

(Pub. L. 87-712, §8, Sept. 28, 1962, 76 Stat. 652; Pub. L. 94-578, title I, §101(13), Oct. 21, 1976, 90 Stat. 2733.)

#### CODIFICATION

Section 101(13) of Pub. L. 94-578, cited as a credit to this section, as amended by Pub. L. 96-199, title I, §111, Mar. 5, 1980, 94 Stat. 70, is also set out in part as a note under section 459d-1 of this title.

#### AMENDMENTS

1976—Pub. L. 94-578 substituted “\$5,350,000” for “\$5,000,000”.

### § 459e. Fire Island National Seashore

#### (a) Purposes; authorization for establishment

For the purpose of conserving and preserving for the use of future generations certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within Suffolk County, New York, which possess high values to the Nation as examples of unspoiled areas of great natural beauty in close proximity to large concentrations of urban population, the Secretary of the Interior is authorized to establish an area to be known as the “Fire Island National Seashore”.

#### (b) Boundaries

The boundaries of the national seashore shall extend from the easterly boundary of the main unit of Robert Moses State Park eastward to Moriches Inlet and shall include not only Fire Island proper, but also such islands and marshlands in the Great South Bay, Bellport Bay, and Moriches Bay adjacent to Fire Island as Sexton Island, West Island, Hollins Island, Ridge Island, Pelican Island, Pattersquash Island, and Reeves Island and such other small and adjacent islands, marshlands, and wetlands as would lend themselves to contiguity and reasonable administration within the national seashore and, in addition, the waters surrounding said area to distances of one thousand feet in the Atlantic Ocean and up to four thousand feet in Great South Bay and Moriches Bay and, in addition, mainland terminal and headquarters sites, not to exceed a total of twelve acres, on the Patchogue River within Suffolk County, New York, all as delineated on a map identified as “Fire Island National Seashore”, numbered OGP-0004, dated May 1978. The Secretary shall publish said map in the Federal Register, and it may also be examined in the offices of the Department of the Interior.

(Pub. L. 88-587, §1, Sept. 11, 1964, 78 Stat. 928; Pub. L. 95-625, title III, §322(a), Nov. 10, 1978, 92 Stat. 3488.)

#### AMENDMENTS

1978—Subsec. (b). Pub. L. 95-625 inserted “the main unit of” before “Robert Moses State Park”, included in the boundaries the mainland terminal and headquarters sites, not to exceed a total of twelve acres, on the Patchogue River within Suffolk County, New York, and substituted map numbered OGP-0004, dated May 1978 for OGP-0002, dated June 1964 and requirement of publishing the map in the Federal Register for prior provision for filing the map with the Federal Register.

#### SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-482, §1, Oct. 17, 1984, 98 Stat. 2255, provided: “That this Act [amending sections 459e-1 and 459e-2 of

this title] may be cited as the ‘Fire Island National Seashore Amendments Act of 1984.’”

### § 459e-1. Acquisition of property

#### (a) Authority of Secretary; manner and place; concurrence of State owner; transfer from Federal agency to administrative jurisdiction of Secretary; liability of United States under contracts contingent on appropriations

The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as appropriated funds become available for the purpose or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise, the lands, waters, and other property, and improvements thereon and any interest therein, within the boundaries of the seashore as established under section 459e of this title. Any property or interest therein owned by the State of New York, by Suffolk County, or by any other political subdivision of said State may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of sections 459e to 459e-9 of this title. In exercising his authority to acquire property in accordance with the provisions of this subsection, the Secretary may enter into contracts requiring the expenditure, when appropriated, of funds authorized by sections 459e to 459e-9 of this title, but the liability of the United States under any such contract shall be contingent on the appropriation of funds sufficient to fulfill the obligations thereby incurred.

#### (b) Establishment; notice in Federal Register

When the Secretary determines that lands and waters or interests therein have been acquired by the United States in sufficient quantity to provide an administrative unit, he shall declare the establishment of the Fire Island National Seashore by publication of notice in the Federal Register.

#### (c) Fair market value

The Secretary shall pay not more than the fair market value, as determined by him, for any land or interest therein acquired by purchase.

#### (d) Exchange of property; cash equalization payments

When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the national seashore and convey to the grantor any federally owned land under the jurisdiction of the Secretary. The lands so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the lands exchanged.

#### (e) Limitation of condemnation power during existence of zoning ordinance; Davis Park-Smith Point County Park area exception; beneficial owner's election of alternatives as condition for acquisition

With one exception the Secretary shall not acquire any privately owned improved property or