

general management plan to benefit from the results of such studies. The Secretary, or the Secretary of Agriculture, where appropriate, shall also manage any additional Federal lands under his jurisdiction that are within the hydrographic basin of Redwood Creek in a manner which will minimize sedimentation which could affect the park, and in coordination with plans for sediment management within the basin. To effectuate the provisions of this subsection, and to further develop scientific and professional information and data concerning the Redwood Forest ecosystem, and the various factors that may affect it, the Secretary may authorize access to the area subject to this subsection by designated representatives of the United States.

(Pub. L. 90-545, §3, Oct. 2, 1968, 82 Stat. 931; Pub. L. 95-250, title I, §101(a)(3)-(6), Mar. 27, 1978, 92 Stat. 163-165.)

#### REFERENCES IN TEXT

Section 4(b) of the Land and Water Conservation Fund Act of 1965, referred to in subsec. (b)(2), probably means section 5(b), formerly section 4(b), of Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 900, which was classified to section 4607-7(b) of this title and which related to advance appropriations. Section 5(b) was repealed by Pub. L. 94-422, title I, §101(2), Sept. 28, 1976, 90 Stat. 1314. The remainder of section 5 was repealed and restated as section 200304 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 7, Dec. 19, 2014, 128 Stat. 3094, 3272.

Section 79b(a) of this title, referred to in subsec. (b)(2), was in the original "section 101(a)(2) of this amendment", meaning section 101(a)(2) of Pub. L. 95-250, which amended section 79b(a) of this title.

#### CODIFICATION

"Section 3114(a)-(d) of title 40" substituted in subsec. (b)(2) for "section 258a of title 40, United States Code" on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

In subsec. (b)(2), "chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41" substituted for "the Federal Property and Administrative Services Act of 1949, as amended," on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

In subsec. (c), "chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41" substituted for "the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. 471 et seq.," on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

#### AMENDMENTS

1978—Subsec. (a). Pub. L. 95-250, §101(a)(3), inserted provisions authorizing the Secretary to accept donations of lands owned by the State of California subject to such preexisting reverters and other conditions as may appear in the title to those lands and such other reverters and conditions as may be consistent with the use and management of the donated lands as a portion of the Redwood National Park and further authorizing the Secretary to expend appropriated funds for permanent improvements on the donated lands in a manner not inconsistent with the reverters and other conditions.

Subsec. (b)(1). Pub. L. 95-250, §101(a)(4), expanded existing provisions, effective Mar. 27, 1978, by inserting references to the vesting in the United States of all right, title, and interest in, and right to immediate possession of, all real property, and to immediate possession of down tree personal property, within the area indicated as "Proposed Additions" on the map entitled "Additional Lands, Redwood National Park, California", numbered 167-80005-D and dated March 1978, and inserted two unlettered paragraphs relating, respectively, to the removal of down tree personal property and to the continued access and use of acquired roads.

Subsec. (b)(2). Pub. L. 95-250, §101(a)(5), struck out provision for the bringing of actions in the Court of Claims, as provided in section 1491 of title 28, against the United States for the recovery of just compensation for the land and interests therein taken by the United States and inserted provisions directing that such actions, as well as actions for down tree personal property taken, be brought in the United States district court for the district where the land is located without regard to the amount claimed, authorizing the United States to initiate proceedings to determine just compensation and to deposit the estimated just compensation in the registry of the court, making provision for the revestment of title in cases where the Secretary determines that fee simple title is not necessary, and otherwise relating to the right-of-way for a new bypass highway.

Subsec. (e). Pub. L. 95-250, §101(a)(6), substituted "until after he has notified the President of the Senate" for "until sixty days after he has notified the President of the Senate" in existing provisions and inserted provisions relating to the availability of funds for the acquisition of interests in land, the implementation of contracts and cooperative agreements pursuant to this subsection, and rehabilitative activities generally designed to minimize erosion and sedimentation in ways designed to assure adequate protection for Redwood National Park, contribute to the economic revival of Del Norte and Humboldt Counties in northern California, and provide employment opportunities to individuals affected by taking of land and interests in land.

#### **§ 79c-1. Vesting in United States of all right, title, etc., in real property and down tree personal property in additional lands; effective date; authorization of appropriations**

Notwithstanding any provision of this subchapter the vesting in the United States of all right, title, and interest in, and the right to immediate possession of, all real property and all down tree personal property within the area indicated as "Proposed Additions" on the map entitled "Additional Lands, Redwood National Park, California," numbered 167-80005-D and dated March 1978, as established by section 79c(b)(1) of this title, shall be effective on March 27, 1978. The provisions of section 79c(b)(3) of this title shall also relate to the effective date of this section. From the appropriations authorized for fiscal year 1978 and succeeding fiscal years such sums as may be necessary may be expended for the acquisition of lands and interests in lands, and down tree personal property, authorized to be acquired, or acquired, pursuant to the provisions of this Act.

(Pub. L. 95-250, title I, §101(c), Mar. 27, 1978, 92 Stat. 166.)

#### REFERENCES IN TEXT

Section 79c(b)(1) of this title, referred to in text, was in the original "subsection (a)(4) of the first section of this Act", meaning section 101(a)(4) of Pub. L. 95-250, which amended section 79c(b)(1) of this title.

This Act, referred to in text, means Pub. L. 95-250, Mar. 27, 1978, 92 Stat. 163, as amended, which, insofar as classified to the Code, enacted sections 79c-1 and 79k to 79q of this title, amended former section 1a-1 and sections 79b and 79c of this title, and enacted provisions set out as a note under section 79k of this title. For complete classification of this Act to the Code, see Tables.

The effective date of this section, referred to in text, probably means the date of enactment of section 101 of Pub. L. 95-250, which was approved Mar. 27, 1978.

#### CODIFICATION

Section was not enacted as part of Pub. L. 90-545, Oct. 2, 1968, 82 Stat. 931, which comprises this subchapter.

### § 79d. Acquisition of lands

#### (a) Owner's retention of right of use and occupancy for noncommercial residential purposes for fixed term of years or for life; election of term; fair market value; termination of use and occupancy inconsistent with stated purpose and upon payment of sum for unexpired right

The owner of improved property on the date of its acquisition by the Secretary under this subchapter may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition minus the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purpose of this subchapter, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

#### (b) "Improved property" defined

The term "improved property", as used in this section, means a detached, noncommercial residential dwelling, the construction of which was begun before October 9, 1967, 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 land so designated.

#### (c) Sale or lease of certain realty to former owner; conditions and restrictions

The Secretary shall have, with respect to any real property acquired by him in sections 5 and 8, township 13 north, range 1 east, Humboldt meridian, authority to sell or lease the same to the former owner under such conditions and restrictions as will assure that it is not utilized in a

manner or for purposes inconsistent with the national park.

(Pub. L. 90-545, § 4, Oct. 2, 1968, 82 Stat. 933.)

### § 79e. Exchange of property; cash equalization payments; commercial operations, minimum economic dislocation and disruption

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the park, and outside of such boundaries within the limits prescribed in this subchapter. Notwithstanding any other provision of law, the Secretary may acquire such property from the grantor by exchange for any federally owned property under the jurisdiction of the Bureau of Land Management in California, except property needed for public use and management, which he classifies as suitable for exchange or other disposal, or any federally owned property he may designate within the Northern Redwood Purchase Unit in Del Norte County, California, except that section known and designated as the Yurok Experimental Forest, consisting of approximately nine hundred and thirty-five acres. Such federally owned property shall also be available for use by the Secretary in lieu of, or together with, cash in payment of just compensation for any real property taken pursuant to section 79c(b) of this title. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, the value shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. Through the exercise of his exchange authority, the Secretary shall, to the extent possible, minimize economic dislocation and the disruption of the grantor's commercial operations.

(Pub. L. 90-545, § 5, Oct. 2, 1968, 82 Stat. 933.)

### § 79f. Transfer of property from Federal agency to administrative jurisdiction of Secretary

Notwithstanding any other provision of law, any Federal property located within any of the areas described in sections 79b and 79c of this title may, with the concurrence of the head of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this subchapter.

(Pub. L. 90-545, § 6, Oct. 2, 1968, 82 Stat. 934.)

### § 79g. Contract authorization within prescribed cost limits; installments: duration, interest; provisions for payment of judgments and compromise settlements applicable to judgments against United States

(a) Notwithstanding any other provision of law, the Secretary shall have the same authority with respect to contracts for the acquisition of land and interests in land for the purposes of this subchapter as was given the Secretary of the Treasury for other land acquisitions by section 3171 of title 40, and the Secretary and the owner of land to be acquired under this subchapter may agree that the purchase price will be paid in periodic installments over a period