

REFERENCES IN TEXT

Herein, referred to in text, means Pub. L. 85-455, June 11, 1958, 72 Stat. 185, which is classified to sections 251b to 251d of this title. The “exchange authority” referred to in text is contained in section 1 of the Act, which is classified to section 251b of this title.

§ 251d. Applicability to privately owned lands

The provisions of sections 251b to 251d of this title shall not be applicable with respect to any privately owned lands lying within the exterior boundaries of the Olympic National Park which are within township 23 north, range 10 west; township 23 north, range 9 west; township 24 north, range 9 west; and township 24 north, range 8 west, West Willamette meridian; and lot 5 of the July Creek lot survey consisting of .15 acre, and lot 12 of the July Creek lot survey consisting of .35 acre.

(Pub. L. 85-455, §3, June 11, 1958, 72 Stat. 185.)

§ 251e. Boundary revision

The boundaries of Olympic National Park as established by sections 251 and 252 to 255 of this title, and as revised by proclamation pursuant to said sections and by or pursuant to section 251a of this title, and sections 251b to 251d of this title, are hereby revised to include the lands, privately owned aquatic lands, and interests therein within the boundaries depicted on the map entitled “Boundary Map, Olympic National Park, Washington,” numbered 149-80-001-B, and dated January 1976, which shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

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

§ 251f. Consultation by Secretary with Governor, local officials, and affected landowners; notice to Congressional committees; publication in Federal Register

The Secretary of the Interior (hereinafter referred to as the “Secretary”) shall, beginning within thirty days after October 21, 1976, consult with the Governor of the State of Washington, the Board of Commissioners of Clallam County, and the affected landowners, and shall locate a boundary encompassing all of the shoreline of Lake Ozette, including privately owned aquatic lands not within the boundary of the park on October 21, 1976: *Provided*, That such boundary shall be located not less than two hundred feet set back from the ordinary high-water mark of Lake Ozette: *Provided further*, That the privately owned lands encompassed within the park by such boundary shall not exceed one thousand five hundred acres. The Secretary shall, within one hundred and eighty days after October 21, 1976, and following reasonable notice in writing to the Committees on Interior and Insular Affairs of the Senate and House of Representatives of his intention to do so, publish in the Federal Register a detailed description of the boundary located pursuant to this section. Upon such publication the Secretary is authorized to revise the map on file pursuant to section 251e of this title accordingly, and such revised map shall

have the same force and effect as if included in sections 251e to 251m of this title.

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

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.

CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the “Committee System Reorganization Amendments of 1977”), approved Feb. 4, 1977.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 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 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 prop-

¹ See References in Text note below.

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