

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Subject to valid existing rights, the land transferred under subsection (a) is withdrawn from—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

(5) Donor

The term “donor” means an individual or entity that donates private land within the Conservation Area to the United States.

(6) Secretary

The term “Secretary” means the Secretary, acting through the Director of the Bureau of Land Management.

(7) State

The term “State” means the State of California.

(b) Prohibitions

Except as provided in subsection (c), the Secretary shall not authorize the use of acquired land, conservation land, or donated land within the Conservation Area for any activities contrary to the conservation purposes for which the land was acquired, designated, or donated, including—

- (1) disposal;
- (2) rights-of-way;
- (3) leases;
- (4) livestock grazing;
- (5) infrastructure development, except as provided in subsection (c);
- (6) mineral entry; and
- (7) off-highway vehicle use, except on—
 - (A) designated routes;
 - (B) off-highway vehicle areas designated by law; and
 - (C) administratively designated open areas.

(c) Exceptions**(1) Authorization by Secretary**

Subject to paragraph (2), the Secretary may authorize limited exceptions to prohibited uses of acquired land or donated land in the Conservation Area if—

- (A) a right-of-way application for a renewable energy development project or associated energy transport facility on acquired land or donated land was submitted to the Bureau of Land Management on or before December 1, 2009; or
- (B) after the completion and consideration of an analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary has determined that proposed use is in the public interest.

(2) Conditions**(A) In general**

If the Secretary grants an exception to the prohibition under paragraph (1), the Secretary shall require the permittee to donate private land of comparable value located within the Conservation Area to the United States to mitigate the use.

(B) Approval

The private land to be donated under subparagraph (A) shall be approved by the Secretary after—

- (i) consultation, to the maximum extent practicable, with the donor of the private land proposed for nonconservation uses; and
- (ii) an opportunity for public comment regarding the donation.

(d) Existing agreements

Nothing in this section affects permitted or prohibited uses of donated land or acquired land in the Conservation Area established in any easements, deed restrictions, memoranda of understanding, or other agreements in existence on March 12, 2019.

(e) Deed restrictions

Effective beginning on March 12, 2019, within the Conservation Area, the Secretary may—

- (1) accept deed restrictions requested by landowners for land donated to, or otherwise acquired by, the United States; and
- (2) consistent with existing rights, create deed restrictions, easements, or other third-party rights relating to any public land determined by the Secretary to be necessary—
 - (A) to fulfill the mitigation requirements resulting from the development of renewable resources; or
 - (B) to satisfy the conditions of—
 - (i) a habitat conservation plan or general conservation plan established pursuant to section 1539 of this title; or
 - (ii) a natural communities conservation plan approved by the State.

(Pub. L. 103–433, title VII, §714, as added Pub. L. 116–9, title I, §1453, Mar. 12, 2019, 133 Stat. 712.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (c)(1)(B), 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.

“SECRETARY” DEFINED

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

§ 410aaa–82. Military overflights**(a) Overflights**

Nothing in this Act, the Wilderness Act [16 U.S.C. 1131 et seq.], or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units), scenic areas, off-highway vehicle recreation areas, or special management areas designated by this Act, shall restrict or preclude low-level overflights of military aircraft over such units, including military overflights that can be seen or heard within such units.

(b) Special airspace

Nothing in this Act, the Wilderness Act [16 U.S.C. 1131 et seq.], or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units), scenic areas, off-highway vehicle recreation areas, or special management areas designated by this Act, shall restrict or preclude the designation of new units of special airspace or the use or establishment of military flight training routes over such new park system or wilderness units.