

Subsec. (d). Pub. L. 106-176, §302(2), struck out heading and text of subsec. (d). Text read as follows: "Administrative actions necessary to implement the land exchange under this section shall be completed not later than 180 days after October 30, 1998."

EFFECT ON SCHOOL TRUST LAND

Pub. L. 105-329, §2(e)(1), Oct. 30, 1998, 112 Stat. 3062, provided that: "Congress finds that—

"(A) a parcel of State school trust land, more specifically described as section 16, township 23 south, range 22 east, of the Salt Lake base and meridian, is partially contained within the Lost Spring Canyon Addition included within the boundaries of Arches National Park by the amendment by subsection (a) [amending section 272 of this title];

"(B) the parcel was originally granted to the State of Utah for the purpose of generating revenue for the public schools through the development of natural and other resources located on the parcel; and

"(C) it is in the interest of the State of Utah and the United States for the parcel to be exchanged for Federal land of equivalent value outside the Lost Spring Canyon Addition to permit Federal management of all lands within the Lost Spring Canyon Addition."

SUBCHAPTER XXXI—CAPITOL REEF NATIONAL PARK

§ 273. Establishment

(a) Description of area

Subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Capitol Reef National Park, Utah," numbered 158-91,002, and dated January 1971, are hereby established as the Capitol Reef National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) Abolition of Capitol Reef National Monument; funds of monument available for park; administration of lands excluded from monument

The Capitol Reef National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this subchapter shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

(Pub. L. 92-207, §1, Dec. 18, 1971, 85 Stat. 739.)

§ 273a. Acquisition of property; authority of Secretary; State property

The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or otherwise, the lands and interests in lands described in section 273 of this title, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

(Pub. L. 92-207, §2, Dec. 18, 1971, 85 Stat. 739.)

§ 273b. Grazing privileges; right of occupancy or use for fixed term of years; renewal

Where any Federal lands included within the park are legally occupied or utilized on December 18, 1971, for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

(Pub. L. 92-207, §3, Dec. 18, 1971, 85 Stat. 740.)

RENEWAL OF CAPITOL REEF NATIONAL PARK GRAZING AUTHORIZATIONS

Pub. L. 100-446, title I, Sept. 27, 1988, 102 Stat. 1779, provided: "That where any Federal lands included within the boundary of the Park created by the Act of December 18, 1971 (Public Law 92-207) [16 U.S.C. 273 et seq.], were legally occupied or utilized on the date of approval of that Act [Dec. 18, 1971] for grazing purposes pursuant to a lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the person or persons so occupying or utilizing such lands and the heirs of such person or persons shall at that time be entitled to renew said leases, permits, or licenses under such terms and conditions as the Secretary of the Interior may prescribe, for the lifetime of the permittee or any direct descendants (sons or daughters) born on or before the enactment of Public Law 92-207 (December 18, 1971). Such grazing activities shall be subject to the following conditions:

"(a) Grazing will be based on active preference that exists on the date of this Act [Sept. 27, 1988] and no increase in animal unit months will be allowed on Park lands.

"(b) No physical improvements for stock use will be established on National Park Service lands without the written concurrence of the Park Superintendent.

"(c) Nothing in this section shall apply to any lease, permit, or license for mining purposes or for public accommodations and services or to any occupancy or utilization of lands for purely temporary purposes.

"(d) Nothing contained in this Act [see Tables for classification] shall be construed as creating any vested right, title interest, or estate in or to any Federal lands.

"(e) The provisions of Public Law 97-341 [formerly set out as a note below] are hereby repealed.

"(f) Grazing will be managed to encourage the protection of the Park's natural and cultural resources values."

STUDY OF GRAZING PHASEOUT AT CAPITOL REEF NATIONAL PARK

Pub. L. 97-341, Oct. 15, 1982, 96 Stat. 1639, provided for retention of Capitol Reef National Park grazing privileges until Dec. 31, 1994, and a study of grazing at the Park, prior to repeal by Pub. L. 100-446, title I, Sept. 27, 1988, 102 Stat. 1780.

§ 273c. Livestock trails, watering rights; driveway regulations

Nothing in this subchapter shall be construed as affecting in any way rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to December 18, 1971, to trail their herds on traditional courses used by them prior to December 18, 1971, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park: *Provided*, That the Secretary may promulgate reasonable regulations providing for the use of such driveways.

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

§ 273d. Administration, protection, and development

(a) Authority of Secretary

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

(b) Easements and rights-of-way

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

(c) Report by Secretary

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

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

REFERENCES IN TEXT

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

§ 273e. Omitted

CODIFICATION

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

§ 273f. Authorization of appropriations

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

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

AMENDMENTS

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

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

SUBCHAPTER XXXII—NEZ PERCE
NATIONAL HISTORICAL PARK

§ 281. Purpose

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

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

AMENDMENTS

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

SHORT TITLE OF 1992 AMENDMENT

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

§ 281a. Designation

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

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

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