Public Law 94-578
94th Congress

An Act

Oct. 21, 1976
[H.R. 13713]

To provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, and for other purposes.

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

National Park System. Appropriation ceilings increase; boundary changes.

TITLE I—ACQUISITION CEILING INCREASES

SEC. 101. The limitations on appropriations for the acquisition of lands and interests therein within units of the National Park System contained in the following Acts are amended as follows:

16 USC 272f.

(1) Arches National Park, Utah: section 7 of the Act of November 12, 1971 (85 Stat. 422), is amended by changing "$125,000" to "$275,000";

16 USC 459f-10.

(2) Assateague Island National Seashore, Maryland and Virginia: section 11 of the Act of September 21, 1965 (79 Stat. 824), as amended (16 U.S.C. 459f), is further amended by changing "$21,050,000" to "$22,400,000";

16 USC 460m-14.

(3) Buffalo National River, Arkansas: section 7 of the Act of March 1, 1972 (86 Stat. 44), is amended by changing "$16,115,000" to "$30,071,500";

16 USC 273f.

(4) Capitol Reef National Park, Utah: section 7 of the Act of December 18, 1971 (85 Stat. 739), is amended by changing "$423,000" to "$2,173,000";

16 USC 459e-9.

(5) Fire Island National Seashore, New York: section 10 of the Act of September 11, 1964 (78 Stat. 928), is amended by changing "$16,000,000" to "$18,000,000";

16 USC 459h-10.

(6) Gulf Islands National Seashore, Florida and Mississippi: section 11 of the Act of January 8, 1971 (84 Stat. 1967), is amended by changing "$3,462,000" to "$22,162,000";

16 USC 461 note.

(7) Lincoln Home National Historic Site, Illinois: section 3 of the Act of August 18, 1971 (85 Stat. 347), is amended by changing "$2,003,000" to "$3,059,000";

16 USC 111e.

(8) Mesa Verde National Park, Colorado: section 3 of the Act of December 23, 1963 (77 Stat. 473), is amended by changing "$125,000" to "$193,233";

16 USC 90d-5.

(9) North Cascades National Park and Lake Chelan National Recreation Area, Washington: section 506 of the Act of October 2, 1968 (82 Stat. 926), is amended by changing "$3,500,000" to $4,500,000";

16 USC 461 note.

(10) Saint-Gaudens National Historic Site, New Hampshire: section 6 of the Act of August 31, 1964 (78 Stat. 749), is amended by adding a new sentence as follows: "For the acquisition of lands or interest therein, there is authorized to be appropriated not to exceed $80,000.";

(11) Scotts Bluff National Monument, Nebraska: section 3 of the Act of June 30, 1961 (75 Stat. 148), is amended by changing "$15,000" to "$145,000";

16 USC 271g.

(12) Canyonlands National Park, Utah: section 8 of the Act of September 12, 1964 (78 Stat. 934) as amended (85 Stat. 421) is further amended by changing "$16,000" to "$104,500"; and

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(13) Padre Island National Seashore, Texas: section 8 of the Act of September 28, 1962 (76 Stat. 650) is amended by changing "$5,000,000" to "$5,350,000". 16 USC 459d-7.

TITLE II—DEVELOPMENT CEILING INCREASES

SEC. 201. The limitations on appropriations for development of units of the National Park System contained in the following Acts are amended as follows:

(1) Andrew Johnson National Historic Site, Tennessee: section 3 of the Act of December 11, 1963 (77 Stat. 350), is amended by changing "$66,000" to "$266,000"; 16 USC 461 note.

(2) Arkansas Post National Memorial, Arkansas: section 3 of the Act of July 6, 1960 (74 Stat. 334), as amended (80 Stat. 339), is further amended by changing "$550,000" to "$2,750,000"; 16 USC 431 note.

(3) Chamizal National Memorial, Texas: section 5 of the Act of June 30, 1966 (80 Stat. 232), is amended by changing "$2,060,000" to "$5,063,000"; 16 USC 431 note.

(4) Fort Larned National Historic Site, Kansas: section 3 of the Act of August 31, 1964 (78 Stat. 748), is amended by changing "$1,273,000" to "$4,273,000"; 16 USC 461 note.

(5) Golden Spike National Historic Site, Utah: section 3 of the Act of July 30, 1965 (79 Stat. 426), is amended by changing "$1,168,000" to "$5,422,000"; 16 USC 461 note.

(6) Jefferson National Expansion Memorial National Historic Site, Missouri: section 4 of the Act of May 17, 1954 (68 Stat. 98), as amended (16 U.S.C. 450jj), is further amended by changing "$23,250,000" to "$32,750,000"; 16 USC 450jj note.

(7) Saint Gaudens National Historic Site, New Hampshire: section 6 of the Act of August 31, 1964 (78 Stat. 749), is amended by changing "$210,000" to "$2,677,000"; 16 USC 461 note.

(8) Vicksburg National Military Park, Mississippi: section 3 of the Act of June 4, 1963 (77 Stat. 55), is amended by changing "$2,050,000" to "$3,850,000"; 16 USC 430h-5.

(9) Channel Islands National Monument, California: paragraph (1) of section 201 of the Act of October 26, 1974 (88 Stat. 1445, 1446), is amended by changing "$2,936,000" to "$5,452,000"; and

(10) Nez Perce National Historical Park, Idaho: section 7 of the Act of May 15, 1965 (79 Stat. 110) is amended by changing "$1,337,000" to "$4,100,000". 16 USC 281f.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. The Act of September 21, 1965 (79 Stat. 824), as amended (16 U.S.C. 459f), providing for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, is further amended by repealing sections 7 and 9 in their entirety, and by adding the following new section 12: Repeal. 16 USC 459f-6, 459f-8.

"SEC. 12. (a) Within two years of the date of enactment of this section, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives a comprehensive plan for the protection, management, and use of the seashore, to include but not be limited to the following considerations: Comprehensive plan, transmittal to congressional committees. 16 USC 459f-11.

"(1) measures for the full protection and management of the natural resources and natural ecosystems of the seashore;

"(2) present and proposed uses of the seashore and the lands and waters adjacent or related thereto, the uses of which would reasonably be expected to influence the administration, use, and environmental quality of the seashore;

"(3) plans for the development of facilities necessary and appropriate for visitor use and enjoyment of the seashore, with identification of resource and user carrying capacities, along with the anticipated costs for all proposed development;

"(4) plans for visitor transportation systems integrated and coordinated with lands and facilities adjacent to, but outside of, the seashore; and

"(5) plans for fostering the development of cooperative agreements and land and resource use patterns outside the seashore which would be compatible with the protection and management of the seashore.

"(b) Notwithstanding any other provision of law, no Federal loan, grant, license, or other form of assistance for any project which, in the opinion of the Secretary would significantly adversely affect the administration, use, and environmental quality of the seashore shall be made, issued, or approved by the head of any Federal agency without first consulting with the Secretary to determine whether or not such project is consistent with the plan developed pursuant to this section and allowing him at least thirty days to comment in writing on such proposed action.".

Publication in Federal Register.

SEC. 302. (a) The Secretary of the Interior is authorized to designate by publication of a map or other boundary description in the Federal Register certain areas of scenic, historic, and geological significance including portions of No Thoroughfare Canyon and Red Canyon, but not to exceed two thousand eight hundred acres, for addition to Colorado National Monument, Colorado. Within the areas so designated the Secretary may acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange. Property so acquired and any Federal property so designated shall thereupon become part of the Colorado National Monument, subject to the laws and regulations applicable to the monument.

Land acquisition.

Appropriation authorization.

(b) There is authorized to be appropriated not to exceed $460,000 for the acquisition of lands and interests therein.

16 USC 431 note.

SEC. 303. Section 4 of the Act approved August 31, 1965 (79 Stat. 588), as amended (87 Stat. 456), providing for the commemoration of certain historical events in the State of Kansas, is further amended by changing "$1,420,000" to "$2,000,000".

SEC. 304. (a) In order to facilitate the administration of certain areas of the National Park System located in Montgomery County, Maryland, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") may transfer, without monetary reimbursement, to the jurisdiction of the Director of the National Park Service in Montgomery County, Maryland, as set forth in the drawing entitled "Transfer of Land for Washington Aqueduct Shops and Storehouse Projects", numbered 40.1—103.3—1, and dated January 30, 1970 (a copy of which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior), and which the Secretary of the Army has had use of under a permit dated March 5, 1965, issued by the Director of the National Park Service.

Land transfer.

(b) The Secretary of the Army may transfer, without monetary reimbursement, to the jurisdiction of the Secretary the land located in Montgomery County, Maryland, administered by the Secretary of the Army as part of the Washington Aqueduct at the Dalecarlia Shops

area, as set forth in the drawing of January 30, 1970, specified in subsection (a).

SEC. 305. Section 2(c) of the Act of October 4, 1961 (75 Stat. 780), providing for the preservation and protection of certain lands in Prince Georges and Charles Counties, Maryland, as amended (88 Stat. 1304), is further amended by changing the fifth sentence by deleting "parcels A, B, C, and D" and inserting in lieu thereof "parcels A, B, and C".

SEC. 306. Section 3 of the Act of August 31, 1964 (78 Stat. 749), authorizing the establishment of the Saint-Gaudens National Historic Site, New Hampshire, is amended by adding the following sentence: "Following such establishment the Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange not to exceed sixty-four acres of lands and interests therein which he deems necessary for addition to the national historical site and which, when acquired, shall become a part of the site.". **Land acquisition. 16 USC 461 note.**

SEC. 307. (a) The boundary of the Saguaro National Monument is hereby revised to include the area as generally depicted on the map entitled "Boundary Map, Saguaro National Monument, Pima County, Arizona", numbered 151-91,001-C, and dated July 1976, which map shall be on file and available for public inspection in the Offices of the National Park Service, Department of the Interior. The Secretary of the Interior may acquire property within the revised boundary by donation, purchase, transfer from any other Federal agency, exchange, or by any other means. The monument shall hereafter be administered in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented. **Saguaro National Monument, Ariz., boundary revision.**

(b) There is authorized to be appropriated not to exceed $1,700,000 in the acquisition of lands and interests added to the Saguaro Monument pursuant to subsection (a). **Appropriation authorization.**

SEC. 308. (a) The Appomattox Court House National Historical Park shall hereafter comprise the area depicted on the map entitled "Boundary Map, Appomattox Court House National Historical Park", numbered 340-20,000A, and dated September 1976, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior. **Appomattox Court House National Historical Park, Va. 16 USC 450e-1.**

(b) Within the boundaries of the park, the Secretary may acquire lands and interests in lands, by donation, purchase with donated or appropriated funds, or exchange. Any lands or interests in lands owned by the State of Virginia or its political subdivisions may be acquired only by donation. **Land acquisition.**

(c)(1) The owner of an improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition, less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law **Property retained. Fair market value. Termination.**

upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

"Improved property."

(2) As used in this Act, the term "improved property" means a detached, single-family dwelling, construction of which was begun before June 8, 1976, which is used for noncommercial residential purposes, together with such additional lands or interests therein as the Secretary deems to be reasonably necessary for access thereto, such lands being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

(3) Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 101(6) of such Act.

42 USC 4623-4626.

Administration.

(d) The Secretary shall administer the park in accordance with the Acts of August 25, 1916 (39 Stat. 535), as amended and supplemented, and August 21, 1935 (49 Stat. 666) as amended.

Repeals. 16 USC 450b, 450c, 450d, 450d-1, 450e.

(e) The Acts of June 18, 1930 (46 Stat. 777), August 13, 1935 (49 Stat. 613), and July 17, 1953 (67 Stat. 181), are repealed.

Appropriation authorization.

(f) There are authorized to be appropriated not to exceed $1,335,000 to carry out the purposes of this Act.

Bandelier National Monument, N. Mex., land acquisition.

SEC. 309. (a) That the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange approximately four thousand two hundred and thirty-four acres comprising part of the Canada de Cochiti Grant adjacent to the southern boundary of Bandelier National Monument, New Mexico, and approximately three thousand and seventy-six acres containing the headwaters of the Rito de los Frijoles adjacent to the northwestern boundary for addition to the monument. Lands and interests therein owned by the State of New Mexico or any political subdivision thereof may be acquired only by donation or exchange.

(b) Lands and interests therein acquired pursuant to this Act shall thereupon become part of Bandelier National Monument and subject to all laws and regulations applicable thereto.

Appropriation authorization.

(c) There are hereby authorized to be appropriated not to exceed $1,463,000 for the acquisition of land.

16 USC 460m-14.

SEC. 310. Section 7 of the Act of March 1, 1972 (86 Stat. 44) which establishes the Buffalo National River, is amended by deleting "For development of the national river, there are authorized to be appropriated not more than $283,000 in fiscal year 1974; $2,923,000 in fiscal year 1975; $3,643,000 in fiscal year 1976; $1,262,000 in fiscal year 1977; and $1,260,000 in fiscal year 1978. The sums appropriated each year shall remain available until expended." and inserting in lieu thereof "For development of the national river, there are authorized to be appropriated not to exceed $9,371,000.".

SEC. 311. The Act of September 5, 1962 (76 Stat. 428) which designates the Edison National Historic Site, is amended (a) by deleting the words "accept the donation of" in section 2 and substituting the words "acquire, by donation, or purchase with donated or appropriated funds,"; and (b) by adding the following new section:

Appropriation authorization.

"SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed

$75,000 for acquisition of lands or interests therein, and $1,695,000 for development.".

SEC. 312. The Act of September 13, 1961 (75 Stat. 489), authorizing the establishment of the Fort Smith National Historic Site, Arkansas, is amended as follows: 16 USC 461 note.

(a) in section 1, after "adjoining" insert "or related" in the first sentence, and add the following after the second sentence: "The total area so designed for the purposes of this Act may not exceed seventy-five acres.";

(b) in section 2, change the colon at the end of the second sentence to a period and delete the remainder of the section (through the second proviso); and

(c) revise section 4 to read as follows:

"SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $1,719,000 for land acquisition and not to exceed $4,580,000 for the development of Fort Smith National Historic Site undertaken after the effective date of this section.". Appropriation authorization.

SEC. 313. The Act of September 13, 1960 (74 Stat. 881) which designates and establishes that portion of the Hawaii National Park on the island of Maui, in the State of Hawaii, as the Haleakala National Park, is amended by adding the following new section: 16 USC 396b.

"SEC. 2. (a) Notwithstanding any limitations on land acquisition as provided by the Act of June 20, 1938 (52 Stat. 781), the Secretary of the Interior may acquire for addition to the park any land on the island of Maui within the boundaries of the area generally depicted on the map entitled 'Haleakala National Park, Segment 03,' numbered 162-30,000-G, and dated May 1972, by donation, purchase with donated or appropriated funds, or exchange. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Land acquisition. 16 USC 396c.

"(b) There is authorized to be appropriated such sums but not to exceed $920,000 as may be necessary to carry out the purposes of this section.". Appropriation authorization.

SEC. 314. The second sentence of subsection (e) of section 6 of the John F. Kennedy Center Act (72 Stat. 1698), as amended, is amended to read as follows: "There is authorized to be appropriated to carry out this subsection not to exceed $4,000,000 for the fiscal year ending September 30, 1978, and not to exceed $4,300,000 for the fiscal year ending September 30, 1979.". 20 USC 76*l*.

SEC. 315. The Act of September 18, 1964 (78 Stat. 957), entitled "An Act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes", as amended by the Act of October 26, 1974 (88 Stat. 1447), is amended by changing "465 acres" in both places in which it appears in the first section to "600 acres". 16 USC 409g.

SEC. 316. The first sentence of section 15 of the Act of March 23, 1972 (86 Stat. 102; 16 U.S.C. 460z-13) which establishes the Oregon Dunes National Recreation Area, is hereby amended to read as follows: "There are hereby authorized to be appropriated for the acquisition of lands, waters, and interests therein such sums as are necessary, not to exceed $5,750,000.". Appropriation authorization.

SEC. 317. The boundary of the Pecos National Monument is hereby revised to include the area as generally depicted on the map entitled "Boundary Map, Pecos National Monument, New Mexico", numbered 430-20017, and dated December 1975, which map shall be on file and Pecos National Monument, N. Mex., boundary revision.

available for public inspection in the offices of the National Park Service, Department of the Interior.

Zion National Park, Utah, boundary revision.
16 USC 346a-4.

SEC. 318. The boundary of Zion National Park is hereby revised to include the area as generally depicted on the map entitled "Land Ownership Types, Zion National Park, Utah", numbered 116-80,003, which map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior may acquire the property included by this section by donation only.

SEC. 319. The Act of June 21, 1934 (48 Stat. 1198; 16 U.S.C. 430j) is amended as follows:

(1) In section 1:

(a) change "national military park" to "national battlefield" and

(b) change "Monocacy National Military Park" to "Monocacy National Battlefield" (hereinafter referred to as "the battlefield"). The battlefield shall comprise the area generally depicted on the drawing entitled "Boundary, Monocacy National Battlefield", numbered 894-40,000 and dated May 1976, and delete the remainder of the sentence.

16 USC 430k.

(2) In section 2, change "Monocacy National Military Park" to "battlefield" wherever it occurs.

16 USC 430l.

(3) In section 3, delete "enter into leases with the owners of such of the lands, works, defenses, and buildings thereon within the Monocacy National Military Park, as in his discretion it is unnecessary to forthwith acquire title to, and such leases shall be on such terms and conditions as the Secretary of the Interior may prescribe, and may contain options to purchase, subject to later acceptance, if, in the judgment of the Secretary of the Interior, it is as economical to purchase as condemn title to property: *Provided*, That the Secretary of the Interior may enter into agreements upon such nominal terms as he may prescribe, permitting the present owners or their tenants to occupy or cultivate their present holdings, upon condition", and insert in lieu thereof, "lease to the immediately preceding owner or owners any lands acquired pursuant to an agreement that such lessee or lessees will occupy such lands in a manner consistent with the purposes of this Act and".

16 USC 430m.

(4) Change section 4 to read:

"SEC. 4. The administration, development, preservation, and maintenance of the battlefield shall be exercised by the Secretary of the Interior in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666).".

Repeal.
16 USC 430n.

(5) Repeal all of section 5.

16 USC 430o.

(6) In section 6:

(a) delete "said Office of National Parks, Buildings, and Reservations, acting through the", and

(b) change "Monocacy National Military Park:" to "battlefield", delete the remainder of the sentence and insert in lieu thereof "for carrying out the provisions of this Act.".

16 USC 430p.

(7) In section 7:

(a) change "Monocacy National Military Park" to "battlefield", and

(b) delete the comma and "which approval shall be based on formal written reports made to him in each case by the Office of National Parks, Buildings, and Reservations; *Provided*," and insert in lieu thereof "*Provided further*,".

(8) In section 8, change the comma to a period and delete "of not less than $5 nor more than $500.". 16 USC 430q.

(9) Change section 10 to read:

Appropriation authorization. 16 USC 430s.

"SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary, but not more than $3,525,000 for the acquisition of lands and interests in lands, and not to exceed $500,000 for the development of essential public facilities. Within three years from the date of the enactment of this section, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the full development of the battlefield consistent with the preservation objectives of this Act, indicating:

Final master plan, submittal to congressional committees.

"(1) the facilities needed to accommodate the health, safety, and interpretive needs of the visiting public;

"(2) the location and estimated cost of all facilities; and

"(3) the projected need for any additional facilities within the battlefield.

No funds authorized to be appropriated pursuant to this section shall be available prior to October 1, 1977.".

Olympic National Park, Wash., boundary revision. 16 USC 251e.

SEC. 320. (a) The boundaries of Olympic National Park as established by the Act of June 29, 1938 (52 Stat. 1241), and as revised by proclamation pursuant to that Act and by or pursuant to the Act of December 22, 1942 (56 Stat. 1070), and the Act of June 11, 1958 (72 Stat. 185), 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.

Consultation. 16 USC 251f.

(b) The Secretary of the Interior (hereinafter referred to as the "Secretary") shall, beginning within thirty days after the date of enactment of this Act, 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 the date of enactment of this Act: *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 the date of enactment of this Act, 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 subsection. Upon such publication the Secretary is authorized to revise the map on file pursuant to subsection (a) of this section accordingly, and such revised map shall have the same force and effect as if included in this Act.

Notice to congressional committees; publication in Federal Register.

(c) Section 5 of the said Act of June 29, 1938, is amended by deleting the second sentence, and inserting in lieu thereof: "The boundaries of Olympic National Park may be revised only by Act of Congress.". 16 USC 255.

Land acquisition. 16 USC 251g.

(d) Notwithstanding any other provision of law, within the boundaries of the park as revised by and pursuant to this Act, 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 the enactment of this Act, 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 this Act 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 this Act 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). The acquisition of lands by the United States in trust for an Indian tribe pursuant to 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.

Study and investigation.

Study results, transmittal to President and Congress.

(e)(1) Any owner or owners of improved property within the boundaries of the park, as revised by and pursuant to this Act 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.

Property retained. 16 USC 251h.

Fair market value.

(2) As used in 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.

"Improved property."

(f) The Secretary is directed to acquire in fee all other privately owned lands added to the park by and pursuant to this Act, and to acquire within three years of adoption of this Act 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 adoption of this Act 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.

Land acquisition, report to Congress.
16 USC 251i.

(g) Notwithstanding the provisions of the preceding subsection, 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 or 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 subsection, 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.

Property retained.
16 USC 251j.

(h) 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.

Land acquisition.
16 USC 251k.

(i) 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 subsection 1(a) of this Act 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 jurisdiction 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 this Act.

16 USC 251*l*.

(j) There is hereby authorized to be appropriated not to exceed $13,000,000 for the acquisition of lands, privately owned aquatic lands, or interests therein in accordance with the provisions of this title. No funds authorized to be appropriated pursuant to this title shall be available prior to October 1, 1977.

Appropriation authorization.
16 USC 251m.

SEC. 321. Section 403 of the Act of October 26, 1974 (88 Stat. 1447), is amended by adding the following new subsection (c):

"(c) To carry out the priority repairs as determined by the study performed in accordance with subsection (a) of this section, and to complete additional detailed studies to accomplish the work so identified, there are authorized to be appropriated such sums as may be necessary, but not more than $2,733,000. No funds authorized to

be appropriated pursuant to this subsection shall be available prior to October 1, 1977.".

16 USC 698b.

SEC. 322. Section 3(b) of the Act of October 11, 1974 (88 Stat. 1254; 16 U.S.C. 698(b)), is amended by deleting "detached, one-family dwelling," and inserting in lieu thereof "detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and".

SEC. 323. The Act of December 27, 1974 (88 Stat. 1784) entitled "An Act to provide for the establishment of the Cuyahoga Valley National Recreation Area" is amended as follows:

16 USC 460ff-1.

(a) In subsection 2(a) strike out "Boundary Map, Cuyahoga Valley National Recreation Area, Ohio, numbered NRA-CUYA-20,000-A, and dated December 1974," and insert in lieu thereof "Boundary Map, Cuyahoga Valley National Recreation Area, Ohio, numbered 90,000-A, and dated September 1976,".

16 USC 460ff-5.

(b) In subsection 6(a) strike out "$34,500,000" and insert in lieu thereof "$41,100,000".

16 USC 460ff-5 note.

(c) No funds authorized by this section in excess of those sums previously authorized by the Act of December 27, 1974, shall be available for expenditure before October 1, 1977.

Approved October 21, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-1162 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94-1158 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 122 (1976):
June 8, considered and passed House.
Aug. 26, considered and passed Senate, amended.
Sept. 29, House concurred in certain Senate amendments and in others with amendments.
Oct. 1, Senate agreed to certain House amendments and to one with an amendment; House agreed to Senate amendment.