

interests to lands described in subsection (c). If the Secretary and such willing seller are unable to agree to a fair purchase price, that question may, by mutual consent be submitted to the appropriate United States District Court for adjudication.

(3) If the owner of any lands described in subsection (c) intends to transfer any interest in such lands except by gift, donation, or bequest, such owner must notify the Secretary of such intention. The Secretary shall have 90 days after notification in which to exercise a right of first refusal to match any bona fide offer to obtain such interest under the same terms and conditions as are contained in such offer. If the Secretary has not exercised such right within 90 days, the owner may transfer such interest.

(4) Condemnation may be used with respect to any lands described in subsection (c) only—

(A) to clear title if necessary for any transfer to the Secretary under this subsection; or

(B) to purchase fee title or such lesser interest as may be sufficient to prevent significant damage to the scenic, soil, or water resources of the lakeshore. Action under this subparagraph shall be used only after attempts to negotiate a solution to the problem have failed. If the Secretary determines that such attempts have failed, the Secretary shall notify in writing the owner of the property involved of the proposed action to be taken under this subparagraph and the Secretary shall seek an injunction to prevent such resource damage. The Secretary may at any time, and if an injunction is granted under this subparagraph the Secretary shall within 30 days after the date of such injunction, send in writing to the owner of the property the Secretary's best and final offer for the purchase of such property. If the owner does not accept such offer, the Secretary may file for condemnation. The Secretary must notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives of any action taken under this subparagraph.

(f) Zoning restrictions for protection of scenic resources

(1) The Secretary shall enter into discussions with appropriate local government officials to develop mutually agreeable zoning restrictions for the protection of scenic resources with respect to the lands described in subsection (c)(1).

(2) The Secretary shall enter into discussions with appropriate State and local officials responsible for the administration of the Goemaere-Anderson Wetland Protection Act (Michigan, P.A. 203, 1979) to ensure the protection of natural resources with respect to the lands described in subsection (c)(2).

(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. 460l-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, picnicking,¹ boating, and swimming, all uses of water resources, 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.)

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