

Public Law 102-75  
102d Congress

An Act

To disclaim any interests of the United States in certain lands on San Juan Island, Washington, and for other purposes.

July 26, 1991  
[H.R. 427]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. DEFINITIONS.

As used in this Act, the following terms shall have the following meanings:

(1) The term "1921 Act" means the Act of August 23, 1921 (42 Stat. 173), whereby the United States granted to the State of Washington, for the use of the University of Washington for purposes of a biological station and general university research purposes, certain lands comprising a military reservation at San Juan Island, in San Juan County, Washington.

(2) The term "encroached lands" means those portions of the lands granted to the State of Washington by the 1921 Act that are designated as "Encroached Lands" on a survey plat to be prepared by the Secretary of the Interior pursuant to section 2 of this Act.

(3) The term "university" means the University of Washington.

(4) The term "the Secretary" means the Secretary of the Interior.

(5) The term "occupants" means the parties who on January 3, 1991, were listed on the tax records of San Juan County, Washington, as the owners of the encroached lands, and their heirs and assigns.

SEC. 2. SURVEY PLAT.

Within one year after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall complete a survey of the lands granted to the State by the 1921 Act, and shall prepare a survey plat detailing those portions of the land granted to the State that have been encroached upon: *Provided*, That not more than 50 per centum of the cost of such survey shall be paid by the Federal Government.

SEC. 3. EXEMPTION, DISCLAIMER, AND CONDITIONS.

(a) Subject to the limitation in subsection (c), the provisions of the 1921 Act relating to the right of the United States to assume control of, hold, use, and occupy the lands granted to the State by the 1921 Act, the provisions of such Act providing for reversion of such lands to the United States, and section 2 of such Act as amended by this Act shall not apply to the encroached lands.

(b) Subject to the limitations of subsection (c), the United States hereby disclaims all right, title and interest in the encroached lands and, effective one year after the survey plat is prepared pursuant to

section 2, all right, title, and interest of the United States in such lands shall vest in the University.

(c)(1) Subsections (a) and (b) of this section shall not take effect unless, within six months after the date of enactment of this Act the University and the State have entered into a binding agreement with the Secretary whereby the State and the University agree—

(A) to accept the map referred to in section 2 as accurate and conclusive and that the University and the State will not attempt to convey or otherwise transfer any portion of the encroached lands to any party or parties other than the occupants; and

(B) to reimburse the Secretary for the administrative costs of implementing this Act plus half the costs of the survey required by section 2, and also to pay the Secretary, on behalf of the United States, an amount equal to the total amounts that the State and the University receive as consideration for conveyance of some of all of the encroached lands to any of the occupants in excess of reasonable costs (including the survey and other costs required by this Act) incurred by the University and the State incident to such conveyance.

(2) All amounts received by the Secretary pursuant to this subsection shall be retained by the Secretary and, subject to appropriations, shall be used for the management of public lands managed by the Bureau of Land Management and shall remain available until expended.

#### SEC. 4. AVAILABILITY OF SURVEY PLAT.

The survey plat referred to in section 2 shall be available for public inspection in the offices of the Secretary and the State Director of the Bureau of Land Management for the State of Washington, and the Secretary shall transmit copies thereof to the University and to the appropriate officials of the State and of San Juan County, Washington.

#### SEC. 5. AMENDMENT.

The 1921 Act is hereby amended by the addition at the end thereof of the following new section:

“SEC. 2. (a) Notwithstanding any other provision of this Act, if any land, or portion thereof, granted or otherwise conveyed to the State of Washington is or shall become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601)), or if such land, or portion thereof, has been used for purposes that the Secretary of the Interior finds may result in the disposal, placement or release of any hazardous substance, such land shall not, under any circumstance, revert to the United States.

“(b) If lands granted or conveyed to the State by this Act shall be used for purposes that the Secretary of the Interior finds: (1) inconsistent with the purposes of this Act, and (2) which may result in the disposal, placement or release of any hazardous substance, the State shall be liable to pay to the Secretary of the Interior, on behalf of the United States, the fair market value of the land, including the value of any improvement, thereon, as of the date of conversion of the land to the nonconforming purpose. All amounts received by the Secretary of the Interior pursuant to this subsection shall be retained by the Secretary of the Interior and used, subject

to appropriations, for the management of public lands and shall remain available until expended.”.

Approved July 26, 1991.

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**LEGISLATIVE HISTORY—H.R. 427:**

**HOUSE REPORTS:** No. 102-34 (Comm. on Interior and Insular Affairs).

**SENATE REPORTS:** No. 102-94 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD,** Vol. 137 (1991):

Apr. 24, considered and passed House.

July 17, considered and passed Senate.