

111TH CONGRESS  
2D SESSION

# S. 2976

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

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2010

Mr. LEVIN (for himself and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To designate as wilderness certain land and inland water 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 en-  
4 titled “Sleeping Bear Dunes National Lakeshore,  
5 Proposed Wilderness Boundary”, numbered 634/  
6 80,083, 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.—The term “Wilderness”  
12 means the Sleeping Bear Dunes National Lakeshore  
13 Wilderness designated by section 3(a).

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

16 (a) DESIGNATION.—In accordance with section 3(c)  
17 of the Wilderness Act (16 U.S.C. 1132(c)) and subject to  
18 subsection (c), certain land and inland water comprising  
19 approximately 32,557 acres along the mainland shore of  
20 Lake Michigan and on certain nearby islands in Benzie  
21 and Leelanau Counties, Michigan, within the Sleeping  
22 Bear Dunes National Lakeshore, as generally depicted on  
23 the map, is designated as wilderness and as a component  
24 of the National Wilderness Preservation System, to be

1 known as the “Sleeping Bear Dunes National Lakeshore  
2 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 prac-  
8 ticable after the date of enactment of this Act, the  
9 Secretary shall submit a legal description of the  
10 boundary of the wilderness area to—

11 (A) the Committee on Energy and Natural  
12 Resources of the Senate; and

13 (B) the Committee on Natural Resources  
14 of the House of Representatives.

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

20 (c) LAKEWARD BOUNDARY OF THE WILDERNESS.—

21 (1) IN GENERAL.—Subject to paragraph (2),  
22 the line of demarcation shall be the lakeward bound-  
23 ary of any portion of the Wilderness that would oth-  
24 erwise be bordered by 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 Wilderness.

6 **SEC. 4. ADMINISTRATION.**

7           (a) MANAGEMENT.—

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

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

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

20          (2) MAINTENANCE OF ROADS.—

21                   (A) IN GENERAL.—Nothing in this Act  
22                   prevents the maintenance and improvement of  
23                   roads that are—

24                           (i) in existence on the date of this  
25                   Act; and

1 (ii) located adjacent to the Wilder-  
2 ness.

3 (B) WILDERNESS BOUNDARY.—The Wil-  
4 derness boundary shall be—

5 (i) a minimum of 100 feet from the  
6 centerline of adjacent county roads; and

7 (ii) a minimum of 300 feet from the  
8 centerline of adjacent State highways.

9 (3) HUNTING.—Nothing in this Act affects  
10 hunting under applicable Federal and State laws (in-  
11 cluding regulations) within the Wilderness.

12 (4) FISH AND WILDLIFE.—As provided in sec-  
13 tion 4(d)(7) of the Wilderness Act (16 U.S.C.  
14 1133(d)(7)), nothing in this Act affects the jurisdic-  
15 tion or responsibilities of the State with respect to  
16 fish and wildlife within the Wilderness.

17 (5) WATERCRAFT.—Nothing in this Act affects  
18 the use of watercraft under applicable Federal and  
19 State laws (including regulations) within the Wilder-  
20 ness to the extent that the use was allowed on the  
21 day before the date of enactment of this Act.

22 (6) NO BUFFER ZONES.—

23 (A) IN GENERAL.—Nothing in this Act  
24 creates a protective perimeter or buffer zone  
25 around the Wilderness.

1           (B) NONWILDERNESS ACTIVITIES.—The  
2 fact that a nonwilderness activity or use can be  
3 seen or heard from within the Wilderness shall  
4 not preclude the conduct of the activity or use  
5 outside the boundary of the Wilderness.

6           (b) SAVINGS PROVISIONS.—Nothing in this Act—

7           (1) modifies, alters, or affects any treaty rights;

8           (2) modifies, alters, or affects any valid private  
9 property rights in existence on the day before the  
10 date of enactment of this Act;

11           (3) alters the management of the water of Lake  
12 Michigan within the boundary of the Sleeping Bear  
13 Dunes National Lakeshore in existence on the day  
14 before the date of enactment of this Act; or

15           (4) prohibits—

16           (A) the use of motors on the surface water  
17 of Lake Michigan adjacent to the Wilderness;  
18 or

19           (B) the beaching of motorboats on the  
20 Lake Michigan beach lakeward of the boundary  
21 of the Wilderness.

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