

(Pub. L. 92-536, § 5, Oct. 23, 1972, 86 Stat. 1068.)

§ 459i-5. Administration, protection, and development

(a) Applicability of provisions; utilization of statutory authorities

The seashore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4),¹ as amended and supplemented, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of sections 459i to 459i-9 of this title.

(b) Preservation in primitive state; recreational activities exception

Except for certain portions of the seashore deemed to be especially adaptable for recreational uses, particularly swimming, boating, fishing, hiking, horseback riding, and other recreational activities of similar nature, which shall be developed for such uses as needed, the seashore shall be permanently preserved in its primitive state, and, except as provided in subsection (c), no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing, nor shall any road or causeway connecting Cumberland Island to the mainland be constructed.

(c) Tours of the seashore

Notwithstanding subsection (b), the Secretary may enter into not more than 3 concession contracts, as the Secretary determines appropriate, for the provision of tours for visitors to the seashore that are consistent with—

- (1) sections 459i to 459i-9 of this title;
- (2) the Wilderness Act (16 U.S.C. 1131 et seq.); and
- (3) Public Law 97-250 (96 Stat. 709).

(Pub. L. 92-536, § 6, Oct. 23, 1972, 86 Stat. 1068; Pub. L. 108-447, div. E, title I, § 145(b), Dec. 8, 2004, 118 Stat. 3073; Pub. L. 114-289, title VI, § 601(c), Dec. 16, 2016, 130 Stat. 1491.)

Editorial Notes

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), 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 Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and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 Wilderness Act, referred to in subsec. (c)(2), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, which is classi-

fied generally to chapter 23 (§ 1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

Public Law 97-250, referred to in subsec. (c)(3), is Pub. L. 97-250, Sept. 8, 1982, 96 Stat. 709, which enacted section 122a of this title, amended section 121 of this title, and enacted provisions set out as a note under section 121 of this title and listed in a table of Wilderness Areas set out under section 1132 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2016—Subsec. (b). Pub. L. 114-289 substituted “physiographic conditions now prevailing” for “physiographic conditions not prevailing”.

2004—Subsec. (b). Pub. L. 108-447, § 145(b)(1), inserted “, except as provided in subsection (c),” before “no development of the project”.

Subsec. (c). Pub. L. 108-447, § 145(b)(2), added subsec. (c).

§ 459i-6. State and local jurisdiction

Nothing in sections 459i to 459i-9 of this title shall deprive the State of Georgia or any political subdivision thereof of its civil or criminal jurisdiction over persons found, acts performed, and offenses committed within the boundaries of the seashore, or of its right to tax persons, corporations, franchises, or other non-Federal property on lands included therein.

(Pub. L. 92-536, § 7, Oct. 23, 1972, 86 Stat. 1068.)

§ 459i-7. Water resource developments

The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection and navigation improvements on land and/or waters within the Cumberland Island National Seashore shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of sections 459i to 459i-9 of this title and the purpose of existing statutes dealing with water and related land resource development.

(Pub. L. 92-536, § 8, Oct. 23, 1972, 86 Stat. 1068.)

§ 459i-8. Report to President

Within three years from October 23, 1972, the Secretary of the Interior 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 national seashore for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said section 1132(c) and (d) of this title.

(Pub. L. 92-536, § 9, Oct. 23, 1972, 86 Stat. 1068.)

§ 459i-9. Authorization of appropriations

There are authorized to be appropriated not to exceed \$28,500,000 for the acquisition of lands and interests in lands and not to exceed \$27,840,000 for development of the seashore.

(Pub. L. 92-536, § 10, Oct. 23, 1972, 86 Stat. 1068; Pub. L. 95-625, title II, § 201(3), Nov. 10, 1978, 92 Stat. 3473.)

¹ See References in Text note below.