112–81, div. A, title III, §312(d), Dec. 31, 2011, 125 Stat. 1355.

AMENDMENTS

2011—Pub. L. 112–81, §312(b)(14), inserted section catchline and headings for subsecs. (a) to (d).

1997—Subsec. (a). Pub. L. 105–85, §2914(b)(1), substituted ''$4,000,000 for each of fiscal years 1998 through 2003,'' for ''the sum of $10,000,000 for each of the fiscal years 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, and 1993,''.

Subsec. (b). Pub. L. 105–85, §2914(b)(2), substituted ''$5,000,000 for each of fiscal years 1998 through 2003,'' for ''the sum of $12,000,000 for each of the fiscal years 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, and 1993,''.

1988—Subsecs. (a), (b). Pub. L. 100–653 substituted ''1988, 1989, 1990, 1991, 1992, and 1993'' for ''and 1988''.

1986—Subsecs. (a), (b). Pub. L. 99–561 substituted ''1985, 1986, 1987, and 1988'' for ''and 1985''.

1982—Subsecs. (a), (b). Pub. L. 97–396, §5(1), substituted ''1983, 1984, and 1985,'' for ''ending September 30, 1979, September 30, 1980, and September 30, 1981,'' wherever appearing.

Subsecs. (c), (d). Pub. L. 97–396, §5(2), added subsecs. (c) and (d).

1978—Subsec. (a). Pub. L. 95–420 substituted provisions authorizing appropriation of $10,000,000 for each of fiscal years ending Sept. 30, 1979, 1980, and 1981 to enable the Secretary to carry out his functions, including data collection, research, planning, and conservation and rehabilitation programs, such funds to be in addition to those authorized for wildlife, range, soil and water management pursuant to section 1748 of title 43, for provisions authorizing appropriation of $10,000,000 for fiscal year ending June 30, 1974, and for each of next four fiscal years to enable Department of the Interior to carry out its functions.

Subsec. (b). Pub. L. 95–420 substituted provisions authorizing appropriation of $12,000,000 for fiscal years ending Sept. 30, 1979, 1980, and 1981 to enable Secretary of Agriculture to carry out his functions, such funds to be in addition to those otherwise provided, and provisions relating to fish and wildlife program needs including those identified in State plans developed pursuant to Forest and Rangeland Renewable Resources Planning Act of 1974, for provisions authorizing appropriation of $10,000,000 for fiscal year ending June 30, 1974, and for each of next four fiscal years to enable Department of Agriculture to carry out its functions.

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§ 671. National Bison Range

There is reserved and excepted from the unallotted lands now embraced within the Flathead Indian Reservation, in the State of Montana, a parcel not to exceed twenty thousand acres of said lands, near the confluence of the Pend d'Oreille and Jocko Rivers, for a permanent National Bison Range for the herd of bison presented by the American Bison Society. The Secretary of the Interior is authorized and di-

rected to inclose said lands with a good and substantial fence and to erect thereon the necessary sheds and buildings for the proper care and maintenance of the said bison.

(May 23, 1908, ch. 192, 35 Stat. 267; Mar. 4, 1909, ch. 301, 35 Stat. 1051; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

CODIFICATION

Act May 23, 1908, authorized President to reserve and except 12,800 acres, only, for the purposes of this section.

Act May 23, 1908, also made an appropriation to enable Secretary of the Interior to pay the confederated tribes of the Flathead, Kootenai, and Upper Pend d'Oreille, and such other Indians as rightfully belonged on the reservation, the appraised value of the lands which provision was omitted as temporary and executed.

Act Mar. 4, 1909, directed President to reserve and except a sufficient area to enlarge the range to not to exceed 20,000 acres.

TRANSFER OF FUNCTIONS

Functions of Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds transferred to Secretary of the Interior by Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees.

§ 672. Omitted

CODIFICATION

Section, act Aug. 10, 1912, ch. 284, 37 Stat. 293, established Wind Cave National Game Preserve. Preserve abolished and property transferred to Wind Cave National Park, to be administered by Secretary of the Interior for purposes expressed in this section, see section 141b of this title.

§ 673. Wyoming Elk Reserve

There is established a winter game (elk) reserve in the State of Wyoming, which shall be located in that section of Wyoming lying south of the Yellowstone Park, and shall include not less than two thousand acres in township 41 north, ranges 115 and 116 west, and the Secretary of the Interior is authorized to purchase said lands with improvements, to erect necessary buildings and inclosures, and to incur other expenses necessary for the maintenance of the reserve. The Secretary of the Interior is authorized to include in said refuge and to inclose not more than one thousand acres of unoccupied public lands, which when selected shall be made to conform to the lines of the public surveys, and shall be adjacent to or partly inclosed by said refuge.

(Aug. 10, 1912, ch. 284, 37 Stat. 293; Mar. 4, 1913, ch. 145, § 1 (part), 37 Stat. 847; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

CODIFICATION

Section is a combination provision, the first sentence being from act Aug. 10, 1912, and the last from act Mar. 4, 1913.

As originally enacted, the first sentence was in the form of an appropriation for the purposes thereof as was also the second sentence which began with the following words: ''For the establishment and maintenance of a winter elk refuge in the State of Wyoming, $5,000, to be available until expended, and the Secretary, etc.''

Res. Feb. 25, 1927, ch. 205, 44 Stat. 1246, authorized the acceptance of title to certain lands in accordance with this section.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 671 of this title.

§ 673a. Addition to the Wyoming Elk Reserve

The Secretary of the Interior is authorized to accept, on behalf of and without expense to the United States, from the Izaak Walton League of America, or its authorized trustees, a gift of certain lands in Teton County, Wyoming, described as the south half of section 4; the east half of the southeast quarter of section 5; the southwest quarter of the southeast quarter of section 5; the south half of the southwest quarter of section 5; the southeast quarter of the northeast quarter of section 7; the east half of the southeast quarter of section 7; the southwest quarter of the southeast quarter of section 7, and lot 4 of section 7; all of section 8; the north half of the northeast quarter of section 9; the north half of the northwest quarter of section 9; and the southwest quarter of the northwest quarter of section 9; the north half of the northeast quarter of section 17; lot 1 of section 18; and the east half of the northwest quarter of section 18; all in township 41 north, range 115 west, of the sixth principal meridian, including all the buildings and improvements thereon, and all rights, easements, and appurtenances thereunto appertaining, subject to the conditions that they be used and administered by the United States, under the supervision and control of the Secretary of the Interior, for the grazing of, and as a refuge for, American elk and other big game animals, and that they be known as the Izaak Walton League addition to the winter elk refuge: *Provided*, That upon the conveyance of said lands to the United States, as herein provided, they shall become a part of the winter elk refuge established under section 673 of this title, and shall be subject to any laws governing the administration and protection of said refuge.

(Feb. 25, 1927, ch. 205, 44 Stat. 1246; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 671 of this title.

§ 673b. National Elk Refuge in Wyoming

The following-described lands of the Jackson Hole National Monument are made a part of the National Elk Refuge and shall be administered hereafter in accordance with the laws applicable to said refuge:

SIXTH PRINCIPAL MERIDIAN

Township 42 north, range 116 west: Those portions of sections 24, 25, 26, and 35 lying east of the east right-of-way line of United States Highway Numbered 187, and lying south and east of the north and west bank of the Gros Ventre River.

Township 42 north, range 115 west: Those portions of sections 8, 9, 10, 17, 18, and 19 lying south

and east of the north and west bank of the Gros Ventre River; section 20; section 29, northwest quarter; section 30, north half.

Township 41 north, range 116 west: Entire portion now in Jackson Hole National Monument except that portion in section 2 lying west of the east right-of-way line of United States Highway Numbered 187.

Containing in all six thousand three hundred and seventy-six acres, more or less.

(Sept. 14, 1950, ch. 950, § 2, 64 Stat. 849.)

REFERENCES IN TEXT

The Jackson Hole National Monument, referred to in text, was created in Wyoming by Presidential Proc. No. 2578, Mar. 15, 1943, 57 Stat. 731. For provisions transferring other lands of such former national monument, see sections 406d–1 and 482m of this title.

REVOCATION OF TEMPORARY WITHDRAWALS OF PUBLIC LANDS

Revocation of temporary withdrawals of public lands in aid of legislation pertaining to parks, monuments, etc., adjacent to Grand Teton National Park in Wyoming, see note set out under section 406d–1 of this title.

REPEAL OF INCONSISTENT LAWS

Repeal of laws inconsistent with act Sept. 14, 1950, see note set out under section 406d–1 of this title.

§ 673c. Conservation of elk in Wyoming

(a) Creation of program; licensed hunters deputized as rangers

The Wyoming Game and Fish Commission and the National Park Service shall devise, from technical information and other pertinent data assembled or produced by necessary field studies or investigations conducted jointly by the technical and administrative personnel of the agencies involved, and recommend to the Secretary of the Interior and the Governor of Wyoming for their joint approval, a program to insure the permanent conservation of the elk within the Grand Teton National Park established by this Act. Such program shall include the controlled reduction of elk in such park, by hunters licensed by the State of Wyoming and deputized as rangers by the Secretary of the Interior, when it is found necessary for the purpose of proper management and protection of the elk.

(b) Recommendations by Wyoming Game and Fish Commission, and National Park Service; controlled reduction; deputation of hunters; removal of carcasses

At least once a year between February 1 and April 1, the Wyoming Game and Fish Commission and the National Park Service shall submit to the Secretary of the Interior and to the Governor of Wyoming, for their joint approval, their joint recommendations for the management, protection, and control of the elk for that year. The yearly plan recommended by the Wyoming Game and Fish Commission and the National Park Service shall become effective when approved by the Secretary of the Interior and the Governor of Wyoming, and thereupon the Wyoming Game and Fish Commission and the Secretary of the Interior shall issue separately, but simultaneously such appropriate orders and regulations as are necessary to carry out those portions of the approved plan that fall within their respective jurisdictions. Such orders and regulations, to be issued by the Secretary of the Interior and the Wyoming Game and Fish Commission, shall include provision for controlled and managed reduction by qualified and experienced hunters licensed by the State of Wyoming and deputized as rangers by the Secretary of the Interior, if and when a reduction in the number of elk by this method within the Grand Teton National Park established by this Act is required as a part of the approved plan for the year, provided that one elk only may be killed by each such licensed and deputized ranger. Such orders and regulations of the Secretary of the Interior for controlled reduction shall apply only to the lands within the Park which lie east of the Snake River and those lands west of Jackson Lake and the Snake River which lie north of the present north boundaries of Grand Teton National Park, but shall not be applicable to lands within the Jackson Hole Wildlife Park. After the Wyoming Game and Fish Commission and the National Park Service shall have recommended to the Secretary of the Interior and the Governor of Wyoming in any specified year a plan, which has received the joint approval of the Secretary of the Interior and the Governor of Wyoming, calling for the controlled and managed reduction by the method prescribed herein of the number of elk within the Grand Teton National Park established by this Act, and after the Wyoming Game and Fish Commission shall have transmitted to the Secretary of the Interior a list of persons who have elk hunting licenses issued by the State of Wyoming and who are qualified and experienced hunters, on or before July 1 of that year the Secretary of the Interior, without charge, shall cause to be issued orders deputizing the persons whose names appear on such list, in the number specified by the plan, as rangers for the purpose of entering the park and assisting in the controlled reduction plan. Each such qualified hunter, deputized as a ranger, participating in the controlled reduction plan shall be permitted to remove from the park the carcass of the elk he has killed as a part of the plan.

(Sept. 14, 1950, ch. 950, § 6, 64 Stat. 851.)

REFERENCES IN TEXT

This Act, referred to in text, is act Sept. 14, 1950, ch. 950, 64 Stat. 849, which enacted this section, sections 406d–1 to 406d–5, 431a, 451a, 482m, and 673b of this title and provisions set out as notes under section 406d–1 of this title. Section 1 of the Act was partially repealed and restated as sections 104907 and 320301 of Title 54, National Park Service and Related Programs, by Pub. L. 113–287, §§ 3, 7, Dec. 19, 2014, 128 Stat. 3094, 3272. For complete classification of this Act to the Code, see Tables.

REPEAL OF INCONSISTENT LAWS

Repeal of laws inconsistent with act Sept. 14, 1950, see note set out under section 406d–1 of this title.

§ 673d. Restoration and conservation of elk in California

It is the sense of Congress that the restoration and conservation of a Tule elk population in California of at least two thousand, except that the number of Tule elk in the Owens River Watershed area shall at no time exceed four hun-

dred and ninety or such greater number which is determined by the State of California to be the maximum holding capacity of such area, is an appropriate national goal.

(Pub. L. 94–389, § 1, Aug. 14, 1976, 90 Stat. 1189.)

§ 673e. Cooperation of Secretaries of the Interior, Agriculture and Defense with State of California

The Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Defense shall cooperate with the State of California in making the lands under their respective jurisdictions reasonably available for the preservation and grazing of Tule elk in such manner and to such extent as may be consistent with Federal law.

(Pub. L. 94–389, § 2, Aug. 14, 1976, 90 Stat. 1190.)

§ 673f. Repealed. Pub. L. 105–362, title IX, § 901(b)(1), Nov. 10, 1998, 112 Stat. 3289

Section, Pub. L. 94–389, § 3, Aug. 14, 1976, 90 Stat. 1190; Pub. L. 97–375, title II, § 208(c), Dec. 21, 1982, 96 Stat. 1825, related to report to Congress by Secretary of the Interior concerning Tule elk herds in California.

§ 673g. Plan for elk restoration and conservation; coordination of Secretary of the Interior with Federal, State and other officers; integration with State plans

The Secretary of the Interior, in coordination with all Federal, State, and other officers having jurisdiction over lands on which Tule elk herds are located or lands which would provide suitable Tule elk habitat, shall develop a plan for Tule elk restoration and conservation, including habitat management, which shall be integrated with the comparable plans of State and local authorities in California.

(Pub. L. 94–389, § 3, formerly § 4, Aug. 14, 1976, 90 Stat. 1190; Pub. L. 97–375, title I, § 108(a), Dec. 21, 1982, 96 Stat. 1820; renumbered § 3, Pub. L. 105–362, title IX, § 901(b)(2), Nov. 10, 1998, 112 Stat. 3289.)

PRIOR PROVISIONS

A prior section 3 of Pub. L. 94–389 was classified to section 673f of this title, prior to repeal by Pub. L. 105–362.

AMENDMENTS

1982—Pub. L. 97–375 struck out requirement that the Secretary's annual report to Congress describe the development and implementation of the plan.

§ 674. Sullys Hill National Game Preserve

The Secretary of the Interior is authorized to inclose the Sullys Hill National Game Preserve with a good and substantial fence, to construct thereon all sheds, buildings, and corrals necessary for the proper care and maintenance of the animals and birds therein, to erect a suitable headquarters, to construct and maintain roads, trails, and other structures necessary for the convenience of visitors, and to incur such other expenses as may be necessary for the proper maintenance of the preserve and the animals and birds placed therein. He is also authorized to place in the park buffalos, elk, deer, and such other wild or rare animals and birds as he may in his discretion decide.

(June 30, 1914, ch. 131, 38 Stat. 434; Mar. 3, 1931, ch. 439, § 1, 46 Stat. 1509; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

CODIFICATION

This section was a provision of the agricultural appropriation act for the fiscal year 1915, act June 30, 1914, which, in the first sentence, made an appropriation of $5,000 for the improvement of a game preserve in Sullys Hill National Park, the same to be available until expended.

CHANGE OF NAME

Act Mar. 3, 1931, provided that the Sullys Hill National Park should be administered as a big-game preserve, refuge and breeding grounds for wild animals and birds, which should be known as the Sullys Hill National Game Preserve.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 671 of this title.

§ 674a. Sullys Hill National Park; transfer of control; change of name to Sullys Hill National Game Preserve; boundaries; use by public; hunting

The Secretary of the Interior shall administer Sullys Hill National Park, together with all improvements thereon, in the State of North Dakota, as a big game preserve, refuge, and breeding grounds for wild animals and birds, which shall be known as the Sullys Hill National Game Preserve and shall embrace within its boundaries the lands described in the proclamation of June 2, 1904, establishing Sullys Hill Park, together with all unsurveyed or public lands uncovered by the recession of the waters of Devils Lake in front of said reservation, the preserve to be bounded on the north and northwest by the waters of Devils Lake, and on the west and southwest by a stream which flows through lands uncovered by the recession of the waters of Devils Lake, approximately midway between lots 10 and 11, section 17; lots 1, 2, 6, and 8, section 16; and lot 2, section 9; lots 3, 4, and 5, section 16, township 152 north, range 65 west, fifth principal meridian, as meandered on the official plats of survey approved June 23, 1904, and June 2, 1927: *Provided*, That the said game preserve is to be made available to the public for recreational purposes insofar as consistent with the use of this area as a game preserve: *Provided further*, That hunting shall not be permitted on said game preserve.

(Mar. 3, 1931, ch. 439, § 1, 46 Stat. 1509; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 671 of this title.

§ 674b. Sullys Hill National Game Preserve; acquisition of additional lands

The Secretary of the Interior is authorized to acquire, by purchase or otherwise, after July 1,

1932, an area of land not to exceed three thousand acres, at an average cost of not more than $10 per acre, with the improvements thereon, situated on the east and south of said preserve as described in section 674a of this title, within sections 10, 11, 12, 13, 14, 15, 22, 23, and 24, township 152 north, range 65 west, fifth principal meridian, said lands, upon acquisition by the United States, to become a part of the Sullys Hill National Game Preserve.

(Mar. 3, 1931, ch. 439, § 2, 46 Stat. 1509; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 671 of this title.

§ 674c. Boundary and division fences for Sullys Hill National Game Preserve; buildings and improvements; supplies; employees

The Secretary of the Interior is authorized to construct and maintain such boundary and division fences as are required to inclose and subdivide the preserve; to construct such buildings and improvements, to install and maintain a suitable water-supply and sanitary system, to purchase such supplies, and to employ such assistants as are necessary for the maintenance of the preserve and the improvements thereon and for the accommodation of visitors thereto.

(Mar. 3, 1931, ch. 439, § 3, 46 Stat. 1510; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 671 of this title.

§ 674d. Authorization of appropriations

There is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated such sums as Congress shall from time to time deem necessary to carry out the purposes of sections 674a to 674c of this title.

(Mar. 3, 1931, ch. 439, § 4, 46 Stat. 1510.)

§ 675. Norbeck Wildlife Preserve; establishment

There is designated as the Norbeck Wildlife Preserve such areas, not exceeding forty-six thousand acres, of the Harney National Forest, and adjoining or in the vicinity of the Custer State Park, in the State of South Dakota, as should, in the opinion of the President of the United States, be set aside for the protection of game animals and birds, and be recognized as a breeding place therefor.

(June 5, 1920, ch. 247, § 1, 41 Stat. 986; June 7, 1924, ch. 324, 43 Stat. 632; Oct. 6, 1949, ch. 620, § 1, 63 Stat. 708.)

CODIFICATION

As enacted by act June 5, 1920, this section authorized the President to designate areas not exceeding 30,000 acres, but by amendment by act June 7, 1924, the President was authorized, upon recommendation of the Secretary of Agriculture, to enlarge the area by proclamation to embrace a total of not to exceed 46,000 acres and the provisions of sections 676 to 678 of this title, apply with equal force to the additional area.

CHANGE OF NAME

''Custer State Park Game Sanctuary'' changed to ''Norbeck Wildlife Preserve'' by act Oct. 6, 1949.

Harney National Forest abolished and its lands transferred to and consolidated with those of Black Hills National Forest by Public Land Order No. 1016 of Oct. 4, 1954, 19 F.R. 6500.

PRESIDENTIAL DESIGNATION

Areas comprising the Norbeck Wildlife Preserve, formerly known as the Custer State Park Game Sanctuary, were designated by Proclamations of Oct. 9, 1920 (41 Stat. 1805), Jan. 8, 1925 (43 Stat. 1981), and Jan. 14, 1929 (45 Stat. 2985).

§ 676. Hunting, trapping, killing, or capturing game on Norbeck Wildlife Preserve unlawful

When such areas have been designated as provided for in section 675 of this title, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture. It is the purpose of this section to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands.

(June 5, 1920, ch. 247, §§ 2, 3, 41 Stat. 986; June 25, 1948, ch. 645, § 11, 62 Stat. 860.)

CODIFICATION

First sentence of section is from section 2 and the last from section 3 of act June 5, 1920.

AMENDMENTS

1948—Act June 25, 1948, struck out penal provisions. See section 41 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 20 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

§ 677. Inclosure of Norbeck Wildlife Preserve

The State of South Dakota is authorized and permitted to erect and maintain a good substantial fence, inclosing in whole or in part Norbeck Wildlife Preserve. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in administering this wildlife preserve and the adjoining national forest lands, and may erect and maintain such additional inclosures as may be agreed upon with the Secretary of Agriculture. The right of the State to maintain this fence shall continue so long as Norbeck Wildlife Preserve is also given similar protection by the laws of the State of South Dakota.

(June 5, 1920, ch. 247, § 4, 41 Stat. 986; Oct. 6, 1949, ch. 620, § 1, 63 Stat. 708.)

CHANGE OF NAME

''Custer State Park Game Sanctuary'' changed to ''Norbeck Wildlife Preserve'' by act Oct. 6, 1949.

§ 678. Exchange of lands with State of South Dakota and Norbeck Wildlife Preserve

Upon recommendation of the Secretary of Agriculture, the Secretary of the Interior may patent to the State of South Dakota not to exceed one thousand six hundred acres of nonmineral national forest lands not otherwise appropriated or withdrawn within the areas of Norbeck Wildlife Preserve: *Provided*, That the State of South Dakota conveys to the Government good and sufficient title to other lands of equal value owned by the State and lying within the exterior boundaries of a national forest in the State of South Dakota and approved by the Secretary of Agriculture as equally desirable for national forest purposes, the lands thus conveyed to the Government to become a part of the national forest. This shall not operate to restrict any selection rights which the State may have or may be hereafter granted, excepting as to the specific lands conveyed to the Government under authority of this section.

(June 5, 1920, ch. 247, § 5, 41 Stat. 986; Oct. 6, 1949, ch. 620, § 1, 63 Stat. 708.)

CHANGE OF NAME

''Custer State Park Game Sanctuary'' changed to ''Norbeck Wildlife Preserve'' by act Oct. 6, 1949.

§ 678a. Mining locations in Norbeck Wildlife Preserve; rules and regulations

Subject to the conditions herein provided, mining locations may be made under the general mining laws of the United States on lands of the United States situated within the exterior boundaries of that portion of the Harney National Forest designated as the Norbeck Wildlife Preserve, South Dakota, created pursuant to the provisions of sections 675 to 678 of this title. A locator shall have the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however*, That the mining operations herein authorized shall be subject to such rules and regulations as the Secretary of Agriculture may deem necessary in furtherance of the purposes for which the said preserve was established: *Provided further*, That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the marking rules and timber sale practices applicable to the Harney National Forest, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development: *Provided further*, That the Secretary of Agriculture in his discretion may prohibit the location of mining claims within six hundred and sixty feet of any Federal, State, or county road, and within such other areas where the location of mining claims would not be in the public interest: *And provided further*, That no patent shall be issued by the United States on any location filed pursuant to the authority contained in this section.

(June 24, 1948, ch. 611, § 1, 62 Stat. 580; Oct. 6, 1949, ch. 620, § 1, 63 Stat. 708.)

CHANGE OF NAME

''Custer State Park Game Sanctuary'' changed to ''Norbeck Wildlife Preserve'' by act Oct. 6, 1949.

Harney National Forest abolished and its lands transferred to and consolidated with those of Black Hills National Forest by Public Land Order No. 1016 of Oct. 4, 1954, 19 F.R. 6500.

§ 678b. Redefinition of western boundary of Norbeck Wildlife Preserve

To facilitate administration for the purpose for which the preserve has been established, the western boundary of the preserve lying north of Custer State Park is redefined as follows:

Beginning at the east quarter corner of section 7, township 2 south, range 5 east, Black Hills meridian; thence south along said section line to its intersection with a line three hundred feet north of the Horse Thief Lake Road; thence southwesterly along a line three hundred feet northwesterly from the center line of said road and running approximately parallel thereto to the intersection of said road with United States Highway 85A; thence southerly along a line three hundred feet west of United States Highway 85A and approximately parallel thereto to the present south boundary of said preserve in section 3 south, range 4 east, Black Hills meridian.

(June 24, 1948, ch. 611, § 2, 62 Stat. 581; Oct. 6, 1949, ch. 620, § 1, 63 Stat. 708.)

CHANGE OF NAME

''Custer State Park Game Sanctuary'' changed to ''Norbeck Wildlife Preserve'' by act Oct. 6, 1949.

§ 679. Patents to State of South Dakota of certain lands in Custer State Park; reservation of coal, oil, gas, and other mineral rights

The Secretary of the Interior is authorized and directed to issue to the State of South Dakota patents conveying title, but reserving the minerals therein, to any unpatented lands of the United States held or claimed by virtue of locations made prior to March 3, 1925, under the United States general mining laws, within the Custer State Park, not exceeding a total of two thousand acres, upon payment to the United States of $1.25 per acre therefor, and upon evidence being furnished that all claim, right, title, and interest of such claimants have been transferred to the State or have been abandoned. Patents so issued to the State of South Dakota shall be conditioned upon the lands being used for park purposes, and provide for the reversion of the lands of the United States in the event of failure to so hold and use. The United States reserves all coal, oil, gas, or other minerals in the lands patented under this section with the right, in case any of said patented lands are found by

the Secretary of the Interior to be more valuable for the minerals therein than for park purposes, to provide, by special legislation, having due regard for the rights of the State of South Dakota, for the disposition and extraction of the coal, oil, gas or other minerals therein. The provisions of this section are limited to lands lying within the limits of the Custer State Park, within townships 3 and 4 south, range 6 east, and the east one-third of townships 3 and 4 south, range 5 east, Black Hills meridian.

(Mar. 3, 1925, ch. 465, 43 Stat. 1185.)

§ 680. Game animal and bird refuge in South Dakota; establishment

Subject to valid rights and entries initiated under the public land laws, prior to June 7, 1924, any or all of the following described lands in Government ownership may be withdrawn from entry and disposition by proclamation of the President for the purpose of protecting and propagating antelope and other game animals and birds: National forest lands—Township 18 north, range 7 east, Black Hills meridian, section 24, south half, and south half north half; section 25, all; township 18 north, range 8 east, sections 17 to 20, inclusive; section 21, west half; sections 29 to 32, inclusive. Public lands—Township 18 north, range 7 east, sections 5 to 9, inclusive; sections 13 to 23, inclusive; section 24, north half north half; sections 26 to 36, inclusive; and those parts of sections 3, 4, 10, and 11 lying south and west of the Riva Road. The withdrawal of the lands herein authorized shall not affect withdrawals for national forest purposes made prior to June 7, 1924.

(June 7, 1924, ch. 326, §1, 43 Stat. 634.)

§ 681. Erection of fence by South Dakota for game animal and bird refuge

The State of South Dakota is authorized and permitted to erect and maintain a good, substantial fence inclosing in whole or in part such areas as may be designated and set aside by the President under the authority of section 680 of this title. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in the administration of the National forest lands embraced therein, or to provide ingress and egress to persons occupying lands within said inclosure. The right of the State to maintain said fence shall continue so long as the area designated by the President shall be given protection by the laws of the State of South Dakota as a game refuge.

(June 7, 1924, ch. 326, §2, 43 Stat. 634.)

§ 682. Game refuge in Ozark National Forest

The President of the United States is authorized to designate such national forest lands within the Ozark National Forest, within the State of Arkansas, as should, in his discretion, be set aside for the protection of game animals, birds, or fish; and, except under such rules and regulations as the Secretary of Agriculture may from time to time prescribe, it shall be unlawful for any person to hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof.

(Feb. 28, 1925, ch. 376, 43 Stat. 1091; Aug. 11, 1945, ch. 365, 59 Stat. 531; June 25, 1948, ch. 645, §12, 62 Stat. 861.)

AMENDMENTS

1948—Act June 25, 1948, struck out penal provisions (see section 41 of Title 18, Crimes and Criminal Procedure), and inserted provision relating to the unlawfulness in hunting, catching, etc., game animals, etc., under rules and regulations of the Secretary of Agriculture.

1945—Act Aug. 11, 1945, struck out last sentence which read ''No lands within the present limits of the fourth congressional district shall be included in such designations.''

EFFECTIVE DATE OF 1948 AMENDMENT

Section 20 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

PRESIDENTIAL DESIGNATION

Lands comprising the Ozark National Game Refuge were designated by Proclamations of June 13, 1928 (45 Stat. 2953), and Oct. 25, 1935 (49 Stat. 3478).

§ 683. Areas set aside for protection of game and fish; unlawfully taking game or fish

The President of the United States is authorized to designate such areas on any lands which have been, or which may hereafter be, purchased by the United States under the provisions of the Act of March first, nineteen hundred and eleven, and Acts supplementary thereto and amendatory thereof, as should, in his opinion, be set aside for the protection of game animals, birds, or fish; and, except under such rules and regulations as the Secretary of Agriculture may from time to time prescribe, it shall be unlawful for any person to hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof.

(Aug. 11, 1916, ch. 313, 39 Stat. 476; June 25, 1948, ch. 645, §10, 62 Stat. 860.)

REFERENCES IN TEXT

Act of March first, nineteen hundred and eleven, referred to in text, was in the original ''Act of March first, nineteen hundred and eleven (Thirty-six Statutes at Large, page nine hundred and sixty-one), entitled 'An Act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable streams' '', which is popularly known as the Weeks Law, and which enacted former sections 513 and 514 and sections 515 to 519, 521, 552, and 563 of this title and amended sections 480 and 500 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

AMENDMENTS

1948—Act June 25, 1948, struck out penal provisions (see section 41 of Title 18, Crimes and Criminal Procedure), and inserted provision relating to the unlawfulness in hunting, catching, etc. game animals, etc. under rules and regulations of Secretary of Agriculture.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 20 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

PRESIDENTIAL DESIGNATION

The following areas have been designated by the President:

Big Levels Game Refuge. Proclamation of July 6, 1935 (49 Stat. 3448).

Cherokee National Game Refuges. Proclamation of Aug. 5, 1924 (43 Stat. 1964), and Oct. 22, 1934 (49 Stat. 3423).

National Catahoula Wildlife Management Preserve. Proclamation of Sept. 27, 1941 (55 Stat. 1689).

National Red Dirt Wildlife Management Preserve. Proclamation of Sept. 27, 1941 (55 Stat. 1688).

Noontootly National Game Refuge. Proclamation of July 6, 1938 (52 Stat. 1549).

Pisgah National Game Preserve. Proclamation of Oct. 17, 1916 (39 Stat. 1811).

§ 684. Game breeding areas in Wichita and Grand Canyon National Forests

The President of the United States is authorized to designate such areas in the Wichita National Forest and in the Grand Canyon National Forest as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor.

(Jan. 24, 1905, ch. 137, § 1, 33 Stat. 614; June 29, 1906, ch. 3593, § 1, 34 Stat. 607.)

CODIFICATION

Act Jan. 24, 1905, and act June 29, 1906, are identical in language throughout, except that the earlier act authorizes the setting aside of areas in Wichita National Forest, while the latter authorizes areas in Grand Canyon National Forest. The two acts have been combined to form this section and sections 685 and 686 of this title.

''Wichita National Forest'' and ''Grand Canyon National Forest'' substituted for ''Wichita Forest Reserve'' and ''Grand Canyon Forest Reserve'', respectively, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

PRESIDENTIAL DESIGNATION; ABOLITION OF WICHITA NATIONAL FOREST

The entire Wichita National Forest was designated a Game Preserve by Proclamation of June 2, 1905 (34 Stat. 3062), enlarged by Executive Order No. 7116, July 26, 1935, and designated the Wichita Mountains Wildlife Refuge by Act June 4, 1936, ch. 489, title I, § 1, 49 Stat. 1446. Proclamation No. 2211, Nov. 27, 1936 (50 Stat. 1797), revoked the proclamations of July 4, 1901 (32 Stat. 1973), May 29, 1906 (34 Stat. 3207), and Oct. 13, 1910 (36 Stat. 2754), establishing, enlarging, and modifying the Wichita National Forest, but did affect the Wichita Mountains Wildlife Refuge.

The Grand Canyon National Game Preserve was established by Proclamation of Nov. 28, 1906 (34 Stat. 3263), enlarged by Proclamation of June 23, 1908 (35 Stat. 2192), and diminished by Proclamation of June 3, 1909 (36 Stat. 2496). The lands of the Grand Canyon National Forest were divided among and combined with those of the Coconino and Kaibab National Forests by Proclamation of July 2, 1908 (35 Stat. 2196).

§ 685. Hunting, trapping, killing, or capturing game in designated breeding areas unlawful

When such areas have been designated in the Wichita National Forest as provided for in section 684 of this title, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time, by the Secretary of the Interior.

When such areas have been designated in the Grand Canyon National Forest as provided in section 684 of this title, hunting, trapping, killing, or capturing of game animals upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture.

(Jan. 24, 1905, ch. 137, § 2, 33 Stat. 614; June 29, 1906, ch. 3593, § 2, 34 Stat. 607; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; June 25, 1948, ch. 645, §§ 8, 9, 62 Stat. 860.)

CODIFICATION

Words ''in the Wichita National Forest and in the Grand Canyon National Forest'' inserted, and ''Secretary of the Interior and Secretary of Agriculture, respectively'' substituted for ''Secretary of Agriculture'' because of Reorg. Plan No. II of 1939, which transferred Bureau of Biological Survey from Department of Agriculture to Department of the Interior. The successor to Wichita National Forest, which was then administered by that Bureau, was affected by the transfer. However, the successor to Grand Canyon National Forest was administered by Forest Service and was consequently not affected.

For successors to Wichita National Forest and Grand Canyon National Forest, see Presidential Designation note set out under section 684 of this title.

AMENDMENTS

1948—Act June 25, 1948, struck out penal provisions. See section 41 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 20 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 671 of this title.

§ 686. Operation of local game laws not affected

It is the purpose of sections 684 and 685 of this title to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State, or Territorial lands.

(Jan. 24, 1905, ch. 137, § 3, 33 Stat. 614; June 29, 1906, ch. 3593, § 3, 34 Stat. 607.)

§ 687. Grand Canyon Game Preserve included in park

Such parts of the Grand Canyon National Game Preserve, designated under authority of section 684 of this title, as are by this Act included with[1] the Grand Canyon National Park are excluded and eliminated from said game preserve.

(Feb. 26, 1919, ch. 44, § 9, 40 Stat. 1178.)

REFERENCES IN TEXT

This Act, referred to in text, is act Feb. 26, 1919, ch. 44, 40 Stat. 1175, as amended, which is classified prin-

[1] So in original. Probably should be ''within''.

cipally to subchapter XXIV (§ 221 et seq.) of chapter 1 of this title. For complete classification of this Act to the Code, see Tables.

§ 688. Repealed. Pub. L. 95–625, title III, § 314(g), Nov. 10, 1978, 92 Stat. 3483

Section, acts July 3, 1926, ch. 744, § 6, 44 Stat. 821; June 25, 1948, ch. 645, § 13, 62 Stat. 861, related to designation of Sequoia National Game Refuge. See section 45f(b)(2) of this title.

EFFECTIVE DATE OF REPEAL

Pub. L. 95–625, title III, § 314(g), Nov. 10, 1978, 92 Stat. 3483, provided in part that the repeal of this section and section 45a–3 of this title is effective upon the transfer of abolished Sequoia National Game Refuge by the Secretary of Agriculture to the administrative jurisdiction of the Secretary of the Interior under section 45f(b)(2) of this title.

WILD ANIMAL PROTECTION

Pub. L. 95–625, title III, § 314(g), Nov. 10, 1978, 92 Stat. 3483, provided in part that repeal of this section should not be construed to prohibit or prevent the Secretary of the Interior from exercising any authority applicable to the national parks respecting protection of birds, game, or other wild animals.

§ 689. Tahquitz National Game Preserve

There is created within the San Bernardino National Forest in Riverside County, California, for the protection of game animals, and as the recognized breeding place therefor, the Tahquitz National Game Preserve, which shall include the following lands: Sections 28, 29, 30, 31, 32, 33, 34, and 35, township 3 south, range 3 east, San Bernardino meridian; sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, township 4 south, range 3 east, San Bernardino meridian; and sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, and 24, township 5 south, range 3 east, San Bernardino meridian; but the establishment of this reservation shall not interfere with any existing right or withdrawals made prior to July 3, 1926: *Provided*, That all the land with[1] the exterior boundary of the aforesaid tract shall first become the property of the United States.

That where the Government survey has not been completed the aforesaid description shall be deemed to refer to and be determined by lines projected from the official survey.

(July 3, 1926, ch. 776, § 1, 44 Stat. 889.)

§ 689a. Other uses of land permitted in Tahquitz National Game Preserve

The lands included in said game preserve shall continue to be parts of the national forest and nothing contained in sections 689 to 689d of this title shall prevent the Secretary of Agriculture from permitting other uses of said lands under and in conformity with the laws and rules and regulations applicable thereto so far as any such use may be consistent with the purposes for which said game preserve is established.

(July 3, 1926, ch. 776, § 2, 44 Stat. 889.)

§ 689b. Hunting, pursuing, capturing in Tahquitz National Game Preserve unlawful

On lands within the game preserve established in section 689a of this title, hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any wild animals or birds for any purpose whatever upon the lands of the United States within the limits of said game preserve shall be unlawful except as hereinafter provided.

(July 3, 1926, ch. 776, § 3, 44 Stat. 889; June 25, 1948, ch. 645, § 14, 62 Stat. 861.)

AMENDMENTS

1948—Act June 25, 1948, struck out penal provisions. See section 41 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 20 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

§ 689c. Rules and regulations for administration of the Tahquitz Preserve; predatory animals

The Secretary of Agriculture shall execute the provisions of sections 689 to 689d of this title, and he is authorized to make all needful rules and regulations for the administration of such game preserves in accordance with the purposes of said sections, including regulations for hunting, capturing, or killing predatory animals, such as wolves, coyotes, cougar, and other species destructive to livestock or wildlife within the limits of said game preserve.

(July 3, 1926, ch. 776, § 4, 44 Stat. 889.)

§ 689d. Acceptance of title to privately owned lands within Tahquitz Preserve

Upon the recommendation of the Secretary of Agriculture the Secretary of the Interior is authorized in his discretion to accept, on behalf of the United States, title to any lands in private ownership within the boundaries of the game preserve established, and make exchange therefor under the provisions of sections 485 and 486 of this title.

(July 3, 1926, ch. 776, § 5, 44 Stat. 889.)

§ 690. Bear River Migratory Bird Refuge; establishment; acquisition of lands

The Secretary of the Interior is authorized to construct, at Bear River Bay and vicinity, Utah, such dikes, ditches, spillways, buildings, and improvements as may be necessary, in his judgment, for the establishment of a suitable refuge and feeding and breeding grounds for migratory wild fowl; also to acquire, by purchase, gift, or lease, water rights and privately owned lands, including the improvements thereon, deemed necessary by him for the purpose, or, in lieu of purchase, to compensate any owner for any damage sustained by reason of the submergence of his lands.

(Apr. 23, 1928, ch. 413, § 1, 45 Stat. 448; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 671 of this title.

[1] So in original. Probably should be ''within''.

§ 690a. Maintenance of lands acquired as refuge and breeding place for migratory birds

Such lands, when acquired in accordance with the provisions of sections 690 to 690i of this title, together with such lands of the United States as may be designated for the purpose by proclamations or Executive orders of the President, shall constitute the Bear River Migratory Bird Refuge and shall be maintained as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916.

(Apr. 23, 1928, ch. 413, § 2, 45 Stat. 448.)

REFERENCES IN TEXT

Section 690i, included within the reference to sections 690 to 690i, was omitted from the Code.

§ 690b. Consent of Utah to acquisition of lands for Bear River Refuge; approval of title to lands acquired

No such area shall be acquired by the Secretary of the Interior unless or until the Legislature of the State of Utah has consented to the acquisition of lands by the United States for use as a refuge for migratory wild fowl, and shall have provided for the use as a refuge for migratory wild fowl by the United States of any lands owned or controlled by the State in Bear River Bay, Utah, and vicinity, which the Secretary of the Interior may deem necessary for such purpose, and which the Secretary of the Interior is authorized to accept on behalf of the United States; and, except in the case of a lease, no payments shall be made by the United States for any such area until title thereto is satisfactory to the Attorney General.

(Apr. 23, 1928, ch. 413, § 3, 45 Stat. 449; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 671 of this title.

§ 690c. Existence of easements, reservations, or exceptions as barring acquisition of lands

The existence of a right-of-way easement or other reservation or exception in respect of such area shall not be a bar to its acquisition (1) if the Secretary of the Interior determines that any such reservation or exception will in no manner interfere with the use of the area for the purposes of sections 690 to 690i of this title, or (2) if in the deed or other conveyance it is stipulated that any reservation or exception in respect of such area, in favor of the person from whom the United States receives title, shall be subject to regulations prescribed under authority of sections 690 to 690i of this title.

(Apr. 23, 1928, ch. 413, § 4, 45 Stat. 449; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

REFERENCES IN TEXT

Section 690i, included within the reference to sections 690 to 690i, was omitted from the Code.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 671 of this title.

§ 690d. Injuries to property on Bear River Refuge; disturbance of birds, etc.; violation of regulations for use of refuge

No person shall take, injure, or disturb any bird, or nest or egg thereof, or injure or destroy any notice, signboard, fence, dike, ditch, dam, spillway, improvement, or other property of the United States on any area acquired or received under sections 690 to 690i of this title, or remove therefrom or cut, burn, injure, or destroy any grass or other natural growth thereon, or enter, use, or occupy the refuge for any purpose, except in accordance with regulations prescribed by the Secretary of the Interior: *Provided*, That at no time shall less than 60 per centum of the total acreage of the said refuge be maintained as an inviolate sanctuary for such migratory birds.

(Apr. 23, 1928, ch. 413, § 5, 45 Stat. 449; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

REFERENCES IN TEXT

Section 690i, included within the reference to sections 690 to 690i, was omitted from the Code.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 671 of this title.

§ 690e. Enforcement of laws and regulations; warrants and processes; jurisdiction of courts; forfeiture of property captured, injured, killed or removed

(a) Arrests and warrants

Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of sections 690 to 690i of this title (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of sections 690 to 690i of this title or of any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of said sections or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States magistrate judge may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(b) Seizures and forfeitures

All birds or animals, or parts thereof, captured, injured, or killed, and all grass and other natural growths, and nests and eggs of birds removed contrary to the provisions of sections 690 to 690i of this title or any regulation made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be

summarily seized by him, and upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, or removed contrary to the provisions of sections 690 to 690i of this title or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the Secretary of the Interior, in accordance with law.

(Apr. 23, 1928, ch. 413, §6, 45 Stat. 449; 1939 Reorg. Plan No. II, §4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Pub. L. 90–578, title IV, §402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 95–616, §3(g), Nov. 8, 1978, 92 Stat. 3111; Pub. L. 101–650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

REFERENCES IN TEXT

Section 690i, included within the reference to sections 690 to 690i, was omitted from the Code.

AMENDMENTS

1978—Subsec. (b). Pub. L. 95–616 substituted ''as directed by the Secretary of the Interior, in accordance with law'' for ''as directed by the court having jurisdiction''.

CHANGE OF NAME

''United States magistrate judge'' substituted for ''United States magistrate'' in subsec. (a) pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, ''United States magistrate'' substituted for ''United States commissioner'' pursuant to Pub. L. 90–578. See chapter 43 (§631 et seq.) of Title 28.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 671 of this title.

§ 690f. Expenditures by Secretary of the Interior for construction, maintenance, etc., of Bear River Refuge; employment of necessary means to execute functions imposed on him

The Secretary of the Interior is authorized to make such expenditures for construction, equipment, maintenance, repairs, and improvements, including necessary investigations, and expenditures for personal services and office expenses at the seat of government and elsewhere, and to employ such means as may be necessary to execute the functions imposed upon him by this section or sections 690 to 690i of this title and as may be provided for by Congress from time to time.

(Apr. 23, 1928, ch. 413, §7, 45 Stat. 449; 1939 Reorg. Plan No. II, §4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

REFERENCES IN TEXT

Section 690i, included within the reference to sections 690 to 690i, was omitted from the Code.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 671 of this title.

§ 690g. Violation of laws and regulations; penalties

Any person who shall violate or fail to comply with any provision of, or any regulation made pursuant to sections 690d to 690i of this title shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or be imprisoned not more than six months, or both.

(Apr. 23, 1928, ch. 413, §9, 45 Stat. 450.)

REFERENCES IN TEXT

Section 690i, included within the reference to sections 690 to 690i, was omitted from the Code.

§ 690h. "Person" defined

As used in sections 690 to 690i of this title the term ''person'' includes an individual, partnership, association, or corporation.

(Apr. 23, 1928, ch. 413, §10, 45 Stat. 450.)

REFERENCES IN TEXT

Section 690i, included within the reference to sections 690 to 690i, was omitted from the Code.

§ 690i. Omitted

CODIFICATION

Section, act Apr. 23, 1928, ch. 413, §8, 45 Stat. 450, authorized the appropriation of $350,000 for purposes of sections 690 to 690h of this title, including $50,000 for purchase of land and improvements thereon.

§ 691. Cheyenne Bottoms Migratory Bird Refuge; location; acquisition of land

The Secretary of the Interior is authorized to acquire by purchase, gift, or lease not to exceed twenty thousand acres of land in what is known as the Cheyenne Bottoms, in Barton County, Kansas, or, in lieu of purchase, to compensate any owner for any damage sustained by reason of submergence of his lands.

(June 12, 1930, ch. 469, §1, 46 Stat. 579; 1939 Reorg. Plan No. II, §4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 671 of this title.

§ 691a. Establishment of Cheyenne Bottoms Migratory Bird Refuge; purpose

Such lands, when acquired in accordance with the provisions of section 691 of this title, shall constitute the Cheyenne Bottoms Migratory Bird Refuge, and shall be maintained as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916.

(June 12, 1930, ch. 469, §2, 46 Stat. 579.)

§ 691b. Omitted

CODIFICATION

Section, act June 12, 1930, ch. 469, §3, 46 Stat. 579, authorized the appropriation of $250,000 for purchase of land described in section 691 of this title.

§ 691c. Acquisition of areas for Cheyenne Bottoms Refuge; title; rights-of-way, easements, and reservations

The Secretary of the Interior may do all things and make all expenditures necessary to

secure the safe title in the United States to the areas which may be acquired under section 691 of this title, including purchase of options when deemed necessary by the Secretary of the Interior, and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General. That the acquisition of such areas by the United States shall in no case be defeated because of rights-of-way, easements, and reservations which from their nature will in the opinion of the Secretary of the Interior in no manner interfere with the use of the areas so encumbered for the purpose of section 691a of this title.

(June 12, 1930, ch. 469, § 4, 46 Stat. 579; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 671 of this title.

§ 691d. Applicability of certain statutes

Sections 715f to 715i and 715*l* to 715n[1] of this title are made applicable for the purposes of sections 691, 691a, and 691c of this title in the same manner and to the same extent as though they were enacted as a part of those sections.

(June 12, 1930, ch. 469, § 5, 46 Stat. 579.)

REFERENCES IN TEXT

Sections 715*l* and 715m of this title, referred to in text, were repealed by Pub. L. 89–669, § 7(d), Oct. 15, 1966, 80 Stat. 930. See section 668dd(f) and (e) of this title.

§ 692. Game sanctuaries or refuges in Ocala National Forest; creation

The President of the United States is authorized to designate as game refuges such lands of the United States within the Ocala National Forest, in the State of Florida, as in his judgment should be set aside for the protection of game animals and birds, but it is not intended that the lands so designated shall cease to be parts of the national forest within which they are located, and the establishment of such game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the lands under and in conformity with the laws and regulations applicable thereto so far as such uses may be consistent with the purposes for which such game sanctuaries or refuges are established.

(June 28, 1930, ch. 709, § 1, 46 Stat. 827.)

PRESIDENTIAL DESIGNATION

Lands comprising the Ocala National Game Refuge were designated by Proclamation of July 24, 1930 (46 Stat. 3031), and Executive Order No. 5814 of Mar. 1, 1932.

§ 692a. Hunting, pursuing, capturing, etc., in Ocala National Forest unlawful

When such game sanctuaries or refuges have been established as provided in section 692 of this title, the hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any game animals or birds upon the lands of the United States within the limits of such game sanctuaries or refuges shall be unlawful except under such rules and regulations as the Secretary of Agriculture may from time to time prescribe.

(June 28, 1930, ch. 709, § 2, 46 Stat. 828; June 25, 1948, ch. 645, § 15, 62 Stat. 861.)

AMENDMENTS

1948—Act June 25, 1948, struck out penal provisions (see section 41 of Title 18, Crimes and Criminal Procedure), and inserted reference to rules and regulations of the Secretary of Agriculture.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 20 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

§ 693. Game sanctuaries and refuges in Ouachita National Forest

For the purpose of providing breeding places and for the protection and administration of game animals, birds, and fish, the President of the United States is authorized, upon the recommendation of the Secretary of Agriculture, to establish by public proclamation certain specified areas within the Ouachita National Forest as game sanctuaries and refuges.

(June 13, 1933, ch. 63, § 1, 48 Stat. 128.)

PRESIDENTIAL DESIGNATION

Areas comprising the Ouachita National Wildlife Preserve, formerly known as the Muddy Creek Refuge, were designated by Proclamations of Mar. 8, 1935 (49 Stat. 3439), and Oct. 29, 1938 (53 Stat. 2495).

§ 693a. Rules and regulations for administration of Ouachita National Forest; violations; penalties

The Secretary of Agriculture shall execute the provisions of this section and section 693 of this title, and he is authorized to prescribe all general rules and regulations for the administration of such game sanctuaries and refuges, and violation of such rules and regulations shall be punished by fine of not more than $500 or imprisonment for not more than six months or both.

(June 13, 1933, ch. 63, § 2, 48 Stat. 128.)

§ 693b. Robert S. Kerr Memorial Arboretum and Nature Center in Ouachita National Forest; authority to establish

In order to preserve, develop, and make available to this and future generations the opportunity to advance themselves morally, intellectually, and spiritually by learning about nature and to promote, demonstrate, and stimulate interest in and knowledge of the management of forest lands under principles of multiple use and sustained yield and the development and progress of management of forest lands in America, the Secretary of Agriculture is hereby authorized to establish the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest. As soon as possible after June 4, 1968, the Secretary of Agriculture

[1] See References in Text note below.

shall publish notice of the designation thereof in the Federal Register, together with an appropriate legal description of the property. A map showing the location of the designated arboretum and center shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture.

(Pub. L. 90–327, § 1, June 4, 1968, 82 Stat. 169.)

§ 693c. Administration by Secretary of Agriculture of the Robert S. Kerr Center

The area designated as the Robert S. Kerr Memorial Arboretum and Nature Center shall be administered, protected, and developed within and as a part of the Ouachita National Forest by the Secretary of Agriculture in accordance with the laws, rules, and regulations applicable to national forests in such manner as in his judgment will best provide for the purposes of sections 693b to 693d of this title and to provide for such management, utilization, and disposal of the natural resources as in his judgment will promote or is compatible with and does not significantly impair the purposes for which the Robert S. Kerr Memorial Arboretum and Nature Center is established.

(Pub. L. 90–327, § 2, June 4, 1968, 82 Stat. 169.)

§ 693d. Cooperation with public and private agencies; contributions and gifts for Robert S. Kerr Center

The Secretary of Agriculture is hereby authorized to cooperate with and receive the cooperation of public and private agencies and organizations and individuals in the development, administration, and operation of the Robert S. Kerr Memorial Arboretum and Nature Center. The Secretary of Agriculture is authorized to accept contributions and gifts to be used to further the purposes of sections 693b to 693d of this title.

(Pub. L. 90–327, § 3, June 4, 1968, 82 Stat. 169.)

§ 694. Fish and game sanctuaries in national forests; establishment by President

For the purpose of providing breeding places for game birds, game animals, and fish on lands and waters in the national forests not chiefly suitable for agriculture, the President of the United States is authorized, upon recommendation of the Secretary of Agriculture and the Secretary of Commerce and with the approval of the State legislatures of the respective States in which said national forests are situated, to establish by public proclamation certain specified and limited areas within said forests as fish and game sanctuaries or refuges which shall be devoted to the increase of game birds, game animals, and fish of all kinds naturally adapted thereto, but it is not intended that the lands included in such fish and game sanctuaries or refuges shall cease to be parts of the national forests wherein they are located, and the establishment of such fish and game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the national forests under and in conformity with the laws and the rules and regulations applicable thereto so far as such uses may be consistent with the purposes for which such fish and game sanctuaries or refuges are authorized to be established.

(Mar. 10, 1934, ch. 54, § 1, 48 Stat. 400.)

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with sections 694 to 694b of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102–486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

§ 694a. Hunting, pursuing, capturing, etc., in sanctuaries in national forests unlawful

When such fish and game sanctuaries or refuges have been established as provided in section 694 of this title, hunting, pursuing, poisoning, angling for, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, angle for, kill, or capture any wild animals or fish for any purpose whatever upon the lands of the United States within the limits of said fish and game sanctuaries or refuges shall be unlawful except as hereinafter provided.

(Mar. 10, 1934, ch. 54, § 2, 48 Stat. 400; June 25, 1948, ch. 645, § 16, 62 Stat. 861.)

AMENDMENTS

1948—Act June 25, 1948, struck out penal provisions. See section 41 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 10 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

§ 694b. Rules and regulations for administration of sanctuaries in national forests; jurisdiction of States

The Secretaries of Agriculture and Commerce shall execute the provisions of sections 694 to 694b of this title, and they are jointly authorized to make all needful rules and regulations for the administration of such fish and game sanctuaries or refuges in accordance with the purpose of sections 694 to 694b of this title, including regulations not in contravention of State laws for hunting, capturing, or killing predatory animals, such as wolves, coyotes, foxes, pumas, and other species destructive to livestock or wildlife or agriculture within the limits of said fish and game sanctuaries or refuges: *Provided*, That the present jurisdiction of the States shall

not be altered or changed without the legislative approval of such States.

(Mar. 10, 1934, ch. 54, § 3, 48 Stat. 401.)

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with sections 694 to 694b of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102–486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

§ 695. Migratory waterfowl and other wildlife refuge in California; participation by State of California

The Secretary of the Interior is authorized to purchase or rent not to exceed twenty thousand acres of land or interests therein in suitable locations in the State of California, for the management and control of migratory waterfowl and other wildlife in connection therewith, from moneys to be appropriated by Congress from time to time: *Provided*, That no sums appropriated under this authority for the acquisition of lands shall be expended for such purpose unless and until the State of California shall have set aside and made available for expenditure funds for the purchase of equivalent acreages as determined by the Secretary of the Interior.

(May 18, 1948, ch. 303, § 1, 62 Stat. 238.)

§ 695a. Title in United States of California refuge areas; existence of easements, reservations, etc.; affecting acquisition

The Secretary of the Interior may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under sections 695 to 695c of this title, including purchase of options when deemed necessary, and expenses incident to the location, examination and survey of such areas and the acquisition of title thereto, but no payments shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General. The acquisition of such areas by the United States shall in no case be defeated because of rights-of-way, easements, exceptions, and reservations which from their nature will, in the opinion of the Secretary of the Interior, in no manner interfere with the use of the areas so encumbered for the purposes of said sections.

(May 18, 1948, ch. 303, § 2, 62 Stat. 238.)

§ 695b. Applicability of certain statutes

Sections 715g to 715i and 715*l* to 715n of this title are made applicable for the purposes of sections 695 to 695c of this title in the same manner and to the same extent as though they were enacted as part of sections 695 to 695c of this title, except that lands acquired hereunder may be administered primarily as wildlife management areas not subject to the prohibition against the taking of birds or nests or the eggs thereof, as contained in section 715i of this title, and hunting thereon may be regulated, at the option of the Fish and Game Commission of the State of California, in such cooperative manner as is deemed necessary to carry out the purposes of sections 695 to 695c of this title subject, however, to the provisions of the Migratory Bird Treaty Act of July 3, 1918 [16 U.S.C. 703 et seq.].

(May 18, 1948, ch. 303, § 3, 62 Stat. 239.)

REFERENCES IN TEXT

The Migratory Bird Treaty Act of July 3, 1918, referred to in text, is act July 3, 1918, ch. 128, 40 Stat. 755, as amended, which is classified generally to subchapter II of chapter 7 (§ 703 et seq.) of this title. For complete classification of this Act to the Code, see section 710 of this title and Tables.

Sections 715*l* and 715m of this title, referred to in text, were repealed by Pub. L. 89–669, § 7(d), Oct. 15, 1966, 80 Stat. 930. See section 668d(f) and (e) of this title.

§ 695c. Availability of funds for construction of dams, buildings, etc., for California refuge

Funds made available under sections 695 to 695c of this title or any other Act for the administration, maintenance, and development of any areas acquired under said sections, shall be available also for the construction of dams, dikes, ditches, buildings, and other necessary improvements and for the purchase, planting, growing, and harvesting of grains and other crops for the feeding of waterfowl and other wildlife frequenting the localities where such lands may be purchased or rented.

(May 18, 1948, ch. 303, § 4, 62 Stat. 239.)

§ 695d. Development of water supplies for waterfowl management in California; reauthorization of Central Valley Project

The entire Central Valley project, California, heretofore authorized under the Act of August 26, 1937 (50 Stat. 844, 850), and reauthorized under the Act of October 17, 1940 (54 Stat. 1198, 1199), the Act of October 14, 1949 (63 Stat. 852), and the Act of September 26, 1950 (64 Stat. 1036), is reauthorized and declared to be for the purposes set forth in said Acts, and also for the use of the waters thereof for fish and wildlife purposes, subject to such priorities as are applicable under said Acts.

(Aug. 27, 1954, ch. 1012, § 1, 68 Stat. 879.)

REFERENCES IN TEXT

Act of August 26, 1937 (50 Stat. 844, 850), Act of October 17, 1940 (54 Stat. 1198, 1199), Act of October 14, 1949 (63 Stat. 852), and Act of September 26, 1950 (64 Stat. 1036), referred to in text, are acts Aug. 26, 1937, ch. 832, 50 Stat. 844; Oct. 17, 1940, ch. 895, 54 Stat. 1198; Oct. 14, 1949, ch. 690, 63 Stat. 852; Sept. 26, 1950, ch. 1047, 64 Stat. 1036, which were not classified to the Code.

§ 695e. Construction, operation, and maintenance of water supply development works

The Secretary of the Interior is authorized to construct, operate, and maintain such works on waterfowl management areas and refuges owned and operated by the State of California or the United States as may be necessary or desirable for the development of a water supply by means of wells and the recovery of drainage, and to furnish water available from such works, and water available from Central Valley project sources, for wildlife management purposes substantially in accordance with the recommendations set forth in the report of the United States Department of the Interior entitled ''Waterfowl Conservation in the Lower San Joaquin Valley, Its Relation to the Grasslands and the Central Valley Project,'' dated October 1950, and such works should be developed in cooperation with the State of California.

(Aug. 27, 1954, ch. 1012, § 2, 68 Stat. 879.)

§ 695f. Construction, etc., authorized by section 695e as not reimbursable or returnable under reclamation laws

The cost of investigation, planning, and construction of the works and the delivery of water as authorized in section 695e of this title shall not be reimbursable or returnable under the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and the Acts amendatory thereof and supplementary thereto).

(Aug. 27, 1954, ch. 1012, § 3, 68 Stat. 879.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to chapter 12 (§ 371 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 371 of Title 43 and Tables.

§ 695g. Authorization of appropriations

There are hereby authorized to be appropriated such funds, not to exceed $400,000, for construction of necessary works to supply water for State and federally owned and operated waterfowl management areas in the San Joaquin Valley to carry out the purposes of sections 695d to 695j–1 of this title.

(Aug. 27, 1954, ch. 1012, § 4, 68 Stat. 879.)

§ 695h. Ownership by State of California of works constructed

Works constructed under the authorization of section 695e of this title, for the purpose of supplying State wildlife management areas with water, shall become the property of the State of California when constructed.

(Aug. 27, 1954, ch. 1012, § 5, 68 Stat. 879.)

§ 695i. Authorization of Secretary of the Interior to contract for water delivery; nonreimbursable or nonreturnable basis of delivery

The Secretary of the Interior is authorized to contract for the delivery of water to public organizations or agencies for use within the boundaries of such organizations or agencies for waterfowl purposes in the Grasslands area of the San Joaquin Valley. If and when available, such water shall be delivered from the Central Valley project to the contracting entity, and the cost of furnishing the water shall not be reimbursable or returnable under the Federal reclamation laws: *Provided*, That, in order for the delivery of such water to continue on a nonreimbursable or nonreturnable basis—

(a) Amount and time of water delivery to Service

the public organizations or agencies contracting with the Secretary of the Interior, excluding the State of California, shall deliver annually to the United States Fish and Wildlife Service (hereinafter referred to as the ''Service''), at no cost to the United States, not less than three thousand five hundred acre-feet of water during the period October 1 through November 30, inclusive, and not less than four thousand acre-feet of water during the period May 1 through September 30, inclusive, if available: *Provided*, That such amounts of water and times of delivery may be changed upon approval of the Secretary of the Interior;

(b) Construction, operation, and maintenance of water conveyance facilities

the public organizations or agencies, excluding the State of California, shall construct, operate, and maintain any water conveyance facilities necessary to deliver the water referred to in subsection (a) of this section to a point or points within the boundaries of such public organization or agency as designated by the Service, or to such points as may be mutually agreed upon by the public organization or agency and the Service. The Service shall be responsible for delivering the water from such point or points to appropriate locations within lands under its jurisdiction;

(c) Reversionary rights of Secretary

any contract entered into by the Secretary of the Interior and any public organization or agency pursuant to sections 695d to 695j–1 of this title shall provide that in the event the public organization or agency for any reason fails to carry out the obligations imposed upon it by said contract or by sections 695d to 695j–1 of this title, the rights of use of any facilities referred to in subsection (b), and the rights to all water contracted for by the organization or agency pursuant to sections 695d to 695j–1 of this title shall revert to the Secretary of the Interior for migratory waterfowl purposes in accordance with the laws of the State of California; and

(d) Restrictive covenants

in accordance with existing or future contracts, the use of lands located within the boundaries of the public organizations or agencies shall be restricted by covenants requiring that such lands be used only for the purpose of waterfowl and wildlife habitat conservation or other uses as may be mutually agreed upon by the public organizations or agencies and the Service.

(Aug. 27, 1954, ch. 1012, § 6, 68 Stat. 879; Pub. L. 95–616, § 10(a), Nov. 8, 1978, 92 Stat. 3115.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in introductory text, are identified in section 695f of this title.

AMENDMENTS

1978—Pub. L. 95–616 inserted second sentence, including pars. (a) to (d), and struck out prior second sentence which read as follows: ''If and when available, such water shall be delivered from the Central Valley project at a charge not to exceed the prevailing charge for class 2 water.''

§ 695j. Conformity of water use with California laws; construction of sections 695d to 695j–1

The use of all water furnished by the Secretary of the Interior under sections 695e and 695i of this title shall be subject to and not inconsistent with the laws of the State of California relating to priorities of deliveries and use of water. Nothing contained in sections 695d to 695j–1 of this title shall be construed as an allocation of water.

(Aug. 27, 1954, ch. 1012, § 7, 68 Stat. 880.)

§ 695j–1. Conformity of contracts with Federal law through negotiation of amendments

The Secretary is hereby authorized to negotiate amendments to existing contracts to conform said contracts to the provisions of sections 695d to 695j–1 of this title.

(Aug. 27, 1954, ch. 1012, § 8, as added Pub. L. 95–616, § 10(b), Nov. 8, 1978, 92 Stat. 3115.)

§ 695k. Congressional declaration of policy for preservation of habitat for migratory waterfowl and prevention of depredations on agricultural crops

It is hereby declared to be the policy of the Congress to stabilize the ownership of the land in the Klamath Federal reclamation project, Oregon and California, as well as the administration and management of the Klamath Federal reclamation project and the Tule Lake National Wildlife Refuge, Lower Klamath National Wildlife Refuge, Upper Klamath National Wildlife Refuge, and Clear Lake National Wildlife Refuge, to preserve intact the necessary existing habitat for migratory waterfowl in this vital area of the Pacific flyway, and to prevent depredations of migratory waterfowl on agricultural crops in the Pacific Coast States.

(Pub. L. 88–567, § 1, Sept. 2, 1964, 78 Stat. 850.)

§ 695*l*. Dedication of lands within boundaries of refuges to wildlife conservation; administration of lands for waterfowl management and optimum agricultural use; homestead entry prohibition; inclusion of other public lands; property of the United States

Notwithstanding any other provisions of law, all lands owned by the United States lying within the Executive order boundaries of the Tule Lake National Wildlife Refuge, the Lower Klamath National Wildlife Refuge, the Upper Klamath National Wildlife Refuge, and the Clear Lake Wildlife Refuge are hereby dedicated to wildlife conservation. Such lands shall be administered by the Secretary of the Interior for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith. Such lands shall not be opened to homestead entry. The following public lands shall also be included within the boundaries of the area dedicated to wildlife conservation, shall be administered by the Secretary of the Interior for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith, and shall not be opened to homestead entry: Hanks Marsh, and first form withdrawal lands (approximately one thousand four hundred and forty acres) in Klamath County, Oregon, lying adjacent to Upper Klamath National Wildlife Refuge; White Lake in Klamath County, Oregon, and Siskiyou County, California; and thirteen tracts of land in Siskiyou County, California, lettered as tracts ''A'', ''B'', ''C'', ''D'', ''E'', ''F'', ''G'', ''H'', ''I'', ''J'', ''K'', ''L'', and ''N'' totaling approximately three thousand two hundred and ninety-two acres, and tract ''P'' in Modoc County, California, containing about ten acres, all as shown on plate 4 of the report entitled ''Plan for Wildlife Use of Federal Lands in the Upper Klamath Basin, Oregon-California,'' dated April 1956, prepared by the United States Fish and Wildlife Service. All the above lands shall remain permanently the property of the United States.

(Pub. L. 88–567, § 2, Sept. 2, 1964, 78 Stat. 850.)

§ 695m. Annual percentage payments of net revenues from leases of Klamath project lands on pro rata basis; limitation on payments; priority of use of net revenues

Subject to conditions hereafter prescribed, and pursuant to such regulations as may be issued by the Secretary, 25 per centum of the net revenues collected during each fiscal year from the leasing of Klamath project reserved Federal lands within the Executive order boundaries of the Lower Klamath National Wildlife Refuge and the Tule Lake National Wildlife Refuge shall be paid annually by the Secretary, without further authorization, for each full fiscal year after September 2, 1964 to the counties in which such refuges are located, such payments to be made on a pro rata basis to each county based upon the refuge acreage in each county: *Provided*, That the total annual payment per acre to each county shall not exceed 50 per centum of the average per acre tax levied on similar lands in private ownership in each county, as determined by the Secretary: *Provided further*, That no such payments shall be made which will reduce the credits or the payments to be made pursuant to contractual obligations of the United States with the Tulelake Irrigation District or the payments to the Klamath Drainage District as full reimbursement for the construction of irrigation facilities within said district, and that the priority of use of the total net revenues collected from the leasing of the lands described in this section shall be (1) to credit or pay from each revenues to the Tulelake Irrigation District the amounts already committed to such payment or credit; (2) to pay from such revenues to the Klamath Drainage District the sum of $197,315; and (3) to pay from such revenues to the counties the amounts prescribed by this section.

(Pub. L. 88–567, § 3, Sept. 2, 1964, 78 Stat. 850.)

§ 695n. Leases of Lower Klamath and Tule Lake National Wildlife Refuge reserved lands; management of other reserved public lands for waterfowl purposes

The Secretary shall, consistent with proper waterfowl management, continue the present pattern of leasing the reserved lands of the Klamath Straits unit, the Southwest Sump, the League of Nations unit, the Henzel lease, and the Frog Pond unit, all within the Executive order boundaries of the Lower Klamath and Tule Lake National Wildlife Refuges and shown in plate 4 of the report entitled ''Plan for Wildlife Use of Federal Lands in the Upper Klamath Basin, Oregon-California,'' dated April 1956. Leases for these lands shall be at a price or prices designed to obtain the maximum lease revenues. The leases shall provide for the growing of grain, forage, and soil-building crops, except that not more than 25 per centum of the total leased lands may be planted to row crops. All other reserved public lands included in section 695*l* of this title shall continue to be managed by the Secretary for waterfowl purposes, including the growing of agricultural crops by direct planting and sharecrop agreements with local cooperators where necessary.

(Pub. L. 88–567, § 4, Sept. 2, 1964, 78 Stat. 851.)

§ 695*o*. Limitation on reduction of areas by diking or other construction

The areas of sumps 1(a) and 1(b) in the Klamath project lying within the Executive order boundaries of the Tule Lake National Wildlife Refuge shall not be reduced by diking or by any other construction to less than the existing thirteen thousand acres.

(Pub. L. 88–567, § 5, Sept. 2, 1964, 78 Stat. 851.)

§ 695p. Regulation of waters to maintain sump levels

In carrying out the obligations of the United States under any migratory bird treaty, the Migratory Bird Treaty Act (40 Stat. 755), as amended [16 U.S.C. 703 et seq.], or the Migratory Bird Conservation Act (45 Stat. 1222), as amended [16 U.S.C. 715 et seq.], waters under the control of the Secretary of the Interior shall be regulated, subject to valid existing rights, to maintain sump levels in the Tule Lake National Wildlife Refuge at levels established by regulations issued by the Secretary pursuant to the contract between the United States and the Tulelake Irrigation District, dated September 10, 1956, or any amendment thereof. Such regulations shall accommodate to the maximum extent practicable waterfowl management needs.

(Pub. L. 88–567, § 6, Sept. 2, 1964, 78 Stat. 851.)

REFERENCES IN TEXT

The Migratory Bird Treaty Act (40 Stat. 755), as amended, referred to in text, is act July 3, 1918, ch. 128, 40 Stat. 755, as amended, which is classified generally to subchapter II of chapter 7 (§ 703 et seq.) of this title. For complete classification of this Act to the Code, see section 710 of this title and Tables.

The Migratory Bird Conservation Act (45 Stat. 1222), as amended, referred to in text, is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§ 715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 715 of this title and Tables.

§ 695q. Research studies on Clear Lake Refuge; report to Congress

The Secretary is hereby directed to complete studies that have been undertaken relating to the development of the water resources and waterfowl management potential of the Clear Lake National Wildlife Refuge. The results of such studies, when completed, and the recommendations of the Secretary shall be submitted to the Congress.

(Pub. L. 88–567, § 7, Sept. 2, 1964, 78 Stat. 851.)

§ 695r. Regulations by Secretary

The Secretary may prescribe such regulations as may be necessary to carry out the provisions of sections 695k to 695r of this title.

(Pub. L. 88–567, § 8, Sept. 2, 1964, 78 Stat. 851.)

§ 696. National Key Deer Refuge; establishment; acquisition of property: exchanges, cash equalization payments; administration

In order to protect and preserve in the national interest the key deer and other wildlife resources in the Florida Keys, the Secretary of the Interior is authorized to acquire by purchase, lease, exchange, and donations, including the use of donated funds, such lands or interests therein in townships 65 and 66 south, ranges 28, 29, and 30 east, Monroe County, Florida, as he shall find to be suitable for the conservation and management of the said key deer and other wildlife: *Provided*, That no lands within a one thousand-foot zone adjacent to either side of United States Highway Numbered 1 in Monroe County shall be acquired for the Key Deer National Wildlife Refuge by condemnation. The Secretary, in the exercise of his exchange authority, may accept title to any non-Federal property in townships 65 and 66 south, ranges 28, 29, and 30 east, Monroe County, Florida, and in exchange therefor convey to the grantor of such property any federally owned property in the State of Florida under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The properties so acquired shall constitute the National Key Deer Refuge, and shall be administered by the Secretary of the Interior in accordance with the laws and regulations relating to the national wildlife refuges, including, but not limited to, sections 664, 666a, and 666b of this title, relating to the conservation of wildlife, fish, and game.

(Pub. L. 85–164, § 1, Aug. 22, 1957, 71 Stat. 412; Pub. L. 89–669, § 10(a), Oct. 15, 1966, 80 Stat. 930.)

AMENDMENTS

1966—Pub. L. 89–669 struck out one thousand acres limitation on acquisition of property, substituted prohibition against condemnation of lands within a one

thousand-foot zone adjacent to either side of U.S. Highway Numbered 1 for the Key Deer National Wildlife Refuge for former prohibition against condemnation of lands on an island that is traversed at any point by U.S. Highway Numbered 1, and required cash equalization payment when making unequal exchanges of properties.

§ 696a. Acquisition of title to properties for National Key Deer Refuge; rights-of-way and easements

In furtherance of the aforesaid purposes, the Secretary may take such action and make such expenditures as he shall find to be necessary in order to secure satisfactory title in the United States to such properties, including the payment of expenses incidental to the location, examination, and survey of such lands and the acquisition of title thereto; but no payment shall be made for any such lands until the title thereto shall be satisfactory to the Attorney General: *Provided*, That the acquisition of such lands or interests therein by the United States shall in no case be defeated because of rights-of-ways, easements, exceptions, and reservations which, in the opinion of the Secretary of the Interior, will not interfere materially with the use of such properties for the purposes of sections 696 to 696b of this title.

(Pub. L. 85–164, § 2, Aug. 22, 1957, 71 Stat. 412.)

§ 696b. Authorization of appropriations; limitation

There is hereby authorized to be appropriated from time to time out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to effectuate the purposes of sections 696 to 696b of this title. The Secretary shall not utilize more than $2,035,000 from appropriated funds for the acquisition of land and interests in land for the purposes of sections 696 to 696b of this title.

(Pub. L. 85–164, § 3, Aug. 22, 1957, 71 Stat. 413; Pub. L. 89–669, § 10(b), Oct. 15, 1966, 80 Stat. 930.)

AMENDMENTS

1966—Pub. L. 89–669 increased from $35,000 to $2,035,000 the limitation on funds for acquisition of land, provided for such acquisition ''for the purposes of sections 696 to 696b of this title'', and struck out sentence which provided that exchange by the Secretary of lands and interests therein shall not be considered an expenditure from appropriated funds for acquisition of land.

§§ 697, 697a. Omitted

CODIFICATION

Sections, Pub. L. 87–119, Aug. 3, 1961, 75 Stat. 243, which established the Wyandotte National Wildlife Refuge to be administered by the Secretary of the Interior in accordance with the laws and regulations relating to national wildlife refuges, have been omitted because of the limited scope of the subject matter. The Wyandotte National Wildlife Refuge, was included within and made a part of the Detroit River International Wildlife Refuge by Pub. L. 107–91, § 5(b), Dec. 21, 2001, 115 Stat. 896, set out in the table of National Wildlife Refuges under section 668dd of this title.

§ 698. Big Thicket National Preserve

(a) Establishment

In order to assure the preservation, conservation, and protection of the natural, scenic, and recreational values of a significant portion of the Big Thicket area in the State of Texas and to provide for the enhancement and public enjoyment thereof, the Big Thicket National Preserve is hereby established.

(b) Location; boundaries; publication in Federal Register

The Big Thicket National Preserve (hereafter referred to as the ''preserve'') shall include the units generally depicted on the map entitled ''Big Thicket National Preserve'', dated October 1992, and numbered 175–80008, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and the offices of the Superintendent of the preserve. After advising the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, in writing, the Secretary of the Interior (hereafter referred to as the ''Secretary'') may make minor revisions of the boundaries of the preserve when necessary by publication of a revised drawing or other boundary description in the Federal Register. The Secretary shall, as soon as practicable, but no later than six months after October 11, 1974, publish a detailed description of the boundaries of the preserve in the Federal Register. In establishing such boundaries, the Secretary shall locate stream corridor unit boundaries referenced from the stream bank on each side thereof and he shall further make every reasonable effort to exclude from the units hereafter described any improved year-round residential properties which he determines, in his discretion, are not necessary for the protection of the values of the area or for its proper administration. The preserve shall consist of the following units:

Big Sandy Creek unit, Polk County, Texas, comprising approximately fourteen thousand three hundred acres;

Menard Creek Corridor unit, Polk, Hardin, and Liberty Counties, Texas, including a module at its confluence with the Trinity River, comprising approximately three thousand three hundred and fifty-nine acres;

Hickory Creek Savannah unit, Tyler County, Texas, comprising approximately six hundred and sixty-eight acres;

Turkey Creek unit, Tyler and Hardin Counties, Texas, comprising approximately seven thousand eight hundred acres;

Beech Creek unit, Tyler County, Texas, comprising approximately four thousand eight hundred and fifty-six acres;

Upper Neches River corridor unit, Jasper, Tyler, and Hardin Counties, Texas, including the Sally Withers Addition, comprising approximately three thousand seven hundred and seventy-five acres;

Neches Bottom and Jack Gore Baygall unit, Hardin and Jasper Counties, Texas, comprising approximately thirteen thousand three hundred acres;

Lower Neches River corridor unit, Hardin, Jasper, and Orange Counties, Texas, except for a one-mile segment on the east side of the river including the site of the papermill near Evandale, comprising approximately two thousand six hundred acres;

Beaumont unit, Orange, Hardin, and Jefferson Counties, Texas, comprising approximately six thousand two hundred and eighteen acres;

Loblolly unit, Liberty County, Texas, comprising approximately five hundred and fifty acres;

Little Pine Island-Pine Island Bayou corridor unit, Hardin and Jefferson Counties, Texas, comprising approximately two thousand one hundred acres;

Lance Rosier Unit, Hardin County, Texas, comprising approximately twenty-five thousand and twenty-four acres;

Village Creek Corridor unit, Hardin County, Texas, comprising approximately four thousand seven hundred and ninety-three acres;

Big Sandy Corridor unit, Hardin, Polk, and Tyler Counties, Texas, comprising approximately four thousand four hundred and ninety-seven acres; and

Canyonlands unit, Tyler County, Texas, comprising approximately one thousand four hundred and seventy-six acres.

(c) Methods of acquisition of land

The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve: *Provided*, That privately owned lands located within the Village Creek Corridor, Big Sandy Corridor, and Canyonlands units may be acquired only with the consent of the owner: *Provided further*, That the Secretary may acquire lands owned by commercial timber companies only by donation or exchange: *Provided further*, That any lands owned by the State of Texas, or any political subdivisions thereof may be acquired by donation only. The Secretary may also acquire, by any of the above methods, approximately 15 acres of land outside of the boundaries of the preserve in the vicinity of the intersection of United States Highway 69 and State Farm-Market Road 420, in Hardin County, Texas, for purposes of a visitor contact and administrative site. After notifying the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, in writing, of his intention to do so and of the reasons therefor, the Secretary may, if he finds that such lands would make a significant contribution to the purposes for which the preserve was created, accept title to any lands, or interests in lands, located outside of the boundaries of the preserve which the State of Texas or its political subdivisions may acquire and offer to donate to the United States or which any private person, organization, or public or private corporation may offer to donate to the United States and he may administer such lands as a part of the preserve after publishing notice to that effect in the Federal Register. Notwithstanding any other provision of law, any federally owned lands within the preserve shall, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of sections 698 to 698e of this title, without transfer of funds.

(d) Exchanges of land

Within sixty days after July 1, 1993, the Secretary and the Secretary of Agriculture shall identify lands within their jurisdiction located within the vicinity of the preserve which may be suitable for exchange for commercial timber lands within the preserve. In so doing, the Secretary of Agriculture shall seek to identify for exchange National Forest lands that are near or adjacent to private lands that are already owned by the commercial timber companies. Such National Forest lands shall be located in the Sabine National Forest in Sabine County, Texas, in the Davy Crockett National Forest south of Texas State Highway 7, or in other sites deemed mutually agreeable, and within reasonable distance of the timber companies' existing mills. In exercising this exchange authority, the Secretary and the Secretary of Agriculture may utilize any authorities or procedures otherwise available to them in connection with land exchanges, and which are not inconsistent with the purposes of sections 698 to 698e of this title. Land exchanges authorized pursuant to this subsection shall be of equal value and shall be completed as soon as possible, but no later than five years after July 1, 1993. The Secretary, in considering the values of the private lands to be exchanged under this subsection, shall consider independent appraisals submitted by the owners of the private lands. The authority to exchange lands under this subsection shall expire on July 1, 1998.

(e) Indian Springs Youth Camp

With respect to the thirty-seven-acre area owned by the Louisiana-Pacific Corporation or its subsidiary, Kirby Forest Industries, Inc., on Big Sandy Creek in Hardin County, Texas, and now utilized as part of the Indian Springs Youth Camp (H.G. King Abstract 822), the Secretary shall not acquire such area without the consent of the owner so long as the area is used exclusively as a youth camp.

(Pub. L. 93–439, §1, Oct. 11, 1974, 88 Stat. 1254; Pub. L. 98–489, §1(a), Oct. 17, 1984, 98 Stat. 2267; Pub. L. 103–46, §2(a), (b), July 1, 1993, 107 Stat. 229, 230; Pub. L. 103–437, §6(a)(6), Nov. 2, 1994, 108 Stat. 4583; Pub. L. 104–333, div. I, title III, §306(a)–(c), Nov. 12, 1996, 110 Stat. 4132.)

AMENDMENTS

1996—Subsec. (d). Pub. L. 104–333 substituted ''five years after July 1, 1993'' for ''two years after July 1, 1993'' and inserted at end ''The Secretary, in considering the values of the private lands to be exchanged under this subsection, shall consider independent appraisals submitted by the owners of the private lands. The authority to exchange lands under this subsection shall expire on July 1, 1998.''

1994—Subsec. (c). Pub. L. 103–437 substituted ''Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives'' for ''Committees on Interior and Insular Affairs of the United States Congress''.

1993—Subsec. (b). Pub. L. 103–46, §2(a), substituted ''map entitled 'Big Thicket National Preserve', dated October 1992, and numbered 175–80008, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and the offices of the Superintendent of the preserve. After advising the Committee on Energy and Natural Resources of the United States Senate and the Commit-

tee on Natural Resources of the United States House of Representatives, in writing, the Secretary of the Interior (hereafter referred to as the 'Secretary') may make minor revisions of the boundaries of the preserve when necessary by publication of a revised drawing or other boundary description in the Federal Register. The Secretary'' for ''map entitled 'Big Thicket National Preserve', dated November 1973 and numbered NBR–BT 91,027 which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and shall be filed with appropriate offices of Tyler, Hardin, Jasper, Polk, Liberty, Jefferson, and Orange Counties in the State of Texas. The Secretary of the Interior (hereafter referred to as the 'Secretary')'' and added undesignated pars. relating to Village Creek Corridor unit, Big Sandy Corridor unit, and Canyonlands unit.

Subsec. (c). Pub. L. 103–46, §2(b)(1), inserted first sentence and struck out former first sentence which read as follows: ''The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve: *Provided*, That any lands owned or acquired by the State of Texas, or any of its political subdivisions, may be acquired by donation only.''

Subsecs. (d) and (e). Pub. L. 103–46, §2(b)(2), added subsecs. (d) and (e).

1984—Subsec. (c). Pub. L. 98–489 authorized acquisition of acreage for a visitor contact and administrative site outside the boundaries of the preserve.

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103–46, §1, July 1, 1993, 107 Stat. 229, provided that: ''This Act [amending this section and section 698e of this title and enacting provisions set out as a note below] may be referred to as the 'Big Thicket National Preserve Addition Act of 1993'.''

REPORTING REQUIREMENT

Pub. L. 104–333, div. I, title III, §306(d), Nov. 12, 1996, 110 Stat. 4132, as amended by Pub. L. 106–176, title I, §104(1), Mar. 10, 2000, 114 Stat. 25, provided that: ''Not later than 6 months after the date of the enactment of this Act [Nov. 12, 1996] and every 6 months thereafter until the earlier of the consummation of the exchange or July 1, 1998, the Secretary of the Interior and the Secretary of Agriculture shall each submit a report to the Committee on Resources [now Committee on Natural Resources] of the House of Representatives and the Committee on Energy and Natural Resources of the Senate concerning the progress in consummating the land exchange authorized by the amendments made by the Big Thicket National Preserve Addition Act of 1993 (Public Law 103–46) [see Short Title of 1993 Amendment note above].''

LAND EXCHANGE

Pub. L. 104–333, div. I, title III, §306(e)–(g), Nov. 12, 1996, 110 Stat. 4132, as amended by Pub. L. 106–176, title I, §104(2), Mar. 10, 2000, 114 Stat. 25, provided that:

''(e) LAND EXCHANGE IN LIBERTY COUNTY, TEXAS.—If, within one year after the date of the enactment of this Act [Nov. 12, 1996]—

''(1) the owners of the private lands described in subsection (f)(1) offer to transfer all their right, title, and interest in and to such lands to the Secretary of the Interior, and

''(2) Liberty County, Texas, agrees to accept the transfer of the Federal lands described in subsection (f)(2),

the Secretary shall accept such offer of private lands and, in exchange and without additional consideration, transfer to Liberty County, Texas, all right, title, and interest of the United States in and to the Federal lands described in subsection (f)(2).

''(f) LANDS DESCRIBED.—

''(1) PRIVATE LANDS.—The private lands described in this paragraph are approximately 3.76 acres of lands located in Liberty County, Texas, as generally depicted on the map entitled 'Big Thicket Lake Estates Access—Proposed'.

''(2) FEDERAL LANDS.—The Federal lands described in this paragraph are approximately 2.38 acres of lands located in the Menard Creek Corridor Unit of the Big Thicket National Preserve, as generally depicted on the map referred to in paragraph (1).

''(g) ADMINISTRATION OF LANDS ACQUIRED BY THE UNITED STATES.—The lands acquired by the Secretary under subsection (e) shall be added to and administered as part of the Menard Creek Corridor Unit of the Big Thicket National Preserve.''

PUBLICATION OF BOUNDARY DESCRIPTION

Pub. L. 103–46, §1, July 1, 1993, 107 Stat. 230, provided that: ''Not later than six months after the date of enactment of this subsection [July 1, 1993], the Secretary shall publish in the Federal Register a detailed description of the boundary of the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit of the Big Thicket National Preserve.''

§ 698a. Acquisition of property for Big Thicket Preserve

(a) Mineral rights; easements; improved properties

The Secretary shall, immediately after the publication of the boundaries of the preserve, commence negotiations for the acquisition of the lands located therein: *Provided*, That he shall not acquire the mineral estate in any property or existing easements for public utilities, pipelines or railroads without the consent of the owner unless, in his judgment, he first determines that such property or estate is subject to, or threatened with, uses which are, or would be, detrimental to the purposes and objectives of sections 698 to 698e of this title: *Provided further*, That the Secretary, insofar as is reasonably possible, may avoid the acquisition of improved properties, as defined in sections 698 to 698e of this title, and shall make every effort to minimize the acquisition of land where he finds it necessary to acquire properties containing improvements.

(b) Plan to Congressional committees; time; contents

Within one year after October 11, 1974, the Secretary shall submit, in writing, to the Committee[1] on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

(i) the lands and areas which he deems essential to the protection and public enjoyment of this preserve,

(ii) the lands which he has previously acquired by purchase, donation, exchange or transfer for administration for the purpose of this preserve, and

(iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

(c) Completion of land acquisition program; time

It is the express intent of the Congress that the Secretary should substantially complete the

[1] So in original. Probably should be ''Committees''.

land acquisition program contemplated by sections 698 to 698e of this title within six years after October 11, 1974.

(Pub. L. 93–439, §2, Oct. 11, 1974, 88 Stat. 1256.)

CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the ''Committee System Reorganization Amendments of 1977''), approved Feb. 4, 1977.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 698b. Right of use and occupancy of improved property on Big Thicket Preserve

(a) Election of right of use and occupancy; payment of fair market value; termination of right

The owner of an improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of sections 698 to 698e of this title, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) "Improved property" defined

As used in sections 698 to 698e of this title, the term ''improved property'' means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before July 1, 1973, which is used for noncommercial residential purposes, together with not to exceed three acres of land on which the dwelling is situated and together with such additional lands or interests therein as the Secretary deems to be reasonably necessary for access thereto, such lands being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

(c) Waiver of right to relocation assistance by election of right of use and occupancy

Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 4623, 4624, 4625, and 4626 of title 42, and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 4601(6) of title 42.

(Pub. L. 93–439, §3, Oct. 11, 1974, 88 Stat. 1256; Pub. L. 94–578, title III, §322, Oct. 21, 1976, 90 Stat. 2742.)

AMENDMENTS

1976—Subsec. (b). Pub. L. 94–578 substituted ''detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and'' for ''detached, one-family dwelling,''.

§ 698c. Administration of Big Thicket Preserve

(a) Natural and ecological integrity

The area within the boundaries depicted on the map referred to in section 698 of this title shall be known as the Big Thicket National Preserve. Such lands shall be administered by the Secretary as a unit of the National Park System in a manner which will assure their natural and ecological integrity in perpetuity in accordance with the provisions of sections 698 to 698e of this title and with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4),[1] as amended and supplemented.

(b) Limitation on construction of roads, campgrounds, etc.; rules and regulations for use of Federal lands and waters

In the interest of maintaining the ecological integrity of the preserve, the Secretary shall limit the construction of roads, vehicular campgrounds, employee housing, and other public use and administrative facilities and he shall promulgate and publish such rules and regulations in the Federal Register as he deems necessary and appropriate to limit and control the use of, and activities on, Federal lands and waters with respect to:

(1) motorized land and water vehicles;

(2) exploration for, and extraction of, oil, gas, and other minerals;

(3) new construction of any kind;

(4) grazing and agriculture; and

(5) such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of sections 698 to 698e of this title.

(c) Hunting, fishing, and trapping authorized in accordance with applicable Federal and State laws; consultation with appropriate State agency prior to implementation of regulations restricting activities

The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the preserve in accordance with the applicable laws of the United States and the State of Texas, except that he may designate zones where and periods when, no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral and faunal protection and management, or public use and enjoyment. Except in emergencies, any regulations prescribing such

[1] See References in Text note below.

restrictions relating to hunting, fishing, or trapping shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing and trapping activities.

(Pub. L. 93–439, § 4, Oct. 11, 1974, 88 Stat. 1257.)

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113–287, §§ 3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

§ 698d. Review of Big Thicket Preserve area by Secretary; report to President

Within five years from October 11, 1974, the Secretary shall review the area within the preserve and shall report to the President, in accordance with section 1132(c) and (d) of this title, his recommendations as to the suitability or nonsuitability of any area within the preserve for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with section 1132(c) and (d) of this title.

(Pub. L. 93–439, § 5, Oct. 11, 1974, 88 Stat. 1257.)

§ 698e. Authorization of appropriations for Big Thicket Preserve

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 698 to 698e of this title, but not to exceed $63,812,000 for the acquisition of lands and interests in lands and not to exceed $7,000,000 for development. Effective October 1, 1984, there is authorized to be appropriated such sums as may be necessary for the acquisition of the visitor contact and administrative site referred to in subsection (c) of section 698 of this title. Effective upon July 1, 1993, there is authorized to be appropriated such sums as may be necessary to carry out the purposes of subsections (c) and (d) of section 698 of this title.

(Pub. L. 93–439, § 6, Oct. 11, 1974, 88 Stat. 1257; Pub. L. 98–489, § 1(b), Oct. 17, 1984, 98 Stat. 2267; Pub. L. 103–46, § 2(d), July 1, 1993, 107 Stat. 231.)

AMENDMENTS

1993—Pub. L. 103–46 inserted at end ''Effective upon July 1, 1993, there is authorized to be appropriated such sums as may be necessary to carry out the purposes of subsections (c) and (d) of section 698 of this title.''

1984—Pub. L. 98–489 authorized appropriations for acquisition of a visitor contact and administrative site.

§ 698f. Big Cypress National Preserve; Big Cypress National Preserve Addition

(a) Establishment

In order to assure the preservation, conservation, and protection of the natural, scenic, hydrologic, floral and faunal, and recreational values of the Big Cypress Watershed in the State of Florida and to provide for the enhancement and public enjoyment thereof, the Big Cypress National Preserve is hereby established.

(b) Location; boundaries; publication in Federal Register; area

The Big Cypress National Preserve (hereafter referred to as the ''preserve'') shall comprise the area generally depicted on the map entitled ''Big Cypress National Preserve'', dated November 1971 and numbered BC–91,001, which shall be on file and available for public inspection in the Offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and shall be filed with appropriate offices of Collier, Monroe, and Dade Counties in the State of Florida. The Secretary of the Interior (hereafter referred to as the ''Secretary'') shall, as soon as practicable, publish a detailed description of the boundaries of the preserve in the Federal Register which shall include not more than five hundred and seventy thousand acres of land and water.

(c) Methods of acquisition of land; prerequisites to Federal appropriations; improved property; oil and gas rights; appraisal of property; transfer of Federal property to Secretary

The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve or the Addition: *Provided*, That any lands owned or acquired by the State of Florida, or any of its subdivisions, in the preserve may be acquired by donation only and, any land acquired by the State of Florida, or any of its subdivisions, in the Addition shall be acquired in accordance with subsection (d): *Provided further*, That no Federal funds shall be appropriated until the Governor of Florida executes an agreement on behalf of the State which (i) provides for the transfer to the United States of all lands within the preserve previously owned or acquired by the State and (ii) provides for the donation to the United States of all lands acquired by the State within the preserve pursuant to the provision of ''the Big Cypress Conservation Act of 1973'' (Chapter 73–131 of the Florida Statutes) or provides for the donation to the United States of any remaining moneys appropriated pursuant to such Act for the purchase of lands within the preserve. No improved property, as defined by sections 698f to 698m–4 of this title, nor oil and gas rights, shall be acquired without the consent of the owner unless the Secretary, in his judgment, determines that such property is subject to, or threatened with, uses which are, or would be, detrimental to the purposes of the preserve. The Secretary may, if he determines that the acquisition of any other subsurface estate is not needed for the purposes of the preserve and the Addition, exclude such interest in acquiring any lands within the preserve and the Addition. Notwithstanding the provisions of section 4651 of title 42 the Secretary (i) may evaluate any offer to sell land within the preserve or the Addition by any land-

owner and may, in his discretion, accept any offer not in excess of $10,000 without an appraisal and (ii) may direct an appraisal to be made of any unimproved property within the preserve or the Addition without notice to the owner or owners, thereof. Notwithstanding any other provision of law, any federally owned lands within the preserve shall, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of sections 698f to 698m–4 of this title, without transfer of funds. Nothing in sections 698f to 698m–4 of this title shall be construed to interfere with the right of the State of Florida to acquire such property rights as may be necessary for Interstate 75.

(d) Land within Addition; United States share of acquisition costs

(1) The aggregate cost to the United States of acquiring lands within the Addition may not exceed 80 percent of the total cost of such lands.

(2) Except as provided in paragraph (3), if the State of Florida transfers to the Secretary lands within the Addition, the Secretary shall pay to or reimburse the State of Florida (out of funds appropriated for such purpose) an amount equal to 80 percent of the total costs to the State of Florida of acquiring such lands.

(3) The amount described in paragraph (2) shall be reduced by an amount equal to 20 percent of the amount of the total cost incurred by the Secretary in acquiring lands in the Addition other than from the State of Florida.

(4) For purposes of this subsection, the term ''total cost'' means that amount of the total acquisition costs (including the value of exchanged or donated lands) less the amount of the costs incurred by the Federal Highway Administration and the Florida Department of Transportation, including severance damages paid to private property owners as a result of the construction of Interstate 75.

(Pub. L. 93–440, §1, Oct. 11, 1974, 88 Stat. 1258; Pub. L. 100–301, §4(a)–(e), Apr. 29, 1988, 102 Stat. 444, 445; Pub. L. 108–483, §2, Dec. 23, 2004, 118 Stat. 3920.)

AMENDMENTS

2004—Subsec. (d)(3). Pub. L. 108–483 substituted ''The amount described in paragraph (2)'' for ''The amount described in paragraph (1)''.

1988—Subsec. (c). Pub. L. 100–301, §4(b), inserted in provisions before first proviso ''or the Addition'' after ''boundaries of the preserve'' and in first proviso ''in the preserve'' after ''subdivisions,'' and ''and, any land acquired by the State of Florida, or any of its subdivisions, in the Addition shall be acquired in accordance with subsection (d)'' before the colon.

Pub. L. 100–301, §4(e), inserted ''and the Addition'' after ''for the purposes of the preserve'' and after ''any lands within the preserve'' in third sentence.

Pub. L. 100–301, §4(c), inserted ''or the Addition'' after ''land within the preserve'' and after ''property within the preserve'' in fourth sentence.

Pub. L. 100–301, §4(d), inserted at end ''Nothing in sections 698f to 698m–4 of this title shall be construed to interfere with the right of the State of Florida to acquire such property rights as may be necessary for Interstate 75.''

Subsec. (d). Pub. L. 100–301, §4(a), added subsec. (d).

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100–301, §1(a), Apr. 29, 1988, 102 Stat. 443, provided that: ''This Act [enacting sections 698m–1 to 698m–4 of this title, amending this section and sections 698h and 698j to 698m of this title, and enacting provisions set out below] may be cited as the 'Big Cypress National Preserve Addition Act'.''

FINDINGS AND PURPOSE

Pub. L. 100–301, §2, Apr. 29, 1988, 102 Stat. 443, provided that:

''(a) FINDINGS.—The Congress finds that—

''(1) the planned construction of Interstate 75 is presently being designed in such a way as to improve the natural water flow to the Everglades National Park, which has been disrupted by State Road 84 (commonly known as 'Alligator Alley');

''(2) the planned construction of Interstate 75 provides an opportunity to enhance protection of the Everglades National Park, to promote protection of the endangered Florida panther, and to provide for public recreational use and enjoyment of public lands by expanding the Big Cypress National Preserve to include those lands adjacent to Interstate 75 in Collier County north and east of the Big Cypress National Preserve, west of the Broward County line, and south of the Hendry County line;

''(3) the Federal acquisition of lands bordering the Big Cypress National Preserve in conjunction with the construction of Interstate 75 would provide significant public benefits by limiting development pressure on lands which are important both in terms of fish and wildlife habitat supporting endangered species and of wetlands which are the headwaters of the Big Cypress National Preserve; and

''(4) public ownership of lands adjacent to the Big Cypress National Preserve would enhance the protection of the Everglades National Park while providing recreational opportunities and other public uses currently offered by the Big Cypress National Preserve.

''(b) PURPOSE.—It is the purpose of this Act [see Short Title of 1988 Amendment note above] to establish the Big Cypress National Preserve Addition.''

§ 698g. Acquisition of lands for Big Cypress Preserve

(a) Expeditious acquisition of Florida lands

In recognition of the efforts of the State of Florida in the preservation of the area, through the enactment of chapter 73–131 of the Florida statutes, ''The Big Cypress Conservation Act of 1973'', the Secretary is directed to proceed as expeditiously as possible to acquire the lands and interests in lands necessary to achieve the purposes of sections 698f to 698m–4 of this title.

(b) Submission of plan to Congressional committees; time; contents

Within one year after October 11, 1974, the Secretary shall submit, in writing, to the Committee[1] on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

(i) the lands and areas which he deems essential to the protection and public enjoyment of this preserve.

(ii) the lands which he has previously acquired by purchase, donation, exchange or transfer for administration for the purpose of this preserve, and

(iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

[1] So in original. Probably should be ''Committees''.

(c) Time for completion of land acquisition program

It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated by sections 698f to 698m–4 of this title within six years after October 11, 1974.

(Pub. L. 93–440, § 2, Oct. 11, 1974, 88 Stat. 1259.)

CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the ''Committee System Reorganization Amendments of 1977''), approved Feb. 4, 1977.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 698h. Right of use and occupancy of improved property on Big Cypress Preserve and Addition

(a) Election of right of use and occupancy; payment of fair market value; termination of right

The owner of an improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use of and occupancy of the improved property for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of sections 698f to 698m–4 of this title, which shall include the exercise of such right in violation of any applicable State or local laws and ordinances, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) "Improved property" defined

As used in sections 698f to 698m–4 of this title, the term ''improved property'' means:

(i) a detached one family dwelling, construction of which was begun before November 23, 1971, with respect to the preserve and January 1, 1986, with respect to the Addition which is used for noncommercial residential purposes, together with not to exceed three acres of land on which the dwelling is situated and such additional lands as the Secretary deems reasonably necessary for access thereto, such land being in the same ownership as the dwelling, and together with any structures accessory to the dwelling which are situated on such lands and

(ii) any other building, construction of which was begun before November 23, 1971, with respect to the preserve and January 1, 1986, with respect to the Addition which was constructed and is used in accordance with all applicable State and local laws and ordinances, together with as much of the land on which the building is situated, such land being in the same ownership as the building, as the Secretary shall designate to be reasonably necessary for the continued enjoyment and use of the building in the same manner and to the same extent as existed in November 23, 1971, or January 1, 1986, as the case may be, together with any structures accessory to the building which are situated on the lands so designated. In making such designation the Secretary shall take into account the manner of use in which the building, accessory structures, and lands were customarily enjoyed prior to November 23, 1971 or January 1, 1986, as the case may be.[1]

(c) Waiver of right to relocation assistance by election of right of use and occupancy

Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 4623, 4624, 4625, and 4626 of title 42, and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 4601(6) of title 42.

(Pub. L. 93–440, § 3, Oct. 11, 1974, 88 Stat. 1259; Pub. L. 100–301, § 4(f), Apr. 29, 1988, 102 Stat. 445.)

AMENDMENTS

1988—Subsec. (b)(i). Pub. L. 100–301, § 4(f)(1), inserted ''with respect to the preserve and January 1, 1986, with respect to the Addition'' after ''November 23, 1971,''.

Subsec. (b)(ii). Pub. L. 100–301, § 4(f)(2)(A), inserted ''with respect to the preserve and January 1, 1986, with respect to the Addition'' after ''November 23, 1971,''.

Pub. L. 100–301, § 4(f)(2)(B), which directed insertion of ''or January 1, 1986, as the case may be,'' after ''November 23, 1971,'' the second and third places it appears, was executed by making the insertion after ''November 23, 1971,'' the second place it appears and after ''November 23, 1971'' preceding the period as the probable intent of Congress.

§ 698i. Administration of Big Cypress Preserve; applicability of other laws; rules and regulations for use of lands and waters; transportation facilities; consultation and cooperation with Secretary of Transportation

(a) The area within the boundaries depicted on the map referred to in section 698f of this title shall be known as the Big Cypress National Preserve. Such lands shall be administered by the Secretary as a unit of the National Park System in a manner which will assure their natural and ecological integrity in perpetuity in accordance with the provisions of sections 698f to 698m–4 of this title and with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4),[1] as amended and supplemented.

[1] See 1988 Amendment note below.

[1] See References in Text note below.

(b) In administering the preserve, the Secretary shall develop and publish in the Federal Register such rules and regulations as he deems necessary and appropriate to limit or control the use of Federal lands and waters with respect to:

(1) motorized vehicles,

(2) exploration for and extraction of oil, gas, and other minerals,

(3) grazing,

(4) draining or constructing of works or structures which alter the natural water courses,

(5) agriculture,

(6) hunting, fishing, and trapping,

(7) new construction of any kind, and

(8) such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of sections 698f to 698m–4 of this title: *Provided*, That the Secretary shall consult and cooperate with the Secretary of Transportation to assure that necessary transportation facilities shall be located within existing or reasonably expanded rights-of-way and constructed within the reserve[2] in a manner consistent with the purposes of sections 698f to 698m–4 of this title.

(Pub. L. 93–440, §4, Oct. 11, 1974, 88 Stat. 1260.)

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113–287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

§ 698j. Hunting, fishing, and trapping in Big Cypress Preserve and Addition authorized in accordance with applicable Federal and State laws; consultation with appropriate State agency prior to implementation of regulations restricting activities; land use and retention rights of Miccosukee and Seminole Indian Tribes

The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the preserve and the Addition in accordance with the applicable laws of the United States and the State of Florida, except that he may designate zones where and periods when no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral and faunal protection and management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting, fishing, or trapping shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities. Notwithstanding this section or any other provision of sections 698f to 698m–4 of this title, members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida shall be permitted, subject to reasonable regulations established by the Secretary, to continue their usual and customary use and occupancy of Federal or federally acquired lands and waters within the preserve and the Addition, including hunting, fishing, and trapping on a subsistence basis and traditional tribal ceremonials.

(Pub. L. 93–440, §5, Oct. 11, 1974, 88 Stat. 1260; Pub. L. 100–301, §3(b), Apr. 29, 1988, 102 Stat. 444.)

AMENDMENTS

1988—Pub. L. 100–301 inserted ''and the Addition'' in two places.

§ 698k. Contracts for providing visitor services in Big Cypress Preserve and Addition; right of first refusal to Miccosukee and Seminole Tribes

Notwithstanding any other provision of law, before entering into any contract for the provision of revenue producing visitor services,

(i) the Secretary shall offer those members of the Miccosukee and Seminole Indian Tribes who, on January 1, 1972 (January 1, 1985, in the case of the Addition), were engaged in the provision of similar services, a right of first refusal to continue providing such services within the preserve and the Addition subject to such terms and conditions as he may deem appropriate, and

(ii) before entering into any contract or agreement to provide new revenue-producing visitor services within the preserve or within the Addition, the Secretary shall offer to the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida the right of first refusal to provide such services, the right to be open for a period of ninety days. Should both Tribes respond with proposals that satisfy the terms and conditions established by the Secretary, the Secretary may allow the Tribes an additional period of ninety days in which to enter into an inter-Tribal cooperative agreement to provide such visitor services, but if neither tribe responds with proposals that satisfy the terms and conditions established by the Secretary, then the Secretary shall provide such visitor services in accordance with subchapter IV of chapter 1 of this title. No such agreement may be assigned or otherwise transferred without the consent of the Secretary.

(Pub. L. 93–440, §6, Oct. 11, 1974, 88 Stat. 1260; Pub. L. 100–301, §3(d), Apr. 29, 1988, 102 Stat. 444.)

AMENDMENTS

1988—Pub. L. 100–301 in cl. (i) inserted ''(January 1, 1985, in the case of the Addition)'' after ''1972'' and ''and the Addition'' after ''preserve'', and in cl. (ii) inserted ''or within the Addition'' after ''preserve''.

§ 698*l*. Review of Big Cypress Preserve area and Addition area by Secretary; report to President

Within five years from October 11, 1974, with respect to the preserve and five years from April

[2] So in original. Probably should be ''preserve''.

29, 1988, with respect to the Addition, the Secretary shall review the area within the preserve or the area within the Addition (as the case may be) and shall report to the President, in accordance with section 1132(c) and (d) of this title, his recommendations as to the suitability or nonsuitability of any area within the preserve or the area within the Addition (as the case may be) for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with section 1132(c) and (d) of this title.

(Pub. L. 93–440, § 7, Oct. 11, 1974, 88 Stat. 1261; Pub. L. 100–301, § 3(c), Apr. 29, 1988, 102 Stat. 444.)

AMENDMENTS

1988—Pub. L. 100–301 inserted ''with respect to the preserve and five years from April 29, 1988, with respect to the Addition'' after ''October 11, 1974,'' and ''or the area within the Addition (as the case may be)'' after ''preserve'' in two places.

§ 698m. Authorization of appropriations for Big Cypress Preserve and Addition

(a) Except as provided in subsection (b), there are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 698f to 698m–4 of this title, but not to exceed $156,700,000 for the acquisition of lands and interests in lands and not to exceed $900,000 for development. Any funds donated to the United States by the State of Florida pursuant to chapter 73–131 of the Florida statutes shall be used solely for the acquisition of lands and interests in land within the preserve.

(b) There is hereby authorized to be appropriated from the Land and Water Conservation Fund not to exceed $49,500,000 for the acquisition of lands within the Addition. There is hereby authorized to be appropriated such sums as may be necessary for development in the Addition.

(Pub. L. 93–440, § 8, Oct. 11, 1974, 88 Stat. 1261; Pub. L. 95–625, title II, § 201(1), Nov. 10, 1978, 92 Stat. 3473; Pub. L. 100–301, § 7, Apr. 29, 1988, 102 Stat. 446.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100–301, § 7(1), designated existing provisions as subsec. (a), substituted ''Except as provided in subsection (b), there'' for ''There'', and added subsec. (b).

1978—Pub. L. 95–625 increased land acquisition appropriations authorization to $156,700,000 from $116,000,000.

§ 698m–1. Big Cypress National Preserve Addition

(a) Establishment

In order to—

(1) achieve the purposes of section 698f of this title;

(2) complete the preserve in conjunction with the planned construction of Interstate Highway 75; and

(3) insure appropriately managed use and access to the Big Cypress Watershed in the State of Florida,

the Big Cypress National Preserve Addition is established.

(b) Location; boundaries; publication in Federal Register

The Big Cypress National Preserve Addition (referred to in sections 698f to 698m–4 of this title as the ''Addition'') shall comprise approximately 146,000 acres as generally depicted on the map entitled Big Cypress National Preserve Addition, dated April, 1987, and numbered 176–91000C, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior, Washington, D.C., and shall be filed with appropriate offices of Collier County in the State of Florida. The Secretary shall, as soon as practicable, publish a detailed description of the boundaries of the Addition in the Federal Register.

(c) Designation; management

The area within the boundaries depicted on the map referred to in subsection (b) shall be known as the ''Big Cypress National Preserve Addition'' and shall be managed in accordance with section 698i of this title.

(d) Completion of land acquisition; time

For purposes of administering the Addition and notwithstanding section 698g(c) of this title, it is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated with respect to the Addition in not more than five years after April 29, 1988.

(Pub. L. 93–440, § 9, as added Pub. L. 100–301, § 3(a), Apr. 29, 1988, 102 Stat. 444.)

§ 698m–2. Establishment of recreational access points, roads, etc., in conjunction with creation of Big Cypress National Preserve Addition; cooperation among agencies

The Secretary and other involved Federal agencies shall cooperate with the State of Florida to establish recreational access points and roads, rest and recreation areas, wildlife protection, hunting, fishing, frogging, and other traditional recreational opportunities in conjunction with the creation of the Addition and in the construction of Interstate Highway 75. Three of such access points shall be located within the preserve (including the Addition).

(Pub. L. 93–440, § 10, as added Pub. L. 100–301, § 5, Apr. 29, 1988, 102 Stat. 445.)

§ 698m–3. Status of Big Cypress National Preserve and Addition; report to Congress; plan

Not later than two years after April 29, 1988, the Secretary shall submit to the Congress a detailed report on, and further plan for, the preserve and Addition including—

(1) the status of the existing preserve, the effectiveness of past regulation and management of the preserve, and recommendations for future management of the preserve and the Addition;

(2) a summary of the public's use of the preserve and the status of the access points developed pursuant to section 698m–2 of this title;

(3) the need for involvement of other State and Federal agencies in the management and expansion of the preserve and Addition;

(4) the status of land acquisition; and

(5) a determination, made in conjunction with the State of Florida, of the adequacy of the number, location, and design of the rec-

reational access points on I–75/Alligator Alley for access to the Big Cypress National Preserve, including the Addition.

The determination required by paragraph (5) shall incorporate the results of any related studies of the State of Florida Department of Transportation and other Florida State agencies. Any recommendation for significant changes in the approved recreational access points, including any proposed additions, shall be accompanied by an assessment of the environmental impact of such changes.

(Pub. L. 93–440, §11, as added Pub. L. 100–301, §6, Apr. 29, 1988, 102 Stat. 446.)

§ 698m–4. Oil and gas exploration, development, and production in Big Cypress National Preserve and Addition

(a) Promulgation of rules and regulations

Within nine months from April 29, 1988, the Secretary shall promulgate, subject to the requirements of subsections (b)–(e) of this section, such rules and regulations governing the exploration for and development and production of non-Federal interests in oil and gas located within the boundaries of the Big Cypress National Preserve and the Addition, including but not limited to access on, across, or through all lands within the boundaries of the Big Cypress National Preserve and the Addition for the purpose of conducting such exploration or development and production, as are necessary and appropriate to provide reasonable use and enjoyment of privately owned oil and gas interests, and consistent with the purposes for which the Big Cypress National Preserve and the Addition were established. Rules and regulations promulgated pursuant to the authority of this section may be made by appropriate amendment to or in substitution of the rules and regulations respecting non-Federal oil and gas rights (currently codified at 36 CFR 9.30, et seq. (1986)).

(b) Contents of rule or regulation; permit from National Park Service

Any rule or regulation promulgated by the Secretary under subsection (a) of this section shall provide that—

(1) exploration or development and production activities may not be undertaken, except pursuant to a permit issued by the National Park Service authorizing such activities or access; and

(2) final action by the National Park Service with respect to any application for a permit authorizing such activities shall occur within 90 days from the date such an application is submitted unless—

(A) the National Park Service and the applicant agree that such final action shall occur within a shorter or longer period of time; or

(B) the National Park Service determines that an additional period of time is required to ensure that the National Park Service has, in reviewing the application, complied with other applicable law, Executive orders and regulations; or

(C) the National Park Service, within 30 days from the date of submission of such application, notifies the applicant that such application does not contain all information reasonably necessary to allow the National Park Service to consider such application and requests that such additional information be provided. After receipt of such notification to the applicant, the applicant shall supply any reasonably necessary additional information and shall advise the National Park Service that the applicant believes that the application contains all reasonably necessary information and is therefore complete, whereupon the National Park Service may—

(i) within 30 days of receipt of such notice from the applicant to the National Park Service determine that the application does not contain all reasonably necessary additional information and, on that basis, deny the application; or

(ii) review the application and take final action within 60 days from the date that the applicant provides notification to the National Park Service that its application is complete.

(c) Activities to conform to requirements of National Park Service

Such activities shall be permitted to occur if such activities conform to requirements established by the National Park Service under authority of law.

(d) Consideration of practices used in similar habitats or ecosystems

In establishing standards governing the conduct of exploration or development and production activities within the boundaries of the Big Cypress National Preserve or the Addition, the Secretary shall take into consideration oil and gas exploration and development and production practices used in similar habitats or ecosystems within the Big Cypress National Preserve or the Addition at the time of promulgation of the rules and regulations under subsection (a) or at the time of the submission of the application seeking authorization for such activities, as appropriate.

(e) Interim agreements with owners of non-Federal oil and gas interests prior to promulgation of rules and regulations

Prior to the promulgation of rules or regulations under this section, the Secretary is authorized, consistent with the purposes of which the Big Cypress National Preserve Addition was established, to enter into interim agreements with owners of non-Federal oil and gas interests governing the conduct of oil and gas exploration, development or production activities within the boundaries of the Addition, which agreements shall be superseded by the rules and regulations promulgated by the Secretary when applicable: *Provided*, That such agreement shall be consistent with the requirements of subsections (b)–(d) of this section and may be altered by the terms of rules and regulations subsequently promulgated by the Secretary: *Provided further*, That this provision shall not be construed to enlarge or diminish the authority of the Secretary to establish rules and regulations applicable to the conduct of exploration or

development and production activities within the Big Cypress National Preserve or the Addition.

(f) Minerals Management Office; establishment; duties

There is hereby authorized to be established a Minerals Management Office within the Office of the Superintendent of the Big Cypress National Preserve, for the purpose of ensuring, consistent with the purposes for which the Big Cypress National Preserve was established, timely consideration of and final action on applications for the exploration or development and production of non-Federal oil and gas rights located beneath the surface of lands within the boundaries of the Big Cypress National Preserve and the Addition.

(g) Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the activities set forth in this section.

(Pub. L. 93–440, § 12, as added Pub. L. 100–301, § 8, Apr. 29, 1988, 102 Stat. 446.)

§ 698n. Timucuan Ecological and Historic Preserve

(a) Establishment

(1) In general

There is established in the St. Johns River Valley, Florida, where the Timucuan Indians lived in prehistoric and historic times, the Timucuan Ecological and Historic Preserve (hereafter in sections 698n to 698p of this title referred to as the ''Preserve''). The Preserve shall comprise the lands, waters, and interests therein within the boundaries generally depicted on a map of Duval County, Florida, entitled ''Timucuan Ecological and Historic Preserve'' numbered NA–TEHP 80,003–A and dated July 1987. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary of the Interior may make minor revisions in the boundary of the Preserve in accordance with section 100506(c) of title 54. The Preserve shall also include within its boundaries all that land consisting of approximately 500 acres adjacent to Fort Caroline National Memorial and known as the Theodore Roosevelt Preserve, being land formerly owned by one Willie Brown and donated by him to The Nature Conservancy.

(2) Modification of boundary

(A) In general

In addition to the land described in paragraph (1), the Preserve shall include approximately 8.5 acres of land located in Nassau County, Florida, as generally depicted on the map entitled ''Timucuan Ecological and Historic Preserve American Beach Adjustment'', numbered 006/80012 and dated June 2003.

(B) Duties of Secretary

The Secretary of the Interior shall—

(i) revise the boundaries of the Preserve so as to encompass the land described in subparagraph (A); and

(ii) maintain the map described in subparagraph (A) on file and available for public inspection in the appropriate offices of the National Park Service.

(b) Land acquisition

The Secretary of the Interior (hereinafter in sections 698n to 698p of this title referred to as the ''Secretary'') is authorized to acquire lands and interests therein within the Preserve by donation, purchase with donated or appropriated funds, or exchange, but no lands other than wetlands or interests therein may be acquired without the consent of the owner. For purposes of this subsection, the term ''wetlands'' has the same meaning as provided by section 3902 of this title. Lands, interests in lands, and improvements thereon within the boundaries of the Preserve which are owned by the State of Florida or any political subdivision thereof may be acquired only by donation or exchange. On lands acquired for inclusion within the Preserve, the Secretary shall not impair any legal riparian right of access nor shall he preclude the continued use of any legal right of way.

(c) Administration

The Secretary shall administer those lands acquired for inclusion within the Preserve in such a manner as to protect the natural ecology of such land and water areas in accordance with sections 698n to 698p of this title and the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4).[1] The Secretary shall permit boating, boating-related activities, hunting, and fishing within the Preserve in accordance with applicable Federal and State laws. The Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety.

(d) Development of multiunit residential/resort project

Nothing in sections 698n to 698p of this title shall affect development of a multiunit residential/resort project currently proposed for Fort George Island, nor shall any provision of sections 698n to 698p of this title be construed to affect any Federal, State or local law applicable to such project.

(Pub. L. 100–249, title II, § 201, Feb. 16, 1988, 102 Stat. 13; Pub. L. 108–321, § 2, Oct. 5, 2004, 118 Stat. 1214.)

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), referred to in subsec. (c), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113–287, §§ 3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

[1] See References in Text note below.

CODIFICATION

In subsec. (a)(1), ''section 100506(c) of title 54'' substituted for ''section 7(c) of the Land and Water Conservation Fund Act of 1965'' on authority of Pub. L. 113–287, § 6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108–321 designated existing provisions as par. (1), inserted heading, substituted ''There is'' for ''There is hereby'', and added par. (2).

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108–321, § 1, Oct. 5, 2004, 118 Stat. 1214, provided that: ''This Act [amending this section] may be cited as the 'Timucuan Ecological and Historic Preserve Boundary Revision Act of 2004'.''

§ 698*o*. Protection of significant historic assets

The Secretary, with the consent of the owners thereof, may acquire by donation or purchase with donated funds the following properties or sites of significant historic interest in Duval County, Florida:

(1) Spanish sixteenth century forts San Gabriel and San Estaban.

(2) Spanish eighteenth century fort Dos Hermanas.

(3) English eighteenth century forts at Saint Johns Bluff and Fort George Island.

(4) Spanish sixteenth and seventeenth century mission San Juan del Puerto.

(5) Site of the American Revolutionary War battle of Thomas Creek.

(6) The Zephaniah Kingsley plantation, with its eighteenth and nineteenth century buildings.

(7) The Spanish American War fortification on Saint Johns Bluff.

(8) The confederate fort known as the Yellow Bluff Fort State Historic Site.

(Pub. L. 100–249, title II, § 202, Feb. 16, 1988, 102 Stat. 14.)

§ 698p. Integrated administration and interpretation

Any properties of historic interest acquired under section 698*o* of this title shall become part of the Preserve established under section 698n of this title. The Secretary shall administer such properties in accordance with a plan that integrates the administration and interpretation of the ecological values of the Preserve and the historical values of the sites so acquired and the historical features of Fort Caroline. Such administration and interpretation shall be conducted through the facilities and staff of Fort Caroline National Memorial consistent with section 2 of the Act of September 21, 1950 (64 Stat. 897).

(Pub. L. 100–249, title II, § 203, Feb. 16, 1988, 102 Stat. 15.)

REFERENCES IN TEXT

Section 2 of the Act of September 21, 1950, referred to in text, is section 2 of act Sept. 21, 1950, ch. 973, 64 Stat. 897, which is not classified to the Code.

§ 698q. Little River Canyon National Preserve; establishment

(a) In general

In order to protect and preserve the natural, scenic, recreational, and cultural resources of the Little River Canyon area in DeKalb and Cherokee Counties, Alabama, and to provide for the protection and public enjoyment of the resources, there is established the Little River Canyon National Preserve (referred to in sections 698q to 698t of this title as the ''Preserve'').

(b) Area included

(1) In general

The Preserve shall consist of the lands, waters, and interests in lands and waters generally depicted on the boundary map entitled ''Little River Canyon National Preserve'', numbered NA–LRNP–80,001C, and dated March 1992.

(2) Boundary expansion

The boundary of the Preserve is modified to include the land depicted on the map entitled ''Little River Canyon National Preserve Proposed Boundary'', numbered 152/80,004, and dated December 2007.

(c) Map

The maps referred to in subsection (b) shall—

(1) be on file and available for public inspection in the offices of the National Park Service of the Department of the Interior in Washington, District of Columbia; and

(2) be filed with the appropriate offices of DeKalb and Cherokee Counties in the State of Alabama.

(d) Publication of description

Not later than 6 months after October 21, 1992, the Secretary of the Interior (referred to in sections 698q to 698t of this title as the ''Secretary'') shall publish in the Federal Register a detailed description of the boundaries of the Preserve.

(Pub. L. 102–427, § 2, Oct. 21, 1992, 106 Stat. 2179; Pub. L. 111–11, title VII, § 7103, Mar. 30, 2009, 123 Stat. 1190.)

AMENDMENTS

2009—Subsec. (b). Pub. L. 111–11, § 7103(1), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (c). Pub. L. 111–11, § 7103(2), substituted ''maps'' for ''map'' in introductory provisions.

SHORT TITLE

Pub. L. 102–427, § 1, Oct. 21, 1992, 106 Stat. 2179, provided that: ''This Act [enacting this section and sections 698r to 698t of this title] may be cited as the 'Little River Canyon National Preserve Act of 1992'.''

§ 698r. Administration

(a) In general

The Preserve shall be administered by the Secretary in accordance with sections 698q to 698t of this title and in accordance with the laws generally applicable to units of the National Park System, including—

(1) the Act entitled ''An Act to establish a National Park Service, and for other pur-

poses'', approved August 25, 1916 (16 U.S.C. 1 et seq.);[1] and

(2) the Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 461 et seq.).[1]

(b) Hunting and fishing

(1) In general

Subject to paragraphs (2) and (3), the Secretary shall permit hunting, trapping, and fishing on lands and waters under the jurisdiction of the Secretary within the Preserve in accordance with applicable Federal and State laws.

(2) Time and place restrictions

Subject to such terms and conditions as the Secretary considers necessary in furtherance of sections 698q to 698t of this title, and after consultation with the Department of Conservation and Natural Resources of the State of Alabama and owners of lands adjacent to the Preserve, the Secretary may designate zones where, and establish periods when, the activities described in paragraph (1) will not be permitted within the Preserve for reasons of public safety, administration, fish and wildlife habitat, or public use and enjoyment.

(3) Restrictions in boundary areas

After consultation with the Department of Conservation and Natural Resources of the State of Alabama and with the owners of lands adjacent to the Preserve, the Secretary may restrict hunting in areas within the Preserve that are adjacent to the boundaries of the Preserve where the restriction is necessary or appropriate to protect public safety.

(4) Congressional intent

Nothing in sections 698q to 698t of this title is intended to affect the jurisdiction or responsibilities of the State of Alabama with respect to fish and wildlife.

(c) Water resources projects

Subsection (a) of section 1278 of this title shall apply to that portion of the Little River that flows through the Preserve in the same manner and to the same extent as such subsection applies to the rivers referred to in such subsection. The application of such subsection to the Preserve shall not affect any determination of the value of the lands, waters, or interests in lands and waters within the boundaries of the Preserve.

(d) Cooperative agreements with State

(1) Law enforcement and fire prevention

In administering the Preserve, the Secretary may enter into cooperative agreements with the State of Alabama, or any political subdivision of the State, for the rendering of—

(A) rescue, fire fighting, and law enforcement services; and

(B) cooperative assistance by law enforcement and fire preventive agencies located in the vicinity of the Preserve.

(2) Preparation of management plan

To facilitate the purposes of this section, the Secretary may enter into cooperative agreements with the State of Alabama and directly affected political subdivisions of the State to provide professional assistance in the preparation of the management plan for the Preserve.

(e) DeSoto State Park

If lands within DeSoto State Park are acquired by the Secretary, at the request of the Department of Conservation and Natural Resources of the State of Alabama, the Secretary shall enter into a cooperative agreement with the Department for the continued management by the Department of the lodge and other facilities that, as of October 21, 1992, are part of DeSoto State Park. The cooperative agreement shall provide for the management and operation of the lodge and facilities in a manner that, to the maximum extent practicable, is consistent with similar operations elsewhere in the National Park System.

(f) Public involvement

(1) Public awareness and participation program

The Secretary shall develop and conduct a program to promote and encourage awareness of and participation in the development of the general management plan for the Preserve by persons owning property in the vicinity of the Preserve, other interested groups and individuals, State, county, and municipal agencies, and the general public. Prior to final approval of the plan, the Secretary shall hold public meetings in DeKalb and Cherokee Counties.

(2) Consideration of public comment

In preparing and implementing the plan described in paragraph (1), the Secretary shall give full consideration to the views and comments of the individuals, groups, and agencies described in paragraph (1).

(g) Green Pitcher Plant

Upon the transfer by Alabama Power Company to the United States of any lands within the boundaries of the Preserve that contain the Green Pitcher Plant (Sarracenia oreophila), all rights and obligations of Alabama Power Company under the agreement entered into between the company and the Department of the Interior (including the United States Fish and Wildlife Service) on May 12, 1983, in settlement of the action brought on September 24, 1980, against the Secretary and the Director of the Fish and Wildlife Service in the United States District Court for the Northern District of Alabama (Civil Action No. CV 80–C–1242–M), shall be extinguished.

(Pub. L. 102–427, § 3, Oct. 21, 1992, 106 Stat. 2179.)

REFERENCES IN TEXT

The Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1 et seq.), referred to in subsec. (a)(1), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the

[1] See References in Text note below.

Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113–287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 461 et seq.), referred to in subsec. (a)(2), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, known as the Historic Sites Act of 1935 and also as the Historic Sites, Buildings, and Antiquities Act, which enacted sections 461 to 467 of this title. The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54, National Park Service and Related Programs, by Pub. L. 113–287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

§ 698s. Acquisition

(a) Authorization

(1) In general

Subject to paragraphs (2) and (3), the Secretary is authorized to acquire lands, waters, and interests in lands and waters within the boundaries of the Preserve by donation, purchase with donated or appropriated funds, or exchange.

(2) Consent of the owner

The Secretary may not acquire lands, waters, or interests in lands and waters for the Preserve without the consent of the owner.

(3) State lands

Lands, waters, and interests in lands and waters within the boundaries of the Preserve that are owned by the State of Alabama, or any political subdivision of the State, may be acquired only by donation or exchange.

(b) Negotiations for acquisition

(1) Commencement of negotiations

Immediately after publication of a description of the boundaries of the Preserve in accordance with section 698q(d) of this title, the Secretary shall commence negotiations for the acquisition of the lands, waters, and interests in lands and waters within the boundaries of the Preserve.

(2) Report to Congress

Not later than 1 year after October 21, 1992, the Secretary shall submit, in writing, a detailed schedule of actions and a progress report regarding the acquisition to—

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

(B) the Committee on Natural Resources of the House of Representatives; and

(C) the Committees on Appropriations of Congress.

(3) Acquisition deadline

The Secretary shall substantially complete the acquisition of the lands, waters, and interests in lands and waters within the Preserve, in accordance with the purposes of sections 698q to 698t of this title, not later than 2 years after October 21, 1992, subject to the availability of funds.

(c) Environmental audits

(1) Availability to owner

Promptly following completion of any environmental audit performed by or on behalf of the Secretary with respect to any property proposed to be acquired for the purposes of sections 698q to 698t of this title, the Secretary shall make available to the owner of the property a copy of the audit.

(2) Inclusion in documents transferring title

Any audit described in paragraph (1), and any environmental audit performed by the owner of the property and submitted to the Secretary prior to the date of the acquisition, shall be included as part of the documents transferring title to the property to the United States.

(d) Future additions

No lands or interest in lands may be added to the Preserve after October 21, 1992, without specific authorization by Congress and the consent of the owner of the lands or interest.

(Pub. L. 102–427, §4, Oct. 21, 1992, 106 Stat. 2181; Pub. L. 103–437, §6(d)(36), Nov. 2, 1994, 108 Stat. 4585.)

AMENDMENTS

1994—Subsec. (b)(2)(B). Pub. L. 103–437 substituted ''Natural Resources'' for ''Interior and Insular Affairs''.

§ 698t. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out sections 698q to 698t of this title.

(Pub. L. 102–427, §5, Oct. 21, 1992, 106 Stat. 2182.)

§ 698u. Tallgrass Prairie National Preserve: findings and purposes

(a) Findings

Congress finds that—

(1) of the 400,000 square miles of tallgrass prairie that once covered the North American Continent, less than 1 percent remains, primarily in the Flint Hills of Kansas;

(2) in 1991, the National Park Service conducted a special resource study of the Spring Hill Ranch, located in the Flint Hills of Kansas;

(3) the study concludes that the Spring Hill Ranch—

(A) is a nationally significant example of the once vast tallgrass ecosystem, and includes buildings listed on the National Register of Historic Places pursuant to section 101 of the National Historic Preservation Act (16 U.S.C. 470a)[1] that represent outstanding examples of Second Empire and other 19th Century architectural styles; and

(B) is suitable and feasible as a potential addition to the National Park System; and

[1] See References in Text note below.

(4) the National Park Trust, which owns the Spring Hill Ranch, has agreed to permit the National Park Service—

(A) to acquire a portion of the ranch, as specified in sections 698u to 698u–7 of this title; and

(B) to manage the ranch in order to—

(i) conserve the scenery, natural and historic objects, and wildlife of the ranch; and

(ii) provide for the enjoyment of the ranch in such a manner and by such means as will leave the scenery, natural and historic objects, and wildlife unimpaired for the enjoyment of future generations.

(b) Purposes

The purposes of sections 698u to 698u–7 of this title are—

(1) to preserve, protect, and interpret for the public an example of a tallgrass prairie ecosystem on the Spring Hill Ranch, located in the Flint Hills of Kansas; and

(2) to preserve and interpret for the public the historic and cultural values represented on the Spring Hill Ranch.

(Pub. L. 104–333, div. I, title X, § 1002, Nov. 12, 1996, 110 Stat. 4204; Pub. L. 106–176, title I, § 122(1), Mar. 10, 2000, 114 Stat. 29.)

REFERENCES IN TEXT

Section 101 of the National Historic Preservation Act (16 U.S.C. 470a), referred to in subsec. (a)(3)(A), is section 101 of Pub. L. 89–665, which was repealed and restated as chapters 3021 to 3027 and sections 302902(a), 302903(a), 302904 to 302909, 303902, 303903, and 306101(b) and (c) of Title 54, National Park Service and Related Programs, by Pub. L. 113–287, §§ 3, 7, Dec. 19, 2014, 128 Stat. 3094, 3272.

AMENDMENTS

2000—Subsec. (a)(4)(A). Pub. L. 106–176 substituted ''to acquire'' for ''to purchase''.

SHORT TITLE

Pub. L. 104–333, div. I, title X, § 1001, Nov. 12, 1996, 110 Stat. 4204, provided that: ''This subtitle [subtitle A (§§ 1001–1009) of title X of div. I of Pub. L. 104–333, enacting this section and sections 698u–1 to 698u–7 of this title] may be cited as the 'Tallgrass Prairie National Preserve Act of 1996'.''

§ 698u–1. Definitions

In sections 698u to 698u–7 of this title:

(1) Advisory Committee

The term ''Advisory Committee'' means the Advisory Committee established under section 698u–5 of this title.

(2) Preserve

The term ''Preserve'' means the Tallgrass Prairie National Preserve established by section 698u–2 of this title.

(3) Secretary

The term ''Secretary'' means the Secretary of the Interior.

(4) Trust

The term ''Trust'' means the National Park Trust, Inc., a District of Columbia nonprofit corporation, or any successor-in-interest.

(Pub. L. 104–333, div. I, title X, § 1003, Nov. 12, 1996, 110 Stat. 4205.)

§ 698u–2. Establishment of Tallgrass Prairie National Preserve

(a) In general

In order to provide for the preservation, restoration, and interpretation of the Spring Hill Ranch area of the Flint Hills of Kansas, for the benefit and enjoyment of present and future generations, there is established the Tallgrass Prairie National Preserve.

(b) Description

The Preserve shall consist of the lands and interests in land, including approximately 10,894 acres, generally depicted on the map entitled ''Boundary Map, Flint Hills Prairie National Monument'' numbered NM–TGP 80,000 and dated June 1994, more particularly described in the deed filed at 8:22 a.m. on June 3, 1994, with the Office of the Register of Deeds in Chase County, Kansas, and recorded in Book L–106 at pages 328 through 339, inclusive. In the case of any difference between the map and the legal description, the legal description shall govern, except that if, as a result of a survey, the Secretary determines that there is a discrepancy with respect to the boundary of the Preserve that may be corrected by making minor changes to the map, the Secretary shall make changes to the map as appropriate, and the boundaries of the Preserve shall be adjusted accordingly. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service of the Department of the Interior.

(Pub. L. 104–333, div. I, title X, § 1004, Nov. 12, 1996, 110 Stat. 4205; Pub. L. 106–176, title I, § 122(2), Mar. 10, 2000, 114 Stat. 29.)

AMENDMENTS

2000—Subsec. (b). Pub. L. 106–176 substituted ''on June 3, 1994,'' for ''of June 3, 1994,''.

§ 698u–3. Administration of National Preserve

(a) In general

The Secretary shall administer the Preserve in accordance with sections 698u to 698u–7 of this title, the cooperative agreements described in subsection (f)(1), and the provisions of law generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1, 2 through 4)[1] and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).[1]

(b) Application of regulations

With the consent of a private owner of land within the boundaries of the Preserve, the regulations issued by the Secretary concerning the National Park Service that provide for the proper use, management, and protection of persons, property, and natural and cultural resources shall apply to the private land.

(c) Facilities

For purposes of carrying out the duties of the Secretary under sections 698u to 698u–7 of this title relating to the Preserve, the Secretary may, with the consent of a landowner, directly

[1] See References in Text note below.

or by contract, construct, reconstruct, rehabilitate, or develop essential buildings, structures, and related facilities including roads, trails, and other interpretive facilities on real property that is not owned by the Federal Government and is located within the Preserve.

(d) Liability

(1) Liability of the United States and its officers and employees

Except as otherwise provided in this subsection, the liability of the United States is subject to the terms and conditions of the Federal Tort Claims Act, as amended, 28 U.S.C. 2671 et seq., with respect to the claims arising by virtue of the Secretary's administration of the Preserve pursuant to sections 698u to 698u–7 of this title.

(2) Liability of landowners

(A) The Secretary of the Interior is authorized, under such terms and conditions as he deems appropriate, to include in any cooperative agreement entered into in accordance with subsection (f)(1) an indemnification provision by which the United States agrees to hold harmless, defend and indemnify the landowner in full from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim of personal injury or property damage that occurs in connection with the operation of the Preserve under the agreement: *Provided however*, That indemnification shall not exceed $3 million per claimant per occurrence.

(B) The indemnification provision authorized by subparagraph (A) shall not include claims for personal injury or property damage proximately caused by the wanton or willful misconduct of the landowner.

(e) Unit of National Park System

The Preserve shall be a unit of the National Park System for all purposes, including the purpose of exercising authority to charge entrance and admission fees under section 100904 of title 54.

(f) Agreement and donations

(1) Agreements

The Secretary may expend Federal funds for the cooperative management of private property within the Preserve for research, resource management (including pest control and noxious weed control, fire protection, and the restoration of buildings), and visitor protection and use.

(2) Donations

The Secretary may accept, retain, and expend donations of funds, property (other than real property), or services from individuals, foundations, corporations, or public entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of sections 698u to 698u–7 of this title.

(g) General management plan

(1) In general

Not later than the end of the third full fiscal year beginning after November 12, 1996, the Secretary shall prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a general management plan for the Preserve.

(2) Consultation

In preparing the general management plan, the Secretary, acting through the Director of the National Park Service, shall consult with—

(A)(i) appropriate officials of the Trust; and

(ii) the Advisory Committee; and

(B) adjacent landowners, appropriate officials of nearby communities, the Kansas Department of Wildlife and Parks, the Kansas Historical Society, and other interested parties.

(3) Content of plan

The general management plan shall provide for the following:

(A) Maintaining and enhancing the tallgrass prairie within the boundaries of the Preserve.

(B) Public access and enjoyment of the property that is consistent with the conservation and proper management of the historical, cultural, and natural resources of the ranch.

(C) Interpretive and educational programs covering the natural history of the prairie, the cultural history of Native Americans, and the legacy of ranching in the Flint Hills region.

(D) Provisions requiring the application of applicable State law concerning the maintenance of adequate fences within the boundaries of the Preserve. In any case in which an activity of the National Park Service requires fences that exceed the legal fence standard otherwise applicable to the Preserve, the National Park Service shall pay the additional cost of constructing and maintaining the fences to meet the applicable requirements for that activity.

(E) Provisions requiring the Secretary to comply with applicable State noxious weed, pesticide, and animal health laws.

(F) Provisions requiring compliance with applicable State water laws and Federal and State waste disposal laws (including regulations) and any other applicable law.

(G) Provisions requiring the Secretary to honor each valid existing oil and gas lease for lands within the boundaries of the Preserve (as described in section 698u–2(b) of this title) that is in effect on November 12, 1996.

(H) Provisions requiring the Secretary to offer to enter into an agreement with each individual who, as of November 12, 1996, holds rights for cattle grazing within the boundaries of the Preserve (as described in section 698u–2(b) of this title).

(4) Hunting and fishing

The Secretary may allow hunting and fishing on Federal lands within the Preserve.

(5) Financial analysis

As part of the development of the general management plan, the Secretary shall prepare

a financial analysis indicating how the management of the Preserve may be fully supported through fees, private donations, and other forms of non-Federal funding.

(Pub. L. 104–333, div. I, title X, § 1005, Nov. 12, 1996, 110 Stat. 4205; Pub. L. 106–176, title I, § 122(3), Mar. 10, 2000, 114 Stat. 29.)

REFERENCES IN TEXT

The Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1, 2 through 4), referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113–287, §§ 3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), referred to in subsec. (a), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, known as the Historic Sites Act of 1935 and also as the Historic Sites, Buildings, and Antiquities Act, which enacted sections 461 to 467 of this title. The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54, National Park Service and Related Programs, by Pub. L. 113–287, §§ 3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Federal Tort Claims Act, referred to in subsec. (d)(1), is title IV of act Aug. 2, 1946, ch. 753, 60 Stat. 842, which was classified principally to chapter 20 (§§ 921, 922, 931–934, 941–946) of former Title 28, Judicial Code and Judiciary. Title IV of act Aug. 2, 1946, was substantially repealed and reenacted as sections 1346(b) and 2671 et seq. of Title 28, Judiciary and Judicial Procedure, by act June 25, 1948, ch. 646, 62 Stat. 992, the first section of which enacted Title 28. The Federal Tort Claims Act is also commonly used to refer to chapter 171 of Title 28, Judiciary and Judicial Procedure. For complete classification of title IV to the Code, see Tables. For distribution of former sections of Title 28 into the revised Title 28, see Table at the beginning of Title 28.

CODIFICATION

In subsec. (e), ''section 100904 of title 54'' substituted for ''section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a)'' on authority of Pub. L. 113–287, § 6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

AMENDMENTS

2000—Subsec. (d)(1). Pub. L. 106–176, § 122(3)(A), made technical amendment to reference in original act which appears in text as reference to sections 698u to 698u–7 of this title.

Subsec. (g)(3)(A). Pub. L. 106–176, § 122(3)(B), substituted ''the tallgrass prairie'' for ''the tall grass prairie''.

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 698u–4. Limited authority to acquire

(a) In general

The Secretary shall acquire, by donation, not more than 180 acres of real property within the boundaries of the Preserve (as described in section 698u–2(b) of this title) and the improvements on the real property.

(b) Payments in lieu of taxes

For the purposes of payments made under chapter 69 of title 31, the real property described in subsection (a) shall be deemed to have been acquired for the purposes specified in section 6904(a) of that title.

(c) Prohibitions

No property may be acquired under this section without the consent of the owner of the property. The United States may not acquire fee ownership of any lands within the Preserve other than lands described in this section.

(Pub. L. 104–333, div. I, title X, § 1006, Nov. 12, 1996, 110 Stat. 4208; Pub. L. 108–352, § 17, Oct. 21, 2004, 118 Stat. 1398.)

AMENDMENTS

2004—Subsec. (b). Pub. L. 108–352 substituted ''subsection (a)'' for ''subsection (a)(1)''.

§ 698u–5. Advisory Committee

(a) Establishment

There is established an advisory committee to be known as the ''Tallgrass Prairie National Preserve Advisory Committee''.

(b) Duties

The Advisory Committee shall advise the Secretary and the Director of the National Park Service concerning the development, management, and interpretation of the Preserve. In carrying out those duties, the Advisory Committee shall provide timely advice to the Secretary and the Director during the preparation of the general management plan under section 698u–3(g) of this title.

(c) Membership

The Advisory Committee shall consist of 13 members, who shall be appointed by the Secretary as follows:

(1) Three members shall be representatives of the Trust.

(2) Three members shall be representatives of local landowners, cattle ranchers, or other agricultural interests.

(3) Three members shall be representatives of conservation or historic preservation interests.

(4)(A) One member shall be selected from a list of persons recommended by the Chase County Commission in the State of Kansas.

(B) One member shall be selected from a list of persons recommended by appropriate officials of Strong City, Kansas, and Cottonwood Falls, Kansas.

(C) One member shall be selected from a list of persons recommended by the Governor of the State of Kansas.

(5) One member shall be a range management specialist representing institutions of higher education (as defined in section 1001 of title 20) in the State of Kansas.

(d) Terms

(1) In general

Each member of the Advisory Committee shall be appointed to serve for a term of 3 years, except that the initial members shall be appointed as follows:

(A) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c), to serve for a term of 3 years.

(B) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c), to serve for a term of 4 years.

(C) Five members shall be appointed, one each from paragraphs (1) through (5) of subsection (c), to serve for a term of 5 years.

(2) Reappointment

Each member may be reappointed to serve a subsequent term.

(3) Expiration

Each member shall continue to serve after the expiration of the term of the member until a successor is appointed.

(4) Vacancies

A vacancy on the Advisory Committee shall be filled in the same manner as an original appointment is made. The member appointed to fill the vacancy shall serve until the expiration of the term in which the vacancy occurred.

(e) Chairperson

The members of the Advisory Committee shall select 1 of the members to serve as Chairperson.

(f) Meetings

Meetings of the Advisory Committee shall be held at the call of the Chairperson or the majority of the Advisory Committee. Meetings shall be held at such locations and in such a manner as to ensure adequate opportunity for public involvement. In compliance with the requirements of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall choose an appropriate means of providing interested members of the public advance notice of scheduled meetings.

(g) Quorum

A majority of the members of the Advisory Committee shall constitute a quorum.

(h) Compensation

Each member of the Advisory Committee shall serve without compensation, except that while engaged in official business of the Advisory Committee, the member shall be entitled to travel expenses, including per diem in lieu of subsistence in the same manner as persons employed intermittently in Government service under section 5703 of title 5.

(i) Charter

The rechartering provisions of section 14(b) of the Federal Advisory Committee Act (15[1] U.S.C. App.) shall not apply to the Advisory Committee.

(Pub. L. 104–333, div. I, title X, §1007, Nov. 12, 1996, 110 Stat. 4208; Pub. L. 105–244, title I, §102(a)(4), Oct. 7, 1998, 112 Stat. 1618.)

[1] So in original. Probably should be ''5''.

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (f), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1998—Subsec. (c)(5). Pub. L. 105–244 substituted ''section 1001 of title 20)'' for ''section 1141(a) of title 20)''.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105–244, see section 3 of Pub. L. 105–244, set out as a note under section 1001 of Title 20, Education.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 698u–6. Restriction on authority

Nothing in sections 698u to 698u–7 of this title shall give the Secretary authority to regulate lands outside the land area acquired by the Secretary under section 698u–4(a) of this title.

(Pub. L. 104–333, div. I, title X, §1008, Nov. 12, 1996, 110 Stat. 4209.)

§ 698u–7. Authorization of appropriations

There are authorized to be appropriated to the Department of the Interior such sums as are necessary to carry out sections 698u to 698u–7 of this title.

(Pub. L. 104–333, div. I, title X, §1009, Nov. 12, 1996, 110 Stat. 4209.)

§§ 698v to 698v–10. Repealed. Pub. L. 113–291, div. B, title XXX, §3043(d)(1), Dec. 19, 2014, 128 Stat. 3798

Section 698v, Pub. L. 106–248, title I, §102, July 25, 2000, 114 Stat. 598, set forth findings and purposes of sections 698v to 698v–10 of this title.

Section 698v–1, Pub. L. 106–248, title I, §103, July 25, 2000, 114 Stat. 599, defined terms in sections 698v to 698v–10 of this title.

Section 698v–2, Pub. L. 106–248, title I, §104, July 25, 2000, 114 Stat. 600; Pub. L. 109–132, §2(a), Dec. 20, 2005, 119 Stat. 2570; Pub. L. 113–287, §5(d)(20), Dec. 19, 2014, 128 Stat. 3266, related to acquisition of lands. Pursuant to section 698v–11(d)(2)(B) of this title, subsec. (g) of section 698v–2 remains in effect. For text of subsec. (g), see Pueblo of Santa Clara note under section 698v–11 of this title.

Section 698v–3, Pub. L. 106–248, title I, §105, July 25, 2000, 114 Stat. 602, related to establishment and management of Valles Caldera National Preserve.

Section 698v–4, Pub. L. 106–248, title I, §106, July 25, 2000, 114 Stat. 603; Pub. L. 109–132, §2(b)–(d), Dec. 20, 2005, 119 Stat. 2570, 2571, related to establishment and purposes of Valles Caldera Trust.

Section 698v–5, Pub. L. 106–248, title I, §107, July 25, 2000, 114 Stat. 606; Pub. L. 109–132, §3, Dec. 20, 2005, 119 Stat. 2571, related to Board of Trustees of Trust.

Section 698v–6, Pub. L. 106–248, title I, §108, July 25, 2000, 114 Stat. 607; Pub. L. 109–54, title IV, §432(a), Aug.

2, 2005, 119 Stat. 556; Pub. L. 109–132, §4, Dec. 20, 2005, 119 Stat. 2571, related to management of land and resources of Preserve.

Section 698v–7, Pub. L. 106–248, title I, §109, July 25, 2000, 114 Stat. 610, related to authorities of the Secretary of Agriculture.

Section 698v–8, Pub. L. 106–248, title I, §110, July 25, 2000, 114 Stat. 611, related to termination of Trust.

Section 698v–9, Pub. L. 106–248, title I, §111, July 25, 2000, 114 Stat. 612, related to limitations on funding.

Section 698v–10, Pub. L. 106–248, title I, §112, July 25, 2000, 114 Stat. 612; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814, related to Government Accountability Office studies.

See section 698v–11 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective on the termination of the Valles Caldera Trust, see section 698v–11(d)(1) of this title.

SHORT TITLE

Pub. L. 106–248, title I, §101, July 25, 2000, 114 Stat. 598, which provided that title I of Pub. L. 106–248 (enacting sections 698v to 698v–10 of this title) could be cited as the ''Valles Caldera Preservation Act'', was repealed by Pub. L. 113–291, div. B, title XXX, §3043(d)(1), Dec. 19, 2014, 128 Stat. 3798, effective on the termination of the Valles Caldera Trust.

TERMINATION OF VALLES CALDERA TRUST

Valles Caldera Trust to terminate 180 days after Dec. 19, 2014, unless the Secretary of the Interior determines that the date should be extended to facilitate the transitional management of the Valles Caldera National Preserve, see section 698v–11(c)(4)(A) of this title.

§ 698v–11. Valles Caldera National Preserve, New Mexico

(a) Definitions

In this section:

(1) Eligible employee

The term ''eligible employee'' means a person who was a full-time or part-time employee of the Trust during the 180-day period immediately preceding December 19, 2014.

(2) Fund

The term ''Fund'' means the Valles Caldera Fund established by section 106(h)(2) of the Valles Caldera Preservation Act.

(3) Preserve

The term ''Preserve'' means the Valles Caldera National Preserve in the State.

(4) Secretary

The term ''Secretary'' means the Secretary of the Interior.

(5) State

The term ''State'' means the State of New Mexico.

(6) Trust

The term ''Trust'' means the Valles Caldera Trust established by section 106(a) of the Valles Caldera Preservation Act.

(b) Designation of Valles Caldera National Preserve as a unit of the National Park System

(1) In general

To protect, preserve, and restore the fish, wildlife, watershed, natural, scientific, scenic, geologic, historic, cultural, archaeological, and recreational values of the area, the Valles Caldera National Preserve is designated as a unit of the National Park System.

(2) Boundary

(A) In general

The boundary of the Preserve shall consist of approximately 89,900 acres of land as depicted on the map entitled ''Valles Caldera National Preserve Proposed Boundary'', numbered P80/102,036C, and dated November 4, 2014.

(B) Availability of map

The map described in subparagraph (A) shall be on file and available for public inspection in appropriate offices of the National Park Service.

(3) Management

(A) Applicable law

The Secretary shall administer the Preserve in accordance with—

(i) this section; and

(ii) the laws generally applicable to units of the National Park System, including—

(I) the National Park Service Organic Act (16 U.S.C. 1 et seq.);[1] and

(II) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).[1]

(B) Management coordination

The Secretary may coordinate the management and operations of the Preserve with the Bandelier National Monument.

(C) Management plan

(i) In general

Not later than 3 fiscal years after the date on which funds are made available to implement this subparagraph, the Secretary shall prepare a management plan for the Preserve.

(ii) Applicable law

The management plan shall be prepared in accordance with—

(I) section 100502 of title 54; and

(II) any other applicable laws.

(iii) Consultation

The management plan shall be prepared in consultation with—

(I) the Secretary of Agriculture;

(II) State and local governments;

(III) Indian tribes and pueblos, including the Pueblos of Jemez, Santa Clara, and San Ildefonso; and

(IV) the public.

(4) Acquisition of land

(A) In general

The Secretary may acquire land and interests in land within the boundaries of the Preserve by—

(i) purchase from a willing seller with donated or appropriated funds; or

(ii) donation.

(B) Prohibition of condemnation

No land or interest in land within the boundaries of the Preserve may be acquired by condemnation.

[1] See References in Text note below.

(C) Administration of acquired land

On acquisition of any land or interests in land under subparagraph (A), the acquired land or interests in land shall be administered as part of the Preserve.

(5) Science and education program

(A) In general

The Secretary shall—

(i) until the date on which a management plan is completed in accordance with paragraph (3)(C), carry out the science and education program for the Preserve established by the Trust; and

(ii) beginning on the date on which a management plan is completed in accordance with paragraph (3)(C), establish a science and education program for the Preserve that—

(I) allows for research and interpretation of the natural, historic, cultural, geologic and other scientific features of the Preserve;

(II) provides for improved methods of ecological restoration and science-based adaptive management of the Preserve; and

(III) promotes outdoor educational experiences in the Preserve.

(B) Science and education center

As part of the program established under subparagraph (A)(ii), the Secretary may establish a science and education center outside the boundaries of the Preserve in Jemez Springs, New Mexico.

(6) Grazing

The Secretary shall allow the grazing of livestock within the Preserve to continue—

(A) at levels and locations determined by the Secretary to be appropriate, consistent with this section; and

(B) to the extent the use furthers scientific research or interpretation of the ranching history of the Preserve.

(7) Hunting, fishing, and trapping

(A) In general

Except as provided in subparagraph (B), the Secretary shall permit hunting, fishing, and trapping on land and water within the Preserve in accordance with applicable Federal and State law.

(B) Administrative exceptions

The Secretary may designate areas in which, and establish limited periods during which, no hunting, fishing, or trapping shall be permitted under subparagraph (A) for reasons of public safety, administration, or compliance with applicable law.

(C) Agency agreement

Except in an emergency, regulations closing areas within the Preserve to hunting, fishing, or trapping under this paragraph shall be made in consultation with the appropriate agency of the State having responsibility for fish and wildlife administration.

(D) Savings clause

Nothing in this section affects any jurisdiction or responsibility of the State with respect to fish and wildlife in the Preserve.

(8) Ecological restoration

(A) In general

The Secretary shall undertake activities to improve the health of forest, grassland, and riparian areas within the Preserve, including any activities carried out in accordance with title IV of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7301 et seq.).

(B) Agreements

The Secretary may enter into agreements with adjacent pueblos to coordinate activities carried out under subparagraph (A) on the Preserve and adjacent pueblo land.

(9) Withdrawal

Subject to valid existing rights, all land and interests in land within the boundaries of the Preserve are withdrawn from—

(A) entry, disposal, or appropriation under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing laws, geothermal leasing laws, and mineral materials laws.

(10) Volcanic domes and other peaks

(A) In general

Except as provided in subparagraph (C), for the purposes of preserving the natural, cultural, religious, archaeological, and historic resources of the volcanic domes and other peaks in the Preserve described in subparagraph (B) within the area of the domes and peaks above 9,600 feet in elevation or 250 feet below the top of the dome, whichever is lower—

(i) no roads or buildings shall be constructed; and

(ii) no motorized access shall be allowed.

(B) Description of volcanic domes

The volcanic domes and other peaks referred to in subparagraph (A) are—

(i) Redondo Peak;
(ii) Redondito;
(iii) South Mountain;
(iv) San Antonio Mountain;
(v) Cerro Seco;
(vi) Cerro San Luis;
(vii) Cerros Santa Rosa;
(viii) Cerros del Abrigo;
(ix) Cerro del Medio;
(x) Rabbit Mountain;
(xi) Cerro Grande;
(xii) Cerro Toledo;
(xiii) Indian Point;
(xiv) Sierra de los Valles; and
(xv) Cerros de los Posos.

(C) Exception

Subparagraph (A) shall not apply in cases in which construction or motorized access is necessary for administrative purposes (including ecological restoration activities or measures required in emergencies to protect the health and safety of persons in the area).

(11) Traditional cultural and religious sites

(A) In general

The Secretary, in consultation with Indian tribes and pueblos, shall ensure the protec-

tion of traditional cultural and religious sites in the Preserve.

(B) Access

The Secretary, in accordance with Public Law 95–341 (commonly known as the ''American Indian Religious Freedom Act'') (42 U.S.C. 1996)—

(i) shall provide access to the sites described in subparagraph (A) by members of Indian tribes or pueblos for traditional cultural and customary uses; and

(ii) may, on request of an Indian tribe or pueblo, temporarily close to general public use 1 or more specific areas of the Preserve to protect traditional cultural and customary uses in the area by members of the Indian tribe or pueblo.

(C) Prohibition on motorized access

The Secretary shall maintain prohibitions on the use of motorized or mechanized travel on Preserve land located adjacent to the Santa Clara Indian Reservation, to the extent the prohibition was in effect on December 19, 2014.

(12) Caldera rim trail

(A) In general

Not later than 3 years after December 19, 2014, the Secretary, in consultation with the Secretary of Agriculture, affected Indian tribes and pueblos, and the public, shall study the feasibility of establishing a hiking trail along the rim of the Valles Caldera on—

(i) land within the Preserve; and

(ii) National Forest System land that is adjacent to the Preserve.

(B) Agreements

On the request of an affected Indian tribe or pueblo, the Secretary and the Secretary of Agriculture shall seek to enter into an agreement with the Indian tribe or pueblo with respect to the Caldera Rim Trail that provides for the protection of—

(i) cultural and religious sites in the vicinity of the trail; and

(ii) the privacy of adjacent pueblo land.

(13) Valid existing rights

Nothing in this section affects valid existing rights.

(c) Transfer of administrative jurisdiction

(1) In general

Administrative jurisdiction over the Preserve is transferred from the Secretary of Agriculture and the Trust to the Secretary, to be administered as a unit of the National Park System, in accordance with subsection (b).

(2) Exclusion from Santa Fe National Forest

The boundaries of the Santa Fe National Forest are modified to exclude the Preserve.

(3) Interim management

(A) Memorandum of agreement

Not later than 90 days after December 19, 2014, the Secretary and the Trust shall enter into a memorandum of agreement to facilitate the orderly transfer to the Secretary of the administration of the Preserve.

(B) Existing management plans

Notwithstanding the repeal made by subsection (d)(1), until the date on which the Secretary completes a management plan for the Preserve in accordance with subsection (b)(3)(C), the Secretary may administer the Preserve in accordance with any management activities or plans adopted by the Trust under the Valles Caldera Preservation Act, to the extent the activities or plans are consistent with subsection (b)(3)(A).

(C) Public use

The Preserve shall remain open to public use during the interim management period, subject to such terms and conditions as the Secretary determines to be appropriate.

(4) Valles Caldera Trust

(A) Termination

The Trust shall terminate 180 days after December 19, 2014, unless the Secretary determines that the termination date should be extended to facilitate the transitional management of the Preserve.

(B) Assets and liabilities

(i) Assets

On termination of the Trust—

(I) all assets of the Trust shall be transferred to the Secretary; and

(II) any amounts appropriated for the Trust shall remain available to the Secretary for the administration of the Preserve.

(ii) Assumption of obligations

(I) In general

On termination of the Trust, the Secretary shall assume all contracts, obligations, and other liabilities of the Trust.

(II) New liabilities

(aa) Budget

Not later than 90 days after December 19, 2014, the Secretary and the Trust shall prepare a budget for the interim management of the Preserve.

(bb) Written concurrence required

The Trust shall not incur any new liabilities not authorized in the budget prepared under item (aa) without the written concurrence of the Secretary.

(C) Personnel

(i) Hiring

The Secretary and the Secretary of Agriculture may hire employees of the Trust on a noncompetitive basis for comparable positions at the Preserve or other areas or offices under the jurisdiction of the Secretary or the Secretary of Agriculture.

(ii) Salary

Any employees hired from the Trust under clause (i) shall be subject to the provisions of chapter 51, and subchapter III of chapter 53, title 5, relating to classification and General Schedule pay rates.

(iii) Interim retention of eligible employees

For a period of not less than 180 days beginning on December 19, 2014, all eligible employees of the Trust shall be—

(I) retained in the employment of the Trust;

(II) considered to be placed on detail to the Secretary; and

(III) subject to the direction of the Secretary.

(iv) Termination for cause

Nothing in this subparagraph precludes the termination of employment of an eligible employee for cause during the period described in clause (iii).

(D) Records

The Secretary shall have access to all records of the Trust pertaining to the management of the Preserve.

(E) Valles Caldera Fund

(i) In general

Effective on December 19, 2014, the Secretary shall assume the powers of the Trust over the Fund.

(ii) Availability and use

Any amounts in the Fund as of December 19, 2014, shall be available to the Secretary for use, without further appropriation, for the management of the Preserve.

(d) Repeal of Valles Caldera Preservation Act

(1) Repeal

On the termination of the Trust, the Valles Caldera Preservation Act is repealed.

(2) Effect of repeal

Notwithstanding the repeal made by paragraph (1)—

(A) the authority of the Secretary of Agriculture to acquire mineral interests under section 104(e) of the Valles Caldera Preservation Act is transferred to the Secretary and any proceeding for the condemnation of, or payment of compensation for, an outstanding mineral interest pursuant to the transferred authority shall continue;

(B) the provisions in section 104(g)[2] of the Valles Caldera Preservation Act relating to the Pueblo of Santa Clara shall remain in effect; and

(C) the Fund shall not be terminated until all amounts in the Fund have been expended by the Secretary.

(3) Boundaries

The repeal of the Valles Caldera Preservation Act shall not affect the boundaries as of December 19, 2014, (including maps and legal descriptions) of—

(A) the Preserve;

(B) the Santa Fe National Forest (other than the modification made by subsection (c)(2));

(C) Bandelier National Monument; and

(D) any land conveyed to the Pueblo of Santa Clara.

(Pub. L. 113–291, div. B, title XXX, §3043, Dec. 19, 2014, 128 Stat. 3792.)

REFERENCES IN TEXT

The Valles Caldera Preservation Act, referred to in subsecs. (a)(2), (6), (c)(3)(B), and (d), is title I of Pub. L. 106–248, July 25, 2000, 114 Stat. 598, which was classified to sections 698v to 698v–10 of this title, prior to repeal by subsec. (d)(1) of this section. Sections 104 and 106 of the Act were classified to sections 698v–2 and 698v–4 of this title, respectively. For complete classification of this Act to the Code, see Tables.

The National Park Service Organic Act (16 U.S.C. 1 et seq.), referred to in subsec. (b)(3)(A)(ii)(I), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113–287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

Act of August 21, 1935 (16 U.S.C. 461 et seq.), referred to in subsec. (b)(3)(A)(ii)(II), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, known as the Historic Sites Act of 1935 and also as the Historic Sites, Buildings, and Antiquities Act, which enacted sections 461 to 467 of this title. The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54, National Park Service and Related Programs, by Pub. L. 113–287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Omnibus Public Land Management Act of 2009, referred to in subsec. (b)(8)(A), is Pub. L. 111–11, Mar. 30, 2009, 123 Stat. 991. Title IV of the Act is classified generally to chapter 92 (§7301 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

Public Law 95–341, referred to in subsec. (b)(11)(B), is Pub. L. 95–341, Aug. 11, 1978, 92 Stat. 469, popularly known as the American Indian Religious Freedom Act, which is classified to sections 1996 and 1996a of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1996 of Title 42 and Tables.

CODIFICATION

In subsec. (b)(3)(C)(ii)(I), ''section 100502 of title 54'' substituted for ''section 12(b) of Public Law 91–383 (commonly known as the 'National Park Service General Authorities Act') (16 U.S.C. 1a–7(b))'' on authority of Pub. L. 113–287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

PUEBLO OF SANTA CLARA

Pub. L. 106–248, title I, §104(g), July 25, 2000, 114 Stat. 602, provided that:

''(1) IN GENERAL.—The Secretary may assign to the Pueblo of Santa Clara rights to acquire for fair market value portions of the Baca ranch. The portion that may be assigned shall be determined by mutual agreement between the Pueblo and the Secretary based on optimal management considerations for the Preserve including manageable land line locations, public access, and retention of scenic and natural values. All appraisals shall be done in conformity with the Uniform Appraisal Standards for Federal Land Acquisition.

''(2) STATUS OF LAND ACQUIRED.—As of the date of acquisition, the fee title lands, and any mineral estate underlying such lands, acquired under this subsection by the Pueblo of Santa Clara are deemed transferred into trust in the name of the United States for the benefit of the Pueblo of Santa Clara and such lands and mineral estate are declared to be part of the existing Santa Clara Indian Reservation.

''(3) MINERAL ESTATE.—Any mineral estate acquired by the United States pursuant to section 104(e) [former

[2] Text of section 104(g) is set out as a Pueblo of Santa Clara note below.

16 U.S.C. 698v–2(e)] underlying fee title lands acquired by the Pueblo of Santa Clara shall not be developed without the consent of the Secretary of the Interior and the Pueblo of Santa Clara.

''(4) SAVINGS.—Any reservations, easements, and covenants contained in an assignment agreement entered into under paragraph (1) shall not be affected by the acquisition of the Baca ranch by the United States, the assumption of management by the Valles Caldera Trust, or the lands acquired by the Pueblo being taken into trust.''

[Pursuant to subsec. (d)(2)(B) of this section, the provisions in section 104(g) of the Valles Caldera Preservation Act, Pub. L. 106–248 (formerly 16 U.S.C. 698v–2(g)), set out above, remain in effect, notwithstanding the repeal of Pub. L. 106–248 by subsec. (d)(1) of this section.]

§ 698w. Special management requirements for Federal lands recently added to Craters of the Moon National Monument, Idaho

(a) Redesignation

The approximately 410,000 acres of land added to the Craters of the Moon National Monument by Presidential Proclamation 7373 of November 9, 2000, and identified on the map accompanying the Proclamation for administration by the National Park Service, shall, on and after August 21, 2002, be known as the ''Craters of the Moon National Preserve''.

(b) Administration

(1) In general

Except as provided by paragraph (2), the Craters of the Moon National Preserve shall be administered in accordance with—

(A) Presidential Proclamation 7373 of November 9, 2000;

(B) the Act of June 8, 1906,[1] (commonly referred to as the ''Antiquities Act''; 34 Stat. 225; 16 U.S.C. 431);[2] and

(C) the laws generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1 et seq.).[2]

(2) Hunting

The Secretary of the Interior shall permit hunting on lands within the Craters of the Moon National Preserve in accordance with the applicable laws of the United States and the State of Idaho. The Secretary, in consultation with the State of Idaho, may designate zones where, and establish periods when, no hunting may be permitted for reasons of public safety, protection of the area's resources, administration, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting shall be put into effect only after consultation with the State of Idaho.

(Pub. L. 107–213, § 1, Aug. 21, 2002, 116 Stat. 1052.)

REFERENCES IN TEXT

Presidential Proclamation 7373, referred to in subsecs. (a) and (b)(1)(A), appears in the item for Craters of the Moon National Monument, Idaho, in the table under the heading ''National Monuments Established Under Presidential Proclamation'', set out as a note under section 320301 of Title 54, National Park Service and Related Programs.

Act of June 8, 1906, (commonly referred to as the ''Antiquities Act''; 34 Stat. 225; 16 U.S.C. 431), referred to in subsec. (b)(1)(B), is act June 8, 1906, ch. 3060, 34 Stat. 225, which was classified generally to sections 431, 432, and 433 of this title. The Act was repealed and restated as section 1866(b) of Title 18, Crimes and Criminal Procedure, and sections 320301(a) to (c), 320302, and 320303 of Title 54, National Park Service and Related Programs, by Pub. L. 113–287, §§ 3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1 et seq.), referred to in subsec. (b)(1)(C), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113–287, §§ 3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

CODIFICATION

Section is comprised of section 1 of Pub. L. 107–213. Section 1 also enacted provisions listed in a table of National Monuments Established Under Presidential Proclamation set out under section 320301 of Title 54, National Park Service and Related Programs.

[1] So in original. The comma probably should not appear.

[2] See References in Text note below.

CHAPTER 7—PROTECTION OF MIGRATORY GAME AND INSECTIVOROUS BIRDS

SUBCHAPTER I—GENERALLY

Sec.
701. Game and wild birds; preservation.
702. Importation of eggs of game birds for propagation.

SUBCHAPTER II—MIGRATORY BIRD TREATY

703. Taking, killing, or possessing migratory birds unlawful.
704. Determination as to when and how migratory birds may be taken, killed, or possessed.
705. Transportation or importation of migratory birds; when unlawful.
706. Arrests; search warrants.
707. Violations and penalties; forfeitures.
708. State or Territorial laws or regulations.
709. Omitted.
709a. Authorization of appropriations.
710. Partial invalidity; short title.
711. Breeding and sale for food supply.
712. Treaty and convention implementing regulations; seasonal taking of migratory birds for essential needs of indigenous Alaskans to preserve and maintain stocks of the birds; protection and conservation of the birds.

SUBCHAPTER III—MIGRATORY BIRD CONSERVATION

715. Short title.
715a. Migratory Bird Conservation Commission; creation; composition; duties; approval of areas of land and water recommended for purchase or rental.
715b. Annual report.
715c. Areas recommended for approval; character.
715d. Purchase or rental of approved areas or interests therein; gifts and devises; United States lands.