(c) Administration

Land and facilities acquired under this section—

(1) may include the property owned (as of March 12, 2019) by the Joshua Tree National Park Association and commonly referred to as the ''Joshua Tree National Park Visitor Center'';

(2) shall be administered by the Secretary as part of the park; and

(3) may be acquired only with the consent of the owner, by donation, purchase with donated or appropriated funds, or exchange.

(Pub. L. 103–433, title IV, § 408, as added Pub. L. 116–9, title I, § 1433(e), Mar. 12, 2019, 133 Stat. 701.)

Statutory Notes and Related Subsidiaries

''SECRETARY'' DEFINED

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

PART C—MOJAVE NATIONAL PRESERVE

§ 410aaa–41. Findings

The Congress hereby finds that—

(1) Death Valley and Joshua Tree National Parks, as established by this Act, protect unique and superlative desert resources, but do not embrace the particular ecosystems and transitional desert type found in the Mojave Desert area lying between them on public lands now afforded only impermanent administrative designation as a national scenic area;

(2) the Mojave Desert area possesses outstanding natural, cultural, historical, and recreational values meriting statutory designation and recognition as a unit of the National Park System;

(3) the Mojave Desert area should be afforded full recognition and statutory protection as a national preserve;

(4) the wilderness within the Mojave Desert should receive maximum statutory protection by designation pursuant to the Wilderness Act [16 U.S.C. 1131 et seq.]; and

(5) the Mojave Desert area provides an outstanding opportunity to develop services, programs, accommodations and facilities to ensure the use and enjoyment of the area by individuals with disabilities, consistent with section 794 of title 29, Public Law 101–336, the Americans With[1] Disabilities Act of 1990 [42 U.S.C. 12101 et seq.], and other appropriate laws and regulations.

(Pub. L. 103–433, title V, § 501, Oct. 31, 1994, 108 Stat. 4489.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in par. (1), is defined in section 3 of Pub. L. 103–433, which is set out as a Definitions note under section 410aaa of this title.

The Wilderness Act referred to in par. (4), is Pub. L. 88–577, Sept. 3, 1964, 78 Stat. 890, which is classified generally to chapter 23 (§ 1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

The Americans with Disabilities Act of 1990, referred to in par. (5), is Pub. L. 101–336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§ 12101 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 12101 of Title 42 and Tables.

[1] So in original. Probably should not be capitalized.

§ 410aaa–42. Establishment

There is hereby established the Mojave National Preserve, comprising approximately one million four hundred nineteen thousand eight hundred acres, as generally depicted on a map entitled ''Mojave National Park Boundary—Proposed'', dated May 17, 1994, which shall be on file and available for inspection in the appropriate offices of the Director of the National Park Service, Department of the Interior.

(Pub. L. 103–433, title V, § 502, Oct. 31, 1994, 108 Stat. 4490.)

§ 410aaa–43. Transfer of lands

On October 31, 1994, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 410aaa–42 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service. The boundaries of the public lands shall be adjusted accordingly.

(Pub. L. 103–433, title V, § 503, Oct. 31, 1994, 108 Stat. 4490.)

§ 410aaa–44. Maps and legal description

Within six months after October 31, 1994, the Secretary shall file maps and a legal description of the preserve designated under this part with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this part, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 410aaa–42 of this title. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(Pub. L. 103–433, title V, § 504, Oct. 31, 1994, 108 Stat. 4490.)

§ 410aaa–45. Abolishment of scenic area

The East Mojave National Scenic Area, designated on January 13, 1981 (46 FR 3994), and modified on August 9, 1983 (48 FR 36210), is hereby abolished.

(Pub. L. 103–433, title V, § 505, Oct. 31, 1994, 108 Stat. 4490.)

§ 410aaa–46. Administration

(a) The Secretary shall administer the preserve in accordance with this part and with the provisions of law generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park

Service, and for other purposes'', approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4).[1]

(b) The Secretary shall permit hunting, fishing, and trapping on lands and waters within the preserve designated by this Act in accordance with applicable Federal and State laws except that the Secretary may designate areas where, and establish periods when, no hunting, fishing, or trapping will be permitted for reasons of public safety, administration, or compliance with provisions of applicable law. Except in emergencies, regulations closing areas to hunting, fishing, or trapping pursuant to this subsection shall be put into effect only after consultation with the appropriate State agency having responsibility for fish and wildlife. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the States with respect to fish and wildlife on Federal lands and waters covered by this part nor shall anything in this Act be construed as authorizing the Secretary concerned to require a Federal permit to hunt, fish, or trap on Federal lands and waters covered by this part.

(Pub. L. 103–433, title V, § 506, Oct. 31, 1994, 108 Stat. 4490.)

Editorial Notes

REFERENCES IN TEXT

The Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), referred to in subsec. (a), 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.

This Act, referred to in subsec. (b), is defined in section 3 of Pub. L. 103–433, which is set out as a Definitions note under section 410aaa of this title.

§ 410aaa–47. Withdrawal

Subject to valid existing rights, all Federal lands within the preserve are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

(Pub. L. 103–433, title V, § 507, Oct. 31, 1994, 108 Stat. 4491.)

§ 410aaa–48. Regulation of mining

Subject to valid existing rights, all mining claims located within the preserve shall be subject to all applicable laws and regulations applicable to mining within units of the National Park System, including section 1865(b) of title 18 and subchapter III of chapter 1007 of title 54, and any patent issued after October 31, 1994, shall convey title only to the minerals together with the right to use the surface of lands for mining purposes, subject to such laws and regulations.

(Pub. L. 103–433, title V, § 508, Oct. 31, 1994, 108 Stat. 4491.)

Editorial Notes

CODIFICATION

In text, ''section 1865(b) of title 18 and subchapter III of chapter 1007 of title 54'' substituted for ''the Mining in the Parks Act (16 U.S.C. 1901 et seq.)'' on authority of Pub. L. 113–287, § 6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

§ 410aaa–49. Study as to validity of mining claims

(a) The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the preserve and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

(b)(1) Notwithstanding any other provision of law, the Secretary shall permit the holder or holders of mining claims identified on the records of the Bureau of Land Management as Volco #A CAMC 105446, Volco #B CAMC 105447, Volco 1 CAMC 80155, Volco 2 CAMC 80156, Volco 3 CAMC 170259, Volco 4 CAMC 170260, Volco 5 CAMC 78405, Volco 6 CAMC 78404, and Volco 7 CAMC 78403, Volco Placer 78332, to continue exploration and development activities on such claims for a period of two years after October 31, 1994, subject to the same regulations as applied to such activities on such claims on the day before October 31, 1994.

(2) At the end of the period specified in paragraph (1), or sooner if so requested by the holder or holders of the claims specified in such paragraph, the Secretary shall determine whether there has been a discovery of valuable minerals on such claims and whether, if such discovery had been made on or before July 1, 1994, such claims would have been valid as of such date under the mining laws of the United States in effect on such date.

(3) If the Secretary, pursuant to paragraph (2), makes an affirmative determination concerning the claims specified in paragraph (1), the holder or holders of such claims shall be permitted to continue to operate such claims subject only to such regulations as applied on July 1, 1994 to the exercise of valid existing rights on patented mining claims within a unit of the National Park System.

(Pub. L. 103–433, title V, § 509, Oct. 31, 1994, 108 Stat. 4491.)

§ 410aaa–50. Grazing

(a) The privilege of grazing domestic livestock on lands within the preserve shall continue to be exercised at no more than the current level, sub-

[1] See References in Text note below.