

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

(a) In general

The lakeshore shall be administered, protected, and developed in accordance with this section and the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4),¹ as amended and supplemented; and section 101511 of title 54, except that any other statutory authority 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) Federal use

Notwithstanding subsection (c) of section 460w of this title—

(1) the Secretary of the department in which the Coast Guard is operating may operate, maintain, keep, locate, inspect, repair, and replace any Federal aid to navigation located at the Ashland Harbor Breakwater Light for as long as such aid is needed for navigational purposes; and

(2) in carrying out the activities described in paragraph (1), such Secretary may enter, at any time, the Ashland Harbor Breakwater Light or any Federal aid to navigation at the Ashland Harbor Breakwater Light, for as long as such aid is needed for navigational purposes, without notice to the extent that it is not possible to provide advance notice.

(c) Clarification of authority

Pursuant to existing authorities, the Secretary may enter into agreements with the City of Ashland, County of Ashland, and County of Bayfield, Wisconsin, for the purpose of cooperative law enforcement and emergency services within the boundaries of the lakeshore.

(Pub. L. 91-424, §6, Sept. 26, 1970, 84 Stat. 881; Pub. L. 113-291, div. B, title XXX, §3030(2), Dec. 19, 2014, 128 Stat. 3766.)

Editorial Notes

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), 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 Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and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.

CODIFICATION

In subsec. (a), “section 101511 of title 54” substituted for “the Act of April 9, 1924 (43 Stat. 90; 16 U.S.C. 8a et seq.), as amended” 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.

AMENDMENTS

2014—Pub. L. 113-291 designated existing provisions as subsec. (a), inserted heading, inserted “this section

and” before “the provisions of”, and added subsecs. (b) and (c).

§ 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.)

Editorial Notes

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 developments and uses which would destroy the scenic beauty and natural character of the area. In

¹ See References in Text note below.

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.

(b) Acquisition of lands and interests therein of category I areas

Lands and interests therein designated as category I may be acquired by the Secretary in accordance with section 460x-7 of this title.

(c) Designation of lands as within categories II and III for acquisition by Secretary; publication in Federal Register

Within one hundred and fifty days after October 21, 1970, the Secretary shall publish in the Federal Register an additional map or other description of those lands, if any, designated as within categories II and III for acquisition by him in fee in accordance with section 460x-7 of this title.

(d) Acquisition of interests in lands designated as category II; limitations

Except as provided in subsection (f) of this section, the Secretary may, after the publication provided for in subsection (c), acquire only such interests in lands designated as category II, other than those to be acquired in fee simple, as he deems appropriate to insure the continued conservation and preservation of the environmental quality of the lakeshore.

(e) Acquisition of interests in lands designated as category III; limitations

Except as provided in subsection (f) of this section, the Secretary may, after the publication provided for in subsection (c), acquire only such interests in lands designated as category III, other than those lands to be acquired in fee simple, as he deems appropriate to protect lands designated for acquisition.

(f) Restrictions on use and development of real property in categories II and III; notification of owners by Secretary of minimum restrictions on use and development for retention of property; compliance with restrictions as barring acquisition by Secretary; applicability to owners not notified by Secretary; acquisition from owners not agreeing to use of property in accordance with notice; acquisition of fee simple title

Not later than one hundred and fifty days after October 21, 1970, the Secretary shall notify owners of real property in categories II and III, other than property designated by him for fee acquisition, of the minimum restrictions on use and development of such property under which such property can be retained in a manner compatible with the purpose for which the lakeshore was established. If the owner of any real property in categories II and III agrees to the use and development of his property in accordance with such restrictions, the Secretary may not acquire, without the consent of such owner, such property or interests therein for so long as the property affected is used in accordance with such restrictions, unless he determines that such property is needed for public use development. The foregoing limitations on acquisition shall also apply to any owners of real property to whom the Secretary did not, within the time set forth, give such a notice, except that if any property owner has not, within ninety days of the notice agreed to use the property in accordance with the notice, then the Secretary may acquire, without limitation, fee or lesser interests in property by any of the methods set forth in section 460x-7 of this title: *Provided*, That nothing contained in subsections (d) and (e), and in this subsection, which limits the acquisition of the fee simple title to property within the