

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.