

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

## CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA

Pub. L. 113-291, div. B, title XXX, § 3057, Dec. 19, 2014, 128 Stat. 3813, provided that:

“(a) DEFINITIONS.—In this section:

“(1) FINAL RULE.—The term ‘Final Rule’ means the final rule entitled ‘Special Regulations, Areas of the National Park System, Cape Hatteras National Seashore—Off-Road Vehicle Management’ (77 Fed. Reg. 3123 (January 23, 2012)).

“(2) NATIONAL SEASHORE.—The term ‘National Seashore’ means the Cape Hatteras National Seashore Recreational Area.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(4) STATE.—The term ‘State’ means the State of North Carolina.

“(b) REVIEW AND ADJUSTMENT OF WILDLIFE PROTECTION BUFFERS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Dec. 19, 2014], the Secretary shall review and modify wildlife buffers in the National Seashore in accordance with this subsection and any other applicable law.

“(2) BUFFER MODIFICATIONS.—In modifying wildlife buffers under paragraph (1), the Secretary shall, using adaptive management practices—

“(A) ensure that the buffers are of the shortest duration and cover the smallest area necessary to protect a species, as determined in accordance with peer-reviewed scientific data; and

“(B) designate pedestrian and vehicle corridors around areas of the National Seashore closed because of wildlife buffers, to allow access to areas that are open.

“(3) COORDINATION WITH STATE.—The Secretary, after coordinating with the State, shall determine appropriate buffer protections for species that are not listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), but that are identified for protection under State law.

“(c) MODIFICATIONS TO FINAL RULE.—The Secretary shall undertake a public process to consider, consistent with management requirements at the National Seashore, the following changes to the Final Rule:

“(1) Opening beaches at the National Seashore that are closed to night driving restrictions, by opening beach segments each morning on a rolling basis as daily management reviews are completed.

“(2) Extending seasonal off-road vehicle routes for additional periods in the Fall and Spring if off-road vehicle use would not create resource management problems at the National Seashore.

“(3) Modifying the size and location of vehicle-free areas.

“(d) CONSTRUCTION OF NEW VEHICLE ACCESS POINTS.—The Secretary shall construct new vehicle access points and roads at the National Seashore—

“(1) as expeditiously as practicable; and

“(2) in accordance with applicable management plans for the National Seashore.

“(e) REPORT.—The Secretary shall report to Congress within 1 year after the date of enactment of this Act [Dec. 19, 2014] on measures taken to implement this section.”

**§ 459a-2. Preservation of natural features; acquisition of additional property; reversion of property on failure of conditions**

Except for certain portions of the area, deemed to be especially adaptable for rec-

reational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, which shall be developed for such uses as needed, the said area shall be permanently reserved as a primitive wilderness and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in this area: *Provided*, That the Secretary of the Interior may, in his discretion, accept for administration, protection, and development by the National Park Service a minimum of ten thousand acres within the area described in section 459 of this title, including the existing Cape Hatteras State Park, and, in addition, any other portions of the area described in section 459 of this title if the State of North Carolina shall agree that if all the lands described in section 459 of this title shall not have been conveyed to the United States within fifteen years from August 17, 1937, the establishment of the aforesaid national seashore recreational area may, in the discretion of the said Secretary, be abandoned, and that, in the event of such abandonment, the said State will accept a reconveyance of title to all lands conveyed by it to the United States for said national seashore recreational area. The lands donated to the United States for the purposes of sections 459 to 459a-3 of this title by parties other than said State shall revert in the event of the aforesaid abandonment to the donors, or their heirs, or other persons entitled thereto by law.

In the event of said abandonment, the Secretary of the Interior shall execute any suitable quitclaim deeds, or other writings entitled to record in the proper counties of North Carolina stating the fact of abandonment, whereupon title shall revert to those entitled thereto by law and no further conveyance or proof of reversion of title shall be required.

(Aug. 17, 1937, ch. 687, § 4, 50 Stat. 670; June 29, 1940, ch. 459, § 1, 54 Stat. 702; Mar. 6, 1946, ch. 50, 60 Stat. 32.)

## AMENDMENTS

1946—Act Mar. 6, 1946, substituted “fifteen years” for “ten years” before “from August 17, 1937”.

## CHANGE OF NAME

Words “national seashore recreational area” substituted in text for “national seashore” pursuant to act June 29, 1940.

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**§ 459a-3. Migratory bird refuges not to be affected**

Notwithstanding any other provisions of sections 459 to 459a-3 of this title, lands and waters on or after August 17, 1937, included in any migratory bird refuge under the jurisdiction of the Secretary of Agriculture, within the boundaries