

SUBCHAPTER LXXXII—SLEEPING BEAR
DUNES NATIONAL LAKESHORE

§ 460x. Establishment

(a) Purpose; administration

The Congress finds that certain outstanding natural features, including forests, beaches, dune formations, and ancient glacial phenomena, exist along the mainland shore of Lake Michigan and on certain nearby islands in Benzie and Leelanau Counties, Michigan, and that such features ought to be preserved in their natural setting and protected from developments and uses which would destroy the scenic beauty and natural character of the area. In order to accomplish this purpose for the benefit, inspiration, education, recreation, and enjoyment of the public, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to take appropriate action, as herein provided, to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore. In carrying out the provisions of this subchapter, the Secretary shall administer and protect the Sleeping Bear Dunes National Lakeshore in a manner which provides for recreational opportunities consistent with the maximum protection of the natural environment within the area.

(b) Cooperation between Federal, State, and local governments

In preserving the lakeshore and stabilizing its development, substantial reliance shall be placed on cooperation between Federal, State, and local governments to apply sound principles of land use planning and zoning. In developing the lakeshore, full recognition shall be given to protecting the private properties for the enjoyment of the owners.

(Pub. L. 91-479, §1, Oct. 21, 1970, 84 Stat. 1075.)

§ 460x-1. Description of area

(a) In general

The Sleeping Bear Dunes National Lakeshore (hereinafter referred to as the "lakeshore") shall comprise the land and water area generally depicted on the map entitled "A Proposed Sleeping Bear Dunes National Lakeshore Boundary Map", numbered NL-SBD-91,000 and dated May 1969, which shall be on file and available for public inspection in the offices of the National Park Service of the Department of the Interior.

(b) Establishment; notice in Federal Register

As soon as practicable after October 21, 1970, and following the acquisition by the Secretary of those lands owned by the State of Michigan within the boundaries of the area designated for inclusion in the lakeshore (excepting not to exceed three hundred acres in the Platte Bay area) and of such additional lands, if any, as are necessary to provide an area which in his opinion is efficiently administrable for the purposes of this subchapter, he shall establish the Sleeping Bear Dunes National Lakeshore by publication of notice thereof in the Federal Register.

(Pub. L. 91-479, §2, Oct. 21, 1970, 84 Stat. 1075.)

§ 460x-2. Designation of lakeshore areas

(a) Area categories; publication in Federal Register

Within thirty days, or as soon as possible thereafter, after October 21, 1970, the Secretary shall publish in the Federal Register a map or other description of the lakeshore delineating areas constituting the following categories:

- Category I, public use and development areas.
- Category II, environmental conservation areas.
- Category III, private use and development areas.

(b) Acquisition of lands and interests therein of category I areas

Lands and interests therein designated as category I may be acquired by the Secretary in accordance with section 460x-7 of this title.

(c) Designation of lands as within categories II and III for acquisition by Secretary; publication in Federal Register

Within one hundred and fifty days after October 21, 1970, the Secretary shall publish in the Federal Register an additional map or other description of those lands, if any, designated as within categories II and III for acquisition by him in fee in accordance with section 460x-7 of this title.

(d) Acquisition of interests in lands designated as category II; limitations

Except as provided in subsection (f) of this section, the Secretary may, after the publication provided for in subsection (c), acquire only such interests in lands designated as category II, other than those to be acquired in fee simple, as he deems appropriate to insure the continued conservation and preservation of the environmental quality of the lakeshore.

(e) Acquisition of interests in lands designated as category III; limitations

Except as provided in subsection (f) of this section, the Secretary may, after the publication provided for in subsection (c), acquire only such interests in lands designated as category III, other than those lands to be acquired in fee simple, as he deems appropriate to protect lands designated for acquisition.

(f) Restrictions on use and development of real property in categories II and III; notification of owners by Secretary of minimum restrictions on use and development for retention of property; compliance with restrictions as barring acquisition by Secretary; applicability to owners not notified by Secretary; acquisition from owners not agreeing to use of property in accordance with notice; acquisition of fee simple title

Not later than one hundred and fifty days after October 21, 1970, the Secretary shall notify owners of real property in categories II and III, other than property designated by him for fee acquisition, of the minimum restrictions on use and development of such property under which such property can be retained in a manner compatible with the purpose for which the lakeshore was established. If the owner of any real property in categories II and III agrees to the use