

AMENDMENTS

1998—Subsec. (a)(3)(A). Pub. L. 105-277, §101(e) [title I, §141(1)], in introductory provisions, struck out “as of that date” after “record of such property” and inserted “, subject to subparagraph (B),” after “term ending”.

Subsec. (a)(3)(B). Pub. L. 105-277, §101(e) [title I, §141(2)], substituted “Subparagraph (A)(ii)” for “Subparagraph (A)” in introductory provisions.

1992—Subsec. (a)(1). Pub. L. 102-430, §4(c), substituted a comma for a period after first reference to “626-91014”.

Subsec. (a)(3). Pub. L. 102-430, §4(b), added par. (3).

1986—Subsec. (a). Pub. L. 99-583 designated existing provisions as par. (1), inserted “owners described in paragraph (2) and” and substituted reference to the map referred to in section 460u-3 of this title for reference to the map referred to in section 460u of this title, “(A)” for “(1)” in two places, “(B)” for “(2)”, and “. In the case of improved property within the boundaries of the map dated December 1980 and numbered 626-91014” for “. *Provided, That*”, and added par. (2).

1980—Subsec. (a). Pub. L. 96-612, §1(6), substituted provisions authorizing certain owners of improved property, except such owners within area II-B, to retain rights of use and occupancy of such property for noncommercial residential purposes for a term either ending at death or at a specified date no later than September 30, 2010, for provisions authorizing certain owners of similar property to retain such rights for similar purposes for a fixed term of twenty years or less, as elected, authorizing the conveyance or leasing of such rights, and specifying the formula for reimbursing such owners upon acquisition of such property by the Secretary.

Subsec. (c). Pub. L. 96-612, §1(7), added subsec. (c).

1976—Subsec. (a). Pub. L. 94-549, §1(4)(a), provided that owners within unit II-B on the map referred to in section 460u of this title be excluded from use and occupancy rights, that owners attain the age of majority to be eligible to retain use and occupancy rights, and that the maximum term that an owner may retain use and occupancy rights be reduced to twenty years from twenty-five years.

Subsec. (b). Pub. L. 94-549, §1(4)(b), substituted provision requiring failure of property to be used in accordance with the terms and applicable conditions as grounds for termination by the Secretary for provision which required failure of the property to be used in accordance with applicable zoning standards, added non-payment of property taxes as a ground for termination, and provided that the standards for right of use and occupancy applicable prior to Oct. 18, 1976 remain in effect for such right, including applicable zoning regulations.

§ 460u-6. Administration

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

In the administration of the lakeshore the Secretary may utilize such statutory authorities relating to areas of the national park system and such statutory authority otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this subchapter.

(b) Preservation of lakeshore; incompatible visitor conveniences restricted; provisions for public enjoyment and understanding; developments for public uses

In order that the lakeshore shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique

flora and fauna or the physiographic conditions now prevailing or with the preservation of such historic sites and structures as the Secretary may designate: *Provided*, That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific features within the lakeshore by establishing such trails, observation points, and exhibits and providing such services as he may deem desirable for such public enjoyment and understanding: *Provided further*, That the Secretary may develop for appropriate public uses such portions of the lakeshore as he deems especially adaptable for such uses.

(Pub. L. 89-761, §6, formerly §7, Nov. 5, 1966, 80 Stat. 1311; renumbered §6, Pub. L. 94-549, §1(9), Oct. 18, 1976, 90 Stat. 2533.)

PRIOR PROVISIONS

A prior section 6 of Pub. L. 89-761 was renumbered section 5 and is classified to section 460u-5 of this title.

§ 460u-7. Indiana Dunes National Lakeshore Advisory Commission**(a) Establishment; termination**

There is hereby established an Indiana Dunes National Lakeshore Advisory Commission. Said Commission shall terminate on September 30, 1985.

(b) Membership; appointment; term of office; recommendation or designation of appointees

The Commission shall be composed of thirteen members, each appointed for a term of two years by the Secretary, as follows: (1) one member who is a year-round resident of Porter County to be appointed from recommendations made by the commissioners of such county; (2) one member who is a year-round resident of the town of Beverly Shores to be appointed from the recommendations made by the board of trustees of such town; (3) one member who is a year-round resident of the towns of Porter, Dune Acres, Pines, Chesterton, Ogden Dunes, or the village of Tremont, such member to be appointed from recommendations made by the boards of trustees or the trustee of the affected town or township; (4) two members who are year-round residents of the city of Michigan City to be appointed from recommendations made by such city; (5) two members to be appointed from recommendations made by the Governor of the State of Indiana; (6) one member to be designated by the Secretary; (7) two members who are year-round residents of the city of Gary to be appointed from recommendations made by the mayor of such city; (8) one member to be appointed from recommendations made by a regional planning agency established under the authority of the laws of the State of Indiana and composed of representatives of local and county governments in northwestern Indiana; (9) one member who is a year-round resident of the city of Portage to be appointed from recommendations made by the mayor of such city; and (10) one member who holds a reservation of use and occupancy and is a year-round resident within the lakeshore to be designated by the Secretary.

(c) Chairman; vacancies

The Secretary shall designate one member to be Chairman. Any vacancy in the Commission

shall be filled in the same manner in which the original appointment was made.

(d) Compensation and expenses; vouchers

A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expense reasonably incurred by the Commission in carrying out its responsibilities under this subchapter on vouchers signed by the Chairman.

(e) Consultation of Secretary with Commission

The Secretary or his designee shall, from time to time, consult with the Commission with respect to matters relating to the development of the Indiana Dunes National Lakeshore and with respect to the provisions of sections 460u-3, 460u-4,¹ and 460u-5 of this title.

(f) Disposal of industrial solid wastes; identification of acceptable areas

The Advisory Commission is authorized to assist with the identification of economically and environmentally acceptable areas, outside of the boundaries of the lakeshore, for the handling and disposal of industrial solid wastes produced by the coal-fired powerplant in Porter County, Indiana, section 21, township 37 north, range 6 west.

(Pub. L. 89-761, §7, formerly §8, Nov. 5, 1966, 80 Stat. 1311; renumbered §7 and amended Pub. L. 94-549, §1(5), (6), (9), Oct. 18, 1976, 90 Stat. 2530, 2533; Pub. L. 96-612, §1(8), (9), Dec. 28, 1980, 94 Stat. 3576.)

REFERENCES IN TEXT

Section 460u-4 of this title, referred to in subsec. (e), was repealed by Pub. L. 94-549, §1(9), Oct. 18, 1976, 90 Stat. 2533.

PRIOR PROVISIONS

A prior section 7 of Pub. L. 89-761 was renumbered section 6 and is classified to section 460u-6 of this title.

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-612, §1(8), substituted “on September 30, 1985” for “ten years after the date of establishment of the national lakeshore pursuant to this subchapter”.

Subsec. (b). Pub. L. 96-612, §1(9), substituted “thirteen members” for “eleven members” in provisions preceding cl. (1) and “two members who are year-round residents” for “one member who is a year-round resident” in cls. (4) and (7).

1976—Subsec. (b). Pub. L. 94-549, §1(5), substituted “eleven members” for “seven members” in provision preceding cl. (1), struck out “Portage” after “Dunes Acres” in cl. (3), and added cls. (7) to (10).

Subsec. (f). Pub. L. 94-549, §1(6), added subsec. (f).

§ 460u-8. State jurisdiction

Nothing in this subchapter shall deprive the State of Indiana or any political subdivision thereof of its civil and criminal jurisdiction over persons found, acts performed, and offenses committed within the boundaries of the Indiana Dunes National Lakeshore or of its right to tax persons, corporations, franchises, or other non-Federal property on lands included therein.

(Pub. L. 89-761, §8, formerly §9, Nov. 5, 1966, 80 Stat. 1312; renumbered §8, Pub. L. 94-549, §1(9), Oct. 18, 1976, 90 Stat. 2533.)

¹ See References in Text note below.

PRIOR PROVISIONS

A prior section 8 of Pub. L. 89-761 was renumbered section 7 and is classified to section 460u-7 of this title.

§ 460u-9. Authorization of appropriations; general management plan; submittal to Congressional committees; feasibility study

The Secretary may expend such sums as may be necessary from the Land and Water Conservation Fund for acquisition of lands and interests in lands, and not to exceed \$27,500,000 for development: *Provided*, That not more than \$500,000 of said amount may be appropriated for the development of the Paul H. Douglas Environmental Education Center authorized pursuant to section 460u-20 of this title. By October 1, 1979, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a general management plan detailing the development of the national lakeshore consistent with the preservation objectives of this subchapter, indicating:

(1) the facilities needed to accommodate the health, safety, and recreation needs of the visiting public;

(2) the location and estimated costs of all facilities, together with a review of the consistency of the master plan with State, areawide, and local governmental development plans;

(3) the projected need for any additional facilities within the national lakeshore; and

(4) specific opportunities for citizen participation in the planning and development of proposed facilities and in the implementation of the general management plan generally.

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 October 29, 1986. Effective October 1, 1986, there is authorized to be appropriated such sums as may be necessary for the purposes of conducting the feasibility study.

(Pub. L. 89-761, §9, formerly §10, Nov. 5, 1966, 80 Stat. 1312; Pub. L. 93-477, title I, §101(6), Oct. 26, 1974, 88 Stat. 1445; renumbered §9 and amended Pub. L. 94-549, §1(7), (9), Oct. 18, 1976, 90 Stat. 2530, 2533; Pub. L. 95-625, title I, §101(16), Nov. 10, 1978, 92 Stat. 3472; Pub. L. 96-612, §1(10), Dec. 28, 1980, 94 Stat. 3576; Pub. L. 99-583, §1(d), Oct. 29, 1986, 100 Stat. 3319; Pub. L. 102-430, §9, Oct. 23, 1992, 106 Stat. 2210.)

CODIFICATION

Amendment by section 101(16) of Pub. L. 95-625 was, in the original, to section 10 of Pub. L. 89-761 but has been executed to section 9 of Pub. L. 89-761, as the probable intent of Congress, in view of the prior redesignation of former section 10 of Pub. L. 89-761 as section 9 by Pub. L. 94-549, §9, Oct. 18, 1976, 90 Stat. 2533.

PRIOR PROVISIONS

A prior section 9 of Pub. L. 89-761 was renumbered section 8 and is classified to section 460u-8 of this title.

AMENDMENTS

1992—Pub. L. 102-430 substituted “The Secretary may expend such sums as may be necessary from the Land