

“(2) RESORT.—The term ‘resort’ means the Caneel Bay resort on the island of St. John in the Park.

“(3) RETAINED USE ESTATE.—The term ‘retained use estate’ means the retained use estate for the Caneel Bay property on the island of St. John entered into between the Jackson Hole Preserve and the United States on September 30, 1983 (as amended, assigned, and assumed).

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(b) LEASE AUTHORIZATION.—

“(1) IN GENERAL.—If the Secretary determines that the long-term benefit to the Park would be greater by entering into a lease with the owner of the retained use estate than by authorizing a concession contract upon the termination of the retained use estate, the Secretary may enter into a lease with the owner of the retained use estate for the operation and management of the resort.

“(2) ACQUISITIONS.—The Secretary may—

“(A) acquire associated property from the owner of the retained use estate; and

“(B) on the acquisition of property under subparagraph (A), administer the property as part of the Park.

“(3) AUTHORITY.—Except as otherwise provided by this section, a lease shall be in accordance with subsection (k) of section 3 of Public Law 91-383 ([former] 16 U.S.C. 1a-2(k)) [see 54 U.S.C. 102102], notwithstanding paragraph (2) of that subsection.

“(4) TERMS AND CONDITIONS.—A lease authorized under this section shall—

“(A) be for the minimum number of years practicable, taking into consideration the need for the lessee to secure financing for necessary capital improvements to the resort, but in no event shall the term of the lease exceed 40 years;

“(B) prohibit any transfer, assignment, or sale of the lease or otherwise convey or pledge any interest in the lease without prior written notification to, and approval by the Secretary;

“(C) ensure that the general character of the resort property remains unchanged, including a prohibition against—

“(i) any increase in the overall size of the resort; or

“(ii) any increase in the number of guest accommodations available at the resort;

“(D) prohibit the sale of partial ownership shares or timeshares in the resort;

“(E) include provisions to ensure the protection of the natural, cultural, and historic features of the resort and associated property, consistent with the laws and policies applicable to property managed by the National Park Service; and

“(F) include any other provisions determined by the Secretary to be necessary to protect the Park and the public interest.

“(5) RENTAL AMOUNTS.—In determining the fair market value rental of the lease required under section 3(k)(4) of Public Law 91-383 ([former] 16 U.S.C. 1a-2(k)(4)) [see 54 U.S.C. 102102], the Secretary shall take into consideration—

“(A) the value of any associated property conveyed to the United States; and

“(B) the value, if any, of the relinquished term of the retained use estate.

“(6) USE OF PROCEEDS.—Rental amounts paid to the United States under a lease shall be available to the Secretary, without further appropriation, for visitor services and resource protection within the Park.

“(7) CONGRESSIONAL NOTIFICATION.—The Secretary shall submit a proposed lease under this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives at least 60 days before the award of the lease.

“(8) RENEWAL.—A lease entered into under this section may not be extended or renewed.

“(9) TERMINATION.—Upon the termination of a lease entered into under this section, if the Secretary de-

termines the continuation of commercial services at the resort to be appropriate, the services shall be provided in accordance with the National Park Service Concessions Management Improvement Act of 1998 ([former] 16 U.S.C. 5951 et seq.) [enacting former sections 5951 to 5966 of this title, which were repealed and restated in sections 101911 et seq. and 101524 of Title 54, National Park Service and Related Programs, amending former sections 1a-7 and 3 of this title, repealing section 17b-1 and subchapter IV of chapter 1 of this title, and enacting provisions set out as notes under sections 100101, 101911, and 101912 of Title 54].

“(c) RETAINED USE ESTATE.—

“(1) IN GENERAL.—As a condition of the lease, the owner of the retained use estate shall terminate, extinguish, and relinquish to the Secretary all rights under the retained use estate and shall transfer, without consideration, ownership of improvements on the retained use estate to the National Park Service.

“(2) APPRAISAL.—

“(A) IN GENERAL.—The Secretary shall require an appraisal by an independent, qualified appraiser who is agreed to by the Secretary and the owner of the retained use estate to determine the value, if any, of the relinquished term of the retained use estate.

“(B) REQUIREMENTS.—An appraisal under paragraph (1) shall be conducted in accordance with—

“(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

“(ii) the Uniform Standards of Professional Appraisal Practice.”

§ 398e. Bathing and fishing rights protected

(a) Regulations

Nothing in sections 398c to 398f of this title shall be construed as authorizing any limitation on customary uses of or access to the areas specified in section 398c of this title for bathing and fishing (including setting out of fishpots and landing boats), subject to such regulations as the Secretary of the Interior may find reasonable and necessary for protection of natural conditions and prevention of damage to marine life and formations.

(b) Admission fee prohibited

Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed for entrance or admission into the Virgin Islands National Park.

(Pub. L. 87-750, §3, Oct. 5, 1962, 76 Stat. 747; Pub. L. 95-348, §7(b)(4), Aug. 18, 1978, 92 Stat. 495.)

AMENDMENTS

1978—Pub. L. 95-348 designated existing provisions as subsec. (a) and added subsec. (b).

§ 398f. Authorization of appropriations for acquisitions, grants, etc.

Effective October 1, 1978, there are authorized to be appropriated such sums as may be necessary for the acquisition of lands and interests in lands within the Virgin Islands National Park. For purposes of this section, acquisitions of land on Hassel Island shall be deemed to be acquisitions qualifying for payment under the provisions of paragraph (2) of the Act of June 10, 1977 (Public Law 95-42; 91 Stat. 210). In addition to such sums as may have heretofore been appropriated for development of public facilities within the Virgin Islands National Park, effective October 1, 1978, there are authorized to be

appropriated not more than \$1,000,000 for restoration and rehabilitation of historic structures and for development of public facilities on Hassel Island, and not more than \$500,000 as a grant to the Territory of the Virgin Islands for its use in furthering projects undertaken pursuant to the Land and Water Conservation Fund Act,¹ the Historic Preservation Act,¹ or other comparable programs upon the transfer of title to the United States of all properties held by the territory on Hassel Island.

(Pub. L. 87-750, § 4, Oct. 5, 1962, 76 Stat. 748; Pub. L. 93-477, title I, §101(10), Oct. 26, 1974, 88 Stat. 1445; Pub. L. 95-348, §7(b)(5), Aug. 18, 1978, 92 Stat. 495.)

REFERENCES IN TEXT

Paragraph (2) of the Act of June 10, 1977 (Public Law 95-42; 91 Stat. 210), referred to in text, amended former section 4607-7 of this title.

The Land and Water Conservation Fund Act, referred to in text, probably means the Land and Water Conservation Fund Act of 1965, Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, which was classified principally to part B (§ 4607-4 et seq.) of subchapter LXIX of chapter 1 of this title. Sections 2, 3, 4(i)(1)(C), (j) to (n), 5 to 10, and 201 of the Act were repealed and restated as sections 100506(c) and 100904 and chapter 2003 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. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Historic Preservation Act, referred to in text, probably means Pub. L. 89-665, Oct. 15, 1966, 80 Stat. 915, known as the National Historic Preservation Act, which was classified generally to subchapter II (§ 470 et seq.) of chapter 1A of this title. The Act, except for section 1, was repealed and restated in division A (§ 300101 et seq.) of subtitle III 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. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

AMENDMENTS

1978—Pub. L. 95-348 substituted provisions authorizing appropriations for acquisition of lands and interests in lands in the Park, provisions for acquisitions of land on Hassel Island, and provisions authorizing appropriations for restoration and rehabilitation of historic structures, etc., on Hassel Island and as a grant for the Territory, for provisions authorizing appropriations of not more than \$12,250,000 for acquisition of lands pursuant to section 398d of this title.

1974—Pub. L. 93-477 substituted “\$12,250,000” for “\$1,250,000”.

SUBCHAPTER XLV—BRYCE CANYON NATIONAL PARK

CHANGE OF NAME

Utah National Park changed to Bryce Canyon National Park, see section 402a of this title.

§ 401. Establishment; boundaries; administration

There is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the “Bryce Canyon National Park,” the tract of land in the

State of Utah particularly described by and included within metes and bounds, as follows, to wit:

Unsurveyed sections 31 and 32, township 36 south, range 3 west; surveyed section 36, township 36 south, range 4 west; north half, southwest quarter and west half of the southeast quarter of partially surveyed section 5; unsurveyed sections 6 and 7, west half, west half of the northeast quarter, and west half of the southeast quarter of partially surveyed section 8, partially surveyed section 17, and unsurveyed section 18, township 37 south, range 3 west; and unsurveyed sections 1, 12, and 13, township 37 south, range 4, all west of the Salt Lake meridian in the State of Utah. All the land within the exterior boundaries of the aforesaid tract shall first become the property of the United States. The administration, protection, and promotion of said Bryce Canyon National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916, entitled “An Act to establish a National Park Service, and for other purposes.”¹

(June 7, 1924, ch. 305, §§ 1, 2, 43 Stat. 593, 594; Feb. 25, 1928, ch. 102, § 1, 45 Stat. 147; May 12, 1928, ch. 533, § 1, 45 Stat. 502.)

REFERENCES IN TEXT

The Act of August 25, 1916, entitled “An Act to establish a National Park Service, and for other purposes.”, referred to in text, 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

The last sentence of this section is from section 2 of act June 7, 1924.

AMENDMENTS

1928—Act May 12, 1928, changed description of land in section 8 from “west half of the southwest quarter” to “west half of the southeast quarter”.

CHANGE OF NAME

“Utah National Park” changed to “Bryce Canyon National Park” by section 1 of act Feb. 25, 1928, classified to section 402a of this title.

§ 402. Existing claims, locations, or entries not affected; exchange of lands

Nothing herein contained shall affect any valid claim, location, or entry existing under the land laws of the United States prior to June 7, 1924, 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. The Secretary of the Interior

¹ See References in Text note below.

¹ See References in Text note below.