

## **SUBCHAPTER LXXXVII—GATEWAY NATIONAL RECREATION AREA**

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### **§ 460cc. Establishment**

In order to preserve and protect for the use and enjoyment of present and future generations an area possessing outstanding natural and recreational features, the Gateway National Recreation Area (hereinafter referred to as the "recreation area") is hereby established.

#### **(a) Composition and boundaries**

The recreation area shall comprise the following lands, waters, marshes, and submerged lands in the New York Harbor area generally depicted on the map entitled "Boundary Map, Gateway National Recreation Area," numbered 951-40017 sheets 1 through 3 and dated May, 1972:

**(1)** Jamaica Bay Unit—including all islands, marshes, hassocks, submerged lands, and waters in Jamaica Bay, Floyd Bennett Field, the lands generally located between highway route 27A and Jamaica Bay, and the area of Jamaica Bay up to the shoreline of John F. Kennedy International Airport;

**(2)** Breezy Point Unit—the entire area between the eastern boundary of Jacob Riis Park and the westernmost point of the peninsula;

**(3)** Sandy Hook Unit—the entire area between Highway 36 Bridge and the northernmost point of the peninsula;

**(4)** Staten Island Unit—including Great Kills Park, World War Veterans Park at Miller Field (except for approximately 26 acres which are to be made available for public school purposes), Fort Wadsworth, and the waterfront lands located between the streets designated as Cedar Grove Avenue, Seaside Boulevard, and Drury Avenue and the bay from Great Kills to Fort Wadsworth;

**(5)** Hoffman and Swinburne Islands; and

**(6)** All submerged lands, islands, and waters within one-fourth of a mile of the mean low water line of any waterfront area included above.

#### **(b) Boundary revisions: notification of Congressional committees; publication in Federal Register**

The map referred to in this section shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia. After advising the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate in writing, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

### **§ 460cc-1. Acquisition of property**

#### **(a) Authority of Secretary; donation of State lands**

Within the boundaries of the recreation area, the Secretary may acquire lands and waters or interests therein by donation, purchase or exchange, except that lands owned by the States of New York or New Jersey or any political subdivisions thereof may be acquired only by donation.

**(b) Transfer from Federal agency to administrative jurisdiction of Secretary**

With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the recreation area may be transferred, without consideration, to the administrative jurisdiction of the Secretary for administration as a part of the recreation area.

**(c) Breezy Point Unit; public use and access; agreement for use of lands for single-family residential community; specific provisions; Rockaway parking lot conveyance**

Within the Breezy Point Unit, (1) the Secretary shall acquire an adequate interest in the area depicted on the map referred to in section 460cc of this title to assure the public use of and access to the entire beach. The Secretary may enter into an agreement with any property owner or owners to assure the continued maintenance and use of all remaining lands in private ownership as a residential community composed of single-family dwellings. Any such agreement shall be irrevocable, unless terminated by mutual agreement, and shall specify, among other things:

**(A)** that the Secretary may designate, establish and maintain a buffer zone on Federal lands separating the public use area and the private community;

**(B)** that all construction commencing within the community, including the conversion of dwellings from seasonal to year-round residences, shall comply with standards to be established by the Secretary;

**(C)** that additional commercial establishments shall be permitted only with the express prior approval of the Secretary or his designee.

**(2)** If a valid, enforceable agreement is executed pursuant to paragraph (1) of this subsection, the authority of the Secretary to acquire any interest in the property subject to the agreement, except for the beach property, shall be suspended.

**(3)** The Secretary is authorized to accept by donation from the city of New York any right, title, or interest which it holds in the parking lot at Rockaway which is part of the Marine Bridge project at Riis Park. Nothing herein shall be deemed to authorize the United States to extinguish any present or future encumbrance or to authorize the State of New York or any political subdivision or agency thereof to further encumber any interest in the property so conveyed.

**(d) Jamaica Bay Unit; Broad Channel Community; title acceptance conditions**

Within the Jamaica Bay Unit,

**(1)** the Secretary may accept title to lands donated by the 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.

## **§ 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 sections 1, 2, 3, and 4 of this title, 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 reimbursable 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.

**(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.

### **§ 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;
- (4)** two members to be appointed from recommendations made by the mayor of Newark, New Jersey; and
- (5)** seven members to be appointed by the Secretary to represent the general public.

**(c) Chairman; vacancies**

The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

**(d) Compensation and expenses; vouchers**

A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibility under this subchapter upon vouchers signed by the Chairman.

**(e) Voting**

The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

**(f) Consultations of Secretary with members**

The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of the recreation area.

**§ 460cc-4. Authorization of appropriations; limitation; adjustments**

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter, but not more than \$12,125,000 for the acquisition of lands and interests in lands and not more than \$92,813,000 (July, 1971 prices) for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in the construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.