Public Law 98-482
98th Congress

An Act

To modify Federal land acquisition and disposal policies carried out with respect to Fire Island National Seashore, and for other purposes.

Oct. 17, 1984
[H.R. 3697]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fire Island National Seashore Amendments Act of 1984".

Fire Island National Seashore Amendments Act of 1984.

SEC. 2. Section 2 of the Act entitled "An Act to establish the Fire Island National Seashore, and for other purposes", approved September 11, 1964 (16 U.S.C. 459e-1), is amended by adding at the end thereof the following new subsections:

Conservation.
Real property.
16 USC 459e note.

"(h)(1)(A) The Secretary shall sell any property described in subparagraph (B) of this paragraph acquired by condemnation under this Act to the highest bidder; except that—

"(i) no property shall be sold at less than its fair market value; and

"(ii) no property shall be sold unless it is sold subject to covenants or other restrictions that will ensure that the use of such property conforms—

"(I) to the standards specified in regulations issued under section 3(a) of this Act which are in effect at the time of such sale, and

16 USC 459e-2.

"(II) to any approved zoning ordinance or amendment thereof to which such property is subject.

"(B) The property referred to in subparagraph (A) of this paragraph is any property within the boundaries of the national seashore as delineated on the map mentioned in section 1 except—

"(i) property within the Dune district referred to in subsection (g) of this section;

"(ii) beach or waters and adjoining land within the exempt communities referred to in the first sentence of subsection (e) of this section; and

"(iii) property within the eight-mile area described in the second sentence of subsection (e) of this section; and

"(iv) any property acquired prior to October 1, 1982, that the Secretary determines should be retained to further the purpose of this Act.

"(2) Notwithstanding any other provision of law, all moneys received from sales under paragraph (1) of this subsection may be retained and shall be available to the Secretary, without further appropriation, only for purposes of acquiring property under this Act.

"(i)(1) Upon or after the commencement of any action for condemnation with respect to any property under this Act, the Secretary, through the Attorney General of the United States, may apply to the United States District Court for the Eastern District of New York for a temporary restraining order or injunction to prevent any use of, or construction upon, such property that—

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"(A) fails, or would result in a failure of such property, to conform to the standards specified in regulations issued under section 3(a) of this Act in effect at the time such use or construction began; or

16 USC 459e-2.

"(B) in the case of undeveloped tracts in the Dune district referred to in subsection (g) of this section, would result in such undeveloped property not being maintained in its natural state.

"(2) Any temporary restraining order or injunction issued pursuant to such an application shall terminate in accordance with the provisions of section 3(g) of this Act.".

Infra.

SEC. 3. Section 3(e) of the Act entitled "An Act to establish the Fire Island National Seashore, and for other purposes", approved September 11, 1964 (16 U.S.C. 459e-2(e)), is amended to read as follows:

"(e) In the case of any property, including improved property but excluding undeveloped property in the Dune district referred to in section 2(g) of this Act, with respect to which the Secretary's authority to acquire by condemnation has been suspended under this Act if—

16 USC 459e-1.

"(1) such property is, after the date of the enactment of the Fire Island National Seashore Amendments Act of 1984, made the subject of a variance under, or becomes for any reason an exception to, any applicable zoning ordinance approved under this section; and

Ante, p. 2255.

"(2) such variance or exception results, or will result, in such property being used in a manner that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time such variance or exception took effect;

then the suspension of the Secretary's authority to acquire such property by condemnation shall automatically cease.".

SEC. 4. Subsection (b) of section 3 of the Act entitled "An Act to establish the Fire Island National Seashore, and for other purposes", approved September 11, 1964 (16 U.S.C. 459e-2(b)) is amended by striking out "by means of acreage, frontage, and setback requirements." and inserting "by means of limitations or restrictions on the size, location or use of any commercial, residential, and other structures. In accomplishing these objectives, such standards shall seek to reconcile the population density of the seashore at the time of enactment of the Fire Island National Seashore Amendments Act of 1984 with the protection of the natural resources of the Seashore consistent with the purposes for which it has been established as provided by this Act.".

Ante, p. 2255.

SEC. 5. Section 3 of the Act entitled "An Act to establish the Fire Island National Seashore, and for other purposes", approved September 11, 1984 (16 U.S.C 459e-2) is amended by adding the following new subsection (g) after subsection (f):

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"(g) Notwithstanding any other provision of this Act, the Secretary of the Interior, acting through the Attorney General of the United States, may apply to the United States District Court for the Eastern District of New York for a temporary restraining order or injunction to prohibit the use of, including construction upon, any property within the seashore in a manner that—

"(1) will cause or is likely to cause significant harm to the natural resources of the seashore, or

"(2) is inconsistent with the purposes for which the seashore was established.

Except to the extent the Court may deem necessary in extraordinary circumstances, no such order or injunction shall continue in effect for more than one hundred and eighty days. During the period of such order or injunction, the Secretary shall diligently and in good faith negotiate with the owner of the property to assure that following termination of the order or injunction, the inconsistent use is abated or the significant harm to the natural resources is mitigated.".

Approved October 17, 1984.

LEGISLATIVE HISTORY—H.R. 3697:

HOUSE REPORT No. 98-1065 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Sept. 24, considered and passed House.
Oct. 3, considered and passed Senate.