

**(b) Commercial use prohibition; termination of use and occupancy upon tender of compensation**

A right of use and occupancy retained or enjoyed pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes and upon tender to the holder of a right an amount equal to the fair market value, as of the date of tender, of that portion of the right which remains unexpired on the date of termination.

**(c) "Improved property" defined**

The term "improved property", as used in this section shall mean a detached, noncommercial residential dwelling, the construction of which was begun before February 1, 1970 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

**(d) Little Cumberland Island; acquisition restrictions**

(1) In order to provide an opportunity for the establishment of a natural and scenic preserve by voluntary private action of certain owners of lands within the seashore, and notwithstanding anything to the contrary herein contained, no lands or interests in lands shall be acquired on Little Cumberland Island without the consent of the owner, for a period of one year from October 23, 1972, except as specifically otherwise provided herein.

(2) In the event that the owners of land on Little Cumberland Island enter into an irrevocable trust or some other irrevocable agreement for the preservation of the resources of Little Cumberland Island which, in the judgment of the Secretary, assures the protection of the resources in a manner consistent with the purposes for which the seashore is established, the authority of the Secretary to acquire such lands shall be suspended for such time as the trust is in effect and the lands are used and occupied in accordance therewith.

(3) If, at any time during the one-year period following October 23, 1972, the Secretary determines that any lands on Little Cumberland Island are threatened with development, or other uses, inconsistent with the establishment or continuation of the trust herein referred to, then the Secretary may acquire such lands, or interests therein, by any of the methods provided for in section 459i-1 of this title.

(Pub. L. 92-536, § 4, Oct. 23, 1972, 86 Stat. 1066.)

**§ 459i-4. Hunting and fishing**

The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the seashore in accordance with the appropriate laws of Georgia and the United States to the extent applicable, except that he may designate zones where,

and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

(Pub. L. 92-536, § 5, Oct. 23, 1972, 86 Stat. 1068.)

**§ 459i-5. Administration, protection, and development**

**(a) Applicability of provisions; utilization of statutory authorities**

The seashore shall be administered, protected, and developed in accordance with the provisions of sections 1, 2, 3, and 4 of this title, as amended and supplemented, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of sections 459i to 459i-9 of this title.

**(b) Preservation in primitive state; recreational activities exception**

Except for certain portions of the seashore deemed to be especially adaptable for recreational uses, particularly swimming, boating, fishing, hiking, horseback riding, and other recreational activities of similar nature, which shall be developed for such uses as needed, the seashore shall be permanently preserved in its primitive state, and, except as provided in subsection (c) of this section, no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions not<sup>1</sup> prevailing, nor shall any road or causeway connecting Cumberland Island to the mainland be constructed.

**(c) Tours of the seashore**

Notwithstanding subsection (b) of this section, the Secretary may enter into not more than 3 concession contracts, as the Secretary determines appropriate, for the provision of tours for visitors to the seashore that are consistent with—

- (1) sections 459i to 459i-9 of this title;
- (2) the Wilderness Act (16 U.S.C. 1131 et seq.); and
- (3) Public Law 97-250 (96 Stat. 709).

(Pub. L. 92-536, § 6, Oct. 23, 1972, 86 Stat. 1068; Pub. L. 108-447, div. E, title I, § 145(b), Dec. 8, 2004, 118 Stat. 3073.)

REFERENCES IN TEXT

The Wilderness Act, referred to in subsec. (c)(2), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

Public Law 97-250, referred to in subsec. (c)(3), is Pub. L. 97-250, Sept. 8, 1982, 96 Stat. 709, which enacted section 122a of this title, amended section 121 of this title,

<sup>1</sup> So in original. Probably should be "now".

and enacted provisions set out as a note under section 121 of this title and listed in a table of Wilderness Areas set out under section 1132 of this title. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

2004—Subsec. (b). Pub. L. 108-447, §145(b)(1), inserted “, except as provided in subsection (c) of this section,” before “no development of the project”.

Subsec. (c). Pub. L. 108-447, §145(b)(2), added subsec. (c).

#### § 459i-6. State and local jurisdiction

Nothing in sections 459i to 459i-9 of this title shall deprive the State of Georgia or any political subdivision thereof of its civil or criminal jurisdiction over persons found, acts performed, and offenses committed within the boundaries of the seashore, or of its right to tax persons, corporations, franchises, or other non-Federal property on lands included therein.

(Pub. L. 92-536, §7, Oct. 23, 1972, 86 Stat. 1068.)

#### § 459i-7. Water resource developments

The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection and navigation improvements on land and/or waters within the Cumberland Island National Seashore shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of sections 459i to 459i-9 of this title and the purpose of existing statutes dealing with water and related land resource development.

(Pub. L. 92-536, §8, Oct. 23, 1972, 86 Stat. 1068.)

#### § 459i-8. Report to President

Within three years from October 23, 1972, the Secretary of the Interior shall report to the President, in accordance with section 1132(c) and (d) of this title, his recommendations as to the suitability or unsuitability of any area within the national seashore for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said section 1132(c) and (d) of this title.

(Pub. L. 92-536, §9, Oct. 23, 1972, 86 Stat. 1068.)

#### § 459i-9. Authorization of appropriations

There are authorized to be appropriated not to exceed \$28,500,000 for the acquisition of lands and interests in lands and not to exceed \$27,840,000 for development of the seashore.

(Pub. L. 92-536, §10, Oct. 23, 1972, 86 Stat. 1068; Pub. L. 95-625, title II, §201(3), Nov. 10, 1978, 92 Stat. 3473.)

#### AMENDMENTS

1978—Pub. L. 95-625 substituted “\$28,500,000” for “\$10,500,000”.

#### § 459j. Canaveral National Seashore; establishment; boundary; boundary revisions; limitation on area

In order to preserve and protect the outstanding natural, scenic, scientific, ecologic, and his-

toric values of certain lands, shoreline, and waters of the State of Florida, and to provide for public outdoor recreation use and enjoyment of the same, there is hereby established the Canaveral National Seashore (hereinafter referred to as the “seashore”), as generally depicted on the map entitled “Boundary Map, Canaveral National Seashore”, dated August 1974 and numbered NS-CAN-40,000A. Such seashore shall comprise approximately sixty-seven thousand five hundred acres within the area more particularly described by a line beginning at the intersection of State Highway 3 and State Road 402, thence generally easterly following State Road 402 to a point one-half mile offshore in the Atlantic Ocean, thence northwesterly along a line which is at each point one-half mile distant from the high water mark to Bethune Beach, thence inland in a generally westerly direction through Turner Flats and Shipyard Canal, thence northwesterly to the Intracoastal Waterway, thence southerly along the Intracoastal Waterway to the boundary of the Kennedy Space Center, thence southwesterly to United States Highway 1, thence southerly along State Highway 3 to the point of beginning. The boundary map shall be on file and available for public inspection in the offices of the United States Fish and Wildlife Service and National Park Service, Department of the Interior, Washington, District of Columbia. After advising the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, in writing, at least sixty days prior to making any boundary revisions, the Secretary may from time to time make minor revisions in the boundaries of the seashore by publication of a revised map or other boundary description in the Federal Register: *Provided*, That the total acreage included within the boundaries shall not exceed that enumerated in this section.

(Pub. L. 93-626, §1, Jan. 3, 1975, 88 Stat. 2121; Pub. L. 103-437, §6(a)(4), Nov. 2, 1994, 108 Stat. 4583.)

#### AMENDMENTS

1994—Pub. L. 103-437 substituted “Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives” for “Committees on Interior and Insular Affairs of the United States Congress”.

#### § 459j-1. Acquisition of property; donation and development of State lands; transfer from Federal agency to administrative jurisdiction of Secretary; written cooperative agreement with National Aeronautics and Space Administration; construction and development; report to Congressional committees

Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer. Any property owned by the State of Florida or any political subdivision thereof may be acquired only by donation. It is the intent and purpose of sections 459j to 459j-8 of this title that the Secretary shall have sole authority to develop and improve those State owned lands donated now and in the future in accordance with the intent and purposes of sections 459j to