

ervation agree to sell the allotment to the Secretary of the Interior (hereinafter referred to as the “Secretary”), the Secretary may consent to the sale on behalf of the other owners, purchase the allotment for the negotiated price and revise the boundaries of the lakeshore to include the allotment.

(Pub. L. 91-424, § 2, Sept. 26, 1970, 84 Stat. 880.)

§ 460w-2. Acquisition of property; authority of Secretary; State and Federal lands

The Secretary may acquire within the boundaries of the lakeshore lands and interests therein by donation, purchase with donated or appropriated funds, or exchange, but lands and interests in lands owned by the State of Wisconsin may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the lakeshore is hereby transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the lakeshore: *Provided*, That the United States Coast Guard may retain a right to utilize a portion of such land and facilities for use as navigational aids so long as may be required.

(Pub. L. 91-424, § 3, Sept. 26, 1970, 84 Stat. 880; Pub. L. 99-497, § 1(2), Oct. 17, 1986, 100 Stat. 1267.)

AMENDMENTS

1986—Pub. L. 99-497 substituted “is hereby” for “may, with the concurrence of the agency having custody thereof, be” and inserted proviso permitting the United States Coast Guard to utilize a portion of the lands and facilities for use as navigational aids as long as required.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 460w-3. Retention rights of owners of improved property

(a) Designation of lands as administrative site, visitor center, and related facilities; election by owners of term of rights retained; adjustment of compensation

With the exception of not more than eighty acres of land to be designated within the lakeshore boundaries by the Secretary as an administrative site, visitor center, and related facilities, as soon as practicable, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is the later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such

acquisition less the fair market value on such date of the right retained by the owner.

(b) Termination right of Secretary upon determination that retained property or any portion thereof has ceased to be used for non-commercial residential or agricultural purposes; adjustment of compensation

A right of use and occupancy retained pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential or for agricultural purposes, and upon tender to the holder of a right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) “Improved property” defined

The term “improved property”, as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1967, or before January 1, 1985 for those lands referred to in section 460w(b) of this title (hereinafter referred to as “dwelling”), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(Pub. L. 91-424, § 4, Sept. 26, 1970, 84 Stat. 880; Pub. L. 99-497, § 1(3), Oct. 17, 1986, 100 Stat. 1267.)

AMENDMENTS

1986—Subsec. (c). Pub. L. 99-497 inserted “, or before January 1, 1985 for those lands referred to in section 460w(b) of this title”.

§ 460w-4. Hunting, fishing, and trapping

The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the lakeshore in accordance with the appropriate laws of Wisconsin and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, trapping, or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, trapping, and fishing activities.

(Pub. L. 91-424, § 5, Sept. 26, 1970, 84 Stat. 881.)

§ 460w-5. Administration, protection, and development of lakeshore by Secretary

The lakeshore shall be administered, protected, and developed in accordance with the provisions of sections 1, 2, 3, and 4 of this title, as amended and supplemented; and sections 8 to 8c of this title, as amended, except that any other statutory authority available to the Sec-

retary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this subchapter.

(Pub. L. 91-424, §6, Sept. 26, 1970, 84 Stat. 881.)

§ 460w-6. Land and water use management plan; adoption, implementation, and revision of plan by Secretary; required provisions of plan

In the administration, protection, and development of the lakeshore, the Secretary shall adopt and implement, and may from time to time revise, a land and water use management plan which shall include specific provision for—

(a) protection of scenic, scientific, historic, geological, and archeological features contributing to public education, inspiration, and enjoyment;

(b) development of facilities to provide the benefits of public recreation together with such access roads as he deems appropriate; and

(c) preservation of the unique flora and fauna and the physiographic and geologic conditions now prevailing on the Apostle Islands within the lakeshore: *Provided*, That the Secretary may provide for the public enjoyment and understanding of the unique natural, historical, scientific, and archeological features of the Apostle Islands through the establishment of such trails, observation points, exhibits, and services as he may deem desirable.

(Pub. L. 91-424, §7, Sept. 26, 1970, 84 Stat. 881.)

§ 460w-7. Authorization of appropriations

There are authorized to be appropriated not more than \$5,250,000 for the acquisition of lands and interests in lands and not more than \$5,000,000 for the development of the Apostle Islands National Lakeshore. Effective October 1, 1986, there are authorized to be appropriated such additional sums as may be necessary for the acquisition of the lands described in section 460w(b) of this title.

(Pub. L. 91-424, §8, Sept. 26, 1970, 84 Stat. 881; Pub. L. 93-477, title I, §101(11), Oct. 26, 1974, 88 Stat. 1445; Pub. L. 99-497, §1(4), Oct. 17, 1986, 100 Stat. 1267.)

AMENDMENTS

1986—Pub. L. 99-497 inserted provision authorizing additional sums to be appropriated as necessary for acquisition of lands described in section 460w(b) of this title.

1974—Pub. L. 93-477 substituted “\$5,250,000” for “\$4,250,000”.

SUBCHAPTER LXXXII—SLEEPING BEAR
DUNES NATIONAL LAKESHORE

§ 460x. Establishment

(a) Purpose; administration

The Congress finds that certain outstanding natural features, including forests, beaches, dune formations, and ancient glacial phenomena, exist along the mainland shore of Lake Michigan and on certain nearby islands in Benzie and Leelanau Counties, Michigan, and that such features ought to be preserved in their natural setting and protected from develop-

ments and uses which would destroy the scenic beauty and natural character of the area. In order to accomplish this purpose for the benefit, inspiration, education, recreation, and enjoyment of the public, the Secretary of the Interior (hereinafter referred to as the “Secretary”) is authorized to take appropriate action, as herein provided, to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore. In carrying out the provisions of this subchapter, the Secretary shall administer and protect the Sleeping Bear Dunes National Lakeshore in a manner which provides for recreational opportunities consistent with the maximum protection of the natural environment within the area.

(b) Cooperation between Federal, State, and local governments

In preserving the lakeshore and stabilizing its development, substantial reliance shall be placed on cooperation between Federal, State, and local governments to apply sound principles of land use planning and zoning. In developing the lakeshore, full recognition shall be given to protecting the private properties for the enjoyment of the owners.

(Pub. L. 91-479, §1, Oct. 21, 1970, 84 Stat. 1075.)

§ 460x-1. Description of area

(a) In general

The Sleeping Bear Dunes National Lakeshore (hereinafter referred to as the “lakeshore”) shall comprise the land and water area generally depicted on the map entitled “A Proposed Sleeping Bear Dunes National Lakeshore Boundary Map”, numbered NL-SBD-91,000 and dated May 1969, which shall be on file and available for public inspection in the offices of the National Park Service of the Department of the Interior.

(b) Establishment; notice in Federal Register

As soon as practicable after October 21, 1970, and following the acquisition by the Secretary of those lands owned by the State of Michigan within the boundaries of the area designated for inclusion in the lakeshore (excepting not to exceed three hundred acres in the Platte Bay area) and of such additional lands, if any, as are necessary to provide an area which in his opinion is efficiently administrable for the purposes of this subchapter, he shall establish the Sleeping Bear Dunes National Lakeshore by publication of notice thereof in the Federal Register.

(Pub. L. 91-479, §2, Oct. 21, 1970, 84 Stat. 1075.)

§ 460x-2. Designation of lakeshore areas

(a) Area categories; publication in Federal Register

Within thirty days, or as soon as possible thereafter, after October 21, 1970, the Secretary shall publish in the Federal Register a map or other description of the lakeshore delineating areas constituting the following categories:

Category I, public use and development areas.
Category II, environmental conservation areas.

Category III, private use and development areas.