

XII. NATIONAL LAKESHORES

1. Apostle Islands

PUBLIC LAW 99-497—OCT. 17, 1986

100 STAT. 1267

Public Law 99-497
99th Congress

An Act

To authorize the inclusion of certain additional lands within the Apostle Islands National Lakeshore.

Oct. 17, 1986
[H.R. 2182]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
The Act of September 26, 1970 (Public Law 91-424; 16 U.S.C. 460w) is amended as follows:

- (1) In section 1—
 - (a) in the first sentence, after the phrase “consisting of”, insert: “: (a) IN GENERAL.—”;
 - (b) at the end of the first sentence, delete “1970” and insert: “1970; and
 - “(b) LONG ISLAND ADDITION.—Approximately 200 acres of land at the mouth of Chequamegon Bay known as “Long Island”, as depicted on the map numbered NL-AI-91,001 and dated December, 1985.”;
 - (c) in the last sentence, delete “map” and insert “maps”.
- (2) In section 3, after the word “donation.”, strike the following sentence and insert in lieu thereof the following: “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.”.
- (3) In section 4(c), after “January 1, 1967”, insert: “, or before January 1, 1985 for those lands referred to in section 1(b)”.
- (4) Section 8 of such Act is amended by adding the following at the end thereof: “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 1(b)”.

Approved October 17, 1986.

LEGISLATIVE HISTORY—H.R. 2182:

HOUSE REPORTS: No 99-441 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 99-499 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:

Vol. 131 (1985): Dec. 16, considered and passed House.
Vol. 132 (1986): Oct. 8, considered and passed Senate.

2. Indiana Dunes

100 STAT. 3318

PUBLIC LAW 99-583—OCT. 29, 1986

Public Law 99-583
99th Congress

An Act

Oct. 29, 1986
[H.R. 4037]

Relating to the Indiana Dunes National Lakeshore, and for other purposes.

National parks,
monuments, etc.
Housing.
Real property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INDIANA DUNES NATIONAL LAKESHORE.

16 USC 460u-3.

(a) **BOUNDARY CHANGES.**—The first section of the Act entitled “An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes”, approved November 5, 1966 (16 U.S.C. 460u), is amended by striking out “December 1980, and bearing the number 626-91014” and inserting in lieu thereof “October 1986, and numbered 626-80,033-B”.

(b) **DEFINITION OF IMPROVED PROPERTY.**—Section 4 of such Act is amended by striking out the first sentence and substituting “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’ (or ‘A Proposed Indiana Dunes National Lakeshore’ 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	Contruction Began Before
Dated October 1986, #626-80,033-B.....	February 1, 1986
Dated December 1980, #626-91014.....	January 1, 1981
Dated September 1976, #626-91007.....	February 1, 1973
Dated September 1966, #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

Public
information.

of the Interior. The Secretary shall designate the land referred to in subparagraph (B).”.

(c) RETAINED RIGHTS.—Section 5(a) of such Act (16 U.S.C. 460u-5a) is amended as follows:

16 USC 460u-5.

(1) Strike out “the first section” and insert in lieu thereof “section 4, dated December 1980, and numbered 626-91014.”

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(2) Strike out “: *Provided, That*” and substitute a period followed by “In the case of improved property within the boundaries of the map dated December 1980 and numbered 626-91014”.

(3) After “(a)” strike “Except for” and insert “(1) Except for owners described in paragraph (2) and”.

(4) Strike “(1)” in each place it appears and substitute “(A)” and strike “(2)” and substitute “(B)”.

(5) Add the following at the end thereof:

“(2)(A) In the case of property included within the boundaries of the lakeshore after 1980, any owner or owners of record of improved property may retain a right of use and occupancy for noncommercial 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.”.

(d) AUTHORIZATION.—Section 9 of such Act (16 U.S.C. 460u-9) is amended as follows:

(1) In the first sentence strike “\$11,000,000” and insert in lieu thereof “\$20,000,000”.

(2) Add after the last paragraph “In addition to any other sums authorized for the acquisition of lands and interests in lands pursuant to the provisions of this Act there are authorized to be appropriated an additional \$3,500,000 to be used for such purposes. 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 the enactment of this sentence. Effective October 1, 1986, there is authorized to be appropriated such sums as may be necessary for the purposes of conducting the feasibility study.”.

Highways.

(e) EXISTING PROPERTY RIGHTS.—Section 10 of such Act (16 U.S.C. 460u-16) is amended by inserting at the end thereof “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—

Energy.
16 USC 460u-16.

“(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 Acre 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 and herein designated as area II-I on National Park Service Boundary Map No. 626-80,033-B, dated October 1986, excluding 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 and herein designated as area II-H on said National Park Service Boundary Map No. 626-80,033-B."

Ante, p. 3318.

(f) OWNER CONSENT REQUIRED.—Section 13 of such Act (16 U.S.C. 460u-13) is amended by changing "SEC. 13." To " SEC. 13. (a)", by striking out "the first section" and inserting in lieu thereof "section 4, dated December 1980 and numbered 626-91014", and by adding a new subsection (b) as follows:

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"(b) The Secretary may acquire that portion of area IV-B in private ownership on the map referred to in section 1 of this Act only with the consent of the owner: *Provided*, That the Secretary may acquire an agricultural easement should the owner change the use in existence as of September 19, 1986, through eminent domain."

16 USC 460u-15.

(g) MAP REFERENCE.—Section 16 of such Act (16 U.S.C. 460u-16) is amended by inserting at the end of the first sentence "on the map referred to in section 4, dated October 1976, and numbered 626-9100".

(h) RIGHTS-OF-WAY.—Section 15 of such Act is amended by adding the following at the end thereof: "The Secretary may acquire only such interest in the rights-of-way designated 'Crossing B' and 'Crossing C' on the map dated October 1986 and numbered 626-80,033-B as he determines to be necessary to assure public access to the banks of the Little Calumet River and the banks of Salt Creek within fifty feet on either side of the centerline of said river and creek."

16 USC 460u-24.
Contracts.

(i) COOPERATIVE AGREEMENT AND STUDY.—Add the following new section at the end of such Act:

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

Boating.
Canoeing.
Fish and fishing.
Hiking.
Bicycling.

16 USC 460u-6.

"(a) COOPERATIVE AGREEMENT.—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 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 6(b).

"(b) STUDY.—The Secretary shall conduct a study regarding the options available for linking the portions of the lakeshore which are divided by the Little Calumet River and Burns/Portage Waterway

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100 STAT. 3321

so as to coordinate the management and recreational use of the lakeshore. 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 the enactment of this section. Effective October 1, 1986, there is authorized to be appropriated such sums as may be necessary for the purposes of conducting the study.”

Effective date.
Appropriation
authorization.

Approved October 29, 1986.

LEGISLATIVE HISTORY—H.R. 4037:

HOUSE REPORTS: No. 99-762 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 132 (1986):

Aug. 11, considered and passed House.

Oct. 16, considered and passed Senate, amended.

Oct. 17, House concurred in Senate amendment.

3. Sleeping Bear Dunes

102 STAT. 2796

PUBLIC LAW 100-558—OCT. 28, 1988

Public Law 100-558
100th Congress

An Act

Oct. 28, 1988
[S. 2436]

To reauthorize the Sleeping Bear Dunes National Lakeshore Advisory
Commission.

16 USC 460x-3.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of Public Law 91-479, relating to the establishment of Sleeping Bear Dunes National Lakeshore, is amended—

(1) in subsection (a) striking “ten” and inserting “twenty”; and

(2) by amending subsection (e) to read as follows:

“(e) The Secretary or his designee shall consult with the Commission with respect to—

“(1) matters relating to the development of the lakeshore and with respect to the provisions of sections 9, 12, and 13 of this Act; and

“(2) matters relating to the implementation of the General Management Plan provided for in section 6(b).”.

Approved October 28, 1988.

LEGISLATIVE HISTORY—S. 2436:

SENATE REPORTS: No 100-472 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Aug. 11, considered and passed Senate.

Oct. 12, considered and passed House.