

## THE INDIANA DUNES NATIONAL PARK ACT

OCTOBER 19, 2017.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,  
submitted the following

### R E P O R T

[To accompany H.R. 1488]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1488) to retitle Indiana Dunes National Lakeshore as Indiana Dunes National Park, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Indiana Dunes National Park Act”.

#### SEC. 2. INDIANA DUNES NATIONAL LAKESHORE RETITLED AS INDIANA DUNES NATIONAL PARK.

(a) IN GENERAL.—Public Law 89–761 (16 U.S.C. 460u et seq.) is amended—

(1) by striking “National Lakeshore” and “national lakeshore” each place it appears and inserting “National Park”; and

(2) by striking “lakeshore” each place it appears and inserting “Park”.

(b) NONAPPLICATION.—The amendment made by subsection (a)(1) shall not apply to the title of the map referred to in the first section of Public Law 89–761 (16 U.S.C. 460u), or to the title of the maps referred to in section 4 of Public Law 89–761 (16 U.S.C. 460u–3).

#### PURPOSE OF THE BILL

The purpose of H.R. 1488 is to retitle Indiana Dunes National Lakeshore as Indiana Dunes National Park.

#### BACKGROUND AND NEED FOR LEGISLATION

Indiana Dunes National Lakeshore was established by Congress in 1966 through Public Law 89–761. The designation of the national lakeshore as a unit of the National Park System was the cul-

mination of decades of work by conservationists, area residents and elected officials. The law included 8,330 acres of land and water. The National Park Service and conservation advocates continued to seek expansion of the boundaries, and five subsequent expansion bills increased the size of the national lakeshore to more than 15,000 acres.<sup>1</sup>

Proponents of redesignating the national lakeshore as a national park note that Stephen Mather, the first Director of the National Park Service, originally had plans to create a “Sand Dunes National Park”. In October 1916, shortly after the National Park Service was established, Director Mather held hearings in Chicago to gauge public sentiment on a “Sand Dunes National Park”. In a Department of the Interior report published after the hearings, Director Mather stated, “No national park or other Federal reservation offers this phenomenon for the pleasure and edification of the people, and no national park is as accessible. Furthermore, the dunes offer to the visitor extraordinary scenery, a large variety of plant life, magnificent bathing beaches, and splendid opportunities to camp and live in the wild country close to nature.”<sup>2</sup> Despite Director Mather’s support, the national park proposal was abandoned at the onset of World War I. Several years later, in 1925, Indiana Dunes State Park was established.

Redesignation of the national lakeshore as a national park would make Indiana Dunes the 60th national park in the United States. Although there is no statutory definition of a national park, they are typically considered the “crown jewels” of the park system. National parks are generally large, diverse areas with outstanding natural features and ecological resources. Proponents argue that national park status gives greater recognition to the dunes and will potentially draw more visitors and boost the local economy.

#### COMMITTEE ACTION

H.R. 1488 was introduced on March 9, 2017, by Congressman Peter J. Visclosky (D-IN). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On October 3, 2017, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated #1; it was adopted by voice vote. No further amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by voice vote on October 4, 2017.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

<sup>1</sup> Public Law 94–549, Public Law 96–612, Public Law 97–356, Public Law, 99–583, and Public Law 102–430.

<sup>2</sup> Stephen T. Mather, “Report on the Proposed Sand Dunes National Park Indiana.” (1917), available at <http://npshistory.com/publications/sand-dunes-np.pdf>.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET  
ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, October 17, 2017.*

Hon. ROB BISHOP,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1488, the Indiana Dunes National Park Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

KEITH HALL, *Director.*

Enclosure.

*H.R. 1488—The Indiana Dunes National Park Act*

H.R. 1488 would redesignate the Indiana Dunes National Lakeshore, an existing unit of the National Park Service (NPS) system, as the Indiana Dunes National Park.

Redesignating the site may require NPS to update maps, handouts, and signage. On the basis of the costs of similar tasks, CBO estimates that those costs would be insignificant and would be subject to the availability of appropriated funds. Enacting H.R. 1488 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 1488 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1488 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to retitle Indiana Dunes National Lakeshore as Indiana Dunes National Park.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

## COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

## COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

## PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

**PUBLIC LAW 89-761**

AN ACT To provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* In order to preserve for the educational, inspirational, and recreational use of the public certain portions of the Indiana dunes and other areas of scenic, scientific, and historic interest and recreational value in the State of Indiana, the Secretary of the Interior is authorized to establish and administer the Indiana Dunes **[National Lakeshore National Park** (hereinafter referred to as the “**[lakeshore] Park**”) in accordance with the provisions of this Act. The **[lakeshore] Park** shall comprise the area within the boundaries delineated on a map identified as “Boundary Map, Indiana Dunes **[National Lakeshore National Park**”, dated October 1992, and numbered 626-80,039-C, which map is on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior.

SEC. 2. (a) Within the boundaries of the **[lakeshore] Park** the Secretary of the Interior (hereinafter referred to as the “Secretary”) is authorized to acquire lands, waters, and other property, or any interest therein, by donation, purchase with donated or appropriated funds, exchange, or otherwise. The Indiana Dunes State Park may be acquired only by donation of the State of Indiana, and the Secretary is hereby directed to negotiate with the State for the acquisition of said park. In exercising his authority to acquire prop-

erty by exchange for the purposes of this Act, the Secretary may accept title to non-Federal property located within the area described in section 1 of this Act and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary which he classifies as suitable for exchange or other disposal within the State of Indiana or Illinois. Properties so exchanged shall be approximately equal in fair market value, as determined by the Secretary who may, in his discretion, base his determination on an independent appraisal obtained by him: Provided, That 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. The Secretary is expressly authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, lands or interests therein which are owned for school or educational purposes by a State or a political subdivision thereof.

(b) In exercising his authority to acquire property under subsection (a) of this section, the Secretary may enter into contracts requiring the expenditure, when appropriated, of funds authorized to be appropriated by section 9 of this Act, but the liability of the United States under any such contract shall be contingent on the appropriation of funds sufficient to fulfill the obligations thereby incurred.

SEC. 3. As soon as practicable after the effective date of this Act, and following the acquisition by the Secretary of an acreage within the boundaries of the area described in section 1 of this Act which in his opinion is efficiently administrable for the purposes of this Act, he shall establish the Indiana Dunes [National Lakeshore] *National Park* by publication of notice thereof in the Federal Register. By no later than October 1, 1977, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the [Lakeshore] *Park* and shall from time to time so publish any additional boundary changes as may occur. Following such establishment and subject to the limitations and conditions prescribed in section 2 hereof, the Secretary may continue to acquire lands and interests in lands for the [Lakeshore] *Park*.

SEC. 4. As used in this Act, the term "improved property" means a detached, one-family dwelling which meets each of the following criteria:

- (1) The construction of the dwelling began before the date (shown in the table contained in this section) corresponding to the appropriate map.
- (2) The property is located within the boundaries delineated on the map described in such table which corresponds to such date.
- (3) The property is not located within the boundaries of any other map referred to in such table which bears an earlier date.

The term "appropriate map", means a map identified as "Boundary Map—Indiana Dunes [National Lakeshore] *National Park* " (or "A Proposed Indiana Dunes [National Lakeshore] *National Park* " in the case of a dwelling the construction of which was begun before January 4, 1965) which is dated and numbered as provided in the following table.

Property within boundaries of map	Construction began before
Dated October 1992, No. 626-80,039-C	October 1, 1991
Dated October 1986, No. 626-80,033-B	February 1, 1986
Dated December 1980, No. 626-91014	January 1, 1981
Dated September 1976, No. 626-91007	February 1, 1973
Dated September 1966, No. LNPNE-1008-ID	January 4, 1965

The term "improved property" also includes the lands on which the dwelling is situated which meets both of the following criteria:

(A) The land is in the same ownership as the dwelling.

(B) The Secretary has designated the lands as reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

Such term also includes any structures accessory to the dwelling which are situated on the lands so designated. The maps referred to in this section shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior. The Secretary shall designate the land referred to in subparagraph (B). The amount of land so designated shall in every case be not more than three acres in area, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: Provided, That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters, as he may deem necessary for public access thereto or public use thereof. All rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of such property in accordance with the purposes of this Act.

SEC. 5. (a)(1) Except for owners described in paragraph (2) and owners of improved property within the area on the map referred to in the first section of this Act, dated December 1980, and numbered 626-91014, as area II-B, any owner or owners of record of improved property may retain a right of use and occupancy of said improved property for noncommercial residential purposes for a term (A) ending on his or her death or the death of his or her spouse, whichever occurs last, or (B) for a fixed term not to extend beyond September 30, 2010, or such lesser term as the owner or owners may elect at the time of acquisition by the Secretary. In the case of improved property within the boundaries of the map dated December 1980 and numbered 626-91014 the retention of a retained right under clause numbered (A) shall only be available to homeowners of record as of October 1, 1980, who have attained the age of majority as of that date and make a bona fide written offer not later than October 1, 1985, to sell to the Secretary. Where any such owner retains a right of use and occupancy as herein provided, such right during its existence may be conveyed or leased for noncommercial residential purposes. 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.

(2)(A) In the case of property included within the boundaries of the [lakeshore] Park after 1980, any owner or owners of record of improved property may retain a right of use and occupancy for non-

commercial residential purposes for a term ending at either of the following:

(i) A fixed term not to extend beyond September 30, 2010, or such lesser fixed term as the owner or owners may elect at the time of acquisition.

(ii) A term ending at the death of any owner or of a spouse of any owner, whichever occurs last.

The owner shall elect the term to be reserved.

(B) The retention of rights under subparagraph (A) shall be available only to individuals who are homeowners of record as of July 1, 1986, who have attained the age of majority as of that date and who make a bona fide written offer not later than July 1, 1991, to sell to the Secretary.

(3)(A) In the case of improved property included within the boundaries of the [lakeshore] *Park* after October 1, 1991, that was not included within such boundaries on or before that date, an individual who is an owner of record of such property may retain a right of use and occupancy of such improved property for non-commercial residential purposes for a term ending, subject to subparagraph (B), at either of the following:

(i) A fixed term not to extend beyond October 1, 2020, or such lesser fixed term as the owner may elect at the time of acquisition.

(ii) A term ending at the death of the owner or the owner's spouse, whichever occurs later. The owner or owners shall elect the term to be reserved.

(B) Subparagraph (A)(ii) shall apply only to improved property owned by an individual who—

(i) was an owner of record of the property as of October 1, 1991;

(ii) had attained the age of majority as of that date; and

(iii) made a bona fide written offer not later than October 1, 1997, to sell the property to the Secretary.

(b) Upon his determination that the property, or any portion thereof, has ceased to be used in accordance with the applicable terms and conditions, the Secretary may terminate a right of use and occupancy. Nonpayment of property taxes, validly assessed, on any retained right of use and occupancy shall also be grounds for termination of such right by the Secretary. In the event the Secretary terminates a right of use and occupancy under this subsection he shall pay to the owners of the retained right so terminated an amount equal to the fair market value of the portion of said right which remained unexpired on the date of termination. With respect to any right of use and occupancy in existence on the effective date of this sentence, standards for retention of such rights in effect at the time such rights were reserved shall constitute the terms and conditions referred to in section 4.

(c) With respect to improved properties acquired prior to the enactment of this subsection and upon which a valid existing right of use and occupancy has been reserved for a term of not more than twenty years, the Secretary may, in his discretion, extend the term of such retained right for a period of not more than nine years upon receipt of payment prior to September 30, 1983, from the holder of the retained right. The amount of such payment shall be equivalent to the amount discounted from the purchase price paid

by the Secretary for the identical period of time under the terms of the original sale adjusted by a general index adopted by the Secretary reflecting overall value trends within Indiana Dunes [National Lakeshore] *National Park* between the time of the original sale and the time of the retained right of extension offered by this subsection.

SEC. 6. In order that the [lakeshore] *Park* shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing or with the preservation of such historic sites and structures as the Secretary may designate: Provided, That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific features within the [lakeshore] *Park* by establishing such trails, observation points, and exhibits and providing such services as he may deem desirable for such public enjoyment and understanding: Provided further, That the Secretary may develop for appropriate public uses such portions of the [lakeshore] *Park* as he deems especially adaptable for such uses.

SEC. 7. (a) There is hereby established an Indiana Dunes [National Lakeshore] *National Park* Advisory Commission. Said Commission shall terminate on September 30, 1985.

(b) The Commission shall be composed of thirteen members, each appointed for a term of two years by the Secretary, as follows: (1) one member who is a year-round resident of Porter County to be appointed from recommendations made by the commissioners of such county; (2) one member who is a year-round resident of the town of Beverly Shores to be appointed from the recommendations made by the board of trustees of such town; (3) one member who is a year-round resident of the towns of Porter, Dune Acres, Pines, Chesterton, Ogden Dunes, or the village of Tremont, such member to be appointed from recommendations made by the boards of trustees or the trustee of the affected town or township; (4) two members who are year-round residents of the city of Michigan City to be appointed from recommendations made by such city; (5) two members to be appointed from recommendations made by the Governor of the State of Indiana; (6) one member to be designated by the Secretary; (7) two members who are year-round residents of the city of Gary to be appointed from recommendations made by the mayor of such city; (8) one member to be appointed from recommendations made by a regional planning agency established under the authority of the laws of the State of Indiana and composed of representatives of local and county governments in northwestern Indiana; (9) one member who is a year-round resident of the city of Portage to be appointed from recommendations made by the mayor of such city; and (10) one member who holds a reservation of use and occupancy and is a year-round resident within the [lakeshore] *Park* to be designated by the Secretary.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expense rea-

sonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

(e) The Secretary or his designee shall, from time to time, consult with the Commission with respect to matters relating to the development of the Indiana Dunes [National Lakeshore] *National Park* and with respect to the provisions of sections 4, 5, and 6 of this Act.

(f) The Advisory Commission is authorized to assist with the identification of economically and environmentally acceptable areas, outside of the boundaries of the [lakeshore] *Park*, for the handling and disposal of industrial solid wastes produced by the coal-fired powerplant in Porter County, Indiana, section 21, township 37 north, range 6 west.

SEC. 8. Nothing in this Act shall deprive the State of Indiana or any political subdivision thereof of its civil and criminal jurisdiction over persons found, acts performed, and offenses committed within the boundaries of the Indiana Dunes [National Lakeshore] *National Park* or of its right to tax persons, corporations, franchises, or other non-Federal property on lands included therein.

SEC. 9. The Secretary may expend such sums as may be necessary from the Land and Water Conservation Fund for acquisition of lands and interests in lands, and not to exceed \$27,500,000 for development: Provided, That not more than \$500,000 of said amount may be appropriated for the development of the Paul H. Douglas Environmental Education Center authorized pursuant to section 20 of this Act. By October 1, 1979, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a general management plan detailing the development of the [national lakeshore] *National Park* consistent with the preservation objectives of this Act, indicating:

- (1) the facilities needed to accommodate the health, safety, and recreation needs of the visiting public;
- (2) the location and estimated costs of all facilities, together with a review of the consistency of the master plan with State, areawide, and local governmental development plans;
- (3) the projected need for any additional facilities within the [national lakeshore] *National Park*; and
- (4) specific opportunities for citizen participation in the planning and development of proposed facilities and in the implementation of the general management plan generally.

The Secretary shall conduct a feasibility study of establishing United States Highway 12 as the "Indiana Dunes Parkway" under the jurisdiction of the National Park Service. The Secretary shall submit the results of such study to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate within two years after October 29, 1986. Effective October 1, 1986, there is authorized to be appropriated such sums as may be necessary for the purposes of conducting the feasibility study.

SEC. 10. Nothing in this Act shall diminish any existing (as of March 1, 1975) rights-of-way or easements which are necessary for high voltage electrical transmission, pipelines, water mains, or line haul railroad operations and maintenance. Nothing in this Act shall be construed to diminish the existing property rights of

Northern Indiana Public Service Company (as of October 1, 1986) with respect to—

(1) a parcel of land owned in fee by the Northern Indiana Public Service Company and used for high voltage electrical transmission lines, pipelines, and utility purposes, beginning at said Company's Dune Acres substation and extending east to said Company's Michigan City Generating Station, which parcel by this Act is included within the boundaries of the Indiana Dunes [National Lakeshore] *National Park* and herein designated as area II-I on National Park Service Boundary Map No. 626-80,033-B, dated October 1986, excluding that certain parcel of approximately 6.0 acres adjacent Mineral Springs Road in areas II-I, and

(2) land owned in fee by the Northern Indiana Public Service Company and used for high voltage electrical transmission lines, pipelines, and utility purposes as has by this Act been included within the boundaries of the Indiana Dunes [National Lakeshore] *National Park* and herein designated as area II-H on said National Park Service Boundary Map No. 626-80,033-B.

SEC. 11. (a) Nothing in this Act shall be construed as prohibiting any otherwise legal cooling, process, or surface drainage into the part of the Little Calumet River located within the [lakeshore] *Park* : Provided, That this subsection shall not affect nor in any way limit the Secretary's authority and responsibility to protect park resources.

(b) The authorization of lands to be added to the [lakeshore] *Park* by the Ninety-fourth Congress and the administration of such lands as part of the [lakeshore] *Park* shall in and of itself in no way operate to render more restrictive the application of Federal, State, or local air and water pollution standards to the uses of property outside the boundaries of the [lakeshore] *Park*, nor shall it be construed to augment the control of water and air pollution sources in the State of Indiana beyond that required pursuant to applicable Federal, State, or local law.

\* \* \* \* \*

SEC. 14. Within one year after the date of the enactment of this section, the Secretary shall submit, in writing, to the Committees on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate—

(1) the lands which he has previously acquired by purchase, donation, exchange, or transfer for administration for the purpose of the [lakeshore] *Park*; and

(2) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

\* \* \* \* \*

SEC. 18. (a) By July 1, 1977, the Secretary shall prepare and transmit to the Committees on Interior and Insular Affairs of the United States Congress a study of areas III-A, III-C, and II-A, as designated on map numbered 626-91007. The Secretary shall make reasonable provision for the timely participation of the State of Indiana, local public officials, affected property owners, and the gen-

eral public in the formulation of said study, including, but not limited to, the opportunity to testify at a public hearing. The record of such hearing shall accompany said study. With respect to areas III-A and III-C, the study shall (a) address the desirability of acquisition of any or all of the area from the standpoint of resource management, protection, and public access; (b) develop alternatives for the control of beach erosion if desirable, including recommendations, if control is necessary, of assessing the costs of such control against those agencies responsible for such erosion; (c) consider and propose options to guarantee public access to and use of the beach area, including the location of necessary facilities for transportation, health, and safety; (d) detail the recreational potential of the area and all available alternatives for achieving such potential; (e) review the environmental impact upon the [lakeshore] *Park* resulting from the potential development and improvement of said areas; and (f) assess the cost to the United States from both the acquisition of said areas together with the potential savings from the retention of rights of use and occupancy and from the retention of the boundaries of the [lakeshore] *Park*, as designated on map numbered 626-91007, including the costs of additional administrative responsibilities necessary for the management of the [lakeshore] *Park*, including the maintenance of public services in the town of Beverly Shores, Indiana. With respect to area II-A, the Secretary shall study and report concerning the following objectives: (a) preservation of the remaining dunes, wetlands, native vegetation, and animal life within the area; (b) preservation and restoration of the watersheds of Cowles Bog and its associated wetlands; (c) appropriate public access to and use of lands within the area; (d) protection of the area and the adjacent [lakeshore] *Park* from degradation caused by all forms of construction, pollution, or other adverse impacts including, but not limited to, the discharge of wastes and any excessive subsurface migration of water; and (e) the economic consequences to the utility and its customers of acquisition of such area.

(b)(1) The Secretary shall enter into a memorandum of agreement with the Northern Indiana Public Service Company (referred to as "NIPSCO") that shall provide for the following with respect to the area referred to as Unit II-A on the map described in the first section of this Act (referred to as the "Greenbelt"):

(A) NIPSCO shall provide the National Park Service with access for resource management and interpretation through the Greenbelt and across the dike for purposes of a public hiking trail.

(B) The National Park Service shall have rights of access for resource management and interpretation of the Greenbelt area.

(C) NIPSCO shall preserve the Greenbelt in its natural state. If NIPSCO utilizes the Greenbelt temporarily for a project involving pollution mitigation or construction on its adjacent facilities, it shall restore the project area to its natural state.

(D) If NIPSCO proposes a different use for the Greenbelt, NIPSCO shall notify the National Park Service, the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the

House of Representatives and make no change in the use of the property until three years after the date notice is given.

(2) If a memorandum of agreement is entered into pursuant to paragraph (1), so long as the memorandum of agreement is in effect and is being performed, the Secretary may not acquire lands or interests in land in the Greenbelt belonging to NIPSCO.

SEC. 19. After notifying the Committees on Interior and Insular Affairs of the United States Congress, in writing, of his intentions to do so and of the reasons therefor, the Secretary may, if he finds that such lands would make a significant contribution to the purposes for which the [lakeshore] *Park* was established, accept title to any lands, or interests in lands, located outside the present boundaries of the [lakeshore] *Park* but contiguous thereto or to lands acquired under this section, such lands the State of Indiana or its political subdivisions may acquire and offer to donate to the United States or which any private person, organization, or public or private corporation may offer to donate to the United States and he shall administer such lands as a part of the [lakeshore] *Park* after publishing notice to that effect in the Federal Register.

SEC. 20. (a) The Indiana Dunes [National Lakeshore] *National Park* is hereby dedicated to the memory of Paul H. Douglas in grateful recognition of his leadership in the effort to protect, preserve, and enhance the natural, scientific, historic, and recreational value of the [lakeshore] *Park* for the use, enjoyment, and edification of present and future generations.

(b) To further accomplish the purposes of subsection (a) of this section, the Secretary of the Interior shall designate the west unit of the [lakeshore] *Park* as the "Paul H. Douglas Ecological and Recreational Unit" and shall, subject to appropriations being granted, design and construct a suitable structure or designate an existing structure within the [lakeshore] *Park* to be known as the "Paul H. Douglas Center for Environmental Education" which shall provide facilities designed primarily to familiarize students and other visitors with, among other things: (1) the natural history of the [lakeshore] *Park* and its association with the natural history of the Great Lakes region; (2) the evolution of human activities in the area; and (3) the historical features which led to the establishment of the [lakeshore] *Park* by the Congress of the United States.

(c) To inform the public of the contributions of Paul H. Douglas to the creation of the [lakeshore] *Park*, the Secretary of the Interior shall provide such signs, markers, maps, interpretive materials, literature, and programs as he deems appropriate.

SEC. 21. (a) The Secretary in consultation with the Secretary of Transportation, shall conduct a study of various modes of public access into and within the [lakeshore] *Park* which are consistent with the preservation of the [lakeshore] *Park* and conservation of energy by encouraging the use of transportation modes other than personal motor vehicles.

(b) In carrying out the study, the Secretary shall utilize to the greatest extent practicable the resources and facilities of the organizations designated as clearinghouses under title IV of the Intergovernmental Cooperation Act of 1968 as implemented by Office of Management and Budget Circular A-95, and which have com-

prehensive planning responsibilities in the regions where the [lakeshore] *Park* is located, as well as any other agencies or organizations which the Secretary may designate. The Secretary shall make provision for timely and substantive consultations with the appropriate agencies of the States of Indiana and Illinois, local elected officials, and the general public in the formulation and implementation of the study.

(c) The study shall address the adequacy of access facilities for members of the public who desire to visit and enjoy the [lakeshore] *Park*. Consideration shall be given to alternatives for alleviating the dependence on automobile transportation. The study of public transportation facilities shall cover the distance from cities of thirty-five thousand population or more within fifty miles of the [lakeshore] *Park*.

(d) The study shall include proposals deemed necessary to assure equitable visitor access and public enjoyment by all segments of the population, including those who are physically or economically disadvantaged. It shall provide for retention of the natural, scenic, and historic values for which the [lakeshore] *Park* was established, and shall propose plans and alternatives for the protection and maintenance of these values as they relate to transportation improvements.

(e) The study shall examine proposals for the renovation and preservation of a portion of the existing South Shore Railroad passenger car fleet. The study shall consider the historic value of the existing rolling stock and its role in transporting visitors into and within the [lakeshore] *Park*.

(f) The study shall present alternative plans to improve, construct, and extend access roads, public transportation, and bicycle and pedestrian trails. It shall include cost estimates of all plans considered in this study, and shall discuss existing and proposed sources of funding for the implementation of the recommended plan alternatives.

(g) The study shall be completed and presented to the Congress within two complete fiscal years from the effective date of this provision.

(h) Effective October 1, 1981, there is hereby authorized to be appropriated not to exceed \$200,000 for this study.

SEC. 22. In exercising his authority to acquire property under this Act, the Secretary shall give prompt and careful consideration to any offer made by an individual owning property within the [lakeshore] *Park* to sell such property, if such individual notifies the Secretary in writing that the continued ownership of such property is causing, or would result in, undue hardship.

SEC. 23. (a) The Secretary may acquire only such interest in that portion of area VII-A which is described in subsection (b) as the Secretary determines is necessary to assure public access over said portion of area VII-A.

(b) The portion of area VII-A, as designated on the map referred to in section 460u of this title, to which subsection (a) applies is a parcel of land bounded—

(1) on the east by a line three hundred feet east of the electrical transmission line crossing area VII-A on January 1, 1979;

(2) on the west by a line fifty feet west of such electrical transmission line; and

(3) on the north and south by the northern and southern boundaries, respectively, of area VII-A.

(c) Area VII-A includes the bed of the railroad tracks forming the northern and northwestern boundaries of this area and extends to the northern edge of the bed of the railroad tracks forming the southern boundaries of this area.

(d) Area I-D includes the bed of the railroad tracks along the northern boundary of this area.

(e) The area designated as area VII-C on the map referred to in section 1 does not include approximately 1.3 acres of land on which the Linde Air Products plant is situated, nor does it include approximately 1 acre of land on which the Old Union Station building and the adjacent REA building are situated. Except as provided in the foregoing sentence, area VII-C extends to, but does not include, the beds of the railroad tracks forming the northern and southern boundaries of such area.

**SEC. 24. LITTLE CALUMET RIVER AND BURNS/PORTAGE WATERWAY.**

(a) The Secretary may enter into a cooperative agreement with the Little Calumet River Basin Development Commission, the State of Indiana or any political subdivision thereof for the planning, management, and interpretation of recreational facilities on the tract within the boundaries of Indiana Dunes [National Lakeshore] *National Park* identified as tract numbered 09-177 or on lands under the jurisdiction of the State of Indiana or political subdivision thereof along the Little Calumet River and Burns Waterway. The cooperative agreement may include provision for the planning of public facilities for boating, canoeing, fishing, hiking, bicycling, and other compatible recreational activities. Any recreational developments on lands under the jurisdiction of the National Park Service planned pursuant to this cooperative agreement shall be in a manner consistent with the purposes of this Act, including section (b).

(b) The Secretary shall conduct a study regarding the options available for linking the portions of the [lakeshore] *Park* which are divided by the Little Calumet River and Burns/Portage Waterway so as to coordinate the management and recreational use of the [lakeshore] *Park*. The Secretary shall submit the results of the study to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate within two years after October 29, 1986. Effective October 1, 1986, there is authorized to be appropriated such sums as may be necessary for the purposes of conducting the study.

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