

(July 11, 1956, ch. 568, § 3, 70 Stat. 527.)

§ 346e. Authorization for park facilities to be located outside the boundaries of Zion National Park and Yosemite National Park

In order to facilitate the administration of Zion National Park and Yosemite National Park, the Secretary of the Interior is authorized, under such terms and conditions as he may deem advisable, to expend donated or appropriated funds for transportation systems or for the establishment of essential facilities for park administration and visitor use outside the boundaries, but within the vicinity, of the park. Such systems or facilities and the use thereof shall be in conformity with approved plans for the park. The Secretary shall use existing facilities wherever feasible. Such facilities may only be constructed by the Secretary upon a finding that the location of such facilities would—

- (1) avoid undue degradation of natural or cultural resources within the park;
- (2) enhance service to the public; or
- (3) provide a cost saving to the Federal Government.

The Secretary is authorized to enter into cooperative agreements with State or local governments or private entities to undertake the authority granted under this section. The Secretary is encouraged to identify and utilize funding sources to supplement any Federal funding used for these facilities.

(Pub. L. 104-333, div. I, title VIII, § 814(c), Nov. 12, 1996, 110 Stat. 4195; Pub. L. 109-131, title I, § 102(a), Dec. 20, 2005, 119 Stat. 2567.)

Editorial Notes

AMENDMENTS

2005—Pub. L. 109-131 inserted “and Yosemite National Park” after “Zion National Park” in section catchline and in introductory provisions, inserted “for transportation systems or” after “appropriated funds” in introductory provisions, and substituted “systems or facilities” for “facilities” in introductory provisions.

SUBCHAPTER XXXIX—DENALI NATIONAL PARK

§ 347. Establishment; boundaries

The tract of land in the Territory of Alaska particularly described by and included within the metes and bounds, to wit: Beginning at a point as shown on Plate III, reconnaissance map of the Mount McKinley region, Alaska, prepared in the United States Geological Survey, edition of 1911, said point being at the summit of a hill between two forks of the headwaters of the Toklat River, approximate latitude sixty-three degrees forty-seven minutes, longitude one hundred and fifty degrees twenty minutes; thence south six degrees twenty minutes west nineteen miles; thence south sixty-eight degrees west sixty miles; thence in a southeasterly direction approximately twenty-eight miles to the summit of Mount Russell; thence in a northeasterly direction approximately eighty-nine miles to a point twenty-five miles due south of a point due east of the point of beginning; thence due north twenty-five miles to said point; thence due west

twenty-eight and one-half miles to the point of beginning, is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and said tract is dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the Denali National Park. In addition to the above-described tract, all those lands lying between the south, east, and north boundaries above described and the following described boundary are made a part of and included in the Denali National Park for all purposes, to wit: Beginning at the summit of Mount Russell, which is the present southwest corner of the park; thence in a northeasterly direction one hundred miles, more or less, to a point on the one hundred and forty-ninth meridian, which is twenty-five miles south of a point due east of the upper northwest corner of the park; thence north along the one hundred and forty-ninth meridian twenty-five miles; thence west forty miles, more or less, to the upper northwest corner of Denali National Park as existing prior to January 30, 1922.

(Feb. 26, 1917, ch. 121, § 1, 39 Stat. 938; Jan. 30, 1922, ch. 39, 42 Stat. 359; Pub. L. 96-487, title II, § 202(3)(a), Dec. 2, 1980, 94 Stat. 2382; Pub. L. 102-154, title I, Nov. 13, 1991, 105 Stat. 1000.)

Editorial Notes

CODIFICATION

The first sentence of this section was from section 1 of act Feb. 26, 1917, and the second sentence, comprising the remainder of the section, from act Jan. 30, 1922.

As originally enacted the second sentence of this section, extending the boundaries of the park, provided as follows: “That the south, east, and north boundaries of the Mount McKinley National Park are hereby changed as follows: Beginning at the summit of Mount Russell, which is the present southwest corner of the park; thence in a northeasterly direction one hundred miles, more or less, to a point on the one hundred and forty-ninth meridian which is twenty-five miles south of a point due east of the upper northwest corner of the park; thence north along the one hundred and forty-ninth meridian twenty-five miles; thence west forty miles, more or less, to the present upper northwest corner of Mount McKinley National Park. And all these lands lying between the above-described boundary and the present south, east, and north boundaries are hereby reserved and withdrawn from settlement, occupancy, or disposal, and under the laws of the United States said lands are hereby made a part of and included in the Mount McKinley National Park; and all the provisions of the Act to establish Mount McKinley National Park, Alaska, and for other purposes, approved February 26, 1917, are hereby made applicable to and extended over lands hereby added to the park.”

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“United States Geological Survey” substituted in text for “Geological Survey” pursuant to provision of title I of Pub. L. 102-154, set out as a note under section 31 of Title 43, Public Lands.

“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.

FEASIBILITY STUDY FOR NORTHERN ACCESS ROUTE INTO DENALI NATIONAL PARK AND PRESERVE

Pub. L. 104-134, title I, § 101(c) [title I], Apr. 26, 1996, 110 Stat. 1321-156, 1321-164; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327, provided in part that:

“The National Park Service shall, within existing funds, conduct a Feasibility Study for a northern access route into Denali National Park and Preserve in Alaska, to be completed within one year of the enactment of this Act [Apr. 26, 1996] and submitted to the House and Senate Committees on Appropriations and to the Senate Committee on Energy and Natural Resources and the House Committee on Resources [now Committee on Natural Resources]. The Feasibility Study shall ensure that resource impacts from any plan to create such access route are evaluated with accurate information and according to a process that takes into consideration park values, visitor needs, a full range of alternatives, the viewpoints of all interested parties, including the tourism industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act [of 1969] [42 U.S.C. 4321 et seq.]. The Study shall also address the time required for development of alternatives and identify all associated costs.

“This Feasibility Study shall be conducted solely by the National Park Service planning personnel permanently assigned to National Park Service offices located in the State of Alaska in consultation with the State of Alaska Department of Transportation.”

Executive Documents

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

§ 348. Entries under land laws not affected

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.

(Feb. 26, 1917, ch. 121, § 2, 39 Stat. 938.)

Editorial Notes

REFERENCES IN TEXT

Herein, referred to in text, is act Feb. 26, 1917, which is classified to sections 347 to 350, 351 to 353, and 354 of this title. For complete classification of this Act to the Code, see Tables.

§ 349. Rights-of-way

Whenever consistent with the primary purposes of Denali National Park, the Act of February fifteenth, nineteen hundred and one,¹ 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.)

¹ See References in Text note below.

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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(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.

Statutory Notes and Related Subsidiaries

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.

Statutory Notes and Related Subsidiaries

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.)

Statutory Notes and Related Subsidiaries**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.)

Editorial Notes**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.)

Editorial Notes**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.

Statutory Notes and Related Subsidiaries**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

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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,”¹ 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.)

Editorial Notes

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.

¹ See References in Text note below.

SUBCHAPTER XL—HOT SPRINGS NATIONAL PARK

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

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

§ 361. Establishment; supply of water; free baths for indigent; dedication to United States

The Secretary of the Interior is authorized to grant to hotels having bathhouses attached, and to bathhouses situated in the Hot Springs National Park, as well as in the city of Hot Springs, Arkansas, the right to install, maintain, and use, either in said bathhouses or in connection with the rooms of said hotels or the bathhouses attached to said hotels, as many bathtubs as in his discretion he may deem proper and necessary for the public service and the amount of hot water will justify. The superintendent shall provide and maintain a sufficient number of free baths for the use of the indigent. All titles given or to be given by the United States shall explicitly exclude the right to the purchaser of the land, his heirs or assigns, from ever boring thereon for hot water; and the Hot Springs, with the National Park and mountain are dedicated to the United States, and shall remain forever free from sale or alienation.

(Dec. 16, 1878, ch. 5, 20 Stat. 258; June 16, 1880, ch. 246, §3, 21 Stat. 289; Apr. 12, 1904, ch. 1249, 33 Stat. 173; May 23, 1906, ch. 2552, 34 Stat. 198, 199; Apr. 30, 1908, ch. 154, 35 Stat. 98; Mar. 4, 1921, ch. 161, §1, 41 Stat. 1407.)

Editorial Notes

CODIFICATION

Act Apr. 12, 1904 amended act Dec. 16, 1878, by striking out a proviso thereof and inserting in lieu thereof a proviso which is the source of the first sentence of this section. The proviso stricken out limited the supply of water to hotels or bathhouses to not more than enough for 40 bath tubs of the usual size to a single establishment.

A portion of act Dec. 16, 1878, made an appropriation for the expenses of the Hot Springs Commission, and provided for the appointment of a Board of Commissioners, conferring upon them the powers of the Commissioners appointed under act Mar. 3, 1877, ch. 108, 19 Stat. 377, to lay out, etc., the Hot Springs Reservation, and revived and continued in force said act Mar. 3, 1877 to enable the Commissioners to perform the acts and duties authorized by it. These and other earlier provisions relating to the establishment and management of the reservation were temporary and have been executed.

Provisions of act Dec. 16, 1878, relating to leases of ground, bathhouses, etc., were omitted as temporary in nature and superseded by sections 362 to 368 of this title.

There have also been omitted as temporary and executed a provision of act Dec. 16, 1878 for the expenses of the free baths maintained for the indigent and a provision for the disposition of fractions of lots made by straightening, widening, or laying out streets.

The boundaries of the Hot Springs National Park have been affected by act June 25, 1930, ch. 607, 46 Stat. 1915, which provided as follows: “That the Secretary of the Interior be, and is hereby, authorized in his discretion to convey to the P. F. Connelly Paving Company,