

sand acres of lands, waters, and interests therein. The Secretary is authorized to acquire only by donation those lands and interests therein, and other property comprising such right-of-way, and adjacent or related sites as he may designate pursuant to sections 459i to 459i-9 of this title for the development, hereby authorized, of a roadway of parkway standards, including necessary bridges, spurs, connecting roads, access roads, and other facilities, and for the development and interpretation of recreation areas and historic sites in connection therewith. Lands acquired for the parkway shall be administered as a part of the seashore, subject to all laws and regulations applicable thereto, and subject to such special regulations as the Secretary may promulgate for the parkway.

(Pub. L. 92-536, § 3, Oct. 23, 1972, 86 Stat. 1066.)

### § 459i-3. Acquisition of property

#### (a) Private right of use and occupancy for residential purposes for fixed term of years or for life; election by owner; exception of property for visitor facilities or administration of seashore; compensation; contemporaneous restriction on development of public use facilities; lands, waters, and interests from National Park Foundation

With the exception of any property deemed necessary by the Secretary for visitor facilities 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 occupancy of the property for noncommercial residential purposes, for twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The owner shall elect the term to be reserved. 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: *Provided, however,* That, in addition, for so long as a right of use and occupancy remains in effect by the donors of land of one hundred acres or more, the Secretary shall not, with respect to such lands, develop any public use facilities except for trails, road access, and utilities: *Provided further,* That when acquiring lands, waters, and interests therein from the National Park Foundation, its successors and assigns, the Secretary shall acquire such lands, waters, and interests subject to the written terms and conditions contained in those transactions, including but not limited to options, entered into by the National Park Foundation prior to January 1, 1973, and that such previous written rights and interests shall prevail over provisions of this subsection.

#### (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 the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4),<sup>1</sup> 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), 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>2</sup> prevailing, nor shall any road or causeway connecting Cumberland Island to the mainland be constructed.

**(c) Tours of the seashore**

Notwithstanding subsection (b), 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 Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), 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 and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. 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 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 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.

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Probably should be “now”.

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, 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),” 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 nonsuitability 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”.