

thereof, may be acquired only with the approval of such State or political subdivision.

(Pub. L. 92-207, § 2, Dec. 18, 1971, 85 Stat. 739.)

§ 273b. Grazing privileges; right of occupancy or use for fixed term of years; renewal

Where any Federal lands included within the park are legally occupied or utilized on December 18, 1971, for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

(Pub. L. 92-207, § 3, Dec. 18, 1971, 85 Stat. 740.)

Statutory Notes and Related Subsidiaries

RENEWAL OF CAPITOL REEF NATIONAL PARK GRAZING AUTHORIZATIONS

Pub. L. 100-446, title I, Sept. 27, 1988, 102 Stat. 1779, provided: "That where any Federal lands included within the boundary of the Park created by the Act of December 18, 1971 (Public Law 92-207) [16 U.S.C. 273 et seq.], were legally occupied or utilized on the date of approval of that Act [Dec. 18, 1971] for grazing purposes pursuant to a lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the person or persons so occupying or utilizing such lands and the heirs of such person or persons shall at that time be entitled to renew said leases, permits, or licenses under such terms and conditions as the Secretary of the Interior may prescribe, for the lifetime of the permittee or any direct descendants (sons or daughters) born on or before the enactment of Public Law 92-207 (December 18, 1971). Such grazing activities shall be subject to the following conditions:

"(a) Grazing will be based on active preference that exists on the date of this Act [Sept. 27, 1988] and no increase in animal unit months will be allowed on Park lands.

"(b) No physical improvements for stock use will be established on National Park Service lands without the written concurrence of the Park Superintendent.

"(c) Nothing in this section shall apply to any lease, permit, or license for mining purposes or for public accommodations and services or to any occupancy or utilization of lands for purely temporary purposes.

"(d) Nothing contained in this Act [see Tables for classification] shall be construed as creating any vested right, title interest, or estate in or to any Federal lands.

"(e) The provisions of Public Law 97-341 [formerly set out as a note below] are hereby repealed.

"(f) Grazing will be managed to encourage the protection of the Park's natural and cultural resources values."

STUDY OF GRAZING PHASEOUT AT CAPITOL REEF NATIONAL PARK

Pub. L. 97-341, Oct. 15, 1982, 96 Stat. 1639, provided for retention of Capitol Reef National Park grazing privileges until Dec. 31, 1994, and a study of grazing at the Park, prior to repeal by Pub. L. 100-446, title I, Sept. 27, 1988, 102 Stat. 1780.

§ 273c. Livestock trails, watering rights; drive-way regulations

Nothing in this subchapter shall be construed as affecting in any way rights of owners and operators of cattle and sheep herds, existing on the

date immediately prior to December 18, 1971, to trail their herds on traditional courses used by them prior to December 18, 1971, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park: *Provided*, That the Secretary may promulgate reasonable regulations providing for the use of such driveways.

(Pub. L. 92-207, § 4, Dec. 18, 1971, 85 Stat. 740.)

§ 273d. Administration, protection, and development

(a) Authority of Secretary

The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535) as amended and supplemented (16 U.S.C. 1-4).¹

(b) Easements and rights-of-way

The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the park area unless he finds that the route of such easements and rights-of-way would have significant adverse effects on the administration of the park.

(c) Report by Secretary

Within three years from December 18, 1971, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act [16 U.S.C. 1132 (c) and (d)], his recommendations as to the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be in accordance with said Wilderness Act [16 U.S.C. 1131 et seq.].

(Pub. L. 92-207, § 5, Dec. 18, 1971, 85 Stat. 740.)

Editorial Notes

REFERENCES IN TEXT

The Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535) as amended and supplemented (16 U.S.C. 1-4), referred to in subsec. (a), 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 Wilderness Act, referred to in subsec. (c), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§ 1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

¹ See References in Text note below.