

out the purposes of sections 459g to 459g-7 of this title, not to exceed \$13,903,000 for acquisition of lands and interests therein, of which no more than \$1,000,000 may be expended for acquisition of lands owned by Core Banks Club Properties, Incorporated. For development of essential public facilities there are authorized to be appropriated not more than \$2,935,000. On or before January 1, 1978, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the full development of the seashore consistent with the preservation objectives of sections 459g to 459g-7 of this title, indicating—

- (1) the facilities needed to accommodate the health, safety and recreation needs of the visiting public;
- (2) the location and estimated cost of all facilities; and
- (3) the projected need for any additional facilities within the seashore.

(Pub. L. 89-366, §8, as added Pub. L. 93-477, title IV, §406(5), Oct. 26, 1974, 88 Stat. 1449; amended Pub. L. 98-141, §4, Oct. 31, 1983, 97 Stat. 909.)

#### CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

#### AMENDMENTS

1983—Pub. L. 98-141 substituted "\$13,903,000" for "\$7,903,000".

### § 459h. Gulf Islands National Seashore

#### (a) Establishment

In order to preserve for public use and enjoyment certain areas possessing outstanding natural, historic, and recreational values, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish and administer the Gulf Islands National Seashore (hereinafter referred to as the "seashore").

#### (b) Composition

##### (1) In general

The seashore shall comprise the areas described in paragraphs (2) and (3).

##### (2) Areas included in boundary plan numbered NS-GI-7100J

The areas described in this paragraph are the following gulf coast islands and mainland areas, together with adjacent water areas as generally depicted on the drawing entitled "Proposed Boundary Plan, Proposed Gulf Islands National Seashore," numbered NS-GI-7100J, and dated December 1970:

- (A) Ship, Petit Bois, and Horn Islands in Mississippi;
- (B) the eastern portion of Perdido Key in Florida;

- (C) Santa Rosa Island in Florida;
- (D) the Naval Live Oaks Reservation in Florida;

(E) Fort Pickens and the Fort Pickens State Park in Florida; and

(F) a tract of land in the Pensacola Naval Air Station in Florida that includes the Coast Guard Station and Lighthouse, Fort San Carlos, Fort Barrancas, and Fort Reoubt and sufficient surrounding land for proper administration and protection of the historic resources.

#### (3) Cat Island

Upon its acquisition by the Secretary, the area described in this paragraph is the parcel consisting of approximately 2,000 acres of land on Cat Island, Mississippi, as generally depicted on the map entitled "Boundary Map, Gulf Islands National Seashore, Cat Island, Mississippi", numbered 635/80085, and dated November 9, 1999 (referred to in sections 459h to 459h-10 of this title<sup>1</sup> as the "Cat Island Map").

#### (4) Availability of Map

The Cat Island Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(Pub. L. 91-660, §1, Jan. 8, 1971, 84 Stat. 1967; Pub. L. 106-554, §1(a)(4) [div. B, title I, §137(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A-231.)

#### REFERENCES IN TEXT

Sections 459h to 459h-10 of this title, referred to in subsec. (b)(3), was in the original "this title", and was translated as reading "this Act", meaning Pub. L. 91-660, which enacted sections 459h to 459h-10 of this title, to reflect the probable intent of Congress, because Pub. L. 91-660 does not contain titles.

#### AMENDMENTS

2000—Pub. L. 106-554 inserted section catchline and subsec. (a) designation and heading, substituted "In order" for "That, in order", inserted subsec. (b) designation and heading, added par. (1), inserted par. (2) designation and heading and substituted "The areas described in this paragraph are" for "The seashore shall comprise", redesignated former pars. (1) to (6) as subpars. (A) to (F), respectively, of par. (2), realigned margins, and added pars. (3) and (4).

### § 459h-1. Acquisition of property

#### (a) Authority of Secretary; concurrence of State owner; administrative site and related facilities; transfer from Federal agency to administrative jurisdiction of Secretary

Within the boundaries of the seashore, the Secretary may acquire submerged land, land, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that property owned by a State or any political subdivision thereof may be acquired only with the consent of the owner. The Secretary may acquire by any of the above methods not more than four hundred acres of land or interests therein outside of the seashore boundaries on the mainland in the vicinity of Biloxi-Gulfport, Mississippi, for an administrative site and related facilities for access to the

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

seashore. With the concurrence of the agency having custody thereof, any Federal property within the seashore and mainland site may be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the seashore.

**(b) Improved residential property owner's reservation of right of use and occupancy for residential purposes for life or fixed term of years; election by owner; transfer or assignment of right; adjustment of compensation**

With respect to improved residential property acquired for the purposes of sections 459h to 459h-10 of this title, which is beneficially owned by a natural person and which the Secretary of the Interior determines can be continued in that use for a limited period of time without undue interference with the administration, development, or public use of the seashore, the owner thereof may on the date of its acquisition by the Secretary retain a right of use and occupancy of the property for noncommercial residential purposes for a term, as the owner may elect, ending either (1) at the death of the owner or his spouse, whichever occurs later, or (2) not more than twenty-five years from the date of acquisition. Any right so retained may during its existence be transferred or assigned. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less their<sup>1</sup> fair market value on such date of the right retained by the owner.

**(c) "Improved residential property" defined**

As used in sections 459h to 459h-10 of this title, "improved residential property" means a single-family year-round dwelling, the construction of which began before January 1, 1967, and which serves as the owner's permanent place of abode at the time of its acquisition by the United States, together with not more than three acres of land on which the dwelling and appurtenant buildings are located that the Secretary finds is reasonably necessary for the owner's continued use and occupancy of the dwelling: *Provided*, That the Secretary may exclude from improved residential property any marsh, beach, or waters and adjoining land that the Secretary deems is necessary for public access to such marsh, beach, or waters.

**(d) Termination of use and occupancy inconsistent with statutory purposes and upon tender of sum for unexpired right**

The Secretary may terminate a right of use and occupancy retained pursuant to this section upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of sections 459h to 459h-10 of this title, and upon tender to the holder 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.

**(e) Acquisition authority**

**(1) In general**

The Secretary may acquire, from a willing seller only—

(A) all land comprising the parcel described in subsection (b)(3)<sup>2</sup> that is above

the mean line of ordinary high tide, lying and being situated in Harrison County, Mississippi;

(B) an easement over the approximately 150-acre parcel depicted as the "Boddie Family Tract" on the Cat Island Map for the purpose of implementing an agreement with the owners of the parcel concerning the development and use of the parcel; and

(C)(i) land and interests in land on Cat Island outside the 2,000-acre area depicted on the Cat Island Map; and

(ii) submerged land that lies within 1 mile seaward of Cat Island (referred to in sections 459h to 459h-10 of this title<sup>2</sup> as the "buffer zone"), except that submerged land owned by the State of Mississippi (or a subdivision of the State) may be acquired only by donation.

**(2) Administration**

**(A) In general**

Land and interests in land acquired under this subsection shall be administered by the Secretary, acting through the Director of the National Park Service.

**(B) Buffer zone**

Nothing in sections 459h to 459h-10 of this title<sup>2</sup> or any other provision of law shall require the State of Mississippi to convey to the Secretary any right, title, or interest in or to the buffer zone as a condition for the establishment of the buffer zone.

**(3) Modification of boundary**

The boundary of the seashore shall be modified to reflect the acquisition of land under this subsection only after completion of the acquisition.

(Pub. L. 91-660, §2, Jan. 8, 1971, 84 Stat. 1967; Pub. L. 92-275, §1(1), Apr. 20, 1972, 86 Stat. 123; Pub. L. 106-554, §1(a)(4) [div. B, title I, §137(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A-231.)

REFERENCES IN TEXT

Subsection (b)(3), referred to in subsec. (e)(1)(A), probably means subsection (b)(3) of section 459h of this title. Subsection (b) of this section does not contain a par. (3).

Sections 459h to 459h-10 of this title, referred to in subsec. (e)(1)(C)(ii), (2)(B), was in the original "this title", and was translated as reading "this Act", meaning Pub. L. 91-660, which enacted sections 459h to 459h-10 of this title, to reflect the probable intent of Congress, because Pub. L. 91-660 does not contain titles.

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-554, §1(a)(4) [div. B, title I, §137(b)(1)], substituted "submerged land, land," for "lands," in first sentence.

Subsec. (e). Pub. L. 106-554, §1(a)(4) [div. B, title I, §137(b)(2)], added subsec. (e).

1972—Subsec. (a). Pub. L. 92-275 increased amount of property authorized to be acquired from one hundred thirty-five to four hundred acres.

GULF ISLANDS NATIONAL SEASHORE LAND EXCHANGE

Pub. L. 115-279, Nov. 20, 2018, 132 Stat. 4187, known as the Gulf Islands National Seashore Land Exchange Act, authorized the Secretary of the Interior to exchange certain Federal lands located within the Gulf Islands National Seashore in Jackson County, Mississippi, for non-Federal land identified as "VFW Exchange Area"

<sup>1</sup> So in original. Probably should be "the".

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

located in Jackson County, Mississippi, owned by the Veterans of Foreign Wars Post 5699, with the stipulation for equal value exchange and provision for methods of equalizing the exchange, for the conveyance agreement and title approval, and for the modification of the boundary of the Gulf Islands National Seashore to reflect the exchange.

### § 459h-2. Designation of hunting and fishing zones; regulation of maritime activities

#### (a) In general

The Secretary shall permit hunting and fishing on lands and waters within the seashore in accordance with applicable Federal and States laws: *Provided*, That he may designate zones where, and establish periods when, no hunting or fishing will be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations issued by the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

#### (b) No authority to regulate maritime activities

Nothing in sections 459h to 459h-10 of this title<sup>1</sup> or any other provision of law shall affect any right of the State of Mississippi, or give the Secretary any authority, to regulate maritime activities, including nonseashore fishing activities (including shrimping), in any area that, on December 21, 2000, is outside the designated boundary of the seashore (including the buffer zone).

(Pub. L. 91-660, §3, Jan. 8, 1971, 84 Stat. 1968; Pub. L. 106-554, §1(a)(4) [div. B, title I, §137(c)], Dec. 21, 2000, 114 Stat. 2763, 2763A-232.)

#### REFERENCES IN TEXT

Sections 459h to 459h-10 of this title, referred to in subsec. (b), was in the original "this title", and was translated as reading "this Act", meaning Pub. L. 91-660, which enacted sections 459h to 459h-10 of this title, to reflect the probable intent of Congress, because Pub. L. 91-660 does not contain titles.

#### AMENDMENTS

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

### § 459h-3. Rights-of-way or easements for transportation of oil and gas minerals

Any acquisition of lands, waters, or interests therein shall not diminish any existing rights-of-way or easements which are necessary for the transportation of oil and gas minerals through the seashore which oil and gas minerals are removed 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.)

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

### § 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 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.

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

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