

United States that remains undeveloped, the Secretary of the Interior shall take appropriate action in the public interest toward the establishment of the following described lands and waters as the Padre Island National Seashore: Beginning at a point one statute mile northerly of North Bird Island on the easterly line of the Intracoastal Waterway; thence due east to a point on Padre Island one statute mile west of the mean high water line of the Gulf of Mexico; thence southwesterly paralleling the said mean high water line of the Gulf of Mexico a distance of about three and five-tenths statute miles; thence due east to the two-fathom line on the east side of Padre Island as depicted on National Ocean Survey chart numbered 1286; thence along the said two-fathom line on the east side of Padre Island as depicted on National Ocean Survey charts numbered 1286, 1287, and 1288 to the Willacy-Cameron County line extended; thence westerly along said county line to a point 1,500 feet west of the mean high water line of the Gulf of Mexico as that line was determined by the survey of J. S. Boyles and is depicted on sections 9 and 10 of the map entitled "Survey of Padre Island made for the office of the Attorney General of the State of Texas", dated August 7 to 11, 1941, and August 11, 13, and 14, 1941, respectively; thence northerly along a line parallel to said survey line of J. S. Boyles and distant therefrom 1,500 feet west to a point on the centerline of the Port Mansfield Channel; thence westerly along said centerline to a point three statute miles west of the said two-fathom line; thence northerly parallel with said two-fathom line to 27 degrees 20 minutes north latitude; thence westerly along said latitude to the easterly line of the Intracoastal Waterway; thence northerly following the easterly line of the Intracoastal Waterway as indicated by channel markers in the Laguna Madre to the point of beginning.

(Pub. L. 87-712, §1, Sept. 28, 1962, 76 Stat. 650.)

#### CHANGE OF NAME

Coast and Geodetic Survey consolidated with National Weather Bureau in 1965 to form Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318. Environmental Science Services Administration abolished in 1970 and its personnel, property, records, etc., transferred to National Oceanic and Atmospheric Administration by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090. By order of Acting Associate Administrator of National Oceanic and Atmospheric Administration, 35 F.R. 19249, Dec. 19, 1970, Coast and Geodetic Survey redesignated National Ocean Survey. See notes under section 311 of Title 15, Commerce and Trade.

#### § 459d-1. Acquisition of property

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

The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, condemnation, transfer from any Federal agency, exchange, or otherwise, the land, waters, and other property, and improvements thereon and any interest therein, within

the areas described in section 459d of this title or which lie within the boundaries of the seashore as established under section 459d-2 of this title (hereinafter referred to as "such area"). Any property, or interest therein, owned by the State of Texas or political subdivision thereof may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of sections 459d to 459d-7 of this title.

##### (b) Fair market value; appraisal

The Secretary is authorized to pay for any acquisitions which he makes by purchase under sections 459d to 459d-7 of this title their fair market value, as determined by the Secretary, 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 such area. 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. 87-712, §2, Sept. 28, 1962, 76 Stat. 650.)

#### REVISION OF BOUNDARIES; ADDITION AND DELETION OF ACREAGE

Pub. L. 94-578, title I, §101(13), Oct. 21, 1976, 90 Stat. 2733, as amended Pub. L. 96-199, title I, §111, Mar. 5, 1980, 94 Stat. 70, provided in part that: "The Secretary of the Interior is authorized to revise the boundary of the seashore [Padre Island National Seashore, Texas] to add approximately two hundred and seventy-four acres and to delete approximately two thousand acres, and sections 302 and 303 of the Act of April 11, 1972 (86 Stat. 120, 121) [Pub. L. 92-272, which sections were not classified to the Code], shall apply to the boundary revision authorized herein."

#### § 459d-2. Establishment

##### (a) Notice in Federal Register

As soon as practicable after September 28, 1962 and following the acquisition by the Secretary of an acreage in the area described in section 459d of this title, that is in the opinion of the Secretary efficiently administrable to carry out the purposes of sections 459d to 459d-7 of this title, the Secretary shall establish the area as a 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 459d 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 459d to 459d-7 of this title to be recorded at the registry of deeds for the county involved.

(Pub. L. 87-712, §3, Sept. 28, 1962, 76 Stat. 651.)

**§ 459d-3. Reservation of oil, gas, and other minerals**

(a) When acquiring land, waters, or interests therein, the Secretary shall permit a reservation by the grantor of all or any part of the oil and gas minerals in such land or waters and of other minerals therein which can be removed by similar means, with the right of occupation and use of so much of the surface of the land or waters as may be required for all purposes reasonably incident to the mining or removal of such from beneath the surface of these lands and waters and the lands and waters adjacent thereto, under such regulations as may be prescribed by the Secretary with respect to such mining or removal.

(b) Any acquisition hereunder shall exclude and shall not diminish any right of occupation or use of the surface under grants, leases, or easements existing on April 11, 1961, which are reasonably necessary for the exploration, development, production, storing, processing, or transporting of oil and gas minerals that are removed from outside the boundaries of the national seashore and the Secretary may grant additional rights of occupation or use of the surface for the purposes aforesaid upon the terms and under such regulations as may be prescribed by him.

(Pub. L. 87-712, §4, Sept. 28, 1962, 76 Stat. 651.)

**§ 459d-4. Administration; utilization of authority for conservation and management of natural resources**

Except as otherwise provided in sections 459d to 459d-7 of this title, the property acquired by the Secretary under such sections shall be administered by the Secretary, 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 areas administered and supervised by the Secretary through the National Park Service; 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 459d to 459d-7 of this title.

(Pub. L. 87-712, §5, Sept. 28, 1962, 76 Stat. 652.)

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

REFERENCES IN TEXT

The Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), referred to in text, 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.

**§ 459d-5. Roadways to access highways from mainland**

The Secretary may provide for roadways from the north and south boundaries of such public recreation area to the access highways from the mainland to Padre Island.

(Pub. L. 87-712, §6, Sept. 28, 1962, 76 Stat. 652.)

**§ 459d-6. Aerial gunnery and bombing range agreements of Secretary of the Interior and Secretary of the Navy**

The Secretary of the Interior shall enter into such administrative agreements with the Secretary of the Navy as the Secretary of the Navy may deem necessary to assure that the Secretary of the Interior will not exercise any authority granted by sections 459d to 459d-7 of this title so as to interfere with the use by the Department of the Navy of any aerial gunnery or bombing range located in the vicinity of Padre Island.

(Pub. L. 87-712, §7, Sept. 28, 1962, 76 Stat. 652.)

**§ 459d-7. Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 459d to 459d-7 of this title; except that no more than \$5,350,000 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of such sections.

(Pub. L. 87-712, §8, Sept. 28, 1962, 76 Stat. 652; Pub. L. 94-578, title I, §101(13), Oct. 21, 1976, 90 Stat. 2733.)

CODIFICATION

Section 101(13) of Pub. L. 94-578, cited as a credit to this section, as amended by Pub. L. 96-199, title I, §111, Mar. 5, 1980, 94 Stat. 70, is also set out in part as a note under section 459d-1 of this title.

AMENDMENTS

1976—Pub. L. 94-578 substituted "\$5,350,000" for "\$5,000,000".

**§ 459e. Fire Island National Seashore**

**(a) Purposes; authorization for establishment**

For the purpose of conserving and preserving for the use of future generations certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within Suffolk