

**§ 459g-4. Administration; public outdoor recreation and enjoyment; utilization of authorities for conservation and development of natural resources**

(a) The Secretary shall administer the Cape Lookout National Seashore for the general purposes of public outdoor recreation, including conservation of natural features contributing to public enjoyment. In the administration of the seashore and the administrative site, the Secretary may utilize such statutory authorities relating to areas administered and supervised by the Secretary through the National Park Service and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of sections 459g to 459g-7 of this title.

(b)(1) The Secretary, in accordance with this subsection, shall allow a herd of not less than 110 free roaming horses, with a target population of between 120 and 130 free roaming horses, in Cape Lookout National Seashore (hereinafter referred to as the "Seashore"): *Provided*, That nothing in this section shall be construed to preclude the Secretary from implementing or enforcing the provisions of paragraph (3).

(2) Within 180 days after July 16, 1998, the Secretary shall enter into an agreement with the Foundation for Shackelford Horses (a nonprofit corporation established under the laws of the State of North Carolina), or another qualified nonprofit entity, to provide for management of free roaming horses in the seashore. The agreement shall—

(A) provide for cost-effective management of the horses while ensuring that natural resources within the seashore are not adversely impacted; and

(B) allow the authorized entity to adopt any of those horses that the Secretary removes from the seashore.

(3) The Secretary shall not remove, assist in, or permit the removal of any free roaming horses from Federal lands within the boundaries of the seashore—

(A) unless the entity with whom the Secretary has entered into the agreement under paragraph (2), following notice and a 90-day response period, fails to meet the terms and conditions of the agreement; or

(B) unless removal is carried out as part of a plan to maintain the viability of the herd; or

(C) except in the case of an emergency, or to protect public health and safety.

(4) The Secretary shall annually monitor, assess, and make available to the public findings regarding the population, structure, and health of the free roaming horses in the national seashore.

(5) Nothing in this subsection shall be construed to require the Secretary to replace horses or otherwise increase the number of horses within the boundaries of the seashore where the herd numbers fall below 110 as a result of natural causes, including, but not limited to, disease or natural disasters.

(6) Nothing in this subsection shall be construed as creating liability for the United States

for any damages caused by the free roaming horses to property located inside or outside the boundaries of the seashore.

(Pub. L. 89-366, § 5, Mar. 10, 1966, 80 Stat. 35; Pub. L. 105-202, § 2, July 16, 1998, 112 Stat. 676; Pub. L. 105-229, § 1, Aug. 13, 1998, 112 Stat. 1517; Pub. L. 109-117, § 1, Dec. 1, 2005, 119 Stat. 2526.)

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-117, § 1(b)(1), struck out "(a)" after "(a)".

Subsec. (b). Pub. L. 109-117, § 1(b)(2), struck out the subsec. (b) added by Pub. L. 105-229, which was identical to the subsec. (b) added by Pub. L. 105-202.

Subsec. (b)(1). Pub. L. 109-117, § 1(a)(1), substituted "not less than 110 free roaming horses, with a target population of between 120 and 130 free roaming horses," for "100 free roaming horses".

Subsec. (b)(3)(B). Pub. L. 109-117, § 1(a)(2), added subpar. (B) and struck out former subpar. (B) which read as follows: "unless the number of free roaming horses on Federal lands within Cape Lookout National Seashore exceeds 110; or".

Subsec. (b)(5). Pub. L. 109-117, § 1(a)(3), substituted "110" for "100".

1998—Pub. L. 105-229 directed an amendment identical to that in Pub. L. 105-202 resulting in the insertion of "(a)" before "(a)" in subsec. (a) and the addition of a second, identical subsec. (b).

Pub. L. 105-202 designated existing provisions as subsec. (a) and added subsec. (b).

**§ 459g-5. Shore erosion control or beach protection measures**

The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection measures within the Cape Lookout 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 459g to 459g-7 of this title.

(Pub. L. 89-366, § 6, Mar. 10, 1966, 80 Stat. 35.)

**§ 459g-6. Preservation and designation as wilderness; review of area by Secretary; report to President**

On or before January 1, 1978, the Secretary shall review the area within the seashore and shall report to the President, in accordance with section 1132(c) and (d) of this title, his recommendations as to the suitability or unsuitability of any area within the seashore for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with section 1132(c) and (d) of this title.

(Pub. L. 89-366, § 7, Mar. 10, 1966, 80 Stat. 35; Pub. L. 93-477, title IV, § 406(4), Oct. 26, 1974, 88 Stat. 1449.)

AMENDMENTS

1974—Pub. L. 93-477 substituted provisions authorizing review of area and report to the President by the Secretary with regard to suitability of area for preservation as wilderness for provisions authorizing appropriations.

**§ 459g-7. Authorization of appropriations; master plan to Congressional committees; time; contents**

There are hereby authorized to be appropriated such sums as may be necessary to carry