

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 2102

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. ACADIA NATIONAL PARK BOUNDARY CLARIFICA-**
7 **TION.**

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

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

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

3 (2) in the second sentence—

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

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

7 “(1) AVAILABILITY.—The map, together with
8 the map described in subsection (b)(1) and any re-
9 vised boundary map published under paragraph (2),
10 if applicable, shall be—

11 “(A) on file”; and

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

15 “(B) made”;

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

18 “(b) SCHOODIC PENINSULA ADDITION.—

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

1 “(2) RATIFICATION AND APPROVAL OF ACQUI-
2 SIONS OF LAND.—Congress ratifies and approves—

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

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

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

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

22 “(A) such technical boundary revisions as
23 the Secretary determines to be appropriate to
24 the permanent boundaries of the Park (includ-
25 ing any property of the Park located within the

1 Schoodic Peninsula and Isle Au Haut districts)
2 to resolve issues resulting from causes such as
3 survey error or changed road alignments; and

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

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

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

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,
9 by striking “the the” and inserting “the”;

10 (3) in subsection (k)—

11 (A) by redesignating the subsection as
12 paragraph (4) and indenting the paragraph ap-
13 propriately; 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 bound-
18 aries of the Park pursuant to this section or section
19 101(c)(2)(B), 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 ac-
5 quired for, or lost from, the Park written consent for
6 the proposed 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
10 Representatives, the Committee on Energy and Nat-
11 ural Resources of the Senate, and the Maine Con-
12 gressional Delegation a written notice of the pro-
13 posed boundary revision.

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

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

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

23 (b) CONFORMING AMENDMENT.—Section 103 of
24 Public Law 99–420 (16 U.S.C. 341 note) is amended by
25 striking 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
5 (40 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
10 511), is amended—

11 (1) by striking “That the Secretary” and in-
12 sserting 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 in-
17 sserting “for public purposes, subject to the condi-
18 tions that use of the land shall not degrade or ad-
19 versely impact the resources or values of Acadia Na-
20 tional Park and that the land shall remain in public
21 ownership for recreational, educational, or similar
22 public purposes”.

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

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

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

2 “(a) DEFINITIONS.—In this section:

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

6 “(A) that is within the boundary of the
7 Park established by section 101; or

8 “(B)(i) that is outside the boundary of the
9 Park; and

10 “(ii) in which the Secretary has acquired a
11 property interest or conservation easement pur-
12 suant to this title.

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

19 “(3) STATE LAW.—The term ‘State law’ means
20 the law (including regulations) of the State of
21 Maine, including the common law.

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

1 “(b) CONTINUATION OF TRADITIONAL USES.—The
2 Secretary shall allow for the traditional taking of marine
3 species, marine worms, and shellfish, on land within the
4 Park between the mean high watermark and the mean low
5 watermark in accordance with State law.”.

6 **SEC. 8. CONVEYANCE OF CERTAIN LAND IN ACADIA NA-**
7 **TIONAL PARK TO THE TOWN OF BAR HAR-**
8 **BOR, MAINE.**

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

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