

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 The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54, National Park Service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 (a) repealed sections 450gg to 450gg-3 of this title and provisions formerly set out as a note under section 450gg of this title.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 part of the seashore in accordance with the provisions of sections 459h to 459h-10 of this title.

(Pub. L. 91-660, § 7, Jan. 8, 1971, 84 Stat. 1969; Pub. L. 109-163, div. B, title XXVIII, § 2872(b), Jan. 6, 2006, 119 Stat. 3535.)

#### AMENDMENTS

2006—Pub. L. 109-163 designated existing provisions as subsec. (a) and added subsec. (b).

#### TRANSFER OF EXCESS DEPARTMENT OF DEFENSE PROPERTY ON SANTA ROSA AND OKALOOSA ISLAND, FLORIDA, TO GULF ISLANDS NATIONAL SEASHORE

Pub. L. 109-163, div. B, title XXVIII, § 2872(a), Jan. 6, 2006, 119 Stat. 3534, provided that: “Congress finds the following:

“(1) Public Law 91-660 of the 91st Congress [16 U.S.C. 459h et seq.] established the Gulf Islands National Seashore in the States of Florida and Mississippi.

“(2) The original boundaries of the Gulf Islands National Seashore encompassed certain Federal land used by the Air Force and the Navy, and the use of such land was still required by the Armed Forces when the seashore was established.

“(3) Senate Report 91-1514 of the 91st Congress addressed the relationship between these military lands and the Gulf Islands National Seashore as follows: ‘While the military use of these lands is presently required, they remain virtually free of adverse development and they are included in the boundaries of the seashore so that they can be wholly or partially transferred to the Department of the Interior when they become excess to the needs of the Air Force.’.

“(4) Although section 2(a) of Public Law 91-660 (16 U.S.C. 459h-1(a)) authorized the eventual transfer of Federal land within the boundaries of the Gulf Islands National Seashore from the Department of Defense to the Secretary of the Interior, an amendment mandating the transfer of excess Department of Defense land on Santa Rosa and Okaloosa Island, Florida, to the Secretary of the Interior is required to ensure that the purposes of the Gulf Islands National Seashore are fulfilled.”

#### **§ 459h-7. Preservation of any area as wilderness; study and report to President; procedure for designation of any area as a wilderness**

Within four years from January 8, 1971, the Secretary of the Interior shall review the area within the Gulf Islands National Seashore and shall report to the President, in accordance with subsections (c) and (d) of section 1132 of this title, and recommend as to the suitability or nonsuitability of any area within the seashore for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections.

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

#### **§ 459h-8. Authority of Department of Army or Chief of Engineers over navigation or related matters**

No provision of sections 459h to 459h-10 of this title, or of any other Act made applicable thereby, shall be construed to affect, supersede, or modify any authority of the Department of the Army or the Chief of Engineers, with respect to navigation or related matters except as specifically provided in section 459h-5 of this title.

(Pub. L. 91-660, § 9, Jan. 8, 1971, 84 Stat. 1969.)

#### **§ 459h-9. Gulf Islands National Seashore Advisory Commission; establishment; termination; membership; term; Chairman; compensation and payment of expenses; consultation by Secretary**

There is hereby established a Gulf Islands National Seashore Advisory Commission. The Com-