

(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.