

who may in his discretion base his determination on an independent appraisal obtained by him.

**(c) Exchange of property; cash equalization payments**

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within California and adjacent States, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value, provided that the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

(Pub. L. 87-657, §3, Sept. 13, 1962, 76 Stat. 539; Pub. L. 91-223, §2(a), Apr. 3, 1970, 84 Stat. 90.)

AMENDMENTS

1970—Subsec. (a). Pub. L. 91-223 substituted introductory “The” for “Except as provided in section 459c-3 of this title, the”.

**§ 459c-3. Repealed. Pub. L. 91-223, § 2(b), Apr. 3, 1970, 84 Stat. 90**

Section, Pub. L. 87-657, §4, Sept. 13, 1962, 76 Stat. 540, provided conditions for exercise of eminent domain within pastoral zone and defined “ranching and dairying purposes”.

**§ 459c-4. Point Reyes National Seashore**

**(a) Establishment; notice in Federal Register**

As soon as practicable after September 13, 1962, and following the acquisition by the Secretary of an acreage in the area described in section 459c-1 of this title, that is in the opinion of the Secretary efficiently administrable to carry out the purposes of sections 459c to 459c-7 of this title, the Secretary shall establish Point Reyes National Seashore by the publication of notice thereof in the Federal Register.

**(b) Distribution of notice and map**

Such notice referred to in subsection (a) of this section shall contain a detailed description of the boundaries of the seashore which shall encompass an area as nearly as practicable identical to the area described in section 459c-1 of this title. The Secretary shall forthwith after the date of publication of such notice in the Federal Register (1) send a copy of such notice, together with a map showing such boundaries, by registered or certified mail to the Governor of the State and to the governing body of each of the political subdivisions involved; (2) cause a copy of such notice and map to be published in one or more newspapers which circulate in each of the localities; and (3) cause a certified copy of such notice, a copy of such map, and a copy of sections 459c to 459c-7 of this title to be recorded at the registry of deeds for the county involved.

(Pub. L. 87-657, §4, formerly §5, Sept. 13, 1962, 76 Stat. 540; renumbered §4, Pub. L. 91-223, §2(c), Apr. 3, 1970, 84 Stat. 90.)

AMENDED DESCRIPTION OF BOUNDARIES OF POINT REYES NATIONAL SEASHORE; PUBLICATION IN FEDERAL REGISTER

Pub. L. 93-550, title II, §202, Dec. 26, 1974, 88 Stat. 1744, provided that: “The Secretary of the Interior shall, as soon as practicable after the date of enactment of this title [Dec. 26, 1974], publish an amended description of the boundaries of the Point Reyes National Seashore in the Federal Register, and thereafter he shall take such action with regard to such amended description and the map referred to in section 201 of this title [amending section 459c-1 of this title] as is required in the second sentence of subsection (b) of section 4 of the act of September 13, 1962, as amended [subsec. (b) of this section].”

**§ 459c-5. Owner's reservation of right of use and occupancy for fixed term of years or life**

**(a) Election of term; fair market value; termination; notification; lease of Federal lands; restrictive covenants, offer to prior owner or leaseholder**

Except for property which the Secretary specifically determines is needed for interpretive or resources management purposes of the seashore, the owner of improved property or of agricultural property on the date of its acquisition by the Secretary under sections 459c to 459c-7 of this title may, as a condition of such acquisition, retain for himself and his or her heirs and assigns a right of use and occupancy for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the death of his or her spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partly donated to the United States, the Secretary shall pay to the owner the fair market value of the property on the date of acquisition minus the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his or her determination that it is being exercised in a manner inconsistent with the purposes of sections 459c to 459c-7 of this title, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him or her an amount equal to the fair market value of that portion of the right which remains unexpired. Where appropriate in the discretion of the Secretary, he or she may lease federally owned land (or any interest therein) which has been acquired by the Secretary under sections 459c to 459c-7 of this title, and which was agricultural land prior to its acquisition. Such lease shall be subject to such restrictive covenants as may be necessary to carry out the purposes of sections 459c to 459c-7 of this title. Any land to be leased by the Secretary under this section shall be offered first for such lease to the person who owned such land or was a leaseholder thereon immediately before its acquisition by the United States.

**(b) “Improved and agricultural property” defined**

As used in sections 459c to 459c-7 of this title, the term “improved property” shall mean a pri-

vate noncommercial dwelling, including the land on which it is situated, whose construction was begun before September 1, 1959, or, in the case of areas added by action of the Ninety-fifth Congress, May 1, 1978 or, in the case of areas added by action of the Ninety-sixth Congress, May 1, 1979, and structures accessory thereto (hereinafter in this subsection referred to as “dwelling”), together with such amount and locus of the property adjoining and in the same ownership as such dwelling as the Secretary designates to be reasonably necessary for the enjoyment of such dwelling for the sole purpose of noncommercial residential use and occupancy. In making such designation the Secretary shall take into account the manner of noncommercial residential use and occupancy in which the dwelling and such adjoining property has usually been enjoyed by its owner or occupant. The term “agricultural property” as used in sections 459c to 459c-7 of this title means lands which were in regular use for, or were being converted to agricultural, ranching, or dairying purposes as of May 1, 1978 or, in the case of areas added by action of the Ninety-sixth Congress, May 1, 1979, together with residential and other structures related to the above uses of the property that were in existence or under construction as of May 1, 1978.

**(c) Payment deferral; scheduling; interest rate**

In acquiring those lands authorized by the Ninety-fifth Congress for the purposes of sections 459c to 459c-7 of this title, the Secretary may, when agreed upon by the landowner involved, defer payment or schedule payments over a period of ten years and pay interest on the unpaid balance at a rate not exceeding that paid by the Treasury of the United States for borrowing purposes.

**(d) Lands donated by State of California**

The Secretary is authorized to accept and manage in accordance with sections 459c to 459c-7 of this title, any lands and improvements within or adjacent to the seashore which are donated by the State of California or its political subdivisions. He is directed to accept any such lands offered for donation which comprise the Tomales Bay State Park, or lie between said park and Fish Hatchery Creek. The boundaries of the seashore shall be changed to include any such donated lands.

**(e) Fee or admission charge prohibited**

Notwithstanding any other provision of law, no fee or admission charge may be levied for admission of the general public to the seashore.

(Pub. L. 87-657, § 5, formerly § 6, Sept. 13, 1962, 76 Stat. 541; renumbered § 5, Pub. L. 91-223, § 2(c), Apr. 3, 1970, 84 Stat. 90; amended Pub. L. 95-625, title III, § 318(b)-(d), Nov. 10, 1978, 92 Stat. 3487; Pub. L. 96-199, title I, § 101(a)(2)-(4), Mar. 5, 1980, 94 Stat. 67.)

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-199, § 101(a)(2), substituted “Except for property which the Secretary specifically determines is needed for interpretive or resources management purposes of the seashore, the” for “The” in first sentence.

Subsec. (b). Pub. L. 96-199, § 101(a)(3), inserted “or, in the case of areas inserted by action of the Ninety-sixth

Congress, May 1, 1979,” after “May 1, 1978” and “that were in existence or under construction as of May 1, 1978” after “related to the above uses of the property”.

Subsecs. (d), (e). Pub. L. 96-199, § 101(a)(4), added subsecs. (d) and (e).

1978—Subsec. (a). Pub. L. 95-625, § 318(b), extended provision to agricultural property; provided for: retention rights of heirs and assigns, retention rights for term of twenty-five years or for term ending with death of owner or spouse, whichever was later, as elected by owner, which provision previously authorized retention for term of fifty years, termination of right of retention and notice thereof, and for lease of federally owned lands, subject to restrictive covenants, with first offer to prior owner or leaseholder; and included clause relating to donation of property to the United States.

Subsec. (b). Pub. L. 95-625, § 318(c), defined “improved property” to include private dwelling, the construction of which was begun, in the case of areas added by action of the Ninety-fifth Congress, October 1, 1978, and included definition of “agricultural property”.

Subsec. (c). Pub. L. 95-625, § 318(d), added subsec. (c).

**§ 459c-6. Administration of property**

**(a) Protection, restoration, and preservation of natural environment**

Except as otherwise provided in sections 459c to 459c-7 of this title, the property acquired by the Secretary under such sections shall be administered by the Secretary without impairment of its natural values, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with, based upon, and supportive of the maximum protection, restoration, and preservation of the natural environment within the area, subject to the provisions of the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535),<sup>1</sup> as amended and supplemented, and in accordance with other laws of general application relating to the national park system as defined by the Act of August 8, 1953 (67 Stat. 496),<sup>1</sup> except that authority otherwise 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 459c to 459c-7 of this title.

**(b) Hunting and fishing regulations**

The Secretary may permit hunting and fishing on lands and waters under his jurisdiction within the seashore in such areas and under such regulations as he may prescribe during open seasons prescribed by applicable local, State, and Federal law. The Secretary shall consult with officials of the State of California and any political subdivision thereof who have jurisdiction of hunting and fishing prior to the issuance of any such regulations, and the Secretary is authorized to enter into cooperative agreements with such officials regarding such hunting and fishing as he may deem desirable.

(Pub. L. 87-657, § 6, formerly § 7, Sept. 13, 1962, 76 Stat. 541; renumbered § 6, Pub. L. 91-223, § 2(c), Apr. 3, 1970, 84 Stat. 90; amended Pub. L. 94-544, § 4(a), Oct. 18, 1976, 90 Stat. 2515; Pub. L. 94-567, § 7(a), Oct. 20, 1976, 90 Stat. 2695.)

REFERENCES IN TEXT

The Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August

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