

sistent with the plan under section 460zz-2 of this title.

**(d) Review of local plans**

**(1) Authority**

For the purpose of protecting the integrity of the Area the Secretary shall cooperate and consult with the State and the appropriate political subdivisions to review all relevant local plans, laws and ordinances to determine whether they substantially conform to the plan approved pursuant to section 460zz-2 of this title. Additionally the Secretary shall in consultation with the State and its political subdivisions determine the adequacy of enforcement of such plans, laws, and ordinances, including review of building permits and zoning variances granted by local governments, and amendments to local laws and ordinances. The Secretary shall enter into agreements with the State or its political subdivisions to provide, on behalf of the Secretary, professional services necessary for the review of such local plans, laws, and ordinances, and of amendments thereto and variances therefrom, and for the monitoring or the enforcement thereof by local governments having jurisdiction over any areas to which the management plan applies.

**(2) Purpose**

The purpose of review under paragraph (1) shall be to determine the degree to which actions by local governments are compatible with the purposes of this subchapter. Following the approval of the plan under section 460zz-2 of this title and after a reasonable period of time has elapsed, upon a finding by the Secretary that such plans, laws and ordinances are nonexistent, are otherwise not in conformance with the plan or are not being enforced in a manner consistent with the plan, and if the Secretary determines that there is no feasible alternative available to prevent uses which would be substantially incompatible with the plan, the Secretary may exercise the authority available to him under the provisions of paragraph (3).

**(3) Enforcement**

In those sections of the Area where local plans, laws and ordinances, or amendments thereto or variances therefrom are found by the Secretary not to be in conformance with the plan approved pursuant to section 460zz-2 of this title, or are not being enforced in a manner consistent with the plan, the Secretary shall notify the local government authority concerned. The Secretary may withhold from the local government authority concerned or, require reimbursement of, (A) Federal funds made available for implementation of the plan, or (B) any grant under section 460zz-5(a) of this title if the local plan, law, ordinance, amendment, or variance is not modified to conform with the plan and enforced in such manner as will carry out the purposes of this part. If the State has not initiated, within a 60-day period, such judicial or other action as necessary to ensure conformity with the plan, and if noncompliance with the plan or failure to enforce the plan continues after the

end of such 60-day period, the Secretary may acquire, subject to appropriations, land or interests in land under this subsection without the consent of the owner thereof. Land and interests in land acquired pursuant to this subsection shall be restricted to the geographical area of the local government unit failing to conform with the plan and shall be limited to those lands clearly and directly required, in the judgment of the Secretary, for the protection of the Area in a manner compatible with the plan.

**(e) Retention by owner of use and occupancy**

The Secretary may permit the owner or owners of any improved residential property acquired by the Secretary under this part to retain a right of use and occupancy of the property for noncommercial<sup>1</sup> residential uses not incompatible with the plan approved under section 460zz-2 of this title. The provisions of subsection (c), (d), and (e) of section 460ii-1 of this title shall apply to the retention of such rights, except that for purposes of this part, the applicable date shall be January 1, 1987 in lieu of January 1, 1975 and the purposes of this part shall be substituted for the purposes referred to in section 460ii-1(d) of this title.

(Pub. L. 100-696, title VII, §705, Nov. 18, 1988, 102 Stat. 4605; Pub. L. 101-40, §4(1), June 20, 1989, 103 Stat. 82.)

AMENDMENTS

1989—Subsec. (a). Pub. L. 101-40 substituted “Other” for “Our” in third sentence.

**§ 460zz-5. State and local assistance and jurisdiction**

**(a) Grants**

Upon approval of the plan under section 460zz-2 of this title, the Secretary is authorized to make grants to the State of Minnesota, or its political subdivisions, to cover not more than 50 percent of the cost of acquisition and development within the Area of lands and waters or interests therein in a manner consistent with the purposes of this part.

**(b) Cooperative agreements**

The Secretary is authorized to enter into cooperative agreements with the State of Minnesota or any political subdivision thereof pursuant to which he may assist in the planning for and interpretation of non-Federal publicly owned lands within the Area.

**(c) Technical assistance**

To enable the State of Minnesota and its political subdivisions to develop and implement programs compatible with the plan, the Secretary shall provide such technical assistance to the State and its political subdivisions as he deems appropriate.

**(d) State and local jurisdiction**

Nothing in this part shall diminish, enlarge, or modify any right of the State of Minnesota or any political subdivision thereof, to exercise civil and criminal jurisdiction or to carry out

<sup>1</sup> So in original. Probably should be “noncommercial”.

State fish and wildlife laws, rules, and regulations within the Area, or to tax persons, corporations, franchises, or private property on the lands and waters included in the Area.

(Pub. L. 100-696, title VII, § 706, Nov. 18, 1988, 102 Stat. 4607.)

#### § 460zz-6. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out this part.

(Pub. L. 100-696, title VII, § 707, Nov. 18, 1988, 102 Stat. 4607.)

### PART B—TRI-RIVERS MANAGEMENT

#### § 460zz-11. Tri-Rivers Management Board

##### (a) Federal representatives

In furtherance of the integrated management of those portions of the Mississippi, Saint Croix, and Minnesota Rivers within the Saint Paul-Minneapolis Metropolitan Area, the Secretary of the Interior and the Secretary of the Army are authorized and directed to appoint representatives to a Tri-Rivers Management Board (hereinafter referred to as the "Board"), or any similar organization, which may be established by the State of Minnesota to assist in the development and implementation of consistent and coordinated land use planning and management policy for such portions of such rivers.

##### (b) Personnel

Upon request of the Board, the Secretary of the Interior and the Secretary of the Army may detail, on a reimbursable basis, any personnel to the Board.

##### (c) Authorization of appropriations

There is hereby authorized to carry out the purposes of this part the sum of \$100,000 annually; except that the Federal contribution to the Board shall not exceed one-third of the annual operating costs of the Board.

(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, Michi-

gan, 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 section 460I-9 of this title. 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.)

#### § 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 con-