

Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

(Pub. L. 90-540, §9, Oct. 1, 1968, 82 Stat. 905.)

SUBCHAPTER LXXXI—APOSTLE ISLANDS
NATIONAL LAKESHORE

§ 460w. Establishment; boundaries

In order to conserve and develop for the benefit, inspiration, education, recreational use, and enjoyment of the public certain significant islands, shoreline, and light stations of the United States and their related geographic, scenic, historic, and scientific values, there is hereby established the Apostle Islands National Lakeshore (hereinafter referred to as the “lakeshore”) in Ashland and Bayfield Counties, Wisconsin, consisting of:

(a) In general

The area generally depicted on the map entitled “Apostle Islands National Lakeshore”, numbered NL-AI-91,000, sheets 1 and 2, and dated June 1970.

(b) Long Island addition

Approximately 200 acres of land at the mouth of Chequamegon Bay known as “Long Island”, as depicted on the map numbered NL-AI-91,001 and dated December, 1985.

(c) Ashland Harbor Breakwater Light

(1) The Ashland Harbor Breakwater Light generally depicted on the map titled “Ashland Harbor Breakwater Light Addition to Apostle Islands National Lakeshore” and dated February 11, 2014, located at the end of the breakwater on Chequamegon Bay, Wisconsin.

(2) Congress does not intend for the designation of the property under paragraph (1) to create a protective perimeter or buffer zone around the boundary of that property.

The maps shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior.

(Pub. L. 91-424, §1, Sept. 26, 1970, 84 Stat. 880; Pub. L. 99-497, §1(1), Oct. 17, 1986, 100 Stat. 1267; Pub. L. 113-291, div. B, title XXX, §3030(1), Dec. 19, 2014, 128 Stat. 3766.)

AMENDMENTS

2014—Pub. L. 113-291, §3030(1)(A), in introductory provisions, substituted “islands, shoreline, and light stations” for “islands and shoreline” and inserted “historic,” after “scenic.”

Subsec. (a). Pub. L. 113-291, §3030(1)(B), substituted “The area” for “the area” and period at end for “; and”.

Subsec. (b). Pub. L. 113-291, §3030(1)(C), substituted “1985.” for “1985.”

Subsec. (c). Pub. L. 113-291, §3030(1)(D), added subsec. (c).

1986—Pub. L. 99-497 designated the provision specifying the boundaries of the Apostle Islands National Lakeshore as the area depicted on the map numbered NL-AI-91,000 as subsec. (a), substituted “1970; and” for “1970”, added subsec. (b), and in provision following subsec. (b) substituted “maps” for “map”.

§ 460w-1. Boundaries not to include lands held in trust by United States for Red Cliff Band or Bad River Band of Lake Superior Chippewa Indians; exceptions

No lands held in trust by the United States for either the Red Cliff Band or Bad River Band of the Lake Superior Chippewa Indians, or for allottees thereof, shall be acquired or included within the boundaries of the lakeshore established by this subchapter, with the following exception:

If the Indians who own more than 50 per centum of the interest in allotment number 74 GL or allotment number 135 in the Red Cliff Reservation agree to sell the allotment to the Secretary of the Interior (hereinafter referred to as the “Secretary”), the Secretary may consent to the sale on behalf of the other owners, purchase the allotment for the negotiated price and revise the boundaries of the lakeshore to include the allotment.

(Pub. L. 91-424, §2, Sept. 26, 1970, 84 Stat. 880.)

§ 460w-2. Acquisition of property; authority of Secretary; State and Federal lands

The Secretary may acquire within the boundaries of the lakeshore lands and interests therein by donation, purchase with donated or appropriated funds, or exchange, but lands and interests in lands owned by the State of Wisconsin may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the lakeshore is hereby transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the lakeshore: *Provided*, That the United States Coast Guard may retain a right to utilize a portion of such land and facilities for use as navigational aids so long as may be required.

(Pub. L. 91-424, §3, Sept. 26, 1970, 84 Stat. 880; Pub. L. 99-497, §1(2), Oct. 17, 1986, 100 Stat. 1267.)

AMENDMENTS

1986—Pub. L. 99-497 substituted “is hereby” for “may, with the concurrence of the agency having custody thereof, be” and inserted proviso permitting the United States Coast Guard to utilize a portion of the lands and facilities for use as navigational aids as long as required.

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.

§ 460w-3. Retention rights of owners of improved property

(a) Designation of lands as administrative site, visitor center, and related facilities; election by owners of term of rights retained; adjustment of compensation

With the exception of not more than eighty acres of land to be designated within the lake-

shore boundaries by the Secretary as an administrative site, visitor center, and related facilities, as soon as practicable, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is the later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) Termination right of Secretary upon determination that retained property or any portion thereof has ceased to be used for non-commercial residential or agricultural purposes; adjustment of compensation

A right of use and occupancy retained pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for non-commercial residential or for agricultural purposes, and upon tender to the holder of a right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) "Improved property" defined

The term "improved property", as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1967, or before January 1, 1985 for those lands referred to in section 460w(b) of this title (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(Pub. L. 91-424, §4, Sept. 26, 1970, 84 Stat. 880; Pub. L. 99-497, §1(3), Oct. 17, 1986, 100 Stat. 1267.)

AMENDMENTS

1986—Subsec. (c). Pub. L. 99-497 inserted " , or before January 1, 1985 for those lands referred to in section 460w(b) of this title".

§ 460w-4. Hunting, fishing, and trapping

The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the lakeshore in accordance with the appropriate laws of Wisconsin and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, trapping, or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations

prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, trapping, and fishing activities.

(Pub. L. 91-424, §5, Sept. 26, 1970, 84 Stat. 881.)

§ 460w-5. Administration, protection, and development of lakeshore by Secretary

(a) In general

The lakeshore shall be administered, protected, and developed in accordance with this section and the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4),¹ as amended and supplemented; and section 101511 of title 54, except that any other statutory authority 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) Federal use

Notwithstanding subsection (c) of section 460w of this title—

(1) the Secretary of the department in which the Coast Guard is operating may operate, maintain, keep, locate, inspect, repair, and replace any Federal aid to navigation located at the Ashland Harbor Breakwater Light for as long as such aid is needed for navigational purposes; and

(2) in carrying out the activities described in paragraph (1), such Secretary may enter, at any time, the Ashland Harbor Breakwater Light or any Federal aid to navigation at the Ashland Harbor Breakwater Light, for as long as such aid is needed for navigational purposes, without notice to the extent that it is not possible to provide advance notice.

(c) Clarification of authority

Pursuant to existing authorities, the Secretary may enter into agreements with the City of Ashland, County of Ashland, and County of Bayfield, Wisconsin, for the purpose of cooperative law enforcement and emergency services within the boundaries of the lakeshore.

(Pub. L. 91-424, §6, Sept. 26, 1970, 84 Stat. 881; Pub. L. 113-291, div. B, title XXX, §3030(2), Dec. 19, 2014, 128 Stat. 3766.)

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), 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.

CODIFICATION

In subsec. (a), "section 101511 of title 54" substituted for "the Act of April 9, 1924 (43 Stat. 90; 16 U.S.C. 8a et

¹ See References in Text note below.