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APPROVED

S 10/18/76

THE WHITE HOUSE
WASHINGTON
October 12, 1976

ACTION

Last Day: October 18

*OCT 18 1976
Statement
issued 10/19/76*

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *TAD Quern*
SUBJECT: H.R. 11455 - Indiana Dunes National Lakeshore

*Posted
10/19/76*

*Checked
10/19/76*

Attached for your consideration is H.R. 11455, sponsored by Representative Fithian and 24 others.

The enrolled bill would expand the boundaries of the Indiana Dunes National Lakeshore. The park presently includes approximately 8,700 acres of lakeshore dunes and fresh water bogs along the southeastern shore of Lake Michigan, immediately adjacent to the Chicago-Gary metropolitan area. Within the boundaries of the national lakeshore, management of federally-controlled park areas is assigned to the National Park Service while approximately 2,000 acres remain under the jurisdiction of the State of Indiana as a State park.

Since its creation, the area has been the subject of strong disagreement among members of Congress, the Department of the Interior, the State of Indiana and various local civic and environmental groups, with regard to the proper boundaries of the area to be protected.

The enrolled bill would expand the protected area by more than 3,600 acres. It would increase the appropriation authorization for land acquisition within the national lakeshore from \$35.5 million to \$60.8 million and stipulate that these funds come from the Land and Water Conservation Fund. In addition, appropriations of \$8.5 million would be authorized for the development of facilities.

A detailed discussion of the provisions of the enrolled bill is provided in OMB's enrolled bill report at Tab A.



OMB, Max Friedersdorf, Counsel's Office (Kilberg) and I recommend approval of the enrolled bill. Max indicates the bill is supported by Governor Otis Bowen and the Indiana delegation. Attached at Tab B is a letter to you from Governor Bowen in support of this legislation.

RECOMMENDATION

That you sign H.R. 11455 at Tab C.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 9 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 11455 - Indiana Dunes
National Lakeshore
Sponsors - Rep. Fithian (D) Indiana and
24 others

Last Day for Action

October 18, 1976 - Monday

Purpose

Expands the boundaries of the Indiana Dunes National
Lakeshore.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Council on Environmental Quality	Approval

Discussion

Establishment of the Indiana Dunes National Lakeshore was authorized in 1966 to preserve the unique natural characteristics of the area for the benefit and enjoyment of present and future generations. The park includes approximately 8,700 acres of lakeshore dunes and fresh water bogs along the southeastern shore of Lake Michigan, immediately adjacent to the Chicago-Gary metropolitan area. It currently provides a range of recreational opportunities to millions of metropolitan area residents. In addition, the area offers an excellent environment for a variety of plants and wildlife. Within the boundaries of the national lakeshore, management of federally-controlled park areas is assigned to the National

Park Service while approximately 2,000 acres remain under the jurisdiction of the State of Indiana as a State park.

Since its creation, the area has been the subject of strong disagreement among members of Congress, the Department of the Interior, the State of Indiana, and various local civic and environmental groups, with regard to the proper boundaries of the area to be protected. Proponents of expanding the park area have contended that continued industrial and other development within the immediate vicinity inevitably will have a serious detrimental effect on the environment of the entire area. Power plants and heavy industrial facilities occupy much of the land surrounding the various units of the lakeshore area. Heavily settled residential areas also adjoin the park area in several places.

The enrolled bill would address this presumed threat, by expanding the protected area by more than 3,600 acres. For this purpose, it would increase the appropriation authorization for land acquisition within the national lakeshore from \$35.5 million to \$60.8 million (a \$25.3 million increase) and stipulate that these funds come from the Land and Water Conservation Fund. In addition, appropriations of \$8.5 million would be authorized for the development of facilities. The bill would also:

- allow the Secretary of the Interior in the course of acquiring the land to permit owners of existing improved property within the park area to retain the use of such property for 20 years;
- increase the membership of the Indiana Dunes National Lakeshore Advisory Commission to eleven, through the addition of four members to be appointed by the Secretary, representing local interests;
- authorize the Commission to assist in the identification of environmentally acceptable areas outside the park boundaries for the disposal of solid wastes produced by the coal-fired power plant in Porter County, Indiana;

- require the Secretary to develop and submit to the Congress by October 1, 1979, a general management plan for the lakeshore area detailing anticipated requirements for visitor-oriented facilities;
- require the Secretary to submit to the Congress within one year of enactment a detailed land acquisition plan indicating areas currently under Federal ownership, as well as lands scheduled for Federal acquisition over the next five years; and,
- designate three areas for additional study to determine their suitability for inclusion within the park boundaries.

In committee hearings on H.R. 11455 and related bills, the Department of the Interior expressed strong opposition to the proposed inclusion within the park area of numerous tracts (including slag and fly ash dumps, and a transmission line right-of-way) judged not to meet accepted Park standards. Also, several earlier versions of the bill would have required the purchase of the town of Beverly Shores, an exclusive community of vacation homes, at a cost of approximately \$23 million. These measures would have required Federal expenditures in excess of \$60 million. As a substitute, the Department proposed a substantially scaled down bill, which would have authorized immediate acquisition of approximately 203 acres at a cost of \$1.1 million. The Department also identified an additional 772 acres for possible future acquisition at an estimated cost of \$6.7 million.

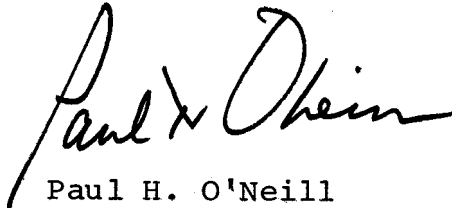
The Administration continued to press its strong opposition to the bill in the Republican Digest, reemphasizing the marginal character of much of the additional land to be acquired and citing the excessive acquisition and development costs. Through compromise, several of the most objectionable features of the bill were eventually eliminated. As enrolled, the bill does not require immediate Federal acquisition of the Beverly Shores residential area. However, the bill does identify

the area for further study by the Department of the Interior and we consider it quite likely that additional pressures will build in the next Congress to require full Federal ownership.

In its attached enrolled bill letter, Interior recommends approval of the bill. Although the Department continues to cite with concern the substantial increases in acreage and cost authorized by the bill, it notes that these levels are considerably below those set by the bill passed in the House and originally introduced in the Senate.

Conclusion

We also continue to have a number of serious reservations concerning the acreage and costs authorized by the bill. However, in view of the substantial local and regional support behind this legislation as well as the effect of compromises already reached with regard to the cost of the proposed additions to the park (\$33.8 million vs \$60+ million), we concur in the Interior and CEQ recommendations for approval.



Paul H. O'Neill
Acting Director

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 5 1976

Dear Mr. Lynn:

This responds to your request for the views of this Department on enrolled bill H.R. 11455, "To amend the Act establishing the Indiana Dunes National Lakeshore to provide for the expansion of the lakeshore, and for other purposes."

We recommend that the President approve this enrolled bill.

Enrolled bill H.R. 11455 would amend the 1966 Act establishing the Indiana Dunes National Lakeshore to add some 3,662 acres at a cost of approximately \$25,286,000. H.R. 11455 would also require the Secretary of the Interior to study three other areas (the so-called "NIPSCO Greenbelt", Beverly Shores, and the Parkway Section east of Furnessville Marsh) for possible addition to the lakeshore.

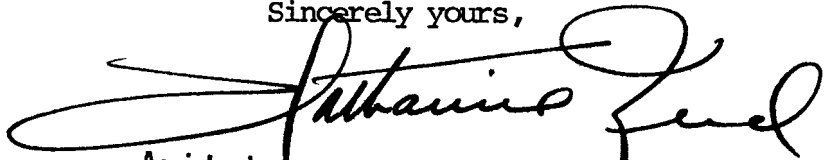
As passed by the House H.R. 11455 would have added approximately 4,340 acres at a cost of \$53,488,400. A similar bill introduced in the Senate as S. 3329 would have added 4,686 acres for approximately \$57,855,900.

The Administration proposed, in lieu of these massive increases in the size of the lakeshore, the immediate acquisition of approximately 203 acres at a cost of about \$1,080,000. In addition, we identified approximately 772 acres which would be appropriate for acquisition at such time as the necessary development and acquisition was completed within the existing authorized lakeshore. The cost of these additional parcels was estimated to be about \$6,661,000.



Although, as enrolled, H.R. 11455 represents a substantial increase in acreage and cost over the Administration proposal, it is considerably smaller than the bill passed by the House or originally introduced in the Senate. The deletion of the requirement to acquire Beverly Shores (at an estimated cost of approximately \$23,000,000) reduced the cost of the lakeshore expansion dramatically. Accordingly, we recommend the President approve enrolled bill H.R. 11455.

Sincerely yours,



Assistant Secretary of the Interior

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503

14
Sign HR 11455

OFFICE OF THE GOVERNOR
INDIANAPOLIS, INDIANA 46204

OTIS R. BOWEN, M. D.
GOVERNOR

September 30, 1976

Letter
11/2/76
M. L. ...

The Honorable Gerald R. Ford
President of the United States
The White House
1600 North Pennsylvania Avenue
Washington, D.C. 20500

Dear President Ford:

Proposals to expand the Indiana Dunes National Lakeshore have been smouldering for decades. Debate has been heated; controversy has been intense. During this span of time, the preservation of environmentally significant lands has been delayed. Citizens, local governments, and economic interests in the area have lived under a pall of uncertainty because it was difficult to plan for the future since no one could be sure which lands ultimately would be taken.

You have before you HR 11455, recently enacted as a compromise by the Congress. As governor of the affected state, I would urge that you sign this measure. It is a compromise which appears to recognize both environmental and economic interests. It represents a reasonable solution to a long-standing dispute. Further delay in enacting a compromise expansion settlement, in my judgment, would be detrimental to the interests of the citizens affected.

Kindest personal regards,



Otis R. Bowen, M.D.
Governor

ORB:sr

10/4 FYI sent to G. Humphreys

100-10000

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**OFFICE OF THE GOVERNOR
INDIANAPOLIS, INDIANA 46204**

The Honorable Gerald R. Ford
President of the United States
The White House
1600 North Pennsylvania Avenue
Washington, D.C. 20500

THE PRESIDENT HAS SLEPT.

THE WHITE HOUSE

WASHINGTON

October 18, 1976

Mr. President,

Attached are four brief statements which we suggest you record this afternoon at the same time you record the tape for a Veterans' Day message.

They concern four bills, three of which have been signed; the fourth will be ready for your review tonight.

Each of these bills has a great deal of local interest. If you agree to the recording, we will make the tape available to the PFC and they will beam it into the local radio stations in California, Indiana, and South Carolina.

Jim Cavanaugh

H.R. 11455 - 10/18/76

INDIANA DUNES

SINCE ITS ESTABLISHMENT ALMOST A DECADE AGO, THE INDIANA DUNES NATIONAL SEASHORE HAS PROVIDED A WIDE RANGE OF RECREATIONAL OPPORTUNITIES FOR PEOPLE AND AN EXCELLENT HABITAT FOR PLANTS AND WILDLIFE ALONG THE SOUTHEASTERN SHORE OF LAKE MICHIGAN. YET THE INDIANA DUNES HAS ALSO BEEN A POINT OF CONTROVERSY, BECAUSE MANY PEOPLE RECOGNIZED THAT IN PRESERVING THE UNIQUE QUALITIES OF THE AREA, MANY LANDS NEARBY ALSO NEEDED PROTECTION. TODAY I AM PLEASED TO SIGN INTO LAW SPECIAL LEGISLATION THAT WILL EXPAND THE ACREAGE OF INDIANA DUNES BY OVER ONE-THIRD. THIS IS A WELCOME STEP IN OUR EFFORTS TO INCREASE THE RECREATIONAL OPPORTUNITIES AND IMPROVE THE QUALITY OF LIFE FOR THE AMERICAN PEOPLE.

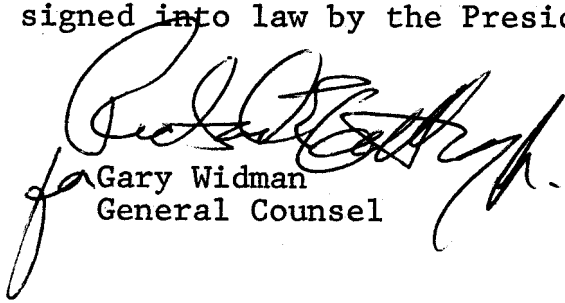
EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

October 5, 1976

MEMORANDUM FOR JAMES M. FREY
OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: H.R. 11455, "To amend the Act establishing the Indiana Dunes National Lakeshore to provide for the expansion of the lakeshore, and for other purposes."

The Council has reviewed the enrolled bill H.R. 11455 providing for the expansion of the Indiana Dunes National Lakeshore and for other purposes. The bill enlarges the boundary of the Lakeshore and authorizes the purchase of lands. While it does not meet all the objectives of those seeking to protect the dunes from encroachment and loss, it is a positive step which can hopefully be augmented by future legislation. Consequently, although the Council would have liked to have seen more far-reaching legislation to establish an adequate program of expansion, acquisition, and protection for the Dunes, we nonetheless recommend that this more limited bill be signed into law by the President.


for Gary Widman
General Counsel

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 18

Date: October 11

Time: 800pm

FOR ACTION: George Humphreys *GH* cc (for information): Jack Marsh
 Max Friedersdorf *MF* Ed Schmults
 Bobbie Kilberg *BK* Steve McCannhey *SM*

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT:

H.R.11455-Indiana Dunes National Lakeshore

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

Date: October 11

Time: 800pm

FOR ACTION: George Humphreys
Max Friedersdorf
Bobbie Kilbergcc (for information): Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT:

H.R.11455-Indiana Dunes National Lakeshore

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*Recommend Approval. Supported
by Governor Otis Bowen,
of Indiana, & Indiana Congress
delegation. [Signature]*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

Date: October 11

Time: 800pm

FOR ACTION: George Humphreys
Max Friedersdorf
Bobbie Kilberg

cc (for information): Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT:

H.R.11455-Indiana Dunes National Lakeshore

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

no objection to approval Kelly 10/12/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
for the President

Date: October 11

Time: 800pm

FOR ACTION: George Humphreys
Max Friedersdorf
Bobbie Kilbergcc (for information): Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT:

H.R.11455-Indiana Dunes National Lakeshore

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*Personal approval***PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.**

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE
WASHINGTON

October 12, 1976

MEMORANDUM FOR: JUDY JOHNSTON
FROM: STEVE McCONAHEY *gom*
SUBJECT: H.R. 11455
Indiana Dunes National Lakeshore

We have received messages of support for H.R. 11455 from Indiana. To these people, H.R. 11455 represents a compromise which should satisfy both environmentalists and those concerned with economic constraints. I have attached a letter from Governor Bowen of Indiana in support of this measure.

I recommend that the President approve this bill.

AMENDING THE ACT ESTABLISHING THE INDIANA DUNES NATIONAL
LAKESHORE TO PROVIDE FOR THE EXPANSION OF THE LAKE-
SHORE, AND FOR OTHER PURPOSES

FEBRUARY 10, 1976.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 11455]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 11455) To amend the Act establishing the Indiana Dunes National Lakeshore to provide for the expansion of the lakeshore, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of H.R. 11455¹ as reported by the Committee on Interior and Insular Affairs, is principally to add some 4,340 acres of land to the existing Indiana Dunes National Lakeshore. The properties to be added include beachfront areas, dunes and marshes, a river cor-

¹ H.R. 11455 was introduced by Representatives Fithian, Roush, Madden, Sharp, Hamilton, Hayes of Indiana, Jacobs, Evans of Indiana, Taylor of North Carolina, Sebellus, Selberling, Meeds, Udall, Hillis, Kastenmeier, Steelman, Shipley, McClory, Spellman, Simon, Harris, Russo, Bergland, Young of Georgia, and Brademas. Two companion measures also before the committee were H.R. 11456 by Representatives Fithian, Bingham, Abzug, de Lugo, Murphy of Illinois, Don H. Clausen, Hechler of West Virginia, Stephens, Ottinger, Mikva, Yates, Chisholm, Johnson of California, Howe, Downey of New York, Findley, Hall, Conyers, Rostkenkowski, Reuss, Bedell, Annunzio, Bancus, Koch, and Fary; and H.R. 11457 by Representatives Fithian, Traxler, Won Pat, O'Brien, O'Hara, Weaver, Brodhead, Nedzi, Diggs, Solarz, Carr, Ruppe, and Gude. Related bills considered by the committee during its deliberations included H.R. 789 by Representative O'Brien; H.R. 4926 by Representative Roush; H.R. 5241 by Representative Fithian; and H.R. 7733 by Representatives Fithian, McClory, Evans of Indiana, Spellman, Simon, Harris, Russo, Bergland, Young of Georgia, and Solarz. Since the action of the committee, H.R. 11558 by Representatives Fithian, Melcher, Badillo, Riegle, Blanchard, Studts, Moorhead of Pennsylvania, Ashley, and Pattison of New York has been introduced and referred to the committee, as well as H.R. 11690 by Representatives Fithian, Aspin, and Gaydos.

ridor, and several areas of geological and biological significance. The bill also expands the Advisory Commission for the National Lakeshore. Certain changes are made in the acquisition authority of the Secretary with respect to the lands included within the area. Underlying these specific changes is the more general purpose of H.R. 11455 to maximize the ability of this National Lakeshore to better preserve the remaining unique natural features of this area, and to accommodate at least one facet of the great recreation needs of the vast metropolitan area of Chicago. As the urbanization and development of the surrounding region continues, the Indiana Dunes will become an increasingly precious asset to the entire region.

BACKGROUND

The area along the southeastern shore of Lake Michigan, including the Indiana Dunes, was recognized decades ago for its natural and scenic values. In addition to the spectacular shoreline and impressive dunes, the biologically diverse bogs and geologically significant Pleistocene lakeshore remnants marked the vicinity as being important for its scientific as well as scenic values. As the nearly Chicago and Gary urban areas expanded greatly in population, the dunes were recognized for their potential as a source of accessible outdoor recreation for the surrounding region.

Indiana Dunes National Lakeshore was authorized by Act of Congress in 1966. Although the originally proposed area was over 11,000 acres, the Act which was at last signed into law included about 8,700 acres within the authorized boundaries. Then, as now, there were profound differences as to the areas which were most deserving of protection.

Although the National Lakeshore included many of the most important remaining natural features of the area, the surrounding lands have been subjected to increasingly intensive uses. An industrial development now occupies much of the land separating the east and west units of the National Lakeshore. Heavily settled residential areas adjoin the protected lands in several places.

Particularly, when the value of preserving this resource so close to a major metropolitan area is taken into account, the importance of the additions proposed by H.R. 11455 becomes apparent. Those lands not given immediate protection as part of an expanded National Lakeshore seem destined to be rapidly committed to other uses. The opportunity to acquire additional lands to both protect the natural features of the area and to meet a portion of the outdoor recreation needs of the people of the surrounding region will diminish rapidly with each passing year.

Due to the intense competition for these lands from a variety of uses, land acquisition costs are relatively high for the acreage to be acquired. The substantial investment required to protect any additional lands must be weighed against the likelihood that many of these lands will not be available in a relatively undisturbed state for much longer. These natural values taken on added importance with the realization that much of the modern science of ecology has developed as a result of the studies made of the plant and animal communities in the bogs located within the area. The opportunities for the

study of plant succession and geological phenomena in the area are also of great value. The obvious recreation potential of the shoreline area is thus complemented by a more subtle natural backdrop to form the full picture of the National Lakeshore. It is with these considerations that the Committee proceeded with the consideration of the various proposals to expand the Indiana Dunes National Lakeshore.

LEGISLATIVE HISTORY

Indiana Dunes National Lakeshore was authorized in 1966 after lengthy debate and disagreement regarding the size of the area. The existing lakeshore includes over 8,700 acres, although some 2,000 acres are within the Indiana Dunes State Park.

Legislation to expand the National Lakeshore was introduced by Representative Ed Roush in the 92d Congress. In the 93rd Congress, the Subcommittee on National Parks and Recreation conducted hearings on a bill again sponsored by Mr. Roush, and reported legislation to the Committee on Interior and Insular Affairs providing for the acquisition of some 5,400 acres of additional lands. The Congress adjourned before any final disposition was made of this legislation.

In the 94th Congress, hearings were again conducted on H.R. 4926, a bill similar to that reported in the 93rd Congress, and on H.R. 5241, sponsored by Representative Floyd Fithian. The Subcommittee also conducted a field inspection of the area on May 23, 1975.

H.R. 5241 was used as the markup vehicle by the Subcommittee, although all the areas included on both bills were considered for purposes of discussion. Amendments adopted to H.R. 5241 deleted several parcels of land. Other amendments also specified the acquisition of easements in certain areas, permitted the acceptance of donated lands adjacent to the lakeshore, added an additional unit of land, and mandated certain management provisions.

The many parcels of land proposed to be added to the lakeshore came under intense scrutiny during the deliberations at the Subcommittee level. The costs for much of this land for extremely high as a result of both the urban area proximity and existing developments. The high costs in this case were determined to be justified due not only to the important natural values to be protected here, but also in recognition of the great importance of preserving a recreational asset of this quality in this region of great population. With the further adjustments made to the bill in the deliberations of the entire Committee, the bill represents a considered effort to best protect this landscape at a reasonable cost. The ultimate worth of these proposed additions must be measured by the value they will have to future generations.

The Committee specifically amended the existing statute on Indiana Dunes to provide for the ultimate complete acquisition and protection of all the included lands, subject to fixed term or life tenancy arrangements which will mitigate the impact of this acquisition program on persons currently residing in the area. The Secretary is encouraged to make full use of such tenancy arrangements consistent with the necessity of acquiring certain areas needed for public use without reservation. To maximize the opportunities for beach-related recreation as rapidly as possible, the Secretary is urged to act promptly to

acquire those beach front areas within the previously authorized lakeshore which have not yet been obtained, along with similar areas incorporated into the lakeshore by this legislation.

The Committee recognizes that the Indiana Dunes National Lakeshore presents a difficult and complex management situation for the National Park Service. The proximity of heavy industrial development, the many alterations of the lands within the authorized lakeshore itself, and the years which will be required to acquire and fully restore this area to its approximate natural state are difficulties that offer no easy answers. But the benefits to be gained from active and enlightened management of this resource should justify the costs and difficulties involved. It is with this understanding that H.R. 11455 is reported for the consideration of the House of Representatives.

SECTION-BY-SECTION ANALYSIS

H.R. 11455 was reported by the Committee on January 27, 1976. It is a clean bill reflecting the action of the Committee on an earlier version of the legislation. The bill consists of a series of amendments to the Act of November 5, 1966, which provided for the establishment of the Indiana Dunes National Lakeshore.¹

Amendment 1 substitutes a revised boundary map for the National Lakeshore, which would include an additional 4,340 acres over and above that authorized in 1966. The additional acreage is made up of numerous scattered parcels of land, which may be seen on the accompanying map, facing this page of the report.

Amendment 2 provides for a detailed boundary description to be published of the enlarged National Lakeshore by January 1, 1977. Although the map of record is a large-scale rendering of this area, the published description will permit a more precise location of the boundaries to be available generally.

Amendment 3 repeals the suspension of condemnation authority contained in the 1966 Act. Subject to the ability of a property owner to retain certain rights of use and occupancy, the Secretary will now have the authority to acquire all privately-owned lands within the boundaries of the area. The Committee determined that the earlier procedure of allowing continued inholdings did not satisfy the need to assure the protection of the resources of the area and need to make them available for the purposes of the National Lakeshore. The amendment also changes the definition of "improved property" to include those dwellings under construction by February 1, 1973, within the areas added by the 94th Congress.

Amendment 4 repeals two subsections in the parent Act which are no longer applicable due to the removal of the suspension on condemnation authority in the Act. The remaining subsections in Section 5 of the Act are retained so that the Secretary will promulgate regulations which will clearly define the acceptable uses of improved property upon which a former owner has retained a right of use and occupancy under the provisions of this Act.

Amendment 5 changes the current provision for a 25-year retained right of occupancy to an option for property owners who have

¹ These amendments are shown in context in the section "Changes in Existing Law."

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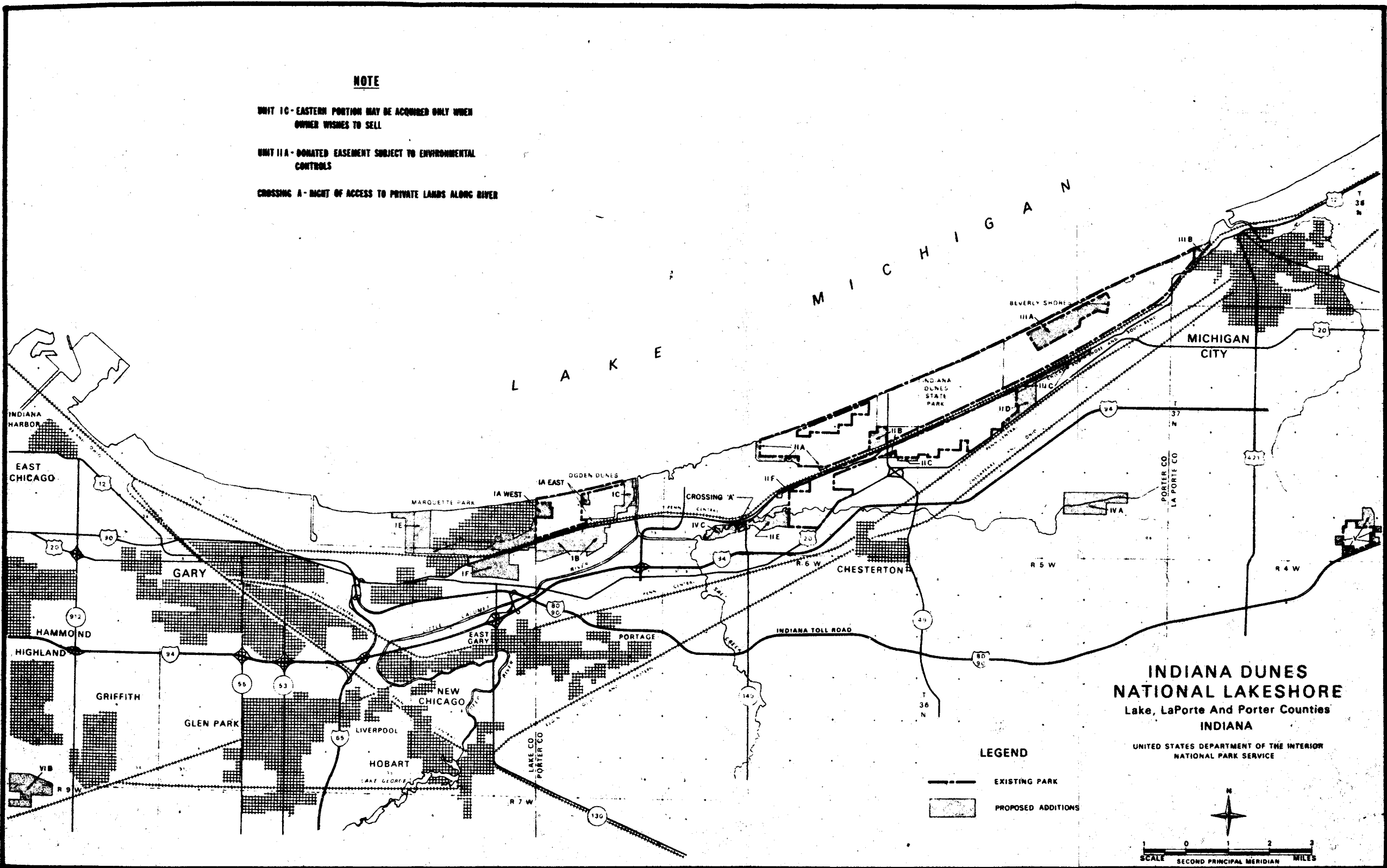
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NOTE

- UNIT 1C - EASTERN PORTION MAY BE ACQUIRED ONLY WHEN OWNER WISHES TO SELL
- UNIT 11A - DONATED EASEMENT SUBJECT TO ENVIRONMENTAL CONTROLS
- CROSSING A - RIGHT OF ACCESS TO PRIVATE LANDS ALONG RIVER



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reached the age of majority to elect either a life occupancy or a fixed term occupancy of up to 25 years. The Committee intends that the effect of this change will also be to allow those former owners who negotiated a fixed-term retained right under the original Act and who have continued to live in the area to renegotiate for a retained life occupancy, if they so desire. Retained rights which have already expired, as well as properties sold without retention of a right of occupancy, or upon which a retained right has been conveyed to another holder, would not be subject to such renegotiation.

The amendment further specifies that failure to pay validly assessed property taxes is made sufficient reason for termination of a retained right, and the Secretary is instructed to pay the fair market value of the unexpired portion of the retained right to the owners in the event of such termination.

Amendment 6 expands the Indiana Dunes National Lakeshore Advisory Commission for four members, to be designated from specified categories.

Amendment 7 increases the authorization ceiling for land acquisition from \$35,526,000 to \$89,014,400. Another \$8,500,000 is authorized to be appropriated for development purposes. This amount is intended to cover ongoing development programs in the existing lakeshore, but the Secretary is required to prepare a master plan for the expanded lakeshore by December 31, 1977, which will detail for the House and Senate Committees on Interior and Insular Affairs the planned development and additional costs anticipated for the area. With that information, the Congress may then wish to consider any additional authorization for development purposes, in conjunction with the review of the adequacy of the plan.

Amendment 8 consists of ten new sections to be added to the parent Act:

Section 11 provides that rights-of-way or easements for various utility or railroad purposes existing as of March 1, 1975, will not be diminished by the purchase of the newly authorized lands. The Secretary may also permit widening of existing easements across areas II-E and II-F.

Section 12 states that nothing in the Act will serve to prohibit any otherwise allowable drainage into the Little Calumet River or Burns Waterway. The Act is also not to be interpreted to make more restrictive any air or water pollution standards applicable to the area, nor should it be interpreted to augment the control of pollution sources as otherwise required by law.

Section 13 provides for the acceptance of a donated easement for the lands in area II-A within six months after the enactment of the section. The easement is to protect specifically both the lands covered by the easement and the adjacent National Lakeshore property from all adverse impacts from whatever source. The Committee deliberated this point in considerable detail, and adopted the language of the amendment with the express understanding that the conditions imposed by an easement in this case would afford the strongest possible protection to the fragile lands and bog areas both within and adjacent to the easement area. The Secretary must determine that the terms of the proposed easement will fully meet the requirements of protecting this resource, or no acceptance of an easement will meet the

requirements of this section. Should the donation of the easement not take place within six months after the enactment of this legislation, the area boundary is to revert to the larger boundaries as proposed by H.R. 4926, and the Secretary will have the authority to acquire the area in fee, by condemnation if necessary.

The Committee notes that the courts are presently considering challenges to the issuance of a permit to construct a nuclear power plant at the Bailly site in the vicinity of unit II-A. The action of the Committee is not to be construed as an expression of congressional approval or disapproval of the construction permit application in this legislation. A reference to 10 CFR Part 100 (which prescribes exclusionary requirements that an applicant for a nuclear power site must meet) is made to serve the narrow purpose of preserving certain property rights to the applicant in connection with the terms of a scenic easement to be donated to the Secretary.

Section 14 authorizes the Secretary to acquire certain lands within area I-C east of the boundary of that unit as defined by the map originally referenced in H.R. 5241. The suspension of condemnation authority with regard to this land is contingent upon the Secretary being given the first opportunity to purchase the property at fair market value. The area is shown by a specific reference in the legend of the map referenced in Section 1, as amended.

Section 15 requires the Secretary to construct an adequate safety fence along the eastern boundary of area I-C as proposed in H.R. 5241. The fence would ensure that visitors using that portion of area I-C which is to be acquired in the near future would not wander into the remaining area which presently contains settling ponds.

Section 16 requires the Secretary to develop a detailed acquisition plan for the area which is to show lands previously acquired as well as the recommended acquisition program for the next five years, and to transmit this plan to the appropriate Committees within one year from enactment of this legislation. The Committee deleted language which would have required a six-year acquisition timetable to complete the purchase of the additional lands for the lakeshore, taking note of the concern of the Department of the Interior that the program be left with greater flexibility. There is still a need for an aggressive acquisition program in this area, however, and it is expected that a substantial level of acquisition will be contemplated by the five-year program to be submitted.

Section 17 restricts the Secretary to the acquisition of only a right of public access along the Little Calumet River within the area shown as "Crossing A" on the referenced map. The crossing itself is to be a corridor some 250 feet in width which will permit road, railroad, and utilities crossings of the stream valley at this location.

Section 18 directs the Secretary to negotiate a cooperative agreement with the landowner north of a segment of those lands included along the Little Calumet River. The agreement is to require the owner within that area to take measures such as grading, landscaping, and vegetation plantings to minimize the impact of any newly constructed roadway near the river. The Committee adopted an amendment which made detailed changes on the referenced map so that the northern boundary of the lakeshore would be a line 75 feet south of the centerline of a proposed road alignment planned for construction in this

area. The detailed boundary in this area is shown on a map labeled "Scheme B" and retained in the Committee files. It is understood that certain minor adjustments may be made to this boundary by the Secretary as the exact alignment of the roadway is determined, but in no case will a substantial alteration be permitted which would result in the disturbance of either bank of the Little Calumet River. Temporary construction easements may be granted in this vicinity by the Secretary during the road construction, subject to landscaping and restoration of the area as required. It is anticipated that the detailed boundary description to be published as provided in Amendment 2 of H.R. 11455 will determine a precise location of the boundary in this area.

Section 19 provides for the acceptance of lands contiguous to the lakeshore by donation, after notification of the appropriate Committees of the Congress. These lands may be administered as part of the National Lakeshore after publication of a notice of such intent in the Federal Register.

Section 20 places a restriction on the acquisition of the detached parcel known as the Hoosier Prairie unit. The Secretary and the State of Indiana are to enter into a cooperative agreement which will require the State to bear one-half of the actual purchase price of the property. All associated expenses, however, will be the responsibility of the Federal Government, in addition to one-half of the land cost itself. The State is to be further consulted in planning the management of this area, and the Secretary may also enter into a cooperative agreement which will provide for the on site management and interpretation of the area to be provided by the State, local government or a nonprofit organization.

Cost

The additional lands to be authorized for acquisition by H. R. 11455 are estimated to cost \$53,488,400. The authorization shown by the bill reflects this additional cost over and above the acquisition cost previously authorized by the Congress. A specific limitation of \$8,500,000 is placed on development expenditures, much of which has already been appropriated. The intent of the Committee in imposing a development ceiling at this level is to permit the ongoing construction program in the area to proceed, and also to require that a master plan which is to be prepared in accordance with the bill be submitted with any estimated additional costs before a further authorization is made.

The cost of the additional lands to be acquired was the subject of much discussion by the Committee. The Beverly Shores area (shown on the accompanying map as unit III-A), for example, carries a total estimated acquisition cost of some \$23,000,000. The Committee noted that this enclave is located in the heart of the larger eastern unit of the National Lakeshore. The acquisition of this area is crucial to the long-range integrity of this entire unit, and to the ultimate ability of the lakeshore to provide for increased public recreation use in the future. By recommending amendments which restore condemnation authority to the Secretary of the Interior, the Committee has provided a mechanism by which this area will eventually be fully acquired and managed for its natural and recreation values. This provision for

eventual full control of these lands will ensure that the Federal Government will be justified in the expenditure of these sums in this instance.

BUDGET ACT COMPLIANCE

The authorizations for both acquisition and development made by H.R. 11455 are not specific to any particular fiscal year. The authorizations represent ceiling figures to identify the overall costs for this project, and to guide the Budget and Appropriations Committees in determining the costs associated here. It is anticipated that the land acquisition program will continue to be funded under the ongoing land acquisition program at the lakeshore. Although the land acquisition cost is substantial, the funds will be expended over a number of years, and it appears unlikely that the actual expenditure in any one fiscal year would have any significant impact on the overall Federal budget.

INFLATIONARY IMPACT

The sums authorized by H.R. 11455 should not produce any significant impact on the economy since they will be expended as needed over a number of years. The impact on the local economy is somewhat more difficult to predict, but it should be remembered that the bulk of the authorization is to be expended on land acquisition, and it can be anticipated that much of this expenditure would be reinvested in other lands and improvements, thereby minimizing the multiplier effect of this expenditure on local economic conditions.

OVERSIGHT STATEMENT

Although the hearings conducted on Indiana Dunes were basically legislative in nature, the progress of the existing National Lakeshore was the subject of considerable interest and discussion within the Committee. The status of the land acquisition and development program was reviewed, and several areas within the existing lakeshore were inspected by members of the Committee during the field trip to Indiana Dunes. One result of this review was the adoption of amendments to the authorizing legislation to the lakeshore which will provide for the eventual acquisition of all private lands within the area, thus permitting the land to eventually be restored to a natural condition. Committee members were impressed with progress made by the National Park Service to date in restoring those areas which have thus far been purchased.

Language was also adopted in the bill requiring the Secretary to develop a master plan for the expanded area and to transmit the plan to the appropriate Committees for review. The plan is to contain recommendations for any further development within the lakeshore, including estimated costs, so the Committee may have the benefit of this study before considering any legislation increasing the authorized limit on funds which may be appropriated for this purpose. No recommendations were submitted to the Committee pursuant to Rule I, Clause 2(b) (2).

COMMITTEE AMENDMENT

H.R. 5241 was amended by the Committee in the form of a new text, including the boundary changes and other amendments as previously discussed, as well as several technical and correcting amendments in the text. The Committee then ordered H.R. 11455 reported as a clean bill which contains the final text approved by the Committee.

COMMITTEE RECOMMENDATION

After adopting the amendments as discussed, the Committee on Interior and Insular Affairs, meeting in open session on December 10, 1975, ordered H.R. 5241, as amended, reported by a recorded vote of 34 yeas, 4 nays.

On January 27, 1976, the Committee vacated its action on H.R. 5241, and by a voice vote ordered the identical text which is contained in H.R. 11455 to be reported for the favorable consideration of the House of Representatives.

DEPARTMENTAL REPORT

The report of the Department of the Interior, dated May 8, 1975, is here printed in full:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 8, 1975.

HON. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on H.R. 789, H.R. 4926 and H.R. 5241, bills to expand the boundaries of Indiana Dunes National Lakeshore.

We recommend the enactment of the enclosed substitute bill in lieu of any of the aforementioned introduced bills.

H.R. 789 and H.R. 4926 are identical bills which would amend the 1966 Act establishing the Indiana Dunes National Lakeshore to provide for addition of approximately 5,230.18 acres to the lakeshore. It would also expand the Indiana Dunes National Lakeshore Advisory Commission from seven to eleven members and replace the Act's \$27,900,000 land acquisition appropriation authorization with an open-ended appropriation authorization.

In addition, these bills would add three sections to the 1966 Act. The first would vest title in the United States to stabilized beach accretions and authorize the Secretary of the Interior to accept donations of lands contiguous to the lakeshore. The second would preserve existing utilities easements and authorize the Secretary to permit certain expanded or additional easements for utilities and roads, acquisition by the State of Indiana of certain lands and easements necessary for operation of the Port of Indiana public terminal, construction of certain docks and channel improvements, and discharges into certain portions of the lake-

shore. The third new section would authorize the Secretary to acquire additional lands upon certification by the Chief of Engineers that widening of the Burns Waterway is not feasible or upon failure of the Congress to authorize such widening within eight years after enactment. H.R. 5241 would provide for the addition of 4,595 acres to the lakeshore.

The Indiana Dunes National Lakeshore, authorized by an Act of Congress on November 5, 1966 (80 Stat. 1309), contains an unusual complex of exceptional dunes, rising to heights of 200 feet; numerous marshes, swamps, and bogs; a diversity of flora and fauna; and attractive sand beaches along the lakeshore. In addition to being of scientific interest, the area is ideally suited to meeting the recreational needs of the people of the region. There are more than 9.5 million people living within a 100-mile radius of the lakeshore. When completed, the Indiana Dunes National Lakeshore will provide ideal conditions for beachgoers as well as for hikers, campers, and naturalists.

The National Park Service has identified approximately 213 acres of land which we believe should be added to the existing lakeshore immediately. Those areas include:

1. *West Beach additions*.—Geographically, the West Beach additions are composed of two parcels of land located on opposite sides of the West Beach development unit of the lakeshore. Together these parcels comprise approximately 53 acres and would cost approximately \$575,000.

2. *Pinhook Bog*.—This bog is widely recognized among ecologists as an exceptional and irreplaceable natural haven for the life forms peculiar to dunes wetlands. Pinhook Bog has been found to be eligible for recognition as a Natural Landmark by the Secretary's Advisory Board on National Parks, Historic Sites, Buildings and Monuments.

The approximately 150 acres herein recommended for addition to the Pinhook Bog unit are expected to cost approximately \$505,000, while tax losses to the local government would approximate \$1,125. Presently there are 3 improvements on this additional acreage.

In addition, we have identified several other areas which would be appropriate for acquisition at such time as we have completed the necessary development and acquisition within the existing authorized lakeshore. These other areas include:

1. *Furnessville Marsh*.—This approximately 165-acre parcel of land contains the remaining marsh portion of a drainage system which is presently within the authorized boundaries of the lakeshore. Its acquisition would permit the Service to control nearly all of that watershed. Further, the area provides an exceptional opportunity for the development of easy hiking trails in the proximity of the present lakeshore headquarters. This land will lend itself extremely well to the development of trails designed for the elderly and handicapped.

Land acquisition costs of this parcel would approximate \$680,000 and would remove approximately \$2,237 from the tax income of the local government. There are two improvements located in this parcel.

2. *Glacial Lake Dunes and Marshes*.—This area, located immediately south of the present West Beach development unit, consists of approximately 527 acres of a wide expanse of ancient cattail marshes, dune ridges of variable heights, and scattered oak groves prized by natural-

ists and geologists. Its acquisition would approximate \$3,585,000 and would remove approximately \$28,905 from the tax income of the local government. Presently the parcel contains 3 improvements.

3. *West Beach High Dune*.—This area consists of 80.75 acres and would cost approximately \$2,396,000.

H.R. 789, H.R. 4926 and H.R. 5241 would add considerable other acreage to the established lakeshore, much of which we feel is not needed. In many areas highly concentrated industrial and/or residential development has despoiled any natural, scientific or recreational potential that the land might have once offered. For example, those areas east and southeast of the town of Ogden Dunes, Beverly Shores, and the areas near the Gary Airport. Other areas that would be added to the lakeshore by these bills would either be unmanageable or contrary to the purposes of the lakeshore.

The proposed additions along the Little Calumet River and Salt Creek, undoubtedly a good local recreational resource, should become the responsibility of the State or other local government agency. The two streams could provide educational opportunities and help protect the environmental quality of the growing residential areas of Northern Porter County. However, this area is neither unspoiled nor a major river valley. Altered by man in the past, the Little Calumet is at present undergoing channeling, ditching, and stream relocation. The future holds even greater changes for this stream. Recent introduction of game fish in the Little Calumet, if successful, will cause this resource to be heavily used by fishermen and others seeking recreation along its shores. Conservation easements will not be sufficient interest in this area if the proposed fishery is successful. Pollution control is of primary importance; management, supervision, and control of the public will become a major problem. Only separate management by some local or State agency would provide proper control and management of the use of this area.

The introduced bills would also add the area known as Hoosier Prairie to the lakeshore as a detached addition. While this area has been recognized by the Secretary's Advisory Board as having national significance, its addition to the lakeshore is not recommended for several reasons. Resource management practices have long indicated that a prairie such as this is perpetuated by fire, a situation which would be nearly impossible here owing to the fact that it is partially surrounded by oil storage tanks and residential development. Additionally, the prairie exhibits little if any significance for which the lakeshore was established. Its management could only be accomplished by an agency other than the Service owing to its physical separation from the remainder of the lakeshore. Consequently, we recommend that the State of Indiana seek other sources of revenue such as the Land and Water Conservation Fund to effect the prairie's preservation and management.

The enclosed substitute bill would amend the 1966 Indiana Dunes National Lakeshore Act by substituting reference to a new boundary map incorporating the additional lands we recommend to be added to the lakeshore, and by increasing the amount authorized to be appropriated for land acquisition. An increase of \$1,080,000 is needed to acquire

The draft substitute bill further amends the 1966 Act to add a member approximately 213 acres we recommend be added to the lakeshore immediately.

to the Advisory Commission to be appointed from recommendations submitted by the Mayor of Portage. In addition, because public use of the expanded lakeshore will have a substantial impact on the city of Gary in providing roads, sewers, and other municipal services, the draft bill also provides for a member of the Commission to be appointed from recommendations of the Mayor of Gary. It therefore expands the existing membership of the Commission from seven to nine. The bill also makes a technical amendment providing for rotation of the Commission member chosen from recommendations submitted by the seven towns referred to in section 8(b)(3) of the 1966 Act.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL P. REED,
Assistant Secretary of the Interior.

Enclosure.

A BILL To revise the boundaries of the Indiana Dunes National Lakeshore, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of November 5, 1966 (80 Stat. 1309), providing for the establishment of the Indiana Dunes National Lakeshore, is amended—

(1) by deleting from the second sentence of the first section "A proposed Indiana Dune National Lakeshore," dated September 1966, and bearing the number 'LNPNE-1008-ID,' and inserting in lieu thereof "Boundary Map, Indiana Dunes National Lakeshore," dated May 1975, and numbered 626-20,008-B,"

(2) by inserting the following immediately preceding the semicolon in subsection 8(b)(3):

"and unless no nominations are received, the member appointed pursuant to this paragraph shall not be a resident of the same town for consecutive terms;"

(3) by deleting "seven" from subsection 8(b) and inserting "nine" in lieu thereof, redesignating paragraphs (5) and (6) of subsection 8(b) as (7) and (8), and inserting the following new paragraphs (5) and (6);

"(5) one member who is a year-round resident of the city of Portage to be appointed from recommendations made by the Mayor of such city;

"(6) one member who is a year-round resident of the city of Gary to be appointed from recommendations submitted by the Mayor of such city;" and

(4) by revising section 10 to read as follows:

"Sec. 10. There are hereby authorized to be appropriated not more than \$37,606,000 for the acquisition of land and interests in land pursuant to this Act."

CHANGES IN EXISTING LAW

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

ACT OF NOVEMBER 5, 1966 (80 STAT. 1309), AS AMENDED
(16 U.S.C. 460u)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for the educational, inspirational, and recreational use of the public certain portions of the Indiana dunes and other areas of scenic, scientific, and historic interest and recreational value in the State of Indiana, the Secretary of the Interior is authorized to establish and administer the Indiana Dunes National Lakeshore (hereinafter referred to as the "lakeshore") in accordance with the provisions of this Act. The lakeshore shall comprise the area within the boundaries delineated on a map identified as ["A Proposed Indiana Dunes National Lakeshore", dated September 1966, and bearing the number "LNPNE-1008-ID"] "Boundary Map, Indiana Dunes National Lakeshore", dated December 1975, and bearing the number "626-91004", which map is on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior.

* * * * *
SEC. 3. As soon as practicable after the effective date of this Act and following the acquisition by the Secretary of an acreage within the boundaries of the area described in section 1 of this Act which in his opinion is efficiently administrable for the purposes of this Act, he shall establish the Indiana Dunes National Lakeshore by publication of notice thereof in the Federal Register. *By no later than January 1, 1977, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the lakeshore and shall from time to time so publish any additional boundary changes as they may occur.* Following such establishment and subject to the limitations and conditions prescribed in section 1 hereof, the Secretary may continue to acquire lands and interests in lands for the lakeshore.

SEC. 4. [(a) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all improved property located within the boundaries of the lakeshore during all times when an appropriate zoning agency shall have in force and applicable to such property a duly adopted, valid zoning ordinance approved by the Secretary in accordance with the provisions of section 5 of this Act.]

[(b)] (a) The term "improved property" whenever used in this Act, shall mean a detached, one-family dwelling, construction of which was begun before *February 1, 1973, or, in the case of improved property located within the boundaries delineated on a map identified as "A Proposed Indiana Dunes National Lakeshore", dated September 1966, and bearing the number "LNPNE-1008-ID", which map*

is on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, before January 1, 1965, 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 lands so designated. The amount of land so designated shall in every case be not more than three acres in area, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: *Provided*, That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters, as he may deem necessary for public access thereto or public use thereof.

SEC. 5. (a) As soon as practicable after enactment of this Act, the Secretary shall issue regulations specifying standards for approval by him of zoning ordinances for the purposes of sections 4 and 6 of this Act. The Secretary may issue amended regulations whenever he shall consider such amended regulations to be desirable due to changed or unforeseen conditions. The Secretary shall approve any zoning ordinance and any amendment to any approved zoning ordinance submitted to him which conforms to the standards contained in the regulations in effect at the time of adoption of such ordinance or amendment by the zoning agency. Such approval shall not be withdrawn or revoked, by issuance of any amended regulations after the date of such approval, for so long as such ordinance or amendment remains in effect as approved.

(b) The standards specified in such regulations and amended regulations for approval of any zoning ordinance or zoning ordinance amendment shall contribute to the effect of (1) prohibiting the commercial and industrial use, other than any commercial or industrial use which is permitted by the Secretary, of all property covered by the ordinance within the boundaries of the lakeshore; and (2) promoting the preservation and development, in accordance with the purposes of this Act, of the area covered by the ordinance within the lakeshore by means of acreage, frontage, and setback requirements and other provisions which may be required by such regulations to be included in a zoning ordinance consistent with the laws of the State of Indiana.

(c) No zoning ordinance or amendment thereof shall be approved by the Secretary which (1) contains any provision which he may consider adverse to the preservation and development, in accordance with the purposes of this Act, of the area comprising the lakeshore; or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under and any exception made to the application of such ordinance or amendment.

[(d) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this Act, is made the subject of a variance under or exception to such zoning ordinance, or is subjected to any use, which variance, exception, or use fails to conform to or is inconsistent with any applicable standard contained in regulations issued pur-

suant to this section and in effect at the time of passage of such ordinance, the Secretary may, in his discretion, terminate the suspension of his authority to acquire such improved property by condemnation.]

[(e) The Secretary shall furnish to any party in interest requesting the same certificate indicating, with respect to any property located within the lakeshore as to which the Secretary's authority to acquire such property by condemnation has been suspended in accordance with provisions of this Act, that such authority has been so suspended and the reasons therefor.]

Sec. 6 (a) Any owner or owners, *having attained age of majority*, of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the improved property for noncommercial residential purposes for a term *ending on the death of the owner or the death of his or her spouse, whichever occurs last, or for a term of twenty-five years, or for such lesser [time] term as the [said] owner or owners may elect at the time of acquisition by the Secretary.* 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. 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) The Secretary shall have authority to terminate any right of use and occupancy retained as provided in subsection (a) of this section at any time after the date upon which any use occurs with respect to such property which fails to conform or is in any manner opposed to or inconsistent with the applicable standards contained in regulations issued pursuant to section 5 of this Act and which is in effect on said date: *Provided*, That no use which is in conformity with the provisions of a zoning ordinance approved in accordance with said section 5 and applicable to such property shall be held to fail to conform or be opposed to or inconsistent with any such standard. In the event the Secretary terminates a right of use and occupancy under this subsection, he shall pay to the owner of the right so terminated an amount equal to the fair market value of the portion of said right which remained unexpired on the date of termination.

(c) *Nonpayment of property taxes, validly assessed, on any retained right of use and occupancy shall be grounds for termination of such right by the Secretary. In the event the Secretary terminates a right of use and occupancy under this subsection he shall pay to the owners of the retained right so terminated an amount equal to the fair market value of the portion of said right which remained unexpired on the date of termination.*

* * * * *
SEC. 8. (a) There is hereby established an Indiana Dunes National Lakeshore Advisory Commission. Said Commission shall terminate ten years after the date of establishment of the national lakeshore pursuant to this Act.

(b) The Commission shall be composed of [seven] *eleven* members, each appointed for a term of two years by the Secretary, as follows: (1) one member who is a year-round resident of Porter County to be appointed from recommendations made by the commissioners of such county; (2) one member who is a year-round resident of the town of Beverly Shores to be appointed from the recommendations made

by the board of trustees of such town; (3) one member who is a year-round resident of the towns of Porter, Dune Acres, [Portage,] Pines, Chesterton, Ogden Dunes, or the village of Tremont, such member to be appointed from recommendations made by the boards of trustees or the trustee of the affected town or township; (4) one member who is a year-round resident of the city of Michigan City to be appointed from recommendations made by such city; (5) two members to be appointed from recommendations made by the Governor of the State of Indiana; [and] (6) one member to be designated by the [Secretary.] Secretary; (7) one member who is a year-round resident of the city of Gary to be appointed from recommendations made by the mayor of such city; (8) one member who is a year-round resident of the towns of Highland, Griffith, or Schererville to be appointed from recommendations made by the board of trustees of such towns; (9) one member who is a year-round resident of the city of Portage to be appointed from recommendations made by the mayor of such city; and (10) one member who holds a reservation of use and occupancy and is a year-round resident within the lakeshore to be designated by the Secretary.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expense reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

(e) The Secretary or his designee shall, from time to time, consult with the Commission with respect to matters relating to the development of the Indiana Dunes National Lakeshore and with respect to the provisions of sections 4, 5, and 6 of this Act.

* * * * *

SEC. 10. There are hereby authorized to be appropriated [not more than \$35,526,000 for the acquisition of land and interests in land pursuant to this Act.] such sums as may be necessary to carry out the provisions of this Act, but not more than \$89,014,400 for the acquisition of lands and interests in lands, and not more than \$8,500,000 for development. By December 31, 1977, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan detailing the development of the national lakeshore consistent with the preservation objectives of this Act, indicating:

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

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

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

SEC. 11. (a) With respect to those portions of the lakeshore authorized for acquisition by the Ninety-fourth Congress any acquisition of lands or interests therein shall not 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.

(b) Subject to such regulations as the Secretary deems advisable to protect the natural and recreational values for which the lakeshore was established, he may permit widening of rights-of-way or easements existing on the date of enactment of this section across areas II-E and II-F as designated on such map numbered 626-91004 for State, county, city or private roads; or for electric utilities, pipelines, water mains, or conveyors.

SEC. 12. (a) Nothing in this Act shall be construed as prohibiting any otherwise legally authorized cooling, process, or surface drainage into the part of the Little Calumet River or Burns Waterway located within the lakeshore.

(b) The authorization of lands to be added to the lakeshore by the Ninety-fourth Congress, as indicated on map numbered 626-91004 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.

SEC. 13. The Secretary shall accept the donation of a scenic easement for unit II-A, as designation on the map referenced in section 1 of this Act (and as further detailed on drawing number MS-150, Property Plat, Bailly Generating Station Nuclear 1, Northern Indiana Public Service Company, dated June 1975), subject to the completed negotiation and donation within six months of the date of enactment of this section, of a scenic easement for such unit which shall be satisfactory to him and the donor. Such easement shall contain provisions for adequate protection of unit II-A and the adjacent Indiana Dunes National Lakeshore from all forms of construction, pollution, degradation and adverse impact from whatever source and shall preserve for the donor sufficient degree of dominion and control to meet all requirements of part 100 of title 10, Code of Federal Regulations, and shall permit the donor to continue the use and maintenance of all structures and facilities existing upon the date of enactment of this section which do not adversely affect the lakeshore. The Secretary's authority to acquire unit II-A by condemnation is hereby suspended for the six-month period pending satisfactory negotiation of such scenic easement and the consummation of the donation, and shall be fully restored to the original boundary of unit II-A (as shown on the map referenced "Boundary Map, Indiana Dunes National Lakeshore, dated January 1973, numbered 626-91003") upon expiration of that six-month period, should satisfactory negotiation of such scenic easement and donation thereof not be consummated within that time.

SEC. 14. (a) The Secretary shall be authorized to acquire, by donation, or negotiated purchase agreeable to all parties, the remaining lands and waters between Burns Waterway and the eastern boundary of area I-C, within section 25, township 37 north, range 7 west, as designated on map numbered 626-91003-A. The authority of the Secretary to acquire such lands and waters by condemnation shall be suspended on the condition that the Secretary is given the first opportunity to purchase such property or interests therein at the stated price, not to exceed fair market value.

Sec. 15. The Secretary shall construct an adequate safety fence along the eastern edge of area I-C, within section 25, township 37 north, range 7 west, as designated on map numbered 626-91003-A, at the time that said land is acquired.

Sec. 16. Within one year after the date of the enactment of this section, 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 purchase of the lakeshore, and

(2) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

Sec. 17. The Secretary may acquire only such interest in the right-of-way designated "Crossing A" on map numbered 626-91004 as he determines to be necessary to assure public access along the banks of the Little Calumet River within fifty feet north and south of the centerline of said river.

Sec. 18. 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. 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 such construction, and of traffic on such roadway, as perceived from the Little Calumet River.

Sec. 19. After notifying the Committees on Interior and Insular Affairs of the United States Congress, in writing, of his intention to do so and of the reasons therefor, the Secretary may, if he finds that such lands would make a significant contribution to the purposes for which the lakeshore was established, accept title to any lands, or interests in lands, located outside of the boundaries of the lakeshore but contiguous thereto or to lands acquired under this section, such the State of Indiana or its political subdivisions may acquire and offer to donate to the United States or which any private person, organization, or public or private corporation may offer to donate to the United States and he may administer such lands as a part of the lakeshore after publishing notice to that effect in the Federal Register.

Sec. 20. With respect to the property identified as area VI-B on map numbered 626-91004, the Secretary shall proceed with the acquisition of said property only after entering into a cooperative agreement with the State of Indiana which shall specify that 50 per centum of the purchase price of the property, exclusive of the administrative costs associated with its acquisition, shall be borne by the State. Notwithstanding any other provision of law, the Secretary may accept title to the property with the restriction that said title shall revert to the ownership of the State if the property ceases to be used for the purposes of the national lakeshore. The Secretary may enter into a cooperative agreement whereby the State, any political subdivision thereof, or any nonprofit organization, may undertake to manage and interpret such area in a manner consistent with the purposes of this Act. The Secretary shall consult with the State with respect to the management and operation of area VI-B.

DISSENTING VIEWS

H.R. 11455 authorizes an expenditure of \$53.3 million—FIFTY TIMES more than the Administration requested! It is \$32 million more than Congress authorized for the creation of the Indiana Dunes National Lakeshore!

Some of the proponents of the bill tell us that no President has ever vetoed a park bill. It is my sincere belief that this bill, in its present form, is a likely candidate for that dubious honor! Congressman Gerald Ford voted against the bill (H.R. 51) in 1966. What is there about this bill that would lead one to believe that he would change his mind?

Ten years ago, the Interior Committee reported, and the Congress passed, the Indiana Dunes National Lakeshore Bill—one of the most controversial recreation bills the Interior Committee has ever reported to the Congress during the thirteen years I have been a Member.

The hearings held on the Lakeshore bill (H.R. 51) in 1966 were not perfunctory, they were in fact in-depth studies. Congressman Morris Udall, Floor Leader for H.R. 51 (Congressional Record, October 11, 1966, p. 26106) stated that,

H.R. 51 is probably the most controversial of the National Park Bills to come out of the Committee on Interior and Insular Affairs during the 89th Congress.

Congressman Aspinall, then Chairman of the Interior Committee, speaking on the Floor (Congressional Record, October 11, 1966, p. 26102) indicated the magnitude of the study given to H.R. 51:

Exhaustive hearings were held by the National Parks and Recreation Subcommittee both in the field and in Washington. Every conceivable argument for and against the proposal was heard. I can honestly say no other park proposal had been given more intense consideration in this session of Congress than has been given H.R. 51.

As a Member who attended the Subcommittee's hearings both in Indiana and in Washington, I fully agree with the statements of Congressman Udall and our former colleague, Wayne Aspinall.

H.R. 51, which provided for the creation of the Indiana Dunes Lakeshore, became law November 5, 1966. It authorized an expenditure of \$27.9 million. We have already increased the authorization by \$7.4 million. What it will finally cost for the land purchases authorized in the initial bill, no one can accurately predict.

H.R. 11455 does not create anything! It is an effort to expand the lakeshore authorized in 1966—even before the land purchases for the initial project have been completed. It seeks to add a number of parcels of land—every one of which was considered and rejected in 1966 because they were not found to be essential to the lakeshore. Many of

the parcels of land which this measure proposes to add are not adjacent to the lakeshore. In fact, a major highway and a series of railroad tracks, over which scores of trains pass each day, separate them from the lakeshore. One of the parcels, Hoosier Prairie, is more than nine miles from the recreation area. The Blue Heron parcel is three miles away. By no stretch of the imagination can the inclusion of these areas be considered essential.

This view was shared by my good friend, Congressman Ray Madden, champion and moving force for the 1966 establishment of the National Lakeshore. Appearing before our Subcommittee in April 1966, (H.R. 51 Hearings, Part II, 89th Congress, 2nd Session, pg. 286) Congressman Madden said,

The demand to include areas miles removed from the proposed central National Park is impractical and if insisted upon by the proponents may jeopardize the establishment of the much needed Dunes National Park—I do hope the Committee acts favorably on this pending legislation.

If the “hodge podge” of parcels recommended in this bill are of real national significance (which they are not), let them fly under their own colors. Let the proponents prove they are worthy of national significance instead of carrying them “piggy back” upon a project to which they are not essential. If they are not of national significance, then let the State meet its responsibility. Let us not pawn them off on the taxpayers of the United States.

The largest and most expensive acquisition in H.R. 11455 is the Beverly Shores “Island.” But the term “Island” is a misnomer. Beverly Shores is a fully incorporated town of approximately 633 acres, surrounded by existing Federal Lakeshore lands. The “Island” contains 280 moderate to excellent homes with all the services provided a residential community.

During the 1966 hearings the Committee was asked to purchase not only Beverly Shores, but Ogden Dunes and Dune Acres as well. Congressman Udall (Congressional Record, October 11, 1966, p. 26101) correctly explained the Committee’s position on this proposed inclusion:

As amended, the boundary of Indiana Dunes Lakeshore will include about 11 miles of beach and 8,250 acres of land. I may add this contrasts with approximately 11,300 acres which were included under the bill introduced.

Mr. Udall continued with this significant statement:

All of us were sorry that the area had to be so drastically cut, but a number of considerations led to this action. One of the reasons was the desire of members of the committee to keep the lakeshore as compact as possible and to avoid including in it a number of detached areas. Another was their desire to avoid appearing to inflate the acreage by including in it a lot of high-priced property that could probably not be developed for recreation purposes in any event. A good example of this is the 66 acres in the town of Beverly Shores that have been omitted from the national lakeshore.

It is interesting to note that during the markup on H.R. 51 it was Congressman Udall who proposed that Beverly Shores be excluded. The motion carried and Beverly Shores was excluded. This interesting colloquy took place between Mr. Udall and Mr. Taylor (Hearings before the Interior and Insular Affairs Committee, June 7, 1966, pg. 49):

Mr. TAYLOR. The Beverly Shores area is a highly developed residential area?

Mr. UDALL. Yes.

Mr. TAYLOR. Many beautiful homes?

Mr. UDALL. That is right.

Mr. TAYLOR. The way the map is now drawn, it is not accessible by rail.

Mr. UDALL. That is correct.

Mr. TAYLOR. It is not accessible by water transport.

Mr. UDALL. That is correct.

Mr. TAYLOR. Therefore, the likelihood of industry coming in there is very remote.

Mr. UDALL. This is right. In fact, as the gentleman from Alaska pointed out yesterday, this would give you an enclave within the lakeshore where restaurants, motels, and service facilities might be developed, with the consent of local zoning authorities, to serve some of the people who are going in and out of the beaches.

H.R. 11455 should be soundly defeated and sent back to committee where only those few parcels that round out the lakeshore should be added.

JOE SKUBITZ.

The undersigned Member concurs completely with the statement of the Ranking Member of the Full Committee.

STEVE SYMMS.

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INDIANA DUNES NATIONAL LAKESHORE

AUGUST 30 (legislative day, AUGUST 27, 1976).—Ordered to be printed

Mr. JOHNSTON, from the Committee on Interior and Insular Affairs, submitting the following

REPORT

[To accompany H.R. 11455]

The Committee on Interior and Insular Affairs, to which was referred the bill (H.R. 11455) to amend the Act establishing the Indiana Dunes National Lakeshore to provide for the expansion of the Lakeshore, and for other purposes, having considered the same, reports favorably thereon with an amendment to the text and recommends that the bill as amended do pass.

AMENDMENTS

The committee adopted an amendment in the nature of a substitute. Strike all after the enacting clause and insert instead the following:

That the Act entitled "An Act to provide the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (80 Stat. 1309), as amended (16 U.S.C. 4600u), is further amended as follows:

(1) The last sentence of the first section of such Act is amended by striking out "A Proposed Indiana Dunes National Lakeshore" dated September 1966, and bearing the number LNPNE-1008-ID" and inserting in lieu thereof "Boundary Map, Indiana Dunes National Lakeshore", dated August 1976, and bearing the number 626-91,006".

(2) Section 3 of such Act is amended by inserting the following at the end of the first sentence: "By no later than January 1, 1977, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the lakeshore. The Secretary may from time to time make minor revisions in such boundaries by publication in the Federal Register of a revised map or other boundary description."

(3) The first sentence of subsection 4(b) of such Act is amended by inserting immediately after "was begun before" the following: "February 1, 1973, or, in the case of improved property located within the boundaries delineated on a map identified as 'A Proposed Indiana Dunes National Lakeshore', dated September 1966, and bearing the number 'LNPNE-1008-ID', which map is on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, before".

(4) Subsection 4(a) of such Act is repealed, subsection 4(b) is redesignated as section 4, and the following sentence is added to new section 4:

"All rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of such property in accordance with the purposes of this Act."

(5) (a) Section 6(a) of such Act is amended by revising the first sentence thereof to read as follows: "Except for owners of property within the area on the map referred to in the first section of this Act as unit II-B, any owner or owners having attained the age of majority, of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the improved property for noncommercial residential purposes for a term of twenty years, or for such lesser term as the owner or owners may select at the time of acquisition by the Secretary".

(b) Section 6(b) of such Act is amended to read as follows:

"(b) Upon his determination that the property, or any portion thereof, has ceased to be used in accordance with the applicable terms and conditions, the Secretary may terminate a right of use and occupancy. Nonpayment of property taxes, validly assessed, on any retained right of use and occupancy shall also be grounds for termination of such right by the Secretary. In the event the Secretary terminates a right of use and occupancy under this subsection he shall pay to the owners of the retained right so terminated an amount equal to the fair market value of the portion of said right which remained unexpired on the date of termination. With respect to any right of use and occupancy in existence on the effective date of this sentence, standards for retention of such rights in effect at the time such rights were reserved shall constitute the terms and conditions referred to in section 4."

6 (a) Section 8(b) of such Act is amended (A) by striking out "seven members" and inserting in lieu thereof "eleven members", and (B) by striking out "and" immediately after "State of Indiana;", and (C) by striking out "Portage," immediately after "Dune Acres." and (D) by inserting immediately after "designated by the Secretary" the following: "; (7) one member who is a year-round resident of the city of Gary to be appointed from recommendations made by the mayor of such city; (8) one member who is a year-round resident of the towns of Highland, Griffith, or Schererville to be appointed from recommendations made by the board of trustees of such towns; (9) one member who is a year-round resident of the city of Portage to be appointed from recommendations made by the mayor of such city; and (10) one member who holds a reservation of use and occupancy and is a year-round resident within the lakeshore to be designated by the Secretary."

(b) Section 8 of such Act is further amended by inserting the following new subsection (f):

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

(7) Section 10 of such Act is amended to read as follows: "There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than \$57,000,000 for the acquisition of lands and interests in lands, and not more than \$8,500,000 for development. By December 31, 1978, the Secretary shall, following appropriate public hearings, develop and transmit to the Committees 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 Act, indicating:

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

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

"(3) the projected need for any additional facilities within the national lakeshore."

(8) Such Act is amended by adding at the end thereof the following:

"Sec. 11. Nothing in this Act 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.

"Sec. 12. 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.

"Sec. 13. Within one year after the effective date of this section, 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 land which he has previously acquired by purchase, donation, exchange, or transfer for administration for the purposes of the lakeshore, and

"(2) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

"Sec. 14. With respect to the areas on the map referred to in the first section of this Act as units II-A and III-B, if the owners of such property within six months from the effective date of this section enter into cooperative agreements acceptable to the Secretary which will (1) with respect to unit II-A, protect the environmental, ecological, and visual integrity of Cowles Bog and the area north of the dike and assure reasonable public access along the dike for interpretive purposes, and (2) with respect to unit III-B will provide reasonable public access and preserve the environmental integrity of the area, the Secretary's authority to acquire such property shall be suspended as to each unit so long as the applicable agreement is in effect."

(a) Section 5 of such Act is hereby repealed, and the succeeding sections are redesignated accordingly.

Sec. 2. By July 1, 1977, the Secretary shall prepare and transmit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives a study of the Beverly Shores area. 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 recommendations, if control is necessary, of assessing the costs of such control against those agencies responsible for such erosion; (c) consider and propose options to guarantee public access to and use of the beach area, including the location of necessary facilities for transportation, health, and safety; (d) detail the recreational potential of the area and all available alternatives for achieving such potential.

PURPOSE

The purpose of H.R. 11455, as reported by Committee, is to make certain additions totalling slightly more than 3,000 acres at an estimated cost of \$21.9 million. These tracts include beachfront areas, dunes and marshes, and several areas of geological and biological significance. The bill also expands the Advisory Commission for the National Lakeshore. Certain changes are made in the acquisition authority of the Secretary with respect to the lands included within the area. Underlying these specific changes is the more general purpose to maximize the ability of this National Lakeshore to better preserve the remaining unique natural features of this area, and to accommodate at least one facet of the great recreation needs of the vast metropolitan area of Chicago as well as the entire region.

BACKGROUND

Establishment of Indiana Dunes as a unit of the National Park System was first proposed in 1917 by Stephen Mather, the first Director of the National Park Service. The proposal was to set aside approximately 13,000 acres from Gary to Michigan City. Consideration of that proposal was interrupted by World War I although the State of Indiana did set aside 2,200 acres in 1923 as a state park.

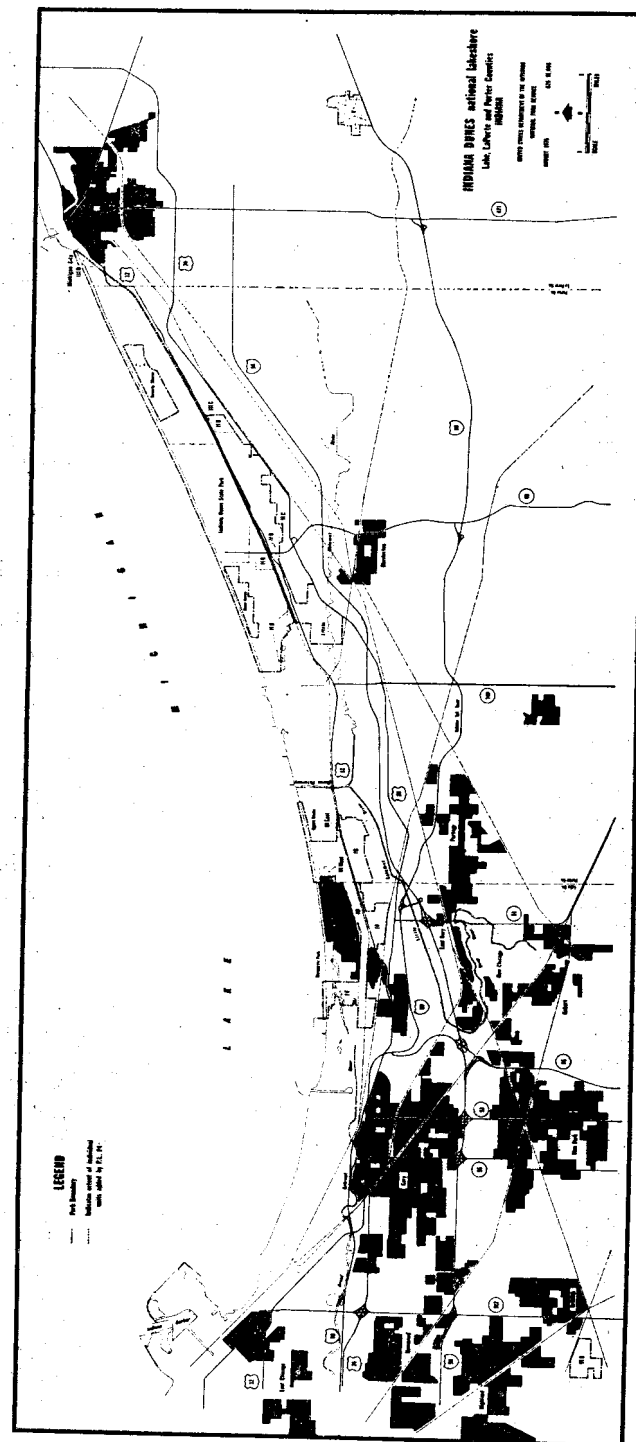
The Indiana Dunes lie at the southern tip of Lake Michigan on a fascinating complex of towering dune ridges, moving dunes, beautiful beaches, marshes, woodlands, and bogs. The dunes were formed some 15,000 years ago as retreating glaciers and glacial lakes left remnants of ancient shorelines and a vast array of plants, ranging from tropical to arctic in origin. Both eastern and western species flourish here as well, creating an area of delight for the botanist, the nature lover and the casual walker in the woods. The dunes contain three National Landmarks: Cowles Bog, Pinhook Bog, and Hoosier Prairie.

In sharp contrast to the natural and recreational potential of the dunes is the enormous concentration of industry in the area as well as more recent residential subdivisions. The Lake Michigan shoreline, virtually a wilderness when Stephen Mather first proposed the creation of a national park, is now dominated by a vast complex of steel mills including major works of U.S. Steel, Bethlehem Steel, Midwest Steel and Inland Steel. These works are served by the Northern Indiana Public Service Company from a fossil fuel plant located adjacent to Cowles Bog. The power company plans to enlarge their generating capacity by the construction of a nuclear plant in the same area. As a result, many of the most significant areas of the Indiana Dunes have been lost.

In 1965, the Senate passed legislation to set aside slightly more than 11,000 acres as a National Lakeshore. That acreage was reduced in the final Act to the present 8,330. The past decade has been a rapid expansion of subdivision growth as well as planning for industrial expansion.

Although it is impossible to go back to 1917 or even 1965, and preserve the park which should have been established, it is imperative that those areas which can contribute significantly to the recreational and ecological integrity of the area be acquired.

A map of the additions proposed by the Committee follows with a detailed description of the individual tracts appearing in the section-by-section analysis.



SECTION-BY-SECTION ANALYSIS

Paragraph 1

Substitutes a reference to a new boundary map dated August, 1976, the effect of which is to revise the boundaries of the Lakeshore from 8,329.8 acres to 11,231.8 acres, including in the new boundary 2,766.08 acres of additional land and 542 acres of submerged land and water area extending 300 feet into Lake Michigan.

A description of the areas included by the Committee follows:

Unit 1-A: The Committee included two parcels totalling 93.60 acres at an approximate cost of \$2,440,000. The first of these parcels is located on the west side of West Beach and totals approximately 80.75 acres. This area would provide a necessary buffer and a natural transition between the West Beach developed area and Gary to the west. Residential encroachment is imminent and will in time form a visible building skyline seen from the developed area. Hiking trails, natural interpretation and other low density uses have been suggested for this area. The second parcel is a small segment of land (12.85 acres) which is a natural extension of Long Lake lying south of the Gary-Hobart impoundment. Acquisition now would prevent the extension of the unnatural diked area and permit natural drainage to continue from the east.

Unit 1-B: The Committee included 527 acres in this parcel at an approximate cost of \$3,585,000.

This is a wide expanse of ancient cattail marshes, dune ridges of variable heights and scattered oak groves prized by naturalists and geologists.

This area was originally included in the National Lakeshore "Compromise" bill of 1963. Unfortunately, it was dropped out of the bill that passed in 1966. The area was originally included for valid and vital reasons, and those reasons remain. The need for this tract for the National Lakeshore grows more pressing as the population of Northern Indiana increases.

It is probably the most important of all the proposed additions to the National Lakeshore since it is the only sizeable parcel capable of relieving the expected overcrowding of the West Beach Unit. Being presently devoid of structures, it could be utilized by the NPS almost immediately upon acquisition.

Formed in the ice age by the receding waters of old Glacier Lake Chicago, the area has been left largely undisturbed. It is perhaps the finest remaining display of successive stages of the old lake bottom and shoreline dunes. Primarily representative of the Tolleston period, it also reveals the ancient effects of overlays from the Algonquin and Nipissing stages, a distinctive feature which geologists say is not as clearly seen elsewhere in the Dunes.

Wild flowers bloom throughout the spring, summer and fall here, on open ridges, in swales and among black oak groves. Gentians, wild orchids and other prairie and dunes specimens are included. This type of flora is not common further east of the lakeshore because greater fire control has allowed once-open areas to become overgrown. An ecological quirk has occurred at the northwestern corner of the tract where a European import, the purple loosestrife (*Lythrum*), has taken over a large wet field, creating a mass of bright color that draws the attention of airline pilots overhead and the interest of curious botan-

ists from around the country. The area is ideal for hikers and horse-back riders, but now is being abused by motorcyclists who not only disturb wildlife but cut trails in the groundcover which will lead to unnatural erosion. The noise carries clearly to the West Beach area. The trespassers also create a litter problem. There is no prospect of control over such abuse until this prize area is brought under National Park Service protection.

Unit 1-D: This parcel contains 580.53 acres at an approximate cost of \$2,171,000 and includes 161 acres not included in previous proposals. The 161 acres contains an outstanding example of Nipissing dune development. The dunes on the property form a series of low, straight, parallel ridges not exactly duplicated within the present Lakeshore boundaries. This topography represents a series of wave-formed sand bars which were gradually uncovered in prehistoric times as the glacial lake receded to the present level.

The remaining approximately 419 acres are essential for effective management of the park.

The earliest maps of the Indiana Dunes show a long, narrow strip of wetlands between two major dune ridges, formed by a sudden drop in the old glacial lake level, extending some 25 to 30 miles across three counties. Natural eutrophication gradually dried most of the wetlands, but one prominent body of water, called "Long Lake," remained intact until the Burns Ditch drainage project lowered the water table in the 1920's. However, open water and marshlands still exist as a vestige of the old lake.

The bed of Long Lake now extends from the Miller area of Gary to Ogden Dunes. The water, which is generally quite shallow, flows slowly from the west and enters the West Beach unit of the Lakeshore park at its present boundary on Lake-Porter County Road. The flow is hindered by a road embankment, but underground movement continues by seepage. It is reasonable to expect that a pollution condition in any of the unprotected portion could adversely affect the waters within the present park boundaries. There is no outlet, and the water stops its flow in the pond at the east end of the West Beach area.

It is considered essential, therefore, to control the entire watershed of Long Lake in order to assure the long-range preservation of this valuable feature of the park. The southern boundary of the watershed is now fixed by the Penn-Central Railroad tracks and the northern edge by an unused section of the Indiana Harbor Belt Railroad tracks. The western end of the lake bed is now marshy, with a complex of undisturbed dune ridges following its course.

The lake bed, with its natural transition from open water to marshy shoreline and dunes, some quite high, provides an important and critically needed habitat for wildlife in this area. Lying as they are at the southern tip of the Lake Michigan flyway, these wetlands serve as an essential stop-over point for migratory birds and as a nesting ground for other species. Blue Heron is among the species observed. By extending the National Lakeshore boundary westward to include both the marshes and the dune ridges, additional hiking trails and other dry use areas can be added to the limited space available in the present West Beach unit.

It is proposed that the boundary be extended to a point where it becomes contiguous to an area being proposed as an extension of existing Marquette Park in the city of Gary. Thus, an important natural

access corridor to the Lakeshore would become available to visitors from Gary. The undisturbed dunes and marshes extend about one mile farther west from the line as now proposed. However, the line was drawn to be aligned with the western boundary of the Miller Lagoon and Woods Unit, as described in Unit I-E of this report.

This area, as outlined on the master map, includes a high dune bordering the unused I.H.B.R.R. tracks on the north, about halfway between the east and west ends of the Long Lake Basin. It is the last remaining undisturbed segment of a dune ridge that once bordered Long Lake on the north. Most of the original ridge has been destroyed over the years by sandmining and residential development in the Miller area of Gary. The still-remaining portion, recommended for inclusion in the park, is known locally as "Hickory Hill." It is stabilized by a growth of high dune flora of varied species and many mature trees. From the top of the ridge there is a magnificent view of the entire Long Lake Basin. The ridge is about half a mile long and a quarter mile deep. A separate smaller segment of high dune ridge is included just to the west of the West Beach unit boundary along County Line Road, and is vital to protect the main park approach along County Line Road.

Subsequent to the introduction of the Lakeshore expansion bill, "Hickory Hill" was threatened anew by a proposal for sandmining and construction of apartment buildings. Local residents opposed the destruction of the dune, but the only way to prevent its loss is to include "Hickory Hill" within the National Lakeshore. The area of the dune covers about 45 acres and contains no structures. There are two residences in the small segment west of County Line Road, which would be except from condemnation.

Unit 1-E: This parcel includes about 295.42 acres at an approximate cost of \$1,327,000.

The Long Lake Extension unit described in the previous section would bring the National Lakeshore boundaries in close proximity to Marquette Municipal Park and Beach in the Miller area of Gary. This opens the possibility of a direct linkage, such as exists now with the Indiana Dunes State Park to the east.

A yet-undeveloped and essentially unspoiled tract running north and south between the western end of the Long Lake Extension and the municipal park would make an ideal connecting link and a valuable addition to Lakeshore lands. The area in question is a tract lying between the U.S. Steel Gary Works on the west and the developed Miller area to the east. It extends from the I.H.B.R.R. tracks on the south to the Marquette Park boundary on the north. The northern portion contains the only natural segment left of the Grand Calumet River.

The tract has special ecological interest. The dunes here are of a different character than those common further east. The zone of open dunes near the shore is much wider. The interdunal spaces are filled with water, and the deep blue color contrasts dramatically with the light sand. These are "young" dunes, born "yesterday," with fore-dune flora just beginning to gain a foothold. The grasses, wild cherries, grapes and small rustling poplars complete a scene of vivid orchids and other rare flowers.

Nothing comparable to this is to be found within the present National Lakeshore boundaries.

South of the Grand Calumet River, lie the older, oak forested dunes, stabilized with a thick carpet of grass and a host of wild flowers. Here, the sparkling lagoons are in a setting of dark green, liberally sprinkled with the bright colors of the wild flowers and widely varied ground flora. The water is usually clear and open near the center of the lagoon. Near the edges, lilies or cattails mark the progression of plants to culminate in the forested dune ridge. To the artist and photographer, it is a scene to record with brush or film. To the scientist, it is an outdoor laboratory.

The band of dune ridges and lagoons extend southward to meet the western edge of the Long Lake Extension (described in Section I-D) where a scenic corridor would lead directly to the existing West Beach unit of the National Lakeshore.

The western boundary of this tract has been drawn along the edge of the U.S. Steel slag dumps. In sharp contrast to the wild open dunes and inter-dunal areas of the eastern and central portion of this tract, the view from a high dune ridge about 1,000 feet east of the western boundary toward U.S. Steel presents the visitor with a vista which could only be conceived in a science fiction novel. Shrouded in a grey layer of pollution, the outline of the U.S. Steel works are silhouetted a mile distant with the black plateau of the slag dump spreading toward the viewer.

Nowhere else in the Park System is there so ready an interpretive area for the costs of "progress."

Unit I-F: This parcel contains about 295.71 acres at a cost of \$1,835,000.

This might be considered as an extension of Unit I-B (Old Glacier Lake Dune and Marsh) directly to the east. It is, however, somewhat different in character. The area contains the remaining undisturbed portion of the complex of intersecting low dune ridges and swales left as a vestige of the Glacial Lake era when the ridges were foredunes with beach shoreline.

The ancient foredunes now have stands of mature trees growing over them, and the swales are host to a wide variety of flowers. Like the other Glacial Lake unit, the area is ideally suited for short hikes and the study of duneland flora. It is also particularly fine for "birding."

Preserving this section south of U.S. Highway 12 as a natural area, also will add needed depth and substance to the western entrance to the National Lakeshore, preventing adverse development along the boundary of the narrow Long Lake unit and providing additional buffer protection for the existing West Beach unit. It would provide a natural barrier against urban sprawl and highway strip commercialization creeping eastward from Gary along U.S. 12. The park approaches along the highway from Gary will provide most drivers with their first exposure to the National Lakeshore.

Unit II-A: This parcel contains about 91.76 acres at an approximate cost of \$575,000.

When Northwest Indiana Public Service Co. (NIPSCO) announced plans to construct a new electric generating station at the western boundary of the Town of Dune Acres, in 1959, there was a great deal

of protest by the town's residents and conservationists. At the time, the area was made up of unspoiled dunelands which had been included in the proposals for a National Lakeshore. Despite public protest and appeals from Stewart Udall, then Secretary of the Interior, Senators Gruening and Moss, and others, the company proceeded with construction. The only concession made was that Dune Acres would be granted a 500-foot "greenbelt" along the eastern and northern boundaries of company property. Later, for the eastern side, the buffer was reduced by NIPSCO to 300 feet, despite protests. NIPSCO retained ownership of the land involved.

However, recent events have demonstrated that such buffers, as defined under county laws, provide little if any real protection.

Direct dumping of ash, iron oxides and other solid wastes is being carried out in the western edge of Cowles Bog, a National Natural Landmark within the National Lakeshore. The company has constructed and is maintaining a dike, which is being used for interpretive purposes, to alleviate any pollution.

Although a proposal was made to acquire both the dike and the fly ash areas, the Committee believes that the responsibility *and the cost* for alleviating any adverse impact on the resources of the National Lakeshore should be borne by NIPSCO either by their shareholders or their consumers for whose benefit the pollution occurs. The Committee strongly believes that the Secretary of the Interior should take whatever action is necessary to preserve the park resources including injunctive relief for continuing trespass. The Secretary has an obligation to "conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" (16 U.S.C. 1). The Committee, after assurances from NIPSCO, has adopted language providing for acquisition of this area only if representatives of NIPSCO and the Secretary of the Interior fail to enter into and maintain a cooperative agreement which will provide for the ecological protection of Cowles Bog and the area north of the present earthen dike and assure reasonable public access along the dike for interpretive purposes. It is not the intention to unduly interfere with the operations of NIPSCO if the national interest in the preservation of park resources can be otherwise accomplished. The remainder of the area not covered by the agreement would remain available for normal utility operations including the weather monitoring tower, existing and contemplated transmission lines and towers and other support facilities related to the fossil generating plant and the contemplated nuclear plant. The major visual impact on the area would be the enormous cooling tower for the nuclear plant and the Committee hopes that the visual pollution caused by the tower is properly evaluated prior to foregoing other modes of heat dispersion.

Unit II-B: This tract contains two parcels totalling about 139.81 acres at a cost of approximately \$3,050,000.

A small area on the east and west sides of Waverly Road and north of the Chicago South Shore and South Bend Railroad tracks is now excluded from the National Lakeshore, although surrounded on all four sides by the national and state parks. The east side of the road is unincorporated and under Porter County jurisdiction. The west side is within the Town of Porter. Neither side is served by water or sewer lines.

Presumably, the existence of a number of small residences in the area was the reason for omission. However, the density of the structures, many of which are summer cottages, is no higher than can be found in other communities which were incorporated in the park.

Events subsequent to authorization of the lakeshore in 1966, however, have demonstrated the necessity of including the area. These have to do with the controversial plan for construction of a drainage canal called "Markowitz Ditch," including underground drain pipe, proposed by the County Drainage Board. Its purpose is to lower the water table sufficiently to permit the use of septic tanks and wells on small lots, and to relieve surface water flooding at the northern end of the area. This is to encourage full development on the lots that are plotted but still largely vacant because of the drainage problem. Ultimately, the ditch would serve the communities on both sides, it can be assumed, although only the unincorporated portion is now included.

This ditch would empty into the Indiana Dunes State Park, joining Dunes Creek within the park, which in turn flows into Lake Michigan at the main bathing beach.

The State of Indiana opposes this project on the obvious grounds that it would result in increased pollution of the bathing beach waters and cause destruction of portions of the park ecology. The National Park Service and citizen conservation groups joined in opposition, citing the additional possibility of the water level in nearby Cowles Bog being lowered.

The best solution would be to incorporate the area in the park and the elimination of existing residences, eliminating the need for drainage and providing, ultimately, a section useful for a variety of park activities.

Also recommended for inclusion is a wooded dune ridge and an interdunal meadow on the east and west sides of the road leading to the Indiana Dunes State Park and south of the Markowitz Ditch area. The ridge contains two drains leading from higher land that empty into the Waverly Road section discussed. Acquisition, therefore, would permit the Park Service to control all of this major drainage pattern. Additionally, the dune ridge and meadow involved are of significant natural value in a strategic location on the approaches to the State Park.

Unit II-C: This parcel contains about 20 acres and will cost approximately \$140,000. The relatively small Tremont Road section should be included within the lakeshore boundary to provide additional buffer and trail area within that section of the Park where maximum traffic is anticipated. The area is rolling wooded dune land and will round out the boundary of the Lakeshore.

Unit II-D: This parcel contains about 165 acres at an approximate cost of \$680,000. A major portion of this newly added 165 acre tract consists of a marsh that is part of a drainage system already included in the authorized lakeshore area. Water enters the marsh from the southwest and flows northward, eventually forming a stream flowing under U.S. 12 and into the lakeshore again, where it finally reaches Lake Michigan. This acquisition would provide for N.P.S. administration of virtually the entire watershed in this area.

The northern portion of the tract contains unspoiled low wooded dunes and dunes habitat. While the topography is certainly not as spectacular as that elsewhere in the lakeshore, the easy hiking avail-

able and the proximity to Park Service headquarters make Unit II-D attractive for the specialized needs of handicapped and elderly park visitors.

Unit III-B: This parcel contains about 30 acres at an approximate cost of \$1,762,000. At the eastern extremity of the lakeshore boundaries, as presently drawn, is a small triangularly shaped tract between the shore and transmission lines from the Michigan City NIPSCO generating station. This was left out of the original park plan, although it would appear to be a natural extension of the beach. The land is the property of the power company.

This is a highly scenic sample of dunes shoreline, with a crescent-like formation of the beach that makes a pleasant little bay frequently used for swimming. There are impressive saddle-shaped dunes, 80 feet high, behind the beach that serve as a buffer between the scenic Mount Baldy area to the west and the NIPSCO generating plant.

The Committee adopted a similar approach for this area as it did for Unit II-A. A cooperative agreement would preserve the national interest in this area while allowing the utility company to maintain the shoreline and control erosion. The agreement should provide for public access and preservation of the area for the future movements of Mount Baldy. Acquisition of the area is provided, however, should the cooperative agreement either not be entered into or be broken.

Unit III-C: This parcel contains about 12 acres at an approximate cost of \$200,000. The Committee adopted this area to round out the area included in II-D.

Unit V: This area includes several parcels totalling about 180 acres at an approximate cost of \$669,000.

Pinhook Bog is widely recognized among ecologists as an exceptional and irreplaceable natural haven for the life forms peculiar to dunes wetlands. It is another National Registered Landmark within the present master plan, detached by several miles from the main body of the national park. Thus isolated, it is particularly vulnerable to activities that occur on its boundaries or in the immediate surroundings that might pollute its waters or otherwise threaten the fragile ecosystems that thrive here.

When boundaries were drawn around it, these possibilities were not accounted for adequately. As a result, the area placed under the protection of the park is too small to provide the margin of safety required.

Certain occurrences recently have demonstrated the need to obtain high ground around the bog for protection against pollution. A specific instance is the practice of the Indiana Toll Road Commission to store salt and cinder piles on grounds draining into the bog, despite repeated appeals from the Park Service and others to relocate them. The only response has been to construct a simple coffer dam which inadequately controls surface run-off, but not leaching. With sandy soil conditions, seepage of brine through the ground into the bog is inevitable. An increase in the salinity of the water can already be measured.

Unit VI-B: This parcel includes about 330 acres which would be acquired only by donation since it is now virtually all in public ownership via a recent Land and Water Conservation Fund grant made during Committee consideration of this legislation.

An area of great historic and ecological value located in the Highland-Griffith region of Lake County, the "Hoosier Prairie" has been a

long-term concern of local citizens and conservation authorities seeking its preservation.

The prairie is recommended for inclusion as a detached ecological preserve, representing particular features of the prehistoric landscape, as in the case of Pinhook Bog. It covers approximately 300 acres, and is situated just east of Kennedy Avenue and north and south of 53rd Avenue (Mail Street).

The Hoosier Prairie site has been given a top priority rating by Dr. A. A. Lindsey, Director of the Indiana Natural Areas Survey. In addition to the fact that it represents the last remaining area in Indiana where the original prairie still exists as a landscape type, it is uniquely associated with plant succession in the dunes, according to Dr. W. J. Beecher of the Chicago Academy of Sciences, dating far back in time. The Prairie was formed by the most ancient of the interdunal ponds or lakes left in the receding stages of the glacial lake, which accounts for its distance from the present shoreline.

In addition the Committee extended the present boundaries of the Lakeshore three hundred feet into Lake Michigan (approximately 542 acres) in order to provide for better management of shoreline recreation and activities on the Lake. At present the Park Service has difficulty in regulating boating and protecting swimmers. In this connection the Committee notes that the City of Gary has proposed the construction of a small boat harbor in the area north of Unit 1-E. The Committee has no objection to this proposal provided it is in agreement with the general management plans of the National Park Service for this area.

The Committee also included a 1/4 acre strip of land at the crossing of Kemil Road and Route 20 which is necessary to preserve the entrance to the present park facilities along Kemil Road. Other areas proposed for inclusion were rejected by the Committee for a variety of reasons. Some tracts were unreasonably expensive, others possessed little or no recreational or natural value, and others were virtually inaccessible.

Among the areas excluded were 1-A East, the northern section of which is being placed in public ownership by the town of Ogden Dunes requiring acquisition by donation only in accordance with Committee policy and the central and southern portion of which is screened from West Beach and is currently under intensive development. Unit 1-C was excluded because it is isolated from the remainder of the Lakeshore and is immediately adjacent not only to industrial development, but the eastern edge of unit 1-C is being used for settling basins by the Midwest Steel division of National Steel. The four parcels comprising the Little Calumet were excluded as being of marginal recreation or natural significance even from a local standpoint. The responsibility for its preservation, pollution control, and recreational development and protection should rest with the State of Indiana. The Little Calumet is neither unspoiled nor a major river valley. Altered by man in the past, the Calumet is at present undergoing channeling, ditching and stream bed relocation. The future holds even greater changes for this stream. More than one quarter of the stream's length has already experienced these changes. Acquisition of unmanageable stream will strain the manpower resources of the park. Recreational potential is low; canoeing during periods of high water and hiking

when the flood plain would be dry enough to support such use would be limited even during the recreation season.

The Beverly Shores area presented a more significant problem. The proposals before the Committee contemplated acquisition of 652 acres containing 286 improvements at a cost in excess of \$23 million. Although continuation of the present arrangement does present some administrative and management difficulties for the Park Service, the Committee deleted this parcel for several reasons. The cost of this parcel alone exceeds the combined cost of all other parcels included by the Committee. In addition, the proposals all included a version of the "Cape Cod formula" providing owners with a right of use and occupancy for a number of years. Under these conditions the public would have little use of the area until possibly 2010 when the last inholding could be eliminated and the land given a chance to revert. Beverly Shores is also not the largest inholding in the eastern portion of the Lakeshore. The 2,200 acre State park is completely fenced preventing access from the Lakeshore, including along the beach. The Committee did feel that additional information was needed to properly consider the Beverly Shores situation and accordingly adopted an amendment providing for a study of various aspects of the Beverly Shores problem, including the recreational potential of the area and alternatives to achieve that potential.

Paragraph 2.—Adds language requiring publication in the Federal Register of a detailed boundary description by January 1, 1977; and includes general authority to make minor boundary revisions from time to time.

Paragraph 3.—Adds a new date, February 1, 1973, to definition of improved property, applicable to properties added by the bill which will be subject to retained use and occupancy rights.

Paragraph 4.—Repeals language in the 1966 Act which prohibits condemnation of improved properties so long as they are covered by appropriate local zoning; requires retained use and occupancy rights to be subject to terms and conditions as the Secretary deems appropriate to assure their use in accordance with the Act.

Paragraph 5 (a).—Amends the use and occupancy provisions of the 1966 Act in the following ways:

- (1) excludes owners within unit II-B (Markowitz Ditch), from use and occupancy rights;
- (2) adds a requirement that an owner have attained the age of majority to be eligible to retain use and occupancy rights;
- (3) changes from twenty-five years to twenty years the maximum term that an owner may retain.

Paragraph 5 (b).—Conforms language in the existing 1966 Act pertaining to termination of rights of use and occupancy to the earlier repeal of zoning standards; adds to grounds for termination of rights of use and occupancy the following:

- (1) failure of the property to be used in accordance with terms and conditions (formerly was failure of property to be used in accordance with zoning);
- (2) non-payment of local property taxes on a retained right. Recognizes rights that have been retained under 1966 Act, and states that earlier zoning standards shall continue to apply to those rights.

Paragraph 6 (a).—Expands the Indiana Dunes National Lakeshore Advisory Commission by four members to be designated from specified categories.

Paragraph 6 (b).—Adds as a function of the Advisory Commission assistance in the identification of areas outside the boundaries of the lakeshore for disposal of industrial solid waste produced by a coal-fired power plant.

Paragraph 7.—Increases the authorization of funds for land acquisition from \$35,526,000 to \$57 million, and establishes a ceiling on appropriations for development of \$8,500,000; in addition directs the Secretary to develop and transmit to the Interior Committees following public hearings no later than December 31, 1978, a general management plan for the lakeshore.

Paragraph 8.—Adds four new sections to the 1966 Act:

SEC. 11. Preserves existing rights-of-way or easements necessary for high-voltage electrical transmission, pipelines, water mains, or line-haul railroad operations and maintenance.

SEC. 12. States that the Act is not to be interpreted to make more restrictive any air or water pollution standards applicable to the area, nor should it be interpreted to augment the control of pollution sources as otherwise required by law. This section, however, is *not* to be interpreted as restricting the Secretary's obligation and authorities to protect park resources by whatever means are available.

SEC. 13. Directs the Secretary to develop a detailed acquisition plan showing lands previously acquired as well as the recommended acquisition program for the next five years, and to transmit the plan to the appropriate Committees within one year.

SEC. 14. Suspends the Secretary's authority to acquire by condemnation units II-A (NIPSCO Greenbelt) and III-B (Crescent Dunes), if within six months the owners enter into cooperative agreements which will protect the areas and provide public access.

Paragraph 9.—Conforming amendment to repeal section 5 of the 1966 Act which provides for Secretarial approval of and standards for local zoning; and renumbers succeeding sections accordingly.

Section 2. This section provides for a study of the Beverly Shores Island situation in order to provide the Committee with sufficient information and alternatives to properly resolve this problem.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Interior and Insular Affairs, in open business session on August 4 and 5, 1976, by unanimous vote of a quorum present recommends that the Senate pass H.R. 11455 if amended as described herein.

COMMITTEE AMENDMENTS

The Committee adopted an amendment in the nature of a substitute which is discussed in detail in the Section-by-Section Analysis. The primary differences between the Committee-adopted text and the original text of the House-passed measure is the elimination of several areas which the Committee considered to be inappropriate for inclusion in the National Lakeshore due to either unreasonable expense, inaccessibility, or marginal resource value. In addition, the Committee limited

the application of the Cape Cod formula in the future to a maximum of 20 years retained right of use and occupancy in order that all in-holdings may be eliminated from the National Lakeshore at approximately the same time. The Committee also made some technical changes to give full effect to the repeal of the suspension of the Secretary's acquisition authority in the House bill.

COST AND BUDGETARY CONSIDERATIONS

The Committee anticipates the cost of this measure to be \$21,474,000.

The fiscal year impact land acquisition authorization of H.R. 11455 cannot be accurately estimated due to the fact that appropriations have been limited to amounts available under the Land and Water Conservation Fund each fiscal year. It is anticipated that funds will be allocated for this project at some point from the general appropriations for land acquisition by the National Park Service.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the Committee from the Office of Management and Budget and from the Department of the Interior setting forth Executive agency recommendations relating to H.R. 11455 and S. 3329 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 25, 1976.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to the request of your Committee for the views of this Department on S. 3329 and H.R. 11455 as passed by the House, similar bills, "To amend the Act establishing the Indiana Dunes National Lakeshore to provide for the expansion of the lakeshore, and for other purposes."

We recommend the enactment of the enclosed substitute bill in lieu of the aforementioned bills.

S. 3329 would amend the 1966 Act establishing the Indiana Dunes National Lakeshore to provide for the addition of approximately 4,686 acres to the lakeshore at a cost of \$57,855,900. H.R. 11455 would provide for the addition of approximately 4,340 acres to the lakeshore at a cost of \$53,488,400.

Both S. 3329 and H.R. 11455 would expand the Indiana Dunes National Lakeshore Advisory Commission from seven to eleven members. The bills contain language which authorizes the Secretary to permit rights-of-way for roads, utilities, pipelines, water mains, or conveyers. Whereas under the existing Act owners of "improved property" may retain a right of use and occupancy for a fixed term of not to exceed 25 years, these bills would expand this right to include both a term of years and a life estate for the life of the owner or his spouse, whoever lives longer. Both bills provide that non-payment of validly assessed property taxes by a person who has a reserved use and occupancy shall be grounds for termination of that right by the Secretary.

H.R. 11455 amends the existing Act to permit the condemnation of all property. However, S. 3329 would prohibit the condemnation of "improved property" so long as approved zoning is in effect, and if the owner gives the government the first opportunity to purchase the property if he sells it.

The Indiana Dunes National Lakeshore, authorized by an Act of Congress on November 5, 1966 (80 Stat. 1309), contains an unusual complex of exceptional dunes, rising to heights of 200 feet; numerous marshes, swamps, and bogs; a diversity of flora and fauna; and attractive sand beaches along the lakeshore. In addition to being of scientific interest, the area is ideally suited to meeting the recreational needs of the people of the region. There are more than 9.5 million people living within a 100-mile radius of the lakeshore. When completed, the Indiana Dunes National Lakeshore will provide ideal conditions for beach-goers as well as for hikers, campers, and naturalists.

The National Park Service has identified approximately 203 acres of land which we believe should be added to the existing lakeshore immediately. Those areas include:

1. *West Beach additions*.—Geographically, the West Beach additions are composed of two parcels of land located on opposite sides of the West Beach development unit of the lakeshore. Together these parcels comprise approximately 53 acres and would cost approximately \$575,000.

2. *Pinhook Bog*.—This bog is widely recognized among ecologists as an exceptional and irreplaceable natural haven for the life forms peculiar to dunes wetlands. Pinhook Bog has been found to be eligible for recognition as a Natural Landmark by the Secretary's Advisory Board on National Parks, Historic Sites, Buildings and Monuments.

The approximately 150 acres herein recommended for addition to the Pinhook Bog unit are expected to cost approximately \$505,000 while tax losses to the local government would approximate \$1,125. Presently there are 3 improvements on this additional acreage.

In addition, we have identified several other areas which would be appropriate for acquisition at such time as we have completed the necessary development and acquisition within the existing authorized lakeshore. These other areas include:

1. *Furnessville Marsh*.—This approximately 156-acre parcel of land contains the remaining marsh portion of a drainage system which is presently within the authorized boundaries of the lakeshore. Its acquisition would permit the Service to control nearly all of that watershed. Further, the area provides an exceptional opportunity for the development of easy hiking trails in the proximity of the present lakeshore headquarters. This land will lend itself extremely well to the development of trails designed for the elderly and handicapped.

Land acquisition costs of this parcel would approximate \$680,000 and would remove approximately \$2,237 from the tax income of the local government. There are two improvements located in this parcel.

2. *Glacial Lake Dunes and Marshes*.—This area, located immediately south of the present West Beach development unit, consists of approximately 527 acres of a wide expanse of ancient cattail marshes, dune ridges of variable heights, and scattered oak groves prized by naturalists and geologists. Its acquisition would approximate \$3,585,000 and would remove approximately \$29,905 from the tax income

of the local government. Presently the parcel contains three improvements.

3. *West Beach High Dune*.—This area consists of 80.75 acres and would cost approximately \$2,396,000.

S. 3329 and H.R. 11455 would add considerable other acreage to the established lakeshore, much of which we feel is not needed. In many areas highly concentrated industrial and/or residential development has despoiled any natural, scientific or recreational potential that the land might have once offered. For example, those areas east and southeast of the town of Ogden Dunes, Beverly Shores, and the areas near the Gary Airport. Other areas that would be added to the lakeshore by these bills would either be unmanageable or contrary to the purposes of the lakeshore.

The proposed additions along the Little Calumet River and Salt Creek, undoubtedly a good local recreational resource, should become the responsibility of the State or other local government agency. The two streams could provide educational opportunities and help protect the environmental quality of the growing residential areas of northern Porter County. However, this area is neither unspoiled nor a major river valley. Altered by man in the past, the Little Calumet is at present undergoing channeling, ditching, and stream relocation. The future holds even greater changes for this stream. Recent introduction of game fish in the Little Calumet, if successful, will cause this resource to be heavily used by fishermen and others seeking recreation along its shores. Conservation easements will not be sufficient interest in this area if the proposed fishery is successful. Pollution control is of primary importance; management, supervision, and control of the public will become a major problem. Only separate management by some local or State agency would provide proper control and management of the use of this area.

These bills would also add the area known as Hoosier Prairie to the lakeshore as a detached addition. While this area has been recognized by the Secretary's Advisory Board as having national significance, its addition to the lakeshore is not recommended for several reasons. Resource management practices have long indicated that a prairie such as this is perpetuated by fire, a situation which would be nearly impossible here owing to the fact that it is partially surrounded by oil storage tanks and residential development. Additionally, the prairie exhibits little if any significance for which the lakeshore was established. Its management could only be accomplished by an agency other than the Service owing to its physical separation from the remainder of the lakeshore. Consequently, we recommend that the State of Indiana seek other sources of revenue such as the Land and Water Conservation Fund to effect the prairie's preservation and management.

Under the existing Act, "improved property" is exempt from condemnation so long as approved zoning is in effect. Under the provisions of H.R. 11455, the Act is amended to permit condemnation of all property. S. 3329 would prohibit condemnation of improved property so long as approved zoning is in effect, and if the owner gives the government the first opportunity to purchase the property if he sells it. We believe that the language of H.R. 11455 is a step in the right direction if these lands are ever to be made available for public use and enjoyment. In this heavily built up urban setting, green space is at a pre-

mium, and if the Federal Government is to purchase lands for urban recreation purposes as would be the case under these bills, we believe that the legislation ought to provide eventually for termination of all continued occupancy rights.

The enclosed substitute bill would amend the 1966 Indiana Dunes National Lakeshore Act by substituting reference to a new boundary map incorporating the additional lands we recommend to be added to the lakeshore, and by increasing the amount authorized to be appropriated for land acquisition. An increase of \$1,080,000 is needed to acquire the approximately 203 acres we recommend be added to the lakeshore immediately.

The draft substitute bill further amends the 1966 Act to add a member to the Advisory Commission to be appointed from recommendations submitted by the Mayor of Portage. In addition, because public use of the expanded lakeshore will have a substantial impact on the City of Gary in providing roads, sewers, and other municipal services, the draft bill also provides for a member of the Commission to be appointed from recommendations of the Mayor of Gary. It therefore expands the existing membership of the Commission from seven to nine. The bill also makes a technical amendment providing for rotation of the Commission member chosen from recommendations submitted by the seven towns referred to in section 8(b)(3) of the 1966 Act.

The Office of Management and Budget has advised that there is no objection to the presentation of this report and that enactment of S. 3329 and H.R. 11455 would not be consistent with the program of the President.

Sincerely yours,

NATHANIEL REED,
Assistant Secretary of the Interior.

Enclosure.

A BILL To revise the boundaries of the Indiana Dunes National Lakeshore, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of November 5, 1966 (80 Stat. 1309), providing for the establishment of the Indiana Dunes National Lakeshore, is amended—

(1) by deleting from the second sentence of the first section "A proposed Indiana Dune National Lakeshore," dated September 1966, and bearing the number 'LNPNE-1008-ID,' and inserting in lieu thereof 'Boundary Map, Indiana Dunes National Lakeshore,' dated May 1975, and numbered 626-20,008-B;"

(2) by inserting the following immediately preceding the semicolon in subsection 8(b)(3): "and unless no nominations are received, the member appointed pursuant to this paragraph shall not be a resident of the same town for consecutive terms;"

(3) by deleting "seven" from subsection 8(b) and inserting "nine" in lieu thereof, redesignating paragraphs (5) and (6) of subsection 8(b) as (7) and (8), and inserting the following new paragraphs (5) and (6);

"(5) one member who is a year-round resident of the city of Portage to be appointed from recommendations made by the Mayor of such city;

"(6) one member who is a year-round resident of the city of Gary to be appointed from recommendations submitted by the Mayor of such city"; and

(4) by revising section 10 to read as follows:

"SEC. 10. There are hereby authorized to be appropriated not more than \$37,606,000 for the acquisition of land and interests in land pursuant to this Act."

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill H.R. 11455, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

18. Indiana Dunes

AN ACT To provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes (80 Stat. 1309)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for the educational, inspirational, and recreational use of the public certain portions of the Indiana dunes and other areas of scenic, scientific, and historic interest and recreational value in the State of Indiana, the Secretary of the Interior is authorized to establish and administer the Indiana Dunes National Lakeshore (hereinafter referred to as the "lakeshore") in accordance with the provisions of this Act. The lakeshore shall comprise the area within the boundaries delineated on a map identified as ["A Proposed Indiana Dunes National Lakeshore", dated September 1966, and bearing the number "LNPNE-1008-ID"] "*Boundary Map, Indiana Dunes National Lakeshore,*" dated August, 1976, and bearing the number 626-91,006, which map is on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior.

SEC. 3. As soon as practicable after the effective date of this Act and following the acquisition by the Secretary of an acreage within the boundaries of the area described in section 1 of this Act which in his opinion is efficiently administrable for the purposes of this Act, he shall establish the Indiana Dunes National Lakeshore by publication of notice thereof in the Federal Register. *By no later than January 1, 1977, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the lakeshore. The Secretary may from time to time make minor revisions in such boundaries by publication in the Federal Register of a revised map or other boundary description.* Following such establishment and subject to the limitations and conditions prescribed in section 1 hereof, the Secretary may continue to acquire lands and interests in lands for the lakeshore.

SEC. 4. [(a) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all improved property located within the boundaries of the lakeshore during all times when an appropriate zoning agency shall have in force and applicable to such property a duly adopted, valid zoning ordinance approved by the Secretary in accordance with the provisions of section 5 of this Act.]

[(b)] The term "improved property" whenever used in this Act, shall mean a detached, one-family dwelling, construction of which was begun before *February 1, 1973, or in the case of improved property located within the boundaries delineated on a map identified as "A Proposed Indiana Dunes National Lakeshore", dated September 1966, and bearing the number "LNPNE-1008-ID", which map is on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, before January 1, 1965,* 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 an structures accessory to the dwelling which are situated on the lands so designated. The amount of land so designated shall in every case be not more than three acres in area, and in making such designation the Secretary shall take into account the manner of non-commercial residential use in which the dwelling and land have customarily been enjoyed: *Provided, That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters, as he may deem necessary for public access thereto or public use thereof. All rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of such property in accordance with the purposes of this Act.*

[(c) SEC. 5. (a) As soon as practicable after enactment of this Act, the Secretary shall issue regulations specifying standards for approval by him of zoning ordinances for the purposes of sections 4 and 6 of this Act. The Secretary may issue amended regulations specifying standards for approval by him of zoning ordinances whenever he shall consider such amended regulations to be desirable due to changed or unforeseen conditions. The Secretary shall approve any zoning ordinance and any amendment to any approved zoning ordinance submitted to him which conforms to the standards contained in the regulations in effect at the time of adoption of such ordinance or amendment by the zoning agency. Such approval shall not be withdrawn or revoked, by issuance of any amended regulations after the date of such approval, for so long as such ordinance or amendment remains in effect as approved.

[(b) The standards specified in such regulations and amended regulations for approval of any zoning ordinance or zoning ordinance amendment shall contribute to the effect of (1) prohibiting the commercial and industrial use, other than any commercial or industrial use which is permitted by the Secretary, of all property covered by the ordinance within the boundaries of the lakeshore; and (2) promoting the preservation and development, in accordance with the purposes of this Act, of the area covered by the ordinance within the lakeshore by means of acreage, frontage, and setback requirements and other provisions which may be required by such regulations to be included in a zoning ordinance consistent with the laws of the State of Indiana.

[(c) No zoning ordinance or amendment thereof shall be approved by the Secretary which (1) contains any provision which he may consider adverse to the preservation and development, in accordance with the purposes of this Act, of the area comprising the lakeshore; or (2)

fails to have the effect of providing that the Secretary shall receive notice of any variance granted under and any exception made to the application of such ordinance or amendment.

[(d) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this Act, is made the subject of a variance under or exception to such zoning ordinance, or is subjected to any use, which variance, exception, or use fails to conform to or is inconsistent with any applicable standard contained in regulations issued pursuant to this section and in effect at the time of passage of such ordinance, the Secretary may, in his discretion, terminate the suspension of his authority to acquire such improved property by condemnation.]

[(e) The Secretary shall furnish to any party in interest requesting the same a certificate indicating, with respect to any property located within the lakeshore as to which the Secretary's authority to acquire such property by condemnation has been suspended in accordance with provisions of this Act, that such authority has been so suspended and the reasons therefor.]

[SEC. 6.] SEC. 5. (a)

[Any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the improved property for noncommercial residential purposes for a term of twenty-five years, or for such lesser time as the said owner or owners may elect at the time of acquisition by the Secretary.]

Except for owners of property within the area on the map referred to in the first section of this Act as unit II-B, any owner or owners, having attained age of majority, of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the improved property for noncommercial residential purposes for a term of twenty years, or for such lesser term as the owner or owners may elect at the time of acquisition by the Secretary.

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. 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 of the property on the date of such the fair market value on such date of the right retained by the owner.

[(b) The Secretary shall have authority to terminate any right of use and occupancy as provided in subsection (a) of this section at any time after the date upon which any use occurs with respect to such property which fails to conform or is in any manner opposed to or inconsistent with the applicable standards contained in regulations issued pursuant to section 5 of this Act and which is in effect on said date: *Provided*, That no use which is in conformity with the provisions of a zoning ordinance approved in accordance with said section 5 and applicable to such property shall be held to fail to conform or be opposed to or inconsistent with any such standard. In the event the Secretary terminates a right of use and occupancy under this subsection, he shall pay to the owner of the right so terminated an amount equal to the fair market value of the portion of said right which remained unexpired on the date of termination.]

(b) *Upon his determination that the property, or any portion thereof, has ceased to be used in accordance with the applicable terms and conditions, the Secretary may terminate a right of use and occupancy. Nonpayment of property taxes, validly assessed, on any retained right of use and occupancy shall also be grounds for termination of such right by the Secretary. In the event the Secretary terminates a right of use and occupancy under this subsection he shall pay to the owners of the retained right so terminated an amount equal to the fair market value of the portion of said right which remained unexpired on the date of termination. With respect to any right of use and occupancy in existence on the effective date of this sentence, standards for retention of such rights in effect at the time such rights were reserved shall constitute the terms and conditions referred to in section 4.*

[SEC. 7.] SEC. 6. (a) In the administration of the lakeshore the Secretary may utilize such statutory authorities relating to areas of the national park system and such statutory authority otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(b) In order that the lakeshore shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing or with the preservation of such historic sites and structures as the Secretary may designate: *Provided*, That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific features within the lakeshore by establishing such trails, observation points, and exhibits and providing such services as he may deem desirable for such public enjoyment and understanding: *Provided further*, That the Secretary may develop for appropriate public uses such portions of the lakeshore as he deems especially adaptable for such uses.

[SEC. 8] SEC. 7. (a) There is hereby established an Indiana Dunes National Lakeshore Advisory Commission. Said Commission shall terminate ten years after the date of establishment of the national lakeshore pursuant to this Act.

(b) The Commission shall be composed of [seven] eleven members, each appointed for a term of two years by the Secretary, as follows: (1) one member who is a year-round resident of Porter County to be appointed from recommendations made by the commissioners of such county; (2) one member who is a year-round resident of the town of Beverly Shores to be appointed from the recommendations made by the board of trustees of such town; (3) one member who is a year-round resident of the towns of Porter, Dune Acres, [Portage.] Pines, Chesterton, Ogden Dunes, or the village of Tremont, such member to be appointed from recommendations made by the boards of trustees or the trustee of the affected town or township; (4) one member who is a year-round resident of the city of Michigan City to be appointed from recommendations made by such city; (5) two members to be appointed from recommendations made by the Governor of the State of Indiana; [and] (6) one member to be designated by the [Secretary.] Secretary; (7) one member who is a year-round resident of the city of Gary to be appointed from recommendations made by the mayor of such city; (8) one member who is a year-round resident of the towns

of Highland, Griffith, or Schererville to be appointed from recommendations made by the board of trustees of such towns; (9) one member who is a year-round resident of the city of Portage to be appointed from recommendations made by the mayor of such city; and (10) one member who holds a reservation of use and occupancy and is a year-round resident within the lakeshore to be designated by the Secretary.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expense reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

(e) The Secretary or his designee shall, from time to time, consult with the Commission with respect to matters relating to the development of the Indiana Dunes National Lakeshore and with respect to the provisions of sections 4, 5, and 6 of this Act.

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

[SEC. 9.] SEC. 8. Nothing in this Act 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.

* * * * *

[SEC. 10.] SEC. 9. There are hereby authorized to be appropriated [not more than \$35,526,000 for the acquisition of land and interests in land pursuant to this Act.] *such sums as may be necessary to carry out the provisions of this Act, but not more than \$57,000,000 for the acquisition of lands and interests in lands, and not more than \$8,500,000 for development.*

By December 31, 1978, the Secretary shall, following appropriate public hearings, develop and transmit to the Committees 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 Act, indicating:

- (1) *the facilities needed to accommodate the health, safety, and recreation needs of the visiting public;*
- (2) *the location and estimated cost 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.*

SEC. 10. Nothing in this Act 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.

SEC. 11. 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.

SEC. 12. Within one year after the effective date of this section, 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 land which he has previously acquired by purchase, donation, exchange, or transfer for administration for the purposes of the lakeshore, and*

(2) *the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.*

SEC. 13. With respect to the areas on the map referred to in the first section of this Act as units II-A and III-B, if the owners of such property within six months from the effective date of this section enter into cooperative agreements acceptable to the Secretary which will (1) with respect to unit II-A, protect the environmental, ecological, and visual integrity of Cowles Bog and the area north of the dike and assure reasonable public access along the dike for interpretive purposes, and (2) with respect to unit III-B will provide reasonable public access and preserve the environmental integrity of the area, the Secretary's authority to acquire such property shall be suspended as to each unit so long as the applicable agreement is in effect.

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H. R. 11455

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To amend the Act establishing the Indiana Dunes National Lakeshore to provide for the expansion of the lakeshore, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (80 Stat. 1309), as amended (16 U.S.C. 460u), is further amended as follows:

(1) The last sentence of the first section of such Act is amended by striking out "A Proposed Indiana Dunes National Lakeshore", dated September 1966, and bearing the number 'LNPNE-1008-ID' and inserting in lieu thereof "Boundary Map, Indiana Dunes National Lakeshore", dated September 1976 and bearing the number '626-91007'.

(2) Section 3 of such Act is amended by inserting the following at the end of the first sentence: "By no later than October 1, 1977, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the lakeshore and shall from time to time so publish any additional boundary changes as may occur."

(3) (a) Subsection 4(a) of such Act is repealed, subsection 4(b) is redesignated as section 4, and the following sentence is added to new section 4: "All rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of such property in accordance with the purposes of this Act."

(b) The first sentence of section 4 of such Act is amended by inserting immediately after "was begun before" the following: "February 1, 1973, or, in the case of improved property located within the boundaries delineated on a map identified as 'A Proposed Indiana Dunes National Lakeshore', dated September 1966, and bearing the number 'LNPNE-1008-ID', which map is on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, before".

(4) (a) Section 6(a) of such Act is amended by revising the first sentence thereof to read as follows: "Except for owners of property within the area on the map referred to in the first section of this Act as area II-B, any owner or owners, having attained the age of majority, of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the rights of use and occupancy of the improved property for noncommercial residential purposes for a term of twenty years, or for such lesser term as the owner or owners may elect at the time of acquisition by the Secretary".

(b) Section 6(b) of such Act is amended to read as follows:

"(b) Upon his determination that the property, or any portion thereof, has ceased to be used in accordance with the applicable terms and conditions, the Secretary may terminate a right of use and occupancy. Nonpayment of property taxes, validly assessed, on any retained right of use and occupancy shall also be grounds for termination of such right by the Secretary. In the event the Secretary terminates a right of use and occupancy under this subsection he shall

pay to the owners of the retained right so terminated an amount equal to the fair market value of the portion of said right which remained unexpired on the date of termination. With respect to any right of use and occupancy in existence on the effective date of this sentence, standards for retention of such rights in effect at the time such rights were reserved shall constitute the terms and conditions referred to in section 4."

(5) Section 8(b) of such Act is amended (a) by striking out "seven members" and inserting in lieu thereof "eleven members", and (b) by striking out "and" immediately after "State of Indiana;", and (c) by striking out "Portage," immediately after "Dune Acres.", and (d) by inserting immediately after "designated by the Secretary" the following: "; (7) one member who is a year-round resident of the city of Gary to be appointed from recommendations made by the mayor of such city; (8) one member to be appointed from recommendations made by a regional planning agency established under the authority of the laws of the State of Indiana and composed of representatives of local and county governments in northwestern Indiana; (9) one member who is a year-round resident of the city of Portage to be appointed from recommendations made by the mayor of such city; and (10) one member who holds a reservation of use and occupancy and is a year-round resident within the lakeshore to be designated by the Secretary."

(6) Section 8 of such Act is further amended by inserting the following new subsection (f):

"(f) 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."

(7) Section 10 of such Act is amended to read as follows: "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 \$8,500,000 for development. By October 1, 1979, the Secretary shall develop and transmit to the Committees 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 Act, 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."

(8) Such Act is amended by adding at the end thereof the following:

"SEC. 11. Nothing in this Act 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.

"SEC. 12. (a) Nothing in the Act 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.

"SEC. 13. The Secretary shall acquire the area on the map referred to in the first section of this Act as area III-B within two years from the effective date of this section only if such area can be acquired for not more than \$800,000, exclusive of administrative costs of acquisition, as adjusted by the Consumer Price Index: *Provided*, That the Secretary may not acquire such area by any means after two years from the effective date of this section.

"SEC. 14. The Secretary may acquire that portion of area I-C which is shaded on the map referred to in the first section of this Act only with the consent of the owner unless the present owner attempts to sell or otherwise dispose of such area.

"SEC. 15. Within one year after the date of the enactment of this section, 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.

"SEC. 16. 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 center-line of said river.

"SEC. 17. 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. 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.

"SEC. 18. (a) 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) With respect to the property identified as area I-E on map numbered 626-91007, the Secretary may enter into a cooperative agree-

ment 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 Act.

"Sec. 19. 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 recommendations, if control is necessary, of assessing the costs of such control against those agencies responsible for such erosion; (c) consider and propose options to guarantee public access to and use of the beach area, including the location of necessary facilities for transportation, health, and safety; (d) detail the recreational potential of the area and all available alternatives for achieving such potential; (e) review the environmental impact upon the lakeshore resulting from the potential development and improvement of said areas; and (f) assess the cost to the United States from both the acquisition of said areas together with the potential savings from the retention of rights of use and occupancy and from the retention of the boundaries of the lakeshore, as designated on map numbered 626-91007, including the costs of additional administrative responsibilities necessary for the management of the lakeshore, including the maintenance of public services in the town of Beverly Shores, Indiana. With respect to area II-A, the Secretary shall study and report concerning the following objectives: (a) preservation of the remaining dunes, wetlands, native vegetation, and animal life within the area; (b) preservation and restoration of the watersheds of Cowles Bog and its associated wetlands; (c) appropriate public access to and use of lands within the area; (d) protection of the area and the adjacent lakeshore from degradation caused by all forms of construction, pollution, or other adverse impacts including, but not limited to, the discharge of wastes and any excessive subsurface migration of water; and (e) the economic consequences to the utility and its customers of acquisition of such area.

"Sec. 20. After notifying the Committees on Interior and Insular Affairs of the United States Congress, in writing, of his intentions to do so and of the reasons therefor, the Secretary may, if he finds that such lands would make a significant contribution to the purposes for which the lakeshore was established, accept title to any lands, or interests in lands, located outside the present boundaries of the lakeshore but contiguous thereto or to lands acquired under this section, such lands the State of Indiana or its political subdivisions may acquire and offer to donate to the United States or which any private person, organization, or public or private corporation may offer to donate to the United States and he shall administer such lands as a part of the lakeshore after publishing notice to that effect in the Federal Register."

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(9) Section 5 of such Act is hereby repealed, and the succeeding sections are redesignated accordingly.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT
ON THE SIGNING OF H. R. 11455

Since its establishment almost a decade ago, the Indiana Dunes National Seashore has provided a wide range of recreational opportunities for people and an excellent habitat for plants and wildlife along the southeastern shore of Lake Michigan.

Yet the Indiana Dunes has also been a point of controversy, because many people recognized that in preserving the unique qualities of the area, many lands nearby also needed protection.

I am pleased to sign into law special legislation that will expand the acreage of Indiana Dunes by over one-third. This is a welcome step in our efforts to increase the recreational opportunities and improve the quality of life for the American people.

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