

ACADIA NATIONAL PARK BOUNDARY CLARIFICATION ACT

JANUARY 25, 2018.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 4266]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4266) to clarify the boundary of Acadia National Park, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Acadia National Park Boundary Clarification Act”.

SEC. 2. ACADIA NATIONAL PARK BOUNDARY CLARIFICATION.

Section 101 of Public Law 99-420 (16 U.S.C. 341 note) is amended—

(1) in the first sentence, by striking “In order to” and inserting the following:

“(a) BOUNDARIES.—Subject to subsections (b) and (c)(2), to”;

(2) in the second sentence—

(A) by striking “The map shall be on file” and inserting the following:

“(c) AVAILABILITY AND REVISIONS OF MAPS.—

“(1) AVAILABILITY.—The map, together with the map described in subsection (b)(1) and any revised boundary map published under paragraph (2), if applicable, shall be—

“(A) on file”; and

(B) by striking “Interior, and it shall be made” and inserting the following: “Interior; and

“(B) made”;

(3) by inserting after subsection (a) (as designated by paragraph (1)) the following:

“(b) SCHOODIC PENINSULA ADDITION.—

“(1) IN GENERAL.—The boundary of the Park is confirmed to include approximately 1,441 acres of land and interests in land, as depicted on the map entitled ‘Acadia National Park, Hancock County, Maine, Schoodic Peninsula Boundary Revision’, numbered 123/129102, and dated July 10, 2015.

“(2) RATIFICATION AND APPROVAL OF ACQUISITIONS OF LAND.—Congress ratifies and approves—

“(A) effective as of September 26, 2013, the acquisition by the United States of the land and interests in the land described in paragraph (1); and

“(B) effective as of the date on which the alteration occurred, any alteration of the land or interests in the land described in paragraph (1) that is held or claimed by the United States (including conversion of the land to fee simple interest) that occurred after the date described in subparagraph (A).”; and

(4) in subsection (c) (as designated by paragraph (2)(A)), by adding at the end the following:

“(2) TECHNICAL AND LIMITED REVISIONS.—Subject to section 102(k), notwithstanding any other provision of this section, the Secretary of the Interior (referred to in this title as the ‘Secretary’), by publication in the Federal Register of a revised boundary map or other description, may make—

“(A) such technical boundary revisions as the Secretary determines to be appropriate to the permanent boundaries of the Park (including any property of the Park located within the Schoodic Peninsula and Isle Au Haut districts) to resolve issues resulting from causes such as survey error or changed road alignments; and

“(B) such limited boundary revisions as the Secretary determines to be appropriate to the permanent boundaries of the Park to take into account acquisitions or losses, by exchange, donation, or purchase from willing sellers using donated or appropriated funds, of land adjacent to or within the Park, respectively, in any case in which the total acreage of the land to be so acquired or lost is less than 10 acres, subject to the condition that—

“(i) any such boundary revision shall not be a part of a more-comprehensive boundary revision; and

“(ii) all such boundary revisions, considered collectively with any technical boundary revisions made pursuant to subparagraph (A), do not increase the size of the Park by more than a total of 100 acres, as compared to the size of the Park on the date of enactment of this paragraph.”.

SEC. 3. LIMITATION ON ACQUISITIONS OF LAND FOR ACADIA NATIONAL PARK.

Section 102 of Public Law 99–420 (16 U.S.C. 341 note) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “of the Interior (hereinafter in this title referred to as ‘the Secretary’)”;

(2) in subsection (d)(1), in the first sentence, by striking “the the” and inserting “the”;

(3) in subsection (k)—

(A) by redesignating the subsection as paragraph (4) and indenting the paragraph appropriately; and

(B) by moving the paragraph so as to appear at the end of subsection (b); and

(4) by adding at the end the following:

“(k) REQUIREMENTS.—Before revising the boundaries of the Park pursuant to this section or section 101(c)(2)(B), the Secretary shall—

“(1) certify that the proposed boundary revision will contribute to, and is necessary for, the proper preservation, protection, interpretation, or management of the Park;

“(2) consult with the governing body of each county, city, town, or other jurisdiction with primary taxing authority over the land or interest in land to be acquired regarding the impacts of the proposed boundary revision;

“(3) obtain from each property owner the land or interest in land of which is proposed to be acquired for, or lost from, the Park written consent for the proposed boundary revision; and

“(4) submit to the Acadia National Park Advisory Commission established by section 103(a), the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Maine Congressional Delegation a written notice of the proposed boundary revision.

“(1) LIMITATION.—The Secretary may not use the authority provided by section 100506 of title 54, United States Code, to adjust the permanent boundaries of the Park pursuant to this title.”.

SEC. 4. ACADIA NATIONAL PARK ADVISORY COMMISSION.

(a) IN GENERAL.—The Secretary shall reestablish and appoint members to the Acadia National Park Advisory Commission in accordance with section 103 of Public Law 99–420 (16 U.S.C. 341 note).

(b) CONFORMING AMENDMENT.—Section 103 of Public Law 99–420 (16 U.S.C. 341 note) is amended by striking subsection (f).

SEC. 5. REPEAL OF CERTAIN PROVISIONS RELATING TO ACADIA NATIONAL PARK.

The following are repealed:

(1) Section 3 of the Act of February 26, 1919 (40 Stat. 1178, chapter 45).

(2) The first section of the Act of January 19, 1929 (45 Stat. 1083, chapter 77).

SEC. 6. MODIFICATION OF USE RESTRICTION.

The Act of August 1, 1950 (64 Stat. 383, chapter 511), is amended—

(1) by striking “That the Secretary” and inserting the following:

“SECTION 1. CONVEYANCE OF LAND IN ACADIA NATIONAL PARK.

“The Secretary”; and

(2) by striking “for school purposes” and inserting “for public purposes, subject to the conditions that use of the land shall not degrade or adversely impact the resources or values of Acadia National Park and that the land shall remain in public ownership for recreational, educational, or similar public purposes”.

SEC. 7. CONTINUATION OF CERTAIN TRADITIONAL USES.

Title I of Public Law 99–420 (16 U.S.C. 341 note) is amended by adding at the end the following:

“SEC. 109. CONTINUATION OF CERTAIN TRADITIONAL USES.

“In accordance with this section, the Secretary shall allow for the traditional harvesting of marine worms, clams, other shellfish, and other marine species (as defined in chapter 601 of title 12 of the Maine Revised Statutes (as in effect on the date of enactment of this section)), in accordance with the laws (including regulations and applicable judicial interpretations) of the State of Maine—

“(1) within the boundaries of the Park; and

“(2) on any land located outside of the boundaries of the Park with respect to which the Secretary has or obtains a property interest of any type pursuant to this title.”.

SEC. 8. CONVEYANCE OF CERTAIN LAND IN ACADIA NATIONAL PARK TO THE TOWN OF BAR HARBOR, MAINE.

(a) IN GENERAL.—The Secretary shall convey to the Town of Bar Harbor all right, title, and interest of the United States in and to the .29-acre parcel of land in Acadia National Park identified as lot 110–055–000 on the tax map of the Town of Bar Harbor for section 110, dated April 1, 2015, to be used for a solid waste transfer facility.

(b) REVERSION.—If the land conveyed under subsection (a) is used for a purpose other than the purpose described in that subsection, the land shall, at the discretion of the Secretary, revert to the United States.

PURPOSE OF THE BILL

The purpose of H.R. 4266 is to clarify the boundary of Acadia National Park.

BACKGROUND AND NEED FOR LEGISLATION

Acadia National Park preserves approximately 50,000 acres in Hancock and Knox Counties along the mid-section of the Maine coast. The park consists of portions of Mount Desert Island plus a portion of Isle au Haut to the southwest of Mount Desert Island, the tip of the Schoodic Peninsula on the mainland to the east, and most of or portions of 16 smaller outlying islands. The park also preserves more than 13,000 acres of conservation easements across

its legislated boundary, which runs from the Penobscot River ship channel to just east of the Schoodic Peninsula.¹

Acadia National Park was established in 1916 as Sieur de Monts National Monument and incorporated into Lafayette National Park in 1919 as the first national park east of the Mississippi River. Much of the land comprising the park was donated from private landowners, a practice that continued throughout much of the 20th century.² In 1929, Congress authorized the Secretary of the Interior to accept a donation of land on the Schoodic Peninsula and gave the park its current name.³ The 1929 law also authorized the Secretary of the Interior to acquire additional lands for the park in Hancock County and certain parts of Knox County. In the succeeding decades additional lands were periodically acquired to expand the park.

In 1986, after years of poor relations between the surrounding towns and the National Park Service (NPS) due to a diminishing tax base as land continued to be acquired for the park, Congress passed and President George H.W. Bush enacted Public Law 99-420 to establish a more permanent and contiguous boundary for the park. The 1986 law granted the Secretary of the Interior authority to exchange, or purchase from willing sellers, selected inholdings to remove private inholdings in the park; directed the Secretary to transfer ownership of selected noncontiguous parcels; continued the authority to accept conservation easements; and established a park advisory commission. The implementation of the 1986 law greatly improved relations between the local communities and the park.

In 2015, an anonymous donor gave 1,441 acres, known as Schoodic Woods, to the NPS. It was only after the land was transferred to the park that the NPS informed the public that the legal authority it used for the transfer came from the 1929 law that area residents and elected officials believed had been superseded by the 1986 law. According to a letter sent by the Department of the Interior's Office of the Solicitor to NPS officials on January 24, 2014, the 1929 law permits the park to accept ownership of donated land, as opposed to purchasing it. The 1986 law, according to the letter, sets physical limits for lands the NPS can purchase and for lands on which the NPS can acquire conservation easements, but it does not specifically set limits for donated land.⁴

Although the donation of the property to the park was supported by local communities, the method by which the park was expanded was criticized by many area residents and elected officials and undermined some of the goodwill that has been built between the NPS and the Bar Harbor region since 1986. Furthermore, the NPS did not consult with the Acadia Advisory Commission before the transfer took place. One of the primary reasons the 16-seat panel was created by Congress in 1986 was to consult with the NPS on

¹National Park Service. Foundation Document Acadia National Park. 3. September 2016. Accessed November 9, 2017. https://www.nps.gov/acad/learn/management/upload/ACAD_FD_2016_508-2017.pdf.

²Ibid.

³Ibid.

⁴Trotter, Bill. "Panel lambastes how Schoodic land was given to Acadia." Bangor Daily News. February 05, 2016. Accessed November 09, 2017. <https://bangordailynews.com/2016/02/03/news/hancock/panel-lambastes-how-schoodic-land-was-given-to-acadia/>.

“the acquisition of lands and interests in lands.”⁵ H.R. 4266 would permanently authorize the Acadia Advisory Commission.

In addition to the disputes regarding the boundary of the park, issues related to traditional harvesting of marine organisms in the intertidal zone in and around the park have also arisen in recent years. Local clammers, wormers, and other harvesters have expressed concerns about the unpredictable enforcement in the intertidal zone in and around the park. In recent years, park officials have begun to limit commercial harvesting in the intertidal zone and some harvesters report having been forced to dump the buckets of worms or clams they spent hours digging, losing their day’s pay. H.R. 4266 requires the Secretary of the Interior to allow for the traditional harvesting of the marine organisms in or near the park according to the laws of the State of Maine.

In deleting section 4 of the bill during markup of the measure, the Committee believes that the Secretary of the Interior already has sufficient authority and flexibility under section 102(f) of the Public Law 99–420 to address the issue of waste generated by the park. This can include less rigid methods for waste management. As noted in Public Law 99–420, any town in its discretion can work with the Secretary to develop a plan, and the Committee expects the Secretary to take the needs and the views of the towns, including a regional consortium of towns established for solid waste management, in implementing this provision. The Secretary should also take into account any changing circumstances since the enactment of Public Law 99–420 over 30 years ago.

Senator Angus S. King, Jr. (I–ME) has introduced a Senate companion bill, S. 2101, this Congress.

COMMITTEE ACTION

H.R. 4266 was introduced on November 7, 2017, by Congressman Bruce Poliquin (R–ME). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On November 15, 2017, the Subcommittee held a hearing on the legislation. On December 12, 2017, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Rob Bishop (R–UT) offered an amendment designated #1; it was adopted by unanimous consent. No further amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent on December 13, 2017.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

⁵“Acadia Advisory Commission.” National Parks Service. Accessed November 09, 2017. <https://www.nps.gov/acad/getinvolved/acadia-advisory-commission.htm>.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET
ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 21, 2017.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4266, the Acadia National Park Boundary Clarification Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 4266—Acadia National Park Boundary Clarification Act

H.R. 4266 would confirm the boundary of Acadia National Park in Maine. The National Park Service (NPS), which manages the park, administratively adjusted the boundary in 2015 when the agency accepted the donation of 1,441 acres of land for inclusion within the park. The bill also would permanently authorize that park's advisory commission and require the NPS to allow traditional harvesting of marine species within and near park boundaries in accordance with the laws of the State of Maine. Finally, the bill would require the NPS to convey a 0.29-acre parcel of land located within the park to the Town of Bar Harbor.

Based on the budgets for Acadia National Park and other units of the National Park System, CBO estimates that allowing traditional harvesting activities would lead to an increase in management, monitoring, and enforcement costs at the park, but such costs would total less than \$500,000 over the 2018–2022 period. In addition, using information from the NPS, CBO estimates that the agency would incur roughly \$50,000 in administrative costs associated with the land conveyance to the Town of Bar Harbor. Such spending would be subject to the availability of appropriated funds.

Enacting H.R. 4266 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 4266 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 4266 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to clarify the boundary of Acadia National Park.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

PUBLIC LAW 99-420

AN ACT To establish a permanent boundary for the Acadia National Park in the State of Maine, and for other purposes.

TITLE I

SEC. 101. BOUNDARIES OF ACADIA NATIONAL PARK.

[In order to] (a) *BOUNDARIES*.—*Subject to subsections (b) and (c)(2), to protect and conserve the land and water resources of Acadia National Park in the State of Maine (hereinafter in this title referred to as “the Park”), and to facilitate the administration of the Park, the boundary depicted on the map entitled “Acadia National Park Boundary Map”, numbered 123-80011, and dated May 1986 (hereinafter in this title referred to as “the map”) is hereby*

established as the permanent boundary for the Park. **【The map shall be on file】**

(b) *SCHOODIC PENINSULA ADDITION.*—

(1) *IN GENERAL.*—*The boundary of the Park is confirmed to include approximately 1,441 acres of land and interests in land, as depicted on the map entitled “Acadia National Park, Hancock County, Maine, Schoodic Peninsula Boundary Revision”, numbered 123/129102, and dated July 10, 2015.*

(2) *RATIFICATION AND APPROVAL OF ACQUISITIONS OF LAND.*—*Congress ratifies and approves—*

(A) *effective as of September 26, 2013, the acquisition by the United States of the land and interests in the land described in paragraph (1); and*

(B) *effective as of the date on which the alteration occurred, any alteration of the land or interests in the land described in paragraph (1) that is held or claimed by the United States (including conversion of the land to fee simple interest) that occurred after the date described in subparagraph (A).*

(c) *AVAILABILITY AND REVISIONS OF MAPS.*—

(1) *AVAILABILITY.*—*The map, together with the map described in subsection (b)(1) and any revised boundary map published under paragraph (2), if applicable, shall be—*

(A) *on file and available for public inspection in the offices of the National Park Service, Department of the **【Interior, and it shall be made】 Interior; and***

(B) *made available to the Registry of Deeds for Hancock and Knox Counties, Maine.*

(2) *TECHNICAL AND LIMITED REVISIONS.*—*Subject to section 102(k), notwithstanding any other provision of this section, the Secretary of the Interior (referred to in this title as the “Secretary”), by publication in the Federal Register of a revised boundary map or other description, may make—*

(A) *such technical boundary revisions as the Secretary determines to be appropriate to the permanent boundaries of the Park (including any property of the Park located within the Schoodic Peninsula and Isle Au Haut districts) to resolve issues resulting from causes such as survey error or changed road alignments; and*

(B) *such limited boundary revisions as the Secretary determines to be appropriate to the permanent boundaries of the Park to take into account acquisitions or losses, by exchange, donation, or purchase from willing sellers using donated or appropriated funds, of land adjacent to or within the Park, respectively, in any case in which the total acreage of the land to be so acquired or lost is less than 10 acres, subject to the condition that—*

(i) *any such boundary revision shall not be a part of a more-comprehensive boundary revision; and*

(ii) *all such boundary revisions, considered collectively with any technical boundary revisions made pursuant to subparagraph (A), do not increase the size of the Park by more than a total of 100 acres, as compared to the size of the Park on the date of enactment of this paragraph.*

SEC. 102. LANDS WITHIN BOUNDARIES.

(a) The Secretary [of the Interior (hereinafter in this title referred to as “the Secretary”)] is authorized to acquire lands and interests therein within the boundaries of the Park by donation, exchange (in accordance with this section), or purchase with donated or appropriated funds, except that—

(1) any lands or interests therein owned by the State of Maine or any political subdivision thereof may be acquired only by donation or exchange; and

(2) privately owned lands or interests therein may be acquired only with the consent of the owner thereof unless the Secretary determines that the property is being developed or proposed to be developed in a manner which is detrimental to the scenic, historical, cultural, and other values for which the Park was established.

(b)(1) Not later than 6 months after the enactment of this Act, the Secretary shall publish specific guidelines under which determinations shall be made under subsection (a)(2). The Secretary shall provide adequate opportunity for public comment on such guidelines. The guidelines shall provide for notice to the Secretary prior to commencement of any proposed development within the boundaries of the Park. The Secretary shall provide written notice to the owner of the property of any determination proposed to be made under subsection (a)(2) and shall provide the owner a reasonable opportunity to comment on such proposal.

(2) For purposes of this section, except as provided in paragraph (3), development or proposed development of private property within the boundaries of the Park that is significantly different from, or a significant expansion of, development existing as of November 1, 1985, shall be considered by the Secretary as detrimental to the values for which the Park was established.

(3) Reconstruction or expansion of a private or commercial building shall not be treated as detrimental to the Park or as an incompatible development within the meaning of this section if such reconstruction or expansion is limited to one or more of the following:

(A) Reconstruction of an existing building.

(B) Construction of attached or accessory structural additions, which do not exceed 25 per centum of the square footage of the principal structure.

(C) Construction of reasonable support development such as roads, parking facilities, water and sewage systems, and dock facilities.

[(k)] (4) For purposes of subsection (a)(2), the construction of one single family residence on Burnt Porcupine Island by the owner of the Island shall not be treated as detrimental to the scenic, historic, cultural, or other values for which the park was established if, before such construction commences, the Secretary has reviewed and approved plans for the size, location and architectural design of the structure.

(c)(1) The owners of any private property within the Park may, on the date of its acquisition by the Secretary and as a condition of such acquisition, retain for himself and his successors or assigns a right to use and occupancy for a definite term of not more than

25 years, or ending at the death of the owner, or his spouse, whichever is later. The owners shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value, of the right retained by the owner.

(2) Any such right retained pursuant to this subsection shall be subject to such terms and conditions as the Secretary may prescribe and may be terminated by the Secretary upon his determination and after reasonable notice to the owner thereof that such property is being used for any purpose which is incompatible with the administration of the Park or with the preservation of the resources therein. Such right shall terminate by operation of law upon notification to the owner by the Secretary and tendering to the owner the amount equal to the fair market value of that portion which remains unexpired.

(d)(1) In exercising his authority to acquire lands by exchange pursuant to this title, the Secretary may accept title to non-Federal property located within ~~the the~~ *the* boundary of the Park and may convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary which lies outside said boundary and depicted on the map. Properties so exchanged shall be approximately equal in value, as determined by the Secretary, except that the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the value of the properties exchanged.

(2) Federally owned property under jurisdiction of the Secretary referred to in paragraph (1) of this subsection shall be conveyed to the towns in which the property is located without encumbrance and without monetary consideration, except that no town shall be eligible to receive such lands unless lands within the Park boundary and owned by the town have been conveyed to the Secretary.

(e) Notwithstanding any other provision of this section, lands depicted on the map referenced in section 101 and identified as 10BH and 11DBH known as the "Bar Harbor Sewage Treatment Plant"; 14DBH known as the "New Park Street Ballfield"; and 15DBH known as the "Former Park Headquarters"; shall be conveyed by the Secretary, without monetary consideration, to the town of Bar Harbor, Maine, within 180 days following the enactment of this Act. The real property conveyed pursuant to this subsection shall be used and retained by the town for municipal and public purposes. Title to the properties conveyed pursuant to this subsection shall revert to the United States if such property or any portion thereof is conveyed by the town to another party or used for purposes other than those specified in this subsection.

(f) Notwithstanding any other provision of this section, land depicted on the map identified as 4dbh, located in the village of town hill, maine, shall be conveyed by the secretary without monetary consideration, to the town of bar harbor, maine, as soon as practicable following the enactment of this act, subject to such terms and conditions, including appropriate reversionary provisions, as will in the judgment of the secretary provide for the development and use of such property by any town which so desires as a solid waste transfer station in accordance with a plan that is satisfactory to the town and the secretary. the secretary shall (subject to the

availability of prior appropriations) contribute toward the cost of constructing such transfer station the lesser of—

- (1) \$350,000, or
- (2) 50 per centum of the cost of such construction.

(g) Notwithstanding any other provision of this section, the Secretary is authorized to acquire by donation or exchange lands or interests therein in the area identified on the map as “Schooner Head”, which is outside the boundary of the park. The Secretary is further authorized to acquire conservation easements on such lands by purchase with donated or appropriated funds if he determines after written notice to the owner and after providing a reasonable opportunity to comment on such notice, that the property is being developed or proposed to be developed in a manner which is significantly different from or a significant expansion of development existing as of November 1, 1955, as defined in subsection (b) of this section.

(h)(1) The Secretary is authorized to acquire conservation easements by purchase from a willing seller or by donation on parcels of land adjacent to the Park on Schoodic Peninsula, the islands of Hancock County, and the islands of Knox County east and south of the Penobscot Ship Channel, except such islands as lie within the town of Isle au Haut, Knox County. Parcels subject to conservation easements acquired or accepted by the Secretary under this subsection must possess one or more of the following characteristics:

- (A) important scenic, ecological, historic, archeological, or cultural resources;
 - (B) shorefront property; or
 - (C) largely undeveloped entire islands.
- (2) Conservation easements acquired pursuant to this subsection shall—
- (A) protect the respective scenic, ecological, historic, archeological, or cultural resources existing on the parcels;
 - (B) preserve, through setback requirements or other appropriate restrictions, the open, natural, or traditional appearance of the shorefront when viewed from the water or from other public viewpoints; or
 - (C) limit year-round and seasonal residential and commercial development to activities consistent with the preservation of the islands’ natural qualities and to traditional resource-based land use including, but not limited to, fishing, farming, silviculture, and grazing.
- (3) In determining whether to accept or acquire conservation easements pursuant to this subsection, the Secretary shall consider the following factors:
- (A) the resource protection benefits that would be provided by the conservation easement;
 - (B) the public benefit that would be provided by the conservation easement;
 - (C) the significance of the easement in relation to the land planning objectives of local government and regional and State agencies;
 - (D) the economic impact of the conservation easement on local livelihoods, activities, and government revenues; and

(E) the proximity of the parcel to the boundary of the Park and to other parcels on which the Secretary maintains conservation easements.

(4) For purposes of this subsection, the term “conservation easement” means a less-than-fee interest in land or a conservation restriction as defined in section 476 through 479-B inclusive, as amended, of title 33 of the Maine Revised Statutes of 1964, as in effect on the date of the enactment of this Act.

(5) No easement may be acquired by the Secretary under this subsection without first consulting with, and providing written notification to, the town in which the land is located and the Acadia National Park Advisory Commission established by section 103 of this title. In providing such notification, the Secretary shall indicate the manner and degree to which the easement meets the criteria provided in this subsection.

(i) Nothing in this section shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(j)(1) Notwithstanding any other provision of this section, the Secretary shall accept an offer of the following from the Jackson Laboratory (a not-for-profit corporation organized under the laws of Maine):

(A) Lands depicted on the map as 55 A ABH which are held in fee by the Jackson Laboratory.

(B) A conservation easement on lands depicted on the map identified as 55 ABH (the developed property known as “Highseas”). The easement shall prohibit subdivision of such land or any further significant development on such lands, except as permitted by the guidelines published under section 102(b)(1).

(2) Upon receipt of the lands and easement described in paragraph (1), the Secretary shall transfer to the Jackson Laboratory the lands depicted on the map as 8 DBH and 9 DBH. Any disparity in the fair market value of the lands and easement referred to in paragraph (1) and the lands described in the preceding sentence shall be equalized as provided in section 102(d)(1).

(k) *REQUIREMENTS.—Before revising the boundaries of the Park pursuant to this section or section 101(c)(2)(B), the Secretary shall—*

(1) certify that the proposed boundary revision will contribute to, and is necessary for, the proper preservation, protection, interpretation, or management of the Park;

(2) consult with the governing body of each county, city, town, or other jurisdiction with primary taxing authority over the land or interest in land to be acquired regarding the impacts of the proposed boundary revision;

(3) obtain from each property owner the land or interest in land of which is proposed to be acquired for, or lost from, the Park written consent for the proposed boundary revision; and

(4) submit to the Acadia National Park Advisory Commission established by section 103(a), the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Maine Con-

gressional Delegation a written notice of the proposed boundary revision.

(l) *LIMITATION.—The Secretary may not use the authority provided by section 100506 of title 54, United States Code, to adjust the permanent boundaries of the Park pursuant to this title.*

SEC. 103. ADVISORY COMMISSION.

(a) There is hereby established an Acadia National Park Advisory Commission (hereinafter referred to as “the Commission”). The Commission shall be composed of 16 members appointed by the Secretary as follows:

(1) 3 members at large.

(2) 3 members appointed from among individuals recommended by the Governor of Maine.

(3) 4 members, appointed from among individuals recommended by each of the four towns on the island of Mount Desert.

(4) 3 members appointed from among individuals recommended by each of the three Hancock County mainland communities of Gouldsboro, Winter Harbor, and Trenton.

(5) 3 members, appointed from among individuals recommended by each of the three island towns of Cranberry Isles, Swans Island, and Frenchboro.

(b) The terms of the Commission members shall be 3 years except that, for initial appointments under each paragraph, one member shall serve for a term of one year, and one member shall serve for a term of 2 years.

(c) The Commission shall elect its own chairman and adopt its own bylaws. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the Commission shall serve without compensation as such, except that the Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this title.

(e) The Secretary shall consult with the Commission on matters relating to the management and development of the Park, including but not limited to each of the following:

(1) The acquisition of lands and interests in lands (including conservation easements on islands).

(2) Termination of rights of use and occupancy.

[(f) The Commission established under this section shall terminate 40 years after the enactment of this Act.]

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SEC. 109. CONTINUATION OF CERTAIN TRADITIONAL USES.

In accordance with this section, the Secretary shall allow for the traditional harvesting of marine worms, clams, other shellfish, and other marine species (as defined in chapter 601 of title 12 of the Maine Revised Statutes (as in effect on the date of enactment of this section)), in accordance with the laws (including regulations and applicable judicial interpretations) of the State of Maine—

(1) *within the boundaries of the Park; and*

(2) on any land located outside of the boundaries of the Park with respect to which the Secretary has or obtains a property interest of any type pursuant to this title.

* * * * *

ACT OF FEBRUARY 26, 1919

AN ACT to establish the Lafayette National Park in the State of Maine.

* * * * *

[SEC. 3. That the Secretary of the Interior is hereby authorized, in his discretion, to accept in behalf of the United States such other property on said Mount Desert Island, including lands, easements, buildings, and moneys, as may be donated for the extension or improvement of said park.**]**

ACT OF JANUARY 19, 1929

AN ACT To provide for the extension of the boundary limits of the Lafayette National Park in the State of Maine and for change of name of said park to the Acadia National Park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That the Secretary of the Interior is authorized, in his discretion, to accept in behalf of the United States lands, easements, and buildings, as may be donated for the extension of the Lafayette National Park, lying within the bounds of Hancock County within which the park is situated, together with such islands in Knox County adjoining as lie to the east and south of the main ship channel through Penobscot Bay, which complete the archipelago of which Mount Desert Island, whereon the park is situated, forms the dominant and largest unit.]

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ACT OF AUGUST 1, 1950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That the Secretary]

SECTION 1. CONVEYANCE OF LAND IN ACADIA NATIONAL PARK.

The Secretary of the Interior, in his discretion, is hereby authorized to convey without consideration, but under such terms and conditions as he may deem advisable, to the town of Tremont, Hancock County, Maine, [for school purposes] for public purposes, subject to the conditions that use of the land shall not degrade or adversely impact the resources or values of Acadia National Park and that the land shall remain in public ownership for recreational, educational, or similar public purposes, eight and forty-five one-hundredths acres of land, more or less, situate between Marsh Creek and Marsh Road on Mount Desert Island, Hancock County, Maine, now a part of Acadia National Park.

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ADDITIONAL VIEWS

While we agree with many of the provisions in H.R. 4266, we are concerned about Section 109.

Notwithstanding the strong culture of hunting and fishing in the State of Maine, the resources of Acadia National Park belong to all Americans, not just those that live within the state.

We agree that all visitors to the Acadia Park should be able to partake in the great tradition of harvesting and fishing marine organisms. However, we are concerned that the language in Section 109 is overly broad and could lead to activities that are inconsistent with the mission of the park. Within National Park Service (NPS) units, where fishing and marine harvesting are allowed, the fisheries are jointly managed by the NPS and the state. We encourage this joint management model and believe state and federal collaboration provides effective resource protection.

RAUL M. GRIJALVA,
*Ranking Member, House
Natural Resources Com-
mittee.*

GRACE F. NAPOLITANO,
Member of Congress.

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