

111TH CONGRESS
2D SESSION

H. R. 4558

To designate as wilderness certain lands and inland waters within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2010

Mr. HOEKSTRA (for himself and Mr. CAMP) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To designate as wilderness certain lands and inland waters within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sleeping Bear Dunes
5 National Lakeshore Conservation and Recreation Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **LINE OF DEMARCATION.**—The term “line of
9 demarcation” means the general line formed by the

1 lakeward extent of the first contiguous vegetation
2 that is upland from the high water mark.

3 (2) MAP.—The term “map” means the map ti-
4 tled “Sleeping Bear Dunes National Lakeshore, Pro-
5 posed Wilderness Boundary”, numbered 634/80,083,
6 and dated February, 2009.

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (4) STATE.—The term “State” means the State
10 of Michigan.

11 (5) WILDERNESS AREA.—The term “wilderness
12 area” means the Sleeping Bear Dunes National
13 Lakeshore Wilderness designated by section 3(a).

14 **SEC. 3. SLEEPING BEAR DUNES NATIONAL LAKESHORE**
15 **WILDERNESS AREA.**

16 (a) DESIGNATION.—In accordance with section 3(c)
17 of the Wilderness Act (16 U.S.C. 1132(c)), and subject
18 to subsection (c), certain lands and inland waters com-
19 prising approximately 32,557 acres along the mainland
20 shore of Lake Michigan and on certain nearby islands in
21 Benzie and Leelanau Counties, Michigan, within the
22 Sleeping Bear Dunes National Lakeshore, as generally de-
23 picted on the map, are hereby designated as wilderness,
24 and as a component of the National Wilderness Preserva-
25 tion System. The wilderness area designated by this sec-

1 tion shall be known as the “Sleeping Bear Dunes National
2 Lakeshore Wilderness”.

3 (b) MAP AND LEGAL DESCRIPTION.—

4 (1) ON FILE.—The map shall be on file and
5 available for public inspection in the appropriate of-
6 fices of the National Park Service.

7 (2) LEGAL DESCRIPTION.—As soon as practical
8 after the date of the enactment of this Act, the Sec-
9 retary shall submit a legal description of the bound-
10 ary of the wilderness area to the Committee on En-
11 ergy and Natural Resources of the Senate and the
12 Committee on Natural Resources of the House of
13 Representatives.

14 (3) CORRECTIONS.—The map and legal descrip-
15 tion shall have the same force and effect as if in-
16 cluded in this Act, except that the Secretary may
17 correct clerical and typographical errors in the de-
18 scription and maps.

19 (c) LAKEWARD BOUNDARY OF THE WILDERNESS.—

20 (1) IN GENERAL.—Subject to paragraph (2),
21 the line of demarcation shall be the lakeward bound-
22 ary of any portion of wilderness designated in sub-
23 section (a) that would otherwise be bordered by
24 Lake Michigan.

1 (2) SURFACE WATER AND ACTIVE WASH
2 ZONE.—The surface water and active wash zone of
3 Lake Michigan, regardless of the fluctuating lake
4 level or the line of demarcation, shall be considered
5 to be outside the boundary of the designated wilder-
6 ness.

7 **SEC. 4. ADMINISTRATION.**

8 (a) MANAGEMENT.—

9 (1) WILDERNESS ACT.—Subject to valid exist-
10 ing rights, the wilderness area shall be administered
11 by the Secretary in accordance with the Wilderness
12 Act (16 U.S.C. 1131 et seq.), except that—

13 (A) any reference in the Wilderness Act to
14 the effective date shall be considered to be a
15 reference to the date of the enactment of this
16 Act; and

17 (B) with respect to lands administered by
18 the Secretary, any reference in the Wilderness
19 Act to the Secretary of Agriculture shall be con-
20 sidered to be a reference to the Secretary.

21 (2) MAINTENANCE OF ROADS.—

22 (A) LOCATION OF WILDERNESS BOUND-
23 ARY.—The boundary of the wilderness area
24 shall be located not closer than—

1 (i) 100 feet from the centerline of
2 each adjacent county road; and

3 (ii) 300 feet from the centerline of
4 each adjacent State highway.

5 (B) EFFECT.—Nothing in this Act shall
6 prevent the maintenance and improvement of
7 any road that is—

8 (i) in existence on the date of enact-
9 ment of this Act; and

10 (ii) located adjacent to the wilderness
11 area.

12 (3) HUNTING.—Nothing in this Act shall affect
13 hunting, under applicable State and Federal laws
14 and regulations, within the wilderness area.

15 (4) FISH AND WILDLIFE.—As provided in sec-
16 tion 4(d)(7) of the Wilderness Act (16 U.S.C.
17 1133(d)(7)), nothing in this Act shall be construed
18 as affecting the jurisdiction or responsibilities of the
19 State with respect to fish and wildlife within the wil-
20 derness area.

21 (5) WATERCRAFT.—Nothing in this Act shall
22 affect the use of watercraft, under applicable State
23 and Federal laws and regulations, within the wilder-
24 ness area to the extent that such use was allowed on
25 the day before the date of the enactment of this Act.

1 (6) NO BUFFER ZONES.—Nothing in this Act
2 creates a protective perimeter or buffer zone around
3 the wilderness area. The fact that a nonwilderness
4 activity or use can be seen or heard from within the
5 wilderness area shall not preclude the conduct of the
6 activity or use outside the boundary of the wilder-
7 ness area.

8 (b) SAVINGS PROVISIONS.—Nothing in this Act
9 shall—

10 (1) modify, alter, or in any way affect any trea-
11 ty rights;

12 (2) modify, alter, or in any way affect any valid
13 private property rights, in existence on the day be-
14 fore the date of the enactment of this Act;

15 (3) alter the management of the water of Lake
16 Michigan within the boundary of the Sleeping Bear
17 Dunes National Lakeshore in existence on the day
18 before the date of the enactment of this Act; or

19 (4) be construed as prohibiting the use of mo-
20 tors on the surface water of Lake Michigan adjacent
21 to the wilderness area or the beaching of motorboats
22 on the Lake Michigan beach lakeward of the bound-
23 ary of the wilderness area.

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