

## CODIFICATION

In subsec. (b), “section 6506 of title 31” substituted for “title IV of the Intergovernmental Cooperation Act of 1968 [42 U.S.C. 4231 et seq.]” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

**§ 460u-22. Consideration of property owner's hardship in property acquisition**

In exercising his authority to acquire property under this subchapter, the Secretary shall give prompt and careful consideration to any offer made by an individual owning property within the lakeshore to sell such property, if such individual notifies the Secretary in writing that the continued ownership of such property is causing, or would result in, undue hardship.

(Pub. L. 89-761, §22, as added Pub. L. 96-612, §1(12), Dec. 28, 1980, 94 Stat. 3577.)

**§ 460u-23. Acquisition of interest in area VII-A**

**(a) Public access requirements**

The Secretary may acquire only such interest in that portion of area VII-A which is described in subsection (b) as the Secretary determines is necessary to assure public access over said portion of area VII-A.

**(b) Portion of area VII-A subject to acquisition**

The portion of area VII-A, as designated on the map referred to in section 460u of this title, to which subsection (a) applies is a parcel of land bounded—

(1) on the east by a line three hundred feet east of the electrical transmission line crossing area VII-A on January 1, 1979;

(2) on the west by a line fifty feet west of such electrical transmission line; and

(3) on the north and south by the northern and southern boundaries, respectively, of area VII-A.

**(c) Boundaries of area VII-A**

Area VII-A includes the bed of the railroad tracks forming the northern and northwestern boundaries of this area and extends to the northern edge of the bed of the railroad tracks forming the southern boundaries of this area.

**(d) Inclusion in area I-D**

Area I-D includes the bed of the railroad tracks along the northern boundary of this area.

**(e) Exclusions from area VII-C**

The area designated as area VII-C on the map referred to in section 460u of this title does not include approximately 1.3 acres of land on which the Linde Air Products plant is situated, nor does it include approximately 1 acre of land on which the Old Union Station building and the adjacent REA building are situated. Except as provided in the foregoing sentence, area VII-C extends to, but does not include, the beds of the railroad tracks forming the northern and southern boundaries of such area.

(Pub. L. 89-761, §23, as added Pub. L. 96-612, §1(13), Dec. 28, 1980, 94 Stat. 3577.)

**§ 460u-24. Little Calumet River and Burns/Portage Waterway**

**(a) Cooperative agreement**

The Secretary may enter into a cooperative agreement with the Little Calumet River Basin

Development Commission, the State of Indiana or any political subdivision thereof for the planning, management, and interpretation of recreational facilities on the tract within the boundaries of Indiana Dunes National Lakeshore identified as tract numbered 09-177<sup>1</sup> or on lands under the jurisdiction of the State of Indiana or political subdivision thereof along the Little Calumet River and Burns Waterway. The cooperative agreement may include provision for the planning of public facilities for boating, canoeing, fishing, hiking, bicycling, and other compatible recreational activities. Any recreational developments on lands under the jurisdiction of the National Park Service planned pursuant to this cooperative agreement shall be in a manner consistent with the purposes of this subchapter, including section 460u-6(b) of this title.

**(b) Study**

The Secretary shall conduct a study regarding the options available for linking the portions of the lakeshore which are divided by the Little Calumet River and Burns/Portage Waterway so as to coordinate the management and recreational use of the lakeshore. The Secretary shall submit the results of the 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 study.

(Pub. L. 89-761, §24, as added Pub. L. 99-583, §1(i), Oct. 29, 1986, 100 Stat. 3320.)

## CHANGE OF NAME

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-25. Cooperative agreement with Gary, Indiana**

In furtherance of the purposes of this subchapter, the Secretary may enter into a cooperative agreement with the city of Gary, Indiana, pursuant to which the Secretary may provide technical assistance in interpretation, planning, and resource management for programs and developments in the city of Gary's Marquette Park and Lake Street Beach.

(Pub. L. 89-761, §25, as added Pub. L. 102-430, §6, Oct. 23, 1992, 106 Stat. 2209.)

**§ 460u-26. Units VII-D and I-M**

(a) Before acquiring lands or interests in lands in Unit VII-D (as designated on the map described in section 460u of this title) the Secretary shall consult with the Commissioner of the Indiana Department of Transportation to determine what lands or interests in lands are required by the State of Indiana for improvements to 15th Avenue (including the extension known as Old Hobart Road) and reconstruction

<sup>1</sup> So in original. Probably should be “09-117”.

and relocation of the intersection of 15th Avenue and State Road 51 so that the acquisition by the Secretary of lands or interests in lands in Unit VII-D will not interfere with planned improvements to the interchange and 15th Avenue in the area.

(b) Before acquiring lands or interests in lands in Unit I-M (as designated on the map referred to in section 460u of this title) the Secretary shall consult with the Commissioner of the Indiana Department of Transportation to determine what lands or interests in lands are required by the State of Indiana for improvements to State Road 49 and reconstruction and relocation of the interchange with State Road 49 and U.S. 20 so that the acquisition by the Secretary of lands or interests in lands in Unit I-M will not interfere with planned improvements to such interchange and State Road 49 in the area.

(Pub. L. 89-761, §26, as added Pub. L. 102-430, §7, Oct. 23, 1992, 106 Stat. 2209.)

#### SUBCHAPTER LXXX—FLAMING GORGE NATIONAL RECREATION AREA

##### § 460v. Establishment

In order to provide, in furtherance of the purposes of the Colorado River storage project, for the public outdoor recreation use and enjoyment of the Flaming Gorge Reservoir and surrounding lands in the States of Utah and Wyoming and the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Flaming Gorge National Recreation Area in the States of Utah and Wyoming (hereinafter referred to as the "recreation area"). The boundaries of the recreation area shall be those shown on the map entitled "Proposed Flaming Gorge National Recreation Area," which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture.

(Pub. L. 90-540, §1, Oct. 1, 1968, 82 Stat. 904.)

#### DUTCH JOHN FEDERAL PROPERTY DISPOSITION AND ASSISTANCE

Pub. L. 105-326, Oct. 30, 1998, 112 Stat. 3040, as amended by Pub. L. 106-176, title III, §303, Mar. 10, 2000, 114 Stat. 32, related to disposition of certain Federal properties located in Dutch John, Utah, and to assistance to local government in interim delivery of basic services to Dutch John community.

##### § 460v-1. Administration, protection, and development by Secretary of Agriculture; administration of land or waters for Colorado River storage project by Secretary of the Interior

The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture (hereinafter called the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in a manner coordinated with the other purposes of the Colorado River storage project, and in such manner as in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment;

and (3) such management, utilization, and disposal of natural resources as in his judgment will promote or are compatible with, and do not significantly impair the purposes for which the recreation area is established: *Provided*, That lands or waters needed or used for the operation of the Colorado River storage project shall continue to be administered by the Secretary of the Interior to the extent he determines to be required for such operation.

(Pub. L. 90-540, §2, Oct. 1, 1968, 82 Stat. 904.)

##### § 460v-2. Boundaries; adjustments; publication in Federal Register

Within six months after October 1, 1968, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the recreation area. Following such publication, the Secretary may make minor adjustments in the boundary of the recreation area by publication of the amended description thereof in the Federal Register: *Provided*, That the total acreage of the recreation area within the adjusted boundary does not exceed the acreage of the recreation area as shown on the map referred to in section 460v of this title.

(Pub. L. 90-540, §3, Oct. 1, 1968, 82 Stat. 904.)

##### § 460v-3. Hunting, fishing, and trapping

The Secretary shall permit hunting, fishing, and trapping on the lands and waters under his jurisdiction within the recreation area in accordance with the applicable Federal and State laws: *Provided*, That the Secretary, after consultation with the respective State fish and game commissions, may issue regulations designating zones where and establishing periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Nothing in this subchapter shall affect the jurisdiction or responsibilities of the States of Utah and Wyoming under other provisions of State laws with respect to hunting and fishing.

(Pub. L. 90-540, §4, Oct. 1, 1968, 82 Stat. 904.)

##### § 460v-4. Lands withdrawn from location, entry, and patent under United States mining laws; removal of minerals; receipts, disposition

The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary of the Interior, under such regulations as he deems appropriate, may permit the removal of the non-leasable minerals from lands or interests in lands within the recreation area in the manner prescribed by section 387 of title 43, and he may permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 24, 1920,<sup>1</sup> as amended [30 U.S.C. 181 et seq.], or the Acquired Lands Mineral Leasing Act of August 7, 1947 [30 U.S.C. 351 et seq.], if he finds that such disposition would not have significant adverse effects on the purposes of the Colorado River storage project and the Sec-

<sup>1</sup> So in original. Probably should be "February 25, 1920,".