

(Pub. L. 92-207, § 4, Dec. 18, 1971, 85 Stat. 740.)

§ 273d. Administration, protection, and development

(a) Authority of Secretary

The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of sections 1, 2, 3, and 4 of this title, as amended and supplemented.

(b) Easements and rights-of-way

The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the park area unless he finds that the route of such easements and rights-of-way would have significant adverse effects on the administration of the park.

(c) Report by Secretary

Within three years from December 18, 1971, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act [16 U.S.C. 1132 (c) and (d)], his recommendations as to the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be in accordance with said Wilderness Act [16 U.S.C. 1131 et seq.].

(Pub. L. 92-207, § 5, Dec. 18, 1971, 85 Stat. 740.)

REFERENCES IN TEXT

The Wilderness Act, referred to in subsec. (c), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

§ 273e. Omitted

CODIFICATION

Section, Pub. L. 92-207, § 6, Dec. 18, 1971, 85 Stat. 740, authorized the Secretary to conduct a study of proposed road alignments within and adjacent to the park and to submit a report on the findings and conclusions of the study to the Congress within two years of Dec. 18, 1971.

§ 273f. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter, not to exceed, however, \$2,173,000 for the acquisition of lands and interests in lands and not to exceed \$1,373,000 for development. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to December 18, 1971.

(Pub. L. 92-207, § 7, Dec. 18, 1971, 85 Stat. 740; Pub. L. 94-578, title I, § 101(4), Oct. 21, 1976, 90 Stat. 2732; Pub. L. 95-625, title I, § 101(5), Nov. 10, 1978, 92 Stat. 3471.)

AMENDMENTS

1978—Pub. L. 95-625 substituted “\$1,373,000 for development” for “\$1,052,700 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein”.

1976—Pub. L. 94-578 substituted “\$2,173,000” for “\$423,000”.

SUBCHAPTER XXXII—NEZ PERCE
NATIONAL HISTORICAL PARK

§ 281. Purpose

It is the purpose of this subchapter to facilitate protection and provide interpretation of sites in the Nez Perce country of Idaho and in the States of Oregon, Washington, Montana, and Wyoming that have exceptional value in commemorating the history of the Nation.

(Pub. L. 89-19, § 1, May 15, 1965, 79 Stat. 110; Pub. L. 102-576, § 2(1), Oct. 30, 1992, 106 Stat. 4770.)

AMENDMENTS

1992—Pub. L. 102-576, which directed the insertion of “and in the States of Oregon, Washington, Montana, and Wyoming” after “the Nez Perce Country of Idaho”, was executed by making the insertion after “the Nez Perce country of Idaho” to reflect the probable intent of Congress.

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-576, § 1, Oct. 30, 1992, 106 Stat. 4770, provided that: “This Act [amending this section and sections 281a to 281c, 281e, and 281f of this title] may be cited as the ‘Nez Perce National Historical Park Additions Act of 1991’.”

§ 281a. Designation

To implement this purpose the Secretary of the Interior may designate as the Nez Perce National Historical Park various component sites in Federal and non-Federal ownership relating to the early Nez Perce culture, the Lewis and Clark Expedition through the area, the fur trade, missionaries, gold mining and logging, the Nez Perce war of 1877, and such other sites as he finds will depict the role of the Nez Perce country in the westward expansion of the Nation. Sites to be so designated shall include—

- (1) Tolo Lake, Idaho;
- (2) Looking Glass’ 1877 Campsite, Idaho;
- (3) Buffalo Eddy, Washington and Idaho;
- (4) Traditional Crossing Near Doug Bar, Oregon and Idaho;
- (5) Camas Meadows Battle Sites, Idaho;
- (6) Joseph Canyon Viewpoint, Oregon;
- (7) Traditional Campsite at the Fork of the Lostine and Wallowa Rivers, Oregon;
- (8) Burial Site of Chief Joseph the Younger, Washington;
- (9) Nez Perce Campsites, Washington;
- (10) Big Hole National Battlefield, Montana;
- (11) Bear’s Paw Battleground, Montana;
- (12) Canyon Creek, Montana; and
- (13) Hasotino Village, Idaho;

each as described in the National Park Service document entitled “Nez Perce National Historical Park Additions Study”, dated 1990 and Old Chief Joseph’s Gravesite and Cemetery, Oregon, as depicted on the map entitled “Nez Perce Additions”, numbered 429-20-018, and dated September, 1991. Lands added to the Big Hole National Battlefield, Montana, pursuant to paragraph (10) shall become part of, and be placed under the administrative jurisdiction of, the Big Hole National Battlefield, but may be interpreted in accordance with the purposes of this subchapter.

(Pub. L. 89-19, § 2, May 15, 1965, 79 Stat. 110; Pub. L. 102-576, § 2(2), Oct. 30, 1992, 106 Stat. 4770.)

AMENDMENTS

1992—Pub. L. 102-576 inserted provision listing 13 sites to be designated as Nez Perce National Historical Park, as described in documents dated 1990 and 1991, and provision relating to lands added to Big Hole National Battlefield, Montana.

§ 281b. Acquisition of lands; restrictions; tribal-owned lands

The Secretary of the Interior may acquire by donation or with donated funds such lands, or interests therein, and other property which in his judgment will further the purpose of this subchapter and he may purchase with appropriated funds land, or interests therein, required for the administration of the Nez Perce National Historical Park. Lands or interests therein owned by a State or political subdivision of a State may be acquired under this section only by donation or exchange. In the case of sites designated as components of the Nez Perce National Historical Park after November 1, 1991, the Secretary may not acquire privately owned land or interests in land without the consent of the owner unless the Secretary finds that—

(1) the nature of land use has changed significantly or that the landowner has demonstrated intent to change the land use significantly from the condition which existed on October 30, 1992;

(2) the acquisition by the Secretary of such land or interest in land is essential to assure its use for purposes set forth in this subchapter; and

(3) such lands or interests are located—

(A) within an area depicted on Sheet 3, 4, or 5 of the map entitled “Nez Perce Additions”, numbered 429-20018, and dated September 1991, or

(B) within the 8-acre parcel of Old Chief Joseph’s Gravesite and Cemetery, Oregon, depicted as “Parcel A” on Sheet 2 of such map.

The Nez Perce Tribe’s governing body, if it so desires, with the approval of the Secretary of the Interior, is authorized to sell, donate, or exchange tribal-owned lands held in trust needed to further the purpose of this subchapter.

(Pub. L. 89-19, § 3, May 15, 1965, 79 Stat. 110; Pub. L. 102-576, § 2(3), Oct. 30, 1992, 106 Stat. 4770.)

AMENDMENTS

1992—Pub. L. 102-576 substituted provisions relating to acquisition of lands or interest therein owned by State or political subdivision of State and provisions relating to acquisition of sites designated as components of park after Nov. 1, 1991, for proviso in first sentence limiting amount of land which may be purchased in fee to 1,500 acres and amount of scenic easements which may be purchased to 1,500 acres.

§ 281c. Inclusion of lands

(a) Indian trust land; Federal-ownership sites; cooperation with Nez Perce Tribe and administrative agencies in research, services, and facilities for public access, use and enjoyment, and conservation of resources

Indian trust land may be designated by the Secretary of the Interior for inclusion in the Nez

Perce National Historical Park with the concurrence of the beneficial owner. Sites in Federal ownership under the administrative jurisdiction of other Government agencies may likewise be designated by the Secretary of the Interior for inclusion in the Nez Perce National Historical Park with the concurrence of the agency having administrative responsibility therefor, but such designation shall effect no transfer of administrative control unless the administering agency consents thereto. The Secretary of the Interior may cooperate with the Nez Perce Tribe or the administering agency, as the case may be, in research into and interpretation of the significance of any site so designated and in providing desirable interpretive services and facilities and other facilities required for public access to and use and enjoyment of the site and in conservation of the scenic and other resources thereof.

(b) Cooperative agreements with property owners of non-Federal property; access; written consent for changes in properties, buildings, and grounds; other provisions

The Secretary of the Interior may enter into cooperative agreements with the owners of property which, under the provisions of this subchapter, may be designated for inclusion in Nez¹ Perce National Historical Park as sites in non-Federal ownership, and he may assist in the preservation, renewal, and interpretation of the properties, provided the cooperative agreements shall contain, but not be limited to, provisions that: (1) the Secretary has right of access at all reasonable times to all public portions of the property for the purpose of conducting visitors through the property and interpreting it to the public, and (2) no changes or alterations shall be made in the properties, including buildings and grounds, without the written consent of the Secretary.

(Pub. L. 89-19, § 4, May 15, 1965, 79 Stat. 110; Pub. L. 102-576, § 2(4), Oct. 30, 1992, 106 Stat. 4771.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-576 struck out after second sentence “Not more than one thousand and five hundred acres overall shall be designated pursuant to the foregoing provisions of this subsection.”

§ 281d. Establishment; notice in Federal Register; administration

When the Secretary of the Interior determines that he has acquired title to, or interest in, sufficient properties or determines that he has entered into appropriate cooperative agreements with owners of non-Federal properties, or any combination thereof including the designation of sites already in Federal ownership, he shall by publication in the Federal Register establish the Nez Perce National Historical Park and thereafter administer the Federal property under his administrative jurisdiction in accordance with sections 1, 2, 3, and 4 of this title, as amended and supplemented.

(Pub. L. 89-19, § 5, May 15, 1965, 79 Stat. 110.)

¹ So in original. Probably should be preceded by “the”.

§ 281e. Contracts and cooperative agreements with State of Idaho, and others

(a) Protection, preservation, maintenance, and operation; obligation of general fund of Treasury

In order to carry out the purpose of this subchapter, the Secretary of the Interior may contract and make cooperative agreements with the States of Idaho, Oregon, Washington, Montana, Wyoming, their political subdivisions or agencies, corporations, associations, the Nez Perce Tribe, or individuals, to protect, preserve, maintain, or operate any site, object, or property included within the Nez Perce National Historical Park, regardless of whether title thereto is in the United States: *Provided*, That no contract or cooperative agreement shall be made or entered into which will obligate the general fund of the Treasury unless or until Congress has appropriated money for such purpose.

(b) Erection and maintenance of tablets and markers

To facilitate the interpretation of the Nez Perce country the Secretary is authorized to erect and maintain tablets or markers in accordance with the provisions contained in sections 461 to 467 of this title.

(c) Consultation with Nez Perce Tribe officials

The Secretary shall consult with officials of the Nez Perce Tribe on the interpretation of the park and its history.

(Pub. L. 89-19, § 6, May 15, 1965, 79 Stat. 111; Pub. L. 102-576, § 2(5), (6), Oct. 30, 1992, 106 Stat. 4771.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-576, § 2(5), substituted “States of Idaho, Oregon, Washington, Montana, Wyoming, their” for “State of Idaho, its”.

Subsec. (c). Pub. L. 102-576, § 2(6), added subsec. (c).

§ 281f. Authorization of appropriations

There are hereby authorized to be appropriated the sums of not more than \$2,130,000 for the acquisition of lands and interests in land and not more than \$9,300,000 for construction, restoration work, and other improvements at the Nez Perce National Historical Park under this subchapter.

(Pub. L. 89-19, § 7, May 15, 1965, 79 Stat. 111; Pub. L. 94-578, title II, § 201(10), Oct. 21, 1976, 90 Stat. 2733; Pub. L. 102-576, § 2(7), Oct. 30, 1992, 106 Stat. 4771.)

AMENDMENTS

1992—Pub. L. 102-576 substituted “\$2,130,000” for “\$630,000” and “\$9,300,000” for “\$4,100,000”.

1976—Pub. L. 94-578 substituted “\$4,100,000” for “\$1,337,000”.

SUBCHAPTER XXXIII—SAN JUAN ISLAND NATIONAL HISTORICAL PARK

§ 282. Acquisition of property; purpose; authority of Secretary; manner and place; donation of State lands

The Secretary of the Interior is authorized to acquire on behalf of the United States by donation, purchase with donated or appropriated

funds, or by exchange, lands, interests in lands, and such other property on San Juan Island, Puget Sound, State of Washington, as the Secretary may deem necessary for the purpose of interpreting and preserving the sites of the American and English camps on the island, and of commemorating the historic events that occurred from 1853 to 1871 on the island in connection with the final settlement of the Oregon Territory boundary dispute, including the so-called Pig War of 1859. Lands or interests therein owned by the State of Washington or a political subdivision thereof may be acquired only by donation.

(Pub. L. 89-565, § 1, Sept. 9, 1966, 80 Stat. 737.)

§ 282a. Designation; administration, protection, and development

The property acquired under the provisions of section 282 of this title shall be known as the San Juan Island National Historical Park and shall commemorate the final settlement by arbitration of the Oregon boundary dispute and the peaceful relationship which has existed between the United States and Canada for generations. The Secretary of the Interior shall administer, protect, and develop such park in accordance with the provisions of sections 1, 2, 3, and 4 of this title, as amended and supplemented, and sections 461 to 467 of this title.

(Pub. L. 89-565, § 2, Sept. 9, 1966, 80 Stat. 737.)

§ 282b. Cooperative agreements with State of Washington and others; erection and maintenance of tablets or markers

The Secretary of the Interior may enter into cooperative agreements with the State of Washington, political subdivisions thereof, corporations, associations, or individuals, for the preservation of nationally significant historic sites and structures and for the interpretation of significant events which occurred on San Juan Island, in Puget Sound, and on the nearby mainland, and he may erect and maintain tablets or markers at appropriate sites in accordance with the provisions of sections 461 to 467 of this title.

(Pub. L. 89-565, § 3, Sept. 9, 1966, 80 Stat. 737.)

§ 282c. Authorization of appropriations

There are hereby authorized to be appropriated such sums, but not more than \$13,575,000 for the acquisition of lands and interests therein and for the development of the San Juan National Historical Park.¹

(Pub. L. 89-565, § 4, Sept. 9, 1966, 80 Stat. 737; Pub. L. 95-625, title I, § 101(22), Nov. 10, 1978, 92 Stat. 3472; Pub. L. 111-88, div. A, title I, § 118, Oct. 30, 2009, 123 Stat. 2929.)

AMENDMENTS

2009—Pub. L. 111-88 substituted “\$13,575,000” for “\$5,575,000”.

1978—Pub. L. 95-625 substituted “\$5,575,000” for “\$3,542,000”.

¹ So in original. Probably should be “San Juan Island National Historical Park.”