

(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 Repealed.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.

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 and Yosemite 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 and the Yosemite 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; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43; 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, 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. Rights-of-way for public utilities**

The Secretary of the Interior is authorized and empowered, under general regulations to be fixed by him, 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 electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the Department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provision of title 65 of the Revised Statutes of the United States, and amendments thereto, regulating rights of way for telegraph companies over the public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this section may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation, or park.

(Feb. 15, 1901, ch. 372, 31 Stat. 790.)

**REPEALS**

*Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.*

**REFERENCES IN TEXT**

Title 65 of the Revised Statutes of the United States, and amendments thereto, referred to in text, which consisted of R.S. §§ 5263 to 5269, was classified to sections 1 to 6 and 8 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, and was repealed by act July 16, 1947, ch. 256, § 1, 61 Stat. 327.

## CODIFICATION

Section, insofar as it relates to rights-of-way through public lands, forests, and reservations, and the Yosemite, Sequoia, and General Grant National Parks is also set out as section 959 of Title 43, Public Lands, and insofar as it related to rights-of-way through national forests was also set out as section 522 of this title which was omitted from the Code.

Section was formerly classified to section 419 of this title.

## SAVINGS PROVISION

Repeal by Pub. L. 94-579, title VII, §706(a), Oct. 21, 1976, 90 Stat. 2793, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note set out under section 1701 of Title 43, Public Lands.

## GENERAL GRANT NATIONAL PARK ABOLISHED

Act Mar. 4, 1940, ch. 40, §2, 54 Stat. 43, which is classified to 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.

**§ 79-1. 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 may deem necessary for park purposes. Until such highways and roads have been acquired, the Secretary may cooperate with appropriate State and local officials in patrolling<sup>2</sup> and maintaining such roads and highways.

**(c) Park protection zone**

Within the area outside the boundaries of Redwood National Park indicated as the "Park Protection Zone" on the map entitled "Proposed Additions, Redwood National Park, California", numbered 167-80005-D and dated March 1978, the Secretary is authorized to acquire lands and interests in land: *Provided*, That lands may be acquired from a willing seller or upon a finding by the Secretary that failure to acquire all or a portion of such lands could result in physical damage to park resources and following notice to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the House of Representatives. Any lands so acquired shall be managed in a manner which will maximize the protection of the resources of Redwood National Park, and in accordance with the Act of October 21, 1976 (90 Stat. 2743) [43 U.S.C. 1701 et seq.]. Acquisition of a parcel of land under the authority of this subsection shall not as a result of such acquisition diminish the right of owners of adjacent lands to the peaceful use and enjoyment of their land and shall not confer authority upon the Secretary to acquire additional lands except as provided in this subsection.

(Pub. L. 90-545, §2, Oct. 2, 1968, 82 Stat. 931; Pub. L. 95-250, title I, §101(a)(1), (2), Mar. 27, 1978, 92 Stat. 163; Pub. L. 103-437, §6(d)(7), Nov. 2, 1994, 108 Stat. 4583; Pub. L. 109-131, title III, §302, Dec. 20, 2005, 119 Stat. 2569.)

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

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