

city of New York subject to a retained right to continue existing uses for a specifically limited period of time if such uses conform to plans agreed to by the Secretary, and (2) the Secretary may accept title to the area known as Broad Channel Community only if, within five years after October 27, 1972, all improvements have been removed from the area and a clear title to the area is tendered to the United States.

(Pub. L. 92-592, § 2, Oct. 27, 1972, 86 Stat. 1308.)

§ 460cc-2. Administration

(a) Provisions applicable; utilization of authorities for conservation and management of wildlife and natural resources; Jamaica Bay Unit

The Secretary shall administer the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4),¹ as amended and supplemented. In the administration of the recreation area the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this subchapter: *Provided*, That the Secretary shall administer and protect the islands and waters within the Jamaica Bay Unit with the primary aim of conserving the natural resources, fish, and wildlife located therein and shall permit no development or use of this area which is incompatible with this purpose.

(b) William Fitts Ryan Visitor Center; designation

(1) The Secretary shall designate the principal visitor center within the recreation area as the "William Fitts Ryan Visitor Center" in commemoration of the leadership and contributions which Representative William Fitts Ryan made with respect to the creation and establishment of this public recreation area. To inform the public of the contributions of Representative Ryan to the creation of the recreation area, the Secretary shall provide such signs, markers, maps, interpretive materials, literature, and programs as he deems appropriate. Not later than December 31, 1980, the Secretary shall take such additional actions as he deems appropriate to recognize and commemorate the contributions of Representative Ryan to the recreation area.

(2) The portion of the Staten Island Unit of the recreation area known as Miller Field is hereby designated as "World War Veterans Park at Miller Field". Any reference to such Miller Field in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to "World War Veterans Park at Miller Field".

(c) Federal-State cooperative agreements for police and fire protection

The Secretary is authorized to enter into cooperative agreements with the States of New York and New Jersey, or any political subdivision thereof, for the rendering, on a reimburs-

able basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(d) Water resource developments

The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection, and navigation improvements (including the deepening of the shipping channel from the Atlantic Ocean to the New York harbor) on land and/or waters within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this subchapter and the purpose of existing statutes dealing with water and related land resource development.

(e) Airway facilities; maintenance, operation, and installation; Jamaica Bay and Floyd Bennett Field restrictions

The authority of the Secretary of Transportation to maintain and operate existing airway facilities and to install necessary new facilities within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of Transportation and which are consistent with both the purpose of this subchapter and the purpose of existing statutes dealing with the establishment, maintenance, and operation of airway facilities: *Provided*, That nothing in this section shall authorize the expansion of airport runways into Jamaica Bay or air facilities at Floyd Bennett Field.

(f) Hunting, fishing, and trapping

The Secretary shall permit hunting, fishing, shellfishing, trapping, and the taking of specimens on the lands and waters under his jurisdiction within the Gateway National Recreation Area in accordance with the applicable laws of the United States and the laws of the States of New York and New Jersey and political subdivisions thereof, except that the Secretary may designate zones where and establish periods when these activities may not be permitted, for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment.

(g) Sandy Hook and Staten Island Units; programs for preservation, restoration, interpretation, and utilization of sites and structures

In the Sandy Hook and Staten Island Units, the Secretary shall inventory and evaluate all sites and structures having present and potential historical, cultural, or architectural significance and shall provide for appropriate programs for the preservation, restoration, interpretation, and utilization of them.

(h) Donations for services and facilities; acceptance

Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds from individuals, foundations, or corporations for the purpose of providing services and facilities which he deems consistent with the purposes of this subchapter.

¹ See References in Text note below.

(i) Rights to solid waste byproducts of Fountain Avenue Landfill; conveyance from United States to city of New York; rights-of-way and permits; conditions; payments to United States for development and improvement of Gateway National Recreation Area

Notwithstanding the provisions of subsection (a) of this section, the United States hereby conveys to the city of New York all rights to the methane gas and associated byproducts resulting from solid waste decomposition on the area within the Jamaica Bay Unit known as the Fountain Avenue Landfill site, subject to payments to the United States of 50 per centum of the revenue received by the city of New York, if any, from the development of such rights. The Secretary shall grant to the City, its lessee or assignee, all rights-of-way and other permits necessary from the Department of the Interior to extract and transport the gas from the site: *Provided*, That the rights-of-way and other permits shall provide for reasonable restoration of the site, including removal of any processing or storage facilities used in the disposal, development, or extraction of the gas, access by the Secretary to the site for safety and other recreation area purposes, and such other reasonable conditions as the Secretary deems necessary to further purposes of the recreation area. All such payments to the United States shall be credited to the appropriations of the National Park Service for the development and improvement of Gateway National Recreation Area.

(j)² Authority to grant easements and rights-of-way

(1) In general

The Secretary of the Interior may grant, to any State or local government, an easement or right-of-way over Federal lands within Gateway National Recreation Area for construction, operation, and maintenance of projects for control and prevention of flooding and shoreline erosion.

(2) Charges and reimbursement of costs

The Secretary may grant such an easement or right-of-way without charge for the value of the right so conveyed, except for reimbursement of costs incurred by the United States for processing the application therefore and managing such right. Amounts received as such reimbursement shall be credited to the relevant appropriation account.

(j)² Authority to grant easements and rights-of-way permit

(1) In general

The Secretary of the Interior may grant, to any State or local government, an easement or right-of-way permit over Federal lands within Golden Gate National Recreation Area for operation and maintenance of projects for control and prevention of flooding and shoreline erosion and associated structures for continued public access.

(2) Charges and reimbursements of costs

The Secretary may grant such an easement or right-of-way permit without charge for the

value of the use so conveyed, except for reimbursement of costs incurred by the United States for processing the application therefore and managing such use. Amounts received as such reimbursement shall be credited to the relevant appropriation account.

(Pub. L. 92-592, §3, Oct. 27, 1972, 86 Stat. 1309; Pub. L. 96-344, §11(1), Sept. 8, 1980, 94 Stat. 1136; Pub. L. 97-232, §1, Aug. 9, 1982, 96 Stat. 259; Pub. L. 106-132, §1, Dec. 7, 1999, 113 Stat. 1681; Pub. L. 116-9, title II, §2405, Mar. 12, 2019, 133 Stat. 748; Pub. L. 117-328, div. G, title IV, §444, Dec. 29, 2022, 136 Stat. 4833.)

Editorial Notes

REFERENCES IN TEXT

The Act of 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.

AMENDMENTS

2022—Subsec. (j). Pub. L. 117-328 added at end subsec. (j) relating to authority to grant easements and rights-of-way permits.

2019—Subsec. (j). Pub. L. 116-9 added subsec. (j) relating to authority to grant easements and rights-of-way. 1999—Subsec. (b). Pub. L. 106-132 designated existing provisions as par. (1) and added par. (2).

1982—Subsec. (i). Pub. L. 97-232 added subsec. (i). 1980—Subsec. (b). Pub. L. 96-344 struck out “constructed” after “visitor center” and inserted provision authorizing the Secretary to inform the public of the contributions of Representative Ryan to the creation of the recreation area by means of signs, markers, etc., and to take such additional action, not later than Dec. 31, 1980, as deemed appropriate to recognize and commemorate the contributions of Representative Ryan to the recreation area.

§ 460cc-3. Gateway National Recreation Area Advisory Commission

(a) Establishment; termination date

There is hereby established a Gateway National Recreation Area Advisory Commission (hereinafter referred to as the “Commission”). Said Commission shall terminate twenty years after the date of the establishment of the recreation area.

(b) Membership; appointment; terms of office; representation of interests

The Commission shall be composed of fifteen members each appointed for a term of two years by the Secretary as follows:

(1) two members to be appointed from recommendations made by the Governor of the State of New York;

(2) two members to be appointed from recommendations made by the Governor of the State of New Jersey;

(3) two members to be appointed from recommendations made by the mayor of New York City;

² So in original. There are two subsecs. (j).