

(f) Disposal of industrial solid wastes; identification of acceptable areas

The Advisory Commission is authorized to assist with the identification of economically and environmentally acceptable areas, outside of the boundaries of the lakeshore, for the handling and disposal of industrial solid wastes produced by the coal-fired powerplant in Porter County, Indiana, section 21, township 37 north, range 6 west.

(Pub. L. 89-761, §7, formerly §8, Nov. 5, 1966, 80 Stat. 1311; renumbered §7 and amended Pub. L. 94-549, §1(5), (6), (9), Oct. 18, 1976, 90 Stat. 2530, 2533; Pub. L. 96-612, §1(8), (9), Dec. 28, 1980, 94 Stat. 3576.)

REFERENCES IN TEXT

Section 460u-4 of this title, referred to in subsec. (e), was repealed by Pub. L. 94-549, §1(9), Oct. 18, 1976, 90 Stat. 2533.

PRIOR PROVISIONS

A prior section 7 of Pub. L. 89-761 was renumbered section 6 and is classified to section 460u-6 of this title.

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-612, §1(8), substituted “on September 30, 1985” for “ten years after the date of establishment of the national lakeshore pursuant to this subchapter”.

Subsec. (b). Pub. L. 96-612, §1(9), substituted “thirteen members” for “eleven members” in provisions preceding cl. (1) and “two members who are year-round residents” for “one member who is a year-round resident” in cls. (4) and (7).

1976—Subsec. (b). Pub. L. 94-549, §1(5), substituted “eleven members” for “seven members” in provision preceding cl. (1), struck out “Portage” after “Dunes Acres” in cl. (3), and added cls. (7) to (10).

Subsec. (f). Pub. L. 94-549, §1(6), added subsec. (f).

§ 460u-8. State jurisdiction

Nothing in this subchapter shall deprive the State of Indiana or any political subdivision thereof of its civil and criminal jurisdiction over persons found, acts performed, and offenses committed within the boundaries of the Indiana Dunes National Lakeshore or of its right to tax persons, corporations, franchises, or other non-Federal property on lands included therein.

(Pub. L. 89-761, §8, formerly §9, Nov. 5, 1966, 80 Stat. 1312; renumbered §8, Pub. L. 94-549, §1(9), Oct. 18, 1976, 90 Stat. 2533.)

PRIOR PROVISIONS

A prior section 8 of Pub. L. 89-761 was renumbered section 7 and is classified to section 460u-7 of this title.

§ 460u-9. Authorization of appropriations; general management plan; submittal to Congressional committees; feasibility study

The Secretary may expend such sums as may be necessary from the Land and Water Conservation Fund for acquisition of lands and interests in lands, and not to exceed \$27,500,000 for development: *Provided*, That not more than \$500,000 of said amount may be appropriated for the development of the Paul H. Douglas Environmental Education Center authorized pursuant to section 460u-20 of this title. By October 1, 1979, the Secretary shall develop and transmit to the Com-

mittees on Interior and Insular Affairs of the United States Congress a general management plan detailing the development of the national lakeshore consistent with the preservation objectives of this subchapter, indicating:

(1) the facilities needed to accommodate the health, safety, and recreation needs of the visiting public;

(2) the location and estimated costs of all facilities, together with a review of the consistency of the master plan with State, areawide, and local governmental development plans;

(3) the projected need for any additional facilities within the national lakeshore; and

(4) specific opportunities for citizen participation in the planning and development of proposed facilities and in the implementation of the general management plan generally.

The Secretary shall conduct a feasibility study of establishing United States Highway 12 as the “Indiana Dunes Parkway” under the jurisdiction of the National Park Service. The Secretary shall submit the results of such study to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate within two years after October 29, 1986. Effective October 1, 1986, there is authorized to be appropriated such sums as may be necessary for the purposes of conducting the feasibility study.

(Pub. L. 89-761, §9, formerly §10, Nov. 5, 1966, 80 Stat. 1312; Pub. L. 93-477, title I, §101(6), Oct. 26, 1974, 88 Stat. 1445; renumbered §9 and amended Pub. L. 94-549, §1(7), (9), Oct. 18, 1976, 90 Stat. 2530, 2533; Pub. L. 95-625, title I, §101(16), Nov. 10, 1978, 92 Stat. 3472; Pub. L. 96-612, §1(10), Dec. 28, 1980, 94 Stat. 3576; Pub. L. 99-583, §1(d), Oct. 29, 1986, 100 Stat. 3319; Pub. L. 102-430, §9, Oct. 23, 1992, 106 Stat. 2210.)

CODIFICATION

Amendment by section 101(16) of Pub. L. 95-625 was, in the original, to section 10 of Pub. L. 89-761 but has been executed to section 9 of Pub. L. 89-761, as the probable intent of Congress, in view of the prior redesignation of former section 10 of Pub. L. 89-761 as section 9 by Pub. L. 94-549, §9, Oct. 18, 1976, 90 Stat. 2533.

PRIOR PROVISIONS

A prior section 9 of Pub. L. 89-761 was renumbered section 8 and is classified to section 460u-8 of this title.

AMENDMENTS

1992—Pub. L. 102-430 substituted “The Secretary may expend such sums as may be necessary from the Land and Water Conservation Fund for acquisition of lands and interests in lands, and not to exceed \$27,500,000 for development:” for “The Secretary may not expend more than \$60,812,100 from the Land and Water Conservation Fund for the acquisition of lands and interests in lands nor more than \$20,000,000 for development:”; struck out second par. which read as follows: “In addition to any sums heretofore authorized for the acquisitions of lands and interests in lands pursuant to the provisions of this subchapter, there are further authorized to be appropriated an additional \$3,120,000.”; and struck out first sentence of last par. which read as follows: “In addition to any other sums authorized for the acquisition of lands and interests in lands pursuant to the provisions of this subchapter there are authorized to be appropriated an additional \$3,500,000 to be used for such purposes.”

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.)