

moved from outside the boundaries thereof; and, the Secretary, subject to appropriate regulations for the protection of the natural and recreational values for which the seashore is established, shall permit such additional rights-of-way or easements as he deems necessary and proper.

(Pub. L. 91-660, § 4, Jan. 8, 1971, 84 Stat. 1968.)

**§ 459h-4. Administration of seashore; conservation and management of wildlife and natural resources; authority to designate areas as national historic sites; agreements**

**(a) In general**

Except as otherwise provided in sections 459h to 459h-10 of this title, the Secretary shall administer the seashore in accordance with the Act of August 25, 1916 (30 Stat. 535),<sup>1</sup> as amended and supplemented (16 U.S.C. 1 et seq.).<sup>2</sup> In the administration of the seashore the Secretary may utilize such statutory authorities available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of sections 459h to 459h-10 of this title. With respect to Fort Redoubt, Fort San Carlos, Fort Barrancas at Pensacola Naval Air Station, Fort Pickens on Santa Rosa Island, and Fort McRee on Perdido Key, Florida, and Fort Massachusetts on Ship Island, Mississippi, together with such adjacent lands as the Secretary may designate, the Secretary shall administer such lands so as to recognize, preserve, and interpret their national historical significance in accordance with the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467),<sup>2</sup> and he may designate them as national historic sites.

**(b) Agreements**

**(1) In general**

The Secretary may enter into agreements—

(A) with the State of Mississippi for the purposes of managing resources and providing law enforcement assistance, subject to authorization by State law, and emergency services on or within any land on Cat Island and any water and submerged land within the buffer zone; and

(B) with the owners of the approximately 150-acre parcel depicted as the “Boddie Family Tract” on the Cat Island Map concerning the development and use of the land.

**(2) No authority to enforce certain regulations**

Nothing in this subsection authorizes the Secretary to enforce Federal regulations outside the land area within the designated boundary of the seashore.

(Pub. L. 91-660, § 5, Jan. 8, 1971, 84 Stat. 1968; Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 137(d)], Dec. 21, 2000, 114 Stat. 2763, 2763A-232.)

REFERENCES IN TEXT

The Act of August 25, 1916 (30 Stat. 535) (16 U.S.C. 1 et seq.), referred to in subsec. (a), 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

<sup>1</sup> So in original. Probably should be “(39 Stat. 535).”

<sup>2</sup> See References in Text note below.

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.

The Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467), referred to in subsec. (a), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, known as the Historic Sites Act of 1935 and also as the Historic Sites, Buildings, and Antiquities Act, which enacted sections 461 to 467 of this title. The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54, National Park Service and Related Programs, 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.

CODIFICATION

Subsec. (a) is comprised of the first, second, and third sentences of subsec. (a) of section 5 of Pub. L. 91-660. The fourth sentence of subsec. (a) repealed sections 450gg to 450gg-3 of this title and provisions formerly set out as a note under section 450gg of this title.

AMENDMENTS

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

**§ 459h-5. Beach erosion control and hurricane protection; study and formulation of plans; activities by Chief of Engineers, Department of Army**

The Secretary of the Interior and the Secretary of the Army may cooperate in the study and formulation of plans for beach erosion control and hurricane protection of the seashore. Any such protective works or spoil deposit activities undertaken by the Chief of Engineers, Department of the Army, shall be carried out within the seashore in accordance with a plan that is acceptable to the Secretary of the Interior and that is consistent with the purposes of sections 459h to 459h-10 of this title.

(Pub. L. 91-660, § 6, Jan. 8, 1971, 84 Stat. 1969.)

**§ 459h-6. Transfer of Horn Island and Petit Bois National Wildlife Refuges from National Wildlife Refuge System; administration**

(a) There are hereby transferred from the National Wildlife Refuge System to the seashore the Horn Island and Petit Bois National Wildlife Refuges to be administered in accordance with the provisions of sections 459h to 459h-10 of this title.

(b) If any of the Federal land on Santa Rosa or Okaloosa Island, Florida, under the jurisdiction of the Department of Defense is ever excess to the needs of the Armed Forces, the Secretary of Defense shall transfer the excess land to the administrative jurisdiction of the Secretary of the Interior, subject to the terms and conditions acceptable to the Secretary of the Interior and the Secretary of Defense. The Secretary of the Interior shall administer the transferred land as