

§ 251g. Land acquisition; study and investigation of use of private lands; transmittal to President and Congress; transfer of lands to Secretary of Agriculture; excluded property within Indian reservation; continuation of concession contracts; termination of concession contracts and purchase of possessory interest; Indian hunting and fishing rights

Notwithstanding any other provision of law, within the boundaries of the park as revised by and pursuant to sections 251e to 251m of this title, the Secretary is authorized to acquire lands, privately owned aquatic lands, and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any Federal agency. Property so acquired shall become part of Olympic National Park and shall be administered by the Secretary subject to the laws and regulations applicable to such park. The Secretary is authorized and directed to exclude from the boundaries of the park such private lands and publicly owned and maintained roads within Grays Harbor County which are near and adjacent to Lake Quinault, and which do not exceed two thousand, one hundred and sixty-eight acres in total. Prior to excluding such lands from the park, the Secretary shall study and investigate current and prospective uses of the private lands, as well as the implications of their exclusion both for the lands involved and for Olympic National Park. The results of such study shall be transmitted to the President and to the Congress within two years of October 21, 1976, and shall take effect unless disapproved by simple majority vote of the House of Representatives or the Senate of the United States of America within ninety legislative days of their submission to the Congress. Property excluded from the boundaries of the park by sections 251e to 251m of this title may be exchanged for non-Federal property within the boundaries; or it may be transferred to the jurisdiction of any Federal agency or to the State of Washington or a political subdivision thereof, without monetary consideration, as the Secretary may deem appropriate. Any such Federal property transferred to the jurisdiction of the Secretary of Agriculture for national forest purposes shall upon such transfer become part of the national forest and subject to the laws and regulations pertaining thereto. Any property excluded from the park by sections 251e to 251m of this title which is within the boundaries of an Indian reservation may be transferred in trust to such Indian tribe, subject, however, to the express condition that any concessioner providing, public services shall be permitted to continue to provide such services in such manner and for such period as set forth in his concession contract, that the Secretary of the Interior is authorized to pay all franchise fees collected from the concessioner under the contract to said Indian Tribe, and that in the event his contract is terminated, the United States shall purchase his possessory interest in accordance with the Act of October 9, 1965 (79 Stat. 969).¹ The acquisition of lands by the United States in trust for an Indian tribe pursuant to sections 251e to 251m of

this title shall not confer any hunting or fishing rights upon such tribe which were not vested in such tribe prior to the acquisition of such lands.

(Pub. L. 94-578, title III, § 320(d), Oct. 21, 1976, 90 Stat. 2739.)

REFERENCES IN TEXT

Sections 251e to 251m of this title, the first three times appearing in text, was in the original "this Act" and, where last appearing, was in the original "this title", meaning Pub. L. 94-578 and title III of Pub. L. 94-578, respectively.

The Act of October 9, 1965 (79 Stat. 969), referred to in text, is Pub. L. 89-249, Oct. 9, 1965, 79 Stat. 969, known as the National Park System Concessions Policy Act, which enacted subchapter IV (§ 20 et seq.) of this chapter and amended section 462 of this title, prior to being repealed by Pub. L. 105-391, title IV, § 415(a), Nov. 13, 1998, 112 Stat. 3515.

§ 251h. Property retention rights; compensation at fair market value; "improved property" defined

(1) Any owner or owners of improved property within the boundaries of the park, as revised by and pursuant to sections 251e to 251m of this title may, on the date of its acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the property for such noncommercial residential purposes as existed on or before January 1, 1976, for twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner.

(2) As used in sections 251e to 251m of this title, the term "improved property" shall mean any single-family dwelling on which construction was begun before January 1, 1976, together with so much of the land on which the dwelling is situated (such land being in the same ownership as the dwelling) as shall be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, as the Secretary shall designate. The amount of the land so designated shall in every case be not more than three acres in area: *Provided*, That the Secretary may exclude from the land so designated any beach or water, together with so much of the land adjoining any such beach or water, as he may deem necessary for public access thereto.

(Pub. L. 94-578, title III, § 320(e), Oct. 21, 1976, 90 Stat. 2740.)

REFERENCES IN TEXT

Sections 251e to 251m of this title, referred to in text, was in the original "this Act" and "this title", meaning Pub. L. 94-578 and title III of Pub. L. 94-578, respectively.

§ 251i. Land acquisition of privately owned land; report to Congress; condemnation proceedings; compensation

The Secretary is directed to acquire in fee all other privately owned lands added to the park by and pursuant to sections 251e to 251m of this title, and to acquire within three years of Octo-

¹ See References in Text note below.