

of the Middle and Marble Forks of the Kaweah River to Kettle Peak (United States Geological Survey altitude ten thousand and thirty-eight feet); thence westerly and southwesterly along the crest of the main hydrographic divide next north of Clover Creek and Dorst Creek to the Junction of Stony Creek and Dorst Creek; thence following the west bank of the North Fork Kaweah River to its junction with Cactus Creek; thence easterly along the first hydrographic divide south of Cactus Creek to its intersection with the present west boundary of Sequoia National Park, being the west line of township 16 south, range 29 east; thence southerly along said west boundary to the southwest corner of said township; thence easterly along the present boundary of Sequoia National Park, being the north line of township 17 south, range 29 east, to the northeast corner of said township; thence southerly along the present boundary of Sequoia National Park, being the west lines of townships 17 and 18 south, range 30 east, to the place of beginning; and all of those lands lying within the boundary line above described are included in and made a part of the Roosevelt-Sequoia National Park; and all of those lands excluded from the present Sequoia National Park are included in and made a part of the Sequoia National Forest, subject to all laws and regulations applicable to the national forests.

(July 3, 1926, ch. 744, §1, 44 Stat. 818.)

#### EXCLUSION AND ADDITION OF LANDS

Certain lands excluded from Kings Canyon National Park and added to Sequoia National Forest, see section 80a-1 of this title.

Certain lands excluded from Sequoia National Forest and added to Kings Canyon National Park, see section 80a-2 of this title.

#### § 45a-1. Addition of lands authorized

The Secretary of the Interior is authorized, in his discretion, to accept title to lands and interests in lands near the entrance to the Sequoia National Park, subject to existing easements for public highways and public utilities, within the following described tracts:

Tract A. A portion of tract 37, township 17 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately two acres.

Tract B. A portion of the east half of the northeast quarter of section 4, township 17 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately thirty-eight acres.

Tract C. A portion of the south half of tract 37, township 17 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately sixty one-hundredths acre.

The owners of the lands to be conveyed to the United States, before any exchange is effective, shall furnish to the Secretary of the Interior evidence satisfactory to him of title to such lands. Such property shall become a part of the Sequoia National Park upon the acceptance of title thereto by the Secretary, and shall thereafter be subject to all laws and regulations applicable to the park.

(Dec. 21, 1943, ch. 372, §1, 57 Stat. 606.)

#### ELECTRIC POWER DEVELOPMENT PERMITS

Pub. L. 99-338, June 19, 1986, 100 Stat. 641, as amended by Pub. L. 103-437, §6(d)(4), Nov. 2, 1994, 108 Stat. 4583; Pub. L. 108-447, div. E, title I, §139(c), Dec. 8, 2004, 118 Stat. 3069, provided: "That the Secretary of the Interior is hereby authorized to issue a permit for ten years, and may issue not more than 3 renewals of equivalent duration, for portions of an existing hydroelectric project, known as the Kaweah Project of Southern California Edison Company, to continue to occupy and use lands of the United States within Sequoia National Park as necessary for continued operation and maintenance.

"SEC. 2. The Secretary shall not execute any permit renewal prior to one hundred and twenty calendar days from the date the same is submitted to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Natural Resources of the United States House of Representatives.

"SEC. 3. The permit shall contain the following provisions:

"(1) A prohibition on expansion of the Kaweah Project in Sequoia National Park.

"(2) A requirement that an independent safety assessment of the Kaweah Project be conducted, and that any deficiencies identified as a result of the assessment would be corrected.

"(3) A requirement that the Secretary prepare and submit to Congress an update of the July 1983 report on the impact of the operations of the Kaweah No. 3 facility on Sequoia National Park.

"(4) A requirement that the permittee pay the park compensation as determined by the Secretary in consultation with the permittee.

"(5) Any other reasonable terms and conditions that the Secretary of the Interior deems necessary and proper for the management and care of Sequoia National Park and the purposes for which it was established.

"SEC. 4. The proceeds from any fees imposed pursuant to a permit issued under this Act shall be retained by Sequoia National Park and Kings Canyon National Park and shall be available, without further appropriation, for resources protection, maintenance, and other park operational needs."

Pub. L. 93-522, Dec. 14, 1974, 88 Stat. 1660, as amended by Pub. L. 95-625, title III, §314(d)(3), Nov. 10, 1978, 92 Stat. 3482, authorized Secretary of the Interior to issue a permit to occupy and use lands of United States within Sequoia National Park necessary for continued operation, maintenance, and use of hydroelectric project known as the Kaweah Number 3 project of Southern California Edison Company, provided that in no event could the term of such permit extend for any period in excess of ten years following the date of its issuance, unless specifically authorized by law, provided for terms and conditions of permit, required report on impact of hydroelectric project, and provided for applicability of the Act.

Pub. L. 88-47, June 21, 1963, 77 Stat. 70, authorized Secretary of the Interior to issue a permit to use and occupy United States lands within Sequoia National Park necessary for continued operation, maintenance, and use of the Kaweah number 3 hydroelectric project of Southern California Edison Company, which by its terms was to provide that any privileges granted thereunder were to be exercised in accord with Federal Power Act (16 U.S.C. 791a et seq.) and rules and regulations promulgated thereunder, and which was to expire no later than Aug. 6, 1974.

Act Dec. 21, 1943, ch. 372, §3, 57 Stat. 606, provided as follows: "Nothing in this Act [sections 45a-1 and 45a-2 of this title] shall be construed to alter or affect in any manner the provisions, or extend the term, of the permit heretofore granted to the Southern California Edison Company and predecessors thereof for the use of lands in the Sequoia National Park for electric power development purposes, or to relieve the company of any financial or other obligation under said permit, or

under agreements or orders relating or supplementary thereto.”

**§ 45a-2. Exchange of certain lands for lands conveyed to United States**

In exchange for the conveyance to the United States of tract A, as provided in section 45a-1 of this title, the Secretary is authorized, in his discretion, to patent to the owner of tract A, subject to such terms and conditions as the Secretary may deem necessary, certain lands of approximately equal value described as follows:

Tract D. A portion of the southeast quarter of section 33, township 16 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately two and fifty one-hundredths acres.

In exchange for the conveyance to the United States of tracts B and C, as provided in section 45a-1 of this title, the Secretary is authorized to patent, in a similar manner, to the owner of tracts B and C certain lands of approximately equal value described as follows:

Tract E. The southwest quarter of the northwest quarter of section 4, which shall be subject to section 818 of this title; the south half of the northeast quarter of section 5; and approximately sixty-eight acres of the north half of the southeast quarter of section 5, which shall not include the surveyed two-hundred-foot strip as shown on map “D” of exhibit “K”, entitled “Detailed Map of Kaweah Project of the Southern California Edison Company, Ltd.”, and filed in the office of the Federal Power Commission on December 12, 1923; all of said lands in tract E being situated in township 17 south, range 29 east, Mount Diablo meridian, comprising approximately one hundred and eighty-eight acres. (Dec. 21, 1943, ch. 372, § 2, 57 Stat. 606.)

**§ 45a-3. Repealed. Pub. L. 95-625, title III, § 314(g), Nov. 10, 1978, 92 Stat. 3483**

Section, Pub. L. 85-648, Aug. 14, 1958, 72 Stat. 604, authorized addition of certain lands to the Sequoia National Game Refuge and exclusion of such lands from the Sequoia National Park. See section 45f(b)(2) of this title.

**EFFECTIVE DATE OF REPEAL**

Repeal effective on transfer of abolished Sequoia National Game Refuge by Secretary of Agriculture to administrative jurisdiction of the Secretary of the Interior under section 45f(b)(2) of this title, see section 314(g) of Pub. L. 95-625, set out as an Effective Date of Repeal note under section 688 of this title.

**§ 45b. Rules and regulations; leases; fish and game**

The said park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such reasonable rules and regulations, not inconsistent with the laws of the United States, as he may deem necessary or proper for the care, protection, management, and improvement of the same, such regulations being primarily aimed at the freest use of said park for recreation purposes by the public and for the preservation from injury or spoliation of all timber, natural curiosities, or wonders within said park and their retention in their natural

condition as far as practicable, and for the preservation of said park in a state of nature so far as is consistent with the purposes of this Act. Such rules and regulations shall permit the taking of fish by hook and line from the streams or lakes in said park, but at such seasons, during such times, and in such manner as may be directed by the Secretary of the Interior. Such rules and regulations, however, shall provide against the destruction of the wild life within said park, and the Secretary of the Interior is authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this Act. Said Secretary may, in his discretion, execute leases to parcels of ground not exceeding ten acres in extent at any one place to any one person or persons or company for not to exceed twenty years, when such ground is necessary for the erection of buildings for the accommodation of visitors. Such leases or privileges may be renewed or extended at the expiration of the terms thereof: *Provided*, That existing leases from the Department of Agriculture may be continued, in the discretion of the Secretary of the Interior, for so long as such extension is not detrimental to the public purposes for which the park is created.

(July 3, 1926, ch. 744, § 2, 44 Stat. 820.)

**REFERENCES IN TEXT**

This Act, referred to in text, is act July 3, 1926, which is classified to sections 45a, 45b to 45e, and 688 of this title. For complete classification of this Act to the Code, see Tables.

**§ 45c. Prior claims, locations, and entries; permits for use of natural resources**

Nothing herein contained shall affect any valid existing claim, location, or entry established prior to July 3, 1926, 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: *Provided*, That under rules and regulations to be prescribed by him the Secretary of the Interior may issue permits to any bona fide claimant, entryman, landowner, or lessee of land within the boundaries herein established to secure timber for use on and for the improvement of his land; and he shall also have authority to issue, under rules and regulations to be prescribed by him, grazing permits and authorize the grazing of livestock on the lands within said park at fees not to exceed those charged by the Forest Service on adjacent areas, so long as such timber cutting and grazing are not detrimental to the primary purpose for which such park is created: *Provided*, That no permit, license, lease, or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utilization of power within the limits of said park as constituted by said sections, shall be granted or made without specific authority of Congress.

(July 3, 1926, ch. 744, § 3, 44 Stat. 820.)

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