

Public Law 100-537
100th Congress

An Act

To improve the management of certain public lands in the State of Michigan.

Oct. 28, 1988

[H.R. 4375]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Michigan Public
Lands
Improvement
Act of 1988.

SECTION 1. SHORT TITLE; FINDINGS AND PURPOSES; DEFINITIONS.

(a) **SHORT TITLE.**—This Act may be cited as the “Michigan Public Lands Improvement Act of 1988”.

(b) **FINDINGS.**—Congress hereby finds and declares that—

(1) within the State of Michigan there are a number of small scattered islands and upland tracts that are in Federal ownership and under the jurisdiction of the Bureau of Land Management;

(2) the public interest would be best served if these Federal islands and upland tracts continue to be managed for public recreation; preservation of open space; and for the protection of their fish, wildlife, and plants and their scientific, historic, cultural, geologic, and other resources and values;

(3) many such islands and upland tracts are not suitable for inclusion in the National Park System, National Forest System, National Wildlife Refuge System, or other Federal conservation system or for efficient management by the Bureau of Land Management;

(4) the State of Michigan is prepared and willing to undertake to manage such islands and upland tracts for such purposes and subject to appropriate conditions, but existing mechanisms for enabling the State to undertake such management are cumbersome and inefficient as applied to such small, scattered islands and tracts;

(5) elsewhere in Michigan there are unpatented lands which for many years have been in the possession of parties other than the United States but the title to which is clouded because of claims arising under public land laws or otherwise involving possible Federal residual interests;

(6) existing authorities for Federal resolution of such conflicts, and for removal of such clouds on title, are often not well suited for efficient, expeditious action that appropriately protects the interests of all parties, including the United States; and

(7) legislation to facilitate appropriate management by the State of such islands and upland tracts and to facilitate resolution of such claims and removal of such clouds would be in the public interest and would be a suitable recognition of the completion of Michigan's one hundred and fiftieth year of statehood.

(c) **PURPOSES.**—This Act is intended to provide for better management of public lands located in the State of Michigan by—

(1) transferring certain specified unclaimed islands and uplands and certain other public lands to such State for purposes

Claims.

of public recreation, protection of fish, wildlife, and plants, and the protection of resources and values; and

(2) authorizing the Secretary of the Interior to resolve claims to certain other public lands in Michigan and to transfer such lands to claimants thereof on terms that recognize the equities of such claimants in such lands.

(d) DEFINITIONS.—As used in this Act—

(1) the term “listed uplands and islands” means those vacant, unappropriated, and unreserved public lands located in the State of Michigan which are specified in the list entitled “Michigan Uplands and Islands Appropriate for State Management” dated June 1988, on file in the Office of the Secretary of the Interior;

(2) the term “public lands” has the same meaning as specified in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e));

(3) the term “claim” means an assertion by a party other than the United States that such party has title to a parcel or tract of land;

(4) the term “Recreation and Public Purposes Act” means the Act of June 14, 1926, as amended (43 U.S.C. 869 et seq.);

(5) the term “Secretary” means the Secretary of the Interior; and

(6) the term “State” means the State of Michigan.

SEC. 2. GRANT TO STATE.

(a) UNCLAIMED AREAS.—Effective one hundred and eighty days after the date of enactment of this Act and subject to its terms and conditions, the right, title, and interest of the United States in and to all listed uplands and islands, surveyed and unsurveyed, in the Great Lakes, inland lakes and rivers, and other bodies of water within the State which as of January 1, 1988, were not subject to any claim identified on the records of the Bureau of Land Management, are hereby granted to the State.

(b) CLAIMED AREAS.—Any listed uplands and islands which were subject to a claim identified on the records of the Bureau of Land Management on January 1, 1988, may be sold by the Secretary to the claimant or claimants thereof under section 3 of this Act. No later than one hundred and eighty days after the date of enactment of this Act, the Secretary shall notify such claimant or claimants concerning the Secretary's authority for such sales. The right, title, and interest of the United States in and to any such listed uplands and islands not purchased by such claimant or claimants within ten years after the date of enactment of this Act shall be transferred by the Secretary to the State under and subject to this Act at the end of such ten years, and any claim to any such listed uplands and islands by any party other than the State shall not thereafter be enforceable in any court of the United States.

(c) PRIOR TRANSFERS.—

(1) Title to the surface estate in all public land which on the date of enactment of this Act was subject to leases issued under the authority of the Recreation and Public Purposes Act to the State, its departments, agencies, and bureaus, shall be deemed to have been granted to and vested in the State under this Act on such date and shall thereafter be exempt from the requirements of the regulations of the Department of the Interior

governing leases under the Recreation and Public Purposes Act, but shall be subject to the provisions of this Act.

(2) Upon reversion and acceptance of public land in Michigan which prior to the date of enactment of this Act was leased or patented under the Recreation and Public Purposes Act to entities other than the State, its departments, agencies, and bureaus, the surface estate in such lands shall be transferred by the Secretary to the State pursuant to and subject to the provisions of this Act.

(3) If, in order to bring lands under the provisions of this Act, the State notifies the Secretary that the State desires to relinquish to the United States the right, title, and interest of the State in and to any lands which prior to the date of enactment of this Act were patented to the State (or to any department, agency, or bureau of the State) under the authority of the Recreation and Public Purposes Act, the Secretary shall transfer such relinquished lands to the State under and subject to the provisions of this Act. Such transfer shall be effective at the same time that the State's relinquishment is effective.

SEC. 3. RESOLUTION OF CLAIMS.

(a) **SALES.**—In accordance with the provisions of this section, the Secretary is authorized to sell and issue a patent to a tract of public land located in Michigan to an applicant for such sale where the Secretary determines that—

Patents and
trademarks.

(1) such tract does not exceed one thousand five hundred acres and, because of its location or other characteristics, is difficult and uneconomic to manage as part of the public lands and is not suitable for management by another Federal department or agency, and

(2) such sale would not be inconsistent with land use plans developed in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(b) **PRICE ADJUSTMENTS.**—Notwithstanding any other provision of law, following adjudication of any claims the Secretary may, at the Secretary's discretion, convey land pursuant to this section at fair market value, less equities presented by an applicant for such conveyance and less the value of any improvements that the applicant or the applicant's predecessors in interest have placed on the land. Such equities may include (but are not limited to)—

- (1) the amount paid for the land by the applicant;
- (2) longevity of applicant's claim;
- (3) taxes paid on the land; and
- (4) other equities as the Secretary may determine relevant.

(c) **DESCRIPTIONS.**—Any tract of public land conveyed pursuant to this section shall be described in accordance with the Public Land Survey System as reflected on the approved Federal plat of survey. Where a tract does not conform to an existing survey plat, the Secretary may either—

(1) convey title to a trustee, qualified under the laws of the State to act as a trustee and acceptable to the Secretary, acting on behalf of more than one applicant to whom such trustee shall be required to transfer such tract, in order to conform the legal description to such plat; or

(2) require an applicant to reimburse the United States for the cost of preparing a plat of survey.

No costs incurred by a trustee in implementing this subsection shall be borne by the United States.

(d) **APPLICABILITY AND PROCEDURE.**—

(1) This section shall apply only to tracts specified in section 2(b) of this Act and to other tracts of public lands in Michigan whose sale is requested by persons or entities asserting claims thereto.

(2) No sale under this section shall take place before thirty days after the Secretary has published in a newspaper of general circulation in the county where a tract proposed for sale is located a notice of the Secretary's determination that such tract is eligible for sale under this section and that the Secretary intends to offer such tract for sale. Such notice shall indicate the size and general location of the tract and the name or names of the claimant or claimants to whom the Secretary intends to sell such tract.

SEC. 4. RESERVATIONS AND CONDITIONS.

(a) **MINERAL RESERVATION.**—All lands granted by, and any patent or document of conveyance or other transfer issued pursuant to, this Act shall be subject to the reservations to the United States of all minerals in the lands granted, conveyed, or otherwise transferred, together with the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary may prescribe, except that in the case of sales under section 3 of this Act the Secretary may convey the minerals together with the surface in accordance with section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719).

(b) **OTHER CONDITIONS.**—

(1) The lands granted or otherwise transferred to the State under this Act shall not be conveyed or otherwise transferred by the State to any person or entity other than a political subdivision of the State.

(2) The lands granted or otherwise transferred to the State under this Act shall be used only for purposes of—

(A) public recreation;

(B) protection of fish and wildlife (including habitat) and plants; or

(C) the protection of the scenic, scientific, historic, cultural, geologic, and other resources and values of such lands.

(3)(A) If the State attempts to convey or otherwise transfer title to any part of the lands granted or otherwise transferred to the State under this Act to any person or entity other than a political subdivision of the State, all right, title, and interest in and to all such lands so granted or otherwise transferred to the State, together with all improvements thereon, shall revert to the United States.

(B) If any political subdivision of the State attempts to convey or otherwise transfer title to any part of any lands granted or otherwise transferred to the State under this Act (and conveyed or otherwise transferred to such subdivision by the State) to any person or entity other than the State, all right, title, and interest in and to all such lands so conveyed or otherwise transferred to such subdivision, together with all improvements thereon, shall revert to the United States.

Recreation.
Environmental
protection.

(4)(A) If any part of the lands granted or otherwise transferred to the State under this Act (and not further conveyed or otherwise transferred by the State to a political subdivision thereof) are used for any purpose incompatible with the purposes specified in paragraph (2) of this subsection, all right, title, and interest in and to all such lands in the ownership of the State, together with all improvements thereon, shall revert to the United States.

(B) If any of the lands granted or otherwise transferred to the State under this Act are conveyed or otherwise transferred by the State to a political subdivision of the State, use of part of any such lands for any purpose incompatible with the purposes specified in paragraph (2) of this subsection shall cause all right, title, and interest in and to all such lands to conveyed or otherwise transferred to such political subdivision, together with all improvements thereon, to revert to the United States.

SEC. 5. NOTICE AND ENFORCEMENT.

(a) PUBLIC NOTICE.—

(1) As soon as practicable after the date of enactment of this Act, the Secretary, in consultation with appropriate officials of the State, shall take steps to notify residents of the State as to the nature and location of the listed uplands and islands to be granted or otherwise transferred to the State under this Act.

(2)(A) The State shall provide notice in writing to the Secretary with regard to any conveyance or other transfer by the State to a political subdivision thereof of any of the lands granted or otherwise transferred to the State under this Act. In the event that the State fails to provide such notice within one year after any such conveyance or transfer, such conveyance or transfer by the State shall be void ab initio and all right, title, and interest in and to the land covered by such attempted conveyance or transfer shall revert to the United States.

(B) No later than five years after the date of enactment of this Act, and every five years thereafter, the State shall submit to the Secretary a report as to the present ownership, management, and use of the lands granted or otherwise transferred to the State pursuant to this Act.

Reports.

(3) The Secretary shall maintain in the Secretary's offices in the District of Columbia and in an appropriate office in the State a current listing of the lands granted or otherwise transferred to the State under this Act, including a record of which if any of such lands have been conveyed or otherwise transferred by the State to a political subdivision thereof.

Records.

(b) ENFORCEMENT.—

(1) Any person may submit to the Secretary a complaint alleging that the State or a political subdivision thereof has failed to comply with the requirements of this Act or that actions have occurred which have had the effect of causing the reversion to the United States of some or all of the lands granted or otherwise transferred to the State under this Act.

(2) In the event that the Secretary determines that a complaint received under this subsection is supported by evidence sufficient to warrant further investigation, the Secretary shall investigate the matter.

(3) If, as a result of an investigation under paragraph (2) or for any other reason, the Secretary determines that title to some or

all of the lands granted or otherwise transferred to the State under this Act has reverted to the United States pursuant to this Act, the Secretary shall take all necessary steps to enforce such reversion and to stop use of any part of such lands for any purpose incompatible with the purposes specified in section 4(b)(2) of this Act.

(4) Any lands which may revert to the United States under this Act shall be retained and managed by the Secretary for the purposes specified in section 4(b)(2) of this Act.

SEC. 6. HUNTING AND FISHING.

Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Michigan with respect to fish and wildlife (including the regulation of hunting, fishing, and trapping) in any lands granted or otherwise transferred to the State under this Act.

Approved October 28, 1988.

LEGISLATIVE HISTORY—H.R. 4375:

HOUSE REPORTS: No. 100-758 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-537 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

July 11, considered and passed House.

Oct. 11, considered and passed Senate.