

27 lying between said abandoned railroad grade and the existing park boundary, containing one thousand three hundred and fifty acres, more or less, now held in private ownership, which lands upon acquisition shall be, and are, added to the park; and in exchange therefor the said Secretary is authorized to issue patent to the owner of said lands, for the Government lands described as follows: That part of the north half of northeast quarter lying south of abandoned railroad grade hereinbefore mentioned, north half of southwest quarter of northeast quarter, southwest quarter of southwest quarter of northeast quarter, southwest quarter, west half of northeast quarter of southeast quarter, and southwest quarter of southeast quarter of section 25, township 3 south, range 20 east; north half section 36, township 3 south, range 20 east; southwest quarter northeast quarter, south half northeast quarter northwest quarter, west half northwest quarter, southeast quarter northwest quarter, northwest quarter southeast quarter, and west half southwest quarter southeast quarter section 32, township 3 south, range 21 east; and northwest quarter section 5, township 4 south, range 21 east; containing one thousand and ten acres, more or less, which lands upon issuance of patent shall be, and are eliminated from said park.

(May 28, 1928, ch. 817, 45 Stat. 787.)

§ 47e. Purchase of private lands for park authorized

The Secretary of the Interior is authorized to acquire, by purchase when purchaseable¹ at prices deemed by him reasonable—otherwise by condemnation under the provisions of section 3113 of title 40, on behalf of the United States under any fund or moneys available for such purpose, on July 9, 1937, except from the general fund of the Treasury, any of the following-described lands in the State of California now in private ownership, to wit: Section 25, lots 3, 4, 5, 8, and 9, section 34, northeast quarter, southeast quarter of the northwest quarter, lots 1 to 10, inclusive, section 35, section 36, township 1 south, range 19 east; southeast quarter northwest quarter, east half southwest quarter, southeast quarter, lots 2, 3, and 4, section 30, section 31, township 1 south, range 20 east; sections 1, 2, and 3, east half section 10, sections 11 and 12, north half section 14, northeast quarter section 15, township 2 south, range 19 east; southeast quarter northwest quarter, east half southwest quarter, lots 3 to 7, inclusive, section 6, township 2 south, range 20 east, Mount Diablo meridian.

When title to the aforesaid privately owned lands has been vested in the United States, all of the lands described in this section shall be added to and become a part of the Yosemite National Park and shall be subject to all laws and regulations applicable thereto: *Provided*, That nothing in this section or section 47f of this title shall be construed to affect any valid existing rights.

(July 9, 1937, ch. 469, §§ 1, 2, 50 Stat. 485, 486.)

CODIFICATION

“Section 3113 of title 40” substituted in text for “the Act of August 1, 1888” on authority of Pub. L. 107-217,

¹ So in original.

§ 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

§ 47f. Inapplicability of certain laws to lands acquired under section 47e

The provisions of the Federal Power Act, as amended [16 U.S.C. 791a et seq.], shall not apply to any of the lands added to the Yosemite National Park pursuant to the provisions of section 47e of this title.

(July 9, 1937, ch. 469, § 3, 50 Stat. 486.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the “Act approved June 10, 1920, as amended, known as the Federal Water Power Act,” and was redesignated as 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.

§ 48. Yosemite Valley and Mariposa Big Tree Grove reserved and made part of Yosemite National Park

The tracts of land embracing the Yosemite Valley and the Mariposa Big Tree Grove, described as the “Cleft” or “Gorge” in the granite peak of the Sierra Nevada mountains, situated in the county of Mariposa, in the State of California, and the headwaters of the Merced River, and known as the Yosemite Valley, with its branches or spurs, in estimated length fifteen miles, and in average width one mile back from the main edge of the precipice, on each side of the valley, and the tracts embracing what is known as the “Mariposa Big Tree Grove”, not to exceed the area of four sections, and to be taken in legal subdivisions of one quarter section each, together with that part of fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, lying south of the South Fork of Merced River and almost wholly between the Mariposa Big Tree Grove and the south boundary of the Yosemite National Park, on June 11, 1906, are reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States and set apart as a national forest, subject to all the limitations, conditions, and provisions of sections 61, 471c and 471d of this title, as well as the limitations, conditions, and provisions of section 46 of this title, and shall hereafter form a part of the Yosemite National Park.

(June 30, 1864, ch. 184, §§ 1, 2, 13 Stat. 325; June 11, 1906, No. 27, § 1, 34 Stat. 831.)

§ 49. Rights of claimants and owners of lands included; laws and regulations applicable with-in park

None of the lands patented and in private ownership in the area included under sections 46 and 47 of this title in the Sierra National Forest shall have the privileges of the lieu-land scrip provisions of the land laws, but otherwise to be in all respects under the laws and regulations affecting the national forests. All laws, rules, and regulations affecting national forests, including

the right to change the boundaries thereof by Executive proclamation, shall take effect and be in force within the limits of the territory excluded by sections 46 and 47 of this title from the Yosemite National Park, except as otherwise provided.

(Feb. 7, 1905, ch. 547, § 2, 33 Stat. 703; June 11, 1906, No. 27, § 2, 34 Stat. 832; Mar. 4, 1907, ch. 2907, 34 Stat. 1269.)

CODIFICATION

“Sierra National Forest” and “national forests” substituted in text for “Sierra Forest Reserve” and for “forest reserves” and “forest reservations”, respectively, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

§ 50. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028

Section, Joint Res. June 11, 1906, No. 27, § 3, 34 Stat. 832, related to disposition of revenues from privileges.

§ 51. Yosemite National Park; exchange of privately owned lands in park

The Secretaries of the Departments of Interior and Agriculture, for the purpose of eliminating private holdings within the Yosemite National Park and to preserve intact timber along and adjoining the roads in the scenic portion of the park on patented lands, are empowered in their discretion to obtain and accept for the United States a complete title to any and all patented lands within the boundaries of said park by the exchange of timber or timber and lands within the Yosemite National Park and the Sierra and Stanislaus National Forests for such lands and the timber thereon within the park, necessary conveyances of park and national forest timber or timber and lands to be made by said secretaries, respectively. The secretaries of the said departments are authorized to acquire title in fee by the exchange of lands of the United States for patented lands not exceeding six hundred and forty acres in the Sierra and Stanislaus National Forests, adjacent and contiguous to the Yosemite National Park, and when such patented lands are thus acquired, said lands shall become a part of the Yosemite National Park and be subject to all the provisions of sections 55, 61, 471c and 471d of this title.

(Apr. 9, 1912, ch. 74, § 1, 37 Stat. 80; Apr. 16, 1914, ch. 58, 38 Stat. 345.)

§ 52. Values of lands and timber to be exchanged; lands added to park

The value of patented lands within the park offered in exchange, and the value of the timber on park lands proposed to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior may, in his discretion, direct, and all expenses incident to ascertaining such values shall be paid by the owners of said patented lands, and such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange, and if the value of the timber on park lands exceeds the value of the patented lands deeded to the Government in

the exchange such excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any of the timber is removed from the park, and shall be deposited and covered into the Treasury as miscellaneous receipts. The same course shall be pursued in relation to exchange for timber standing near public roads on patented lands for timber to be exchanged on park lands. The lands conveyed to the Government under section 51 of this title shall become a part of the Yosemite National Park.

(Apr. 9, 1912, ch. 74, § 2, 37 Stat. 80.)

§ 53. Cutting and removal of timber

All timber must be cut and removed from the Yosemite National Park under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park in consequence of the cutting and removal of the timber from the reservation shall be borne by the owners of the patented lands, and bond satisfactory to the Secretary of the Interior must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior.

(Apr. 9, 1912, ch. 74, § 3, 37 Stat. 81.)

§ 54. Sale of matured, dead, or down timber

The Secretary of the Interior may sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park, and the proceeds derived therefrom shall be deposited and covered into the Treasury as miscellaneous receipts.

(Apr. 9, 1912, ch. 74, § 4, 37 Stat. 81.)

§ 55. Leases of land in park; mortgages by lessees

The Secretary of the Interior is authorized and empowered to grant leases, for periods of not exceeding twenty years, at annual rentals, and under terms and conditions to be determined by him, to any person, corporation, or company he may authorize to transact business in the Yosemite National Park, for separate tracts of land, not exceeding twenty acres each, at such places, not to exceed ten in number, to any person, corporation, or company in said park, as the comfort and convenience of visitors may require, for the construction and maintenance of substantial hotel buildings and buildings for the protection of motor cars, stages, stock and equipment, and so forth. Such leases may, at the option of the Secretary of the Interior, contain appropriate provisions for the appraisalment, at the expiration of the lease, of the value of such hotel and other buildings (or portions thereof) as may be constructed by the lessees, respectively, and the payment of the same to the lessees in case a new lease be made to persons other than said lessees, such payments to be made by such new lessees, respectively.

Any person or corporation or company holding a lease or leases within said park for the purposes above described is authorized, with the approval of the Secretary of the Interior, to execute mortgages upon his or its rights and properties, including his or its contract or contracts