

(Pub. L. 100-696, title VII, § 711, Nov. 18, 1988, 102 Stat. 4607.)

SUBCHAPTER CXII—GRAND ISLAND NATIONAL RECREATION AREA

§ 460aaa. Establishment

In order to preserve and protect for present and future generations the outstanding resources and values of Grand Island in Lake Superior, Michigan, and for the purposes of providing for the conservation, protection, and enhancement of its scenery, recreation, fish and wildlife, vegetation and historical and cultural resources, there is hereby established the Grand Island National Recreation Area (hereafter in this subchapter referred to as the “national recreation area”). These resources and values include, but are not limited to, cliffs, caves, beaches, forested appearance, natural biological diversity, and features of early settlement.

(Pub. L. 101-292, § 1, May 17, 1990, 104 Stat. 185.)

§ 460aaa-1. Boundaries

The national recreation area shall comprise all of the Grand Island in Lake Superior, Michigan, and all associated rocks, pinnacles, and islands and islets within one-quarter mile of the shore of Grand Island. The boundaries of the Hiawatha National Forest are hereby extended to include all of the lands within the national recreation area. All such extended boundaries shall be deemed boundaries in existence as of January 1, 1965, for the purposes of sections 100506(c) and 200306 of title 54. All federally owned lands within the national recreation area on May 17, 1990, are hereby components of the National Forest System and shall be administered by the Secretary of Agriculture as provided in this subchapter.

(Pub. L. 101-292, § 2, May 17, 1990, 104 Stat. 185.)

Editorial Notes

CODIFICATION

In text, “sections 100506(c) and 200306 of title 54” substituted for “section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9)” on authority of Pub. L. 113-287, § 6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

§ 460aaa-2. Administration

(a) Administration

Subject to valid existing rights, the Secretary of Agriculture (hereafter in this subchapter referred to as the “Secretary”) shall administer the national recreation area in accordance with the laws, rules, and regulations applicable to the National Forest System in furtherance of the purposes for which the national recreation area was established.

(b) Special management requirements

The national recreation area also shall be administered according to the following special management requirements:

- (1) Subject to such terms and conditions as may be prescribed by the Secretary, including the protection of threatened and endangered

species and the protection of other natural, cultural, and scenic values, owners of privately owned land and homes within the national recreation area shall be afforded access across National Forest System lands.

- (2) Consistent with section 460aaa-6 of this title, and the purposes of this subchapter, the Secretary shall provide for and maintain traditional public access, including vehicular roads for general recreational activities such as camping, hiking, hunting, fishing, and trapping.

- (3) The Secretary shall permit the use of snowmobiles on Federal lands in the national recreation area in accordance with the rules and regulations of the National Forest System and consistent with the management plan developed pursuant to section 460aaa-6 of this title. Such use shall be regulated to protect the resources of the national recreation area in a way that minimizes the degradation of these resources.

- (4) Timber management shall be utilized only as a tool to enhance public recreation, scenic quality, game and nongame wildlife species, and the protection and enhancement of threatened, endangered, or sensitive species. Trees damaged or downed due to fire, insects, disease, or blowdown may be utilized, salvaged, or removed from the recreation area as authorized by the Secretary to further the purposes of the national recreation area.

- (5) The Secretary shall, after acquiring fee title to at least 10,000 acres of land on Grand Island, provide reasonable water transportation from the mainland to Grand Island. Transportation may be provided through concession, permit, or other means, and a reasonable charge may be imposed. Transportation shall be subject to reasonable regulation by the Secretary and shall not be required when the Secretary deems it to be unsafe because of factors such as weather and water conditions.

- (6) The Secretary shall provide through concession, permit, or other means docking and lodge facilities consistent with the management plan developed pursuant to section 460aaa-6 of this title.

- (7) The Secretary shall take reasonable actions to provide for public health and safety and for the protection of the national recreation area in the event of fire or infestation of insects or disease.

- (8) Under the authority of the Act of March 4, 1915, as amended (16 U.S.C. 497), the Secretary shall, as a condition of acquisition, issue occupancy and use permits for any privately owned home as of the date of Federal acquisition of the land within the national recreation area on which the home is located. Any such permit shall be issued for an initial period of 20 years and shall be renewed thereafter for successive 20-year periods so long as the permittee is in compliance with the purposes of this subchapter, the terms of the permit, and other applicable rules and regulations. Any such permit shall be issued in accordance with the laws, rules, and regulations of the Secretary pertaining to the National Forest System, except that such permit shall be subject to the following special provisions:

(A) Such permit may only be issued to the owner of such home as of the date of Federal acquisition of the property, such owner's spouse, the children, stepchildren, and grandchildren of such owner and spouse, and their direct lineal descendants (natural or adopted offspring).

(B) Only noncommercial recreation occupancy may be permitted.

(C) The Secretary shall collect fees on an annual basis based on the fair market value of the occupancy permitted.

(D) The expansion, remodeling, or reconstruction of such homes shall be subject to approval of and regulation by the Secretary. No expansion, remodeling, or reconstruction may increase the height of structure or result in an increase of more than 25 percent of the sum of the exterior dimensions of a structure as it existed on May 17, 1990. Any expansion, remodeling, or reconstruction shall be consistent with the criteria developed pursuant to section 460aaa-6(b)(4) of this title and shall be subject to such other terms and conditions as the Secretary may prescribe.

(E) Any such home may be purchased at the fair market value of the structure and improvements by the Secretary on a willing seller basis.

(F) The permit may be terminated at any time for failure to comply with its terms and conditions and applicable regulations without cost to the Federal Government in accordance with the permit.

(G) After termination of any such permit, if any improvements or property are not removed by their owner within one year of the termination, they shall become the property of the Federal Government.

(9) Solely for purposes of payments pursuant to section 6904 of title 31, lands on Grand Island acquired by the United States after January 1, 1990 shall be considered to have been acquired for addition to a National Forest Wilderness Area (national forest portion of the National Wilderness Preservation System).

(Pub. L. 101-292, §3, May 17, 1990, 104 Stat. 185.)

Editorial Notes

REFERENCES IN TEXT

Act of March 4, 1915, referred to in subsec. (b)(8), is act Mar. 4, 1915, ch. 144, 38 Stat. 1086. For complete classification of this Act to the Code, see Tables.

§ 460aaa-3. Acquisition

(a) General authority

Subject to the provisions of section 460aaa-2(b)(8) of this title and subsection (b) of this section, the Secretary is authorized and directed to acquire by purchase, gift, exchange, or otherwise, lands, waters, structures, or interests therein, including scenic or other easements, within the boundaries of the national recreation area to further the purposes of this subchapter: *Provided*, That the Secretary may not acquire any privately owned lands within the national recreation area other than with the consent of the owner so long as the owner agrees to the re-

strictions contained in subsection (b)(1) of this section and grants the Secretary a right of first refusal as provided in subsection (b)(2) of this section. The Secretary also is authorized and directed to acquire lands or structures by such means on the mainland to the extent necessary for access to and administrative facilities for the national recreation area. In acquiring lands or structures under this subsection, the Secretary is directed to give prompt and careful consideration to any offer to sell land or structures made by an individual, organization, or any legal entity owning property within the boundaries of the national recreation area.

(b) Private lands

(1) An owner of unimproved real property within the national recreation area may construct recreational residences that are architecturally compatible with other structures within the national recreation area, as described by the management plan developed pursuant to section 460aaa-6 of this title.

(2) Any privately owned lands, interests in lands, or structures within the national recreation area shall not be disposed of by donation, exchange, sale, or other conveyance without first being offered at no more than fair market value to the Secretary. The Secretary shall be given a period of 120 days to accept an offer and, after such offer is accepted, a period of 45 days after the end of the fiscal year following the fiscal year in which the offer was accepted to acquire such lands, interests in lands, or structures. No such lands, interests in lands, or structures shall be sold or conveyed at a price below the price at which they have been offered for sale to the Secretary, and if such lands, interest in lands, or structures are reoffered for sale or conveyance they shall first be reoffered to the Secretary, except that this subsection shall not apply to a change in ownership of a property within the immediate family of the owner of record on January 1, 1989. For the purposes of this subsection, the term "immediate family" means, with respect to any such owner of record, the spouse, siblings, children (whether natural or adopted), stepchildren, and lineal descendants of that owner.

(Pub. L. 101-292, §4, May 17, 1990, 104 Stat. 187.)

§ 460aaa-4. Fish and game

(a) In general

Nothing in this subchapter shall be construed as affecting the responsibilities of the State of Michigan with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping in any lands acquired and managed by the Secretary under this subchapter, except that the Secretary may, in consultation with the State of Michigan, designate zones where, and establish periods when, no hunting, fishing or trapping shall be permitted for reasons of public safety, administration, the protection of nongame species and their habitats, or public use and enjoyment.

(b) Notice of Secretarial action

As soon as practicable after each case in which the Secretary exercises authority under subsection (a), the Secretary, in consultation with