

94TH CONGRESS
1ST SESSION

H. R. 10307

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 22, 1975

Mr. STUDDS introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To establish the Nantucket Sound Islands Trust in the Commonwealth of Massachusetts, to declare certain national policies essential to the preservation and conservation of the lands and waters in the trust area, 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,*

FINDINGS AND STATEMENTS OF POLICY

4 SECTION 1. The Congress finds and declares—

5 (a) that the Nantucket Sound Islands in the
6 Commonwealth of Massachusetts, known generally as
7 the Islands of Nantucket, Tuckernuck, Muskeget,
8 Martha's Vineyard, Noman's Land, and the group of is-

1 lands known collectively as the Elizabeth Islands, possess
2 unique natural, scenic, marine, ecological, scientific, cul-
3 tural, historic, and other values and resources;

4 (b) that there is a national interest in preserving,
5 conserving and enhancing these unique values and re-
6 sources for the present and future well-being of the Na-
7 tion and for present and future generations;

8 (c) that in some portions of the Nantucket Sound
9 Islands these unique values and resources are being
10 irretrievably damaged and lost through growth pressures
11 leading to ill-planned development, and that such de-
12 velopment threatens heretofore successful local govern-
13 ment and private voluntary preservation, conservation
14 and planning efforts;

15 (d) that the growth pressures resulting in the rapid
16 and ill-planned development in some portions of the is-
17 lands are partially the result of the use of the islands
18 by citizens of many States and regions of the United
19 States;

20 (e) that the present State, regional and local pow-
21 ers and authorities for controlling land and water uses
22 are inadequate to insure the prudent use of resources and
23 the preservation, conservation and enhancement of the
24 values and resources of the said islands, and it is in the
25 national interest to establish a new system to assist the

1 Commonwealth of Massachusetts, regional agencies, and
2 local governments to preserve and manage the values
3 and resources of the islands;

4 (f) that the key to more effective preservation and
5 conservation of the unique values and resources of the
6 Nantucket Sound Islands is a program encouraging co-
7 ordinated action by the Federal and State Governments,
8 acting in trust, to assist local governments (in partner-
9 ship with private individuals, groups, organizations, and
10 associations) to administer sound acquisition and man-
11 agement policies regulating and guiding development
12 on the Nantucket Sound Islands;

13 (g) that such a new system for the protection and
14 management of the values and resources of the islands
15 requires the establishment by the Commonwealth of
16 Massachusetts of local commissions as operational en-
17 tities to give effect to the trust relationship;

18 (h) that such a program can protect and enhance
19 the natural character and cultural and historic heritage
20 of the Nantucket Sound Islands consistently with the
21 maintenance of sound local economies, private property
22 values, and efficient public services, thus preserving and
23 conserving unique values and resources of the islands;

24 and

1 (i) that because expanded access to the said islands
2 would seriously impair their unique values and resources
3 and contravene the purposes of this Act, it shall be na-
4 tional policy that no bridge, causeway, tunnel or other
5 direct vehicular access be constructed from the mainland
6 to the islands.

7 NANTUCKET SOUND ISLANDS TRUST

8 SEC. 2. (a) In order to protect the national interest in
9 the preservation and conservation of the unique natural,
10 scenic, ecological, scientific, cultural, historic, and other
11 values and resources of the Nantucket Sound Islands, there is
12 established in the Commonwealth of Massachusetts the Nan-
13 tucket Sound Islands Trust (hereinafter referred to as the
14 "trust"), comprising the area described in section 3 herein.

15 (b) Pursuant to the said trust relationship, the Secre-
16 tary of the Interior (the "Secretary") shall be responsible
17 for the following:

18 (i) approval of the commissions, as established by
19 the Governor of the Commonwealth of Massachusetts
20 (the "Governor") pursuant to section 4 of this Act;

21 (ii) distribution of appropriations under this Act to
22 said commissions for the development of land use con-
23 trol plans and for the costs of the implementation and en-
24 forcement of such plans by the commissions;

25 (iii) approval of any land use control plans adopted

1 by the respective commissions under this Act, and of
2 any revisions to any such plans to the extent that any
3 such revisions substantially affect the expenditure of
4 funds granted pursuant to section 11 herein or the
5 land classifications established pursuant to section 5
6 herein; and

7 (iv) enforcement of the land use control plans of
8 the commissions and of the policies and guidelines of this
9 Act, including the making of recommendations to the
10 Department of Justice or other appropriate agency that
11 legal proceedings be brought for enforcement of the
12 policies of the Act with respect to any private or govern-
13 mental violation of the policies of the Act or of plans and
14 regulations issued pursuant thereto.

15 (c) Pursuant to the trust relationship, and in considera-
16 tion of the funds received in relation thereto, the individual
17 commissions shall be responsible for the following:

18 (i) the development and adoption of land use
19 control plans as authorized and described in section 5
20 herein;

21 (ii) the administration and implementation of said
22 plans; and

23 (iii) the monitoring of said administration and
24 implementation.

25 (d) The administration of the trust relationship by the

1 commissions shall at all times be consistent with the policies
2 of this Act, to wit: to conserve and protect the unique values
3 and resources of the trust area in a manner designed to en-
4 courage prudent stewardship of land and water resources
5 while being responsive to the need to maintain sound local
6 economies and efficient public services.

7 (e) The commissions may take such actions, adopt such
8 procedures, and assume such powers as are reasonably nec-
9 essary to carry out this Act including the following:

10 (i) be designated by any State or Federal agency
11 to participate in or receive funds and technical assistance
12 from any State or Federal programs, especially as those
13 programs relate to environmental protection, conserva-
14 tion, land use planning, water and air quality control,
15 economic development, transportation or the develop-
16 ment of regionwide public services;

17 (ii) receive for the purposes of this Act any funds
18 or moneys from any source, including grants, bequests,
19 gifts, fees, or contributions made by any individuals,
20 association, corporations, or by municipal, county, State,
21 or Federal governments;

22 (iii) authorize debt by a majority vote of the
23 commission in anticipation of revenue to an amount not
24 in excess of that to be received during the current fiscal
25 year from all Federal, State, county, and local sources;

1 (iv) transfer moneys from its accounts to the ac-
2 counts of a municipal agency in reimbursement of such
3 costs, where the imposition of a regulation promulgated
4 by a commission imposes costs on a municipal agency;
5 (v) purchase or accept gifts of land or interests in
6 land, or accept grants, bequests, gifts, or contributions
7 for the purpose of acquiring land or interests in land;
8 (vi) sue and be sued; and
9 (vii) assume the duties, powers and responsibilities
10 given it by action of State, local, or county government,
11 provided that they are not inconsistent with the functions
12 of the commissions under this Act.

13 SEC. 3. (a) The area comprising the trust shall encom-
14 pass the lands and waters in the counties of Dukes and
15 Nantucket in the Commonwealth of Massachusetts.

16 (b) **NOMAN'S LAND.**—The lands and waters of No-
17 man's Land Island are hereby declared part of the National
18 Wildlife Refuge System and the Secretary is directed to
19 prepare and execute forthwith the necessary documentation
20 to give effect to such declaration. The Secretary and the
21 Secretary of Defense shall, within twelve months after the
22 date of enactment of this Act, survey Noman's Land Island
23 and the surrounding waters for unexplored military ordnance
24 and render such ordnance, wherever it may be found, harm-
25 less; and thereafter, Noman's Land Island shall be admin-

1 istered pursuant to the National Wildlife Refuge System
2 Administration Act (16 U.S.C. 668dd).

3 NANTUCKET SOUND ISLAND TRUST COMMISSIONS

4 SEC. 4. (a) Within three months after the date of en-
5 actment of this Act, the Governor shall establish trust com-
6 missions which shall be known collectively as the Nantucket
7 Sound Islands Trust Commissions (hereinafter the "com-
8 missions") and individually as the Nantucket Trust Commis-
9 sion, the Martha's Vineyard Trust Commission, and the
10 Elizabeth Islands Trust Commission. After any commission
11 has been established pursuant to this Act, it shall have the
12 responsibilities specified in this Act for that portion of the
13 trust area assigned to it.

14 (b) NANTUCKET TRUST COMMISSION.—The Nantucket
15 Trust Commission shall have the responsibilities as established
16 herein over the lands and waters in Nantucket County, and
17 shall consist of eleven members nominated by the Governor
18 and approved by the Secretary. The members shall serve
19 three-year staggered terms which shall commence on the first
20 Monday in April. Members shall be nominated and approved
21 as follows:

- 22 (1) one member recommended by the Governor;
23 (2) two members recommended by the Board of
24 Selectmen of the Town of Nantucket, who shall be mem-
25 bers of the Board of Selectmen;

1 (3) two members recommended by the Board of
 2 Selectmen of the Town of Nantucket within two weeks
 3 after the annual town meetings, who shall be seasonal
 4 resident property owners;

5 (4) two members who shall be qualified voters of
 6 the town and who shall be elected at the annual election
 7 which is a part of the annual town meeting;

8 (5) four members, one each recommended by the
 9 Nantucket Planning Board, the Nantucket Conservation
 10 Commission, the Nantucket Historic Districts Commis-
 11 sion, and the Nantucket Housing Authority, within two
 12 weeks after the annual town meeting, each of whom shall
 13 be a qualified voter of said town.

14 (c) MARTHA'S VINEYARD TRUST COMMISSION.—The
 15 Martha's Vineyard Trust Commission shall have the respon-
 16 sibilities as established herein over the lands and waters in
 17 Dukes County, excepting the Elizabeth Islands, and shall
 18 consist of twenty-one members nominated by the Governor
 19 and approved by the Secretary, twelve of whom shall be
 20 appointed and nine elected. The members shall serve two-
 21 year staggered terms which shall commence on January 1 of
 22 each year. Members shall be nominated and/or elected as
 23 follows:

24 (1) one member recommended by the Governor;

1 (2) one member recommended by the board of
2 selectmen of each town on Martha's Vineyard, who may
3 be a selectman, a member of a planning board, or of any
4 other municipal agency, board, department, or office of
5 that town;

6 (3) one member recommended by the Dukes
7 County commissioners, who may be a Dukes County
8 commissioner;

9 (4) nine members elected at large in an island-
10 wide election, with not less than one member nor more
11 than two members to be elected from any one town on
12 Martha's Vineyard; elections held subsequent to the
13 initial election of members shall be held concurrent with
14 the biannual elections for State and county offices; and

15 (5) four members whose principal residence is
16 not on Martha's Vineyard but who are seasonal resi-
17 dents, who shall be recommended by the Governor:
18 *Provided*, That such members shall have voice but no
19 vote in deciding matters before the commission.

20 (d) ELIZABETH ISLANDS TRUST COMMISSION.—The
21 Elizabeth Islands Trust Commission shall have the responsi-
22 bilities as established herein over the lands and waters of
23 the Elizabeth Islands, and shall be composed of six members
24 nominated by the Governor and approved by the Secretary.
25 The members shall serve three-year staggered terms which

1 shall commence on the first Monday in April. Members
2 shall be nominated and or elected as follows:

3 (1) one member recommended by the Governor;

4 (2) one member elected at the annual election
5 which is a part of the annual town meeting;

6 (3) two members recommended by the board of
7 selectmen to represent the Island of cuttyhunk, one of
8 whom shall be a permanent resident of Cuttyhunk and
9 one of whom shall be a seasonal resident of Cuttyhunk;

10 and

11 (4) two members appointed by the board of se-
12 lectmen to represent the other islands in the Elizabeth
13 Islands, one of whom shall be a permanent resident of
14 one of such other islands, and one of whom shall be a
15 seasonal resident of one of such other islands.

16 (e) Each commission shall elect from its members at
17 lease the following officers: Chairman, vice chairman, and
18 clerk-treasurer.

19 (f) Pursuant to subsection (a) of this section, the Gov-
20 ernor may establish the Martha's Vineyard Commission, es-
21 tablished by Chapter 637 of the Acts and Resolves of
22 1974 of the Massachusetts Legislature, as amended, as the
23 Martha's Vineyard Trust Commission in lieu of the commis-
24 sion otherwise to be established pursuant to subsection (c)
25 of this section.

1 PREPARATION OF LAND USE CONTROL PLANS

2 SEC. 5. (a) Each commission shall, within six months
3 of its formation, develop a land use control plan to govern the
4 preservation, conservation, and enhancement of the unique
5 values of the trust area, the use and development of lands
6 and waters within the trust area, and the provision of efficient
7 public services, where appropriate, within the trust area.

8 A land use control plan shall consist of three parts:

9 (i) part I: such maps, text and statements of gen-
10 eral policies and specific implementation programs as
11 each commission shall deem necessary to carry out the
12 policies of this Act;

13 (ii) part II: the assignment of lands and waters
14 within the trust area, except as may be excluded by spe-
15 cific provisions of this Act, to one of the classifications
16 designated in subsection (b) of this section; and

17 (iii) part III: regulations which shall apply to the
18 preservation, conservation, use and development of lands
19 within each classification.

20 (b) Lands and waters within the trust area shall be
21 assigned by each commission to one of the following classi-
22 fications as part of the land use control plan:

23 (1) OPEN LANDS.—Lands and waters so classified
24 shall remain forever free of improvements, as defined

1 hereinafter, of any kind except as provided herein. If
2 improvements exist on any lands so classified on the date
3 of enactment of this Act, then there shall be permitted
4 a right of use and occupancy to the legal or beneficial
5 owner or owners thereof, or their successors or assigns,
6 for so long as such successors or assigns are members of
7 the same family or families as the legal or beneficial
8 owner or owners. If, however, the legal or beneficial
9 owner or owners seek to sell or otherwise convey the im-
10 provement with or without the land thereunder to others
11 than legal or beneficial owners or members of the same
12 family or families as the legal or beneficial owners or
13 owners, then the commissions shall have an exclusive
14 option to purchase said improvement with or without
15 the land thereunder at full and fair market value, which
16 shall be promptly determined, and such option shall exist
17 for sixty days after such determination. If such option
18 is exercised, then the land acquired shall be held by the
19 commissions in trust for the Secretary, and administered
20 pursuant to the land use control plan, and if such option
21 is not exercised, then the sale or other conveyance may
22 proceed in the ordinary course. For the purposes of this
23 paragraph, family shall mean siblings of a legal or bene-
24 ficial owner or owners, lineal descendants natural or

1 adopted, or relatives by marriage. Any substantial
2 change in access to and/or use of lands classified as
3 Open Lands must be approved by the commissions if
4 such change is substantially contrary to a respective land
5 use control plan.

6 (2) RESOURCE MANAGEMENT LANDS.—Lands and
7 waters so classified shall not be developed beyond their
8 present intensity of use except as provided in this para-
9 graph. Owners of such lands, or of improvements there-
10 on, or of both, may transfer, sell, assign, or demise such
11 land or improvements, or both. Reasonable replacement
12 and extension of improvements shall be permitted, under
13 the regulations approved and/or issued by the commis-
14 sions. Development on lands so classified beyond their
15 present intensity of use shall be permitted only under
16 regulations approved and/or issued by the commissions,
17 which shall be consistent with the following policies:

18 (i) the overall intensity must take into account
19 the capability of the land for such development,
20 which shall include consideration of existing land
21 use, intensity and types of uses in the immediate
22 vicinity, areawide water quality and quantity, soil
23 conditions, roadway utilization, and visual and
24 topographic conditions;

25 (ii) overall intensity regulations shall not

1 create uniform lot sizes and shall be defined and
2 applied with flexibility to encourage sound land
3 use planning respecting the varying natural values
4 of the different geographical areas of land; and

5 (iii) the area upon which intensity is cal-
6 culated shall not include bodies of water or wetlands
7 classified as such under Massachusetts Wetlands
8 Protection Act (131 M.G.L.40).

9 Said regulations shall be adopted only after

10 (i) public hearing or hearings and (ii) approval
11 by the Secretary of the relevant portions of the land
12 use control plan. The Secretary shall indicate his ap-
13 proval or suggested modifications to such regulations of
14 each commission within 90 days of receipt. After the
15 Secretary has given his final approval of the relevant
16 portions of the land use control plan of the respective
17 commissions, construction of improvements on the lands
18 or in the waters classified as Resource Management
19 Lands within the jurisdiction of each commission may
20 thereafter be permitted only upon the granting of a
21 permit therefor by each commission acting pursuant to
22 its regulations: *Provided*, That such a permit may be
23 granted only if all other necessary local and State
24 approval have been received.

1 (3) CLASS C: TOWN ZONED LANDS.—Lands and
2 waters so classified shall remain under the jurisdiction
3 of the town in which located for purposes of planning
4 and zoning ordinances and other land use regulations:
5 *Provided*, That such planning and zoning ordinances
6 and other land use regulations shall be reviewed and
7 commented upon by the commissions as to consistency
8 with the purposes of this Act prior to the adoption
9 of such ordinances or regulations or amendments
10 thereto: *And provided further*, That the commissions
11 may review and comment upon the variances and special
12 permits proposed to be granted pursuant to any local
13 zoning ordinance.

14 (c) The land use control plan adopted by each commis-
15 sion shall be consistent with the policies, objectives, and
16 guidelines contained in this Act, and shall include, but not
17 be limited to, the following components which shall be con-
18 tained in part I of the plan:

19 (1) a program for the preservation of significant,
20 natural, scenic, ecological, scientific, cultural, marine, or
21 historical resources, including areas which, because of
22 their local, regional, or other importance, should be pre-
23 served in their natural state (such lands may include, but
24 need not be limited to, lands assigned by the commissions
25 to the "Open Land" classification under this Act). This

1 program may include regulation of uses of land and water
2 pursuant to the constitutional authority of the State;
3 other noncompensatory land use regulations which may
4 be appropriate; compensatory land use regulations; tax
5 incentives and payments in lieu of taxes; acquisition of
6 the fee title or of lesser interests in lands and/or waters;
7 or any combination of land use control methods which
8 best meets the purposes and policies of this Act;

9 (2) a program for the development of public recre-
10 ational facilities;

11 (3) a program and regulations for the preservation
12 of beaches and for the development of public access to
13 beaches and passages along them;

14 (4) a transportation program including regulations
15 for and a review of all existing public and private access
16 by air and water to lands within the trust area, and a
17 review of public and private transportation systems for
18 land transportation on each of the major islands. Said
19 review shall be accompanied by recommendations for
20 legislative and administrative action to harmonize such
21 access, and the use of land and facilities incident thereto,
22 with the conservation and preservation policies of this
23 Act, and shall further include a system for regular re-
24 views of such access and of their impact on development
25 pressures on the trust area. This review shall also in-

1 include recommendations for the development of trails,
2 bicycle paths, observation points and exhibits deemed by
3 each commission to be appropriate for the public enjoy-
4 ment of and understanding of the values and resources
5 of the trust area;

6 (5) a program for the identification and promo-
7 tion of new employment opportunities for residents of
8 the trust area which would be consistent with the policies
9 of this Act, which shall include recommendations for
10 action by the Commonwealth and the Secretary and
11 other Federal agencies; and

12 (6) a program for the development of resident
13 homesites for year-round residents of the islands in the
14 trust area, said program to include recommendations for
15 action by Federal agencies and for the expenditures of
16 appropriations under this Act, upon approval of the
17 Secretary, for the resident homesite plan. A resident
18 homesite plan shall mean a plan established by the
19 appropriate commission designating parcels of land
20 which may be acquired by the commission at fair market
21 value and resold at a lower price to year-round residents
22 who meet criteria established by the commission.

23 (d) Each commission shall include as part of its land use
24 control plan a listing of improvements the construction of
25 which commenced after April 11, 1972. Such listing shall in-

1 include improvements for residential, commercial, industrial,
2 recreational or any other purpose. If any such improvement
3 is located on lands or waters classified as "Open Lands," the
4 commission may acquire the improvement forthwith, not-
5 withstanding the provisions of section 5 (b) (1) herein. If
6 any such improvement is located on lands or waters classified
7 as "Resource Management Lands," the commission may, for
8 those improvements for which no certificate of need was
9 granted or sought, acquire the improvements, notwith-
10 standing the provisions of section 5 (6) (2) herein.

11 (e) Any acquisition by the commissions of a fee or less
12 than fee interest in lands or waters shall conform to the
13 requirements of the Uniform Relocation Assistance & Real
14 Property Acquisition Policies Act (42 U.S.C. 4601).

15 (f) A land use control plan developed by a commission
16 may utilize land use control regulations developed by regional
17 or county authorities pursuant to applicable State laws; and
18 the land use control methods made a part of the program
19 authorized by section 5 (c) (1) of this Act may be utilized
20 to supplement or complement such regulations.

21 PRIVATE NONPROFIT ORGANIZATIONS

22 SEC. 6. (a) In order to encourage and provide an
23 opportunity for the establishment of natural and scenic pre-
24 serves by voluntary private action of owners of lands and
25 waters in the trust area, and notwithstanding any provision

1 in this Act or in any other provision of law, the authority
2 established by this Act to acquire lands or interests therein
3 for preservation and conservation purposes without the con-
4 sent of the owner shall be suspended when—

5 (i) lands or waters or interests therein which are
6 designated as being presently or from time to time
7 needed to carry out the purposes of this Act are
8 irrevocably in the ownership of private nonprofit con-
9 servation, preservation, historic, or other organizations
10 or associations, and the restrictions against the develop-
11 ment of such lands meet the standards of the land use
12 control plan; or

13 (ii) lands or waters or interests therein which are
14 designated as being presently or from time to time
15 needed to carry out the purposes of this Act are to the
16 satisfaction of the commissions, the Governor, and the
17 Secretary and within twenty-four months after enact-
18 ment of this Act, irrevocably committed to be sold,
19 donated, demised, or otherwise transferred to such or-
20 ganizations or associations.

21 (b) The provisions of this section shall be applied
22 only to those organizations and associations which are
23 determined to be bona fide and general purpose.

24 (c) All of the provisions of this Act, except sections
25 1, 2, and 3, shall be suspended with respect to any lands,

1 waters, or interests therein so long as such lands, waters,
2 or interests therein are within twenty-four months of the
3 enactment of this Act subject to a revocable or irrevocable
4 conservation restriction created, approved, and recorded
5 under sections 31 through 33 of chapter 184 of the General
6 Laws of Massachusetts, which forbids, or in the judgment
7 of the commissions, and the Secretary, as evidenced by their
8 joint written approval of such restriction, substantially limits
9 all or a majority of the land uses referred to in clauses (a)
10 through (g) of the first paragraph of said section 31. With
11 respect to any revocable restriction, notice of the intention
12 to revoke must be given to the appropriate commission and
13 the Secretary not less than twelve months prior to the pro-
14 posed effective date of the revocation unless the lands, waters,
15 or interests therein are in whole or in part made subject to
16 a taking by eminent domain. The entity carrying out such
17 eminent domain proceedings with respect to property cov-
18 ered by such a conservation restriction shall give notice of
19 such proposed taking to the commission having jurisdiction
20 over the property proposed for condemnation.

21 INDIAN COMMON LANDS

22 SEC. 7. (a) The Martha's Vineyard Commission is di-
23 rected to establish as part of its land use control plan an
24 orderly program for determining the precise extent of In-
25 dian Common Lands on Martha's Vineyard. The program

1 shall include a survey or surveys and such other research or
2 field work as may be necessary to establish the boundaries of
3 the Common Lands belonging to the Wampanoag Tribe of
4 Gay Head and known generally as the Cranberry Bogs, the
5 Clay Cliffs, and Herring Creek. The commission is further
6 directed to determine the location, boundaries, and owners
7 of record title of the monuments and burial grounds of the
8 Wampanoag Tribe of Gay Head on Martha's Vineyard.
9 Funds to carry out the program may be drawn from those
10 authorized to be appropriated by section 13.

11 (b) Upon completion of the program described in sub-
12 section (a) of this section, lands determined to be Indian
13 Common Lands shall be acknowledged as an Indian reserva-
14 tion owned by the Wampanoag Tribe of Gay Head pursuant
15 to recognized Indian title and entitled to the full protection of
16 Federal laws pertaining to Indian lands.

17 (c) Nothing contained in this Act shall be construed
18 to prejudice or limit any claims which the Wampanoag Tribe
19 of Indians, or any member of that tribe, may have for past
20 violations of their rights as Indians, including but not limited
21 to claims arising under the Indian Trade and Intercourse
22 Act (25 U.S.C. 177).

23 COOPERATION OF OTHER AGENCIES

24 SEC. 8. The Secretary and the heads of other Federal
25 agencies shall cooperate with the commissions in the formula-

1 tion of their land use control plans upon the request of
2 the respective commissions and to the extent of available
3 funds.

4 COMMISSION EXPENSES AND PROCEEDINGS

5 SEC. 9. (a) Members of the commissions who are em-
6 ployees of a State or local government shall serve without
7 additional compensation as such. All other members may, if
8 a commission so votes, receive \$50 per diem when actually
9 engaged in the performance of the duties of the commissions.

10 (b) The Secretary shall reimburse all commission mem-
11 bers for necessary travel and subsistence expenses incurred
12 by them in the performance of the duties of the commissions.

13 (c) Financial and administrative services (including
14 those relating to payment of compensation, budgeting, ac-
15 counting, financial reporting, personnel, and procurement)
16 shall be provided by the Secretary from the funds appro-
17 priated to carry out the provisions of this Act.

18 (d) The commissions shall have the power to appoint
19 and fix the compensation of such additional personnel, in-
20 cluding experts and professionals, and for such temporary
21 and intermittent services as may be necessary to carry out
22 their duties, without regard to the provisions of the civil serv-
23 ice laws and the Classification Act of 1949, and they shall
24 have the power to hold hearings and administer oaths.

25 (e) The commissions shall act by affirmative vote of a

1 majority thereof. Vacancies shall be filled in the same manner
2 as the original appointment.

3 SUBMISSION AND APPROVAL OF PLANS

4 SEC. 10. (a) Each commission within six months of
5 being established, shall submit a land use control plan to the
6 Secretary who shall, within 120 days of the day it is received
7 by him, either approve or disapprove it. The plan must be
8 complete, or if divided into phases, must clearly state the
9 reasons for the division into phases and the date or dates by
10 which subsequent phases will be submitted. Approval or dis-
11 approval of phases or resubmissions shall be made within 120
12 days of receipt by the Secretary.

13 (b) The Secretary shall approve the plan if he finds that
14 (1) the commission has afforded adequate opportunity in the
15 area within its jurisdiction for public comment on the plan,
16 and such comment was received and considered in the plan
17 or revision as presented to him; (2) State and local units of
18 government identified in the plan as responsible for imple-
19 menting any portion of its provisions have the necessary leg-
20 islative authority to do so, and the chief executive officers of
21 the State and local units of government have indicated their
22 commitment to utilize such authority in implementation of
23 the plan in accordance with the program established by the
24 commission; (3) the plan will preserve significant natural,

1 cultural, marine, or historical values; (4) the plan is con-
2 sistent with the preservation, conservation and enhancement
3 policies of this Act and will fulfill the objectives of the land
4 classifications and policies established in section 5 of this Act.

5 (c) If the Secretary disapproves a plan, a phase of a
6 plan, or any revisions thereto he shall advise the commission
7 of the reasons therefor and convey his recommendations for
8 revision. The plan, phase, or revision, following its disap-
9 proval, may be resubmitted to the Secretary for his approval
10 as soon as the commission is able to make revisions which
11 are responsive to the Secretary's recommendations.

12 (d) Upon approval of a plan, the Secretary shall pub-
13 lish a notice thereof in the Federal Register and shall trans-
14 mit copies of the plan together with his comments to the
15 President of the Senate and the Speaker of the House of
16 Representatives.

17 (e) No substantial revision to an approved plan or land
18 classification assignments, may be made without the approval
19 of the Secretary. The Secretary shall either approve or dis-
20 approve such a proposed revision within ninety days from
21 the date on which it is submitted to him. Whenever the
22 Secretary approves a revision and prior to such approval, he
23 shall publish notice thereof in the Federal Register.

1 TRUSTS GRANTS BY THE SECRETARY

2 SEC. 11. Upon approval of a plan, the Secretary shall
3 make implementation grants in the total amount of \$30,-
4 000,000 to the commissions. Prior to submission of a plan,
5 the Secretary may, upon application therefor, make grants
6 to the commissions for the development of a land use control
7 plan; *Provided*, That such development grants shall not ex-
8 ceed \$1,000,000 of the total \$30,000,000. Such development
9 or implementation grants shall be supplemental to any other
10 Federal financial assistance for any purpose, and shall be
11 subject to such reasonable terms and conditions as the Secre-
12 tary deems necessary to effectuate the purposes of this Act.
13 In making the grants, the Secretary shall take into consid-
14 eration that there are three commissions with responsibilities
15 pursuant to this Act, and shall insure that the grant funds
16 are equitably distributed among the three commissions, tak-
17 ing into account such factors as population, acreage, land and
18 water resources, existing and projected development, and the
19 special tasks imposed by this Act relative to Indian Common
20 Lands.

21 TRUST ACCOUNT

22 SEC. 12. There is hereby established a special account in
23 the Treasury of the United States for the purpose of holding
24 moneys to be used for trust grants, pursuant to section 11 of
25 this Act, to the commissions. There shall be covered into such

1 special account \$30,000,000 from revenues due and payable
2 to the United States under the Outer Continental Shelf Lands
3 Act (67 Stat. 462) as amended and/or under the Act of
4 June 4, 1920 (41 Stat. 813) as amended, which would
5 otherwise be credited to miscellaneous receipts of the Treas-
6 ury. Moneys covered into the account shall be used only for
7 grants made pursuant to section 11 of this Act and shall be
8 available for expenditure only when appropriated therefor.

9
10 **APPROPRIATIONS**

11 SEC. 13. There are authorized to be appropriated to de-
12 fray the expenses of the commissions, established pursuant to
13 section 3, including salaries and other expenses incident to
14 the operation of the commissions, such sums annually as may
15 be necessary; and for grants to the commissions to develop
16 and implement land use control plans and regulations ap-
17 proved pursuant to this Act, \$30,000,000 from the special
account created in section 12 of this Act.