

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 October 21, 1976, so much of such lands as can be acquired by donation, exchange, or purchase, to the extent of available funds, and to report to Congress on the third anniversary of October 21, 1976, the estimated amount of appropriations which would be necessary to acquire the remainder, if any, of such lands by condemnation. The compensation for such lands shall be their fair market value on the date of their acquisition, taking into account applicable land use regulations in effect on January 1, 1976.

(Pub. L. 94-578, title III, §320(f), Oct. 21, 1976, 90 Stat. 2741.)

REFERENCES IN TEXT

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

§ 251j. Property retention rights of landowners; use and occupancy improvements; plan to be submitted to Secretary; approval evidenced by issuance of permit and certificate; limitation on acquisition power of Secretary

Notwithstanding the provisions of section 251i of this title, any noncorporate owner or owners, as of January 1, 1976, of property adjacent to

Lake Ozette may retain title to such property: *Provided*, That such owner or owners consent to acquisition by the Secretary or¹ scenic easements or other interests that allow only those improvements that the Secretary finds to be reasonably necessary for continued use and occupancy. Any such owner or owners who elects to improve his property or a portion thereof shall submit to the Secretary a plan which shall set forth the manner in which the property is to be improved and the use to which it is proposed to be put. If, upon review of such plan, the Secretary determines that it is compatible with the limitations of this section, he in his discretion may issue a permit to such owner and a certificate to that effect. Upon issuance of any such certificate and so long as such property is maintained and used in conformity therewith, the authority of the Secretary to acquire such property or interest therein without the consent of the owner shall be suspended.

(Pub. L. 94-578, title III, §320(g), Oct. 21, 1976, 90 Stat. 2741.)

§ 251k. Economic dislocation in land acquisition; exchange of lands; transfers of land within a national forest; concurrence of Secretary of Agriculture

In order to minimize economic dislocation in acquiring property within the park, the Secretary may acquire with the consent of the owner, lands and interests in lands outside the boundaries of the park, but within the State of Washington, and with the concurrence of the Secretary of Agriculture, he may utilize lands and interests therein within a national forest in the State of Washington hereby authorized to be transferred to the Secretary, for the purpose of exchanging lands and interests so acquired or transferred for property within the park.

(Pub. L. 94-578, title III, §320(h), Oct. 21, 1976, 90 Stat. 2741.)

LAND EXCHANGES

Pub. L. 100-71, title I, July 11, 1987, 101 Stat. 415, provided in part: "That pursuant to 16 U.S.C. 251k, the Secretary may acquire the 270-acre parcel known as Keystone Spit on Whidbey Island, Washington, and convey such parcel to the State of Washington in exchange for the approximately 1,000 acres of tidelands owned by such State within the boundary of Olympic National Park: *Provided further*, That if recreational uses of these tidelands must be regulated, the National Park Service shall consult with the State of Washington prior to the implementation of any such regulations: *Provided further*, That the exchange must include the mineral rights of the tidelands."

§ 251l. Retrocession of lands to State; Quileute Indian Reservation jurisdiction; concurrent legislative jurisdiction with State

Effective upon acceptance thereof by the State of Washington (1) the jurisdiction which the United States acquired over those lands excluded from the boundaries of Olympic National Park by section 251e of this title is hereby retroceded to the State: *Provided*, That the lands restored to the Quileute Indian Reservation shall be subject to the same State and Tribal ju-

¹ So in original. Probably should be "of".

risdiction as all other trust lands within said Reservation; and (2) there is hereby retroceded to such State concurrent legislative jurisdiction, as the Governor of the State of Washington and the Secretary shall determine, over and within all territory within the boundaries of the park as revised by sections 251e to 251m of this title.

(Pub. L. 94-578, title III, § 320(i), Oct. 21, 1976, 90 Stat. 2741.)

REFERENCES IN TEXT

Section 251e of this title and sections 251e to 251m of this title, referred to in text, were in the original "subsection 1(a) of this Act" and "this Act", respectively. "This Act" means Pub. L. 94-578.

§ 251m. Authorization of appropriations

There is hereby authorized to be appropriated not to exceed \$23,700,000 for the acquisition of lands, privately owned aquatic lands, or interests therein in accordance with the provisions of sections 251e to 251m of this title. No funds authorized to be appropriated pursuant to sections 251e to 251m of this title shall be available prior to October 1, 1977.

(Pub. L. 94-578, title III, § 320(j), Oct. 21, 1976, 90 Stat. 2741; Pub. L. 96-199, title I, § 110, Mar. 5, 1980, 94 Stat. 70.)

REFERENCES IN TEXT

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

AMENDMENTS

1980—Pub. L. 96-199 substituted "\$23,700,000" for "\$13,000,000".

§ 251n. Additional boundary revision

(a) The boundary of Olympic National Park, Washington, is hereby revised to include within the park—

(1) all submerged lands and waters of Lake Ozette, Washington, and the Ozette River, Washington;

(2) all surveyed and unsurveyed islands, above the point of lowest low tide, lying off the coast of the State of Washington in the Pacific Ocean between latitudes 48 degrees 23 minutes north and 47 degrees 34 minutes north: *Provided*, That such lands as are identified in this paragraph shall continue to be open to fishing and to the taking of shellfish in conformity with the laws and regulations of the State of Washington;

(3) those lands between mean high tide and the lowest low tide beginning in section 22, township 24 north, range 13 west Willamette meridian, at the common boundary between the Olympic National Park and the Quinault Indian Reservation, to section 18, township 32 north, range 15 west Willamette meridian, at the common boundary between the Olympic National Park and the Makah Indian Reservation, except those lands directly adjacent to and west of the Hoh, Ozette, and Quillayute Indian Reservations: *Provided*, That such lands as are identified in this paragraph shall continue to be open to fishing and to the taking

of shellfish in conformity with the laws and regulations of the State of Washington; and

(4) approximately nine thousand six hundred and thirty-eight acres, and to exclude from the park approximately three thousand three hundred and fifty-two acres, as generally depicted on the maps entitled "Boundary Modifications, Olympic National Forest and Olympic National Park", numbered 149/60,030A, sheets 1 through 9, and dated September 1986, which shall be on file and available for public inspection in the office of the National Park Service, United States Department of the Interior.

(b) The boundary of Olympic National Forest, Washington, is hereby revised to include in the national forest approximately three thousand three hundred and fifty-two acres and to exclude from the national forest approximately nine thousand three hundred and twenty-four acres, as generally depicted on the maps entitled "Boundary Modifications, Olympic National Forest and Olympic National Park", numbered 149/60,030A, sheets 1 through 9, and dated September 1986, which shall be on file and available for public inspection in the office of the Forest Service, United States Department of Agriculture.

(Pub. L. 99-635, § 1(a), (b), Nov. 7, 1986, 100 Stat. 3527; Pub. L. 100-668, title I, § 104(c)(1)-(3), Nov. 16, 1988, 102 Stat. 3962.)

AMENDMENTS

1988—Subsec. (a)(2). Pub. L. 100-668, § 104(c)(1), (2), inserted "above the point of lowest low tide," after "islands", substituted "34 minutes north" for "38 minutes north", and inserted proviso at end.

Subsec. (b). Pub. L. 100-668, § 104(c)(3), substituted "sheets 1 through 9" for "sheets 1 through 10".

TRANSFER OF ADMINISTRATIVE JURISDICTION OF EXCHANGED PARK AND FOREST LANDS; AUTHORIZATION OF APPROPRIATIONS

Pub. L. 99-635, §§ 2-5, Nov. 7, 1986, 100 Stat. 3528, 3529, as amended by Pub. L. 100-668, title I, § 104(c)(4)-(6), Nov. 16, 1988, 102 Stat. 3962, provided that:

"SEC. 2. (a) Federal lands, waters, and interests therein formerly within the boundary of Olympic National Forest which are included within the boundary of Olympic National Park pursuant to section 1 of this Act [16 U.S.C. 251n] are, subject to valid existing rights, hereby transferred to the administrative jurisdiction of the Secretary of the Interior for administration as part of the park, and shall be subject to all the laws and regulations applicable to the park: *Provided further*, That within section 15, township 24 north, range 9 west Willamette meridian, and within an area extending not more than one mile north of such section, nothing herein shall be construed to limit or otherwise modify the authority of the Secretary of Agriculture to design and construct a forest logging road east of the park boundary: *Provided, however*, That the Secretary of Agriculture shall construct the road as close as practically possible to the park boundary but not more than five hundred feet east of the divide. Following construction, the Secretary of the Interior is hereby authorized and directed to redescribe and relocate the boundary of the park along the eastern clearing limits of the road.

"(b) Federal lands, waters, and interests therein formerly within the boundary of Olympic National Park which are excluded therefrom pursuant to section 1 of this Act [16 U.S.C. 251n] are, subject to valid existing rights, hereby transferred to the administrative juris-