

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 255. Effect on existing homestead, mineral, etc., entries; revision of boundaries**

Nothing contained herein shall affect any valid existing claim, location, or entry made under the land laws of the United States, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land, nor the rights reserved by treaty to the Indians of any tribes. The boundaries of Olympic National Park may be revised only by Act of Congress.

(June 29, 1938, ch. 812, § 5, 52 Stat. 1242; Pub. L. 94-578, title III, § 320(c), Oct. 21, 1976, 90 Stat. 2739.)

## REFERENCES IN TEXT

Herein, referred to in text, means act June 29, 1938, which is classified to sections 251 and 252 to 255 of this title. For complete classification of this Act to the Code, see Tables.

The land laws of the United States, referred to in text, are classified generally to Title 43, Public Lands.

## AMENDMENTS

1976—Pub. L. 94-578 substituted “The boundaries of Olympic National Park may be revised only by Act of Congress” for “The President may after eight months from June 29, 1938 by proclamation add to the Olympic National Park any lands within the boundaries of the Olympic National Forest, and any lands which may be acquired by the Government by gift or purchase, which he may deem it advisable to add to such park; and any lands so added to such park shall, upon their addition thereto, become subject to all laws and regulations applicable to other lands within such park: *Provided*, That the total area of the said park shall not exceed eight hundred and ninety-eight thousand two hundred and ninety-two acres: *Provided further*, That before issuing any such proclamation, the President shall consult with the Governor of the State of Washington, the Secretary of the Interior, and the Secretary of Agriculture and advise them of the lands which he proposes to add to such park, and shall afford them a reasonable opportunity to consult with and communicate to him their views and recommendations with respect to the addition of such lands to such park.”

## PROCLAMATION NO. 3003

Proc. No. 3003, Jan. 6, 1953, 18 F.R. 169, enlarged the Olympic National Park by adding to it certain lands within the Olympic National Forest.

**§ 256. Acceptance of land ceded by State of Washington; assumption of jurisdiction**

The provisions of the act of the Legislature of the State of Washington, approved March 8, 1941 (Chapter 51 of the Laws of 1941 of the State of Washington), ceding to the United States exclusive jurisdiction over and within all the territory included on March 8, 1941, in the tract of land in the State of Washington, set aside for the purposes of a national park and known as the Olympic National Park, are accepted. Subject to the reservations made by the State in

the act of cession, the United States assumes sole and exclusive jurisdiction over such territory.

(Mar. 6, 1942, ch. 151, § 1, 56 Stat. 135.)

## REFERENCES IN TEXT

Act of State of Washington “approved March 8, 1941”, referred to in text, may be found in Rem. Rev. St., §§110-1 and Revised Code of Washington Annotated, § 37.08.210.

**§ 256a. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948**

Section, act Mar. 6, 1942, ch. 151, § 2, 56 Stat. 136, related to inclusion of park in a judicial district. See section 128 of Title 28, Judiciary and Judicial Procedure.

**§ 256b. Hunting and fishing; general rules and regulations; protection of property; violation of statutes or rules; penalties**

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of the park, nor shall any fish be taken out of any of the waters of the park, except at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within the park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the waters in the park. Possession within the park of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this Act. Any person or persons, stage or express company, railway or other transportation company, who knows or has reason to believe that such wild birds, fish, or animals were taken or killed contrary to the provisions of this Act or the rules and regulations promulgated by the Secretary of the Interior, and who receives for transportation the dead bodies or any part thereof of the wild birds, fish, or animals so taken or killed, or who shall violate any of the other provisions of this Act, or the rules and regulations, with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within the park, or for the protection of the animals, birds, and fish in the park, or who shall within the park commit any damage, injury, or spoliation to or upon any building, fence, sign, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be

deemed guilty of a class B misdemeanor in accordance with provisions of title 18.

(Mar. 6, 1942, ch. 151, §3, 56 Stat. 136; Pub. L. 100-668, title I, §104(a), Nov. 16, 1988, 102 Stat. 3962.)

#### REFERENCES IN TEXT

This Act, referred to in text, is act Mar. 6, 1942, which is classified to sections 256 to 256i of this title. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

1988—Pub. L. 100-668 substituted “a class B misdemeanor in accordance with provisions of title 18” for “a misdemeanor and shall be subject to a fine of not more than \$500 or imprisonment not exceeding six months, or both, and be adjudged to pay all the costs of the proceedings”.

#### § 256c. Forfeiture of property used in hunting, fishing, etc.

All guns, bows, traps, nets, seines, fishing tackle, clothing, teams, horses, machinery, logging equipment, motor vehicles, aircraft, boats, or means of transportation of every nature or description used by any person or persons or organizations within the limits of the park when engaged in or attempting to engage in killing, trapping, ensnaring, taking or capturing such wild birds, fish or animals, or taking, destroying or damaging such trees, plants, or mineral deposits contrary to the provisions of this Act or the rules and regulations promulgated by the Secretary of the Interior shall be forfeited to the United States and may be seized by the officers in the park and held pending prosecution of any person or persons or organization arrested under or charged with violating the provisions of this Act, and upon conviction under this Act of such persons or organizations using said guns, bows, traps, nets, seines, fishing tackle, clothing, teams, horses, machinery, logging equipment, motor vehicles, aircraft, boats, or other means of transportation of every nature and description used by any person or persons or organization, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior: *Provided*, That the forfeiture of teams, horses, machinery, logging equipment, motor vehicles, aircraft, boats, or other means of transportation shall be in the discretion of the Court.

(Mar. 6, 1942, ch. 151, §4, 56 Stat. 136; Pub. L. 100-668, title I, §104(b), Nov. 16, 1988, 102 Stat. 3962.)

#### REFERENCES IN TEXT

This Act, referred to in text, is act Mar. 6, 1942, which is classified to sections 256 to 256i of this title. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

1988—Pub. L. 100-668 amended section generally. Prior to amendment, section read as follows: “All guns, traps, nets, seines, fishing tackle, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of the

park when engaged in killing, trapping, ensnaring, taking, or capturing such wild birds, fish, or animals contrary to the provisions of this Act or the rules and regulations promulgated by the Secretary of the Interior shall be forfeited to the United States and may be seized by the officers in the park and held pending prosecution of any person or persons arrested under the charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, nets, seines, fishing tackle, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior: *Provided*, That the forfeiture of teams, horses, or other means of transportation shall be in the discretion of the court.”

#### §§ 256d to 256h. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 256d, acts Mar. 6, 1942, ch. 151, §5, 56 Stat. 137; Apr. 21, 1948, ch. 223, §4, 62 Stat. 197, related to appointment and jurisdiction of commissioner. See provisions covering United States magistrate judges in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 256e, act Mar. 6, 1942, ch. 151, §6, 56 Stat. 137, related to issuance of process. See sections 3041 and 3141 of Title 18, Crimes and Criminal Procedure, and rules 4, 5(c), and 9 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 256f, act Mar. 6, 1942, ch. 151, §7, 56 Stat. 137, related to commissioner's [now magistrate judge's] salary.

Section 256g, act Mar. 6, 1942, ch. 151, §8, 56 Stat. 137, related to certification and payment of fees, costs, and expenses.

Section 256h, act Mar. 6, 1942, ch. 151, §9, 56 Stat. 137, related to disposition of fines and costs.

#### § 256i. Notice to Governor of Washington; application of laws to subsequently accepted lands

The Secretary of the Interior shall notify in writing the Governor of the State of Washington of the passage and approval of this Act, and of the fact that the United States assumes police jurisdiction over the park. Upon the acceptance by the Secretary of the Interior of further cessions of jurisdiction over lands now or hereafter included in the Olympic National Park, the provisions of sections 256b and 256c of this title shall apply to such lands.

(Mar. 6, 1942, ch. 151, §10, 56 Stat. 137.)

#### REFERENCES IN TEXT

This Act, referred to in text, is act Mar. 6, 1942, which is classified to sections 256 to 256i of this title. For complete classification of this Act to the Code, see Tables.

#### SUBCHAPTER XXVIII—CUMBERLAND GAP NATIONAL HISTORICAL PARK

#### § 261. Establishment; description of area

When title to such lands, structures, and other property in the Cumberland Gap-Cumberland Ford areas, being portions of the Warriors Path of the Indians and Wilderness Road of Daniel Boone, within Bell and Harlan Counties, Kentucky; Lee County, Virginia; and Claiborne County, Tennessee; as may be determined by the Secretary of the Interior as necessary or desirable for national historical park purposes, shall