

**§ 349. Rights-of-way**

Whenever consistent with the primary purposes of Denali National Park, the Act of February fifteenth, nineteen hundred and one,<sup>1</sup> applicable to the location of rights of way in certain national parks and national forests for irrigation and other purposes, shall be and remain applicable to the lands included within the park.

(Feb. 26, 1917, ch. 121, §3, 39 Stat. 938; Pub. L. 96-487, title II, §202(3)(a), Dec. 2, 1980, 94 Stat. 2382.)

## REFERENCES IN TEXT

The Act of February fifteenth, nineteen hundred and one, referred to in text, is act Feb. 15, 1901, ch. 372, 31 Stat. 790, which is classified to section 959 of Title 43, Public Lands. The Act, insofar as it related to National Park System units, was repealed and restated as section 100902(a) of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 7, Dec. 19, 2014, 128 Stat. 3094, 3272.

## CHANGE OF NAME

“Denali National Park” substituted in text for “Mount McKinley National Park” pursuant to Pub. L. 96-487, §202(3)(a), which is classified to section 410hh-1(3)(a) of this title and which added lands to the park, established additional land as the Denali National Preserve, and redesignated the whole as the Denali National Park and Preserve.

**§ 350. Repealed. Pub. L. 94-429, §3(b), Sept. 28, 1976, 90 Stat. 1342**

Section, act Feb. 26, 1917, ch. 121, §4, 39 Stat. 938, provided that nothing in sections 347 to 349, 351 to 353, and 354 of this title was to affect the mineral land laws applicable to lands in the park prior to Feb. 26, 1917.

## MINING RIGHTS EXISTING PRIOR TO SEPTEMBER 28, 1976

Section 3 of Pub. L. 94-429 provided in part that this section was repealed in order to close area to entry and location under the Mining Law of 1872, subject to valid existing rights.

**§ 350a. Repealed. Pub. L. 94-429, §3(c), Sept. 28, 1976, 90 Stat. 1342**

Section, act Jan. 26, 1931, ch. 47, §2, 46 Stat. 1043, provided that the Secretary of the Interior had the authority to prescribe regulations for the surface use of any mineral land locations within the boundaries of the park.

## MINING RIGHTS EXISTING PRIOR TO SEPTEMBER 28, 1976

Section 3 of Pub. L. 94-429 provided in part that this section was repealed in order to close area to entry and location under the Mining Law of 1872, subject to valid existing rights.

**§ 351. Control; rules and regulations**

Denali National Park shall be under the executive control of the Secretary of the Interior, and it shall be the duty of the said executive authority, as soon as practicable, to make and publish such rules and regulations not inconsistent with the laws of the United States as the said authority may deem necessary or proper for the care, protection, management, and improvement of the same, the said regulations being primarily aimed at the freest use of the said park for recreation purposes by the public and for the

preservation of animals, birds, and fish and for the preservation of the natural curiosities and scenic beauties thereof.

(Feb. 26, 1917, ch. 121, §5, 39 Stat. 938; Pub. L. 96-487, title II, §202(3)(a), Dec. 2, 1980, 94 Stat. 2382.)

## CHANGE OF NAME

“Denali National Park” substituted in text for “Mount McKinley National Park” pursuant to Pub. L. 96-487, §202(3)(a), which is classified to section 410hh-1(3)(a) of this title and which added lands to the park, established additional land as the Denali National Preserve, and redesignated the whole as the Denali National Park and Preserve.

**§ 352. Game refuge; killing game**

The said park is established as a game refuge, and no person shall kill any game in said park except under an order from the Secretary of the Interior for the protection of persons or to protect or prevent the extermination of other animals or birds.

(Feb. 26, 1917, ch. 121, §6, 39 Stat. 939; May 21, 1928, ch. 654, §2, 45 Stat. 622.)

## AMENDMENTS

1928—Act May 21, 1928, struck out provision that prospectors and miners could kill game or birds needed for actual necessities when short of food.

**§ 353. Leases**

The Secretary of the Interior may, in his discretion, execute leases to parcels of ground not exceeding twenty acres in extent for periods not to exceed twenty years whenever such ground is necessary for the erection of establishments for the accommodation of visitors; may grant such other necessary privileges and concessions as he deems wise for the accommodation of visitors; and may likewise arrange for the removal of such mature or dead or down timber as he may deem necessary and advisable for the protection and improvement of the park.

(Feb. 26, 1917, ch. 121, §7, 39 Stat. 939; May 21, 1928, ch. 654, §1, 45 Stat. 622.)

## AMENDMENTS

1928—Act May 21, 1928, repealed provision that no appropriation for the maintenance of the park in excess of \$10,000 annually should be made unless expressly authorized by law.

**§ 353a. Repealed. Pub. L. 97-468, title VI, § 615(a)(1), Jan. 14, 1983, 96 Stat. 2577**

Section, act Mar. 12, 1914, ch. 37, §1, as added Mar. 29, 1940, ch. 74, 54 Stat. 80; Dec. 2, 1980, Pub. L. 96-487, title II, §202(3)(a), 94 Stat. 2382, authorized appropriation of not to exceed \$30,000 for construction and operation of facilities for visitors and residents to Denali National Park in Alaska.

## EFFECTIVE DATE OF REPEAL

Repeal effective on date of transfer of Alaska Railroad to the State [Jan. 5, 1985], pursuant to section 1203 of Title 45, Railroads, see section 615(a) of Pub. L. 97-468.

**§ 354. Offenses; punishment**

Any person found guilty of violating any of the provisions of this subchapter shall be

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

deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than \$500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

(Feb. 26, 1917, ch. 121, § 8, 39 Stat. 939.)

### § 355. Change of boundaries

The boundary of the Denali National Park is changed so as to read as follows:

Beginning at the summit of a hill between the Toklat River and the Clearwater Fork of that river at an approximate latitude of sixty-three degrees forty-seven minutes forty-five seconds, longitude one hundred and fifty degrees seventeen minutes forty seconds, which is intended to be same point of beginning of the boundary description as contained in section 347 of this title; thence southerly along the summit of the ridge between Toklat River and the Clearwater Fork of said river and across Stony Creek at its confluence with the said Clearwater Fork to the summit of the ridge between Stony Creek and the Clearwater Fork of the Toklat River, thence following the summit of said ridge and the summit of the ridge between the tributaries of said Clearwater Fork, the headwaters of the North Fork of Moose Creek and Boundary Creek to the intersection with the present boundary of Denali National Park at approximate latitude of sixty-three degrees thirty-two minutes forty-five seconds, longitude one hundred and fifty degrees twenty-four minutes forty-five seconds; thence southwesterly fourteen and three-tenths miles, more or less, to a point one-half mile north of Wonder Lake on the stream flowing out of Wonder Lake into Moose Creek; thence south sixty-eight degrees west forty-three and five-tenths miles, more or less, to the point of intersection with the southwest boundary extended; thence southeasterly thirty-three miles, more or less, to the summit of Mount Russell; thence in a northeasterly direction following the present south boundary approximately eighty-eight miles to Windy Creek at approximate latitude sixty-three degrees twenty-five minutes forty-five seconds, longitude one hundred and forty-nine degrees one minute thirty-five seconds; thence easterly following the north bank of Windy Creek to the western boundary of The Alaska Railroad right-of-way; thence northerly following the west boundary of The Alaska Railroad right-of-way to a point due east of the present north boundary of the park as extended due east; thence due west following the present north boundary of the park to the summit of the ridge between Toklat River and the Clearwater Fork of said river; thence southerly following the summit of said ridge to the place of beginning: *Provided, however,* That such isolated tracts of land lying east of The Alaska Railroad right-of-way and the west bank of the Nenana River between the north bank of Windy Creek and the north park boundary as extended eastward are also included in said park: *Provided further,* That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, 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. (Mar. 19, 1932, ch. 88, § 1, 47 Stat. 68; Pub. L. 96-487, title II, § 202(3)(a), Dec. 2, 1980, 94 Stat. 2382.)

#### REFERENCES IN TEXT

The land laws of the United States, referred to in text, are classified generally to Title 43, Public Lands.

#### CODIFICATION

Section was not enacted as part of act Feb. 26, 1917, ch. 121, 39 Stat. 938, which comprises this subchapter.

#### CHANGE OF NAME

“Denali National Park” substituted in text for “Mount McKinley National Park” pursuant to Pub. L. 96-487, § 202(3)(a), which is classified to section 410hh-1(3)(a) of this title and which added lands to the park, established additional land as the Denali National Preserve, and redesignated the whole as the Denali National Park and Preserve.

### § 355a. Laws applicable to added lands

The provisions of the Act of August 25, 1916, entitled “An Act to establish a national park service, and for other purposes,”<sup>1</sup> and the Act of February 26, 1917, entitled “An Act to establish the Mount McKinley National Park, in the Territory of Alaska,” [16 U.S.C. 347 et seq.] together with all Acts supplementary to and amendatory of said Acts are made applicable to and extended over the lands added to the park by section 355 of this title.

(Mar. 19, 1932, ch. 88, § 2, 47 Stat. 69.)

#### 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.

The Act of February 26, 1917, entitled “An Act to establish the Mount McKinley National Park, in the Territory of Alaska,” referred to in text, is act Feb. 26, 1917, ch. 121, 39 Stat. 938, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Tables.

Section 355 of this title, referred to in text, was in the original referred to by the word “hereby”, meaning section 1 of act Mar. 19, 1932, ch. 88, 47 Stat. 68, which is classified to section 355 of this title.

#### CODIFICATION

Section was not enacted as part of act Feb. 26, 1917, ch. 121, 39 Stat. 938, which comprises this subchapter.

## SUBCHAPTER XL—HOT SPRINGS NATIONAL PARK

#### CHANGE OF NAME

“Hot Springs Reservation” changed to “Hot Springs National Park” by act Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.

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