

The Secretary may make a determination under subparagraph (D) only after notice and opportunity for hearing on the record. The reversion under subparagraph (D) shall take effect upon publication of such determination by the Secretary in the Federal Register without further notice or requirement for physical entry by the Secretary unless an action for judicial review is brought in the United States court of appeals for the appropriate circuit within ninety days following such publication. In any such action the court may issue such orders as appropriate to carry out the requirements of this subsection."

§ 460u-2. Direction for establishment; publication in Federal Register; continuing acquisition of lands

As soon as practicable after November 5, 1966, and following the acquisition by the Secretary of an acreage within the boundaries of the area described in section 460u of this title which in his opinion is efficiently administrable for the purposes of this subchapter, he shall establish the Indiana Dunes National Lakeshore by publication of notice thereof in the Federal Register. By no later than October 1, 1977, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the lakeshore and shall from time to time so publish any additional boundary changes as may occur. Following such establishment and subject to the limitations and conditions prescribed in section 460u of this title, the Secretary may continue to acquire lands and interests in lands for the lakeshore.

(Pub. L. 89-761, §3, Nov. 5, 1966, 80 Stat. 1309; Pub. L. 94-549, §1(2), Oct. 18, 1976, 90 Stat. 2529.)

AMENDMENTS

1976—Pub. L. 94-549 inserted provision requiring the Secretary to publish in the Federal Register, no later than October 1, 1977, the boundaries of the lakeshore and from time to time publish any additional changes in the boundaries as they occur.

§ 460u-3. "Improved property" and "appropriate map" defined; terms and conditions for rights of use and occupancy

As used in this subchapter, 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.

Table with 2 columns: Property within boundaries of map, Construction began before. Row: Dated October 1992, No. 626-80,039-C, October 1, 1991

Table with 2 columns: Property within boundaries of map, Construction began before. Rows: Dated October 1986, No. 626-80,033-B (Feb 1, 1986); Dated December 1980, No. 626-91014 (Jan 1, 1981); Dated September 1976, No. 626-91007 (Feb 1, 1973); Dated September 1966, No. LNPNE-1008-ID (Jan 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 non-commercial 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 of the Interior. The Secretary shall designate the land referred to in subparagraph (B). The amount of land so designated shall in every case be not more than three acres in area, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: Provided, That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters, as he may deem necessary for public access thereto or public use thereof. All rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of such property in accordance with the purposes of this subchapter.

(Pub. L. 89-761, §4, Nov. 5, 1966, 80 Stat. 1309; Pub. L. 94-549, §1(3), Oct. 18, 1976, 90 Stat. 2529; Pub. L. 96-612, §1(5), Dec. 28, 1980, 94 Stat. 3575; Pub. L. 99-583, §1(b), Oct. 29, 1986, 100 Stat. 3318; Pub. L. 102-430, §4(a), Oct. 23, 1992, 106 Stat. 2208.)

AMENDMENTS

1992—Pub. L. 102-430 amended table generally. Prior to amendment, table read as follows:

Table with 2 columns: "Property Within Boundaries of Map, Construction Began Before. Rows: Dated October 1986, #626-80,033-B (Feb 1, 1986); Dated December 1980, #626-91014 (Jan 1, 1981); Dated September 1976, #626-91007 (Feb 1, 1973); Dated September 1966, #LNPNE-1008-ID (Jan 4, 1965)

1986—Pub. L. 99-583 substituted provisions defining "improved property" and "appropriate map" for former provisions which read as follows: "The term "improved property", whenever used in this subchapter, shall mean a detached, one-family dwelling, construction of which was begun before January 1, 1981 or, in the case of improved property located within the boundaries delineated on a map identified as "Boundary Map, Indiana Dunes National Lakeshore", dated September 1976 and bearing the number 626-91007, before February 1, 1973, or, in the case of improved property located within the boundaries delineated on a map identified as "A Proposed Indiana Dunes National Lakeshore", dated September 1966, and bearing the number "LNPNE-1008-ID", which map is on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, before January 4, 1965, together with so much of the land