

Secretary, without further appropriation, for visitor services and resource protection within the Park.

“(7) CONGRESSIONAL NOTIFICATION.—The Secretary shall submit a proposed lease under this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives at least 60 days before the award of the lease.

“(8) RENEWAL.—A lease entered into under this section may not be extended or renewed.

“(9) TERMINATION.—Upon the termination of a lease entered into under this section, if the Secretary determines the continuation of commercial services at the resort to be appropriate, the services shall be provided in accordance with the National Park Service Concessions Management Improvement Act of 1998 (16 U.S.C. 5951 et seq.).

“(c) RETAINED USE ESTATE.—

“(1) IN GENERAL.—As a condition of the lease, the owner of the retained use estate shall terminate, extinguish, and relinquish to the Secretary all rights under the retained use estate and shall transfer, without consideration, ownership of improvements on the retained use estate to the National Park Service.

“(2) APPRAISAL.—

“(A) IN GENERAL.—The Secretary shall require an appraisal by an independent, qualified appraiser who is agreed to by the Secretary and the owner of the retained use estate to determine the value, if any, of the relinquished term of the retained use estate.

“(B) REQUIREMENTS.—An appraisal under paragraph (1) shall be conducted in accordance with—

“(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

“(ii) the Uniform Standards of Professional Appraisal Practice.”

§ 398e. Bathing and fishing rights protected

(a) Regulations

Nothing in sections 398c to 398f of this title shall be construed as authorizing any limitation on customary uses of or access to the areas specified in section 398c of this title for bathing and fishing (including setting out of fishpots and landing boats), subject to such regulations as the Secretary of the Interior may find reasonable and necessary for protection of natural conditions and prevention of damage to marine life and formations.

(b) Admission fee prohibited

Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed for entrance or admission into the Virgin Islands National Park.

(Pub. L. 87-750, §3, Oct. 5, 1962, 76 Stat. 747; Pub. L. 95-348, §7(b)(4), Aug. 18, 1978, 92 Stat. 495.)

AMENDMENTS

1978—Pub. L. 95-348 designated existing provisions as subsec. (a) and added subsec. (b).

§ 398f. Authorization of appropriations for acquisitions, grants, etc.

Effective October 1, 1978, there are authorized to be appropriated such sums as may be necessary for the acquisition of lands and interests in lands within the Virgin Islands National Park. For purposes of this section, acquisitions of land on Hassel Island shall be deemed to be acquisitions qualifying for payment under the provisions of paragraph (2) of the Act of June 10, 1977 (Public Law 95-42; 91 Stat. 210) [16 U.S.C.

4601-7]. In addition to such sums as may have heretofore been appropriated for development of public facilities within the Virgin Islands National Park, effective October 1, 1978, there are authorized to be appropriated not more than \$1,000,000 for restoration and rehabilitation of historic structures and for development of public facilities on Hassel Island, and not more than \$500,000 as a grant to the Territory of the Virgin Islands for its use in furthering projects undertaken pursuant to the Land and Water Conservation Fund Act [16 U.S.C. 4601-4 et seq.], the Historic Preservation Act [16 U.S.C. 470 et seq.], or other comparable programs upon the transfer of title to the United States of all properties held by the territory on Hassel Island.

(Pub. L. 87-750, §4, Oct. 5, 1962, 76 Stat. 748; Pub. L. 93-477, title I, §101(10), Oct. 26, 1974, 88 Stat. 1445; Pub. L. 95-348, §7(b)(5), Aug. 18, 1978, 92 Stat. 495.)

REFERENCES IN TEXT

Paragraph (2) of the Act of June 10, 1977 (Public Law 95-42; 91 Stat. 210), referred to in text, amended section 4601-7 of this title.

The Land and Water Conservation Fund Act, referred to in text, probably means the Land and Water Conservation Fund Act of 1965, Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified principally to part B (§4601-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4601-4 of this title and Tables.

The Historic Preservation Act, referred to in text, probably means Pub. L. 89-665, Oct. 15, 1966, 80 Stat. 915, as amended, known as the National Historic Preservation Act, which is classified generally to subchapter II (§470 et seq.) of chapter 1A of this title. For complete classification of this Act to the Code, see section 470(a) of this title and Tables.

AMENDMENTS

1978—Pub. L. 95-348 substituted provisions authorizing appropriations for acquisition of lands and interests in lands in the Park, provisions for acquisitions of land on Hassel Island, and provisions authorizing appropriations for restoration and rehabilitation of historic structures, etc., on Hassel Island and as a grant for the Territory, for provisions authorizing appropriations of not more than \$12,250,000 for acquisition of lands pursuant to section 398d of this title.

1974—Pub. L. 93-477 substituted “\$12,250,000” for “\$1,250,000”.

SUBCHAPTER XLV—BRYCE CANYON NATIONAL PARK

CHANGE OF NAME

Utah National Park changed to Bryce Canyon National Park, see section 402a of this title.

§ 401. Establishment; boundaries; administration

There 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 for the benefit and enjoyment of the people, under the name of the “Bryce Canyon National Park,” the tract of land in the State of Utah particularly described by and included within metes and bounds, as follows, to wit:

Unsurveyed sections 31 and 32, township 36 south, range 3 west; surveyed section 36, township 36 south, range 4 west; north half, south-

west quarter and west half of the southeast quarter of partially surveyed section 5; unsurveyed sections 6 and 7, west half, west half of the northeast quarter, and west half of the southeast quarter of partially surveyed section 8, partially surveyed section 17, and unsurveyed section 18, township 37 south, range 3 west; and unsurveyed sections 1, 12, and 13, township 37 south, range 4, all west of the Salt Lake meridian in the State of Utah. All the land within the exterior boundaries of the aforesaid tract shall first become the property of the United States. The administration, protection, and promotion of said Bryce 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.

(June 7, 1924, ch. 305, §§1, 2, 43 Stat. 593, 594; Feb. 25, 1928, ch. 102, §1, 45 Stat. 147; May 12, 1928, ch. 533, §1, 45 Stat. 502.)

CODIFICATION

The last sentence of this section is from section 2 of act June 7, 1924.

AMENDMENTS

1928—Act May 12, 1928, changed description of land in section 8 from “west half of the southwest quarter” to “west half of the southeast quarter”.

CHANGE OF NAME

“Utah National Park” changed to “Bryce Canyon National Park” by section 1 of act Feb. 25, 1928, classified to section 402a of this title.

§ 402. Existing claims, locations, or entries not affected; exchange of lands

Nothing herein contained shall affect any valid claim, location, or entry existing under the land laws of the United States prior to June 7, 1924, 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. The Secretary of the Interior is authorized to exchange, in his discretion, alienated lands in Bryce Canyon National Park for unappropriated and unreserved public lands of equal value and approximately equal area in the State of Utah outside of said park.

(June 7, 1924, ch. 305, §3, 43 Stat. 594; Feb. 25, 1928, ch. 102, §1, 45 Stat. 147.)

REFERENCES IN TEXT

Herein, referred to in text, means act June 7, 1924, which is classified to sections 346, 401 and 402 of this title. For complete classification of this Act to the Code, see Tables.

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

CODIFICATION

The last sentence of this section as originally enacted is expressly applicable also to Zion National Park. See section 346 of this title.

CHANGE OF NAME

“Utah National Park” changed to “Bryce Canyon National Park” by section 1 of act Feb. 25, 1928, classified to section 402a of this title.

§ 402a. Utah National Park; change of name to Bryce Canyon National Park

The area within the State of Utah described in section 401 of this title, providing for the establishment of the Utah National Park, shall be, when established as a national park, known as the Bryce Canyon National Park.

(Feb. 25, 1928, ch. 102, §1, 45 Stat. 147.)

§ 402b. Additions to park

The east half east half section 25, township 36 south, range 4 west; the east half and southwest quarter section 20, and all of sections 21, 29, and 30, township 36 south, range 3 west; all of sections 24 and 25, township 37 south, range 4 west; and all of sections 19 and 30, township 37 south, range 3 west, Salt Lake meridian, are excluded from the Powell National Forest and made a part of the Bryce Canyon National Park, subject to the provisions of sections 346, 401, and 402 of this title.

(Feb. 25, 1928, ch. 102, §2, 45 Stat. 147; May 12, 1928, ch. 533, §2, 45 Stat. 502.)

AMENDMENTS

1928—Act May 12, 1928, corrected description of land in section 20 by inserting “and” between “east half” and “southwest quarter”.

§ 402c. Further additions to park

Unsurveyed sections 28 and 33, township 36 south, range 3 west, and section 20, township 37 south, range 3 west, Salt Lake meridian, public lands of the United States, are added to and made a part of the Bryce Canyon National Park subject to the provisions of sections 346, 401, and 402 of this title.

(Feb. 25, 1928, ch. 102, §3, 45 Stat. 147.)

§ 402d. Extension of boundaries; laws applicable

For the purpose of preserving in their natural state the outstanding scenic features to the south and west of Bryce Canyon National Park, the President of the United States is authorized, upon the joint recommendation of the Secretaries of Interior and of Agriculture, to add to the Bryce Canyon National Park, in the State of Utah, by Executive proclamation, any or all of unsurveyed townships 37 and 38 south, range 4 west, Salt Lake meridian, not included in said park, on June 13, 1930, and all the lands added to said park pursuant hereto shall be, and are, made subject to all laws, rules, and regulations applicable to and in force in the Bryce Canyon National Park.

(June 13, 1930, ch. 480, §1, 46 Stat. 582.)

§ 402e. Application of Federal Power Act

The provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to lands included in the Bryce Canyon National Park on June 13, 1930, nor to any lands added to said park under the authority of section 402d of this title.

(June 13, 1930, ch. 480, §2, 46 Stat. 583.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the “Act of June 10, 1920, known as the Federal

Water Power Act," and was redesignated as the Federal Power Act by section 791a of this title. The Federal Power Act is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, and is classified generally to chapter 12 (§791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

§ 402f. Further additions to park

For the purpose of preserving in their natural state the outstanding scenic features thereon and for the purpose of rounding out the boundary of the Bryce Canyon National Park, the President of the United States is authorized, upon the joint recommendation of the Secretaries of Interior and of Agriculture, to add to said park by Executive proclamation any or all of the following-described lands in the State of Utah, which shall thereupon become and be a part of said park subject to all laws and regulations applicable thereto, to wit: South half southwest quarter section 2, south half south half section 3, southeast quarter southeast quarter section 4, east half section 8, sections 9, 10, west half section 11, west half section 14, sections 15, 16, east half, northeast quarter northwest quarter, east half northwest quarter northwest quarter, north half southeast quarter northwest quarter, south half northeast quarter southwest quarter, north half south half southeast quarter northwest quarter and north half southeast quarter southwest quarter section 17, south half south half section 19, south half northwest quarter section 20, west half, west half east half and northeast quarter northeast quarter section 22, north half northwest quarter section 23, west half section 27, and north half northwest quarter section 34, township 36 south, range 3 west; lots 3 and 4, south half northwest quarter section 4, northeast quarter northeast quarter and southeast quarter southeast quarter section 8, township 37 south, range 3 west; west half east half and southwest quarter section 25, unsurveyed township 36 south, range 4 west; lots 3 and 4, south half west half section 3, lots 1, 2, 3, and 4 and south half section 4, and lots 1 and 2 and south half east half section 5, township 39 south, range 4 west, Salt Lake meridian: *Provided*, That nothing herein shall affect any valid existing claims upon the lands herein authorized to be added to the park or the rights of stockmen to continue to drive stock over the lands now under an existing stock driveway withdrawal.

(Feb. 17, 1931, ch. 209, §1, 46 Stat. 1166; Mar. 7, 1942, ch. 161, 56 Stat. 141.)

AMENDMENTS

1942—Act Mar. 7, 1942, corrected description of portions of the land.

§ 402g. Elimination of lands

The following-described lands are eliminated from the Bryce Canyon National Park and shall hereafter be included in and become a part of the Powell National Forest, subject to all laws and regulations applicable thereto, to wit: Section 30, township 37 south, range 3 west; section 25, unsurveyed township 37 south, range 4 west, Salt Lake meridian.

(Feb. 17, 1931, ch. 209, §2, 46 Stat. 1167.)

SUBCHAPTER XLVI—SHENANDOAH NATIONAL PARK AND GREAT SMOKY MOUNTAINS NATIONAL PARK

§ 403. Establishment; boundaries

When title to lands within the areas hereinafter referred to shall have been vested in the United States in fee simple there are established, dedicated, and set apart as public parks for the benefit and enjoyment of the people, the tract of land in the Blue Ridge, in the State of Virginia, being approximately five hundred and twenty-one thousand acres recommended by the Secretary of the Interior in his report of April 14, 1926, which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Shenandoah National Park; and the tract of land in the Great Smoky Mountains in the States of North Carolina and Tennessee being approximately seven hundred and four thousand acres, recommended by the Secretary of the Interior in his report of April 14, 1926, which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Great Smoky Mountains National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid areas, but that such lands shall be secured by the United States only by public or private donation.

(May 22, 1926, ch. 363, §1, 44 Stat. 616.)

TAPOCO PROJECT LICENSING

Pub. L. 108-343, Oct. 18, 2004, 118 Stat. 1372, known as the "Tapoco Project Licensing Act of 2004", authorized land exchange in Great Smoky Mountains National Park between the Secretary of the Interior and private corporation, and provided that Federal Energy Regulatory Commission had jurisdiction to license Tapoco Hydroelectric Project on lands transferred by the Secretary.

LAND EXCHANGE IN GREAT SMOKY MOUNTAINS NATIONAL PARK

For land exchange between National Park Service and Eastern Band of Cherokee Indians involving tract in Great Smoky Mountains National Park, see section 138 of Pub. L. 108-108, classified as a note under section 460a-5 of this title.

RIGHT-OF-WAY PERMITS FOR NATURAL GAS PIPELINES IN GREAT SMOKY MOUNTAINS NATIONAL PARK

Pub. L. 107-223, Aug. 21, 2002, 116 Stat. 1338, authorized the Secretary of the Interior to issue right-of-way permits for natural gas pipelines existing as of Sept. 1, 2001, or proposed for certain specified locations, within the boundary of Great Smoky Mountains National Park, subject to certain terms and conditions and consistent with laws and regulations generally applicable to utility rights-of-way within units of the National Park System.

SHENANDOAH NATIONAL PARK; ROADS ON FEDERAL LAND; TRANSFER OF COUNTY ROAD CORRIDORS

Pub. L. 104-59, title III, §349(b), Nov. 28, 1995, 109 Stat. 618, permitted State of Virginia to maintain and provide for safe public use of certain roads that State donated to United States at time of establishment of Shenandoah National Park; established transfer from United States to State of county road corridors for that purpose; defined "county road corridor" and "Shenandoah county road"; and provided for reversion