(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 Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and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 classified 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).

[1] See References in Text note below.

§ 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 nonsuitability 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.)

Editorial Notes

AMENDMENTS

1978—Pub. L. 95–625 substituted ''$28,500,000'' for ''$10,500,000''.

§ 459j. Canaveral National Seashore; establishment; boundary; boundary revisions; limitation on area

In order to preserve and protect the outstanding natural, scenic, scientific, ecologic, and historic values of certain lands, shoreline, and waters of the State of Florida, and to provide for public outdoor recreation use and enjoyment of the same, there is hereby established the Canaveral National Seashore (hereinafter referred to as the ''seashore''), as generally depicted on the map entitled ''Boundary Map, Canaveral National Seashore'', dated August 1974 and numbered NS–CAN–40,000A. Such seashore shall comprise approximately sixty-seven thousand five hundred acres within the area more particularly described by a line beginning at the intersection of State Highway 3 and State Road 402, thence generally easterly following State Road 402 to a point one-half mile offshore in the Atlantic Ocean, thence northwesterly along a line which is at each point one-half mile distant from the high water mark to Bethune Beach, thence inland in a generally westerly direction through Turner Flats and Shipyard Canal, thence northwesterly to the Intracoastal Waterway, thence southerly along the Intracoastal Waterway to the boundary of the Kennedy Space Center, thence southwesterly to United States Highway 1, thence southerly along State Highway 3 to the point of beginning. The boundary map shall be on file and available for public inspection in the offices of the United States Fish and Wildlife Service and National Park Service, Department of the Interior, Washington, District of Columbia. After advising the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, in writing, at least sixty days prior to making any boundary revisions, the Secretary may from time to time make minor revisions in the boundaries of the seashore by publication of a revised map or other boundary description in the Federal Register: *Provided*, That the total acreage included within the boundaries shall not exceed that enumerated in this section.

(Pub. L. 93–626, § 1, Jan. 3, 1975, 88 Stat. 2121; Pub. L. 103–437, § 6(a)(4), Nov. 2, 1994, 108 Stat. 4583.)

Editorial Notes

AMENDMENTS

1994—Pub. L. 103–437 substituted ''Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives'' for ''Committees on Interior and Insular Affairs of the United States Congress''.

§ 459j–1. Acquisition of property; donation and development of State lands; transfer from Federal agency to administrative jurisdiction of Secretary; written cooperative agreement with National Aeronautics and Space Administration; construction and development; report to Congressional committees

Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer. Any property owned by the State of Florida or any political subdivision thereof may be acquired only by donation. It is the intent and purpose of sections 459j to 459j–8 of this title that the Secretary shall have sole authority to develop and improve those State owned lands donated now and in the future in accordance with the intent and purposes of sections 459j to 459j–8 of this title. Notwithstanding any other provision of law, any federally owned property within the boundaries of the seashore may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary of the Interior and he may develop and administer such lands in a manner consistent with the purposes of sections 459j to 459j–8 of this title. In accepting lands transferred by the National Aeronautics and Space Administration pursuant to sections 459j to 459j–8 of this title the Secretary shall enter into a written cooperative agreement with the Administrator to assure the use of such lands in a manner which is deemed consistent with the public safety and with the needs of the space and defense programs of the Nation: *Provided*, That no new construction or development shall be permitted within the seashore, except for the construction of such facilities as the Secretary deems necessary for the health and safety of the visiting public or for the proper administration of the seashore: *Provided further*, That after January 3, 1975, the Secretary of the Interior, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall submit to the Committees on Natural Resources and on Science, Space, and Technology of the House of Representatives and to the Committees on Energy and Natural Resources and on Commerce, Science, and Transportation of the Senate a report of all land transfers made by the National Aeronautics and Space Administration to the Department of the Interior under sections 459j to 459j–8 of this title.

(Pub. L. 93–626, § 2, Jan. 3, 1975, 88 Stat. 2122; Pub. L. 103–437, § 6(*o*), Nov. 2, 1994, 108 Stat. 4586.)

Editorial Notes

AMENDMENTS

1994—Pub. L. 103–437 substituted ''Natural Resources and on Science, Space, and Technology of the House of Representatives and to the Committees on Energy and Natural Resources and on Commerce, Science, and Transportation of the Senate'' for ''Interior and Insular Affairs of the Congress and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate''.