

Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Endangered Species Act of 1973, referred to in subsec. (b)(3)(B), is Pub. L. 93–205, Dec. 28, 1973, 87 Stat. 884, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

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.

§ 410aaa–81c. Prohibited uses of acquired, donated, and conservation land

(a) Definitions

In this section:

(1) Acquired land

The term “acquired land” means any land acquired within the Conservation Area using amounts from the land and water conservation fund established under section 200302 of title 54.

(2) Conservation area

The term “Conservation Area” means the California Desert Conservation Area.

(3) Conservation land

The term “conservation land” means any land within the Conservation Area that is designated to satisfy the conditions of a Federal habitat conservation plan, general conservation plan, or State natural communities conservation plan, including—

(A) national conservation land established pursuant to section 7202(b)(2)(D) of this title; and

(B) areas of critical environmental concern established pursuant to section 1712(c)(3) of title 43.

(4) Donated land

The term “donated land” means any private land donated to the United States for conservation purposes in the Conservation Area.

(5) Donor

The term “donor” means an individual or entity that donates private land within the Conservation Area to the United States.

(6) Secretary

The term “Secretary” means the Secretary, acting through the Director of the Bureau of Land Management.

(7) State

The term “State” means the State of California.

(b) Prohibitions

Except as provided in subsection (c), the Secretary shall not authorize the use of acquired land, conservation land, or donated land within the Conservation Area for any activities contrary to the conservation purposes for which the land was acquired, designated, or donated, including—

(1) disposal;

- (2) rights-of-way;
- (3) leases;
- (4) livestock grazing;
- (5) infrastructure development, except as provided in subsection (c);
- (6) mineral entry; and
- (7) off-highway vehicle use, except on—
 - (A) designated routes;
 - (B) off-highway vehicle areas designated by law; and
 - (C) administratively designated open areas.

(c) Exceptions

(1) Authorization by Secretary

Subject to paragraph (2), the Secretary may authorize limited exceptions to prohibited uses of acquired land or donated land in the Conservation Area if—

(A) a right-of-way application for a renewable energy development project or associated energy transport facility on acquired land or donated land was submitted to the Bureau of Land Management on or before December 1, 2009; or

(B) after the completion and consideration of an analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary has determined that proposed use is in the public interest.

(2) Conditions

(A) In general

If the Secretary grants an exception to the prohibition under paragraph (1), the Secretary shall require the permittee to donate private land of comparable value located within the Conservation Area to the United States to mitigate the use.

(B) Approval

The private land to be donated under subparagraph (A) shall be approved by the Secretary after—

- (i) consultation, to the maximum extent practicable, with the donor of the private land proposed for nonconservation uses; and
- (ii) an opportunity for public comment regarding the donation.

(d) Existing agreements

Nothing in this section affects permitted or prohibited uses of donated land or acquired land in the Conservation Area established in any easements, deed restrictions, memoranda of understanding, or other agreements in existence on March 12, 2019.

(e) Deed restrictions

Effective beginning on March 12, 2019, within the Conservation Area, the Secretary may—

- (1) accept deed restrictions requested by landowners for land donated to, or otherwise acquired by, the United States; and
- (2) consistent with existing rights, create deed restrictions, easements, or other third-party rights relating to any public land determined by the Secretary to be necessary—

(A) to fulfill the mitigation requirements resulting from the development of renewable resources; or

(B) to satisfy the conditions of—

(i) a habitat conservation plan or general conservation plan established pursuant to section 1539 of this title; or

(ii) a natural communities conservation plan approved by the State.

(Pub. L. 103–433, title VII, §714, as added Pub. L. 116–9, title I, §1453, Mar. 12, 2019, 133 Stat. 712.)

Editorial Notes

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (c)(1)(B), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 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 4321 of Title 42 and Tables.

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.

§ 410aaa–82. Military overflights

(a) Overflights

Nothing in this Act, the Wilderness Act [16 U.S.C. 1131 et seq.], or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units), scenic areas, off-highway vehicle recreation areas, or special management areas designated by this Act, shall restrict or preclude low-level overflights of military aircraft over such units, including military overflights that can be seen or heard within such units.

(b) Special airspace

Nothing in this Act, the Wilderness Act [16 U.S.C. 1131 et seq.], or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units), scenic areas, off-highway vehicle recreation areas, or special management areas designated by this Act, shall restrict or preclude the designation of new units of special airspace or the use or establishment of military flight training routes over such new park system or wilderness units.

(c) No effect on other laws

Nothing in this section shall be construed to modify, expand, or diminish any authority under other Federal law.

(d) Department of Defense facilities

Nothing in this Act alters any authority of the Secretary of Defense to conduct military operations at installations and ranges within the California Desert Conservation Area that are authorized under any other provision of law.

(Pub. L. 103–433, title VIII, §802, Oct. 31, 1994, 108 Stat. 4501; Pub. L. 116–9, title I, §1460(b), Mar. 12, 2019, 133 Stat. 719.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsecs. (a), (b), and (d), 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 subsecs. (a) and (b), 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.

AMENDMENTS

2019—Subsecs. (a), (b). Pub. L. 116–9, §1460(b)(1), (2), inserted “, scenic areas, off-highway vehicle recreation areas, or special management areas” before “designated by this Act”.

Subsec. (d). Pub. L. 116–9, §1460(b)(3), added subsec. (d).

Statutory Notes and Related Subsidiaries

SHORT TITLE AND FINDINGS

Pub. L. 103–433, title VIII, §801, Oct. 31, 1994, 108 Stat. 4501, as amended by Pub. L. 116–9, title I, §1460(a), Mar. 12, 2019, 133 Stat. 718, provided that:

“(a) SHORT TITLE.—This title [enacting this section] may be cited as the ‘California Military Lands Withdrawal and Overflights Act of 1994’.

“(b) FINDINGS.—The Congress finds that—

“(1) military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system;

“(2) the National Park System units, special management areas, off-highway vehicle recreation areas, scenic areas, and wilderness areas designated by this Act [see section 3 of Pub. L. 103–433, set out as a Definitions note under section 410aaa of this title] lie within a region critical to providing training, research, and development for the Armed Forces of the United States and its allies;

“(3) there is a lack of alternative sites available for these military training, testing, and research activities;

“(4) continued use of the lands and airspace in the California desert region is essential for military purposes; and

“(5) continuation of these military activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.”

§ 410aaa–83. Authorization of appropriations

There is authorized to be appropriated to the National Park Service and to the Bureau of Land Management to carry out this Act an amount not to exceed \$36,000,000 over and above that provided in fiscal year 1994 for additional administrative and construction costs over the fiscal year 1995–1999 period, and \$300,000,000 for all land acquisition costs. No funds in excess of these amounts may be used for construction, administration, or land acquisition authorized under this Act without a specific authorization in an Act of Congress enacted after October 31, 1994.

(Pub. L. 103–433, title IX, §901, Oct. 31, 1994, 108 Stat. 4508.)

Editorial Notes

REFERENCES IN TEXT

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