

1986—Pub. L. 99-583 substituted “\$20,000,000” for “\$11,000,000” and inserted provisions authorizing an additional \$3,500,000 for acquisition of property and directing the Secretary to conduct a feasibility study of establishing Indiana Dunes Parkway.

1980—Pub. L. 96-612 increased the amount the Secretary could expend for land development from \$9,440,000 to \$11,000,000, inserted proviso that not more than \$500,000 of said amount could be appropriated for the development of the education center, and authorized appropriations of \$3,120,000 in addition to sums already authorized for the acquisition of lands and interests in lands.

1978—Pub. L. 95-625 increased development appropriations authorization to \$9,440,000 from \$8,500,000.

1976—Pub. L. 94-549, §1(7), substituted provision authorizing the Secretary to expend not more than \$60,812,100 from the Land and Water Conservation Fund for the acquisition of lands and interest in lands and not more than \$8,500,000 for development and requiring the Secretary to develop and submit a general management plan to the Committees on the Interior and Insular Affairs by Oct. 1, 1979 for provision which authorized not more than \$35,526,000 for acquisition in land and interest in land.

1974—Pub. L. 93-477 substituted “\$35,526,000” for “\$27,900,000”.

CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the “Committee System Reorganization Amendments of 1977”), approved Feb. 4, 1977.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 460u-10. Rights-of-way and easements; existing property rights of Northern Indiana Public Service Company

Nothing in this subchapter shall diminish any existing (as of March 1, 1975) rights-of-way or easements which are necessary for high voltage electrical transmission, pipelines, water mains, or line haul railroad operations and maintenance. Nothing in this subchapter shall be construed to diminish the existing property rights of Northern Indiana Public Service Company (as of October 1, 1986) with respect to—

(1) a parcel of land owned in fee by the Northern Indiana Public Service Company and used for high voltage electrical transmission lines, pipelines, and utility purposes, beginning at said Company’s Dune Acres substation and extending east to said Company’s Michigan City Generating Station, which parcel by this subchapter is included within the boundaries of the Indiana Dunes National Lakeshore and herein designated as area II-I on National Park Service Boundary Map No. 626-80,033-B, dated October 1986, excluding that certain parcel of approximately 6.0 acres adjacent Mineral Springs Road in areas II-I, and

(2) land owned in fee by the Northern Indiana Public Service Company and used for high voltage electrical transmission lines, pipelines, and utility purposes as has by this subchapter been included within the boundaries of the Indiana Dunes National Lakeshore and herein designated as area II-H on said Na-

tional Park Service Boundary Map No. 626-80,033-B.

(Pub. L. 89-761, §10, formerly §11, as added and renumbered Pub. L. 94-549, §1(8), (9), Oct. 18, 1976, 90 Stat. 2530, 2533; amended Pub. L. 99-583, §1(e), Oct. 29, 1986, 100 Stat. 3319.)

PRIOR PROVISIONS

A prior section 10 of Pub. L. 89-761 was renumbered section 9 and is classified to section 460u-9 of this title.

AMENDMENTS

1986—Pub. L. 99-583 inserted provisions relating to the existing property rights of the Northern Indiana Public Service Company on Oct. 1, 1986.

§ 460u-11. Legal cooling, process, or surface drainage into Little Calumet River; Federal, State or local air and water pollution standards not affected

(a) Nothing in this subchapter shall be construed as prohibiting any otherwise legal cooling, process, or surface drainage into the part of the Little Calumet River located within the lakeshore: *Provided*, That this subsection shall not affect nor in any way limit the Secretary’s authority and responsibility to protect park resources.

(b) The authorization of lands to be added to the lakeshore by the Ninety-fourth Congress and the administration of such lands as part of the lakeshore shall in and of itself in no way operate to render more restrictive the application of Federal, State, or local air and water pollution standards to the uses of property outside the boundaries of the lakeshore, nor shall it be construed to augment the control of water and air pollution sources in the State of Indiana beyond that required pursuant to applicable Federal, State, or local law.

(Pub. L. 89-761, §11, formerly §12, as added and renumbered Pub. L. 94-549, §1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533.)

§ 460u-12. Repealed. Pub. L. 102-430, §3(b), Oct. 23, 1992, 106 Stat. 2208

Section, Pub. L. 89-761, §12, formerly §13, as added and renumbered Pub. L. 94-549, §1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533, related to acquisition of area III-B for not more than \$800,000.

§ 460u-13. Acquisition of area I-C; owner consent required

(a) The Secretary may acquire that portion of area I-C which is shaded on the map referred to in section 460u-3 of this title, dated December 1980 and numbered 626-91014 only with the consent of the owner unless the present owner attempts to sell or otherwise dispose of such area.

(b) The Secretary may acquire that portion of area IV-B in private ownership on the map referred to in section 460u of this title only with the consent of the owner: *Provided*, That the Secretary may acquire an agricultural easement should the owner change the use in existence as of September 19, 1986, through eminent domain.

(Pub. L. 89-761, §13, formerly §14, as added and renumbered Pub. L. 94-549, §1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533; amended Pub. L. 99-583, §1(f), Oct. 29, 1986, 100 Stat. 3320.)

AMENDMENTS

1986—Pub. L. 99-583 designated existing provisions as subsec. (a), substituted “460u-3 of this title, dated December 1980 and numbered 626-91014” for “460u of this title”, and added subsec. (b).

§ 460u-14. Plan, lands acquired, land acquisition program; submittal to Congressional committees

Within one year after October 18, 1976, the Secretary shall submit, in writing, to the Committees on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate—

- (1) the lands which he has previously acquired by purchase, donation, exchange, or transfer for administration for the purpose of the lakeshore; and
- (2) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

(Pub. L. 89-761, §14, formerly §15, as added and renumbered Pub. L. 94-549, §1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533.)

CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the “Committee System Reorganization Amendments of 1977”), approved Feb. 4, 1977.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 460u-15. Rights-of-way; public access to Little Calumet River

The Secretary may acquire only such interest in the right-of-way designated “Crossing A” on map numbered 626-91007 as he determines to be necessary to assure public access to the banks of the Little Calumet River within fifty feet north and south of the centerline of said river. The Secretary may acquire only such interest in the rights-of-way designated “Crossing B” and “Crossing C” on the map dated October 1986 and numbered 626-80,033-B as he determines to be necessary to assure public access to the banks of the Little Calumet River and the banks of Salt Creek within fifty feet on either side of the centerline of said river and creek.

(Pub. L. 89-761, §15, formerly §16, as added and renumbered Pub. L. 94-549, §1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533; amended Pub. L. 99-583, §1(h), Oct. 29, 1986, 100 Stat. 3320.)

AMENDMENTS

1986—Pub. L. 99-583 inserted provisions relating to acquisition of interests in the rights-of-way designated Crossing B and Crossing C.

§ 460u-16. Road construction cooperative agreements with landowners north of Little Calumet River; prevention of soil erosion; minimization of aural and visual impact

The Secretary shall enter into a cooperative agreement with the landowner of those lands

north of the Little Calumet River between the Penn Central Railroad bridge within area II-E and “Crossing A” within area IV-C on the map referred to in section 460u-3 of this title, dated October 1976, and numbered 626-9100.¹ Such agreement shall provide that any roadway constructed by the landowner south of United States Route 12 within such vicinity shall include grading, landscaping, and plantings of vegetation designed to prevent soil erosion and to minimize the aural and visual impacts of said construction, and of traffic on such roadway, as perceived from the Little Calumet River.

(Pub. L. 89-761, §16, formerly §17, as added and renumbered Pub. L. 94-549, §1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533; amended Pub. L. 99-583, §1(g), Oct. 29, 1986, 100 Stat. 3320.)

AMENDMENTS

1986—Pub. L. 99-583 inserted provisions relating to the map referred to in section 460u-3 of this title.

§ 460u-17. Lands within area I-E used for solid waste disposal

(a) Commitment to reclaim land at no expense to Federal Government

The Secretary may not acquire such lands within the western section of area I-E, as designated on map numbered 626-91007, which have been used for solid waste disposal until he has received a commitment, in accordance with a plan acceptable to him, to reclaim such lands at no expense to the Federal Government.

(b) Cooperation with State of Indiana or subdivision thereof to develop area

With respect to the property identified as area I-E on map numbered 626-91007, the Secretary may enter into a cooperative agreement whereby the State of Indiana or any political subdivision thereof may undertake to develop, manage, and interpret such area in a manner consistent with the purposes of this subchapter.

(Pub. L. 89-761, §17, formerly §18, as added and renumbered Pub. L. 94-549, §1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533.)

§ 460u-18. Study of areas III-A, III-C, and II-A; report to Congressional committees

(a) By July 1, 1977, the Secretary shall prepare and transmit to the Committees on Interior and Insular Affairs of the United States Congress a study of areas III-A, III-C, and II-A, as designated on map numbered 626-91007. The Secretary shall make reasonable provision for the timely participation of the State of Indiana, local public officials, affected property owners, and the general public in the formulation of said study, including, but not limited to, the opportunity to testify at a public hearing. The record of such hearing shall accompany said study. With respect to areas III-A and III-C, the study shall (a) address the desirability of acquisition of any or all of the area from the standpoint of resource management, protection, and public access; (b) develop alternatives for the control of beach erosion if desirable, including recom-

¹ So in original. Probably should be “September 1976, and numbered 626-91007.”