

1930, whether for homestead, mineral, rights-of-way, or any other purposes whatsoever, or any water rights and/or rights-of-way connected therewith, including reservoirs, conduits, and ditches, as may be recognized by local customs, laws, and decisions of courts, or shall affect the right of any such owner, claimant, locator, or entryman to the full use and enjoyment of his land.

(June 21, 1930, ch. 561, § 2, 46 Stat. 792.)

§ 193. Claims and rights under land laws not affected; rights-of-way for irrigation and other purposes

Nothing herein contained shall affect any valid claim, location, or entry under the land laws of the United States, existing on January 26, 1915, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. Whenever consistent with the primary purposes of the park, section 79 of this title shall be applicable to the lands included within the park.

(Jan. 26, 1915, ch. 19, § 2, 38 Stat. 800; Jan. 26, 1931, ch. 47, § 7, 46 Stat. 1044.)

REFERENCES IN TEXT

Herein, referred to in text, means act Jan. 26, 1915, which is classified to sections 191 and 193 to 195a of this title. For complete classification of this Act to the Code, see Tables.

Section 79 of this title, referred to in text, was in the original a reference to act Feb. 15, 1901, ch. 372, 31 Stat. 790. For further details, see Codification note set out under section 79 of this title.

AMENDMENTS

1931—Act Jan. 26, 1931, repealed provision which authorized granting of easements or rights of way for steam, electric, or similar transportation upon or across the park.

§ 194. Lands held in private, municipal, or State ownership not affected

No lands located within the park boundaries held in private, municipal, or State ownership on January 26, 1915, shall be affected by or subject to the provisions of sections 191, 193, 195, and 195a of this title.

(Jan. 26, 1915, ch. 19, § 3, 38 Stat. 800.)

§ 195. Control; regulations; leases; sale and removal of timber

Rocky Mountain National Park shall be under the executive control of the Secretary of the Interior. In addition to the powers and duties enumerated in section 3 of this title and not inconsistent with this section, he shall make and publish such reasonable rules and regulations, not inconsistent with the laws of the United States, as he may deem necessary or proper for the care, protection, management, and improvement of the same, the said regulations being primarily aimed at the freest use of the said park for recreation purposes by the public and for the preservation of the natural conditions and scenic beauties thereof. The said Secretary may, in his discretion, execute leases to parcels of

ground not exceeding twenty acres in extent in any one place to any person or company for not to exceed twenty years whenever such ground is necessary for the erection of establishments for the accommodation of visitors, may grant such other necessary privileges and concessions as he deems wise for the accommodation of visitors, and may likewise arrange for the removal of such mature or dead or down timber as he may deem necessary and advisable for the protection and improvement of the park. The regulations governing the park shall include provisions for the use of automobiles therein. The Secretary of the Interior is authorized to accept patented lands or rights of way over patented lands in the Rocky Mountain National Park, that may be donated for park purposes.

(Jan. 26, 1915, ch. 19, § 4, 38 Stat. 800; June 12, 1917, ch. 27, § 1, 40 Stat. 152; Mar. 1, 1919, ch. 88, 40 Stat. 1270.)

CODIFICATION

Section, with the exception of the last sentence, was from section 4 of act Jan. 26, 1915.

A provision prohibiting appropriation for the maintenance, supervision, or improvement of the park in excess of \$10,000 annually unless expressly authorized by law was repealed by act Mar. 1, 1919.

The last sentence was from section 1 of act June 12, 1917.

OBLIGATION OF FEES FOR TRANSPORTATION SERVICES AT ZION OR ROCKY MOUNTAIN NATIONAL PARKS

Pub. L. 108-7, div. F, title I, §140, Feb. 20, 2003, 117 Stat. 244, provided that: "In fiscal year 2003 and each fiscal year thereafter, notwithstanding any other provision of law, with respect to a service contract for the provision solely of transportation services at Zion National Park or Rocky Mountain National Park, the Secretary of the Interior may obligate the expenditure of fees expected to be received in that fiscal year before the fees are received, so long as total obligations do not exceed fee collections retained at Zion National Park or Rocky Mountain National Park, respectively, by the end of that fiscal year."

EXPENDITURE OF FUNDS OUTSIDE AUTHORIZED BOUNDARY OF ROCKY MOUNTAIN NATIONAL PARK

Pub. L. 104-333, div. I, title VIII, §810, Nov. 12, 1996, 110 Stat. 4189, provided that: "The Secretary of the Interior is authorized to collect and expend donated funds and expend appropriated funds for the operation and maintenance of a visitor center to be constructed for visitors to and administration of Rocky Mountain National Park with private funds on privately owned lands located outside the boundary of the park."

§ 195a. North St. Vrain Creek and adjacent lands

Neither the Secretary of the Interior nor any other Federal agency or officer may approve or issue any permit for, or provide any assistance for, the construction of any new dam, reservoir, or impoundment on any segment of North St. Vrain Creek or its tributaries within the boundaries of Rocky Mountain National Park or on the main stem of North St. Vrain Creek downstream to the point at which the creek crosses the elevation 6,550 feet above mean sea level. Nothing in this section shall be construed to prevent the issuance of any permit for the construction of a new water gauging station on North St. Vrain Creek at the point of its confluence with Coulson Gulch.

(Jan. 26, 1915, ch. 19, §5, as added Pub. L. 104-333, div. I, title IV, §408(a), Nov. 12, 1996, 110 Stat. 4153.)

§ 196. Use for Arbuckle Reservoir

The Secretary of the Interior is authorized in his discretion to permit, by license, lease, or other authorization, the use of necessary land in the Rocky Mountain National Park for the maintenance and operation in its present height and capacity, of the Arbuckle Number 2 Reservoir.

(June 9, 1926, ch. 515, §2, 44 Stat. 714.)

§ 197. Applicability of other laws

The provisions of sections 1, 2, 3, 4, 191, and 193 to 195a of this title and all Acts supplementary to and amendatory of said sections are made applicable to and extended over the lands hereby added to the park: *Provided*, That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to or extend over such lands.

(June 9, 1926, ch. 515, §3, 44 Stat. 714.)

REFERENCES IN TEXT

Hereby, referred to in text, means by act June 9, 1926, which is classified to sections 192a, 196, and 197 of this title.

The Federal Power Act, referred to in text, was in the original the "Act of June 10, 1920, entitled 'an Act to create a Federal power commission; to provide for the improvement of navigation, the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes'", and was redesignated the Federal Power Act by section 791a of this title. The Federal Power Act is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, and is classified generally to chapter 12 (§791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

§ 198. Exclusive jurisdiction; assumption by United States; saving provisions

The provisions of the act of the Legislature of the State of Colorado, approved February 19, 1929, ceding to the United States exclusive jurisdiction over the territory embraced and included within the Rocky Mountain National Park, are accepted, and sole and exclusive jurisdiction is assumed by the United States over such territory, saving, however, to the State of Colorado the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said tract; and saving also to the persons residing in said park now or hereafter the right to vote at all elections held within the county or counties in which said tracts are situated; and saving to all persons residing within said park upon lands now privately owned within said park access to and from such lands, and all rights and privileges as citizens of the State of Colorado; and saving to the people of Colorado all vested, appropriated, and existing water rights and rights-of-way connected therewith, including all existing irrigation con-

duits and ditches. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Colorado.

(Mar. 2, 1929, ch. 583, §1, 45 Stat. 1536.)

§§ 198a, 198b. Repealed. June 25, 1948, ch. 646, §39, 62 Stat. 992, eff. Sept. 1, 1948

Section 198a, act Mar. 2, 1929, ch. 583, §2, 45 Stat. 1537, related to inclusion of park in a judicial district. See section 85 of Title 28, Judiciary and Judicial Procedure.

Section 198b, act Mar. 2, 1929, ch. 583, §3, 45 Stat. 1537, related to punishment for offenses. See section 18 of Title 18, Crimes and Criminal Procedure.

§ 198c. Prohibited acts; rules and regulations; penalties for offenses

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park, nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this Act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this Act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the provisions of this Act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of