

**(g) Inclusion of certain lands as part of lakeshore**

If the owner of the area designated as “The Kettle” in the General Management Plan dated October 1, 1979, and comprising 240 acres, agrees to donate fee title or a scenic easement to, or other less than fee interest in, such area, the lands in such area may be included as a part of the lakeshore upon publication in the Federal Register by the Secretary of a revised map of the lakeshore which includes such lands.

**(h) Road maintenance and other services**

The Secretary may, upon request in writing by any owner or occupier of lands in the lakeshore, provide services, such as road maintenance, subject to reimbursement.

(Pub. L. 91-479, §12, Oct. 21, 1970, 84 Stat. 1080; Pub. L. 97-361, §3, Oct. 22, 1982, 96 Stat. 1722; Pub. L. 103-437, §6(d)(17), Nov. 2, 1994, 108 Stat. 4584.)

## REFERENCES IN TEXT

Section 17 of this Act, referred to in subsec. (b), probably means proposed section 17 of Pub. L. 91-479, which was contained in H.R. 3787, 97th Congress, 2d Session, as reported in House Report No. 97-882, page 4, but was omitted in the final version enacted by Congress as Pub. L. 97-361.

## AMENDMENTS

1994—Subsec. (e)(4)(B). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

1982—Pub. L. 97-361 designated existing provisions as subsec. (a), inserted “Benzie County and within” after “generally lying within”, and added subsecs. (b) to (h).

**§ 460x-12. Condemnation of commercial property**

In any case not otherwise provided for in this subchapter, the Secretary shall be prohibited from condemning any commercial property used for commercial purposes in existence on December 31, 1964, so long as, in his opinion, the use thereof would further the purpose of this subchapter, and such use does not impair the usefulness and attractiveness of the area designated for inclusion in the lakeshore. The following uses, among others, shall be considered to be uses compatible with the purposes of this subchapter: Commercial farms, orchards, motels, rental cottages, camps, craft and art studios, marinas, medical, legal, architectural, and other such professional offices, and tree farms.

(Pub. L. 91-479, §13, Oct. 21, 1970, 84 Stat. 1080.)

**§ 460x-13. Certificate of Secretary to interested person indicating prohibition from acquiring particular property by condemnation; contents**

The Secretary shall furnish to any interested person requesting the same a certificate indicating, with respect to any property which the Secretary has been prohibited from acquiring by condemnation in accordance with provisions of this subchapter, that such authority is prohibited and the reasons therefor.

(Pub. L. 91-479, §14, Oct. 21, 1970, 84 Stat. 1080.)

**§ 460x-14. Authorization of appropriations; adjustments**

There are authorized to be appropriated not more than \$84,149,558 for the acquisition of lands

and interests in lands and not more than \$18,769,000 (June 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

(Pub. L. 91-479, §15, Oct. 21, 1970, 84 Stat. 1081; Pub. L. 93-477, title I, §101(13), Oct. 26, 1974, 88 Stat. 1446; Pub. L. 97-361, §4, Oct. 22, 1982, 96 Stat. 1724; Pub. L. 98-141, §5, Oct. 31, 1983, 97 Stat. 909; Pub. L. 98-505, Oct. 19, 1984, 98 Stat. 2337.)

## AMENDMENTS

1984—Pub. L. 98-505 substituted “\$84,149,558” for “\$82,149,558”.

1983—Pub. L. 98-141 substituted “\$82,149,558” for “\$66,153,000”.

1982—Pub. L. 97-361 substituted “\$66,153,000” for “\$57,753,000”.

1974—Pub. L. 93-477 substituted “\$57,753,000” for “\$19,800,000”.

## RETROACTIVE STATUTORY CEILINGS

Pub. L. 97-361, §7, Oct. 22, 1982, 96 Stat. 1725, provided that: “For purposes of section 7(a)(3) of the Land and Water Conservation Fund Act of 1965 ([former] 16 U.S.C. 4601-9(a)(3)) [see 54 U.S.C. 200306(a)(4)], the statutory ceilings on appropriations established by the amendments made by this Act [enacting section 460x-15 of this title and amending this section and sections 460x-9 to 460x-11 of this title] shall be deemed to be statutory ceilings contained in a provision of law enacted prior to the convening of the Ninety-fifth Congress.”

**§ 460x-15. Lakeshore wilderness report; administration**

In accordance with section 1132(c) of this title, the President shall, no later than June 1, 1983, advise the United States Senate and House of Representatives of his recommendations with respect to the suitability or nonsuitability as wilderness of any area within the lakeshore. Subject to existing private rights, the areas described in the report prepared by the National Park Service entitled “Wilderness Recommendation; Sleeping Bear Dunes National Lakeshore” dated January, 1981, and recommended for wilderness (approximately 7,128 acres) and for potential wilderness additions (approximately 23,775 acres) shall, until Congress determines otherwise, be administered by the Secretary so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

(Pub. L. 91-479, §16, as added Pub. L. 97-361, §5, Oct. 22, 1982, 96 Stat. 1724.)

SUBCHAPTER LXXXIII—KING RANGE  
NATIONAL CONSERVATION AREA**§ 460y. Establishment; boundaries**

The Secretary of the Interior (hereinafter referred to as the “Secretary”) is hereby authorized and directed, after compliance with sections 460y-2 and 460y-3 of this title, to establish, within the boundaries described in section 460y-8 of this title, the King Range National Conservation Area in the State of California (hereinafter referred to as the “Area”), and to consolidate and

manage the public lands in the area with the purpose of conserving and developing, for the use and benefit of the people of the United States, the lands and other resources therein under a program of multiple usage and of sustained yield.

(Pub. L. 91-476, §1, Oct. 21, 1970, 84 Stat. 1067.)

#### § 460y-1. Management of lands

##### (a) Utilization and development of resources

In the management of lands in the area, the Secretary shall utilize and develop the resources in such a manner as to satisfy all legitimate requirements for the available resources as fully as possible without undue denial of any of such requirements and without undue impairment of any of the resources, taking into consideration total requirement and total availability of resources, irrespective of ownership or location.

##### (b) Plan of land use, development, and management

The policy set forth in subsection (a) implies—

(1) that there will be a comprehensive, balanced, and coordinated plan of land use, development, and management of the Area, and that such plan will be based on an inventory and evaluation of the available resources and requirements for such resources, and on the topography and other features of the Area.

(2) that the plan will indicate the primary or dominant uses which will be permitted on various portions of the Area.

(3) that the plan will be based on a weighing of the relative values to be obtained by utilization and development of the resources for alternative possible uses, and will be made with the object of obtaining the greatest values on a continuing basis, and that due consideration will be given to intangible values as well as to tangible values such as dollar return or production per unit.

(4) that secondary or collateral uses may be permitted to the extent that such uses are compatible with and do not unduly impair the primary or dominant uses, according to a seasonal schedule or otherwise.

(5) that management of the renewable resources will be such as to obtain a sustained, regular, or periodic yield or supply of products or services without impairment of the productivity, or the enjoyment or carrying capacity of the land.

(6) that the plan will be reviewed and re-evaluated periodically.

(7) that the resources to be considered are all the natural resources including but not limited to the soils, bodies of water including the shorelines thereof, forest growth including timber, vegetative cover including forage, fish, and other wildlife, and geological resources including minerals.

(8) that the uses to be considered are all of the legitimate uses of such resources including but not limited to all forms of outdoor recreation including scenic enjoyment, hunting, fishing, hiking, riding, camping, picknicking,<sup>1</sup> boating, and swimming, all uses of water re-

sources, watershed management, production of timber and other forest products, grazing and other agricultural uses, fish and wildlife management, mining, preservation of ecological balance, scientific study, occupancy and access.

(Pub. L. 91-476, §2, Oct. 21, 1970, 84 Stat. 1067.)

#### § 460y-2. Program of multiple usage and sustained yield of renewable natural resources; public and private assistance in preparation; provisions

The Secretary shall use public and private assistance as he may require, for the purpose of preparing for the Area a program of multiple usage and of sustained yield of renewable natural resources. Such program shall include but need not be limited to (1) a quantitative and qualitative analysis of the resources of the Area; (2) the proposed boundaries of the Area; (3) a plan of land use, development, and management of the Area together with any proposed cooperative activities with the State of California, local governments, and others; (4) a statement of expected costs and an economic analysis of the program with particular reference to costs to the United States and expected economic effects on local communities and governments; and (5) an evaluation by the Secretary of the program in terms of the public interest.

(Pub. L. 91-476, §3, Oct. 21, 1970, 84 Stat. 1068.)

#### § 460y-3. Procedure for establishment

The Secretary shall establish the Area after a period of at least ninety calendar days from and after the date that he has (1) submitted copies of the program required by section 460y-2 of this title to the President of the Senate and the Speaker of the House of Representatives, the Governor of the State of California, and the governing body of the county or counties in which the area is located and (2) published a notice of intention to establish the area in the Federal Register and in at least two newspapers which circulate generally within the Area.

(Pub. L. 91-476, §4, Oct. 21, 1970, 84 Stat. 1068.)

#### § 460y-4. Authority of Secretary

The Secretary is authorized—

##### (1) Conduct of public hearings

To conduct a public hearing or hearings to receive expression of local views relating to establishment of the area.

##### (2) Acquisition of land or interests in land by donation, by purchase with donated funds or funds specifically appropriated for such purpose, or by exchange; consent of owner; acquired lands or interests in lands as public lands

To acquire by donation, by purchase with donated funds or with funds appropriated specifically for that purpose, or by exchange, any land or interest in land within the area described in section 460y-8 of this title, which the Secretary, in his judgment, determines to be desirable for consolidation of public lands within the Area in order to facilitate efficient

<sup>1</sup> So in original. Probably should be "picnicking."