

Public Law 96-315
96th Congress

An Act

To provide for additional authorization for appropriations for the Tinicum National Environmental Center.

July 25, 1980
[S. 2382]

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

SECTION 1. The Act of June 30, 1972, entitled "An Act to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes" is amended—

(1) by amending section 7 to read as follows:

"SEC. 7. There are authorized to be appropriated, \$19,500,000 (of which \$8,400,000 shall be available beginning October 1, 1980) for acquisition of the Tinicum National Environmental Center, for construction of environmental educational center facilities, and for other development projects on the Center, to remain available until September 30, 1985."; and

(2) by adding at the end thereof the following new section:

"SEC. 8. The Administrator of the Environmental Protection Agency, in consultation and cooperation with the Fish and Wildlife Service, is directed to investigate potential environmental health hazards resulting from the Folcroft landfill, within the authorized boundary of the Tinicum National Environmental Center, and to develop alternative recommendations as to how such hazards, if any, might best be addressed in order to protect the refuge and the general public."

SEC. 2. (a) If—

(1) the property known as Sailors' Snug Harbor, consisting of approximately eighty acres and located in the city of New York, is donated to the Secretary of the Interior (hereinafter referred to as the "Secretary") by the city of New York; and

(2) the Secretary and the city of New York and the Snug Harbor Cultural Center, Incorporated, enter into mutually satisfactory cooperative agreements of the kind described in subsection (c) of this section, the Secretary shall manage Sailors' Snug Harbor as a National Wildlife Refuge until the completion of the study required by subsection (e) of this section.

(b) Except as may be provided for in cooperative agreements referred to in paragraph (2) of subsection (a) and in subsection (c) of this section, the property acquired under paragraph (1) of subsection (a) of this section shall be administered in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966.

(c)(1) The Secretary and the city of New York and the Snug Harbor Cultural Center, Incorporated, shall endeavor to enter into cooperative agreements regarding the respective functions each such party will undertake with respect to the property acquired under paragraph (1) of subsection (a) of this section, except that the Secretary shall only be responsible for the protection of such property and the

Tinicum National Environmental Center, appropriation authorization. 86 Stat. 391. 16 USC 668dd note. 86 Stat. 392.

Folcroft landfill, environmental hazards.

16 USC 668dd note. Sailors' Snug Harbor.

Management as National Wildlife Refuge.

16 USC 668dd note. Cooperative agreements.

costs for normal operation and maintenance of such property as a refuge.

Additional statutory authority.

(2) In addition, the Secretary may, if he deems appropriate, utilize any additional statutory authority that he may have for the conservation and development of wildlife and natural resources on such property and interpretative environmental education at such property.

Eligibility for funds.

(3) Nothing in this Act or cooperative agreements negotiated pursuant to this Act may be construed as affecting in any manner, or to any extent, the eligibility (as in effect on the day before the date of the enactment of this Act) of the city of New York, the Snug Harbor Cultural Center, Incorporated, or the State of New York, under any Federal law for funds or other assistance for use in the restoration or preservation of historic buildings, or in the carrying out of developmental and recreational projects and programs, within the area included in such property.

Fee area. 16 USC 715s.

(d) For purposes of section 401 of the Act of June 15, 1935 (commonly known as the "Refuge Revenue Sharing Act"), the property acquired under paragraph (1) of subsection (a) of this section may not be considered to be, nor treated as, a fee area within the meaning of subsection (g)(2) of such section 401.

Study.

(e) Within two years after the date of enactment of this Act, the Secretary shall complete a study of the property acquired under paragraph (1) of subsection (a) of this section to determine how the resources and facilities could best be protected and managed under other statutory authorities available to him. Notwithstanding the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) and pursuant to Reorganization Plan No. 3 of 1950, such property shall upon completion of such study, either be placed permanently in the National Wildlife Refuge System by the Secretary or transferred by the Secretary to any more appropriate agency of the Department of the Interior to be managed as, and become a part of, that agency consistent with its general statutory responsibilities. Notwithstanding the provisions of this Act, subsequent to such transfer, if any, the resources and facilities identified in the study shall be managed consistent with the findings of the study and that agency's authorized programs using the funding authorized under this section.

5 USC app.

Appropriation authorization.

(f) There are authorized to be appropriated to the Department of the Interior not to exceed \$1,750,000 for purposes of carrying out this section during the period covering fiscal years 1981, 1982, and 1983; except that no part of any funds appropriated pursuant to this section may be expended for the restoration or preservation of any building within the property acquired under paragraph (1) of subsection (a) of this section or for activities other than those enumerated in subsections (b) and (c) of this section.

Back Bay National Wildlife Refuge, vehicular access.

"Eligible applicant."

SEC. 3. (a) During any period in which the Secretary of the Interior, by regulation, limits vehicular access to Back Bay National Wildlife Refuge, the Secretary of the Interior shall issue to any eligible applicant, a renewable annual permit to enable, the applicant to commute across the Back Bay National Wildlife Refuge. For purposes of this section, the term "eligible applicant" shall include all full-time residents who can furnish to the Refuge Manager, Back Bay National Wildlife Refuge, adequate proof of residence commencing prior to December 31, 1979, on the Outer Banks from the refuge boundary south to and including the village of Corolla, North Carolina, as long as they remain full-time residents. The south boundary of the area for access consideration is defined as a straight east-west line extending

from Currituck Sound to the Atlantic Ocean and passing through a point one thousand and six hundred feet due south of the Currituck Lighthouse.

(b) As used in this section, the terms—

(1) "residence" means a place of general abode;

(2) "place of general abode" means a principal, actual dwelling place in fact, without regard to intent; and

(3) "dwelling" means a residential structure occupied on year-round basis by the permit applicant and shall not include seasonal or part-time dwelling units such as beach houses, vacation cabins, or structures which are intermittently occupied.

(c) Any permit issued pursuant to this section shall assure that eligible applicants shall be allowed at least two round trips per day. Travel pursuant to such permits may be restricted to between the hours of 5:00 a.m. and 12:00 p.m. (midnight). In addition the Refuge Manager may make exceptions to access restrictions for qualified permittees who have demonstrated to the satisfaction of the Refuge Manager a need for additional access relating to health or livelihood.

(d) Permits pursuant to this section shall be renewed upon the submission of a signed, notarized statement by an eligible applicant that conditions of the previous permit have not changed.

(e) The Secretary of the Interior, may, subject to the foregoing provisions of this section, issue such regulations as are necessary to protect the resources of the refuge.

Approved July 25, 1980.

Definitions.

Permit renewal.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-890 accompanying H.R. 5679 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 96-675 (Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 126 (1980):

May 6, considered and passed Senate.

May 19, H.R. 5679 considered and passed House; passage vacated and S. 2382, amended, passed in lieu.

July 2, Senate concurred in House amendment with amendments; House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 31:

July 26, Presidential statement.