

See section 5001 of Title 28, Judiciary and Judicial Procedure.

**§ 458. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272**

Section, act Mar. 8, 1928, ch. 152, 45 Stat. 249, related to travel expenses incident to study of battlefields. See section 103305 of Title 54, National Park Service and Related Programs.

**§ 458a. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272**

Section, act Aug. 27, 1940, ch. 690, §1, 54 Stat. 861, related to mats for reproduction in magazines and newspapers of photographs of scenery. See section 104905 of Title 54, National Park Service and Related Programs.

SUBCHAPTER LXIII—NATIONAL SEASHORE RECREATIONAL AREAS

**§ 459. Cape Hatteras National Seashore Recreational Area; conditional establishment; acquisition of lands**

When title to all the lands, except those within the limits of established villages, within boundaries to be designated by the Secretary of the Interior within the area of approximately one hundred square miles on the islands of Chicamacomico, Ocracoke, Bodie, Roanoke, and Collington,<sup>1</sup> and the waters and the lands beneath the waters adjacent thereto shall have been vested in the United States, said area shall be, and is, established, dedicated, and set apart as a national seashore recreational area for the benefit and enjoyment of the people and shall be known as the Cape Hatteras National Seashore Recreational Area: *Provided*, That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

(Aug. 17, 1937, ch. 687, §1, 50 Stat. 669; June 29, 1940, ch. 459, §1, 54 Stat. 702.)

CHANGE OF NAME

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

**§ 459a. Acceptance of donations; acquisition of property by purchase and condemnation**

The Secretary of the Interior is authorized to accept donations of land, interests in land, buildings, structures, and other property, within the boundaries of said national seashore recreational area as determined and fixed hereunder and donations of funds for the purchase and maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States under any donated funds by purchase, when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of section 3113 of title 40, such tracts of land within the said national seashore recreational area as may be necessary for the completion thereof.

<sup>1</sup> So in original. Probably should be “Collington.”

(Aug. 17, 1937, ch. 687, §2, 50 Stat. 669; June 29, 1940, ch. 459, §1, 54 Stat. 702.)

CODIFICATION

“Section 3113 of title 40” substituted in text for “the Act of August 1, 1888” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

CHANGE OF NAME

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

**§ 459a-1. Administration, protection, and development; commercial fishing by residents; hunting**

The administration, protection, and development of the aforesaid national seashore recreational area shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled “An Act to establish a National Park Service, and for other purposes”,<sup>1</sup> as amended: *Provided*, That except as hereinafter provided nothing herein shall be construed to divest the jurisdiction of other agencies of the Government exercised on August 17, 1937, over Federal-owned lands within the area of the said Cape Hatteras National Seashore Recreational Area: *Provided further*, That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.], shall not apply to this national seashore recreational area: *And provided further*, That the legal residents of villages referred to in section 459 of this title shall have the right to earn a livelihood by fishing within the boundaries to be designated by the Secretary of the Interior, subject to such rules and regulations as the said Secretary may deem necessary in order to protect the area for recreational use as provided for in sections 459 to 459a-3 of this title: *And provided further*, That hunting shall be permitted, under such rules and regulations as may be prescribed by the Secretary of the Interior in conformity with the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755) [16 U.S.C. 703 et seq.], as follows: (a) Upon the waters of the sounds included within the national seashore recreational area, (b) in the area north of the Currituck County line, (c) on Ocracoke Island, and (d) within not more than two thousand acres of land in the remaining portion of said national seashore recreational area, as shall be designated by the Secretary of the Interior; except on lands and waters included in any existing or future wildlife or migratory bird refuge and adjacent closed waters.

(Aug. 17, 1937, ch. 687, §3, 50 Stat. 670; June 29, 1940, ch. 459, §§1, 2, 54 Stat. 702.)

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535), entitled “An Act to establish a National Park Service, and for other purposes”, 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

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