

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)² 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 title² 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 title² 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.)

² See References in Text note below.

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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” 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 title¹ 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.)

¹ See References in Text note below.

Editorial Notes

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.)

§ 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),¹ as amended and supplemented (16 U.S.C. 1 et seq.).² 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),² 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.)

Editorial Notes

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.

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.)

¹ So in original. Probably should be “(39 Stat. 535).”

² See References in Text note below.