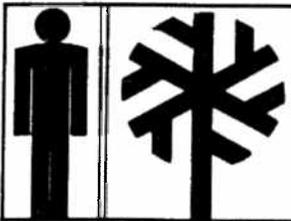


Stock Use and Meadow Management Plan

Sequoia & Kings Canyon



NATIONAL PARKS / CALIFORNIA

1. INTRODUCTION

Pack and saddle stock have been used in the southern Sierra Nevada since the mid-nineteenth century, first for exploration and then in conjunction with sheep and cattle grazing and mining. In the late nineteenth century, and progressively into the twentieth century, pack and saddle stock were used for access to the mountains of the region for recreational purposes. The numbers of pack and saddle stock used for recreational trips increased and peaked in the 1930s, dropped in the 1940s, increased again in the 50s, and have since declined. The use of pack and saddle stock is still recognized as a traditional, historically and culturally significant, and legitimate activity that will continue in the backcountry of Sequoia and Kings Canyon National Parks (Evison, 1981).

The Act that created the National Park Service states that its "purpose is to conserve the scenery and the natural and historic objects and the wild-life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for future generations." National Park Service policy and the legislation that created these Parks require that ecosystems in the backcountry be protected and preserved while allowing for their use and enjoyment (United States Department of Interior, 1978; Sequoia and Kings Canyon National Parks, 1976). Most of the backcountry of these Parks was added to the National Wilderness Preservation System on September 19, 1984; this requires additional care in considering uses that are to be allowed in the backcountry. Some disruption of natural ecosystems and processes by pack and saddle stock is expected and considered acceptable as the necessary consequence of a form of backcountry use that is appropriate in Sequoia and Kings Canyon; the impacts of stock use, however, are potentially significant enough to compel development of a management program for its regulation. The principal purpose of the Stock Use and Meadow Management Plan is to provide the framework for such a program.

Pack and saddle stock have several distinctive effects on park resources. These include:

- Removal of vegetation which may affect plant vigor, reproduction, and ultimately, density and composition. Some of the vegetation otherwise would be consumed by native herbivores. Grazing displaces native grazers by disturbance. These effects may reduce or eliminate native animals from local areas.

- Trampling of vegetation and underlying soils, particularly wet meadows. Trampling reduces water quality by muddying, damages plants, and can produce significant detrimental erosional effects such as damage to streambanks and changes to meadow drainage patterns.

- Impacts such as deposition of stock urine and feces on trails, in streams, near camps, trampling of streambanks and other fragile soils, grazed appearance of forage areas, etc.

during the great drought years of 1862-1864 (Burcham, 1957). The next forty years can be characterized as a period of heavy, unregulated use. Tens (and perhaps hundreds) of thousands of sheep were driven into the High Sierra annually. Use was locally heavy (Muir, 1877; Reports of the Acting Superintendent of Sequoia and General Grant National Parks, 1892, 1894; Dudley, 1896, 1898, 1899; King, 1902), and virtually all of the areas now included within the Parks that were accessible to sheep were grazed. Cattle were also common in the area but were generally confined to the more easily accessible plateaus and drainages.

Sequoia and Kings Canyon National Parks were established in stages spanning the years 1890-1940 (Strong, 1968), and thus different areas have different grazing histories. Sequoia National Park was established in 1890 but was not expanded to include the Kern Canyon and Sierra Crest regions until 1926. Kings Canyon National Park was established in 1940. Prior to this time, that area was administered by the U. S. Forest Service. With establishment of these Parks, grazing by sheep and cattle was virtually eliminated. Exceptions included a considerable amount of trespass grazing from 1890 to 1905, special wartime grazing permits during and immediately following World War I, and lifelong grazing permits extended as a condition of establishing Kings Canyon National Park. The Forest Service effectively regulated grazing by permit on its lands after 1905. Even so, grazing pressure was heavy as maximum herd sizes on Forest Service allotments were not reached until the 1920s and 1930s (Harper, 1974). Thus, many meadows in Kings Canyon National Park were degraded at the time of its establishment (Sumner, 1941). Detailed accounts of the use of the High Sierra by domestic livestock during pre-park and early park periods are presented by Burcham (1957), Otter (1963), Loughman (1967), Vankat (1970), Harper (1974), Holmes and Dobson (1976), DeBenedetti (1977), Vankat and Major (1978), and DeBenedetti and Parsons (1979).

Recreational use of pack and saddle stock on land now included within these Parks predates their establishment. Large stock-assisted Sierra Club outings began visiting this area in the early 1900s. Loughman (1967) reported that the use of pack and saddle stock for recreational purposes increased steadily after World War I and peaked in the 1930s. Following a decline in the 1940s, use again increased in the early 1950s, only to decline again through the early 1960s (Briggle, et al., 1961). Use levels have ranged between 8,800 and 11,500 stock nights during the seven years from 1977-84 (National Park Service Annual Stock Use Reports 1977-84). The current level of use as measured by the number of stock nights spent in the backcountry is about one-third of the level of the early 1950s and may be as little as one-sixth of the peak levels of the 1930s.

Backcountry meadows in these Parks have been the object of several studies, mostly qualitative in nature. As with Sumner (1941), these reports were the result of observations that many meadows seemed to be in a deteriorated condition; the cause of this deterioration was believed to be overgrazing by pack stock, cattle, and/or sheep.

Final
General Management Plan
and
Comprehensive River Management Plan /
Environmental Impact Statement

National Park Service
U.S. Department of the Interior



Sequoia and Kings Canyon
National Parks
Middle and South Forks of the
Kings River
and North Fork of the Kern River

Tulare and Fresno Counties
California



Volume 1:
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ATT. 2

The Management Alternatives

This section presents the range of alternatives that are being considered for the general management plan for Sequoia and Kings Canyon National Parks. Each alternative is structured around a series of visions. There is a vision for the parks as a whole, and then for specific areas within the parks. The visions focus on what the parks and individual areas should be like at some time in the future, and they are worded in the present tense. After the visions, specific actions that would be taken under each alternative to achieve that vision are presented in a table. All of the alternatives were developed on the assumption that certain mitigating actions would be incorporated into the proposed actions in order to reduce the degree of adverse impacts. These mitigating measures are described beginning on page 76.

Many elements and prescriptions in the general management plan are also integral to the comprehensive river management plan for wild and scenic rivers. These include management prescriptions and zoning, river protection measures, the backcountry use quota system, stock use limits, prescriptions relating to campground and lodging locations and sizing, carrying capacity limits, and natural and cultural resource requirements. The section of the alternatives matrix that relates specifically to wild and scenic rivers (boundaries, classifications, and outstandingly remarkable values) begins on page 98.

The presentation of alternatives differs from that in Newsletter 5 in that the continuation of current management (referred to as the no-action alternative), which was originally presented as alternative B, is now presented first as a baseline for comparing the impacts of the other alternatives. The preferred alternative, which was developed based on a preliminary analysis of impacts, is presented second. The other alternatives that were included in Newsletter 5 are then presented. As described in the newsletter, alternative A would emphasize natural ecosystems and biodiversity, with reduced use and development; alternative C would preserve traditional

character and retain the feel of yesteryear, with guided growth; and alternative D would preserve the basic character and adapt to changing user groups.

As the planning team began refining the alternatives in Newsletter 5, it was clear that additional actions were needed to more clearly illustrate the intent of each alternative. Also, actions related to special use permit cabins at Mineral King were revised. The addition of the Dillonwood area to Sequoia National Park necessitated the creation of alternatives for this area, and the establishment of Giant Sequoia National Monument resulted in other revisions.

As previously described, benefits related to resource protection from other alternatives were added to the preferred alternative. The preferred alternative was selected for two major reasons: (1) it would bring additional benefits to the parks, and (2) it would be the most cost-effective.

DEFINITIONS OF PARK CHARACTER

The range of alternatives was developed with public input, and many members of the public valued what they called the character of the park. However, different views of character were described. To explain the alternatives, words that describe park character need further definition. Both titles and park visions for several alternatives use “basic,” “traditional,” and “rustic” to describe park character.

- *Basic* refers to activities that are well-established and common, such as hiking, camping, stock use, fishing, cave tours, water play, winter recreation (snow play, cross-country skiing, and snowshoeing), and recreational scenic driving.
- *Traditional* refers to the historical use patterns from the 1920s to the 1960s. Visitors used private vehicles in the parks and stayed for longer periods of time. Typical visitors were small family groups or back-

packers of similar age. Backcountry use and stock use were much more popular. During that period private recreational communities developed in and around the parks, providing escape from the Central Valley's summer heat.

- *Rustic* refers to the nature of the built environment, with its handcrafted feel and its relationship to the surrounding environment. At Sequoia and Kings Canyon National Parks, rustic architectural character is **common to all alternatives** and is supported by *Architectural Character Guidelines* (NPS 1989b) and *Road Character Guidelines* (NPS 1990). Because developed areas are very small under any alternative, the natural environment predominates over the rustic character of park development.

VISIONS FOR THE ALTERNATIVES

Continue Current Management (No-Action Alternative)

Parkwide

The parks are managed as they are now in accordance with approved plans (such as development concept plans, and the 1996 *Giant Forest Interim Management Plan*); negative resource impacts and visitor demands are responded to by relocating development, reducing some uses, or confining new developed areas. Visitor uses are reassessed and revised as new information about natural and cultural resource impacts and visitor needs emerges. Current facilities are inadequate for park needs and visitor use levels, and crowding is common in some areas.

Wild and Scenic Rivers

National wild and scenic rivers are preserved in free-flowing condition, and they and their immediate environments are protected for the benefit and enjoyment of present and future generations. In managing these rivers, emphasis is given to protecting and enhancing the outstandingly remarkable values of each river segment, including aesthetic, scenic, historic,

archeological, and scientific features. The protection of natural river processes is a high priority.

Backcountry

The land area that is designated wilderness or backcountry that is managed to preserve wilderness characteristics amounts to 96.10% of the parks. The parks' backcountry and wilderness areas continue to have a variety of permitted activities and commercial operations. Existing facilities remain. Most stressors to the backcountry are regionwide, such as air pollution and climate change, rather than from activities within the parks.

Kings Canyon National Park

Cedar Grove and the Floor of the Kings Canyon. The Kings Canyon is a glacially carved deep canyon with waterfalls, lush meadows, campgrounds, and commercial facilities, as well as popular backcountry access, visited mostly by campers and hikers who come to enjoy the quiet or by persons passing through the area to access the backcountry. Cedar Grove village is a low-use area with an extended season.

Grant Grove. Grant Grove is a pristine sequoia grove with the world's third largest tree (the General Grant Tree) and the previously logged Big Stump Grove. Grant Grove continues as a very popular destination, with a highly visited sequoia grove. Grant Grove village offers day and overnight activities, mixed with other park development and uses. Circulation and congestion problems remain.

Sequoia National Park

Dorst / Halstead Meadow / Cabin Creek.

Dorst, Halstead Meadow, and Cabin Creek are within a forested area of open evergreen stands, meadows, and small sequoia groves. The Dorst area provides camping and some facilities along the Generals Highway. It serves as the trailhead to Muir Grove.

Wuksachi. Wuksachi is a new developed area set amid rocky outcrops and surrounded by evergreen forest. Wuksachi village provides

H.R. REP. 110-694, H.R. Rep. No. 694, 110TH Cong., 2ND Sess. 2008, 2008 WL 2327968
**1 SEQUOIA AND KINGS CANYON NATIONAL PARKS WILDERNESS ACT OF 2008

HOUSE REPORT NO. 110-694
June 5, 2008

*1 Mr. Rahall from the Committee on Natural Resources, submitted the following

REPORT

[To accompany H.R. 3022]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3022) to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sequoia and Kings Canyon National Parks Wilderness Act of 2008”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) Secretary.—The term “Secretary” means the Secretary of the Interior.
- (2) State.—The term “State” means the State of California.

SEC. 3. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) John Krebs wilderness.—

(A) Designation.—Certain land in Sequoia and Kings Canyon National Parks, comprising approximately 69,500 acres of land, and 130 acres of potential wilderness additions as generally depicted on the map numbered 102/60014a, titled “John Krebs Wilderness”, and dated March 10, 2008.

(B) Limitations.—The designation of the wilderness under subparagraph (A) does not preclude operation and maintenance of the existing Hockett Meadow Cabin and Quinn Patrol Cabin in the same manner and degree in *2 which the cabins were operated and maintained on the day before the date of enactment of this Act.

(C) Effect.—Nothing in this paragraph affects—

- (i) the cabins in, and adjacent to, Mineral King Valley; or
- (ii) the private inholdings known as “Silver City” and “Kaweah Han”.

(D) Potential wilderness additions.—The designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The Secretary is authorized to allow the use of helicopters for the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The potential wilderness additions shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this Act upon termination of the non-conforming uses.

(2) Sequoia-kings canyon wilderness addition.—Certain land in Sequoia and Kings Canyon National Parks, California, comprising approximately 45,186 acres as generally depicted on the map titled “Sequoia-Kings Canyon Wilderness Addition”, numbered 102/60015a, and dated March 10, 2008, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness.

SEC. 4. ADMINISTRATION OF WILDERNESS AREAS.

**2 (a) In General.—Subject to valid existing rights, each area designated as wilderness by this Act shall be administered by

the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act.

(b) Map and Legal Description.—

(1) Submission of map and legal description.—As soon as practicable, but not later than 3 years, after the date of enactment of this Act, the Secretary shall file a map and legal description of each area designated as wilderness by this Act with—

- (A) the Committee on Energy and Natural Resources of the Senate; and
- (B) the Committee on Natural Resources of the House of Representatives.

(2) Force and effect.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(3) Public availability.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the Office of the Secretary.

(c) Hydrologic, Meteorologic, and Climatological Devices, Facilities, and Associated Equipment.—The Secretary shall continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities and associated equipment consistent with House Report 98-40.

(d) No Buffer Zones.—

(1) In general.—Nothing in this Act creates a protective perimeter or buffer zone around an area designated as wilderness by this Act.

(2) Activities outside wilderness.—Nothing in this Act precludes authorized activities conducted outside of the areas designated as wilderness by this Act by cabin owners (or their designees) in the Mineral King Valley area, or the property owners (or their designees) or lessees in the Silver City private inholding (as identified on the map titled “John Krebs Wilderness” and dated March 10, 2008).

(e) Horseback Riding.—Nothing in this Act precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness by this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

PURPOSE OF THE BILL

The purpose of H.R. 3022 is to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes.

*3 BACKGROUND AND NEED FOR LEGISLATION

H.R. 3022 designates 69,500 acres of public land in the Sequoia and Kings Canyon National Parks as the John Krebs Wilderness and 130 acres of potential wilderness. John Krebs is a former Member of Congress (from 1975–1979) who championed the inclusion of the Mineral King Valley within Sequoia and Kings Canyon National Parks in the 1970s. Four decades ago, the secluded valley of Mineral King was the setting for a heated debate when the Walt Disney Company unveiled plans to build a huge ski resort in the area. John Krebs was instrumental in helping protect the area from development. Mineral King was added to the Sequoia and Kings Canyon National Parks in 1978.

**3 H.R. 3022 also adds 45,186 acres of land in the Sequoia and Kings Canyon National Parks to the existing Sequoia-Kings Canyon Wilderness. The Sequoia-Kings Canyon Wilderness was designated by Congress in 1984 as a part of the California Wilderness Act of 1984 (P.L. 98-425). The California Wilderness Act designated approximately 723,000 acres of wilderness in the Sequoia and Kings Canyon National Parks—about 84 percent of the land base—as the Sequoia-Kings Canyon Wilderness. H.R. 3022 would designate virtually all the remaining land in the Sequoia and Kings Canyon National Parks as wilderness. Coupled with the existing wilderness areas in the parks, H.R. 3022 would expand the wilderness to about 97 percent of the land base in the two national parks.

The wilderness areas designated by this Act include some spectacular areas within the Sequoia and Kings Canyon National Parks. The Redwood Canyon area contains the Redwood Mountain Grove, the largest stand of Giant Sequoia within the parks. The Redwood Canyon area also includes more than 75 known caves, including the longest cave in California with over 21 miles of surveyed passage. The Hockett Plateau includes vast rolling forests of lodgepole pine surrounding spectacular subalpine meadows. The area is a favorite destination for equestrians, backpackers, and anglers. The Mineral King area contains one of the most significant alpine karst regions in the United States, including rich marble geologic formations with more than 70 known caves and at least 17 invertebrate cave species present only in these parks. The North Fork Kaweah area contains foot hill oak woodland, chaparral, and low-elevation hardwood and conifer types. The Kaweah River is an exemplary foothill river with beautiful pools and riparian borders, and is rich in wildlife including western pond turtle, bear,

and mountain lion.

COMMITTEE ACTION

H.R. 3022 was introduced on July 12, 2007 by Representative Jim Costa (D-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. On October 30, 2007, the Subcommittee held a legislative hearing on the bill.

On May 14, 2008, the Subcommittee was discharged from further consideration of the legislation and the Full Natural Resources Committee met to consider the bill. Representative Jim Costa (D-CA) offered an amendment in the nature of a substitute to make *4 changes suggested by the National Park Service including: designation of the acreage containing small check dams as potential wilderness; requiring the Secretary to continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities and associated equipment consistent with [House Report 98-40](#) (from the California Wilderness Act of 1984); and changing the buffer zone language in Section 4(d) (2) to state that nothing in H.R. 3022 shall preclude authorized activities occurring outside of the areas designed as wilderness by H.R. 3022 by cabin owners in the Mineral King Area, or the property owners or lessees in the Silver City private inholding. The amendment in the nature of a substitute was adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

**4 Section 1 provides that the bill may be cited as the “Sequoia and Kings Canyon National Parks Wilderness Act of 2008”.

Section 2. Definitions

Section 2 defines the term “Secretary” as the Secretary of the Interior, and the term “State” as the State of California.

Section 3. Designation of wilderness areas

Section 3 states that in accordance with the Wilderness Act ([16 U.S.C. 1131 et seq.](#)), the wilderness areas in this Act are designated as components of the National Wilderness Preservation System.

Section 3(1)(A) designates 69,500 acres and 130 acres of potential wilderness additions as the “John Krebs Wilderness.”

Section 3(1)(B) states that the designation of the wilderness under subparagraph (A) does not preclude operation and maintenance of the existing Hockett Meadow Cabin and Quinn Patrol Cabin in the same manner and degree in which the cabins were operated and maintained on the day before the date of enactment of this Act.

Section 3(1)(C) specifies that nothing in this paragraph affects the cabins in and adjacent to the Mineral King Valley; or the private inholdings known as “Silver City” and “Kaweah Han”.

Section 3(1)(D) states that the designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The Section also authorizes the Secretary to allow the use of helicopters for the operation, maintenance, and repair of these small check dams. Furthermore, the Section states that the potential wilderness additions shall be incorporated into the John Krebs Wilderness established by this Act upon termination of the non-conforming uses.

The Committee understands that helicopter use is currently authorized for the operation, maintenance and repair of these small check dams, when conditions warrant, as a means of access for inspection and maintenance of hydrometeorological facilities, pursuant *5 to the minimum requirement provision of the Wilderness Act ([16 U.S.C. 1131 et seq.](#)) and also pursuant to language in [House Report 98-40](#). The Committee expects that helicopter use in the wilderness and potential wilderness areas designated by this Act shall be managed accordingly.

Section 3(2) adds approximately 45,186 acres to the existing Sequoia-Kings Canyon Wilderness.

Section 4. Administration of wilderness areas

Section 4(a) states that subject to valid existing rights, each area designated as wilderness by this Act shall be administered by the Secretary in accordance with the Wilderness Act ([16 U.S.C. 1131 et seq.](#)).

Section 4(b) states that as soon as practicable, but not later than 3 years after the date of enactment of this Act, the Secretary shall file a map and legal description of each area designated as wilderness by this Act and identifies other standards for the

map and legal description.

****5** Section 4(c) directs the Secretary to continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities, and associated equipment consistent with [House Report 98-40](#).

Section 4(d)(1) states that nothing in this Act creates a protective perimeter or buffer zone around an area designated as wilderness by this Act.

Section 4(d)(2) states that nothing in this Act precludes authorized activities conducted outside of the areas designated as wilderness by this Act by the cabin owners (or their designees) in the Mineral King valley area, or the property owners (or their designees) or lessees in the Silver City private inholding.

Section 4(e) states that nothing in this Act precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness by this Act.

While horseback riding and pack and saddle stock are authorized uses within the Sequoia and Kings Canyon National Parks, the Secretary has the authority to manage such uses in accordance with laws applicable to the park, and consistent with park planning documents. The use of pack and saddle stock is an appropriate and historically accepted recreational activity, as documented in the 2006 General Management Plan for the parks. The Secretary may authorize horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness by this Act. The Committee intends that any decision made to authorize these activities shall be consistent with the statutory authority under which Sequoia and Kings Canyon National Parks were created, and the Wilderness Act, including section 4(d)(5) related to commercial services. Any authorization of these activities shall be subject to conditions and restrictions deemed necessary to protect park resources and wilderness values.

Section 5. Authorizations of appropriations

Section 5 authorizes such sums as are necessary to carry out this Act.

***6 COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS**

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

****6** 2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 3022—Sequoia and Kings Canyon National Parks Wilderness Act of 2008

H.R. 3022 would designate nearly 115,000 acres within the Sequoia National Park and the Kings Canyon National Park in California as either wilderness or proposed wilderness. Based on information provided by the National Park Service (NPS), CBO estimates that enacting H.R. 3022 would have no significant effect on the federal budget. The acreage to be added to the National Wilderness Preservation System is currently managed as wilderness by the NPS. We expect that any costs to revise NPS brochures, maps, and signs to reflect the new designations would be minimal because most such revisions would take

place in conjunction with scheduled reprinting and routine maintenance.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

*7 The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant for Budget Analysis.

COMPLIANCE WITH [PUBLIC LAW 104-4](#)

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 3022 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

End of Document

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§ 41. Sequoia National Park; establishment; boundaries; trespassers

The tract of land in the State of California known and described as township numbered 18 south, of range numbered 30 east, also township 18 south, range 31 east; and sections 31, 32, 33, and 34, township 17 south, range 30 east, all east of Mount Diablo meridian, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park, or pleasure ground, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon, or occupy the same or any part thereof except as provided in section 43 of this title, shall be considered trespassers and removed therefrom.

(Sept. 25, 1890, ch. 926, §1, 26 Stat. 478.)

§ 42. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028

Section, act July 1, 1916, ch. 209, §1, 39 Stat. 308, related to donations of lands or rights-of-way. For general provisions relating to donations of lands, etc., see section 6 of this title.

§ 43. Sequoia National Park; rules and regulations; leases; fish and game; trespassers

Sequoia National Park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, mineral deposits, natural curiosities or wonders within said park, and their retention in their natural condition. He may, in his discretion, grant leases for building purposes for terms not exceeding thirty years of small parcels of ground not exceeding five acres, at such places in said park as shall require the erection of buildings for the accommodation of visitors. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction, for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and, generally, shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this section and section 41 of this title.

(Sept. 25, 1890, ch. 926, §2, 26 Stat. 478; Aug. 25, 1916, ch. 408, §3, 39 Stat. 535; Pub. L. 85-434, May 29, 1958, 72 Stat. 152.)

CODIFICATION

“Thirty years” substituted for “ten years” in view of section 3 of act Aug. 25, 1916, and act May 29, 1958, which authorized the Secretary to grant privileges, leases, and permits in the various parks for periods not exceeding thirty years. See section 3 of this title.

As originally enacted, this section contained a further provision that “all of the proceeds of said leases and other revenues that may be derived from any source connected with said park to be expended under his [Secretary of the Interior] direction in the management of the same and the construction of roads and paths therein”. This provision was superseded by section 452 of this title providing for the disposition of all revenues from the national parks.

§§ 44, 45. Transferred

CODIFICATION

Section 44, act Oct. 1, 1890, ch. 1263, §1, 26 Stat. 650, which related to lands in California set aside as reserved forest lands, was transferred to section 471c of this title.

Section 45, act Oct. 1, 1890, ch. 1263, §3, 26 Stat. 651, which related to additional forest reserves in California, was transferred to section 471d of this title.

§ 45a. Sequoia National Park; revision of boundaries

The boundaries of the Sequoia National Park, California, are changed as follows:

Beginning at the southwest corner of the present boundary of Sequoia National Park, being the southwest corner of township 18 south, range 30 east of the Mount Diablo base and meridian, California, thence easterly along the present south boundary of Sequoia National Park to its intersection with the hydrographic divide between the headwaters of South Fort¹ Kaweah River and the headwaters of that branch of Little Kern River known as Pecks Canyon; thence southerly and easterly along the crest of the hydrographic divide between Pecks Canyon and Soda Creek to its intersection with a lateral divide at approximately the east line of section 2, township 19 south, range 31 east; thence northeasterly along said lateral divide to its intersection with the township line near the southeast corner of township 18 south, range 31 east of the Mount Diablo base and meridian; thence north approximately thirty-five degrees west to the summit of the butte next north of Soda Creek (United States Geological Survey altitude eight thousand eight hundred and eighty-eight feet); thence northerly and northwesterly along the crest of the hydrographic divide to a junction with the crest of the main hydrographic divide between the headwaters of the South Fork of the Kaweah River and the headwaters of Little Kern River; thence northerly along said divide now between Horse and Cow Creeks and the headwaters of East Fork Kaweah River to its intersection with the present east boundary of Sequoia National Park, approximately at Tar Gap, being the east line of township 17 south, range 30 east; thence northerly along said line to its intersection with the main hydrographic divide north of East Fork Kaweah River; thence easterly following said divide, passing through Timber Gap to the summit of Sawtooth Peak; thence southeasterly along the crest of the Great Western Divide to the summit of Coyote Peaks (United States Geological Survey bench mark, altitude ten thousand nine hundred and nineteen feet); thence northeasterly following the main hydrographic divide south of Coyote Creek to the junction of Coyote Creek and Kern River; thence due east across Kern River to the east bank; thence following said east bank of Kern River northerly to the junction of Golden Trout Creek and Kern River; thence northeasterly following the main hydrographic divide north of Golden Trout Creek, and between the headwaters of Golden Trout Creek and Rock Creek to a junction with the main

¹ So in original. Probably should be “Fork”.

occupy United States lands within Sequoia National Park necessary for continued operation, maintenance, and use of the Kaweah number 3 hydroelectric project of Southern California Edison Company, which by its terms was to provide that any privileges granted thereunder were to be exercised in accord with Federal Power Act (16 U.S.C. 791a et seq.) and rules and regulations promulgated thereunder, and which was to expire no later than Aug. 6, 1974.

Section 3 of act Dec. 21, 1943, provided as follows: "Nothing in this Act [sections 45a-1 and 45a-2 of this title] shall be construed to alter or affect in any manner the provisions, or extend the term, of the permit heretofore granted to the Southern California Edison Company and predecessors thereof for the use of lands in the Sequoia National Park for electric power development purposes, or to relieve the company of any financial or other obligation under said permit, or under agreements or orders relating or supplementary thereto."

§ 45a-2. Exchange of certain lands for lands conveyed to United States

In exchange for the conveyance to the United States of tract A, as provided in section 45a-1 of this title, the Secretary is authorized, in his discretion, to patent to the owner of tract A, subject to such terms and conditions as the Secretary may deem necessary, certain lands of approximately equal value described as follows:

Tract D. A portion of the southeast quarter of section 33, township 16 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately two and fifty one-hundredths acres.

In exchange for the conveyance to the United States of tracts B and C, as provided in section 45a-1 of this title, the Secretary is authorized to patent, in a similar manner, to the owner of tracts B and C certain lands of approximately equal value described as follows:

Tract E. The southwest quarter of the northwest quarter of section 4, which shall be subject to section 818 of this title; the south half of the northeast quarter of section 5; and approximately sixty-eight acres of the north half of the southeast quarter of section 5, which shall not include the surveyed two-hundred-foot strip as shown on map "D" of exhibit "K", entitled "Detailed Map of Kaweah Project of the Southern California Edison Company, Ltd.", and filed in the office of the Federal Power Commission on December 12, 1923; all of said lands in tract E being situated in township 17 south, range 29 east, Mount Diablo meridian, comprising approximately one hundred and eighty-eight acres. (Dec. 21, 1943, ch. 372, § 2, 57 Stat. 606.)

§ 45a-3. Repealed. Pub. L. 95-625, title III, § 314(g), Nov. 10, 1978, 92 Stat. 3483

Section, Pub. L. 85-648, Aug. 14, 1958, 72 Stat. 604, authorized addition of certain lands to the Sequoia National Game Refuge and exclusion of such lands from the Sequoia National Park. See section 45f(b)(2) of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective on transfer of abolished Sequoia National Game Refuge by Secretary of Agriculture to administrative jurisdiction of the Secretary of the Interior under section 45f(b)(2) of this title, see section 314(g) of Pub. L. 95-625, set out as an Effective Date of Repeal note under section 688 of this title.

§ 45b. Rules and regulations; leases; fish and game

The said park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such reasonable rules and regulations, not inconsistent with the laws of the United States, as he may deem necessary or proper for the care, protection, management, and improvement of the same, such regulations being primarily aimed at the freest use of said park for recreation purposes by the public and for the preservation from injury or spoliation of all timber, natural curiosities, or wonders within said park and their retention in their natural condition as far as practicable, and for the preservation of said park in a state of nature so far as is consistent with the purposes of this Act.

Such rules and regulations shall permit the taking of fish by hook and line from the streams or lakes in said park, but at such seasons, during such times, and in such manner as may be directed by the Secretary of the Interior. Such rules and regulations, however, shall provide against the destruction of the wild life within said park, and the Secretary of the Interior is authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this Act. Said Secretary may, in his discretion, execute leases to parcels of ground not exceeding ten acres in extent at any one place to any one person or persons or company for not to exceed twenty years, when such ground is necessary for the erection of buildings for the accommodation of visitors. Such leases or privileges may be renewed or extended at the expiration of the terms thereof: *Provided*, That existing leases from the Department of Agriculture may be continued, in the discretion of the Secretary of the Interior, for so long as such extension is not detrimental to the public purposes for which the park is created.

(July 3, 1926, ch. 744, § 2, 44 Stat. 820.)

REFERENCES IN TEXT

This Act, referred to in text, is act July 3, 1926, which is classified to sections 45a, 45b to 45e, and 688 of this title. For complete classification of this Act to the Code, see Tables.

§ 45c. Prior claims, locations, and entries; permits for use of natural resources

Nothing herein contained shall affect any valid existing claim, location, or entry established prior to July 3, 1926, under the land laws of the United States, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land: *Provided*, That under rules and regulations to be prescribed by him the Secretary of the Interior may issue permits to any bona fide claimant, entryman, landowner, or lessee of land within the boundaries herein established to secure timber for use on and for the improvement of his land; and he shall also have authority to issue, under rules and regulations to be prescribed by him, grazing permits and authorize the grazing of livestock on the lands within said park at fees not to ex-

ceed those charged by the Forest Service on adjacent areas, so long as such timber cutting and grazing are not detrimental to the primary purpose for which such park is created: *Provided*, That no permit, license, lease, or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utilization of power within the limits of said park as constituted by said sections, shall be granted or made without specific authority of Congress.

(July 3, 1926, ch. 744, § 3, 44 Stat. 820.)

REFERENCES IN TEXT

Herein, referred to in text, means act July 3, 1926, which is classified to sections 45a, 45b to 45e, and 688 of this title. For complete classification of this Act to the Code, see Tables.

§ 45d. Exclusive privileges within park prohibited

No exclusive privilege shall be granted within said park, or on or over the roads and trails therein, except upon ground leased for the erection of buildings or camps thereon.

(July 3, 1926, ch. 744, § 4, 44 Stat. 820.)

§ 45e. Violations of park regulations; penalty

Any person found guilty of violating any of the provisions of this Act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, natural curiosities, or other objects within said park, or for the protection of the animals, birds, and fish in said park, shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than \$500 or imprisonment not exceeding six months or both.

(July 3, 1926, ch. 744, § 5, 44 Stat. 820.)

REFERENCES IN TEXT

This Act, referred to in text, is act July 3, 1926, which is classified to sections 45a, 45b to 45e, and 688 of this title. For complete classification of this Act to the Code, see Tables.

§ 45f. Mineral King Valley addition authorized

(a) Statement of purpose

It is the purpose of this section to—

(1) assure the preservation for this and future generations of the outstanding natural and scenic features of the area commonly known as the Mineral King Valley and previously designated as the Sequoia National Game Refuge; and

(2) enhance the ecological values and public enjoyment of such area by adding such area to the Sequoia National Park.

(b) Drawing copy, availability; boundary revisions; notification of Congressional committees, publication in Federal Register; abolition and transfer of Sequoia National Game Refuge to administrative jurisdiction of Secretary

(1) In order to add to the Sequoia National Park (hereinafter in this section referred to as

the “park”) a certain area known as Mineral King Valley possessing unique natural and scenic values, there is hereby established as part of such park all lands, waters, and interests therein, constituting approximately sixteen thousand two hundred acres designated before November 10, 1978, as the Sequoia National Game Refuge and as depicted on the drawing entitled “Boundary Map, Sequoia-Kings Canyon National Park”, numbered 102-90,000 and dated April 1975. A copy of such drawing shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior. After advising the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate in writing, the Secretary is authorized to make minor revisions of the boundaries of the park when necessary by publication of a revised drawing or other boundary description in the Federal Register.

(2) The Sequoia National Game Refuge is hereby abolished and the Secretary of Agriculture shall transfer, without consideration, to the administrative jurisdiction of the Secretary, the area constituting such refuge, and any unexpended funds available for purposes of management of the refuge shall be available for purposes of management of the park.

(c) Acquisition of property; place and manner; owner’s right of use and occupancy for fixed term of years or life; election of term; fair market value; termination; notification; incompatible commercial uses; unitary parcels; access road, right-of-way, and protective measures; hardship sale offers; limitation of authority; State donated lands; report to Congressional committees

(1) Within the boundaries of the area added to the park pursuant to this section, the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, exchange, or transfer from other Federal departments or agencies.

(2) Where the private use of any property acquired pursuant to this subsection would, in the judgment of the Secretary, be compatible with the purposes of this section, the Secretary may, as a condition of such acquisition, permit the owner or owners of such property to retain for themselves and their successors or assigns rights of use and occupancy. The owner shall reserve such rights and elect the term to be reserved on the date of acquisition of the property. Except for so much of the property as is donated, the Secretary shall pay to the owner the fair market value of the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner.

(3) A right of use and occupancy retained pursuant to paragraph (2) may be terminated by the Secretary upon his determination that the property or any portion thereof is being used in a manner which is incompatible with the purposes of this section. Such right shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount

CODIFICATION

Section was not enacted as part of Pub. L. 90-545, Oct. 2, 1968, 82 Stat. 931, which comprises this subchapter.

**SUBCHAPTER VIII—KINGS CANYON
 NATIONAL PARK**

**§ 80. Establishment; boundaries; preservation of
 rights of citizens**

The tract of land in the State of California, particularly described as follows, to wit: Beginning at the summit of Junction Peak, being a point on the present north boundary of Sequoia National Park, also a point on the Tulare and Inyo County line; thence westerly along said north boundary of said park to the crest of the hydrographic divide between Boulder Creek and Sugarloaf Creek; thence in a northerly direction along the crest of the hydrographic divide between Boulder Creek and Sugarloaf Creek to the intersection of said divide with the section line between sections 3 and 4 of township 14 south, range 30 east, Mount Diablo base and meridian; thence northerly along the section line between said sections 3 and 4 and between sections 33 and 34, and sections 27 and 28 of township 13 south, range 30 east, to the northwest corner of southwest quarter of section 27; thence northwesterly along the ridge immediately adjacent to and lying northeast from the headwaters of the east fork of Lightning Creek to the intersection of said ridge with the section line between sections 21 and 28, township 13 south, range 30 east, which point lies on the said section line three quarters of a mile more or less westerly from the northeast corner of said section 28; thence in a northerly direction across the easterly branch of the east fork of Lightning Creek at Summit Meadow to the ridge north of said creek branch; thence northeasterly along said ridge to Lookout Peak; thence in a northeasterly direction along the ridge from said peak, being also the crest of the hydrographic divide between Sheep Creek and Lightning Creek to the intersection of said ridge, with the line between section 15 and 22, township 13 south, range 30 east, which point lies one quarter of a mile more or less westerly of the northeast corner of said section 22; thence easterly along said section line to the corner of sections 14, 15, 22, and 23; thence north along the line between sections 14 and 15 to the southwest corner of the northwest quarter of the northwest quarter of section 14; thence east to the southeast corner of the northeast quarter of the northwest quarter of the said section; thence south to the southwest corner of the northeast quarter of the said section; thence east to the southeast corner of the southwest quarter of the northeast quarter of the said section; thence south to the southwest corner of the northeast quarter of the southeast quarter of the said section; thence east to the northeast corner of the southeast quarter of the southeast quarter of the said section; thence south to the southwest corner of section 13; thence east on the line between sections 13 and 24 to the southeast corner of section 13; thence south to southwest corner of the northwest quarter of the northwest quarter of section 19, township 13 south, range 31 east; thence east along the north latitudinal one-sixteenth section line of sections 19, 20, and

21 to the southeast corner of the northeast quarter of the northwest quarter of said section 21; thence north to the quarter section corner of sections 16 and 21; thence east along the line between sections 16 and 21 to the southeast corner of said section 16; thence north along the section line to the quarter section corner of sections 15 and 16; thence west along the latitudinal quarter section line of sections 16, 17, and 18 to the northwest corner of the southeast quarter of section 18; thence north to the northeast corner of the southeast quarter of the northwest quarter of said section 18; thence west to the northwest corner of the southwest quarter of the northwest quarter of said section 18; thence north along the range line between ranges 30 and 31 east, township 13 south to the northeast corner of section 13, township 13 south, range 30 east; thence west along the line between sections 12 and 13 to the southeast corner of the southwest quarter of the southwest quarter of section 12; thence north to the northeast corner of the southwest quarter of the southwest quarter of said section 12; thence west to the northwest corner of the southeast quarter of the southeast quarter of section 11; thence north to the northeast corner of the northwest quarter of the northeast quarter of said section 11; thence west along the line between sections 2 and 11 to the northwest corner of the northeast quarter of the northwest quarter of said section 11; thence south to the southwest corner of the northeast quarter of the northwest quarter of said section 11; thence west to the northwest corner of the southwest quarter of the northwest quarter of said section 11; thence north along the line between sections 10 and 11 and 2 and 3 to the intersection with the ridge of southeast spur of Stag Dome; thence in a northwesterly direction along the crest of said spur to the summit of Stag Dome; thence in a northerly direction along the crest of the hydrographic divide between Lewis Creek and Deer Cove and Grizzly Creek to its intersection with Monarch Divide at Hog-Back Peak; thence in a westerly direction along the crest of Monarch Divide, to its junction with the northwesterly spur of Mount Harrington; thence northwesterly along the crest of hydrographic divide on the southwest side of the Gorge of Despair to the intersection with the line between sections 12 and 13, township 12 south, range 29 east; thence continuing west along the line between sections 12 and 13, 11 and 14 to the southwest corner of the southeast quarter of the southeast quarter of said section 11; thence northerly to the southwest corner of the southeast quarter of the northeast quarter of said section 11; thence east to the quarter section corner of sections 11 and 12; thence north to the southeast corner of the northeast quarter of the northeast quarter of said section 11; thence east to the southeast corner of the northwest quarter of the northwest quarter of section 12; thence north to the northeast corner of the northwest quarter of the northwest quarter of said section 12; thence east to the quarter section corner of sections 1 and 12; thence north to the northeast corner of the southeast quarter of the southwest quarter of said section 1; thence east to the southeast corner of the northwest quarter of the southeast quarter of said section 1; thence north

to the northeast corner of the northwest quarter of the southeast quarter of said section 1; thence east to the quarter section corner of sections 1 and 6; thence north along the range line between the ranges 29 and 30 east, township 12 south, to the northeast corner of said section 1, township 12 south, range 29 east; thence east along the township line between townships 11 and 12 south range 30 east to the southeast corner of the southwest quarter of the southwest quarter of section 31, township 11 south, range 30 east; thence north to the northeast corner of the southwest quarter of the southwest quarter of said section 31; thence west to the northwest corner of the southwest quarter of the southeast quarter of section 36, township 11 south, range 29 east; thence south to the quarter section corner of sections 1 and 36; thence west along the township line between townships 11 and 12 south, range 29 east to the northwest corner of section 1, township 12 south, range 29 east; thence south to the southwest corner of the northwest quarter of the northwest quarter of said section 1; thence west to the northwest corner of the southwest quarter of the northwest quarter of section 2; thence south to the northwest corner of the southwest quarter of the southwest quarter of said section 2; thence west to the northwest corner of the southeast quarter of the southeast quarter of section 3; thence south to the southwest corner of the southeast quarter of the southeast quarter of section 3; thence continuing south to the intersection with the four thousand four hundred contour; thence along the four thousand four hundred-foot contour in a southwesterly direction to its intersection with Tombstone Ridge; thence in a northwesterly direction along the crest of the Tombstone Ridge to the summit of the Obelisk; thence in a straight line in a northeasterly direction crossing Crown Creek to the summit of Kettle Dome; thence in a northeasterly direction along the crest of Kettle Ridge to the summit of Finger Peak in the White Divide; thence northwesterly along the crest of the said White Divide and the Le Conte Divide, passing over the summits of Mount Reinstein and Red Mountain to the summit of Mount Henry; thence in a northerly direction along the crest of the north spur of Mount Henry to the junction of the South Fork San Joaquin River and Piute Creek; thence across the South Fork San Joaquin River and in a northeasterly direction along the hydrographic divide between Piute Creek and the South Fork San Joaquin River to the summit of Pavillion Dome; thence in an easterly direction along the crest of said hydrographic divide to its intersection with Glacier Divide; thence continuing southeasterly along the crest of said Glacier Divide to a point of intersection with the crest of the Sierra Nevada Range, also the boundary line between Inyo County and Fresno County; thence continuing southeasterly along the crest of said Sierra Nevada Range, passing over the summits of Mount Lamarack, Mount Darwin, Mount Haeckel, Mount Wallace, Mount Powell, Mount Thompson, Mount Gilbert, Mount Johnson, Mount Goode, Mount Winchell, North Palisade, The Thumb, Mount Bolton Brown, Split Mountain, Cardinal Mountain, Striped Mountain, Mount Perkins, Colosseum Mountain,

Mount Baxter, Diamond Peak, Black Mountain, Dragon Peak, Mount Bixford, Mount Gould, University Peak, Mount Bradley, and Mount Keith to the summit of Junction Peak, being the point of beginning; is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park, to be known as the Kings Canyon National Park, for the benefit and enjoyment of the people: *Provided*, That nothing in this subchapter shall be construed to affect or abridge any right acquired by any citizen of the United States in the above-described area: *And provided further*, That no grazing permits heretofore issued and in effect on January 15, 1939, affecting the area described in this section, for whose renewal an application is made before the date of expiration shall be affected by this subchapter, except that they shall be subject to such terms and conditions to insure protection of the lands and for other purposes as may be prescribed by the Secretary of the Interior.

(Mar. 4, 1940, ch. 40, §1, 54 Stat. 41.)

ADDITIONS TO KINGS CANYON NATIONAL PARK

The following provision authorized the addition of lands to Kings Canyon National Park: Pub. L. 98-425, title I, §105(a)(1), Sept. 28, 1984, 98 Stat. 1626.

§ 80a. General Grant National Park abolished; lands added to Kings Canyon National Park

The General Grant National Park is abolished, and the west half of section 33, township 13 south, range 28 east, and west half of section 4, all of section 8 and the northwest quarter of section 9, township 14 south, range 28 east, Mount Diablo meridian, California, together with the lands formerly within the General Grant National Park, California, and particularly described as follows, to wit: All of sections 31 and 32, township 13 south, range 28 east, and sections 5 and 6, township 14 south, range 28 east, of the same meridian, are, subject to valid existing rights, added to and made a part of the Kings Canyon National Park and such lands shall be known as the General Grant grove section of the said park. The General Grant grove section of the Kings Canyon National Park may, by proclamation of the President, be extended to include the following described lands, to wit: Section 9, south half, section 10, southwest quarter, and that part of the east half south of Generals Highway; section 11, that part south of Generals Highway; section 13, that part south of Generals Highway; section 14, that part south of Generals Highway, section 15, east half, northwest quarter, and the southeast quarter of the southwest quarter, section 21, southeast quarter of the northeast quarter, and the east half of the southeast quarter; section 22, east half, east half of the northwest quarter, southwest quarter of the northwest quarter and southwest quarter; section 23; section 24, that part south of Generals Highway; sections 25 and 26; section 27, east half, northwest quarter, and that part of the southwest quarter north and east of the crest of Redwood Mountain; section 34, that part east of the crest of Redwood Mountain; sections 35 and 36, township 14 south, range 28 east; all of sections 1 and 2; section 3, that part east of the crest of Redwood Mountain; section 11, that part

east and north of the crest of Redwood Mountain; all of section 12; section 13, that part north of the Sequoia National Park boundary, township 15 south, range 28 east, Mount Diablo meridian, which shall be subject to all laws, rules, and regulations applicable to the said park. Such extension of the General Grant grove section of the said park shall not interfere with the movement of stock and vehicular traffic without charge, under general regulations to be prescribed by the Secretary of the Interior, to and from national forest lands on either side of the said park extension. The Kings Canyon National Park shall receive and use all moneys prior to or after March 4, 1940, appropriated for General Grant National Park.

(Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43.)

NATION'S CHRISTMAS TREE

Joint Res. Mar. 29, 1956, ch. 98, 70 Stat. 57, provided: "That the General Grant tree, which is located in the Kings Canyon National Park, in Fresno County, California, and which was dedicated by the Federal Government in 1926 as the Nation's Christmas Tree, is hereby declared to be a national shrine in memory of the men and women of the Armed Forces who have served and fought and died to keep this Nation free and to preserve the spiritual, human, and civil rights which are the essence of our American heritage. The Secretary of the Interior, through the National Park Service, shall make appropriate provision for the perpetual care and maintenance of such shrine.

"SEC. 2. Nothing in this Act shall be deemed to change the name of the General Grant tree."

ADJUSTMENT OF BOUNDARIES AND RIGHTS

Act June 5, 1942, ch. 333, §§ 1, 2, 56 Stat. 310, authorized the Secretary of the Interior to adjust the boundaries of privately owned lands in the General Grant grove section of Kings Canyon National Park in accordance with a survey made by the county surveyor of Tulare County, California; to amend existing patents or relinquish or grant parcels of land therein according to said survey; and to pay from departmental appropriations expenses of surveys and investigations necessary to carry out provisions of this act.

§ 80a-1. Lands excluded from Kings Canyon National Park and added to Sequoia National Forest

For the purpose of improving the boundary of Kings Canyon National Park, California, and excluding therefrom certain land that is no longer needed for park purposes, that particular area of the park, comprising approximately 160 acres, lying west of the section line between sections 21 and 22, and lying west of the section line between sections 27 and 28, township 13 south, range 30 east, Mount Diablo meridian, is excluded from the park.

Land excluded from the park by this section on and after August 14, 1958 shall be a part of the Sequoia National Forest.

(Pub. L. 85-666, § 1, Aug. 14, 1958, 72 Stat. 616.)

CODIFICATION

Section was not enacted as part of act Mar. 4, 1940, ch. 40, 54 Stat. 41, which comprises this subchapter.

§ 80a-2. Lands excluded from Sequoia National Forest and added to Kings Canyon National Park

For the purpose of facilitating park road maintenance, and to include in the park certain

property that is desirable for future use and development, the following land situated in section 7, township 14 south, range 28 east, Mount Diablo meridian, is excluded from the Sequoia National Forest and added to the Kings Canyon National Park:

East half northeast quarter, east half west half northeast quarter, northeast quarter southeast quarter, east half northwest quarter southeast quarter, and those portions of the southeast quarter southeast quarter and of the east half southwest quarter southeast quarter, lying north of the right-of-way of State Highway 180.

(Pub. L. 85-666, § 2, Aug. 14, 1958, 72 Stat. 617.)

CODIFICATION

Section was not enacted as part of act Mar. 4, 1940, ch. 40, 54 Stat. 41, which comprises this subchapter.

§ 80a-3. Lands excluded from Sierra National Forest and Sequoia National Forest and added to Kings Canyon National Park

All lands in Tehipite Valley within the Sierra National Forest lying north of a line described as follows:

Beginning at a point on the existing west boundary of the Kings Canyon National Park on the hydrographic divide on the southwest side of the Gorge of Despair in section 13, township 12 south, range 29 east, Mount Diablo base and meridian, being the crest of a ridge designated as Silver Spur;

thence following the crest of Silver Spur westerly to the intersection with the west line of section 14, township 12 south, range 29 east; thence northwesterly in a straight line across the middle fork of the Kings River to the point of intersection of the right bank of a stream or intermittent stream and the 4,400-foot contour north of Tombstone Ridge, in section 15, township 12 south, range 29 east, being a point on the existing west boundary of the park;

and all lands in the Cedar Grove area of the Sequoia National Forest lying east of the west section lines of sections 11 and 14, township 13 south, range 30 east, Mount Diablo base and meridian, are hereby excluded from the said national forests and made a part of the Kings Canyon National Park, subject to all the laws and regulations applicable to such park.

(Pub. L. 89-111, Aug. 6, 1965, 79 Stat. 446.)

CODIFICATION

Section was not enacted as part of act Mar. 4, 1940, ch. 40, 54 Stat. 41, which comprises this subchapter.

§ 80b. Administration for public recreational purposes

The National Park Service shall, under the rules and regulations to be prescribed by the Secretary of the Interior, administer for public recreational purposes the lands withdrawn.

(Mar. 4, 1940, ch. 40, § 3, 54 Stat. 44.)

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.

§ 80c. Motor-vehicle licenses for Sequoia National Park as applicable; limitation of privileges within park

Any motor-vehicle license issued for Sequoia National Park shall be applicable to Kings Canyon National Park, and vice versa: *Provided*, That in order to insure the permanent preservation of the wilderness character of the Kings Canyon National Park the Secretary of the Interior may, in his discretion, limit the character and number of privileges that he may grant within the Kings Canyon National Park.

(Mar. 4, 1940, ch. 40, § 4, 54 Stat. 44; Aug. 17, 1950, ch. 730, 64 Stat. 458.)

AMENDMENTS

1950—Act Aug. 17, 1950, struck out last sentence which restricted concessionaires to a five-year term.

§ 80d. Administration, protection, and development

The administration, protection, and development of the Kings Canyon National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1, 2, 3, and 4 of this title, as amended.

(Mar. 4, 1940, ch. 40, § 5, 54 Stat. 44.)

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.

§ 80d-1. Use of appropriations for road construction

After June 22, 1946, no part of appropriations made for the National Park Service shall be available for road construction in Kings Canyon National Park, California, except on the floor of the canyon of the South Fork of the Kings River and the Grant Grove section of that park.

(July 1, 1946, ch. 529, § 1, 60 Stat. 377.)

CODIFICATION

Section was not enacted as part of act Mar. 4, 1940, ch. 40, 54 Stat. 41, which comprises this subchapter.

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.

§§ 80e to 80h. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 80e, act Apr. 23, 1946, ch. 202, § 1, 60 Stat. 119, related to appointment and jurisdiction of commissioner. See provisions covering United States magistrate judges in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 80f, act Apr. 23, 1946, ch. 202, § 2, 60 Stat. 119, related to arrests for violations of rules and petty offenses.

Section 80g, act Apr. 23, 1946, ch. 202, § 3, 60 Stat. 120, related to arrests for criminal offenses, and is now covered by section 3041 of Title 18, Crimes and Criminal Procedure, and rules 4, 5(c), and 9 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 80h, act Apr. 23, 1946, ch. 202, § 4, 60 Stat. 120, related to payment and disposition of fees, costs, and expenses.

SUBCHAPTER IX—COLONIAL NATIONAL HISTORICAL PARK

§ 81. Establishment; statement of purposes

Upon proclamation of the President, as herein provided, sufficient of the areas hereinafter specified for the purposes of this subchapter shall be established and set apart as the Colonial National Historical Park for the preservation of the historical structures and remains thereon and for the benefit and enjoyment of the people.

(July 3, 1930, ch. 837, § 1, 46 Stat. 855; June 5, 1936, ch. 525, § 2, 49 Stat. 1483.)

CODIFICATION

Section was formerly classified to section 443 of this title.

CHANGE OF NAME

Section 2 of act June 5, 1936, provided: "That the area now within the Colonial National Monument, together with such additions as may hereafter be made thereto, pursuant to section 1 hereof [section 81b of this title], shall be known as the 'Colonial National Historical Park', under which name the aforesaid national park shall be entitled to receive and to use all moneys heretofore or hereafter appropriated for the Colonial National Monument."

JAMESTOWN 400TH COMMEMORATION COMMISSION

Pub. L. 106-565, Dec. 23, 2000, 114 Stat. 2812, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Jamestown 400th Commemoration Commission Act of 2000'.

"SEC. 2. FINDINGS AND PURPOSE.

"(a) FINDINGS.—Congress finds that—

"(1) the founding of the colony at Jamestown, Virginia in 1607, the first permanent English colony in the New World, and the capital of Virginia for 92 years, has major significance in the history of the United States;

"(2) the settlement brought people from throughout the Atlantic Basin together to form a multicultural society, including English, other Europeans, Native Americans, and Africans;

"(3) the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, and economic structure and status;

"(4) the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorcktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown; and

"(5) in 1996—

"(A) the Commonwealth of Virginia designated the Jamestown-Yorcktown Foundation as the State agency responsible for planning and implementing

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460nnn-52. Advisory role in management activities.
460nnn-53. Science committee.

PART B—STEENS MOUNTAIN WILDERNESS AREA

460nnn-61. Designation of Steens Mountain Wilderness Area.
460nnn-62. Administration of Wilderness Area.
460nnn-63. Water rights.
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PART C—WILD AND SCENIC RIVERS AND TROUT RESERVE

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460nnn-81. Designation of mineral withdrawal area.
460nnn-82. Treatment of State lands and mineral interests.

PART E—ESTABLISHMENT OF WILDLANDS JUNIPER MANAGEMENT AREA

460nnn-91. Wildlands Juniper Management Area.
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PART F—LAND EXCHANGES

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460ooo-2. Purposes of the Acquisition Planning District.
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460ooo-4. Management of the Las Cienegas National Conservation Area.
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460qqq. Purpose.
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460qqq-4. Sale of Federal parcel.
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460sss. Cow Mountain Recreation Area, Lake and Mendocino Counties, California.

SUBCHAPTER CXXXI—MOOSALAMOO NATIONAL RECREATION AREA

460ttt. Designation.
460ttt-1. Map and description.
460ttt-2. Administration of national recreation area.

SUBCHAPTER CXXXII—MOUNT HOOD NATIONAL RECREATION AREA

460uuu. Mount Hood National Recreation Area.

SUBCHAPTER CXXXIII—BRIDGEPORT WINTER RECREATION AREA

460vvv. Bridgeport Winter Recreation Area.

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460xxx. Beaver Dam Wash National Conservation Area.

SUBCHAPTER CXXXVI—FORT STANTON-SNOWY RIVER CAVE NATIONAL CONSERVATION AREA

460yyy. Definitions.
460yyy-1. Establishment of the Fort Stanton-Snowy River Cave National Conservation Area.
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460zzz-1. Dominguez-Escalante National Conservation Area.
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460zzz-3. Maps and legal descriptions.
460zzz-4. Management of Conservation Area and Wilderness.
460zzz-5. Management plan.
460zzz-6. Advisory Council.
460zzz-7. Authorization of appropriations.

SUBCHAPTER I—NATIONAL PARK SERVICE

§ 1. Service created; director; other employees

There is created in the Department of the Interior a service to be called the National Park Service, which shall be under the charge of a director who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall have substantial experience and demonstrated competence in land man-

agement and natural or cultural resource conservation. The Director shall select two Deputy Directors. The first Deputy Director shall have responsibility for National Park Service operations, and the second Deputy Director shall have responsibility for other programs assigned to the National Park Service. There shall also be in said service such subordinate officers, clerks, and employees as may be appropriated for by Congress. **The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified, except such as are under the jurisdiction of the Secretary of the Army, as provided by law, by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.**

(Aug. 25, 1916, ch. 408, § 1, 39 Stat. 535; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501; Pub. L. 104-333, div. I, title VIII, § 814(e)(1), Nov. 12, 1996, 110 Stat. 4196.)

CODIFICATION

Provisions relating to the pay of certain employees have been omitted as the pay of the employees is fixed pursuant to chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees.

AMENDMENTS

1996—Pub. L. 104-333 amended first sentence by substituting “who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall have substantial experience and demonstrated competence in land management and natural or cultural resource conservation. The Director shall select two Deputy Directors. The first Deputy Director shall have responsibility for National Park Service operations, and the second Deputy Director shall have responsibility for other programs assigned to the National Park Service.” for original text which read “who shall be appointed by the Secretary and who shall receive a salary of \$4,500 per annum.”

CHANGE OF NAME

Office of National Parks, Buildings, and Reservations designated National Park Service by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 814(e)(2) of div. I of Pub. L. 104-333 provided that: “The amendment made by subsection (a) [probably should be “paragraph (1)”, which amended this section] shall take effect on February 1, 1997, and shall apply with respect to the individual (if any) serving as the Director of the National Park Service on that date.”

SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111-11, § 1(a), Mar. 30, 2009, 123 Stat. 991, provided that: “This Act [see Tables for classification]

may be cited as the ‘Omnibus Public Land Management Act of 2009’.”

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-229, § 1(a), May 8, 2008, 122 Stat. 754, provided that: “This Act [see Tables for classification] may be cited as the ‘Consolidated Natural Resources Act of 2008’.”

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-352, § 1, Oct. 21, 2004, 118 Stat. 1395, provided that: “This Act [amending sections 1a-6, 392c, 410ggg, 410ggg-1, 430h-11, 460kkk, 470h-2, 698u-4, 1244, 1249, and 1274 of this title, enacting provisions set out as notes under this section and section 502 of Title 40, Public Buildings, Property, and Works, and amending provisions listed in a table of National Historic Sites and a table of National Heritage Areas set out under section 461 of this title and a table of Commemorative Works set out under section 8903 of Title 40] may be cited as the ‘National Park System Laws Technical Amendments Act of 2004’.”

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-236, § 1, Oct. 9, 2002, 116 Stat. 1483, provided that: “This Act [amending section 460kk of this title] may be cited as the ‘Santa Monica Mountains National Recreation Area Boundary Adjustment Act’.”

SHORT TITLE OF 2000 AMENDMENTS

Pub. L. 106-510, § 1, Nov. 13, 2000, 114 Stat. 2363, provided that: “This Act [amending sections 391b, 391d, 392c, 396b, 396c, 396d, 397 to 397b, 397d, and 1244 of this title and section 1026 of Title 30, Mineral Lands and Mining, enacting provisions set out as notes under sections 391d, 396b, 396d, and 397 of this title, and amending provisions set out as notes under sections 1a-1 and 391 of this title, section 1005 of Title 30, provisions listed in a table of National Historic Sites set out under section 461 of this title, and provisions listed in a table of Wilderness Areas set out under section 1132 of this title] may be cited as the ‘Hawaii Volcanoes National Park Adjustment Act of 2000’.”

Pub. L. 106-176, § 1(a), Mar. 10, 2000, 114 Stat. 23, provided that: “This Act [see Tables for classification] may be cited as the ‘Omnibus Parks Technical Corrections Act of 2000’.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-391, title III, § 301, Nov. 13, 1998, 112 Stat. 3501, provided that: “This title [amending section 1a-5 of this title and enacting provisions set out as a note under section 1a-5 of this title] may be cited as the ‘National Park System New Areas Studies Act’.”

SHORT TITLE OF 1996 AMENDMENT

Section 1 of Pub. L. 104-333 provided that: “This Act [see Tables for classification] may be cited as the ‘Omnibus Parks and Public Lands Management Act of 1996’.”

SHORT TITLE OF 1983 AMENDMENT

Pub. L. 98-141, § 1, Oct. 31, 1983, 97 Stat. 909, provided: “That this Act [amending sections 459b-8, 459g-7, and 460x-14 of this title and sections 872, 874, 875, 880, and 885 of former Title 40, Public Buildings, Property, and Works, repealing section 433e of this title, and amending provisions set out as a note under section 433c of this title] may be cited as the ‘Public Lands and National Parks Act of 1983’.”

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-625, § 1, Nov. 10, 1978, 92 Stat. 3467, provided that: “This Act [enacting chapter 45 and sections 45f, 230 to 230i, 241g, 396d, 410y-1a, 441e-1, 459c-6b, 460m-15 to 460m-25, 460kk, 471i, and 1285a of this title, amending sections 1a-5, 1a-7, 273f, 282c, 283e, 397 to 397d, 410y-6, 410z, 410z-1, 430mm, 450mm-1, 450qq-4, 459c-1, 459c-5,

459e, 459e-1, 459e-6, 459e-9, 459h-10, 459i, 459i-9, 460l-8, 460m-14, 460o-1, 460q-9, 460u-9, 460aa-12, 460bb-1 to 460bb-4, 460ff-1, 460ff-3, 460ff-5, 460gg, 463, 469c, 470t, 698m, 1241, 1242, 1244 to 1247, 1249, 1273, 1274, 1276, 1277, 1283, and 1287 of this title, repealing sections 45a-3 and 688 of this title, enacting provisions set out as notes under sections 1a-5, 45a-1, 45f, 410z, 430nn, 430oo, 431, 461, 602, 688, 1246, 1274, and 2501 of this title, and amending provisions set out as notes under sections 431, 433c, 450bb, 461, and 1132 of this title] may be cited as the ‘National Parks and Recreation Act of 1978’.”

SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91-383, §14, as added by Pub. L. 108-352, §10(b), Oct. 21, 2004, 118 Stat. 1397, provided that: “This Act [enacting sections 1a-1 to 1a-7a of this title, amending sections 1b, 1c, 17j, 460n-5, 463, 470a, and 559 of this title, and repealing sections 10, 10a, 17b-1, and 415 of this title] may be cited as the ‘National Park System General Authorities Act’.”

SHORT TITLE

Act Aug. 25, 1916, ch. 408, §5, as added by Pub. L. 108-352, §10(a), Oct. 21, 2004, 118 Stat. 1397, provided that: “This Act [enacting this section and sections 2, 3, and 4 of this title and amending sections 22 and 43 of this title and section 1457 of Title 43, Public Lands] may be cited as the ‘National Park Service Organic Act’.”

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.

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator, and functions of Commissioner of Public Buildings, and Public Buildings Administration, transferred to Administrator of General Services by act June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380. Federal Works Agency, Office of Federal Works Administrator, Office of Commissioner of Public Buildings, and Public Building Administration abolished by section 103(b) of that act. See Historical and Revision Notes under section 303(b) of Title 40, Public Buildings, Property, and Works. Section 303(b) of Title 40 was amended generally by Pub. L. 109-313, §2(a)(1), Oct. 6, 2006, 120 Stat. 1734, and, as so amended, no longer relates to the Federal Works Agency and Commissioner of Public Buildings. See 2006 Amendment note under section 303 of Title 40.

Branch of Buildings Management of National Park Service in Department of the Interior and its functions and personnel, except those relating to monuments and memorials, and certain functions of National Park Service in connection with public buildings in District of Columbia, together with personnel engaged exclusively in such functions, transferred to Public Buildings Administration, and functions of Secretary of the Interior and Director of National Park Service relating thereto transferred to Federal Works Administrator by Reorg. Plan No. I of 1939, §§301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1427, set out in the Appendix to Title 5.

Mount Rushmore National Memorial Commission and its functions transferred to National Park Service by Reorg. Plan No. II of 1939, §4(i), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1434, set out in the Appendix to Title 5.

Functions of administration of public buildings, reservations, national parks, national monuments, and national cemeteries, including those with respect to enumerated national cemeteries and parks of War Department located within continental limits of United States, consolidated, with certain exceptions, in National Park Service in Department of the Interior by

Ex. Ord. No. 6166, set out as a note under section 901 of Title 5. Cemeteries and parks located outside of continental United States remained under War Department.

NATIONAL PARK POLICE DRUG ENFORCEMENT SUPPLEMENTAL AUTHORITY ACT

Pub. L. 99-570, title V, subtitle B (§§5051, 5052), Oct. 27, 1986, 100 Stat. 3207-156, as amended by Pub. L. 100-690, title VI, §6254(d)(2), Nov. 18, 1988, 102 Stat. 4365, provided that:

“SEC. 5051. SHORT TITLE.

“This subtitle may be cited as the ‘National Park Police Drug Enforcement Supplemental Authority Act’.

“SEC. 5052. NATIONAL PARK AUTHORIZATION.

“In order to improve Federal law enforcement activities relating to the use and production of narcotics and controlled substances in National Park System units, from amounts appropriated there shall be made available to the Secretary of the Interior, in addition to sums made available under other authority of law, \$3,000,000 for fiscal year 1989, and for each fiscal year thereafter, to be used for the employment and training of officers or employees of the Department of the Interior designated pursuant to section 10(b) of the Act of August 18, 1970 (16 U.S.C. 1a-6), for equipment and facilities to be used by such personnel, and for expenses related to such employment, training, equipment, and facilities.”

CODIFICATION OF LAWS RELATING TO UNITED STATES PARK POLICE; FEASIBILITY STUDY AND REPORT BY SECRETARY OF THE INTERIOR

Pub. L. 94-533, §3, Oct. 17, 1976, 90 Stat. 2494, directed Secretary of the Interior to submit to Congress not later than one year after Oct. 17, 1976, a report on feasibility and desirability of enacting as a part of United States Code those provisions concerning powers, duties, functions, salaries, and benefits of officers and members of the United States Park Police force which presently are contained in several statutes and are compiled in District of Columbia Code.

NATIONAL PARK CENTENNIAL COMMISSION

Pub. L. 91-332, July 10, 1970, 84 Stat. 427, provided that 1972 was to be designated by President as “National Parks Centennial Year”, in recognition in 1872 of establishment of world’s first national park at Yellowstone. There was also established a National Park Centennial Commission, composed of four members of Senate, four members of House, Secretary of the Interior, and six persons to be appointed by President. The Commission was empowered to prepare a suitable plan for commemoration of establishment of Yellowstone, to coordinate all activities under such plan, and to provide host services for a world conference on National Parks in 1972. The Commission was to submit a final report of its activities, including an accounting of funds received and expended, to Congress, not later than Dec. 31, 1973, and was to cease to exist upon submission of said report.

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

Section, act June 28, 1938, ch. 778, §1, 52 Stat. 1213, related to residence of United States Commissioners [now magistrate judges].

§ 1a-1. National Park System: administration; declaration of findings and purpose

Congress declares that the national park system, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States, its territories and island possessions;

Bernardino meridian, to be administered by the Secretary of Agriculture as a wild river, and the Secretary shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians to protect and enhance river values.

“(203) BAUTISTA CREEK, CALIFORNIA.—The 9.8-mile segment of Bautista Creek in the State of California from the San Bernardino National Forest boundary in section 36, township 6 south, range 2 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 2, township 6 south, range 1 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a recreational river.”

SEC. 1853. ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.

(a) BOUNDARY ADJUSTMENT, SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.—Section 2 of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by adding at the end the following new subsection:

“(e) EXPANSION OF BOUNDARIES.—In addition to the land described in subsection (c), the boundaries of the National Monument shall include the following lands identified as additions to the National Monument on the map titled ‘Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition’, and dated March 12, 2008:

“(1) The ‘Santa Rosa Peak Area Monument Expansion’.

“(2) The ‘Snow Creek Area Monument Expansion’.

“(3) The ‘Tahquitz Peak Area Monument Expansion’.

“(4) The ‘Southeast Area Monument Expansion’, which is designated as wilderness in section 512(d), and is thus incorporated into, and shall be deemed part of, the Santa Rosa Wilderness.”

(b) TECHNICAL AMENDMENTS TO THE SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000.—Section 7(d) of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by striking “eight” and inserting “a majority of the appointed”.

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

SEC. 1901. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STATE.—The term “State” means the State of California.

SEC. 1902. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) JOHN KREBS WILDERNESS.—

(A) DESIGNATION.—Certain land in Sequoia and Kings Canyon National Parks, comprising approximately 39,740

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note.

acres of land, and 130 acres of potential wilderness additions as generally depicted on the map numbered 102/60014b, titled “John Krebs Wilderness”, and dated September 16, 2008.

(B) EFFECT.—Nothing in this paragraph affects—

(i) the cabins in, and adjacent to, Mineral King Valley; or

(ii) the private inholdings known as “Silver City” and “Kaweah Han”.

(C) POTENTIAL WILDERNESS ADDITIONS.—The designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The Secretary is authorized to allow the use of helicopters for the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The potential wilderness additions shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this section upon termination of the non-conforming uses.

(2) SEQUOIA-KINGS CANYON WILDERNESS ADDITION.—Certain land in Sequoia and Kings Canyon National Parks, California, comprising approximately 45,186 acres as generally depicted on the map titled “Sequoia-Kings Canyon Wilderness Addition”, numbered 102/60015a, and dated March 10, 2008, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness.

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note.

(3) RECOMMENDED WILDERNESS.—Land in Sequoia and Kings Canyon National Parks that was managed as of the date of enactment of this Act as recommended or proposed wilderness but not designated by this section as wilderness shall continue to be managed as recommended or proposed wilderness, as appropriate.

SEC. 1903. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act.

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable, but not later than 3 years, after the date of enactment of this Act, the Secretary shall file a map and legal description of each area designated as wilderness by this subtitle with—

Deadline.

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE AND EFFECT.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may

correct any clerical or typographical error in the map or legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the Office of the Secretary.

(c) HYDROLOGIC, METEOROLOGIC, AND CLIMATOLOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIPMENT.—The Secretary shall continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities and associated equipment consistent with House Report 98–40.

(d) AUTHORIZED ACTIVITIES OUTSIDE WILDERNESS.—Nothing in this subtitle precludes authorized activities conducted outside of an area designated as wilderness by this subtitle by cabin owners (or designees) in the Mineral King Valley area or property owners or lessees (or designees) in the Silver City inholding, as identified on the map described in section 1902(1)(A).

(e) HORSEBACK RIDING.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

SEC. 1904. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

SEC. 1951. DEFINITIONS.

In this subtitle:

(1) MAP.—The term “map” means the map entitled “Rocky Mountain National Park Wilderness Act of 2007” and dated September 2006.

(2) PARK.—The term “Park” means Rocky Mountain National Park located in the State of Colorado.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TRAIL.—The term “Trail” means the East Shore Trail established under section 1954(a).

(5) WILDERNESS.—The term “Wilderness” means the wilderness designated by section 1952(a).

SEC. 1952. ROCKY MOUNTAIN NATIONAL PARK WILDERNESS, COLORADO.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is designated as wilderness and as a component of the National Wilderness Preservation System approximately 249,339 acres of land in the Park, as generally depicted on the map.

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

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note.

(i) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;

(ii) has a clear public benefit; and

(iii) is able to be completed on schedule and within the budget described in the grant application.

(B) Preference

In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(C) Limitation

In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(6) Consultation and notification by Secretary

(A) Consultation

(i) In general

Subject to clause (ii), the Secretary shall consult with the organizations described in subsection (a) in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(ii) Limitation

If an entity described in clause (i) has submitted an application for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that clause and paragraph (1).

(B) Notification

Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(7) Cost-sharing requirement

(A) In general

The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) Form of non-Federal share

The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies or related services, the value of which shall be determined by the Secretary.

(C) Requirement

The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) Regulations

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(e) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$50,000,000 for each fiscal year, to remain available until expended.

(Pub. L. 111–11, title VII, §7303, Mar. 30, 2009, 123 Stat. 1216.)

SUBCHAPTER II—NATIONAL HISTORIC PRESERVATION

§ 470. Short title; Congressional finding and declaration of policy

(a) This subchapter may be cited as the “National Historic Preservation Act”.

(b) The Congress finds and declares that—

(1) the spirit and direction of the Nation are founded upon and reflected in its historic heritage;

(2) the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;

(3) historic properties significant to the Nation’s heritage are being lost or substantially altered, often inadvertently, with increasing frequency;

(4) the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;

(5) in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation;

(6) the increased knowledge of our historic resources, the establishment of better means of identifying and administering them, and the encouragement of their preservation will improve the planning and execution of Federal and federally assisted projects and will assist economic growth and development; and

(7) although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

(Pub. L. 89–665, §1, Oct. 15, 1966, 80 Stat. 915; Pub. L. 96–515, title I, §101(a), Dec. 12, 1980, 94 Stat. 2987.)

AMENDMENTS

1980—Pub. L. 96-515 added subsec. (a), designated existing provision as subsec. (b), and in subsec. (b) as so designated, redesignated pars. (a) to (d) as (1), (2), (5), and (7), respectively, in par. (1) as so redesignated, substituted “heritage” for “past”, and added pars. (3), (4), and (6).

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-453, §1(a), Dec. 22, 2006, 120 Stat. 3367, provided that: “This Act [enacting section 470v-2 of this title and amending sections 470h, 470i, 470m, and 470t of this title] may be cited as the ‘National Historic Preservation Act Amendments Act of 2006’.”

SHORT TITLE OF 2000 AMENDMENTS

Pub. L. 106-355, §1, Oct. 24, 2000, 114 Stat. 1385, provided that: “This Act [enacting sections 470w-7 and 470w-8 of this title] may be cited as the ‘National Historic Lighthouse Preservation Act of 2000’.”

Pub. L. 106-208, §1, May 26, 2000, 114 Stat. 318, provided that: “This Act [amending sections 470a, 470b, 470c, 470h, 470h-2, 470h-4, 470n, 470t, 470w, 470w-6, and 470x-3 of this title] may be cited as the ‘National Historic Preservation Act Amendments of 2000’.”

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-575, title XL, §4001, Oct. 30, 1992, 106 Stat. 4753, provided that: “This title [enacting sections 470h-4, 470h-5, and 470x to 470x-6 of this title, amending sections 466, 470-1, 470a, 470b, 470c, 470h, 470h-2, 470h-3, 470i, 470s, 470t, 470w, and 470w-3 of this title, enacting provisions set out as notes under section 470a of this title, and amending provisions set out as a note under section 461 of this title] may be cited as the ‘National Historic Preservation Act Amendments of 1992’.”

SHORT TITLE OF 1980 AMENDMENT

Section 1 of Pub. L. 96-515 provided: “That this Act [enacting sections 469c-2, 470-1 470a-1, 470a-2, 470h-2, 470h-3, 470u, 470v and 470w to 470w-6 of this title, amending this section and sections 470a, 470b, 470c, 470d, 470h to 470j, 470l, 470m, and 470r to 470t of this title, and enacting provisions set out as notes under sections 470a, 470j and 470h of this title and section 874 of former Title 40, Public Buildings, Property, and Works] may be cited as the ‘National Historic Preservation Act Amendments of 1980’.”

EX. ORD. NO. 11593. PROTECTION AND ENHANCEMENT OF THE CULTURAL ENVIRONMENT

Ex. Ord. No. 11593, May 13, 1971, 36 F.R. 8921, provided: By virtue of the authority vested in me as President of the United States and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321 et seq.), the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470 et seq.), the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461 et seq.), and the Antiquities Act of 1906 (34 Stat. 225, 16 U.S.C. 431 et seq.), it is ordered as follows:

SECTION 1. *Policy.* The Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. Agencies of the executive branch of the Government (hereinafter referred to as “Federal agencies”) shall (1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations, (2) initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures, and objects of historical, architectural or archaeological significance are preserved, restored and maintained for the inspiration and benefit of the people, and (3), in consultation with the Advisory Council on Historic Preservation (16 U.S.C. 470i), institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural or archaeological significance.

SEC. 2. *Responsibilities of Federal agencies.* Consonant with the provisions of the acts cited in the first paragraph of this order, the heads of Federal agencies shall:

(a) no later than July 1, 1973, with the advice of the Secretary of the Interior, and in cooperation with the liaison officer for historic preservation for the State or territory involved, locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places.

(b) exercise caution during the interim period until inventories and evaluations required by subsection (a) are completed to assure that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished or substantially altered. The agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property’s eligibility for inclusion on the National Register of Historic Places. The Secretary shall consult with the liaison officer for historic preservation for the State or territory involved in arriving at his opinion. Where, after a reasonable period in which to review and evaluate the property, the Secretary determines that the property is likely to meet the criteria prescribed for listing on the National Register of Historic Places, the Federal agency head shall reconsider the proposal in light of national environmental and preservation policy. Where, after such reconsideration, the Federal agency head proposes to transfer, sell, demolish or substantially alter the property he shall not act with respect to the property until the Advisory Council on Historic Preservation shall have been provided an opportunity to comment on the proposal.

(c) initiate measures to assure that where as a result of Federal action or assistance a property listed on the National Register of Historic Places is to be substantially altered or demolished, timely steps be taken to make or have made records, including measured drawings, photographs and maps, of the property, and that copy of such records then be deposited in the Library of Congress as part of the Historic American Buildings Survey or Historic American Engineering Record for future use and reference. Agencies may call on the Department of the Interior for advice and technical assistance in the completion of the above records.

(d) initiate measures and procedures to provide for the maintenance, through preservation, rehabilitation, or restoration, of federally owned and registered sites at professional standards prescribed by the Secretary of the Interior.

(e) submit procedures required pursuant to subsection (d) to the Secretary of the Interior and to the Advisory Council on Historic Preservation no later than January 1, 1972, and annually thereafter, for review and comment.

(f) cooperate with purchasers and transferees of a property listed on the National Register of Historic Places in the development of viable plans to use such property in a manner compatible with preservation objectives and which does not result in an unreasonable economic burden to public or private interests.

SEC. 3. *Responsibilities of the Secretary of the Interior.* The Secretary of the Interior shall:

(a) encourage State and local historic preservation officials to evaluate and survey federally owned historic properties and, where appropriate, to nominate such properties for listing on the National Register of Historic Places.

(b) develop criteria and procedures to be applied by Federal agencies in the reviews and nominations required by section 2(a). Such criteria and procedures shall be developed in consultation with the affected agencies.

(c) expedite action upon nominations to the National Register of Historic Places concerning federally owned properties proposed for sale, transfer, demolition or substantial alteration.

(d) encourage State and Territorial liaison officers for historic preservation to furnish information upon

request to Federal agencies regarding their properties which have been evaluated with respect to historic, architectural or archaeological significance and which as a result of such evaluations have not been found suitable for listing on the National Register of Historic Places.

(e) develop and make available to Federal agencies and State and local governments information concerning professional methods and techniques for preserving, improving, restoring and maintaining historic properties.

(f) advise Federal agencies in the evaluation, identification, preservation, improvement, restoration and maintenance of historic properties.

(g) review and evaluate the plans of transferees of surplus Federal properties transferred for historic monument purposes to assure that the historic character of such properties is preserved in rehabilitation, restoration, improvement, maintenance and repair of such properties.

(h) review and comment upon Federal agency procedures submitted pursuant to section 2(e) of this order.

RICHARD NIXON.

§ 470-1. Declaration of policy of the Federal Government

It shall be the policy of the Federal Government, in cooperation with other nations and in partnership with the States, local governments, Indian tribes, and private organizations and individuals to—

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;

(2) provide leadership in the preservation of the prehistoric and historic resources of the United States and of the international community of nations and in the administration of the national preservation program in partnership with States, Indian tribes, Native Hawaiians, and local governments;

(3) administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations;

(4) contribute to the preservation of nonfederally owned prehistoric and historic resources and give maximum encouragement to organizations and individuals undertaking preservation by private means;

(5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and

(6) assist State and local governments, Indian tribes and Native Hawaiian organizations and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

(Pub. L. 89-665, §2, as added Pub. L. 96-515, title I, §101(a), Dec. 12, 1980, 94 Stat. 2988; amended Pub. L. 102-575, title XL, §4002, Oct. 30, 1992, 106 Stat. 4753.)

AMENDMENTS

1992—Par. (2). Pub. L. 102-575, §4002(1), inserted “and in the administration of the national preservation program in partnership with States, Indian tribes, Native

Hawaiians, and local governments” after “community of nations”.

Par. (6). Pub. L. 102-575, §4002(2), inserted “, Indian tribes and Native Hawaiian organizations” after “local governments”.

PART A—PROGRAMS

§ 470a. Historic preservation program

(a) National Register of Historic Places; designation of properties as historic landmarks; properties deemed included; criteria; nomination of properties by States, local governments or individuals; regulations; review of threats to properties

(1)(A) The Secretary of the Interior is authorized to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture. Notwithstanding section 1125(c) of title 15, buildings and structures on or eligible for inclusion on the National Register of Historic Places (either individually or as part of a historic district), or designated as an individual landmark or as a contributing building in a historic district by a unit of State or local government, may retain the name historically associated with the building or structure.

(B) Properties meeting the criteria for National Historic Landmarks established pursuant to paragraph (2) shall be designated as “National Historic Landmarks” and included on the National Register, subject to the requirements of paragraph (6). All historic properties included on the National Register on December 12, 1980, shall be deemed to be included on the National Register as of their initial listing for purposes of this subchapter. All historic properties listed in the Federal Register of February 6, 1979, as “National Historic Landmarks” or thereafter prior to the effective date of this Act are declared by Congress to be National Historic Landmarks of national historic significance as of their initial listing as such in the Federal Register for purposes of this subchapter and sections 461 to 467 of this title; except that in cases of National Historic Landmark districts for which no boundaries have been established, boundaries must first be published in the Federal Register.

(2) The Secretary in consultation with national historical and archaeological associations, shall establish or revise criteria for properties to be included on the National Register and criteria for National Historic Landmarks, and shall also promulgate or revise regulations as may be necessary for—

(A) nominating properties for inclusion in, and removal from, the National Register and the recommendation of properties by certified local governments;

(B) designating properties as National Historic Landmarks and removing such designation;

(C) considering appeals from such recommendations, nominations, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);

(D) nominating historic properties for inclusion in the World Heritage List in accordance with the terms of the Convention concerning