

§ 460bb-5. Authorization of appropriations; limitation; adjustments

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter, but not more than \$61,610,000 plus \$15,500,000 shall be appropriated for the acquisition of lands and interests in lands. There are authorized to be appropriated not more than \$58,000,000 (May 1971 prices) for the development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein said total development ceiling to be reduced by \$10,000,000.

(Pub. L. 92-589, §6, Oct. 27, 1972, 86 Stat. 1303; Pub. L. 96-199, title I, §103(b), Mar. 5, 1980, 94 Stat. 68.)

Editorial Notes

AMENDMENTS

1980—Pub. L. 96-199 inserted “plus \$15,500,000” after “\$61,610,000” and “said total development ceiling to be reduced by \$10,000,000” after “type of construction involved herein”.

SUBCHAPTER LXXXVII—GATEWAY
NATIONAL RECREATION AREA

§ 460cc. Establishment

In order to preserve and protect for the use and enjoyment of present and future generations an area possessing outstanding natural and recreational features, the Gateway National Recreation Area (hereinafter referred to as the “recreation area”) is hereby established.

(a) Composition and boundaries

The recreation area shall comprise the following lands, waters, marshes, and submerged lands in the New York Harbor area generally depicted on the map entitled “Boundary Map, Gateway National Recreation Area,” numbered 951-40017 sheets 1 through 3 and dated May, 1972:

(1) Jamaica Bay Unit—including all islands, marshes, hassocks, submerged lands, and waters in Jamaica Bay, Floyd Bennett Field, the lands generally located between highway route 27A and Jamaica Bay, and the area of Jamaica Bay up to the shoreline of John F. Kennedy International Airport;

(2) Breezy Point Unit—the entire area between the eastern boundary of Jacob Riis Park and the westernmost point of the peninsula;

(3) Sandy Hook Unit—the entire area between Highway 36 Bridge and the northernmost point of the peninsula;

(4) Staten Island Unit—including Great Kills Park, World War Veterans Park at Miller Field (except for approximately 26 acres which are to be made available for public school purposes), Fort Wadsworth, and the waterfront lands located between the streets designated as Cedar Grove Avenue, Seaside Boulevard, and Drury Avenue and the bay from Great Kills to Fort Wadsworth;

(5) Hoffman and Swinburne Islands; and

(6) All submerged lands, islands, and waters within one-fourth of a mile of the mean low

water line of any waterfront area included above.

(b) Boundary revisions; notification of Congressional committees; publication in Federal Register

The map referred to in this section shall be on file and available for public inspection in the offices 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.)

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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 Meadowlands 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 the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4),¹ 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 reimburs-

¹ See References in Text note below.