

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, which are a part of the seashore, shall be administered for refuge purposes under laws and regulations applicable to national wildlife refuges, including administration for public recreation uses in accordance with the provisions of the Act of September 28, 1962 (Public law 87-714; 76 Stat. 653) [16 U.S.C. 460k et seq.].

(c) Cooperative agreements and technical assistance to protect seashore resources

The Secretary is authorized to enter into cooperative agreements with local, State, and Federal agencies and with educational institutions and nonprofit entities to coordinate research designed to ensure full protection of the natural and cultural resources of the seashore, consistent with the purposes for which the seashore was established, and other applicable law. The Secretary is also authorized to provide technical assistance to local, State, and Federal agencies and to educational institutions and non-profit entities in order to further such purposes. The Secretary shall submit a report every two years to the Congress on the results of the coordinated research program authorized by this section and plans to implement the recommendations arising from such research.

(Pub. L. 89-195, §6, Sept. 21, 1965, 79 Stat. 826; Pub. L. 102-320, §1(5), July 10, 1992, 106 Stat. 321.)

REFERENCES IN TEXT

Act of September 28, 1962, referred to in subsec. (b), popularly known as the Refuge Recreation Act, is classified generally to subchapter LXVIII (§460k et seq.) of this chapter.

AMENDMENTS

1992—Subsec. (c). Pub. L. 102-320 added subsec. (c).

DESIGNATION OF CENTER TO HONOR HERBERT H. BATEMAN

Pub. L. 106-480, Nov. 9, 2000, 114 Stat. 2186, provided that:

“SECTION 1. DESIGNATION.

“A building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, on Assateague Island, Virginia, shall be known and designated as the ‘Herbert H. Bateman Education and Administrative Center’.

“SEC. 2. REFERENCES.

“Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ‘Herbert H. Bateman Education and Administrative Center’.”

Similar provisions were contained in Pub. L. 106-369, §8, Oct. 27, 2000, 114 Stat. 1419.

Pub. L. 106-291, title I, §141, Oct. 11, 2000, 114 Stat. 949, provided that the building housing the visitors center within the boundaries of the Chincoteague National Wildlife Refuge on Assateague Island, Virginia, was to be known and designated as the “Herbert H. Bateman Educational and Administrative Center”.

§ 459f-6. Repealed. Pub. L. 94-578, title III, § 301, Oct. 21, 1976, 90 Stat. 2733

Section, Pub. L. 89-195, §7, Sept. 21, 1965, 79 Stat. 826, made provision for the construction of overnight and other public accommodation facilities, land selection and land fill, concession facilities, and the promulgation of rules and regulations covering those areas by the Secretary of the Interior. See section 459f-11 of this title.

§ 459f-7. Beach erosion control and hurricane protection

The Secretary of the Interior and the Secretary of the Army shall cooperate in the study and formulation of plans for beach erosion control and hurricane protection of the seashore; and any such protective works that are undertaken by the Chief of Engineers, Department of the Army, shall be carried out in accordance with a plan that is acceptable to the Secretary of the Interior and is consistent with the purposes of sections 459f to 459f-11 of this title.

(Pub. L. 89-195, §8, Sept. 21, 1965, 79 Stat. 827.)

§ 459f-8. Repealed. Pub. L. 94-578, title III, § 301, Oct. 21, 1976, 90 Stat. 2733

Section, Pub. L. 89-195, §9, Sept. 21, 1965, 79 Stat. 827, authorized and directed the Secretary of the Interior to construct and maintain a road from the Chincoteague-Assateague Island Bridge to an area in the wildlife refuge that he deemed appropriate for recreation purposes and to acquire the necessary lands and rights-of-way for a road from the Chincoteague-Assateague Island Bridge to the Sandy Point-Assateague Bridge. See section 459f-11 of this title.

§ 459f-9. Public utility facilities; purchase of facilities without value to utility; amount of payment

The Secretary of the Interior is authorized to purchase from a public utility any facilities of

that utility which are no longer of value to it as a result of the establishment of the Assateague Island National Seashore and shall pay for such facilities an amount equal to the cost of constructing such facilities less depreciation.

(Pub. L. 89-195, §10, Sept. 21, 1965, 79 Stat. 827.)

§ 459f-10. Authorization of appropriations

There are hereby authorized to be appropriated the sum of not more than \$22,400,000 (including such sums, together with interest, as may be necessary to satisfy final judgments rendered against the United States) for the acquisition of lands and interests in land and such sums as may be necessary for the development of the area authorized under sections 459f to 459f-11 of this title.

(Pub. L. 89-195, §11, Sept. 21, 1965, 79 Stat. 827; Pub. L. 92-272, title I, §101(1), Apr. 11, 1972, 86 Stat. 120; Pub. L. 94-578, title I, §101(2), Oct. 21, 1976, 90 Stat. 2732.)

AMENDMENTS

1976—Pub. L. 94-578 substituted “\$22,400,000” for “\$21,050,000”.

1972—Pub. L. 92-272 substituted “\$21,050,000 (including such sums, together with interest, as may be necessary to satisfy final judgments rendered against the United States)” for “\$16,250,000”.

§ 459f-11. Comprehensive plan for protection, management, and use of seashore

(a) Contents; transmittal to Congressional committees

Within two years of October 21, 1976, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives a comprehensive plan for the protection, management, and use of the seashore, to include but not be limited to the following considerations:

(1) measures for the full protection and management of the natural resources and natural ecosystems of the seashore;

(2) present and proposed uses of the seashore and the lands and waters adjacent or related thereto, the uses of which would reasonably be expected to influence the administration, use, and environmental quality of the seashore;

(3) plans for the development of facilities necessary and appropriate for visitor use and enjoyment of the seashore, with identification of resource and user carrying capacities, along with the anticipated costs for all proposed development;

(4) plans for visitor transportation systems integrated and coordinated with lands and facilities adjacent to, but outside of, the seashore; and

(5) plans for fostering the development of cooperative agreements and land and resource use patterns outside the seashore which would be compatible with the protection and management of the seashore.

(b) Consultation by other Federal agencies with Secretary

Notwithstanding any other provision of law, no Federal loan, grant, license, or other form of assistance for any project which, in the opinion

of the Secretary would significantly adversely affect the administration, use, and environmental quality of the seashore shall be made, issued, or approved by the head of any Federal agency without first consulting with the Secretary to determine whether or not such project is consistent with the plan developed pursuant to this section and allowing him at least thirty days to comment in writing on such proposed action.

(Pub. L. 89-195, §12, as added Pub. L. 94-578, title III, §301, Oct. 21, 1976, 90 Stat. 2733.)

CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the “Committee System Reorganization Amendments of 1977”), approved Feb. 4, 1977.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 459g. Cape Lookout National Seashore; purposes; authorization for establishment; description of area

In order to preserve for public use and enjoyment an area in the State of North Carolina possessing outstanding natural and recreational values, there is hereby authorized to be established the Cape Lookout National Seashore (hereinafter referred to as “seashore”), which shall comprise the lands and adjoining marshlands and waters on the outer banks of Carteret County, North Carolina, between Ocracoke Inlet and Beaufort Inlet, as generally depicted on the map entitled “Boundary Map, Cape Lookout National Seashore”, dated March 1974, and numbered 623-20,009, which is on file in the Office of the National Park Service, Department of the Interior.

(Pub. L. 89-366, §1, Mar. 10, 1966, 80 Stat. 33; Pub. L. 93-477, title IV, §406(1), Oct. 26, 1974, 88 Stat. 1448.)

AMENDMENTS

1974—Pub. L. 93-477 substituted “‘Boundary Map, Cape Lookout National Seashore’, dated March 1974, and numbered 623-20,009” for “‘Proposed Boundaries—Proposed Cape Lookout National Seashore’, dated April 1964, and numbered NS-CL-7101-B”, and struck out proviso relating to certain property not to be included in seashore.

§ 459g-1. Acquisition of property

(a) Transfer from Federal agency to administrative jurisdiction of Secretary; non-Federal lands

Notwithstanding any other provision of law, Federal property located within the boundaries of the Cape Lookout National Seashore may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary of the Interior for the purposes of the seashore. Such transfer shall be made without transfer of funds. Lands owned by the State of North Carolina or any po-