

and development of his property in accordance with such restrictions, the Secretary may not acquire, without the consent of such owner, such property or interests therein for so long as the property affected is used in accordance with such restrictions, unless he determines that such property is needed for public use development. The foregoing limitations on acquisition shall also apply to any owners of real property to whom the Secretary did not, within the time set forth, give such a notice, except that if any property owner has not, within ninety days of the notice agreed to use the property in accordance with the notice, then the Secretary may acquire, without limitation, fee or lesser interests in property by any of the methods set forth in section 460x-7 of this title: *Provided*, That nothing contained in subsections (d) and (e), and in this subsection, which limits the acquisition of the fee simple title to property within the lakeshore, shall prevent the Secretary from acquiring, without the consent of the owner, the fee simple title whenever in the Secretary's judgment the estimated cost of acquiring the lesser interest would be a substantial percentage of the estimated cost of acquiring the fee simple title.

(Pub. L. 91-479, §3, Oct. 21, 1970, 84 Stat. 1075.)

§ 460x-3. Sleeping Bear Dunes National Lakeshore Advisory Commission

(a) Establishment; termination

There is hereby established a Sleeping Bear Dunes National Lakeshore Advisory Commission. The Commission shall cease to exist twenty years after the establishment of the lakeshore pursuant to section 460x-1 of this title.

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

The Commission shall be composed of ten members, each appointed for a term of two years by the Secretary, as follows:

- (1) Four members to be appointed from recommendations made by the counties in which the lakeshore is situated, two members to represent each such county;
- (2) Four members to be appointed from recommendations made by the Governor of the State of Michigan; and
- (3) Two members 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 expenses 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 consult with the Commission with respect to—

- (1) matters relating to the development of the lakeshore and with respect to the provi-

sions of sections 460x-8, 460x-11, and 460x-12 of this title; and

(2) matters relating to the implementation of the General Management Plan provided for in section 460x-5(b) of this title.

(Pub. L. 91-479, §4, Oct. 21, 1970, 84 Stat. 1076; Pub. L. 100-558, Oct. 28, 1988, 102 Stat. 2796.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-558, §1(1), substituted “twenty” for “ten”.

Subsec. (e). Pub. L. 100-558, §1(2), amended subsec. (e) generally, designating existing provisions as par. (1) and adding par. (2).

§ 460x-4. Hunting and fishing; issuance of regulations

In administering the lakeshore the Secretary shall permit hunting and fishing on lands and waters under his jurisdiction in accordance with the laws of the State of Michigan and the United States applicable thereto. The Secretary, after consultation with the appropriate agency of the State of Michigan, may designate zones and establish periods where and when no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment and issue regulations, consistent with this section, as he may determine necessary to carry out the purposes of this section.

(Pub. L. 91-479, §5, Oct. 21, 1970, 84 Stat. 1076.)

§ 460x-5. Administration, protection, and development

(a) Applicability of provisions; utilization of statutory authorities

The administration, protection, and development of the lakeshore shall be exercised by the Secretary, subject to the provisions of this subchapter and of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.),¹ as amended and supplemented, relating to the areas administered and supervised by the Secretary through the National Park Service; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this subchapter.

(b) Land and water use management plan; preparation and implementation by Secretary; required provisions

In the administration, protection, and development of the area, the Secretary shall prepare and implement a land and water use management plan, which shall include specific provisions for—

- (1) development of facilities to provide the benefits of public recreation;
- (2) protection of scenic, scientific, and historic features contributing to public enjoyment; and
- (3) such protection, management, and utilization of renewable natural resources as in the judgment of the Secretary is consistent with, and will further the purpose of, public recreation and protection of scenic, scientific, and

¹ See References in Text note below.

historic features contributing to public enjoyment.

(c) Area review by Secretary; report to President; recommendations for preservation of any area within lakeshore as wilderness; designation as a wilderness

Within four years from October 21, 1970, the Secretary of the Interior shall review the area within the Sleeping Bear Dunes National Lakeshore and shall report to the President, in accordance with subsections (c) and (d) of section 1132 of this title, his recommendation as to the suitability or unsuitability of any area within the lakeshore for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections.

(d) Public use areas; preservation of rights of owner or occupant of improved property located within public use area

In developing the lakeshore the Secretary shall provide public use areas in such places and manner as he determines will not diminish the value or enjoyment for the owner or occupant of any improved property located thereon.

(Pub. L. 91-479, § 6, Oct. 21, 1970, 84 Stat. 1077.)

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§ 3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

§ 460x-6. Taxing power

Nothing in this subchapter shall be construed as prohibiting any governmental jurisdiction in the State of Michigan from assessing taxes upon any interest in real estate retained under the provisions of section 460x-9 of this title to the owner of such interest.

(Pub. L. 91-479, § 7, Oct. 21, 1970, 84 Stat. 1077.)

§ 460x-7. Acquisition of property

(a) Authority of Secretary; manner of acquisition; procedure for lands partly within designated area

The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer funds, transfer from any Federal agency, or exchange lands and interests therein for the purposes of this subchapter. When an individual tract of land is only partly within the area designated, the Secretary may acquire the entire tract by any of the above methods to avoid the payment of severance costs. Land so acquired outside the designated area may be exchanged by the Secretary for non-Federal lands within such area, and any portion of the land

not utilized for such exchanges may be disposed of in accordance with the provisions of chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

(b) Sale offers; hardship from delay; time and manner of purchase

In exercising his authority to acquire property under this subchapter, the Secretary shall give immediate and careful consideration to any offer made by an individual owning property within the lakeshore to sell such property to the Secretary. An individual owning property within the lakeshore may notify the Secretary that the continued ownership by such individual of that property would result in hardship to him, and the Secretary shall immediately consider such evidence and shall within one year following the submission of such notice, subject to the availability of funds, purchase such property offered for a price which does not exceed its fair market value.

(c) State donations; transfer from Federal agency to administrative jurisdiction of Secretary

Any property or interests therein, owned by the State of Michigan or any political subdivisions thereof, may be acquired only by donation. Notwithstanding any other provision of law, any property owned by the United States on October 21, 1970, located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this subchapter.

(d) Initiation of condemnation proceedings subsequent to failure of Secretary to negotiate for purchase of property; certificate of compliance with negotiation procedure

With respect to that property which the Secretary is authorized to acquire by condemnation under the terms of this subchapter, the Secretary shall initiate no condemnation proceedings until after he has made every reasonable effort to acquire such property by negotiation and purchase. The certificate of the determination by the Secretary or his designated representative that there has been compliance with the provisions of this subsection and of subsection (b) of this section shall be prima facie evidence of such compliance.

(e) Condemnation to acquire clear, marketable, and encumbrance-free title

Nothing in this subchapter shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(Pub. L. 91-479, § 8, Oct. 21, 1970, 84 Stat. 1077.)

CODIFICATION

In subsec. (a), "chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41" substituted for "the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. 471 et seq.)" on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.