

Subsec. (e). Pub. L. 98-482, §3, designated part of existing provisions as pars. (1) and (2), made the provisions applicable to any property, and excluded undeveloped property in the Dune district.

Subsec. (g). Pub. L. 98-482, §5, added subsec. (g).

**§ 459e-3. Retention by owner of right of use and occupancy of improved property for residential purposes**

**(a) Time limit; value of reserved right**

Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a term that is not more than twenty-five years. The value of the reserved right shall be deducted from the fair market value paid for the property.

**(b) Termination of right; compensation**

A right of use and occupancy reserved pursuant to this section shall be subject to termination by the Secretary upon his determination that the use and occupancy is not consistent with an applicable zoning ordinance approved by the Secretary in accordance with the provisions of section 459e-2 of this title, and upon tender to the owner of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(Pub. L. 88-587, §4, Sept. 11, 1964, 78 Stat. 931.)

**§ 459e-4. Hunting and fishing regulations**

The Secretary shall permit hunting, fishing, and shellfishing on lands and waters under his administrative jurisdiction within the Fire Island National Seashore in accordance with the laws of New York and the United States of America, except that the Secretary may designate zones where, and establish periods when, no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment. Any regulations of the Secretary under this section shall be issued after consultation with the Conservation Department of the State of New York.

(Pub. L. 88-587, §5, Sept. 11, 1964, 78 Stat. 931.)

**§ 459e-5. Acceptance of donations**

The Secretary may accept and use for purposes of sections 459e to 459e-9 of this title any real or personal property or moneys that may be donated for such purposes.

(Pub. L. 88-587, §6, Sept. 11, 1964, 78 Stat. 931.)

**§ 459e-6. Administration, protection, and development**

**(a) Conservation of natural resources of Seashore; preservation and access to Sunken Forest Preserve**

The Secretary shall administer and protect the Fire Island National Seashore with the primary aim of conserving the natural resources located there. The area known as the Sunken Forest Preserve shall be preserved from bay to ocean in as nearly its present state as possible, without developing roads therein, but continuing the present access by those trails already ex-

isting and limiting new access to similar trails limited in number to those necessary to allow visitors to explore and appreciate this section of the seashore.

**(b) Access to Davis Park-Smith Point County Park area**

Access to that section of the seashore lying between the easterly boundary of the Ocean Ridge portion of Davis Park and the westerly boundary of the Smith Point County Park shall be provided by ferries and footpaths only, and no roads shall be constructed in this section except such minimum roads as may be necessary for park maintenance vehicles. No development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the flora and fauna or the physiographic conditions now prevailing, and every effort shall be exerted to maintain and preserve this section of the seashore as well as that set forth in the preceding paragraph in as nearly their present state and condition as possible.

**(c) Utilization of authority for conservation and development of natural resources; user fees**

In administering, protecting, and developing the entire Fire Island National Seashore, the Secretary shall be guided by the provisions of sections 459e to 459e-9 of this title and the applicable provisions of the laws relating to the national park system, and the Secretary may utilize any other statutory authority available to him for the conservation and development of natural resources to the extent he finds that such authority will further the purposes of sections 459e to 459e-9 of this title. Appropriate user fees may be collected notwithstanding any limitation on such authority by any provision of law.

(Pub. L. 88-587, §7, Sept. 11, 1964, 78 Stat. 931; Pub. L. 95-625, title III, §322(c), Nov. 10, 1978, 92 Stat. 3489.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-625 substituted "Ocean Ridge portion of Davis Park" for "Brookhaven town park at".

**§ 459e-7. Shore erosion control or beach protection measures; Fire Island inlet**

**(a) Authority of Chief of Engineers**

The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection measures on lands within the Fire Island National Seashore shall be exercised in accordance with a plan that is mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of sections 459e to 459e-9 of this title.

**(b) Land contribution**

The Secretary shall also contribute the necessary land which may be required at any future date for the construction of one new inlet across Fire Island in such location as may be feasible in accordance with plans for such an inlet which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that