

Calendar No. 538

115TH CONGRESS
2D SESSION**S. 2102**

To clarify the boundary of Acadia National Park, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 2017

Mr. KING (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JULY 30, 2018

Reported by Ms. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To clarify the boundary of Acadia National Park, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. ACADIA NATIONAL PARK BOUNDARY CLARIFICA-**
 2 **TION.**

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

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

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

9 (2) in the second sentence—

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

12 “(c) AVAILABILITY AND REVISIONS OF MAPS.—

13 “(1) AVAILABILITY.—The map, together with
 14 the map described in subsection (b)(1) and any re-
 15 vised boundary map published under paragraph (2),
 16 if applicable, shall be—

17 “(A) on file”; and

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

21 “(B) made”;

22 (3) by inserting after subsection (a) (as des-
 23 ignated by paragraph (1)) the following:

24 “(b) SCHOODIC PENINSULA ADDITION.—

25 “(1) IN GENERAL.—The boundary of the Park
 26 is confirmed to include approximately 1,441 acres of

1 land and interests in land, as depicted on the map
2 entitled ‘Acadia National Park, Hancock County,
3 Maine, Schoodie Peninsula Boundary Revision’,
4 numbered 123/129102, and dated July 10, 2015.

5 “(2) RATIFICATION AND APPROVAL OF ACQUI-
6 TIONS OF LAND.—Congress ratifies and approves—

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

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

18 (4) in subsection (c) (as designated by para-
19 graph (2)(A)); by adding at the end the following:

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

1 “(A) such technical boundary revisions as
2 the Secretary determines to be appropriate to
3 the permanent boundaries of the Park (includ-
4 ing any property of the Park located within the
5 Schoodie Peninsula and Isle Au Haut districts)
6 to resolve issues resulting from causes such as
7 survey error or changed road alignments; and

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

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

21 “(ii) all such boundary revisions, con-
22 sidered collectively with any technical
23 boundary revisions made pursuant to sub-
24 paragraph (A), do not increase the size of
25 the Park by more than a total of 100

1 acres, as compared to the size of the Park
2 on the date of enactment of this para-
3 graph.”.

4 **SEC. 3. LIMITATION ON ACQUISITIONS OF LAND FOR ACA-**
5 **DIA NATIONAL PARK.**

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

8 (1) in subsection (a), in the matter preceding
9 paragraph (1), by striking “of the Interior (herein-
10 after in this title referred to as ‘the Secretary’)”;

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

13 (3) in subsection (k)—

14 (A) by redesignating the subsection as
15 paragraph (4) and indenting the paragraph ap-
16 propriately; and

17 (B) by moving the paragraph so as to ap-
18 pear at the end of subsection (b); and

19 (4) by adding at the end the following:

20 “(k) REQUIREMENTS.—Before revising the bound-
21 aries of the Park pursuant to this section or section
22 101(e)(2)(B), the Secretary shall—

23 “(1) certify that the proposed boundary revision
24 will contribute to, and is necessary for, the proper

1 preservation, protection, interpretation, or manage-
 2 ment of the Park;

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

8 “(3) obtain from each property owner the land
 9 or interest in land of which is proposed to be ac-
 10 quired for, or lost from, the Park written consent for
 11 the proposed boundary revision; and

12 “(4) submit to the Acadia National Park Advi-
 13 sory Commission established by section 103(a), the
 14 Committee on Natural Resources of the House of
 15 Representatives, the Committee on Energy and Nat-
 16 ural Resources of the Senate, and the Maine Con-
 17 gressional Delegation a written notice of the pro-
 18 posed boundary revision.

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

23 **SEC. 4. SOLID WASTE MANAGEMENT.**

24 Section 102(f) of Public Law 99-420 (16 U.S.C. 341
 25 note) is amended, in the second sentence, by striking “to-

1 ward the cost of constructing” through the period at the
 2 end of the sentence and inserting the following: “\$350,000
 3 to a regional consortium composed of units of local govern-
 4 ment located on, or in the vicinity of, Mount Desert Is-
 5 land, Maine, that is established for the purpose of improv-
 6 ing the management of the disposal and recycling of solid
 7 waste.”.

8 **SEC. 5. ACADIA NATIONAL PARK ADVISORY COMMISSION.**

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

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

16 **SEC. 6. REPEAL OF CERTAIN PROVISIONS RELATING TO**
 17 **ACADIA NATIONAL PARK.**

18 The following are repealed:

19 (1) Section 3 of the Act of February 26, 1919
 20 (40 Stat. 1178, chapter 45).

21 (2) The first section of the Act of January 19,
 22 1929 (45 Stat. 1083, chapter 77).

23 **SEC. 7. MODIFICATION OF USE RESTRICTION.**

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

1 (1) by striking “That the Secretary” and in-
2 serting the following:

3 **“SECTION 1. CONVEYANCE OF LAND IN ACADIA NATIONAL**
4 **PARK.**

5 “The Secretary”; and

6 (2) by striking “for school purposes” and in-
7 serting “for public purposes, subject to the condi-
8 tions that use of the land shall not degrade or ad-
9 versely impact the resources or values of Acadia Na-
10 tional Park and that the land shall remain in public
11 ownership for recreational, educational, or similar
12 public purposes”.

13 **SEC. 8. CONTINUATION OF CERTAIN TRADITIONAL USES.**

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

16 **“SEC. 109. CONTINUATION OF CERTAIN TRADITIONAL USES.**

17 “In accordance with this section, the Secretary shall
18 allow for the traditional harvesting of marine worms,
19 clams, other shellfish, and other marine species (as defined
20 in chapter 601 of title 12 of the Maine Revised Statutes
21 (as in effect on the date of enactment of this section));
22 in accordance with the laws (including regulations and ap-
23 plicable judicial interpretations) of the State of Maine—

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

1 “(2) on any land located outside of the bound-
 2 aries of the Park with respect to which the Secretary
 3 has or obtains a property interest of any type pursu-
 4 ant to this title.”.

5 **SEC. 9. CONVEYANCE OF CERTAIN LAND IN ACADIA NA-**
 6 **TIONAL PARK TO THE TOWN OF BAR HAR-**
 7 **BOR, MAINE.**

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

14 (b) **REVERSION.**—If the land conveyed under sub-
 15 section (a) is used for a purpose other than the purpose
 16 described in that subsection, the land shall, at the discre-
 17 tion of the Secretary, revert to the United States.

18 **SECTION 1. SHORT TITLE.**

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

21 **SEC. 2. ACADIA NATIONAL PARK BOUNDARY CLARIFICA-**
 22 **TION.**

23 *Section 101 of Public Law 99–420 (16 U.S.C. 341*
 24 *note) is amended—*

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

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

5 (2) *in the second sentence—*

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

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

9 (1) *AVAILABILITY.—The map, together with the*
 10 *map described in subsection (b)(1) and any revised*
 11 *boundary map published under paragraph (2), if ap-*
 12 *plicable, shall be—*

13 (A) *on file”; and*

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

17 “(B) *made”;*

18 (3) *by inserting after subsection (a) (as des-*
 19 *ignated by paragraph (1)) the following:*

20 “(b) *SCHOODIC PENINSULA ADDITION.—*

21 (1) *IN GENERAL.—The boundary of the Park is*
 22 *confirmed to include approximately 1,441 acres of*
 23 *land and interests in land, as depicted on the map*
 24 *entitled ‘Acadia National Park, Hancock County,*

1 *Maine, Schoodic Peninsula Boundary Revision*,
2 *numbered 123/129102, and dated July 10, 2015.*

3 “(2) *RATIFICATION AND APPROVAL OF ACQUISI-*
4 *TIONS OF LAND.*—Congress ratifies and approves—

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

9 “(B) *effective as of the date on which the al-*
10 *teration occurred, any alteration of the land or*
11 *interests in the land described in paragraph (1)*
12 *that is held or claimed by the United States (in-*
13 *cluding conversion of the land to fee simple in-*
14 *terest) that occurred after the date described in*
15 *subparagraph (A).”;* and

16 (4) *in subsection (c) (as designated by para-*
17 *graph (2)(A)), by adding at the end the following:*

18 “(2) *TECHNICAL AND LIMITED REVISIONS.*—Sub-
19 *ject to section 102(k), notwithstanding any other pro-*
20 *vision of this section, the Secretary of the Interior (re-*
21 *ferred to in this title as the ‘Secretary’), by publica-*
22 *tion in the Federal Register of a revised boundary*
23 *map or other description, may make—*

24 “(A) *such technical boundary revisions as*
25 *the Secretary determines to be appropriate to the*

1 *permanent boundaries of the Park (including*
2 *any property of the Park located within the*
3 *Schoodic Peninsula and Isle Au Haut districts)*
4 *to resolve issues resulting from causes such as*
5 *survey error or changed road alignments; and*

6 *“(B) such limited boundary revisions as the*
7 *Secretary determines to be appropriate to the*
8 *permanent boundaries of the Park to take into*
9 *account acquisitions or losses, by exchange, dona-*
10 *tion, or purchase from willing sellers using do-*
11 *nated or appropriated funds, of land adjacent to*
12 *or within the Park, respectively, in any case in*
13 *which the total acreage of the land to be so ac-*
14 *quired or lost is less than 10 acres, subject to the*
15 *condition that—*

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

19 *“(ii) all such boundary revisions, con-*
20 *sidered collectively with any technical*
21 *boundary revisions made pursuant to sub-*
22 *paragraph (A), do not increase the size of*
23 *the Park by more than a total of 100 acres,*
24 *as compared to the size of the Park on the*
25 *date of enactment of this paragraph.”.*

1 **SEC. 3. LIMITATION ON ACQUISITIONS OF LAND FOR ACA-**
 2 **DIA NATIONAL PARK.**

3 *Section 102 of Public Law 99-420 (16 U.S.C. 341*
 4 *note) is amended—*

5 *(1) in subsection (a), in the matter preceding*
 6 *paragraph (1), by striking “of the Interior (herein-*
 7 *after in this title referred to as ‘the Secretary’)”;*

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

10 *(3) in subsection (k)—*

11 *(A) by redesignating the subsection as para-*
 12 *graph (4) and indenting the paragraph appro-*
 13 *priately; and*

14 *(B) by moving the paragraph so as to ap-*
 15 *pear at the end of subsection (b); and*

16 *(4) by adding at the end the following:*

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

20 *“(1) certify that the proposed boundary revision*
 21 *will contribute to, and is necessary for, the proper*
 22 *preservation, protection, interpretation, or manage-*
 23 *ment of the Park;*

24 *“(2) consult with the governing body of each*
 25 *county, city, town, or other jurisdiction with primary*
 26 *taxing authority over the land or interest in land to*

1 *be acquired regarding the impacts of the proposed*
2 *boundary revision;*

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

7 *“(4) submit to the Acadia National Park Advi-*
8 *sory Commission established by section 103(a), the*
9 *Committee on Natural Resources of the House of Rep-*
10 *resentatives, the Committee on Energy and Natural*
11 *Resources of the Senate, and the Maine Congressional*
12 *Delegation a written notice of the proposed boundary*
13 *revision.*

14 *“(l) LIMITATION.—The Secretary may not use the au-*
15 *thority provided by section 100506 of title 54, United States*
16 *Code, to adjust the permanent boundaries of the Park pur-*
17 *suant to this title.”.*

18 **SEC. 4. ACADIA NATIONAL PARK ADVISORY COMMISSION.**

19 *(a) IN GENERAL.—The Secretary shall reestablish and*
20 *appoint members to the Acadia National Park Advisory*
21 *Commission in accordance with section 103 of Public Law*
22 *99–420 (16 U.S.C. 341 note).*

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

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

3 *The following are repealed:*

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

6 (2) *The first section of the Act of January 19,*
 7 *1929 (45 Stat. 1083, chapter 77).*

8 **SEC. 6. MODIFICATION OF USE RESTRICTION.**

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

11 (1) *by striking “That the Secretary” and insert-*
 12 *ing the following:*

13 **“SECTION 1. CONVEYANCE OF LAND IN ACADIA NATIONAL**
 14 **PARK.**

15 *“The Secretary”; and*

16 (2) *by striking “for school purposes” and insert-*
 17 *ing “for public purposes, subject to the conditions that*
 18 *use of the land shall not degrade or adversely impact*
 19 *the resources or values of Acadia National Park and*
 20 *that the land shall remain in public ownership for*
 21 *recreational, educational, or similar public purposes”.*

22 **SEC. 7. CONTINUATION OF CERTAIN TRADITIONAL USES.**

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

25 **“SEC. 109. CONTINUATION OF CERTAIN TRADITIONAL USES.**

26 *“(a) DEFINITIONS.—In this section:*

1 “(1) *LAND WITHIN THE PARK.*—*The term ‘land*
 2 *within the Park’ means land owned or controlled by*
 3 *the United States—*

4 “(A) *that is within the boundary of the*
 5 *Park established by section 101; or*

6 “(B)(i) *that is outside the boundary of the*
 7 *Park; and*

8 “(i) *in which the Secretary has acquired a*
 9 *property interest or conservation easement pur-*
 10 *suant to this title.*

11 “(2) *MARINE SPECIES; MARINE WORM; SHELL-*
 12 *FISH.*—*The terms ‘marine species’, ‘marine worm’,*
 13 *and ‘shellfish’ have the meanings given those terms in*
 14 *section 6001 of title 12 of the Maine Revised Statutes*
 15 *(as in effect on the date of enactment of this section).*

16 “(3) *STATE LAW.*—*The term ‘State law’ means*
 17 *the law (including regulations) of the State of Maine,*
 18 *including the common law.*

19 “(4) *TAKING.*—*The term ‘taking’ means the re-*
 20 *moval or attempted removal of a marine species, ma-*
 21 *rine worm, or shellfish from the natural habitat of the*
 22 *marine species, marine worm, or shellfish.*

23 “(b) *CONTINUATION OF TRADITIONAL USES.*—*The Sec-*
 24 *retary shall allow for the traditional taking of marine spe-*
 25 *cies, marine worms, and shellfish, on land within the Park*

1 *between the mean high watermark and the mean low water-*
2 *mark in accordance with State law.”.*

3 **SEC. 8. CONVEYANCE OF CERTAIN LAND IN ACADIA NA-**
4 **TIONAL PARK TO THE TOWN OF BAR HARBOR,**
5 **MAINE.**

6 (a) *IN GENERAL.*—*The Secretary shall convey to the*
7 *Town of Bar Harbor all right, title, and interest of the*
8 *United States in and to the .29-acre parcel of land in Aca-*
9 *dia National Park identified as lot 110–055–000 on the tax*
10 *map of the Town of Bar Harbor for section 110, dated April*
11 *1, 2015, to be used for a solid waste transfer facility.*

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

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