

**§ 63. Transportation of birds, animals, or fish; violations of statute or rules or regulations for management, care, and preservation of parks; damage or spoliation; punishment**

Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of sections 57, 58, and 60 to 65 of this title, and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of said sections, or any rule or regulation that may be promulgated by the Secretary of the Interior, with reference to the management and care of the said parks, or either of them, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits, other than those legally located prior to the passage of the respective Acts creating and establishing said parks, natural curiosities, or wonderful objects within said parks, or either of them, or for the protection of the animals, birds, or fish in the said parks, or either of them, or who shall within said parks commit any damage, injury, spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to the passage of the respective Acts creating and establishing said parks, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be subject to the penalty provided for the violation of rules and regulations of the Secretary of the Interior authorized by section 3 of the Act of Congress approved August 25, 1916 (Thirty-ninth Statutes, page 535), entitled "An Act to establish a National Park Service, and for other purposes".<sup>1</sup>

(June 2, 1920, ch. 218, § 5, 41 Stat. 732.)

REFERENCES IN TEXT

Section 3 of the Act of Congress approved August 25, 1916 (Thirty-ninth Statutes, page 535), entitled "An Act to establish a National Park Service, and for other purposes", referred to in text, is section 3 of act Aug. 25, 1916, ch. 408, 39 Stat. 535, which enacted section 3 of this title. Section 3 of the Act was repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and sections 100751(a), 100752, 100753, and 102101 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§ 3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272.

**§ 64. Sale or disposal of timber; destruction of detrimental animal or plant life**

Nothing in sections 57, 58, and 60 to 65 of this title shall be construed as repealing or in any way modifying the authority granted the Secretary of the Interior by said section 3 of the said Act approved August 25, 1916,<sup>1</sup> to sell or dispose of timber in national parks in those cases where, in his judgment, the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery of the natural or historic objects in such parks and to provide for the destruction of such

<sup>1</sup> See References in Text note below.

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animals and such plant<sup>2</sup> life as may be detrimental to the use of any of said parks, or the authority granted to said Secretary by sections 51 to 54 of this title.

(June 2, 1920, ch. 218, § 5, 41 Stat. 732.)

REFERENCES IN TEXT

Said section 3 of the said Act approved August 25, 1916, referred to in text, is section 3 of act Aug. 25, 1916, ch. 408, 39 Stat. 535, which enacted section 3 of this title. Section 3 of the Act was repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and sections 100751(a), 100752, 100753, and 102101 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§ 3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272.

**§ 65. Seizure and forfeiture of guns, traps, teams, horses, etc.**

All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of said parks, or either of them, when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals, shall be forfeited to the United States and may be seized by the officers in said parks, or either of them, and held pending prosecution of any person or persons arrested under the charge of violating the provisions of sections 57, 58, and 60 to 65 of this title, and upon conviction such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed therein. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

(June 2, 1920, ch. 218, § 6, 41 Stat. 733.)

**§§ 66 to 77. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948**

Section 66, acts June 2, 1920, ch. 218, §§ 7, 8, 41 Stat. 733; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43, related to appointment and jurisdiction of commissioners. See provisions covering United States magistrate judges in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 67, act June 2, 1920, ch. 218, §§ 7, 8, 41 Stat. 733, related to power of commissioners [now magistrate judges] to make arrests.

Section 68, act June 2, 1920, ch. 218, §§ 7, 8, 41 Stat. 733, related to appeal from conviction by commissioner [now magistrate judge].

Section 69, act June 2, 1920, ch. 218, § 11, 41 Stat. 734, related to residence of commissioners [now magistrate judges].

Section 70, act June 2, 1920, ch. 218, § 9, 41 Stat. 734, related to arrests for certain offenses. See sections 3041 and 3141 of Title 18, Crimes and Criminal Procedure, and rules 4, 5(c), and 9 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 71, acts June 2, 1920, ch. 218, § 10, 41 Stat. 734; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43, related to service of process. See rule 4 of Federal Rules of Criminal Procedure, Title 18, Appendix, and section 3053 of title 18.

Section 72, acts June 2, 1920, ch. 218, § 11, 41 Stat. 734; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43, related to commissioners' salaries. See section 634 of Title 28, Judiciary and Judicial Procedure.

Section 73, act June 2, 1920, ch. 218, § 11, 41 Stat. 734, related to fees and costs.

Section 74, act June 2, 1920, ch. 218, § 13, 41 Stat. 734, related to disposition of fines and costs.

<sup>2</sup> So in original. Probably should be "plant".

Section 75, act June 2, 1920, ch. 218, § 12, 41 Stat. 734, related to payment of fees, costs, and expenses chargeable to the United States.

Section 76, act June 2, 1920, ch. 218, § 2, 41 Stat. 731, related to inclusion of Yosemite National Park within judicial district. See section 84 of Title 28, Judiciary and Judicial Procedure.

Section 77, acts June 2, 1920, ch. 218, § 3, 41 Stat. 731; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43, related to inclusion of Sequoia National Park within a judicial district. See section 84 of Title 28.

#### § 78. Detail of troops to Sequoia, Yosemite, and General Grant Parks

The Secretary of the Army, upon the request of the Secretary of the Interior, is authorized and directed to make the necessary detail of troops to prevent trespassers or intruders from entering the Sequoia National Park, the Yosemite National Park, and the General Grant National Park, respectively, in California, for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law or regulation for the government of said reservations, and to remove such persons from said parks if found therein.

(June 6, 1900, ch. 791, § 1, 31 Stat. 618; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

##### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

##### GENERAL GRANT NATIONAL PARK ABOLISHED

Act Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43, set out as section 80a of this title, abolished the General Grant National Park and added the lands to the Kings Canyon National Park as the General Grant grove section.

#### § 79. Omitted

##### CODIFICATION

Section, act Feb. 15, 1901, ch. 372, 31 Stat. 790; Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793; Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272, which authorized the Secretary of the Interior to permit the use of rights-of-way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant National Parks, California, for various public utility purposes, was omitted in view of the repeal of its provisions by Pub. L. 94-579 as they relate to public lands and lands in the National Forest System and by Pub. L. 113-287 as they relate to National Park System units. See section 100902(a) of Title 54, National Park Service and Related Programs. Act Feb. 15, 1901, is also classified to section 959 of Title 43, Public Lands, and was also classified to section 522 of this title prior to its omission from the Code. Section was formerly classified to section 419 of this title.

#### § 79-1. Yosemite National Park; expansion of reservoir capacity

Notwithstanding any other provision of law, no Federal lands may be used for the expansion of the capacity of any reservoir which is located within the boundaries of Yosemite National Park unless Congress enacts specific statutory

authorization after October 31, 1988, for such expansion.

(Pub. L. 100-563, § 6, Oct. 31, 1988, 102 Stat. 2830.)

#### SUBCHAPTER VII—REDWOOD NATIONAL PARK

#### § 79a. Establishment; statement of purposes

In order to preserve significant examples of the primeval coastal redwood (*Sequoia sempervirens*) forests and the streams and seashores with which they are associated for purposes of public inspiration, enjoyment, and scientific study, there is hereby established a Redwood National Park in Del Norte and Humboldt Counties, California.

(Pub. L. 90-545, § 1, Oct. 2, 1968, 82 Stat. 931.)

##### SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109-131, title III, § 301, Dec. 20, 2005, 119 Stat. 2569, provided that: "This title [amending section 79b of this title] may be cited as the 'Redwood National Park Boundary Adjustment Act of 2005'."

##### THOMAS H. KUCHEL VISITOR CENTER

Pub. L. 105-277, div. A, § 101(e) [title I, § 146], Oct. 21, 1998, 112 Stat. 2681-231, 2681-267, provided that: "The Redwood Information Center located at 119231 Highway 101 in Orick, California is hereby named the 'Thomas H. Kuchel Visitor Center' and shall be referred to in any law, document or record of the United States as the 'Thomas H. Kuchel Visitor Center'."

#### § 79b. Park area

##### (a) Boundaries; maps; maximum acreage

(1) The Redwood National Park consists of the land generally depicted on the map entitled "Redwood National Park, Revised Boundary", numbered 167/60502, and dated February, 2003.

(2) The map referred to in paragraph (1) shall be—

(A) on file and available for public inspection in the appropriate offices of the National Park Service; and

(B) provided by the Secretary of the Interior to the appropriate officers of Del Norte and Humboldt Counties, California.

(3) The Secretary;<sup>1</sup> of the Interior (hereinafter referred to as the "Secretary") may from time to time, with a view to carrying out the purpose of this subchapter and with particular attention to minimizing siltation of the streams, damage to the timber, and assuring the preservation of the scenery within the boundaries of the national park as depicted on said maps, modify said boundaries, giving notice of any changes involved therein by publication of a revised drawing or boundary description in the Federal Register and by filing said revision with the officers with whom the original maps were filed, but the acreage within said park shall at no time exceed 133,000 acres, exclusive of submerged lands and publicly owned highways and roads.

##### (b) Highways and roads

The Secretary is authorized to acquire all or part of existing publicly owned highways and roads within the boundaries of the park as he

<sup>1</sup> So in original. The semicolon probably should not appear.