

(b) Acquisition of adjacent lands; limitations

In addition to the lands described in subsection (a) of this section, the Secretary is authorized to acquire such land outside the area but in close proximity thereto as is necessary to facilitate sound management. Acquisition hereunder shall, however, not exceed three hundred and twenty acres and shall be limited to such purposes as headquarters facility requirements, ingress and egress routes and, where necessary, to straighten boundaries or round out acquisitions.

(c) Additions

In addition to the lands described in subsection (a) of this section, the land identified as the Punta Gorda Addition and the Southern Additions on the map entitled “King Range National Conservation Area Boundary Map No. 2”, dated July 29, 1975, is included in the survey and investigation area referred to in section 460y of this title.

(d) Further additions

In addition to the land described in subsections (a) and (c), the land identified as the King Range National Conservation Area Additions on the map entitled “King Range Wilderness” and dated November 12, 2004, is included in the Area.

(Pub. L. 91-476, §9, Oct. 21, 1970, 84 Stat. 1070; Pub. L. 94-579, title VI, §602, Oct. 21, 1976, 90 Stat. 2784; Pub. L. 109-362, §8, Oct. 17, 2006, 120 Stat. 2071.)

AMENDMENTS

2006—Subsec. (d). Pub. L. 109-362 added subsec. (d).
1976—Subsec. (c). Pub. L. 94-579 added subsec. (c).

SAVINGS PROVISION

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note set out under section 1701 of Title 43, Public Lands.

§ 460y-9. Authorization of appropriations

(a) There are authorized to be appropriated such sums as may be necessary to accomplish the purposes of this subchapter, but not to exceed \$1,500,000 for the purchase of lands and interests in lands and not to exceed \$3,500,000 for the construction and improvements.

(b) In addition to any amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated for fiscal years beginning on or after October 1, 1979, for the acquisition of lands and interests in lands under this subchapter—

(1) from the Land and Water Conservation Fund (established under the Land and Water Conservation Fund Act of 1965)¹ not to exceed \$5,000,000, and

(2) from any other sources an amount not to exceed the sum of (A) \$5,000,000, and (B) an amount equal to the amount deposited in the Treasury under section 460y-4(3)(B) of this title after August 20, 1978,

such sums to remain available until expended.

¹ See References in Text note below.

(Pub. L. 91-476, §10, Oct. 21, 1970, 84 Stat. 1071; Pub. L. 95-352, §2(2), (3), Aug. 20, 1978, 92 Stat. 516.)

REFERENCES IN TEXT

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (b)(1), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, which was classified principally to part B (§460l-4 et seq.) of subchapter LXIX of this chapter. Sections 2, 3, 4(i)(1)(C), (j) to (n), 5 to 10, and 201 of the Act were repealed and restated as sections 100506(c) and 100904 and chapter 2003 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 7, Dec. 19, 2014, 128 Stat. 3094, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

AMENDMENTS

1978—Pub. L. 95-352 designated existing provisions as subsec. (a) and added subsec. (b).

SUBCHAPTER LXXXIV—OREGON DUNES NATIONAL RECREATION AREA

§ 460z. Establishment

In order to provide for the public outdoor recreation use and enjoyment of certain ocean shorelines and dunes, forested areas, fresh water lakes, and recreational facilities in the State of Oregon by present and future generations and the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Oregon Dunes National Recreation Area (hereinafter referred to as the “recreation area”).

(Pub. L. 92-260, §1, Mar. 23, 1972, 86 Stat. 99.)

§ 460z-1. Administration, protection, and development

The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture (hereinafter called the “Secretary”) in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best contribute the attainment of the purposes set forth in section 460z of this title.

(Pub. L. 92-260, §2, Mar. 23, 1972, 86 Stat. 99.)

§ 460z-2. Inland sector; establishment as buffer sector

The portion of the recreation area delineated as the “Inland Sector” on the map referenced in section 460z-3 of this title is hereby established as an inland buffer sector in order to promote such management and use of the lands, waters, and other properties within such sector as will best protect the values which contribute to the purposes set forth in section 460z of this title.

(Pub. L. 92-260, §3, Mar. 23, 1972, 86 Stat. 99.)

§ 460z-3. Boundary map; revision

The boundaries of the recreation area, as well as the boundaries of the inland sector included therein, shall be as shown on a map entitled “Proposed Oregon Dunes National Recreation Area” dated May 1971, which is on file and available for public inspection in the Office of the

Chief, Forest Service, Department of Agriculture, and to which is attached and hereby made a part thereof a detailed description by metes and bounds of the exterior boundaries of the recreation area and of the inland sector. The Secretary may by publication of a revised map or description in the Federal Register correct clerical or typographical errors in said map or descriptions.

(Pub. L. 92-260, §4, Mar. 23, 1972, 86 Stat. 99.)

SIUSSLAW NATIONAL FOREST

The boundaries of the Siuslaw National Forest were extended by section 6 of Pub. L. 92-260 to include all lands described in accordance with this section. See note set out under sections 486a to 486w of this title.

§ 460z-4. Transfer of Federal property

Notwithstanding any other provision of law, any Federal property located within the boundaries of the recreation area is hereby transferred without consideration to the administrative jurisdiction of the Secretary for use by him in implementing the purposes of this subchapter, but lands presently administered by the United States Coast Guard or the United States Corps of Engineers may continue to be used by such agencies to the extent required.

(Pub. L. 92-260, §5, Mar. 23, 1972, 86 Stat. 99.)

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 460z-5. Land acquisition in inland sector

Within the inland sector established by section 460z-2 of this title the Secretary may acquire the following classes of property only with the consent of the owner:

- (a) improved property as hereinafter defined;
- (b) property used for commercial or industrial purposes if such commercial or industrial purposes are the same such purposes for which the property was being used on December 31, 1970, or such commercial or industrial purposes have been certified by the Secretary or his designee as compatible with or furthering the purposes of this subchapter;
- (c) timberlands under sustained yield management so long as the Secretary determines that such management is being conducted in accordance with standards for timber production, including but not limited to harvesting reforestation, and debris cleanup, not less stringent than management standards imposed by the Secretary on comparable national forest lands: *Provided*, That the Secretary may acquire such lands or interests therein without the consent of the owner if he determines that such lands or interests are essential for recreation use or for access to or protection of recreation developments within the purposes of this subchapter. In any acquisition of such lands or interests the Secretary

shall, to the extent practicable, minimize the impact of such acquisition on access to or the reasonable economic use for sustained yield forestry of adjoining lands not acquired; and

(d) property used on December 31, 1970, primarily for private, noncommercial recreational purposes if any improvements made to such property after said date are certified by the Secretary of Agriculture or his designee as compatible with the purposes of this subchapter.

(Pub. L. 92-260, §7, Mar. 23, 1972, 86 Stat. 100.)

§ 460z-6. Land acquisition in recreation area; donation and exchange; railway right-of-way; retention rights of owners of improved property

(a) Land acquisition

Within the boundaries of the recreation area lands, waters, and interests therein owned by or under the control of the State of Oregon or any political subdivision thereof may be acquired only by donation or exchange.

(b) Railway right-of-way

No part of the Southern Pacific Railway right-of-way within the boundaries of the recreation area may be acquired without the consent of the railway, so long as it is used for railway purposes: *Provided*, That the Secretary may condemn such easements across said right-of-way as he deems necessary for ingress and egress.

(c) Retention rights of owners of improved property

Any person owning an improved property, as hereafter defined, within the recreation area may reserve for himself and his assigns, as a condition of the acquisition of such property, a right of use and occupancy of the residence and not in excess of three acres of land on which such residence is situated. Such reservation shall be for a term ending at the death of the owner, or the death of his spouse, whichever occurs later, or, in lieu thereof, for a definite term not to exceed twenty-five years: *Provided*, That the Secretary may exclude from such reserved property any lands or waters which he deems necessary for public use, access, or development. The owner shall elect, at the time of conveyance, the term of the right to be reserved. Where any such owner retains a right of use and occupancy as herein provided, such right may during its existence be conveyed or leased in whole, but not in part, for noncommercial residential purposes. 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. At any time subsequent to the acquisition of such property the Secretary may, with the consent of the owner of the retained right of use and occupancy, acquire such right, in which event he shall pay to such owner the fair market value of the remaining portion of such right.

(d) "Improved property" defined

The term "improved property" wherever used in this subchapter shall mean a detached one-family dwelling the construction of which was begun before December 31, 1970, together with