

any right of the State of Mississippi, or give the Secretary any authority, to regulate maritime activities, including nonseashore fishing activities (including shrimping), in any area that, on December 21, 2000, is outside the designated boundary of the seashore (including the buffer zone).

(Pub. L. 91-660, § 3, Jan. 8, 1971, 84 Stat. 1968; Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 137(c)], Dec. 21, 2000, 114 Stat. 2763, 2763A-232.)

#### REFERENCES IN TEXT

Sections 459h to 459h-10 of this title, referred to in subsec. (b), was in the original “this title”, and was translated as reading “this Act”, meaning Pub. L. 91-660, which enacted sections 459h to 459h-10 of this title, to reflect the probable intent of Congress, because Pub. L. 91-660 does not contain titles.

#### AMENDMENTS

2000—Pub. L. 106-554 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

### § 459h-3. Rights-of-way or easements for transportation of oil and gas minerals

Any acquisition of lands, waters, or interests therein shall not diminish any existing rights-of-way or easements which are necessary for the transportation of oil and gas minerals through the seashore which oil and gas minerals are removed from outside the boundaries thereof; and, the Secretary, subject to appropriate regulations for the protection of the natural and recreational values for which the seashore is established, shall permit such additional rights-of-way or easements as he deems necessary and proper.

(Pub. L. 91-660, § 4, Jan. 8, 1971, 84 Stat. 1968.)

### § 459h-4. Administration of seashore; conservation and management of wildlife and natural resources; authority to designate areas as national historic sites; agreements

#### (a) In general

Except as otherwise provided in sections 459h to 459h-10 of this title, the Secretary shall administer the seashore in accordance with the Act of August 25, 1916 (30 Stat. 535),<sup>1</sup> as amended and supplemented (16 U.S.C. 1 et seq.).<sup>2</sup> In the administration of the seashore the Secretary may utilize such statutory authorities available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of sections 459h to 459h-10 of this title. With respect to Fort Redoubt, Fort San Carlos, Fort Barrancas at Pensacola Naval Air Station, Fort Pickens on Santa Rosa Island, and Fort McRee on Perdido Key, Florida, and Fort Massachusetts on Ship Island, Mississippi, together with such adjacent lands as the Secretary may designate, the Secretary shall administer such lands so as to recognize, preserve, and interpret their national historical significance in accordance with the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C.

461-467),<sup>2</sup> and he may designate them as national historic sites.

#### (b) Agreements

##### (1) In general

The Secretary may enter into agreements—

(A) with the State of Mississippi for the purposes of managing resources and providing law enforcement assistance, subject to authorization by State law, and emergency services on or within any land on Cat Island and any water and submerged land within the buffer zone; and

(B) with the owners of the approximately 150-acre parcel depicted as the “Boddie Family Tract” on the Cat Island Map concerning the development and use of the land.

##### (2) No authority to enforce certain regulations

Nothing in this subsection authorizes the Secretary to enforce Federal regulations outside the land area within the designated boundary of the seashore.

(Pub. L. 91-660, § 5, Jan. 8, 1971, 84 Stat. 1968; Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 137(d)], Dec. 21, 2000, 114 Stat. 2763, 2763A-232.)

#### REFERENCES IN TEXT

The Act of August 25, 1916 (30 Stat. 535) (16 U.S.C. 1 et seq.), referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title, amended sections 22 and 43 of this title and section 1457 of Title 43, Public Lands, and enacted provisions set out as a note under section 1 of this title. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§ 3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467), referred to in subsec. (a), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, known as the Historic Sites Act of 1935 and also as the Historic Sites, Buildings, and Antiquities Act, which enacted sections 461 to 467 of this title. The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§ 3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

#### CODIFICATION

Subsec. (a) is comprised of the first, second, and third sentences of subsec. (a) of section 5 of Pub. L. 91-660. The fourth sentence of subsec. (a) repealed sections 450gg to 450gg-3 of this title and provisions formerly set out as a note under section 450gg of this title.

#### AMENDMENTS

2000—Pub. L. 106-554 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

### § 459h-5. Beach erosion control and hurricane protection; study and formulation of plans; activities by Chief of Engineers, Department of Army

The Secretary of the Interior and the Secretary of the Army may cooperate in the study

<sup>1</sup> So in original. Probably should be “(39 Stat. 535)”.

<sup>2</sup> See References in Text note below.

and formulation of plans for beach erosion control and hurricane protection of the seashore. Any such protective works or spoil deposit activities undertaken by the Chief of Engineers, Department of the Army, shall be carried out within the seashore in accordance with a plan that is acceptable to the Secretary of the Interior and that is consistent with the purposes of sections 459h to 459h-10 of this title.

(Pub. L. 91-660, § 6, Jan. 8, 1971, 84 Stat. 1969.)

**§ 459h-6. Transfer of Horn Island and Petit Bois National Wildlife Refuges from National Wildlife Refuge System; administration**

(a) There are hereby transferred from the National Wildlife Refuge System to the seashore the Horn Island and Petit Bois National Wildlife Refuges to be administered in accordance with the provisions of sections 459h to 459h-10 of this title.

(b) If any of the Federal land on Santa Rosa or Okaloosa Island, Florida, under the jurisdiction of the Department of Defense is ever excess to the needs of the Armed Forces, the Secretary of Defense shall transfer the excess land to the administrative jurisdiction of the Secretary of the Interior, subject to the terms and conditions acceptable to the Secretary of the Interior and the Secretary of Defense. The Secretary of the Interior shall administer the transferred land as part of the seashore in accordance with the provisions of sections 459h to 459h-10 of this title.

(Pub. L. 91-660, § 7, Jan. 8, 1971, 84 Stat. 1969; Pub. L. 109-163, div. B, title XXVIII, § 2872(b), Jan. 6, 2006, 119 Stat. 3535.)

AMENDMENTS

2006—Pub. L. 109-163 designated existing provisions as subsec. (a) and added subsec. (b).

TRANSFER OF EXCESS DEPARTMENT OF DEFENSE PROPERTY ON SANTA ROSA AND OKALOOSA ISLAND, FLORIDA, TO GULF ISLANDS NATIONAL SEASHORE

Pub. L. 109-163, div. B, title XXVIII, § 2872(a), Jan. 6, 2006, 119 Stat. 3534, provided that: "Congress finds the following:

"(1) Public Law 91-660 of the 91st Congress [16 U.S.C. 459h et seq.] established the Gulf Islands National Seashore in the States of Florida and Mississippi.

"(2) The original boundaries of the Gulf Islands National Seashore encompassed certain Federal land used by the Air Force and the Navy, and the use of such land was still required by the Armed Forces when the seashore was established.

"(3) Senate Report 91-1514 of the 91th Congress addressed the relationship between these military lands and the Gulf Islands National Seashore as follows: 'While the military use of these lands is presently required, they remain virtually free of adverse development and they are included in the boundaries of the seashore so that they can be wholly or partially transferred to the Department of the Interior when they become excess to the needs of the Air Force.'

"(4) Although section 2(a) of Public Law 91-660 (16 U.S.C. 459h-1(a)) authorized the eventual transfer of Federal land within the boundaries of the Gulf Islands National Seashore from the Department of Defense to the Secretary of the Interior, an amendment mandating the transfer of excess Department of Defense land on Santa Rosa and Okaloosa Island, Florida, to the Secretary of the Interior is required to ensure that the purposes of the Gulf Islands National Seashore are fulfilled."

**§ 459h-7. Preservation of any area as wilderness; study and report to President; procedure for designation of any area as a wilderness**

Within four years from January 8, 1971, the Secretary of the Interior shall review the area within the Gulf Islands National Seashore and shall report to the President, in accordance with subsections (c) and (d) of section 1132 of this title, and recommend as to the suitability or nonsuitability of any area within the seashore for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections.

(Pub. L. 91-660, § 8, Jan. 8, 1971, 84 Stat. 1969.)

**§ 459h-8. Authority of Department of Army or Chief of Engineers over navigation or related matters**

No provision of sections 459h to 459h-10 of this title, or of any other Act made applicable thereby, shall be construed to affect, supersede, or modify any authority of the Department of the Army or the Chief of Engineers, with respect to navigation or related matters except as specifically provided in section 459h-5 of this title.

(Pub. L. 91-660, § 9, Jan. 8, 1971, 84 Stat. 1969.)

**§ 459h-9. Gulf Islands National Seashore Advisory Commission; establishment; termination; membership; term; Chairman; compensation and payment of expenses; consultation by Secretary**

There is hereby established a Gulf Islands National Seashore Advisory Commission. The Commission shall terminate ten years after the date the seashore is established pursuant to sections 459h to 459h-10 of this title. The Commission shall be composed of three members from each county in which the seashore is located, each appointed for a term of two years by the Secretary as follows:

(1) one member to be appointed from recommendations made by the county commissioners in the respective counties;

(2) one member to be appointed from recommendations made by the Governor of the State from each county; and

(3) one member to be designated by the Secretary from each county.

*Provided*, That two members shall be appointed to the Advisory Commission in each instance in counties whose population exceeds one hundred thousand.

The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

Members of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under sections 459h to 459h-10 of this title on vouchers signed by the Chairman.

The Secretary or his designee shall, from time to time, consult with the Commission with respect to the matters relating to the development of the Gulf Islands National Seashore.

(Pub. L. 91-660, § 10, Jan. 8, 1971, 84 Stat. 1969.)