

“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 jurisdiction of the Secretary of Agriculture for administration as part of Olympic National Forest, and shall be subject to all the laws and regulations applicable to the National Forest System: *Provided*, That any lands deleted from the park and included within the Buckhorn Wilderness, Mount Skokomish Wilderness, or The Brothers Wilderness pursuant to this Act [enacting this section and this note] shall be managed in accordance with the provisions of the Washington State Wilderness Act of 1984 (Public Law 98-339, Act of July 3, 1984, 98 Stat. 301).

“SEC. 3. (a) The Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest or otherwise any non-Federal lands, waters, and interests therein included within the boundary of Olympic National Park pursuant to section 1 of this Act [16 U.S.C. 251n]: *Provided*: That any lands, waters, or interests therein owned by the State of Washington or any political subdivision thereof may be acquired only by donation or exchange.

“(b) For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903, as amended; [former] 16 U.S.C. 4601-9) [see 54 U.S.C. 100506(c), 200306], the boundary of the Olympic National

Forest, as modified pursuant to section 1 of this Act [16 U.S.C. 251n], shall be treated as if it was the boundary of that national forest on January 1, 1965.

“SEC. 4. Effective upon acceptance thereof by the State of Washington, the jurisdiction which the United States acquired over those lands excluded from the boundaries of Olympic National Park by this Act [enacting this section and this note] is hereby retroceded to the State.

“SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act [enacting this section and this note], except that the total amounts authorized to be appropriated for the purpose of acquisition of lands, waters, and interests therein pursuant to this Act shall not exceed \$1,000,000.”

#### § 252. Disposal of mineral rights

In the areas of said park lying east of the range line between ranges 9 and 10 and north of the seventh standard parallel, and east of the range line between ranges 4 and 5 west, Willamette meridian, all mineral deposits of the classes and kinds now subject to location, entry, and patent under the mining laws of the United States shall be, exclusive of the land containing them, subject to disposal under such laws for a period of five years from June 29, 1938, with rights of occupation and use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the Secretary of the Interior.

(June 29, 1938, ch. 812, §2, 52 Stat. 1242.)

#### § 253. Apportionment of income among counties

The income of each county receiving moneys from the Olympic National Forest, under section 500 of this title, shall be proportional to the total area of each county in the Olympic National Forest and the Olympic National Park combined.

(June 29, 1938, ch. 812, §3, 52 Stat. 1242.)

#### § 254. Administration, protection, and development

The administration, protection, and development of the Olympic National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled “An Act to establish a National Park Service, and for other purposes”,<sup>1</sup> as amended.

(June 29, 1938, ch. 812, §4, 52 Stat. 1242.)

#### REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535), entitled “An Act to establish a National Park Service, and for other purposes”, referred to in text, is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128

<sup>1</sup> See References in Text note below.

Stat. 3094, 3260, 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.

#### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

#### § 255. Effect on existing homestead, mineral, etc., entries; revision of boundaries

Nothing contained herein shall affect any valid existing claim, location, or entry made under the land laws of the United States, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land, nor the rights reserved by treaty to the Indians of any tribes. The boundaries of Olympic National Park may be revised only by Act of Congress.

(June 29, 1938, ch. 812, § 5, 52 Stat. 1242; Pub. L. 94-578, title III, § 320(c), Oct. 21, 1976, 90 Stat. 2739.)

#### REFERENCES IN TEXT

Herein, referred to in text, means act June 29, 1938, which is classified to sections 251 and 252 to 255 of this title. For complete classification of this Act to the Code, see Tables.

The land laws of the United States, referred to in text, are classified generally to Title 43, Public Lands.

#### AMENDMENTS

1976—Pub. L. 94-578 substituted “The boundaries of Olympic National Park may be revised only by Act of Congress” for “The President may after eight months from June 29, 1938 by proclamation add to the Olympic National Park any lands within the boundaries of the Olympic National Forest, and any lands which may be acquired by the Government by gift or purchase, which he may deem it advisable to add to such park; and any lands so added to such park shall, upon their addition thereto, become subject to all laws and regulations applicable to other lands within such park: *Provided*, That the total area of the said park shall not exceed eight hundred and ninety-eight thousand two hundred and ninety-two acres: *Provided further*, That before issuing any such proclamation, the President shall consult with the Governor of the State of Washington, the Secretary of the Interior, and the Secretary of Agriculture and advise them of the lands which he proposes to add to such park, and shall afford them a reasonable opportunity to consult with and communicate to him their views and recommendations with respect to the addition of such lands to such park.”

#### PROCLAMATION NO. 3003

Proc. No. 3003, Jan. 6, 1953, 18 F.R. 169, enlarged the Olympic National Park by adding to it certain lands within the Olympic National Forest.

#### § 256. Acceptance of land ceded by State of Washington; assumption of jurisdiction

The provisions of the act of the Legislature of the State of Washington, approved March 8, 1941 (Chapter 51 of the Laws of 1941 of the State of Washington), ceding to the United States exclusive jurisdiction over and within all the territory included on March 8, 1941, in the tract of

land in the State of Washington, set aside for the purposes of a national park and known as the Olympic National Park, are accepted. Subject to the reservations made by the State in the act of cession, the United States assumes sole and exclusive jurisdiction over such territory.

(Mar. 6, 1942, ch. 151, § 1, 56 Stat. 135.)

#### REFERENCES IN TEXT

Act of State of Washington “approved March 8, 1941”, referred to in text, may be found in Rem. Rev. St., §§ 8110-1 and Revised Code of Washington Annotated, § 37.08.210.

#### § 256a. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section, act Mar. 6, 1942, ch. 151, § 2, 56 Stat. 136, related to inclusion of park in a judicial district. See section 128 of Title 28, Judiciary and Judicial Procedure.

#### § 256b. Hunting and fishing; general rules and regulations; protection of property; violation of statutes or rules; penalties

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of the park, nor shall any fish be taken out of any of the waters of the park, except at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within the park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the waters in the park. Possession within the park of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this Act. Any person or persons, stage or express company, railway or other transportation company, who knows or has reason to believe that such wild birds, fish, or animals were taken or killed contrary to the provisions of this Act or the rules and regulations promulgated by the Secretary of the Interior, and who receives for transportation the dead bodies or any part thereof of the wild birds, fish, or animals so taken or killed, or who shall violate any of the other provisions of this Act, or the rules and regulations, with reference to the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within the park, or for the protection of the animals, birds, and fish in the park, or who shall within the park commit any damage, injury, or spoliation to or upon any building, fence, sign, hedge, gate, guidepost, tree, wood,