

CODIFICATION

Section, insofar as it relates to rights-of-way through public lands, forests, and reservations, and the Yosemite, Sequoia, and General Grant National Parks is also set out as section 959 of Title 43, Public Lands, and insofar as it related to rights-of-way through national forests was also set out as section 522 of this title which was omitted from the Code.

Section was formerly classified to section 419 of this title.

SAVINGS PROVISION

Repeal by Pub. L. 94-579, title VII, §706(a), Oct. 21, 1976, 90 Stat. 2793, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note set out under section 1701 of Title 43, Public Lands.

GENERAL GRANT NATIONAL PARK ABOLISHED

Act Mar. 4, 1940, ch. 40, §2, 54 Stat. 43, which is classified to section 80a of this title, abolished the General Grant National Park and added the lands to the Kings Canyon National Park as the General Grant grove section.

§ 79-1. Yosemite National Park; expansion of reservoir capacity

Notwithstanding any other provision of law, no Federal lands may be used for the expansion of the capacity of any reservoir which is located within the boundaries of Yosemite National Park unless Congress enacts specific statutory authorization after October 31, 1988, for such expansion.

(Pub. L. 100-563, §6, Oct. 31, 1988, 102 Stat. 2830.)

SUBCHAPTER VII—REDWOOD NATIONAL PARK

§ 79a. Establishment; statement of purposes

In order to preserve significant examples of the primeval coastal redwood (*Sequoia sempervirens*) forests and the streams and seashores with which they are associated for purposes of public inspiration, enjoyment, and scientific study, there is hereby established a Redwood National Park in Del Norte and Humboldt Counties, California.

(Pub. L. 90-545, §1, Oct. 2, 1968, 82 Stat. 931.)

SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109-131, title III, §301, Dec. 20, 2005, 119 Stat. 2569, provided that: "This title [amending section 79b of this title] may be cited as the 'Redwood National Park Boundary Adjustment Act of 2005'."

THOMAS H. KUCHEL VISITOR CENTER

Pub. L. 105-277, div. A, §101(e) [title I, §146], Oct. 21, 1998, 112 Stat. 2681-231, 2681-267, provided that: "The Redwood Information Center located at 119231 Highway 101 in Orick, California is hereby named the 'Thomas H. Kuchel Visitor Center' and shall be referred to in any law, document or record of the United States as the 'Thomas H. Kuchel Visitor Center'."

§ 79b. Park area**(a) Boundaries; maps; maximum acreage**

(1) The Redwood National Park consists of the land generally depicted on the map entitled "Redwood National Park, Revised Boundary", numbered 167/60502, and dated February, 2003.

(2) The map referred to in paragraph (1) shall be—

(A) on file and available for public inspection in the appropriate offices of the National Park Service; and

(B) provided by the Secretary of the Interior to the appropriate officers of Del Norte and Humboldt Counties, California.

(3) The Secretary;¹ of the Interior (hereinafter referred to as the "Secretary") may from time to time, with a view to carrying out the purpose of this subchapter and with particular attention to minimizing siltation of the streams, damage to the timber, and assuring the preservation of the scenery within the boundaries of the national park as depicted on said maps, modify said boundaries, giving notice of any changes involved therein by publication of a revised drawing or boundary description in the Federal Register and by filing said revision with the officers with whom the original maps were filed, but the acreage within said park shall at no time exceed 133,000 acres, exclusive of submerged lands and publicly owned highways and roads.

(b) Highways and roads

The Secretary is authorized to acquire all or part of existing publicly owned highways and roads within the boundaries of the park as he may deem necessary for park purposes. Until such highways and roads have been acquired, the Secretary may cooperate with appropriate State and local officials in patrolling² and maintaining such roads and highways.

(c) Park protection zone

Within the area outside the boundaries of Redwood National Park indicated as the "Park Protection Zone" on the map entitled "Proposed Additions, Redwood National Park, California", numbered 167-80005-D and dated March 1978, the Secretary is authorized to acquire lands and interests in land: *Provided*, That lands may be acquired from a willing seller or upon a finding by the Secretary that failure to acquire all or a portion of such lands could result in physical damage to park resources and following notice to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the House of Representatives. Any lands so acquired shall be managed in a manner which will maximize the protection of the resources of Redwood National Park, and in accordance with the Act of October 21, 1976 (90 Stat. 2743) [43 U.S.C. 1701 et seq.]. Acquisition of a parcel of land under the authority of this subsection shall not as a result of such acquisition diminish the right of owners of adjacent lands to the peaceful use and enjoyment of their land and shall not confer authority upon the Secretary to acquire additional lands except as provided in this subsection.

(Pub. L. 90-545, §2, Oct. 2, 1968, 82 Stat. 931; Pub. L. 95-250, title I, §101(a)(1), (2), Mar. 27, 1978, 92 Stat. 163; Pub. L. 103-437, §6(d)(7), Nov. 2, 1994, 108 Stat. 4583; Pub. L. 109-131, title III, §302, Dec. 20, 2005, 119 Stat. 2569.)

¹ So in original. The semicolon probably should not appear.

² So in original. Probably should be "patrolling".

REFERENCES IN TEXT

Act of October 21, 1976 (90 Stat. 2743), referred to in subsec. (c), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, known as the Federal Land Policy and Management Act of 1976, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-131 designated existing provisions of first sentence as par. (1), in par. (1) substituted “The Redwood National Park consists of the land generally depicted on the map entitled ‘Redwood National Park, Revised Boundary’, numbered 167/60502, and dated February, 2003.” for “The area to be included within the Redwood National Park is that generally depicted on the maps entitled ‘Redwood National Park,’ numbered NPS-RED-7114-A and NPS-RED-7114-B, and dated September 1968, and the area indicated as ‘Proposed Additions’ on the map entitled ‘Additional Lands, Redwood National Park, California,’ numbered 167-80005-D and dated March 1978, copies of which maps shall be kept available for public inspection in the offices of the National Park Service, Department of the Interior, and shall be filed with appropriate officers of Del Norte and Humboldt Counties.”, added par. (2), designated existing provisions of second sentence as par. (3), and in par. (3) substituted “The Secretary;” for “The Secretary” and “133,000 acres” for “one hundred and six thousand acres”.

1994—Subsec. (c). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

1978—Subsec. (a). Pub. L. 95-250, §101(a)(1), (2), inserted “and the area indicated as ‘Proposed Additions’ on the map entitled ‘Additional Lands, Redwood National Park, California’, numbered 167-80005-D and dated March 1978,” after “and dated September 1968,” and substituted “one hundred and six thousand acres, exclusive of submerged lands and publicly owned highways and roads” for “fifty-eight thousand acres, exclusive of submerged lands”.

Subsec. (b). Pub. L. 95-250, §101(a)(2), struck out “by donation only” after “The Secretary is authorized to acquire”.

Subsec. (c). Pub. L. 95-250, §101(a)(2), added subsec. (c).

§ 79c. Acquisition of land**(a) Authority of Secretary; administrative sites; manner and place; donation of State lands; reverters and other conditions**

The Secretary is authorized to acquire lands and interests in land within the boundaries of the Redwood National Park and, in addition thereto, not more than ten acres outside of those boundaries for an administrative site or sites. Such acquisition may be by donation, purchase with appropriated or donated funds, exchange, or otherwise, but lands and interests in land owned by the State of California may be acquired only by donation which donation of lands or interest in lands may be accepted in the discretion of the Secretary subject to such pre-existing reverters and other conditions as may appear in the title to these lands held by the State of California, and such other reverters and conditions as may be consistent with the use and management of the donated lands as a portion of Redwood National Park. Notwithstanding any other provision of law, the Secretary may expend appropriated funds for the management of and for the construction, design, and

maintenance of permanent improvements on such lands and interests in land as are donated by the State of California in a manner not inconsistent with such reverters and other conditions.

(b) Vested and possessory rights in certain real property; termination of operations; removal of equipment, facilities, and personal property; down tree personal property; acquired roads; just compensation; payment; jurisdiction; acreage limitation; notice

(1) Effective on October 2, 1968, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property within the park boundaries designated in maps NPS-RED-7114-A and NPS-RED-7114-B and effective on March 27, 1978, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property within the area indicated as “Proposed Additions” on the map entitled “Additional Lands, Redwood National Park, California,” numbered 167-80005-D and dated March 1978, and all right, title, and interest in, and the right to immediate possession of the down tree personal property (trees severed from the ground by man) severed prior to January 1, 1975, or subsequent to January 31, 1978, within the area indicated as “Proposed Additions” on the map entitled “Additional Lands, Redwood National Park, California,” numbered 167-80005-D and dated March 1978, except real property owned by the State of California or a political subdivision thereof and except as provided in paragraph (3) of this subsection. The Secretary shall allow for the orderly termination of all operations on real property acquired by the United States under this subsection, and for the removal of equipment, facilities, and personal property therefrom.

Down tree personal property severed subsequent to December 31, 1974, and prior to February 1, 1978 may be removed in accordance with applicable State and Federal law, or other applicable licenses, permits, and existing agreements, unless the Secretary determines that the removal of such down timber would damage second growth resources or result in excessive sedimentation in Redwood Creek: *Provided, however*, That down timber lying in stream beds may not be removed without permission of the Secretary: *Provided*, That such removal shall also be subject to such reasonable conditions as may be required by the Secretary to insure the continued availability of raw materials to Redwoods United, Incorporated, a nonprofit corporation located in Manila, California.

The Secretary shall permit, at existing levels and extent of access and use, continued access and use of each acquired segment of the B line, L line, M line, and K and K roads by each current affected woods employer or its successor in title and interest: *Provided*, That such use is limited to forest and land management and protection purposes, including timber harvesting and road maintenance. The Secretary shall permit, at existing levels and extent of access and use, continued access and use of acquired portions of the Bald Hills road by each current affected woods employer or its successor in title