

§ 459f. Assateague Island National Seashore; purposes; description of area

For the purpose of protecting and developing Assateague Island in the States of Maryland and Virginia and certain adjacent waters and small marsh islands for public outdoor recreation use and enjoyment, the Assateague Island National Seashore (hereinafter referred to as the “seashore”) shall be established and administered in accordance with the provisions of sections 459f to 459f-11 of this title. The seashore shall comprise the area within Assateague Island and the small marsh islands adjacent thereto, together with the adjacent water areas not more than one-half mile beyond the mean high waterline of the land portions as generally depicted on a map identified as “Proposed Assateague Island National Seashore, Boundary Map, NS-AI-7100A, November, 1964”, which map shall be on file and available for public inspection in the offices of the Department of the Interior.

(Pub. L. 89-195, §1, Sept. 21, 1965, 79 Stat. 824.)

§ 459f-1. Acquisition of property

(a) Authority of Secretary; manner and place; fair market value; concurrence of State owner; transfer from Federal agency to administrative jurisdiction of Secretary

Within the boundaries of the seashore, the Secretary of the Interior (hereinafter referred to as the “Secretary”) is authorized to acquire lands, waters, and other property, or any interest therein, by donation, purchase with donated or appropriated funds, exchange, or in such other method as he may find to be in the public interest. The Secretary is authorized to include within the boundaries of the seashore, not to exceed 112 acres of land or interests therein on the mainland in Worcester County, Maryland. In the case of acquisition by negotiated purchase, the property owners shall be paid the fair market value by the Secretary. Any property or interests therein owned by the States of Maryland or Virginia shall be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located 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 for purposes of the seashore.

(b) Exchange of property; cash equalization payments; scenic easement donation

When acquiring lands by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the seashore and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary which the Secretary classifies suitable for exchange or other disposal, and which is located in Maryland or Virginia. The properties 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 properties exchanged. Notwithstanding the acreage limitation set forth in sections 459f to 459f-11 of this title, the Secretary is authorized to accept the donation of a scenic easement covering the par-

cel of land adjacent to the seashore and known as the “Woodcock Property”.

(c) Bridge acquisition; amount of compensation; payment terms and conditions

The Secretary is authorized to acquire all of the right, title, or interest of the Chincoteague-Assateague Bridge and Beach Authority, a political subdivision of the State of Virginia, in the bridge constructed by such authority across the Assateague Channel, together with all lands or interests therein, roads, parking lots, buildings, or other real or personal property of such authority, and to compensate the authority in such amount as will permit it to meet its valid outstanding obligations at the time of such acquisition. Payments by the Secretary shall be on such terms and conditions as he shall consider to be in the public interest. Any of the aforesaid property outside the boundaries of the national seashore, upon acquisition by the Secretary, shall be subject to his administration for purposes of the seashore.

(d) Owner's reservation of right of use and occupancy for residential or hunting purposes for term of years; adjustment of compensation; rules and regulations for appearance of buildings; “improved property” defined

Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes or for hunting purposes, as hereinafter provided, for a term that is not more than twenty-five years. In such cases, the Secretary shall pay to the owner of the property the fair market value thereof less the fair market value of the right retained by such owner: *Provided*, That such use and occupancy shall be subject to general rules and regulations established by the Secretary with respect to the outward appearance of any buildings on the lands involved. The term “improved property” as used in sections 459f to 459f-11 of this title shall mean (1) any single-family residence the construction of which was begun before January 1, 1964, and such amount of land, not in excess of three acres, on which the building is situated as the Secretary considers reasonably necessary to the noncommercial residential use of the building, and (2) any property fronting on the Chincoteague Bay or Sinepuxent Bay, including the offshore bay islands adjacent thereto, that is used chiefly for hunting and continues in such use: *Provided*, That the Secretary may exclude from improved properties any marsh, beach, or waters, together with so much of the land adjoining such marsh, beach, or waters as he deems necessary for public use or public access thereto.

(Pub. L. 89-195, §2, Sept. 21, 1965, 79 Stat. 824; Pub. L. 101-512, title I, Nov. 5, 1990, 104 Stat. 1924; Pub. L. 102-320, §1(1)-(4), July 10, 1992, 106 Stat. 321.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-320, §1(1), (2), amended second and last sentences generally, substituting reference to 112 acres for reference to sixteen acres for an administrative site in second sentence and striking out reference in last sentence to sixteen acres of Federal

property on the mainland in Worcester County, Maryland.

Subsec. (b). Pub. L. 102-320, §1(3), (4), amended first sentence generally, striking out reference to not more than sixteen acres of non-Federal property on the mainland in Worcester County, Maryland, and inserted at end "Notwithstanding the acreage limitation set forth in sections 459f to 459f-11 of this title, the Secretary is authorized to accept the donation of a scenic easement covering the parcel of land adjacent to the seashore and known as the 'Woodcock Property'."

1990—Subsecs. (a), (b). Pub. L. 101-512 substituted "sixteen acres" for "ten acres" wherever appearing.

§ 459f-2. Compensation for bridge construction costs; acquisition of land for park purposes

(a) Bridge construction costs; compensation of State; limitation of amount

If the bridge from Sandy Point to Assateague Island is operated by the State of Maryland as a toll-free facility, the Secretary is authorized and directed to compensate said State in the amount of two-thirds of the cost of constructing the bridge, including the cost of bridge approaches, engineering, and all other related costs, but the total amount of such compensation shall be not more than \$1,000,000; and he is authorized to enter into agreements with the State of Maryland relating to the use and management of the bridge.

(b) Acquisition or lease of Federal lands for State park purposes; terms and conditions; reversion upon noncompliance; consideration for lease; amount of payment for conveyance of title and improvements; limitation of reimbursement for beach protection

The State of Maryland shall have the right to acquire or lease from the United States such lands, or interests therein, on the island north of the area now used as a State park as the State may from time to time determine to be needed for State park purposes, and the Secretary is authorized and directed to convey or lease such lands, or interests therein, to the State for such purposes upon terms and conditions which he deems will assure its public use in harmony with the purposes of sections 459f to 459f-11 of this title. In the event any of such terms and conditions are not complied with, all the property, or any portion thereof, shall, at the option of the Secretary, revert to the United States, in its then existing condition. Any lease hereunder shall be for such consideration as the Secretary deems equitable; and any conveyance of title to land hereunder may be made only upon payment by the State of such amounts of money as were expended by the United States to acquire such land, or interests therein, and upon payments of such amounts as will reimburse the United States for the cost of any improvements placed thereon by the United States, including the cost to it of beach protection: *Provided*, That reimbursement for beach protection shall not exceed 30 per centum, as determined by the Secretary, of the total cost of the United States of such protection work.

(Pub. L. 89-195, §3, Sept. 21, 1965, 79 Stat. 825.)

§ 459f-3. Establishment of Seashore; notice in Federal Register

When the Secretary determines that land, water areas, or interests therein within the area

generally depicted on the map referred to in section 459f of this title are owned or have been acquired by the United States in sufficient quantities to provide an administrable unit, he shall declare the establishment of the Assateague Island National Seashore by publication of notice thereof in the Federal Register. Such notice shall contain a refined description or map of the boundaries of the seashore as the Secretary may find desirable, and the exterior boundaries shall encompass an area as nearly as practicable identical to the area described in section 459f of this title.

(Pub. L. 89-195, §4, Sept. 21, 1965, 79 Stat. 825.)

§ 459f-4. Hunting and fishing provisions

The Secretary shall permit hunting and fishing on land and waters under his control within the seashore in accordance with the appropriate State laws, to the extent applicable, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management or public use and enjoyment: *Provided*, That nothing in sections 459f to 459f-11 of this title, shall limit or interfere with the authority of the States to permit or to regulate shellfishing in any waters included in the national seashore: *Provided further*, That nothing in said sections shall add to or limit the authority of the Federal Government in its administration of Federal laws regulating migratory waterfowl. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting and fishing activities. The provisions of this section shall not apply to the Chincoteague National Wildlife Refuge.

(Pub. L. 89-195, §5, Sept. 21, 1965, 79 Stat. 826.)

§ 459f-5. Administration of Seashore

(a) Public outdoor recreation and enjoyment; utilization of other authorities

Except as provided in subsection (b) of this section, the Secretary shall administer the Assateague Island National Seashore for general purposes of public outdoor recreation, including conservation of natural features contributing to public enjoyment. In the administration of the seashore and the administrative site the Secretary may utilize such statutory authorities relating to areas administered and supervised by the Secretary through the National Park Service and such statutory authority otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of sections 459f to 459f-11 of this title.

(b) Refuge land and waters; application of national wildlife refuge provisions; public recreation uses in accordance with provisions for national conservation recreational areas

Notwithstanding any other provision of sections 459f to 459f-11 of this title, land and waters in the Chincoteague National Wildlife Refuge,