

§ 460u-13. Acquisition of area I-C; owner consent required

(a) The Secretary may acquire that portion of area I-C which is shaded on the map referred to in section 460u-3 of this title, dated December 1980 and numbered 626-91014 only with the consent of the owner unless the present owner attempts to sell or otherwise dispose of such area.

(b) The Secretary may acquire that portion of area IV-B in private ownership on the map referred to in section 460u of this title 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.

(Pub. L. 89-761, §13, formerly §14, as added and renumbered Pub. L. 94-549, §1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533; amended Pub. L. 99-583, §1(f), Oct. 29, 1986, 100 Stat. 3320.)

AMENDMENTS

1986—Pub. L. 99-583 designated existing provisions as subsec. (a), substituted “460u-3 of this title, dated December 1980 and numbered 626-91014” for “460u of this title”, and added subsec. (b).

§ 460u-14. Plan, lands acquired, land acquisition program; submittal to Congressional committees

Within one year after October 18, 1976, the Secretary shall submit, in writing, to the Committees on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate—

(1) the lands which he has previously acquired by purchase, donation, exchange, or transfer for administration for the purpose of the lakeshore; and

(2) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

(Pub. L. 89-761, §14, formerly §15, as added and renumbered Pub. L. 94-549, §1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533.)

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-15. Rights-of-way; public access to Little Calumet River

The Secretary may acquire only such interest in the right-of-way designated “Crossing A” on map numbered 626-91007 as he determines to be necessary to assure public access to the banks of the Little Calumet River within fifty feet north and south of the centerline of said river. 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.

(Pub. L. 89-761, §15, formerly §16, as added and renumbered Pub. L. 94-549, §1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533; amended Pub. L. 99-583, §1(h), Oct. 29, 1986, 100 Stat. 3320.)

AMENDMENTS

1986—Pub. L. 99-583 inserted provisions relating to acquisition of interests in the rights-of-way designated Crossing B and Crossing C.

§ 460u-16. Road construction cooperative agreements with landowners north of Little Calumet River; prevention of soil erosion; minimization of aural and visual impact

The Secretary shall enter into a cooperative agreement with the landowner of those lands north of the Little Calumet River between the Penn Central Railroad bridge within area II-E and “Crossing A” within area IV-C on the map referred to in section 460u-3 of this title, dated October 1976, and numbered 626-9100.¹ Such agreement shall provide that any roadway constructed by the landowner south of United States Route 12 within such vicinity shall include grading, landscaping, and plantings of vegetation designed to prevent soil erosion and to minimize the aural and visual impacts of said construction, and of traffic on such roadway, as perceived from the Little Calumet River.

(Pub. L. 89-761, §16, formerly §17, as added and renumbered Pub. L. 94-549, §1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533; amended Pub. L. 99-583, §1(g), Oct. 29, 1986, 100 Stat. 3320.)

AMENDMENTS

1986—Pub. L. 99-583 inserted provisions relating to the map referred to in section 460u-3 of this title.

§ 460u-17. Lands within area I-E used for solid waste disposal

(a) Commitment to reclaim land at no expense to Federal Government

The Secretary may not acquire such lands within the western section of area I-E, as designated on map numbered 626-91007, which have been used for solid waste disposal until he has received a commitment, in accordance with a plan acceptable to him, to reclaim such lands at no expense to the Federal Government.

(b) Cooperation with State of Indiana or subdivision thereof to develop area

With respect to the property identified as area I-E on map numbered 626-91007, the Secretary may enter into a cooperative agreement whereby the State of Indiana or any political subdivision thereof may undertake to develop, manage, and interpret such area in a manner consistent with the purposes of this subchapter.

(Pub. L. 89-761, §17, formerly §18, as added and renumbered Pub. L. 94-549, §1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533.)

¹ So in original. Probably should be “September 1976, and numbered 626-91007.”

§ 460u-18. Study of areas III-A, III-C, and II-A; report to Congressional committees

(a) By July 1, 1977, the Secretary shall prepare and transmit to the Committees on Interior and Insular Affairs of the United States Congress a study of areas III-A, III-C, and II-A, as designated on map numbered 626-91007. The Secretary shall make reasonable provision for the timely participation of the State of Indiana, local public officials, affected property owners, and the general public in the formulation of said study, including, but not limited to, the opportunity to testify at a public hearing. The record of such hearing shall accompany said study. With respect to areas III-A and III-C, the study shall (a) address the desirability of acquisition of any or all of the area from the standpoint of resource management, protection, and public access; (b) develop alternatives for the control of beach erosion if desirable, including recommendations, if control is necessary, of assessing the costs of such control against those agencies responsible for such erosion; (c) consider and propose options to guarantee public access to and use of the beach area, including the location of necessary facilities for transportation, health, and safety; (d) detail the recreational potential of the area and all available alternatives for achieving such potential; (e) review the environmental impact upon the lakeshore resulting from the potential development and improvement of said areas; and (f) assess the cost to the United States from both the acquisition of said areas together with the potential savings from the retention of rights of use and occupancy and from the retention of the boundaries of the lakeshore, as designated on map numbered 626-91007, including the costs of additional administrative responsibilities necessary for the management of the lakeshore, including the maintenance of public services in the town of Beverly Shores, Indiana. With respect to area II-A, the Secretary shall study and report concerning the following objectives: (a) preservation of the remaining dunes, wetlands, native vegetation, and animal life within the area; (b) preservation and restoration of the watersheds of Cowles Bog and its associated wetlands; (c) appropriate public access to and use of lands within the area; (d) protection of the area and the adjacent lakeshore from degradation caused by all forms of construction, pollution, or other adverse impacts including, but not limited to, the discharge of wastes and any excessive subsurface migration of water; and (e) the economic consequences to the utility and its customers of acquisition of such area.

(b)(1) The Secretary shall enter into a memorandum of agreement with the Northern Indiana Public Service Company (referred to as "NIPSCO") that shall provide for the following with respect to the area referred to as Unit II-A on the map described in section 460u of this title (referred to as the "Greenbelt"):

(A) NIPSCO shall provide the National Park Service with access for resource management and interpretation through the Greenbelt and across the dike for purposes of a public hiking trail.

(B) The National Park Service shall have rights of access for resource management and interpretation of the Greenbelt area.

(C) NIPSCO shall preserve the Greenbelt in its natural state. If NIPSCO utilizes the Greenbelt temporarily for a project involving pollution mitigation or construction on its adjacent facilities, it shall restore the project area to its natural state.

(D) If NIPSCO proposes a different use for the Greenbelt, NIPSCO shall notify the National Park Service, the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives and make no change in the use of the property until three years after the date notice is given.

(2) If a memorandum of agreement is entered into pursuant to paragraph (1), so long as the memorandum of agreement is in effect and is being performed, the Secretary may not acquire lands or interests in land in the Greenbelt belonging to NIPSCO.

(Pub. L. 89-761, §18, formerly §19, as added and renumbered Pub. L. 94-549, §1(8), (9), Oct. 18, 1976, 90 Stat. 2532, 2533; Pub. L. 102-430, §5, Oct. 23, 1992, 106 Stat. 2209.)

AMENDMENTS

1992—Pub. L. 102-430 designated existing provisions as subsec. (a) and added subsec. (b).

CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate, referred to in subsec. (a), 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-19. Acquisition of land outside present boundaries; notice to Congressional committees; publication in Federal Register

After notifying the Committees on Interior and Insular Affairs of the United States Congress, in writing, of his intentions to do so and of the reasons therefor, the Secretary may, if he finds that such lands would make a significant contribution to the purposes for which the lakeshore was established, accept title to any lands, or interests in lands, located outside the present boundaries of the lakeshore but contiguous thereto or to lands acquired under this section, such lands the State of Indiana or its political subdivisions may acquire and offer to donate to the United States or which any private person, organization, or public or private corporation may offer to donate to the United States and he shall administer such lands as a part of the lakeshore after publishing notice to that effect in the Federal Register.

(Pub. L. 89-761, §19, formerly §20, as added and renumbered Pub. L. 94-549, §1(8), (9), Oct. 18, 1976, 90 Stat. 2532, 2533.)