

**§ 679. Patents to State of South Dakota of certain lands in Custer State Park; reservation of coal, oil, gas, and other mineral rights**

The Secretary of the Interior is authorized and directed to issue to the State of South Dakota patents conveying title, but reserving the minerals therein, to any unpatented lands of the United States held or claimed by virtue of locations made prior to March 3, 1925, under the United States general mining laws, within the Custer State Park, not exceeding a total of two thousand acres, upon payment to the United States of \$1.25 per acre therefor, and upon evidence being furnished that all claim, right, title, and interest of such claimants have been transferred to the State or have been abandoned. Patents so issued to the State of South Dakota shall be conditioned upon the lands being used for park purposes, and provide for the reversion of the lands of the United States in the event of failure to so hold and use. The United States reserves all coal, oil, gas, or other minerals in the lands patented under this section with the right, in case any of said patented lands are found by the Secretary of the Interior to be more valuable for the minerals therein than for park purposes, to provide, by special legislation, having due regard for the rights of the State of South Dakota, for the disposition and extraction of the coal, oil, gas or other minerals therein. The provisions of this section are limited to lands lying within the limits of the Custer State Park, within townships 3 and 4 south, range 6 east, and the east one-third of townships 3 and 4 south, range 5 east, Black Hills meridian.

(Mar. 3, 1925, ch. 465, 43 Stat. 1185.)

**§ 680. Game animal and bird refuge in South Dakota; establishment**

Subject to valid rights and entries initiated under the public land laws, prior to June 7, 1924, any or all of the following described lands in Government ownership may be withdrawn from entry and disposition by proclamation of the President for the purpose of protecting and propagating antelope and other game animals and birds: National forest lands—Township 18 north, range 7 east, Black Hills meridian, section 24, south half, and south half north half; section 25, all; township 18 north, range 8 east, sections 17 to 20, inclusive; section 21, west half; sections 29 to 32, inclusive. Public lands—Township 18 north, range 7 east, sections 5 to 9, inclusive; sections 13 to 23, inclusive; section 24, north half north half; sections 26 to 36, inclusive; and those parts of sections 3, 4, 10, and 11 lying south and west of the Riva Road. The withdrawal of the lands herein authorized shall not affect withdrawals for national forest purposes made prior to June 7, 1924.

(June 7, 1924, ch. 326, §1, 43 Stat. 634.)

**§ 681. Erection of fence by South Dakota for game animal and bird refuge**

The State of South Dakota is authorized and permitted to erect and maintain a good, substantial fence inclosing in whole or in part such areas as may be designated and set aside by the President under the authority of section 680 of

this title. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in the administration of the National forest lands embraced therein, or to provide ingress and egress to persons occupying lands within said inclosure. The right of the State to maintain said fence shall continue so long as the area designated by the President shall be given protection by the laws of the State of South Dakota as a game refuge.

(June 7, 1924, ch. 326, §2, 43 Stat. 634.)

**§ 682. Game refuge in Ozark National Forest**

The President of the United States is authorized to designate such national forest lands within the Ozark National Forest, within the State of Arkansas, as should, in his discretion, be set aside for the protection of game animals, birds, or fish; and, except under such rules and regulations as the Secretary of Agriculture may from time to time prescribe, it shall be unlawful for any person to hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof.

(Feb. 28, 1925, ch. 376, 43 Stat. 1091; Aug. 11, 1945, ch. 365, 59 Stat. 531; June 25, 1948, ch. 645, §12, 62 Stat. 861.)

**Editorial Notes**

AMENDMENTS

1948—Act June 25, 1948, struck out penal provisions (see section 41 of Title 18, Crimes and Criminal Procedure), and inserted provision relating to the unlawfulness in hunting, catching, etc., game animals, etc., under rules and regulations of the Secretary of Agriculture.

1945—Act Aug. 11, 1945, struck out last sentence which read "No lands within the present limits of the fourth congressional district shall be included in such designations."

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 1948 AMENDMENT

Section 20 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

**Executive Documents**

PRESIDENTIAL DESIGNATION

Lands comprising the Ozark National Game Refuge were designated by Proclamations of June 13, 1928 (45 Stat. 2953), and Oct. 25, 1935 (49 Stat. 3478).

**§ 683. Areas set aside for protection of game and fish; unlawfully taking game or fish**

The President of the United States is authorized to designate such areas on any lands which have been, or which may hereafter be, purchased by the United States under the provisions of the Act of March first, nineteen hundred and eleven, and Acts supplementary thereto and amendatory thereof, as should, in his opinion, be set aside for the protection of game animals, birds, or fish; and, except under such rules and regulations as the Secretary of Agriculture may from time to time prescribe, it shall be unlawful for

any person to hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof.

(Aug. 11, 1916, ch. 313, 39 Stat. 476; June 25, 1948, ch. 645, §10, 62 Stat. 860.)

#### Editorial Notes

##### REFERENCES IN TEXT

Act of March first, nineteen hundred and eleven, referred to in text, was in the original "Act of March first, nineteen hundred and eleven (Thirty-six Statutes at Large, page nine hundred and sixty-one), entitled 'An Act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable streams'", which is popularly known as the Weeks Law, and which enacted former sections 513 and 514 and sections 515 to 519, 521, 552, and 563 of this title and amended sections 480 and 500 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

##### AMENDMENTS

1948—Act June 25, 1948, struck out penal provisions (see section 41 of Title 18, Crimes and Criminal Procedure), and inserted provision relating to the unlawfulness in hunting, catching, etc. game animals, etc. under rules and regulations of Secretary of Agriculture.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1948 AMENDMENT

Section 20 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

#### Executive Documents

##### PRESIDENTIAL DESIGNATION

The following areas have been designated by the President:

- Big Levels Game Refuge. Proclamation of July 6, 1935 (49 Stat. 3448).
- Cherokee National Game Refuges. Proclamation of Aug. 5, 1924 (43 Stat. 1964), and Oct. 22, 1934 (49 Stat. 3423).
- National Catahoula Wildlife Management Preserve. Proclamation of Sept. 27, 1941 (55 Stat. 1689).
- National Red Dirt Wildlife Management Preserve. Proclamation of Sept. 27, 1941 (55 Stat. 1688).
- Noontootly National Game Refuge. Proclamation of July 6, 1938 (52 Stat. 1549).
- Pisgah National Game Preserve. Proclamation of Oct. 17, 1916 (39 Stat. 1811).

#### § 684. Game breeding areas in Wichita and Grand Canyon National Forests

The President of the United States is authorized to designate such areas in the Wichita National Forest and in the Grand Canyon National Forest as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor.

(Jan. 24, 1905, ch. 137, §1, 33 Stat. 614; June 29, 1906, ch. 3593, §1, 34 Stat. 607.)

#### Editorial Notes

##### CODIFICATION

Act Jan. 24, 1905, and act June 29, 1906, are identical in language throughout, except that the earlier act au-

thorizes the setting aside of areas in Wichita National Forest, while the latter authorizes areas in Grand Canyon National Forest. The two acts have been combined to form this section and sections 685 and 686 of this title.

"Wichita National Forest" and "Grand Canyon National Forest" substituted for "Wichita Forest Reserve" and "Grand Canyon Forest Reserve", 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.

#### Executive Documents

##### PRESIDENTIAL DESIGNATION; ABOLITION OF WICHITA NATIONAL FOREST

The entire Wichita National Forest was designated a Game Preserve by Proclamation of June 2, 1905 (34 Stat. 3062), enlarged by Executive Order No. 7116, July 26, 1935, and designated the Wichita Mountains Wildlife Refuge by Act June 4, 1936, ch. 489, title I, §1, 49 Stat. 1446. Proclamation No. 2211, Nov. 27, 1936 (50 Stat. 1797), revoked the proclamations of July 4, 1901 (32 Stat. 1973), May 29, 1906 (34 Stat. 3207), and Oct. 13, 1910 (36 Stat. 2754), establishing, enlarging, and modifying the Wichita National Forest, but did affect the Wichita Mountains Wildlife Refuge.

The Grand Canyon National Game Preserve was established by Proclamation of Nov. 28, 1906 (34 Stat. 3263), enlarged by Proclamation of June 23, 1908 (35 Stat. 2192), and diminished by Proclamation of June 3, 1909 (36 Stat. 2496). The lands of the Grand Canyon National Forest were divided among and combined with those of the Coconino and Kaibab National Forests by Proclamation of July 2, 1908 (35 Stat. 2196).

#### § 685. Hunting, trapping, killing, or capturing game in designated breeding areas unlawful

When such areas have been designated in the Wichita National Forest as provided for in section 684 of this title, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time, by the Secretary of the Interior.

When such areas have been designated in the Grand Canyon National Forest as provided in section 684 of this title, hunting, trapping, killing, or capturing of game animals upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture.

(Jan. 24, 1905, ch. 137, §2, 33 Stat. 614; June 29, 1906, ch. 3593, §2, 34 Stat. 607; 1939 Reorg. Plan No. II, §4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; June 25, 1948, ch. 645, §§8, 9, 62 Stat. 860.)

#### Editorial Notes

##### CODIFICATION

Words "in the Wichita National Forest and in the Grand Canyon National Forest" inserted, and "Secretary of the Interior and Secretary of Agriculture, respectively" substituted for "Secretary of Agriculture" because of Reorg. Plan No. II of 1939, which transferred Bureau of Biological Survey from Department of Agriculture to Department of the Interior. The successor to Wichita National Forest, which was then administered by that Bureau, was affected by the transfer. However, the successor to Grand Canyon National Forest was administered by Forest Service and was consequently not affected.

For successors to Wichita National Forest and Grand Canyon National Forest, see Presidential Designation note set out under section 684 of this title.