

ORDER NO. 3212

SIGNATURE DATE: February 29, 2000

Subject: Delegation of Authority to National Park Service and Bureau of Reclamation

Sec. 1 Purpose. The Secretary authorizes the Director, National Park Service (NPS), to acquire and administer the lands, facilities and interests of two hydroelectric projects (Projects) located on approximately 1,221 acres of land in the State of Washington (acquired lands) and to take actions to fully restore the Elwha River ecosystem through removal of two dams that constitute integral components of the Projects. This Order also authorizes the NPS and the Bureau of Reclamation to operate and maintain the dams pending their removal and authorizes the Bureau of Reclamation to provide technical assistance to NPS for ecosystem restoration activities.

Sec. 2 Background. Approximately 1,061 acres of the acquired lands, located in Clallam County, Washington, are outside the established boundaries of Olympic National Park and are not part of the National Park System (System). These acquired lands and interests are withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws, and the mineral leasing laws.

Sec. 3 Authority. The authority for this Order is derived from the Elwha River Ecosystem and Fisheries Restoration Act of 1992 (Elwha Act), Public Law 102-495, 106 Stat. 3173, et seq.; the NPS Organic Act of 1916, as amended, 16 U.S.C. 1, et seq.; the Energy Policy Act of 1992, Public Law 102-486, 106 Stat. 2776, et seq.; the Economy Act, Public Law 97-258, 96 Stat. 877, et seq., 31 U.S.C. 1535; and Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262, 5 U.S.C. App.).

Sec. 4 Delegations.

a. NPS is designated as the lead agency to administer the acquired lands and is delegated the authority to take such actions as are necessary to fully restore the Elwha River ecosystem through removal of the two dams.

b. To guide the administration of the acquired lands, NPS has drafted and approved an Interim Management Plan (IMP). The acquired lands remain subject to prior existing rights, but are open to public recreation and uses that conform with the IMP. Use restrictions and closures may be implemented to protect the natural resources, federal improvements and public health and safety, or for purposes set forth in the Elwha Act.

c. NPS shall use the existing authorities and provisions to manage the acquired lands as

are usually available to the NPS. Many of these provisions are codified in title 36 Code of Federal Regulations, Chapter 1, but this Order shall not be construed to limit such authorities to those set forth in such chapter. Nothing herein shall be construed as making the lands outside the boundaries of Olympic National Park a part of the System. However, approximately 160 acres of the acquired lands are within the established boundaries of Olympic National Park and shall become a part of Olympic National Park and be managed as a part of the National Park System, in accordance with existing management plans and NPS rules.

d. The NPS and Bureau of Reclamation are authorized to operate and maintain the Projects prior to removal under such agreements as are appropriate.

e. The Bureau of Reclamation shall provide technical assistance to NPS for ecosystem restoration activities under such agreements as are appropriate and agreed to by both agencies.

Sec. 5 **Effective Date.** This Order shall be effective immediately, and shall remain in effect until amended, superseded, revoked or until these lands are transferred. However, in the absence of the foregoing actions, the provisions of this Order will terminate and be considered obsolete on March 1, 2010.

/s/ Bruce Babbitt
Secretary of the Interior

SO#3212 2/29/00