

sons of public safety, administration, or public use and enjoyment. The Secretary shall, after consultation with such department, issue regulations, consistent with this section, as he may determine necessary to carry out the purposes of this section.

(Pub. L. 89-668, §5, Oct. 15, 1966, 80 Stat. 923.)

§ 460s-5. Administration, protection, and development

(a) Utilization of authority for conservation and management of natural resources

The administration, protection, and development of the Pictured Rocks National Lakeshore shall be exercised by the Secretary, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.),¹ as amended and supplemented, relating to the areas administered and supervised by the Secretary through the National Park Service; except that authority otherwise 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 this subchapter.

(b) Land and water use management plan; preparation and implementation; provisions

In the administration, protection, and development of the lakeshore, the Secretary shall prepare and implement a land and water use management plan, which shall include specific provision for—

(1) development of facilities to provide the benefits of public recreation, including appropriate improvements to Alger County Road H-58;

(2) protection of scenic, scientific, and historic features contributing to public enjoyment; and

(3) such protection, management, and utilization (subject to the provisions of sections 460s-8 and 460s-9 of this title) of renewable natural resources, including forage and forest products, as in the judgment of the Secretary is consistent with, and does not significantly impair public recreation and protection of scenic, scientific, and historic features contributing to public enjoyment.

(c) Prohibition of certain construction

A scenic shoreline drive may not be constructed in the Pictured Rocks National Lakeshore.

(Pub. L. 89-668, §6, Oct. 15, 1966, 80 Stat. 923; Pub. L. 105-378, title II, §202, Nov. 12, 1998, 112 Stat. 3398.)

Editorial Notes

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), 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.

AMENDMENTS

1998—Subsec. (b)(1). Pub. L. 105-378, §202(1), substituted “including appropriate improvements to Alger County Road H-58” for “including a scenic shoreline drive”.

Subsec. (c). Pub. L. 105-378, §202(2), added subsec. (c).

§ 460s-6. Taxing power

Nothing in this subchapter shall be construed as prohibiting governmental jurisdiction in the State of Michigan from assessing taxes upon any interest in real estate retained under the provisions of section 460s-10 of this title to the owner of such interest.

(Pub. L. 89-668, §7, Oct. 15, 1966, 80 Stat. 923.)

§ 460s-7. Acquisition of property

(a) Authority of Secretary; manner and place; condemnation authority

The Secretary is authorized, subject to the limitations, conditions, and restrictions imposed by this subchapter, to acquire the land, water, and other property, and improvements thereon, and any interests therein (including easements) within the boundary described in section 460s-1 of this title by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or condemnation; except that such authority to acquire by condemnation shall be exercised only in the manner and to the extent specifically authorized in this subchapter.

(b) Sale offers; hardship from delay

In exercising his authority to acquire property under this subchapter, the Secretary shall give immediate and careful consideration to any offer made by an individual owning property within the lakeshore to sell such property to the Secretary. In considering any such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring his property.

(c) State donations; transfer from Federal agency to administrative jurisdiction of Secretary

Any property or interests therein, owned by the State of Michigan, or any political subdivisions thereof, may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this subchapter.

(d) Negotiation and purchase; condemnation proceedings; fair market value

The Secretary shall make every reasonable effort to acquire property through negotiation and purchase. Where agreement is not reached and condemnation proceedings are filed, the owner of such property shall be paid the fair market value thereof as determined in such proceedings.

¹ See References in Text note below.

(e) Condemnation to acquire clear, marketable and encumbrance-free title

Nothing in this subchapter shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(f) Exchange of properties; cash equalization payments

In exercising his authority to acquire property by exchange the Secretary may accept title to any non-Federal property within the area designated by section 460s-1 of this title for inclusion in the lakeshore, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction within the State of Michigan which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(Pub. L. 89-668, § 8, Oct. 15, 1966, 80 Stat. 923.)

§ 460s-8. Inland buffer zone

(a) Statement of purposes

The area hereinafter described in subsection (b) of this section is hereby established as an inland buffer zone in order to stabilize and protect the existing character and uses of the lands, waters, and other properties within such zone for the purpose of preserving the setting of the shoreline and lakes, protecting the watersheds and streams, and providing for the fullest economic utilization of the renewable resources through sustained yield timber management and other resource management compatible with the purposes of this subchapter.

(b) Description of area; places for examination of map

As used in this subchapter, the term "inland buffer zone" means that part of the lakeshore delineated as such on the map identified as "Proposed Pictured Rocks National Lakeshore, United States Department of the Interior, National Park Service, Boundary Map, NL-PR-7100A, July, 1966". The Secretary shall file the map with the Office of the Federal Register, and it may also be examined in the Offices of the Department of the Interior.

(Pub. L. 89-668, § 9, Oct. 15, 1966, 80 Stat. 924.)

§ 460s-9. Property subject to condemnation

(a) Limitation on condemnation of improved or other property

The Secretary shall be prohibited from acquiring by condemnation any (1) improved property within the inland buffer zone or (2) property within the inland buffer zone during all times when, in his judgment, such property is being used (A) for the growing and harvesting of timber under a scientific program of selective cutting and forest management, or (B) for commercial purposes, if such commercial purposes are the same such purposes for which such property is being used on December 31, 1964, so long as the use of such improved or other property would

further the purposes of this subchapter and such use does not impair the usefulness and attractiveness of the lakeshore.

(b) "Improved property" defined

As used in this subchapter, the term "improved property" shall mean any one-family dwelling on which construction was begun before December 31, 1964, together with so much of the land on which the dwelling is situated (such land being in the same ownership as the dwelling) as shall be reasonably necessary for the enjoyment of the dwelling.

(Pub. L. 89-668, § 10, Oct. 15, 1966, 80 Stat. 924.)

§ 460s-10. Acquisition of property

(a) Owner's retention of right of use and occupancy for residential purposes for term of years or life; adjustment of compensation; conveyance or lease of right for noncommercial residential purposes

Any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain, for a term of not to exceed twenty-five years, or for a term ending at the death of such owner or owners, the right of use and occupancy of such property for any residential purpose which is not incompatible with the purposes of this subchapter or which does not impair the usefulness and attractiveness of the area designated for inclusion. The Secretary shall pay to the owner the value of the property on the date of such acquisition, less the value on such date of the right retained by the owner. 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 in accordance with the provisions of this section.

(b) Termination of use and occupancy because of noncompliance with statutory uses; adjustment of compensation

Any deed or other instrument used to transfer title to property, with respect to which a right of use and occupancy is retained under this section, shall provide that such property shall not be used for any purpose which is incompatible with purposes of this subchapter, or which impairs the usefulness and attractiveness of the lakeshore and if it should be so used, the Secretary shall have authority to terminate such right. In the event the Secretary exercises his power of termination under this subsection he shall pay to the owner of the right terminated an amount equal to the value of that portion of such right which remained unexpired on the date of such termination.

(c) Land subject to lease of cottage or hunting lodge; new lease for term of years or life; conditions of lease

Any land acquired by the Secretary under this subchapter on which there is situated a cottage or hunting lodge which, on December 31, 1964, was under lease to any lessee or lessees shall, if such lease is in effect on the date such land is so acquired, be acquired by the Secretary subject to such lease and the right of such lessee or lessees to continue using the property covered by