

with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (2) the grazing of livestock, where established prior to September 3, 1964, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

(5) Commercial services

Commercial services may be performed within the wilderness areas designated by this chapter to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

(6) State water laws exemption

Nothing in this chapter shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(7) State jurisdiction of wildlife and fish in national forests

Nothing in this chapter shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

(Pub. L. 88-577, § 4, Sept. 3, 1964, 78 Stat. 893; Pub. L. 95-495, § 4(b), Oct. 21, 1978, 92 Stat. 1650; Pub. L. 102-154, title I, Nov. 13, 1991, 105 Stat. 1000; Pub. L. 102-285, § 10(b), May 18, 1992, 106 Stat. 172; Pub. L. 113-287, § 5(d)(21), Dec. 19, 2014, 128 Stat. 3266.)

REFERENCES IN TEXT

Act of June 4, 1897, referred to in subsec. (a)(1), is act June 4, 1897, ch. 2, 30 Stat. 11, the Sundry Civil Appropriation Act for Fiscal Year 1898. For classification of that part of this Act classified to the Code, see Tables.

The Multiple-Use Sustained-Yield Act of 1960, referred to in subsec. (a)(1), is Pub. L. 86-517, June 12, 1960, 74 Stat. 215, as amended, which is classified generally to sections 528 to 531 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 528 of this title and Tables.

The Shipstead-Nolan Act, referred to in subsec. (a)(2), is act July 10, 1930, ch. 881, 46 Stat. 1020, which is classified to sections 577 to 577b of this title. For complete classification of this Act to the Code, see Short Title note set out under section 577 of this title and Tables.

The Thyse-Blatnik Act, referred to in subsec. (a)(2), is act June 22, 1948, ch. 593, 62 Stat. 568, as amended, which is classified to sections 577c, 577d, and 577e to 577h of this title. For complete classification of this Act to the Code, see Short Title note set out under section 577 of this title and Tables.

The Humphrey-Thyse-Blatnik-Andresen Act, referred to in subsec. (a)(2), is act June 22, 1956, ch. 425, 70 Stat. 326, as amended, which is classified to sections 577d-1, 577g-1, and 577h of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2014—Subsec. (a)(3). Pub. L. 113-287, § 5(d)(21)(B), which directed substitution of “section 796(2) of this title; and chapters 3201 and 3203 of title 54” for “the Act

of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 et seq); section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.)”, was executed by making the substitution for the same text as directed except with a period at the end of “432 et seq”, to reflect the probable intent of Congress.

Pub. L. 113-287, § 5(d)(21)(A), substituted “section 100101(b)(1), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54” for “sections 1, 2, 3, and 4 of this title”.

1978—Subsec. (d)(5) to (8). Pub. L. 95-495 redesignated pars. (6) to (8) as (5) to (7), respectively. Former par. (5), which related to the management of the Boundary Waters Canoe Area, Superior National Forest, Minnesota, was struck out.

CHANGE OF NAME

“United States Geological Survey” substituted for “Geological Survey” in subsec. (d)(2) pursuant to provision of title I of Pub. L. 102-154, set out as a note under section 31 of Title 43, Public Lands.

“United States Bureau of Mines” substituted for “Bureau of Mines” in subsec. (d)(2) pursuant to section 10(b) of Pub. L. 102-285, set out as a note under section 1 of Title 30, Mineral Lands and Mining. For provisions relating to closure and transfer of functions of the United States Bureau of Mines, see Transfer of Functions note set out under section 1 of Title 30.

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with system activities requiring coordination and approval under this chapter and such functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with this chapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(e), (f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

LIVESTOCK GRAZING IN NATIONAL FOREST WILDERNESS AREAS

Pub. L. 96-560, title I, § 108, Dec. 22, 1980, 94 Stat. 3271, provided that: “The Congress hereby declares that, without amending the Wilderness Act of 1964 [this chapter], with respect to livestock grazing in National Forest wilderness areas, the provisions of the Wilderness Act relating to grazing shall be interpreted and administered in accordance with the guidelines contained under the heading ‘Grazing in National Forest Wilderness’ in the House Committee Report (H. Report 96-617) accompanying this Act [Pub. L. 96-560].”

§ 1134. State and private lands within wilderness areas

(a) Access; exchange of lands; mineral interests restriction

In any case where State-owned or privately owned land is completely surrounded by na-

tional forest lands within areas designated by this chapter as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture: *Provided, however,* That the United States shall not transfer to a State or private owner any mineral interests unless the State or private owner relinquishes or causes to be relinquished to the United States the mineral interest in the surrounded land.

(b) Customary means for ingress and egress to wilderness areas subject to mining claims or other occupancies

In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

(c) Acquisition of lands

Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this chapter as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress.

(Pub. L. 88-577, § 5, Sept. 3, 1964, 78 Stat. 896.)

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with this chapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

§ 1135. Gifts, bequests, and contributions

(a) Acceptance by Secretary of Agriculture of land for preservation as wilderness; regulations

The Secretary of Agriculture may accept gifts or bequests of land within wilderness areas designated by this chapter for preservation as wilderness. The Secretary of Agriculture may also

accept gifts or bequests of land adjacent to wilderness areas designated by this chapter for preservation as wilderness if he has given sixty days advance notice thereof to the President of the Senate and the Speaker of the House of Representatives. Land accepted by the Secretary of Agriculture under this section shall be come part of the wilderness area involved. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this chapter, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

(b) Authorization to accept private contributions and gifts

The Secretary of Agriculture or the Secretary of the Interior is authorized to accept private contributions and gifts to be used to further the purposes of this chapter.

(Pub. L. 88-577, § 6, Sept. 3, 1964, 78 Stat. 896.)

§ 1136. Annual reports to Congress

At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system, including a list and descriptions of the areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make.

(Pub. L. 88-577, § 7, Sept. 3, 1964, 78 Stat. 896.)

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of this section relating to transmission to Congress of annual report on status of wilderness system, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and pages 48, 110, and 149 of House Document No. 103-7.

CHAPTER 24—CONSERVATION AND PROTECTION OF NORTH PACIFIC FUR SEALS

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