

§ 460s-9. Property subject to condemnation**(a) Limitation on condemnation of improved or other property**

The Secretary shall be prohibited from acquiring by condemnation any (1) improved property within the inland buffer zone or (2) property within the inland buffer zone during all times when, in his judgment, such property is being used (A) for the growing and harvesting of timber under a scientific program of selective cutting and forest management, or (B) for commercial purposes, if such commercial purposes are the same such purposes for which such property is being used on December 31, 1964, so long as the use of such improved or other property would further the purposes of this subchapter and such use does not impair the usefulness and attractiveness of the lakeshore.

(b) "Improved property" defined

As used in this subchapter, the term "improved property" shall mean any one-family dwelling on which construction was begun before December 31, 1964, together with so much of the land on which the dwelling is situated (such land being in the same ownership as the dwelling) as shall be reasonably necessary for the enjoyment of the dwelling.

(Pub. L. 89-668, §10, Oct. 15, 1966, 80 Stat. 924.)

§ 460s-10. Acquisition of property**(a) Owner's retention of right of use and occupancy for residential purposes for term of years or life; adjustment of compensation; conveyance or lease of right for noncommercial residential purposes**

Any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain, for a term of not to exceed twenty-five years, or for a term ending at the death of such owner or owners, the right of use and occupancy of such property for any residential purpose which is not incompatible with the purposes of this subchapter or which does not impair the usefulness and attractiveness of the area designated for inclusion. The Secretary shall pay to the owner the value of the property on the date of such acquisition, less the value on such date of the right retained by the owner. Where any such owner retains a right of use and occupancy as herein provided, such right during its existence may be conveyed or leased for noncommercial residential purposes in accordance with the provisions of this section.

(b) Termination of use and occupancy because of noncompliance with statutory uses; adjustment of compensation

Any deed or other instrument used to transfer title to property, with respect to which a right of use and occupancy is retained under this section, shall provide that such property shall not be used for any purpose which is incompatible with purposes of this subchapter, or which impairs the usefulness and attractiveness of the lakeshore and if it should be so used, the Secretary shall have authority to terminate such right. In the event the Secretary exercises his power of termination under this subsection he

shall pay to the owner of the right terminated an amount equal to the value of that portion of such right which remained unexpired on the date of such termination.

(c) Land subject to lease of cottage or hunting lodge; new lease for term of years or life; conditions of lease

Any land acquired by the Secretary under this subchapter on which there is situated a cottage or hunting lodge which, on December 31, 1964, was under lease to any lessee or lessees shall, if such lease is in effect on the date such land is so acquired, be acquired by the Secretary subject to such lease and the right of such lessee or lessees to continue using the property covered by such lease in accordance with the provisions thereof. Upon the expiration of such lease, the Secretary shall have the authority to enter into a lease with such lessee or lessees authorizing them to continue using such cottage or lodge (as the case may be) for a term of not to exceed twenty-five years, or for a term ending at the death of such lessee or lessees, subject to such conditions as may be prescribed by the Secretary.

(Pub. L. 89-668, §11, Oct. 15, 1966, 80 Stat. 925.)

§ 460s-11. Zoning bylaws; assistance and consultation with township or county officers or employees; technical aid payments

The Secretary shall, at the request of any township or county in or adjacent to the lakeshore affected by this subchapter, assist and consult with the appropriate officers and employees of such township or county in establishing zoning bylaws. Such assistance may include payments to the county or township for technical aid.

(Pub. L. 89-668, §12, Oct. 15, 1966, 80 Stat. 925.)

§ 460s-12. Certificate of prohibition of authority for acquisition by condemnation

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. 89-668, §13, Oct. 15, 1966, 80 Stat. 925.)

§ 460s-13. Authorization of appropriations

There are hereby authorized to be appropriated not more than \$6,873,000 for the acquisition of lands and interests in land in connection with, and not more than \$6,348,000 for development of, the Pictured Rocks National Lakeshore.

(Pub. L. 89-668, §14, Oct. 15, 1966, 80 Stat. 925.)

§ 460s-14. Pictured Rocks National Lakeshore boundary adjustment

The boundary of Pictured Rocks National Lakeshore is hereby modified as depicted on the map entitled "Area Proposed for Addition to Pictured Rocks National Lakeshore", numbered 625-80,043A, and dated July 1992.

(Pub. L. 104-333, div. I, title II, §203, Nov. 12, 1996, 110 Stat. 4106.)

CODIFICATION

Section was enacted as part of the Omnibus Parks and Public Lands Management Act of 1996, and not as part of Pub. L. 89-668 which comprises this subchapter.

§ 460s-15. Pictured Rocks National Lakeshore boundary revision

(a) Transfer

As soon as practicable after November 25, 2002, the Administrator of General Services may transfer to the Secretary, without consideration, administrative jurisdiction over, and management of, the public land.

(b) Boundary revision

The boundary of the Lakeshore is revised to include the public land transferred under subsection (a).

(c) Availability of map

The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) Administration

The Secretary may administer the public land transferred under section¹ (a)—

- (1) as part of the Lakeshore; and
- (2) in accordance with applicable laws (including regulations).

(e) Access to aids to navigation

The Secretary of Transportation, in consultation with the Secretary, may access the front and rear range lights on the public land for the purposes of servicing, operating, maintaining, and repairing those lights.

(f) Definitions

In this section:

(1) Lakeshore

The term “Lakeshore” means the Pictured Rocks National Lakeshore in the State of Michigan.

(2) Map

The term “map” means the map entitled “Proposed Addition to Pictured Rocks National Lakeshore”, numbered 625/80048, and dated April 2002.

(3) Public land

The term “public land” means the approximately .32 acres of United States Coast Guard land and improvements to the land, including the United States Coast Guard Auxiliary Operations Station and the front and rear range lights, as depicted on the map.

(4) Secretary

The term “Secretary” means the Secretary of the Interior.

(g) Authorization of appropriations

There are authorized to be appropriated to the Secretary \$225,000 to restore, preserve, and maintain the public land transferred under subsection (a).

¹ So in original. Probably should be “subsection”.

(Pub. L. 107-295, title IV, § 437, Nov. 25, 2002, 116 Stat. 2129.)

CODIFICATION

Section was enacted as part of the Omnibus Maritime and Coast Guard Improvements Act of 2002, and also as part of the Maritime Transportation Security Act of 2002, and not as part of Pub. L. 89-668 which comprises this subchapter.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

SUBCHAPTER LXXVIII—BIGHORN CANYON NATIONAL RECREATION AREA

§ 460t. Establishment

(a) In general; description of area

In order to provide for public outdoor recreation use and enjoyment of the proposed Yellow-tail Reservoir and lands adjacent thereto in the States of Wyoming and Montana by the people of the United States and for preservation of the scenic, scientific, and historic features contributing to public enjoyment of such lands and waters, there is hereby established the Bighorn Canyon National Recreation Area to comprise the area generally depicted on the drawing entitled “Proposed Bighorn Canyon National Recreation Area”, LNPMW-010A-BC, November 1964, which is on file in the Office of the National Park Service, Department of the Interior.

(b) Publication in Federal Register; boundary descriptions and adjustments

As soon as practicable after October 15, 1966, the Secretary of the Interior shall publish in the Federal Register a detailed description of the boundaries of the area which shall encompass, to the extent practicable, the lands and waters shown on the drawing referred to in subsection (a) of this section. The Secretary may subsequently make adjustments in the boundary of the area, subject to the provisions of section 460t-1(b) of this title, by publication of an amended description in the Federal Register.

(Pub. L. 89-664, §1, Oct. 15, 1966, 80 Stat. 913.)

§ 460t-1. Acquisition of land

(a) Authority of Secretary; manner and place; visitor contact station and administrative site; exchange of property; cash equalization payments; State property

The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, or otherwise, lands and interests in lands within the boundaries of the area. The Secretary is further authorized to acquire, by any of the above methods, not to exceed ten acres of land or interests therein outside of the boundaries of the area in the vicinity of Lovell, Wyoming, for development and use, pursuant to such special regulations as he may promulgate,