

1 of 8 DOCUMENTS

UNITED STATES CODE SERVICE
Copyright © 2005 Matthew Bender & Company, Inc.,
one of the LEXIS Publishing (TM) companies
All rights reserved

*** CURRENT THROUGH P.L. 109-73, APPROVED 9/23/05 ***

TITLE 16. CONSERVATION
CHAPTER 1. NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES
NATIONAL SEASHORE RECREATIONAL AREAS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

16 USCS § 459g (2005)

§ 459g. Cape Lookout National Seashore; purposes; authorization for establishment; description of area

In order to preserve for public use and enjoyment an area in the State of North Carolina possessing outstanding natural and recreational values, there is hereby authorized to be established the Cape Lookout National Seashore (hereinafter referred to as "seashore"), which shall comprise the lands and adjoining marshlands and waters on the outer banks of Carteret County, North Carolina, between Ocracoke Inlet and Beaufort Inlet, as generally depicted on the map entitled "Boundary Map, Cape Lookout National Seashore", dated March 1974, and numbered 623-20,009, which is on file in the Office of the National Park Service, Department of the Interior.

HISTORY:

(March 10, 1966, P.L. 89-366, § 1, 80 Stat. 33; Oct. 26, 1974, P.L. 93-477, Title IV, § 406(1), 88 Stat. 1448.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Amendments:

1974. Act Oct. 26, 1974 substituted " 'Boundary Map, Cape Lookout National Seashore', dated March 1974, and numbered 623-20,009," for " 'Proposed Boundaries--Proposed Cape Lookout National Seashore', dated April 1964, and numbered NS-CL-7101-B,"; substituted a period for a colon following "Interior"; and deleted a proviso, following the deleted colon, which read: "Provided, however, That such seashore shall not include those lands and interests in lands which are bounded on the north by the southerly boundary of the Cape Lookout lighthouse property, on the east by a line located seven hundred and fifty feet inland from the mean high water line of the Atlantic Ocean, on the south by the northerly boundary of property now owned or leased by the United States Coast Guard and other Federal agencies, and on the west by the easterly boundary of property of the Thomas Gold heirs (as shown on a map prepared by J. G. Has-sell in October 1961 and recorded at page 4 of Map Book Numbered 6 in the office of the Register of Deeds, Carteret County, North Carolina) and the waters of Lookout Bight."

NOTES:

Related Statutes & Rules:

This section is referred to in *16 USCS § § 459g-1, 459g-2, 459g-4-459g-7.*

UNITED STATES CODE SERVICE
Copyright © 2005 Matthew Bender & Company, Inc.,
one of the LEXIS Publishing (TM) companies
All rights reserved

*** CURRENT THROUGH P.L. 109-73, APPROVED 9/23/05 ***

TITLE 16. CONSERVATION
CHAPTER 1. NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES
NATIONAL SEASHORE RECREATIONAL AREAS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

16 USCS § 459g-1 (2005)

§ 459g-1. Acquisition of property

(a) Transfer from Federal agency to administrative jurisdiction of Secretary; non-Federal lands. Notwithstanding any other provision of law, Federal property located within the boundaries of the Cape Lookout National Seashore may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary of the Interior for the purposes of the seashore. Such transfer shall be made without transfer of funds. Lands owned by the State of North Carolina or any political subdivision thereof may be acquired only by donation, but the Secretary may, subject to the provisions of section 7 of this Act [*16 USCS § 459g-6*], acquire any other non-Federal lands, marshlands, waters, or interests therein which are located within the boundaries of the seashore by donation, purchase with donated or appropriated funds, or exchange. Notwithstanding any other provision of law, the Secretary may accept any lands donated by the State of North Carolina subject to a provision for reversion to the State conditioned upon continued use of the property for national seashore purposes. Land donated by the State of North Carolina pursuant to this subsection shall constitute consideration for the transfer by the United States of 1.5 acres of land that is to be used as a site for a public health facility in the village of Hatteras, Dare County, North Carolina.

(b) Exchange of property; cash equalization payments. When acquiring lands by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the seashore and convey to the grantor of such property any federally owned property in the State of North Carolina under his jurisdiction which he classifies as proper for exchange or other disposition. Failing to effectuate an exchange of properties of approximately equal fair market value, the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

(c) Owner's reservation of right of use and occupancy for residential purposes for life or fixed term of years; exclusion of property necessary for public use and access; election of term. Any person who on January 1, 1966, owned property which on July 1, 1963, was developed and used for noncommercial residential purposes may reserve for himself and his assigns, as a condition to the purchase or acquisition by exchange of such property by the Secretary, a right of use and occupancy of the residence and not in excess of three acres of land on which the residence is situated, for noncommercial residential purposes for a term ending at the death of the owner, or the death of his spouse, or the death of either of them, or, in lieu thereof, for a definite term not to exceed twenty-five years: Provided, That the Secretary may exclude from such reserved property any marsh, beach, or waters, together with so much of the land adjoining such marsh, beach, or waters as he deems necessary for public access thereto. The owner shall elect the term of the right to be reserved. The Secretary is authorized to accept donations of property for purposes of the seashore in which a right of use and occupancy for noncommercial residential purposes is reserved for the period stated in this subsection if the land on which the residence is situated and to which the right attaches is not in excess of three acres and there is excluded from the reserved property such marsh, beach, or waters and adjoining land as the Secretary deems necessary for public use and access thereto.

16 USCS § 459g-1

(d) Termination of use and occupancy inconsistent with statutory purposes and upon tender of sum for unexpired right. A right of use and occupancy reserved in lands that are donated or otherwise acquired pursuant to this section shall be subject to termination by the Secretary upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this Act [*16 USCS § § 459g et seq.*] and upon tender to the holder of the right of an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(e) Administrative site; landing dock and related approach or access facilities. The Secretary of the Interior is authorized to purchase with donated or appropriated funds, or acquire by exchange, not to exceed one hundred acres of lands or interests in lands at or near Beaufort, North Carolina, as an administrative site, and for a landing dock and related facilities that may be used to provide a suitable approach or access to the seashore.

HISTORY:

(March 10, 1966, P.L. 89-366, § 2, 80 Stat. 34; Oct. 26, 1974, P.L. 93-477, Title IV, § 406(2), 88 Stat. 1448.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Amendments:

1974. Act Oct. 26, 1974, in subsec. (a), substituted "Lands owned by the State of North Carolina or any political subdivision thereof may be acquired only by donation, but the Secretary may, subject to the provisions of section 7 of this Act, acquire any other non-Federal lands, marshlands, waters, or interests therein which are located within the boundaries of the seashore by donation, purchase with donated or appropriated funds, or exchange. Notwithstanding any other provision of law, the Secretary may accept any lands donated by the State of North Carolina subject to a provision for reversion to the State conditioned upon continued use of the property for national seashore purposes." for "Non-Federal lands, marshlands, waters, or interests therein located within the authorized seashore may be acquired by the Secretary of the Interior only through donation, except that he may purchase with donated or appropriated funds, or may acquire by exchange, the lands, marshlands, and waters or interests therein comprising the Shackleford Banks."

NOTES:

Related Statutes & Rules:

This section is referred to in *16 USCS § § 459g-2, 459g-4, 459g-5, 459g-7.*

UNITED STATES CODE SERVICE
Copyright © 2005 Matthew Bender & Company, Inc.,
one of the LEXIS Publishing (TM) companies
All rights reserved

*** CURRENT THROUGH P.L. 109-73, APPROVED 9/23/05 ***

TITLE 16. CONSERVATION
CHAPTER 1. NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES
NATIONAL SEASHORE RECREATIONAL AREAS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

16 USCS § 459g-2 (2005)

§ 459g-2. Establishment; notice in Federal Register; copies to Congress

When title to lands and interest in lands in an amount sufficient to constitute an efficiently administerable unit for the purposes of this Act [*16 USCS § § 459g et seq.*] is vested in the United States, the Secretary shall declare the establishment of the seashore by publication of notice thereof in the Federal Register. Such notice shall contain a refined description or map of the boundaries of the seashore as the Secretary may find desirable and such exterior boundaries shall encompass, as nearly as possible, the area generally described in section 1 of this Act [*16 USCS § 459g*]. Copies of said description or map shall be furnished to the Speaker of the House and the President of the Senate not less than thirty days prior to publication in the Federal Register. Following such establishment, and subject to the limitations and conditions prescribed in this Act [*16 USCS § § 459g et seq.*], the Secretary may, subject to the provisions of section 2 hereof [*16 USCS § 459g-1*], acquire the remainder of the lands and interests in lands within the boundaries of the seashore.

HISTORY:

(March 10, 1966, P.L. 89-366, § 3, 80 Stat. 35; Oct. 26, 1974, P.L. 93-477, Title IV, § 406(3), 88 Stat. 1448.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Amendments:

1974. Act Oct. 26, 1974 substituted "When title to lands and interests in lands in an amount sufficient to constitute an efficiently administerable unit for the purposes of this Act is vested in the United States, the Secretary shall declare the establishment of the seashore by publication of notice thereof in the Federal Register." for "When title to the lands and interests in lands which under section 2(a) of this Act may be acquired for the purposes of the seashore by donation only is vested in the United States, the Secretary shall declare the establishment of the Cape Lookout National Seashore by publication of notice thereof in the Federal Register."

NOTES:

Related Statutes & Rules:

This section referred to in *16 USCS § § 459g-1, 459g-4, 459g-5, 459g-7.*

4 of 8 DOCUMENTS

UNITED STATES CODE SERVICE
Copyright © 2005 Matthew Bender & Company, Inc.,
one of the LEXIS Publishing (TM) companies
All rights reserved

*** CURRENT THROUGH P.L. 109-73, APPROVED 9/23/05 ***

TITLE 16. CONSERVATION
CHAPTER 1. NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES
NATIONAL SEASHORE RECREATIONAL AREAS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

16 USCS § 459g-3 (2005)

§ 459g-3. Hunting and fishing provisions

The Secretary shall permit hunting and fishing, including shellfishing, on lands, marshlands, and waters under his jurisdiction within the Cape Lookout National Seashore in accordance with the laws of the State of North Carolina and the United States, to the extent applicable, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the North Carolina Wildlife Resources Commission and the North Carolina Department of Conservation and Development.

HISTORY:

(March 10, 1966, P.L. 89-366, § 4, 80 Stat. 35.)

NOTES:

Related Statutes & Rules:

This section is referred to in *16 USCS § § 459g-1, 459g-2, 459g-4, 459g-5, 459g-7.*

UNITED STATES CODE SERVICE
Copyright © 2005 Matthew Bender & Company, Inc.,
one of the LEXIS Publishing (TM) companies
All rights reserved

*** CURRENT THROUGH P.L. 109-73, APPROVED 9/23/05 ***

TITLE 16. CONSERVATION
CHAPTER 1. NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES
NATIONAL SEASHORE RECREATIONAL AREAS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

16 USCS § 459g-4 (2005)

§ 459g-4. Administration; public outdoor recreation and enjoyment; utilization of authorities for conservation and development of natural resources

(a) The Secretary shall administer the Cape Lookout National Seashore for the general purposes of public outdoor recreation, including conservation of natural features contributing to public enjoyment. In the administration of the seashore and the administrative site, the Secretary may utilize such statutory authorities relating to areas administered and supervised by the Secretary through the National Park Service and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act [*16 USCS § § 459g et seq.*].

(b) (1) The Secretary, in accordance with this subsection, shall allow a herd of 100 free roaming horses in Cape Lookout National Seashore (hereinafter referred to as the "seashore"): *Provided*, That nothing in this section shall be construed to preclude the Secretary from implementing or enforcing the provisions of paragraph (3).

(2) Within 180 days after enactment of this subsection [enacted July 16, 1998], the Secretary shall enter into an agreement with the Foundation for Shackleford Horses (a nonprofit corporation established under the laws of the State of North Carolina), or another qualified nonprofit entity, to provide for management of free roaming horses in the seashore. The agreement shall--

(A) provide for cost-effective management of the horses while ensuring that natural resources within the seashore are not adversely impacted; and

(B) allow the authorized entity to adopt any of those horses that the Secretary removes from the seashore.

(3) The Secretary shall not remove, assist in, or permit the removal of any free roaming horses from Federal lands within the boundaries of the seashore--

(A) unless the entity with whom the Secretary has entered into the agreement under paragraph (2), following notice and a 90-day response period, fails to meet the terms and conditions of the agreement; or

(B) unless the number of free roaming horses on Federal lands within Cape Lookout National Seashore exceeds 110; or

(C) except in the case of an emergency, or to protect public health and safety.

(4) The Secretary shall annually monitor, assess, and make available to the public findings regarding the population, structure, and health of the free roaming horses in the national seashore.

(5) Nothing in this subsection shall be construed to require the Secretary to replace horses or otherwise increase the number of horses within the boundaries of the seashore where the herd numbers fall below 100 as a result of natural causes, including, but not limited to, disease or natural disasters.

(6) Nothing in this subsection shall be construed as creating liability for the United States for any damages caused by the free roaming horses to property located inside or outside the boundaries of the seashore.

HISTORY:

16 USCS § 459g-4

(March 10, 1966, P.L. 89-366, § 5, 80 Stat 35.)

(As amended July 16, 1998, P.L. 105-202, § 2, 112 Stat. 676; Aug. 13, 1998, P.L. 105-229, § 1, 112 Stat. 1517.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES**Amendments:**

1998. Act July 16, 1998 designated the existing provisions as subsec. (a); and added subsec. (b).

Act Aug. 13, 1998 purported to make amendments to this section that were identical to the ones made by Act July 16, 1998; therefore, in order to effectuate the probable intent of Congress, the amendments were not executed.

NOTES:**Related Statutes & Rules:**

This section is referred to in *16 USCS § § 459g-1, 459g-2, 459g-5, 459g-7.*

6 of 8 DOCUMENTS

UNITED STATES CODE SERVICE
Copyright © 2005 Matthew Bender & Company, Inc.,
one of the LEXIS Publishing (TM) companies
All rights reserved

*** CURRENT THROUGH P.L. 109-73, APPROVED 9/23/05 ***

TITLE 16. CONSERVATION
CHAPTER 1. NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES
NATIONAL SEASHORE RECREATIONAL AREAS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

16 USCS § 459g-5 (2005)

§ 459g-5. Shore erosion control or beach protection measures

The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection measures within the Cape Lookout National Seashore shall be exercised in accordance with a plan that is mutually acceptable to the Secretary of the Interior and the Secretary of the Army, and that is consistent with the purposes of this Act [*16 USCS § § 459g et seq.*].

HISTORY:

(March 10, 1966, P.L. 89-366, § 6, 80 Stat. 35.)

NOTES:

Related Statutes & Rules:

This section is referred to in *16 USCS § § 459g-1, 459g-2, 459g-4, 459g-7.*

UNITED STATES CODE SERVICE
Copyright © 2005 Matthew Bender & Company, Inc.,
one of the LEXIS Publishing (TM) companies
All rights reserved

*** CURRENT THROUGH P.L. 109-73, APPROVED 9/23/05 ***

TITLE 16. CONSERVATION
CHAPTER 1. NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES
NATIONAL SEASHORE RECREATIONAL AREAS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

16 USCS § 459g-6 (2005)

§ 459g-6. Preservation and designation as wilderness; review of area by Secretary; report to President

On or before January 1, 1978, the Secretary shall review the area within the seashore and shall report to the President, in accordance with section 3(c) and (d) of the Wilderness Act (78 Stat. 891; *16 U.S.C. 1132(c)* and (d)), his recommendations as to the suitability or unsuitability of any area within the seashore for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

HISTORY:

(March 10, 1966, P.L. 89-366, § 7, 80 Stat. 35; Oct. 26, 1974, P.L. 93-477, Title IV, § 406(4), 88 Stat. 1449.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Amendments:

1974. Act Oct. 26, 1974 substituted this section for one which read: "There are hereby authorized to be appropriated not to exceed \$ 3,200,000 for the acquisition and development of the seashore in accordance with the purposes of this Act."

NOTES:

Related Statutes & Rules:

This section is referred to in *16 USCS § § 459g-1, 459g-2, 459g-4, 459g-5, 459g-7.*

8 of 8 DOCUMENTS

UNITED STATES CODE SERVICE
Copyright © 2005 Matthew Bender & Company, Inc.,
one of the LEXIS Publishing (TM) companies
All rights reserved

*** CURRENT THROUGH P.L. 109-73, APPROVED 9/23/05 ***

TITLE 16. CONSERVATION
CHAPTER 1. NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES
NATIONAL SEASHORE RECREATIONAL AREAS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

16 USCS § 459g-7 (2005)

§ 459g-7. Authorization of appropriations; master plan to Congressional committees; time; contents

There are hereby authorized to be appropriated sums as may be necessary to carry out the purposes of this Act [*16 USCS § § 459g et seq.*], 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 [and Energy and Natural Resources] of the United States Congress a final master plan for the full development of the seashore consistent with the preservation objectives of this Act [*16 USCS § § 459g et seq.*], 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.

HISTORY:

(March 10, 1966, P.L. 89-366, § 8, as added Oct. 26, 1974, P.L. 93-477, Title IV, § 406(5), 88 Stat. 1449; Oct. 31, 1983, P.L. 98-141, § 4, 97 Stat. 909.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

The bracketed words "and Energy and Natural Resources" were inserted on authority of S. Res. 4, Feb. 4, 1977, effective Feb. 11, 1977, which changed the name of the Senate Committee on Interior and Insular Affairs to the Senate Committee on Energy and Natural Resources.

Amendments:

1983. Act Oct. 31, 1983 substituted "\$ 13,903,000" for "\$ 7,903,000".