

IV. NATIONAL PARKS AND PRESERVES

1. Denali

PUBLIC LAW 106–486—NOV. 9, 2000

114 STAT. 2201

Public Law 106–486
106th Congress

An Act

To review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes.

Nov. 9, 2000

[S. 698]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no later than nine months after the enactment of this Act, the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall complete a report on the suitability and feasibility of recovering the costs of high altitude rescues on Mt. McKinley, within Denali National Park and Preserve. The Secretary shall also report on the suitability and feasibility of requiring climbers to provide proof of medical insurance prior to the issuance of a climbing permit by the National Park Service. The report shall also review the amount of fees charged for a climbing permit and make such recommendations for changing the fee structure as the Secretary deems appropriate. Upon completion, the report shall be submitted to the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives.

Approved November 9, 2000.

LEGISLATIVE HISTORY—S. 698:

SENATE REPORTS: No. 106–71 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 24, considered and passed House.



2. Glacier Bay

113 STAT. 57

PUBLIC LAW 106-31—MAY 21, 1999

Public Law 106-31
106th Congress**An Act**May 21, 1999
[H.R. 1141]

Making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

1999 Emergency
Supplemental
Appropriations
Act.*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

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113 STAT. 71

CHAPTER 5

DEPARTMENT OF THE INTERIOR

* * * * *

113 STAT. 72

GENERAL PROVISION, THIS CHAPTER

Alaska.

16 USC 410hh-4
note.

SEC. 501. GLACIER BAY. (a) DUNGENESS CRAB FISHERMEN.—Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277) is amended—

(1) in paragraph (1)—

(A) by striking “February 1, 1999” and inserting “August 1, 1999”; and

(B) by striking “1996” and inserting “1998”; and

(2)(A) by striking “of any Dungeness crab pots or other Dungeness crab gear, and of not more than one Dungeness crab fishing vessel,”; and

(B) by striking “the period January 1, 1999, through December 31, 2004, based on the individual’s net earnings from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996.” and inserting “for the period beginning January 1, 1999 that is equivalent in length to the period established by such individual under paragraph (1), based on the individual’s net earnings from the Dungeness crab fishery during such established period. In addition, such individual shall be eligible to receive from the United States fair market value for any Dungeness crab pots, related gear, and not more than one Dungeness crab fishing vessel if such individual chooses to relinquish to the United States such pots, related gear, or vessel.”.

PUBLIC LAW 106-31—MAY 21, 1999

113 STAT. 72

(b) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277), as amended, is amended further by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following new subsection:

“(c) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—The Secretary of the Interior is authorized to provide \$23,000,000 for a program developed with the concurrence of the State of Alaska to fairly compensate United States fish processors, fishing vessel crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park. For the purpose of receiving compensation under the program required by this subsection, a potential recipient shall provide a sworn and notarized affidavit to establish the extent of such negative effect.”.

113 STAT. 73

(c) IMPLEMENTATION.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277), as amended, is amended further by inserting at the end the following new subsection:

16 USC 410hh-4 note.

“(e) IMPLEMENTATION AND EFFECTIVE DATE.—The Secretary of the Interior shall publish an interim final rule for the Federal implementation of paragraphs (2) through (5) of subsection (a) and shall provide an opportunity for public comment of no less than 45 days on such interim final rule. The final rule for the Federal implementation of paragraphs (2) through (5) of subsection (a) shall be published in the Federal Register no later than September 30, 1999 and shall take effect on September 30, 1999, except that the limitations in paragraphs (3) through (5) of such subsection shall not apply with respect to halibut fishing until November 15, 1999 or salmon troll fishing until December 31, 1999. In the event that any individual eligible for compensation under subsection (b) has not received full compensation by June 15, 1999, the Secretary shall provide partial compensation on such date to such individual and shall expeditiously provide full compensation thereafter.”.

Publication.

Federal Register, publication.

(d) For the purposes of making the payments authorized in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999, as amended by this section, an additional \$26,000,000 is hereby appropriated to “Departmental Management, Department of the Interior”, to remain available until expended, of which \$3,000,000 shall be an additional amount for compensation authorized by section 123(b) of such Act, as amended, and of which \$23,000,000 shall be for compensation authorized by section 123(c) of such Act, as amended. The entire amount made available in this subsection is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (2 U.S.C. 901(b)(2)(A)), and shall be available only if the President transmits to the Congress an official budget request that includes designation of the entire amount as an emergency requirement as defined in such Act.

113 STAT. 114

PUBLIC LAW 106-31—MAY 21, 1999

This Act may be cited as the “1999 Emergency Supplemental Appropriations Act”.

Approved May 21, 1999.

LEGISLATIVE HISTORY—H.R. 1141 (S. 544):

HOUSE REPORTS: Nos. 106-64 (Comm. on Appropriations) and 106-143 (Comm. of Conference).

SENATE REPORTS: No. 106-8 accompanying S. 544 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 24, considered and passed House.

Mar. 25, considered and passed Senate, amended, in lieu of S. 544.

May 18, House agreed to conference report.

May 20, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

May 21, Presidential statement.



PUBLIC LAW 106-176—MAR. 10, 2000

114 STAT. 23

Public Law 106-176
106th Congress

An Act

To make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands.

Mar. 10, 2000
[H.R. 149]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE TO OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996.

Omnibus Parks Technical Corrections Act of 2000.

(a) **SHORT TITLE.**—This Act may be cited as the “Omnibus Parks Technical Corrections Act of 2000”.

16 USC 1 note.

(b) **REFERENCE TO OMNIBUS PARKS ACT.**—In this Act, the term “Omnibus Parks Act” means the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4093).

TITLE I—TECHNICAL CORRECTIONS TO DIVISION I

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SEC. 118. GLACIER BAY NATIONAL PARK.

114 STAT. 28

Section 3 of Public Law 91-383 (16 U.S.C. 1a-2), as amended by section 703 of division I of the Omnibus Parks Act (110 Stat. 4185), is amended as follows:

(1) In subsection (g), by striking “bearing the cost of such exhibits and demonstrations;” and inserting “bearing the cost of such exhibits and demonstrations.”

(2) By capitalizing the first letter of the first word in each of the subsections (a) through (i).

(3) By striking the semicolon at the end of each of the subsections (a) through (f) and at the end of subsection (h) and inserting a period.

(4) In subsection (i), by striking “; and” and inserting a period.

(5) By conforming the margins of subsection (j) with the margins of the preceding subsections.

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Approved March 10, 2000.

114 STAT. 34

LEGISLATIVE HISTORY—H.R. 149:

HOUSE REPORTS: No. 106-17 (Comm. on Resources).

SENATE REPORTS: No. 106-125 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Feb. 23, considered and passed House.

Nov. 19, considered and passed Senate, amended.

Vol. 146 (2000): Feb. 15, House concurred in Senate amendments.



114 STAT. 922

PUBLIC LAW 106–291—OCT. 11, 2000

Public Law 106–291
106th Congress

An Act

Oct. 11, 2000
[H.R. 4578]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Department of
the Interior and
Related Agencies
Appropriations
Act, 2001.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

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114 STAT. 941

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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114 STAT. 945

SEC. 128. Section 112 of Public Law 103–138 (107 Stat. 1399) is amended by striking “permit LP–GLBA005–93” and inserting “permit LP–GLBA005–93 and in connection with a corporate reorganization plan, the entity that, after the corporate reorganization, holds entry permit CP–GLBA004–00 each”.

114 STAT. 946

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114 STAT. 1029

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2001”.

Approved October 11, 2000.

LEGISLATIVE HISTORY—H.R. 4578:

HOUSE REPORTS: No. 106–646 (Comm. on Appropriations) and No. 106–914 (Comm. of Conference).

SENATE REPORTS: No. 106–312 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 13–15, considered and passed House.

July 10, 12, 17, 18, considered and passed Senate, amended.

Oct. 3, House agreed to conference report.

Oct. 3–5, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 11, Presidential statement and remarks.



PUBLIC LAW 106-455—NOV. 7, 2000

114 STAT. 1953

Public Law 106-455
106th Congress

An Act

To address resource management issues in Glacier Bay National Park, Alaska.

Nov. 7, 2000

[S. 501]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Glacier Bay
National Park
Resource
Management Act
of 2000.
16 USC 410hh-4
note.
16 USC 410hh-4
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Glacier Bay National Park Resource Management Act of 2000”.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term “local residents” means those persons living within the vicinity of Glacier Bay National Park and Preserve, including but not limited to the residents of Hoonah, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering within the boundary of what is now Glacier Bay National Park and Preserve;

(2) the term “outer waters” means all of the marine waters within the park outside of Glacier Bay proper;

(3) the term “park” means Glacier Bay National Park;

(4) the term “Secretary” means the Secretary of the Interior; and

(5) the term “State” means the State of Alaska.

SEC. 3. COMMERCIAL FISHING.

16 USC 410hh-4
note.

(a) **IN GENERAL.**—The Secretary shall allow for commercial fishing in the outer waters of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

(b) **MANAGEMENT PLAN.**—The Secretary and the State shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer waters of the park in accordance with existing Federal and State laws and any applicable international conservation and management treaties.

(c) **SAVINGS.**—(1) Nothing in this Act shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 105-277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31).

(2) Nothing in this Act shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) **STUDY.**—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State,

114 STAT. 1954

PUBLIC LAW 106-455—NOV. 7, 2000

the National Marine Fisheries Service, the International Pacific Halibut Commission, and other affected agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park's marine waters, to determine the effect, if any, of commercial fishing on—

(A) the productivity, diversity, and sustainability of fishery resources in such waters; and

(B) park resources and values.

(2) The Secretary shall promptly notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

Deadline.

(3) The Secretary shall complete the program set forth in the plan not later than seven years after the date the congressional committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such committees on a biennial basis.

16 USC 410hh-4
note.

SEC. 4. SEA GULL EGG COLLECTION STUDY.

(a) **STUDY.**—The Secretary, in consultation with local residents, shall undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) **RECOMMENDATIONS.**—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can occur without impairing the biological sustainability of the sea gull population in the park, the Secretary shall submit recommendations for legislation to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

16 USC 410hh-4
note.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

Approved November 7, 2000.

LEGISLATIVE HISTORY—S. 501:

SENATE REPORTS: No. 106-128 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 23, considered and passed House.



Public Law 107-63
107th Congress

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Nov. 5, 2001
[H.R. 2217]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

Department of the Interior and Related Agencies Appropriations Act, 2002.

TITLE I—DEPARTMENT OF THE INTERIOR

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GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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115 STAT. 436

115 STAT. 442
Deadline.
16 USC 410hh-2
note.

SEC. 130. From within funds available to the National Park Service, such sums as may be necessary shall be used for expenses necessary to complete and issue, no later than January 1, 2004, an Environmental Impact Statement (EIS) to identify and analyze the possible effects of the 1996 increases in the number of vessel entries issued for Glacier Bay National Park and Preserve: *Provided*, That such EIS, upon its completion, shall be used by the Secretary to set the maximum level of vessel entries: *Provided further*, That until the Secretary sets the level of vessel entries based on the new EIS, the number of vessel entries into the Park shall be the same as that in effect during the 2000 calendar year and the National Park Service approval of modified Alternative 5 and promulgation of the final rule issued on May 30, 1996, relating to vessel entries, including the number of such entries, for Glacier Bay National Park and Preserve are hereby approved and shall be in effect notwithstanding any other provision of law until the Secretary sets the maximum level of vessel entries consistent with this section: *Provided further*, That nothing in this section shall preclude the Secretary from suspending or revoking any vessel entry if the Secretary determines that it is necessary to protect Park resources.

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This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2002”.

115 STAT. 473

Approved November 5, 2001.

LEGISLATIVE HISTORY—H.R. 2217:

HOUSE REPORTS: No. 107-103 (Comm. on Appropriations) and 107-234 (Comm. of Conference).

SENATE REPORTS: No. 107-36 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 147 (2001):

June 21, considered and passed House.

July 11, 12, considered and passed Senate, amended.

Oct. 17, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 37 (2001):

Nov. 5, Presidential statement.



3. Great Sand Dunes

114 STAT. 2527

PUBLIC LAW 106-530—NOV. 22, 2000

Public Law 106-530
106th Congress

An Act

Nov. 22, 2000
[S. 2547]

To provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the State of Colorado, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Great Sand
Dunes National
Park and
Preserve Act of
2000.
16 USC 410hhh
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Great Sand Dunes National Park and Preserve Act of 2000”.

16 USC 410hhh.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Sand Dunes National Monument in the State of Colorado was established by Presidential proclamation in 1932 to preserve Federal land containing spectacular and unique sand dunes and additional features of scenic, scientific, and educational interest for the benefit and enjoyment of future generations;

(2) the Great Sand Dunes, together with the associated sand sheet and adjacent wetland and upland, contain a variety of rare ecological, geological, paleontological, archaeological, scenic, historical, and wildlife components, which—

(A) include the unique pulse flow characteristics of Sand Creek and Medano Creek that are integral to the existence of the dunes system;

(B) interact to sustain the unique Great Sand Dunes system beyond the boundaries of the existing National Monument;

(C) are enhanced by the serenity and rural western setting of the area; and

(D) comprise a setting of irreplaceable national significance;

(3) the Great Sand Dunes and adjacent land within the Great Sand Dunes National Monument—

(A) provide extensive opportunities for educational activities, ecological research, and recreational activities; and

(B) are publicly used for hiking, camping, and fishing, and for wilderness value (including solitude);

(4) other public and private land adjacent to the Great Sand Dunes National Monument—

(A) offers additional unique geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources; and

PUBLIC LAW 106-530—NOV. 22, 2000

114 STAT. 2528

- (B) contributes to the protection of—
- (i) the sand sheet associated with the dune mass;
 - (ii) the surface and ground water systems that are necessary to the preservation of the dunes and the adjacent wetland; and
 - (iii) the wildlife, viewshed, and scenic qualities of the Great Sand Dunes National Monument;
- (5) some of the private land described in paragraph (4) contains important portions of the sand dune mass, the associated sand sheet, and unique alpine environments, which would be threatened by future development pressures;
- (6) the designation of a Great Sand Dunes National Park, which would encompass the existing Great Sand Dunes National Monument and additional land, would provide—
- (A) greater long-term protection of the geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources of the area (including the sand sheet associated with the dune mass and the ground water system on which the sand dune and wetland systems depend); and
 - (B) expanded visitor use opportunities;
- (7) land in and adjacent to the Great Sand Dunes National Monument is—
- (A) recognized for the culturally diverse nature of the historical settlement of the area;
 - (B) recognized for offering natural, ecological, wildlife, cultural, scenic, paleontological, wilderness, and recreational resources; and
 - (C) recognized as being a fragile and irreplaceable ecological system that could be destroyed if not carefully protected; and
- (8) preservation of this diversity of resources would ensure the perpetuation of the entire ecosystem for the enjoyment of future generations.

SEC. 3. DEFINITIONS.

16 USC 410hhh-1.

In this Act:

(1) **ADVISORY COUNCIL.**—The term “Advisory Council” means the Great Sand Dunes National Park Advisory Council established under section 8(a).

(2) **LUIS MARIA BACA GRANT NO. 4.**—The term “Luis Maria Baca Grant No. 4” means those lands as described in the patent dated February 20, 1900, from the United States to the heirs of Luis Maria Baca recorded in book 86, page 20, of the records of the Clerk and Recorder of Saguache County, Colorado.

(3) **MAP.**—The term “map” means the map entitled “Great Sand Dunes National Park and Preserve”, numbered 140/80,032 and dated September 19, 2000.

(4) **NATIONAL MONUMENT.**—The term “national monument” means the Great Sand Dunes National Monument, including lands added to the monument pursuant to this Act.

(5) **NATIONAL PARK.**—The term “national park” means the Great Sand Dunes National Park established in section 4.

(6) **NATIONAL WILDLIFE REFUGE.**—The term “wildlife refuge” means the Baca National Wildlife Refuge established in section 6.

114 STAT. 2529

PUBLIC LAW 106-530—NOV. 22, 2000

(7) PRESERVE.—The term “preserve” means the Great Sand Dunes National Preserve established in section 5.

(8) RESOURCES.—The term “resources” means the resources described in section 2.

(9) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(10) USES.—The term “uses” means the uses described in section 2.

16 USC 410hhh–
2.
Effective date.
Notification.
Federal Register,
publication.

SEC. 4. GREAT SAND DUNES NATIONAL PARK, COLORADO.

(a) ESTABLISHMENT.—When the Secretary determines that sufficient land having a sufficient diversity of resources has been acquired to warrant designation of the land as a national park, the Secretary shall establish the Great Sand Dunes National Park in the State of Colorado, as generally depicted on the map, as a unit of the National Park System. Such establishment shall be effective upon publication of a notice of the Secretary’s determination in the Federal Register.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) NOTIFICATION.—Until the date on which the national park is established, the Secretary shall annually notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of—

(1) the estimate of the Secretary of the lands necessary to achieve a sufficient diversity of resources to warrant designation of the national park; and

(2) the progress of the Secretary in acquiring the necessary lands.

(d) ABOLISHMENT OF NATIONAL MONUMENT.—(1) On the date of establishment of the national park pursuant to subsection (a), the Great Sand Dunes National Monument shall be abolished, and any funds made available for the purposes of the national monument shall be available for the purposes of the national park.

(2) Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to “Great Sand Dunes National Monument” shall be considered a reference to “Great Sand Dunes National Park”.

(e) TRANSFER OF JURISDICTION.—Administrative jurisdiction is transferred to the National Park Service over any land under the jurisdiction of the Department of the Interior that—

(1) is depicted on the map as being within the boundaries of the national park or the preserve; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

16 USC 410hhh–
3.

SEC. 5. GREAT SAND DUNES NATIONAL PRESERVE, COLORADO.

(a) ESTABLISHMENT OF GREAT SAND DUNES NATIONAL PRESERVE.—(1) There is hereby established the Great Sand Dunes National Preserve in the State of Colorado, as generally depicted on the map, as a unit of the National Park System.

(2) Administrative jurisdiction of lands and interests therein administered by the Secretary of Agriculture within the boundaries of the preserve is transferred to the Secretary of the Interior, to be administered as part of the preserve. The Secretary of Agriculture shall modify the boundaries of the Rio Grande National Forest to exclude the transferred lands from the forest boundaries.

PUBLIC LAW 106-530—NOV. 22, 2000

114 STAT. 2530

(3) Any lands within the preserve boundaries which were designated as wilderness prior to the date of enactment of this Act shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103-767; 16 U.S.C. 539i note).

(b) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the establishment of the national park and the preserve, the Secretary shall file maps and a legal description of the national park and the preserve with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and maps.

(3) The map and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) BOUNDARY SURVEY.—As soon as practicable after the establishment of the national park and preserve and subject to the availability of funds, the Secretary shall complete an official boundary survey.

SEC. 6. BACA NATIONAL WILDLIFE REFUGE, COLORADO.

16 USC 410hhh-4, 668dd note.

(a) ESTABLISHMENT.—(1) When the Secretary determines that sufficient land has been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge, the Secretary shall establish the Baca National Wildlife Refuge, as generally depicted on the map.

(2) Such establishment shall be effective upon publication of a notice of the Secretary's determination in the Federal Register.

Effective date. Federal Register, publication.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the United States Fish and Wildlife Service.

(c) ADMINISTRATION.—The Secretary shall administer all lands and interests therein acquired within the boundaries of the national wildlife refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and the Act of September 28, 1962 (16 U.S.C. 460k et seq.) (commonly known as the Refuge Recreation Act).

(d) PROTECTION OF WATER RESOURCES.—In administering water resources for the national wildlife refuge, the Secretary shall—

(1) protect and maintain irrigation water rights necessary for the protection of monument, park, preserve, and refuge resources and uses; and

(2) minimize, to the extent consistent with the protection of national wildlife refuge resources, adverse impacts on other water users.

SEC. 7. ADMINISTRATION OF NATIONAL PARK AND PRESERVE.

16 USC 410hhh-5.

(a) IN GENERAL.—The Secretary shall administer the national park and the preserve in accordance with—

(1) this Act; and

(2) all laws generally applicable to units of the National Park System, including—

(A) the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1, 2-4); and

(B) the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) GRAZING.—

(1) ACQUIRED STATE OR PRIVATE LAND.—With respect to former State or private land on which grazing is authorized to occur on the date of enactment of this Act and which is acquired for the national monument, or the national park and preserve, or the wildlife refuge, the Secretary, in consultation with the lessee, may permit the continuation of grazing on the land by the lessee at the time of acquisition, subject to applicable law (including regulations).

(2) FEDERAL LAND.—Where grazing is permitted on land that is Federal land as of the date of enactment of this Act and that is located within the boundaries of the national monument or the national park and preserve, the Secretary is authorized to permit the continuation of such grazing activities unless the Secretary determines that grazing would harm the resources or values of the national park or the preserve.

(3) TERMINATION OF LEASES.—Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the national monument or the national park or the preserve.

(c) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall permit hunting, fishing, and trapping on land and water within the preserve in accordance with applicable Federal and State laws.

(2) ADMINISTRATIVE EXCEPTIONS.—The Secretary may designate areas where, and establish limited periods when, no hunting, fishing, or trapping shall be permitted under paragraph (1) for reasons of public safety, administration, or compliance with applicable law.

(3) AGENCY AGREEMENT.—Except in an emergency, regulations closing areas within the preserve to hunting, fishing, or trapping under this subsection shall be made in consultation with the appropriate agency of the State of Colorado having responsibility for fish and wildlife administration.

(4) SAVINGS CLAUSE.—Nothing in this Act affects any jurisdiction or responsibility of the State of Colorado with respect to fish and wildlife on Federal land and water covered by this Act.

(d) CLOSED BASIN DIVISION, SAN LUIS VALLEY PROJECT.—Any feature of the Closed Basin Division, San Luis Valley Project, located within the boundaries of the national monument, national park or the national wildlife refuge, including any well, pump, road, easement, pipeline, canal, ditch, power line, power supply facility, or any other project facility, and the operation, maintenance, repair, and replacement of such a feature—

(1) shall not be affected by this Act; and

(2) shall continue to be the responsibility of, and be operated by, the Bureau of Reclamation in accordance with title I of the Reclamation Project Authorization Act of 1972 (43 U.S.C. 615aaa et seq.).

(e) WITHDRAWAL.—(1) On the date of enactment of this Act, subject to valid existing rights, all Federal land depicted on the

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map as being located within Zone A, or within the boundaries of the national monument, the national park or the preserve 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.

(2) The provisions of this subsection also shall apply to any lands—

(A) acquired under this Act; or

(B) transferred from any Federal agency after the date of enactment of this Act for the national monument, the national park or preserve, or the national wildlife refuge.

(f) WILDERNESS PROTECTION.—(1) Nothing in this Act alters the Wilderness designation of any land within the national monument, the national park, or the preserve.

(2) All areas designated as Wilderness that are transferred to the administrative jurisdiction of the National Park Service shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103-77; 16 U.S.C. 539i note). If any part of this Act conflicts with the provisions of the Wilderness Act or the Colorado Wilderness Act of 1993 with respect to the wilderness areas within the preserve boundaries, the provisions of those Acts shall control.

SEC. 8. ACQUISITION OF PROPERTY AND BOUNDARY ADJUSTMENTS.

16 USC 410hhh-6.

(a) ACQUISITION AUTHORITY.—(1) Within the area depicted on the map as the “Acquisition Area” or the national monument, the Secretary may acquire lands and interests therein by purchase, donation, transfer from another Federal agency, or exchange: *Provided*, That lands or interests therein may only be acquired with the consent of the owner thereof.

(2) Lands or interests therein owned by the State of Colorado, or a political subdivision thereof, may only be acquired by donation or exchange.

(b) BOUNDARY ADJUSTMENT.—As soon as practicable after the acquisition of any land or interest under this section, the Secretary shall modify the boundary of the unit to which the land is transferred pursuant to subsection (b) to include any land or interest acquired.

(c) ADMINISTRATION OF ACQUIRED LANDS.—

(1) GENERAL AUTHORITY.—Upon acquisition of lands under subsection (a), the Secretary shall, as appropriate—

(A) transfer administrative jurisdiction of the lands to the National Park Service—

(i) for addition to and management as part of the Great Sand Dunes National Monument, or

(ii) for addition to and management as part of the Great Sand Dunes National Park (after designation of the Park) or the Great Sand Dunes National Preserve; or

(B) transfer administrative jurisdiction of the lands to the United States Fish and Wildlife Service for addition to and administration as part of the Baca National Wildlife Refuge.

(2) **FOREST SERVICE ADMINISTRATION.**—(A) Any lands acquired within the area depicted on the map as being located within Zone B shall be transferred to the Secretary of Agriculture and shall be added to and managed as part of the Rio Grande National Forest.

(B) For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Rio Grande National Forest, as revised by the transfer of land under paragraph (A), shall be considered to be the boundaries of the national forest.

16 USC 410hhh-
7.

SEC. 9. WATER RIGHTS.

(a) **SAN LUIS VALLEY PROTECTION, COLORADO.**—Section 1501(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4663) is amended by striking paragraph (3) and inserting the following:

“(3) adversely affect the purposes of—

“(A) the Great Sand Dunes National Monument;

“(B) the Great Sand Dunes National Park (including purposes relating to all water, water rights, and water-dependent resources within the park);

“(C) the Great Sand Dunes National Preserve (including purposes relating to all water, water rights, and water-dependent resources within the preserve);

“(D) the Baca National Wildlife Refuge (including purposes relating to all water, water rights, and water-dependent resources within the national wildlife refuge); and

“(E) any Federal land adjacent to any area described in subparagraph (A), (B), (C), or (D).”.

(b) **EFFECT ON WATER RIGHTS.**—

(1) **IN GENERAL.**—Subject to the amendment made by subsection (a), nothing in this Act affects—

(A) the use, allocation, ownership, or control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right;

(B) any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) any interstate water compact in existence on the date of enactment of this Act; or

(D) subject to the provisions of paragraph (2), State jurisdiction over any water law.

(2) **WATER RIGHTS FOR NATIONAL PARK AND NATIONAL PRESERVE.**—In carrying out this Act, the Secretary shall obtain and exercise any water rights required to fulfill the purposes of the national park and the national preserve in accordance with the following provisions:

(A) Such water rights shall be appropriated, adjudicated, changed, and administered pursuant to the procedural requirements and priority system of the laws of the State of Colorado.

(B) The purposes and other substantive characteristics of such water rights shall be established pursuant to State law, except that the Secretary is specifically authorized to appropriate water under this Act exclusively for the purpose of maintaining ground water levels, surface water

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levels, and stream flows on, across, and under the national park and national preserve, in order to accomplish the purposes of the national park and the national preserve and to protect park resources and park uses.

(C) Such water rights shall be established and used without interfering with—

(i) any exercise of a water right in existence on the date of enactment of this Act for a non-Federal purpose in the San Luis Valley, Colorado; and

(ii) the Closed Basin Division, San Luis Valley Project.

(D) Except as provided in subsections (c) and (d), no Federal reservation of water may be claimed or established for the national park or the national preserve.

(c) NATIONAL FOREST WATER RIGHTS.—To the extent that a water right is established or acquired by the United States for the Rio Grande National Forest, the water right shall—

(1) be considered to be of equal use and value for the national preserve; and

(2) retain its priority and purpose when included in the national preserve.

(d) NATIONAL MONUMENT WATER RIGHTS.—To the extent that a water right has been established or acquired by the United States for the Great Sand Dunes National Monument, the water right shall—

(1) be considered to be of equal use and value for the national park; and

(2) retain its priority and purpose when included in the national park.

(e) ACQUIRED WATER RIGHTS AND WATER RESOURCES.—

(1) IN GENERAL.—(A) If, and to the extent that, the Luis Maria Baca Grant No. 4 is acquired, all water rights and water resources associated with the Luis Maria Baca Grant No. 4 shall be restricted for use only within—

(i) the national park;

(ii) the preserve;

(iii) the national wildlife refuge; or

(iv) the immediately surrounding areas of Alamosa or Saguache Counties, Colorado.

(B) USE.—Except as provided in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LLC, and Baca Grande Water and Sanitation District, dated August 28, 1997, water rights and water resources described in subparagraph (A) shall be restricted for use in—

(i) the protection of resources and values for the national monument, the national park, the preserve, or the wildlife refuge;

(ii) fish and wildlife management and protection; or

(iii) irrigation necessary to protect water resources.

(2) STATE AUTHORITY.—If, and to the extent that, water rights associated with the Luis Maria Baca Grant No. 4 are acquired, the use of those water rights shall be changed only in accordance with the laws of the State of Colorado.

(f) DISPOSAL.—The Secretary is authorized to sell the water resources and related appurtenances and fixtures as the Secretary deems necessary to obtain the termination of obligations specified

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in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LLC and the Baca Grande Water and Sanitation District, dated August 28, 1997. Prior to the sale, the Secretary shall determine that the sale is not detrimental to the protection of the resources of Great Sand Dunes National Monument, Great Sand Dunes National Park, and Great Sand Dunes National Preserve, and the Baca National Wildlife Refuge, and that appropriate measures to provide for such protection are included in the sale.

16 USC 410hhh-8.

SEC. 10. ADVISORY COUNCIL.

(a) **ESTABLISHMENT.**—The Secretary shall establish an advisory council to be known as the “Great Sand Dunes National Park Advisory Council”.

(b) **DUTIES.**—The Advisory Council shall advise the Secretary with respect to the preparation and implementation of a management plan for the national park and the preserve.

(c) **MEMBERS.**—The Advisory Council shall consist of 10 members, to be appointed by the Secretary, as follows:

(1) One member of, or nominated by, the Alamosa County Commission.

(2) One member of, or nominated by, the Saguache County Commission.

(3) One member of, or nominated by, the Friends of the Dunes Organization.

(4) Four members residing in, or within reasonable proximity to, the San Luis Valley and 3 of the general public, all of whom have recognized backgrounds reflecting—

(A) the purposes for which the national park and the preserve are established; and

(B) the interests of persons that will be affected by the planning and management of the national park and the preserve.

(d) **APPLICABLE LAW.**—The Advisory Council shall function in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other applicable laws.

(e) **VACANCY.**—A vacancy on the Advisory Council shall be filled in the same manner as the original appointment.

(f) **CHAIRPERSON.**—The Advisory Council shall elect a chairperson and shall establish such rules and procedures as it deems necessary or desirable.

(g) **NO COMPENSATION.**—Members of the Advisory Council shall serve without compensation.

(h) **TERMINATION.**—The Advisory Council shall terminate upon the completion of the management plan for the national park and preserve.

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SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

16 USC 410hh-
9.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved November 22, 2000.

LEGISLATIVE HISTORY—S. 2547:

SENATE REPORTS: No. 106-479 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 5, considered and passed Senate.

Oct. 25, considered and passed House.



4. **Katmai**

114 STAT. 23 PUBLIC LAW 106–176—MAR. 10, 2000

Public Law 106–176
106th Congress

An Act

Mar. 10, 2000
[H.R. 149]

To make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*Omnibus Parks
Technical
Corrections Act
of 2000.**SECTION 1. SHORT TITLE; REFERENCE TO OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996.**

16 USC 1 note.

(a) **SHORT TITLE.**—This Act may be cited as the “Omnibus Parks Technical Corrections Act of 2000”.(b) **REFERENCE TO OMNIBUS PARKS ACT.**—In this Act, the term “Omnibus Parks Act” means the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4093).TITLE I—TECHNICAL CORRECTIONS TO
DIVISION I

* * * * *

114 STAT. 30

SEC. 128. REGULATION OF FISHING IN CERTAIN WATERS OF ALASKA.

Section 1035 of division I of the Omnibus Parks Act (110 Stat. 2240) is amended as follows:

(1) In the section heading, by striking “**REGULATIONS**” and inserting “**REGULATION**”.

(2) In subsection (c), by striking “this Act” and inserting “this section”.

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114 STAT. 34

Approved March 10, 2000.

LEGISLATIVE HISTORY—H.R. 149:

HOUSE REPORTS: No. 106–17 (Comm. on Resources).

SENATE REPORTS: No. 106–125 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Feb. 23, considered and passed House.

Nov. 19, considered and passed Senate, amended.

Vol. 146 (2000): Feb. 15, House concurred in Senate amendments.

