

ment 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.

¹ See References in Text note below.

(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.)

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 and Water Conservation Fund for acquisition of lands and interests in lands, and not to exceed \$27,500,000 for development:" for "The Secretary may not expend more than \$60,812,100 from the Land and Water Conservation Fund for the acquisition of lands and interests in lands nor more than \$20,000,000 for development:."; struck out second par. which read as follows: "In addition to any sums heretofore authorized for the acquisitions of lands and interests in lands pursuant to the provisions of this subchapter, there are further authorized to be appropriated an additional \$3,120,000.;" and struck out first sentence of last par. which read as follows: "In addition to any other sums authorized for the acquisition of lands and interests in lands pursuant to the provisions of this subchapter there are authorized to be appropriated an additional \$3,500,000 to be used for such purposes."

1986—Pub. L. 99-583 substituted "\$20,000,000" for "\$11,000,000" and inserted provisions authorizing an additional \$3,500,000 for acquisition of property and directing the Secretary to conduct a feasibility study of establishing Indiana Dunes Parkway.

1980—Pub. L. 96-612 increased the amount the Secretary could expend for land development from \$9,440,000 to \$11,000,000, inserted proviso that not more than \$500,000 of said amount could be appropriated for the development of the education center, and authorized appropriations of \$3,120,000 in addition to sums already authorized for the acquisition of lands and interests in lands.

1978—Pub. L. 95-625 increased development appropriations authorization to \$9,440,000 from \$8,500,000.

1976—Pub. L. 94-549, §1(7), substituted provision authorizing the Secretary to expend not more than \$60,812,100 from the Land and Water Conservation Fund for the acquisition of lands and interest in lands and not more than \$8,500,000 for development and requiring the Secretary to develop and submit a general management plan to the Committees on the Interior and Insular Affairs by Oct. 1, 1979 for provision which authorized not more than \$35,526,000 for acquisition in land and interest in land.

1974—Pub. L. 93-477 substituted "\$35,526,000" for "\$27,900,000".

CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 460u-10. Rights-of-way and easements; existing property rights of Northern Indiana Public Service Company

Nothing in this subchapter shall diminish any existing (as of March 1, 1975) rights-of-way or easements which are necessary for high voltage electrical transmission, pipelines, water mains, or line haul railroad operations and maintenance. Nothing in this subchapter shall be construed to diminish the existing property rights of Northern Indiana Public Service Company (as of October 1, 1986) with respect to—

- (1) a parcel of land owned in fee by the Northern Indiana Public Service Company and used for high voltage electrical transmission