is the intent of Congress that entrance, tourism or recreational use fees for use of Federal lands and facilities not discriminate against any State or any region of the country.

(b) Fee study

The Secretary, in cooperation with other affected agencies, shall prepare and submit a report by May 1, 1996 to the Committee on Energy and Natural Resources of the United States Senate, the Committee on Natural Resources of the United States House of Representatives, and any other relevant committees, which shall—

- (1) identify all Federal lands and facilities that provide recreational or tourism use; and
- (2) analyze by State and region any fees charged for entrance, recreational or tourism use, if any, on Federal lands or facilities in a State or region, individually and collectively.

(c) Recommendations

Following completion of the report in subsection (b), the Secretary, in cooperation with other affected agencies, shall prepare and submit a report by May 1, 1997 to the Committee on Energy and Natural Resources of the United

States Senate, the Committee on Natural Resources of the United States House of Representatives, and any other relevant committees, which shall contain recommendations which the Secretary deems appropriate for implementing the congressional intent outlined in subsection (a).

(Pub. L. 103-433, title VII, §709, Oct. 31, 1994, 108 Stat. 4500.)

§ 410aaa-80. Land appraisal

Lands and interests in lands acquired pursuant to this Act shall be appraised without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(Pub. L. 103-433, title VII, §710, Oct. 31, 1994, 108 Stat. 4501.)

REFERENCES IN TEXT

This Act, referred to in text, is defined in section 3 of Pub. L. 103-433, which is set out as a Definitions note under section 410aaa of this title.

The Endangered Species Act of 1973, referred to in text, is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified principally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

§ 410aaa-81. Juniper Flats

Development of renewable energy generation facilities (excluding rights-of-way or facilities for the transmission of energy and telecommunication facilities and infrastructure) is prohibited on the approximately 27,990 acres of Federal land generally depicted as “BLM Land Unavailable for Energy Development” on the map entitled “Juniper Flats” and dated November 7, 2018.

(Pub. L. 103-433, title VII, §711, as added Pub. L. 116-9, title I, §1459, Mar. 12, 2019, 133 Stat. 718.)

PRIOR PROVISIONS

A prior section 410aaa-81, Pub. L. 103-433, title VII, §711, Oct. 31, 1994, 108 Stat. 4501, which defined the term “this Act” for purposes of titles I through IX of Pub. L. 103-433, was repealed by Pub. L. 116-9, title I, §1459, Mar. 12, 2019, 133 Stat. 718. See section 3 of Pub. L. 103-433, set out as a Definitions note under section 410aaa of this title.

§ 410aaa-81a. Transfer of land to Anza-Borrego Desert State Park

(a) In general

On termination of all mining claims to the land described in subsection (b), the Secretary shall transfer the land described in that subsection to the State of California.

(b) Description of land

The land referred to in subsection (a) is certain Bureau of Land Management land in San Diego County, California, comprising approximately 934 acres, as generally depicted on the map entitled “Proposed Table Mountain Wilderness Study Area Transfer to the State” and dated November 7, 2018.

(c) Management

(1) In general

The land transferred under subsection (a) shall be managed in accordance with the pro-

visions of the California Wilderness Act (California Public Resources Code sections 5093.30–5093.40).

(2) Withdrawal

Subject to valid existing rights, the land transferred under subsection (a) is withdrawn from—

- (A) all forms of entry, appropriation, or disposal under the public land laws;
- (B) location, entry, and patent under the mining laws; and
- (C) disposition under all laws relating to mineral and geothermal leasing.

(3) Reversion

If the State ceases to manage the land transferred under subsection (a) as part of the State Park System or in a manner inconsistent with the California Wilderness Act (California Public Resources Code sections 5093.30–5093.40), the land shall revert to the Secretary at the discretion of the Secretary, to be managed as a Wilderness Study Area.

(Pub. L. 103–433, title VII, § 712, as added Pub. L. 116–9, title I, § 1451, Mar. 12, 2019, 133 Stat. 710.)

“SECRETARY” DEFINED

Section 103 of Pub. L. 103–433 provided in part that in this subchapter “Secretary” means the Secretary of the Interior.

§ 410aaa-81b. Wildlife corridors

(a) In general

The Secretary shall—

- (1) assess the impacts of habitat fragmentation on wildlife in the California Desert Conservation Area; and
- (2) establish policies and procedures to ensure the preservation of wildlife corridors and facilitate species migration.

(b) Study

(1) In general

As soon as practicable, but not later than 2 years, after March 12, 2019, the Secretary shall complete a study regarding the impact of habitat fragmentation on wildlife in the California Desert Conservation Area.

(2) Components

The study under paragraph (1) shall—

- (A) identify the species migrating, or likely to migrate¹ in the California Desert Conservation Area;
- (B) examine the impacts and potential impacts of habitat fragmentation on—
 - (i) plants, insects, and animals;
 - (ii) soil;
 - (iii) air quality;
 - (iv) water quality and quantity; and
 - (v) species migration and survival;
- (C) identify critical wildlife and species migration corridors recommended for preservation; and
- (D) include recommendations for ensuring the biological connectivity of public land managed by the Secretary and the Secretary of Defense throughout the California Desert Conservation Area.

¹ So in original. Probably should be followed by a comma.

(3) Rights-of-way

The Secretary shall consider the information and recommendations of the study under paragraph (1) to determine the individual and cumulative impacts of rights-of-way for projects in the California Desert Conservation Area, in accordance with—

- (A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
- (B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and
- (C) any other applicable law.

(c) Land management plans

The Secretary shall incorporate into all land management plans applicable to the California Desert Conservation Area the findings and recommendations of the study completed under subsection (b).

(Pub. L. 103–433, title VII, § 713, as added Pub. L. 116–9, title I, § 1452, Mar. 12, 2019, 133 Stat. 711.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (b)(3)(A), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) 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 4321 of Title 42 and Tables.

The Endangered Species Act of 1973, referred to in subsec. (b)(3)(B), is Pub. L. 93–205, Dec. 28, 1973, 87 Stat. 884, which is classified generally to chapter 35 (§ 1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

“SECRETARY” DEFINED

Section 103 of Pub. L. 103–433 provided in part that in this subchapter “Secretary” means the Secretary of the Interior.

§ 410aaa-81c. Prohibited uses of acquired, donated, and conservation land

(a) Definitions

In this section:

(1) Acquired land

The term “acquired land” means any land acquired within the Conservation Area using amounts from the land and water conservation fund established under section 200302 of title 54.

(2) Conservation area

The term “Conservation Area” means the California Desert Conservation Area.

(3) Conservation land

The term “conservation land” means any land within the Conservation Area that is designated to satisfy the conditions of a Federal habitat conservation plan, general conservation plan, or State natural communities conservation plan, including—

- (A) national conservation land established pursuant to section 7202(b)(2)(D) of this title; and
- (B) areas of critical environmental concern established pursuant to section 1712(c)(3) of title 43.

(4) Donated land

The term “donated land” means any private land donated to the United States for conservation purposes in the Conservation Area.