

“(4) TAKING.—The term ‘taking’ means the removal or attempted removal of a marine species, marine worm, or shellfish from the natural habitat of the marine species, marine worm, or shellfish.

“(b) CONTINUATION OF TRADITIONAL USES.—The Secretary shall allow for the traditional taking of marine species, marine worms, and shellfish, on land within the Park between the mean high watermark and the mean low watermark in accordance with State law.”

[Pub. L. 110-229, title III, §314(b)(2), May 8, 2008, 122 Stat. 775, provided that: “The amendment made by paragraph (1) [amending section 103(f) of Public Law 99-420, set out above] shall take effect on September 25, 2006.”]

ACADIA NATIONAL PARK LANDS LYING WITHIN  
BOUNDARIES OF TOWN OF ISLE AU HAUT, MAINE

Pub. L. 97-335, Oct. 15, 1982, 96 Stat. 1627, as amended by Pub. L. 104-333, div. I, title VIII, §814(d)(1)(C), Nov. 12, 1996, 110 Stat. 4196, provided: “That the Congress finds that—

“(1) there are significant scenic, educational, natural, and cultural resources in the town of Isle au Haut, Maine;

“(2) due to the isolated location and traditional resource-based economy of the town’s island community, these resources are fragile and deserving of conservation and protection through both public and private efforts; and

“(3) both residents of the town and visitors to the Acadia National Park will benefit from the establishment of a permanent boundary for the park and the management of parklands on a limited entry, low intensity basis.

“SEC. 2. Notwithstanding any other provision of law, the permanent boundary of Acadia National Park lying within the town of Isle au Haut, Maine, is hereby established to include only those lands and interests therein as are depicted on the map entitled ‘Boundary Map, Acadia National Park, Town of Isle au Haut, Maine’, numbered 123-80003 and dated October 1981, which map is on file and available for public inspection in the offices of the Department of the Interior and at the Registry of Deeds for Hancock and Knox Counties, Maine.

“SEC. 3. (a) Within the boundary established by section 2, and as indicated on the map referenced therein, the Secretary of the Interior (hereinafter referred to as ‘the Secretary’) is authorized to acquire lands and interests therein by donation or exchange. The Secretary is authorized and directed to acquire by donation, purchase with donated or appropriated funds, or exchange the tract known as the Hamilton lot in Duck Harbor. No later than one hundred and eighty days from enactment hereof [Oct. 15, 1982], the Secretary shall convey to the town of Isle au Haut all right, title and interest of the United States in and to those lands under the jurisdiction of the Secretary which lie outside the boundary established by section 2 and within the town of Isle au Haut, subject only to such covenants running with the land as the Secretary and the town agree are necessary to preserve the general character of such lands, which shall include covenants to maintain forever in their natural condition (excepting the cutting of fire trails and the extinguishment of fires) lands above three hundred feet above the mean high water level: *Provided, however,* That such covenants with respect to lands above three hundred feet and below four hundred feet shall permit the gathering and removal of dead and fallen timber.

“(b) Notwithstanding any other provisions of this Act [this note], the Secretary is also authorized to accept by donation, as a coholder for enforcement purposes only, a limited enforcement interest in conservation easements on lands outside the boundary established by section 2 hereof and within the town of Isle au Haut which may from time to time be donated to the Isle au Haut Land Conservation Trust, a trust established under the laws of the State of Maine. The Superintendent of Acadia National Park is hereby authorized to serve as an ex officio trustee of such trust.

“SEC. 4. (a) The management and use of parklands on Isle au Haut shall not interfere with the maintenance of a viable local community with a traditional resource-based economy outside the boundary of the park. To the maximum extent practicable, no development or plan for the convenience of park visitors shall be undertaken which would be incompatible with the preservation of the flora and fauna or the physiographic conditions now prevailing, and every effort shall be exerted to maintain and preserve this portion of the park in as nearly its present state and condition as possible. In recognition of the special fragility and sensitivity of the park’s resources, visitation shall be strictly limited to assure negligible adverse impact on such resources, to conserve the character of the town and to protect the quality of the visitor experience.

“[(b), (c) Repealed. Pub. L. 104-333, div. I, title VIII, §814(d)(1)(C), Nov. 12, 1996, 110 Stat. 4196.]

“(d) Carrying capacities established pursuant to this section shall be reviewed, and if necessary revised, every five years. Any revision in such carrying capacity shall be made in accordance with the procedures set forth in subsections (b) and (c) of this section.

“(e) Until such time as a carrying capacity limitation is established and implemented pursuant to subsections (b) and (c) of this section, the Secretary shall take such temporary measures as are necessary to assure that visitation does not exceed the average annual visitation for the period 1979 to 1981.

“SEC. 5. There are hereby authorized to be appropriated after October 1, 1982, such sums as may be necessary to carry out the provisions of this Act [this note].”

### § 342. Administration, protection, and promotion

The administration, protection, and promotion of Acadia National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August twenty-fifth, nineteen hundred and sixteen, entitled “An Act to establish a National Park Service, and for other purposes,”<sup>1</sup> and Acts additional thereto or amendatory thereof.

(Feb. 26, 1919, ch. 45, §2, 40 Stat. 1179; Jan. 19, 1929, ch. 77, §2, 45 Stat. 1083.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Act of August twenty-fifth, nineteen hundred and sixteen, entitled “An Act to establish a National Park Service, and for other purposes”, referred to in text, is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

“Lafayette National Park” changed to “Acadia National Park” by act Jan. 19, 1929.

##### JURISDICTION OF CERTAIN LANDS

Act July 30, 1947, ch. 350, 61 Stat. 519, provided:

<sup>1</sup> See References in Text note below.

“That control and jurisdiction over the following-described lands now comprising a portion of the Acadia National Park, in the State of Maine, are hereby transferred from the Department of the Interior to the Department of the Navy: *Provided*, That the Secretary of the Interior shall retain the right to approve the design of the buildings and structures to be placed thereon.

“All that certain tract or parcel of land on Big Moose Island, Winter Harbor, Maine, which is bounded southerly and easterly by a chain link security fence, and northerly and westerly by the waters of Pond Island Cove and Frenchman Bay, and which is more particularly described as beginning at a point on the shore at the high-water mark of Frenchman Bay on the southwesterly side of Big Moose Island, so called, thence following the chain link security fence as now erected by the three following courses and distances: North no degrees five minutes west one hundred and fifty-three feet; thence north thirty degrees twenty-four minutes east one hundred and fifty-seven and seven-tenths feet; thence south eighty-nine degrees nine minutes east one thousand four hundred and fifty-five and three-tenths feet to a point and angle in the said security fence which bears north thirty-four degrees fifty-four minutes west and is fifty feet distant at right angles from a point in the center line of the National Park Service road known as the Big Moose Island Road; thence turning to the left and following the said security fence in a general northerly direction but everywhere parallel with and fifty feet distant from the center line of the said Big Moose Island Road three thousand five hundred feet more or less to the high-water mark on the shore of Pond Island Cove; thence in a generally westerly and southerly direction but everywhere following the high-water mark of Pond Island Cove and Frenchman Bay seven thousand four hundred and seventy feet more or less to the place of beginning; except that portion thereof, containing twenty-five and ninety-six one-hundredths acres, which was transferred to the jurisdiction of the Department of the Navy pursuant to the Act of August 24, 1935 (ch. 644, 49 Stat. 795); the lands herein described containing one hundred and fifty-one and eighty-six one-hundredths acres, after excluding the excepted portion.

“SEC. 2. The Secretary of the Navy is authorized and directed to retransfer jurisdiction over the property described in section 1 of this Act to the Secretary of the Interior in the event such property hereafter becomes surplus to the needs of the Department of the Navy, in which event it again shall become a part of Acadia National Park.”

#### Executive Documents

##### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

#### § 342a. Repealed. Pub. L. 116-9, title II, § 2108(d)(2), Mar. 12, 2019, 133 Stat. 730

Section, act Jan. 19, 1929, ch. 77, § 1, 45 Stat. 1083, authorized the Secretary of the Interior to accept certain property for the extension of the Acadia National Park.

#### § 342b. Lafayette National Park name changed to Acadia National Park; land unaffected by Federal Power Act

The area now within the Lafayette National Park, together with such additions as may hereafter be made thereto, shall be known as the Acadia National Park, under which name the aforesaid national park shall be entitled to re-

ceive and to use all moneys heretofore or hereafter appropriated for the Lafayette National Park: *Provided*, That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to or extend to any lands now or hereafter included in said park.

(Jan. 19, 1929, ch. 77, § 2, 45 Stat. 1083.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the “Act of June 10, 1920, entitled ‘An Act to create a Federal Power Commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes’”, was redesignated the Federal Power Act by section 791a of this title. The Federal Power Act is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, and is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

#### § 343. Repealed. Pub. L. 116-9, title II, § 2108(d)(1), Mar. 12, 2019, 133 Stat. 730

Section, act Feb. 26, 1919, ch. 45, § 3, 40 Stat. 1179, authorized the Secretary of the Interior to accept property on Mount Desert Island.

#### § 343a. Naval radio station, Seawall, Maine, as addition to park

The Secretary of the Navy is authorized to transfer to the control and jurisdiction of the Secretary of the Interior as an addition to the Acadia National Park all that tract of land containing two hundred and twenty-three acres, more or less, with improvements thereon, comprising the former naval radio station at Seawall, town of Southwest Harbor, Hancock County, Maine, said tract being no longer needed for naval purposes.

(May 23, 1930, ch. 315, 46 Stat. 377.)

#### Editorial Notes

##### CODIFICATION

Recitation in this section as originally enacted of the fact that Acadia National Park was established under act Feb. 26, 1919 (40 Stat. 1178), as amended by act Jan. 19, 1929 (Public Numbered 667, Seventieth Congress), was omitted as historically obsolete.

#### § 343b. Addition of lands

The Home Owners’ Loan Corporation (herein called the “Corporation”) is authorized and directed to convey and transfer to the United States of America, upon the terms and conditions provided in this section, all right, title, and interest vested in the Corporation, at the date of such conveyance and transfer, in and to real property and interests therein in the county of Hancock, State of Maine, acquired by the Corporation through the foreclosure of that certain mortgage deed, dated October 20, 1933, executed to the Corporation by Percy B. Russell and Florence L. Russell, and appearing in book 642, page 389, of the Registry of Deeds of Hancock County, State of Maine.

The Secretary of the Interior, for and on behalf of the United States of America, is author-