

§ 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.)

TERMINATION OF ADVISORY COMMISSIONS

Advisory commissions in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a commission established by the President or an officer of the Federal Government, such commission is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a commission established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 459h-10. Authorization of appropriations

(a) In general

There are authorized to be appropriated not more than \$22,162,000 for the acquisition of lands and interests in lands and not more than \$24,224,000 for development.

(b) Authorization for acquisition of land

In addition to the funds authorized by subsection (a), there are authorized to be appropriated such sums as are necessary to acquire land and submerged land on and adjacent to Cat Island, Mississippi.

(Pub. L. 91-660, §11, Jan. 8, 1971, 84 Stat. 1970; Pub. L. 92-275, §1(2), Apr. 20, 1972, 86 Stat. 123;

Pub. L. 94-578, title I, §101(6), Oct. 21, 1976, 90 Stat. 2732; Pub. L. 95-625, title I, §101(13), Nov. 10, 1978, 92 Stat. 3471; Pub. L. 106-554, §1(a)(4) [div. B, title I, §137(e)], Dec. 21, 2000, 114 Stat. 2763, 2763A-232.)

AMENDMENTS

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

1978—Pub. L. 95-625 substituted “\$24,224,000 for development.” for “\$17,774,000 (June 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.”

1976—Pub. L. 94-578 substituted “\$22,162,000” for “\$3,462,000”.

1972—Pub. L. 92-275 increased appropriations authorization for lands and land interests from \$3,120,000 to \$3,462,000 and for development from \$14,779,000 (1970 prices) to \$17,774,000 (June 1970 prices).

§ 459i. Cumberland Island National Seashore; establishment; boundary revisions; notification of Congressional committees, publication in Federal Register

In order to provide for public outdoor recreation use and enjoyment of certain significant shoreline lands and waters of the United States, and to preserve related scenic, scientific, and historical values, there is established in the State of Georgia the Cumberland Island National Seashore (hereinafter referred to as the “seashore”) consisting of the area generally depicted on the drawing entitled “Boundary Map, Cumberland Island National Seashore”, numbered CUIS 40,000E, and dated January 1978, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the “Secretary”) may after notifying the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives in writing, make minor adjustments in the boundary of the seashore from time to time by publication of a revised drawing or other boundary description in the Federal Register, but the total acreage within the boundaries shall not exceed forty thousand five hundred acres.

(Pub. L. 92-536, §1, Oct. 23, 1972, 86 Stat. 1066; Pub. L. 95-625, title III, §323, Nov. 10, 1978, 92 Stat. 3489; Pub. L. 98-170, Nov. 29, 1983, 97 Stat. 1116; Pub. L. 103-437, §6(I), Nov. 2, 1994, 108 Stat. 4586.)

AMENDMENTS

1994—Pub. L. 103-437 substituted “Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives” for “Committees on Interior and Insular Affairs of the United States House of Representatives and United States Senate”.

1983—Pub. L. 98-170 substituted “CUIS 40,000E” for “CUIS 40,000D”.

1978—Pub. L. 95-625 substituted reference to Boundary Map “numbered CUIS 40,000D, and dated January 1978” for “numbered CUIS—40,000B, and dated June 1971”.

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-447, div. E, title I, §145(c), Dec. 8, 2004, 118 Stat. 3074, provided that: “This section [amending sec-

tion 459i-5 of this title and provisions listed in a table of Wilderness Areas set out under section 1132 of this title] may be cited as the 'Cumberland Island Wilderness Boundary Adjustment Act of 2004'."

§ 459i-1. Acquisition of lands; authority of Secretary; mainland lands for access to seashore administrative and visitor facilities; State lands; transfer from Federal agency to administrative jurisdiction of Secretary

Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by purchase, donation, transfer from any Federal agency, or exchange. The Secretary may also acquire not to exceed one hundred acres of lands or interests in lands on the mainland to provide access to the administrative and visitor facilities for the seashore. Any lands or interests therein owned by the State of Georgia, or any political subdivision thereof may be acquired only by donation. 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 transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the seashore.

(Pub. L. 92-536, § 2, Oct. 23, 1972, 86 Stat. 1066.)

§ 459i-2. Cumberland Island Parkway; right-of-way; administration; regulations

For the purpose of providing access from Interstate 95 to the mainland administrative and visitor facilities of the seashore, the Secretary may designate as the Cumberland Island Parkway a right-of-way, together with adjacent or related sites for public noncommercial recreational use and for interpretation of scenic and historic values, of not more than one thousand 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.