

459j-8 of this title. Notwithstanding any other provision of law, any federally owned property within the boundaries of the seashore may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary of the Interior and he may develop and administer such lands in a manner consistent with the purposes of sections 459j to 459j-8 of this title. In accepting lands transferred by the National Aeronautics and Space Administration pursuant to sections 459j to 459j-8 of this title the Secretary shall enter into a written cooperative agreement with the Administrator to assure the use of such lands in a manner which is deemed consistent with the public safety and with the needs of the space and defense programs of the Nation: *Provided*, That no new construction or development shall be permitted within the seashore, except for the construction of such facilities as the Secretary deems necessary for the health and safety of the visiting public or for the proper administration of the seashore: *Provided further*, That after January 3, 1975, the Secretary of the Interior, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall submit to the Committees on Natural Resources and on Science, Space, and Technology of the House of Representatives and to the Committees on Energy and Natural Resources and on Commerce, Science, and Transportation of the Senate a report of all land transfers made by the National Aeronautics and Space Administration to the Department of the Interior under sections 459j to 459j-8 of this title.

(Pub. L. 93-626, §2, Jan. 3, 1975, 88 Stat. 2122; Pub. L. 103-437, §6(o), Nov. 2, 1994, 108 Stat. 4586.)

AMENDMENTS

1994—Pub. L. 103-437 substituted “Natural Resources and on Science, Space, and Technology of the House of Representatives and to the Committees on Energy and Natural Resources and on Commerce, Science, and Transportation of the Senate” for “Interior and Insular Affairs of the Congress and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate”.

ADDITIONS TO SEASHORE

Pub. L. 100-564, §§1, 3, Oct. 31, 1988, 102 Stat. 2831, authorized and directed the Secretary of the Interior to acquire certain lands depicted on a map entitled “Additions to Canaveral National Seashore”, required the Secretary to file the map with certain Congressional committees, and authorized appropriations necessary to carry out such acquisitions.

§ 459j-2. Improved property

(a) Owner’s reservation of right of use and occupancy for residential purposes for life or fixed term of years; exception of property for visitor facilities, access to, or administration of seashore; compensation

Except for property deemed necessary by the Secretary for visitor facilities, or for access to or administration of the seashore, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and oc-

cupancy of the improved property for non-commercial residential purposes for a definite term not to exceed twenty-five years, or in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is the later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated to the United States, the Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) Termination of use and occupancy upon inconsistent use; tender of compensation

The Secretary may terminate a right of use and occupancy retained pursuant to this section upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of sections 459j to 459j-8 of this title, and upon tender to the holder of the right of an amount equal to the fair market value 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 January 1, 1971 (hereafter 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, necessary to the dwelling which are situated on the land so designated.

(d) Condemnation as means for acquiring clear and marketable title

Except as otherwise provided, the Secretary shall have the authority to use condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(Pub. L. 93-626, §3, Jan. 3, 1975, 88 Stat. 2123.)

§ 459j-3. Designation of hunting, fishing and trapping zones; regulations; consultation with appropriate State agencies

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 the State of Florida 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, public use and enjoyment, protection of the resource, or competing public use. 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. 93-626, §4, Jan. 3, 1975, 88 Stat. 2123.)