

Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

SUBCHAPTER XX—GLACIER NATIONAL PARK

§ 161. Establishment; boundaries; trespassers; claims and rights under land laws not affected; reclamation projects; indemnity selections of lands

The tract of land in the State of Montana particularly described by metes and bounds as follows, to wit: Commencing at a point on the international boundary between the United States and the Dominion of Canada at the middle of the Flathead River; thence following southerly along and with the middle of the Flathead River to its confluence with the Middle Fork of the Flathead River; thence following the north bank of said Middle Fork of the Flathead River to where it is crossed by the north boundary of the right-of-way of the Great Northern Railroad; thence following the said right-of-way to where it intersects the west boundary of the Blackfeet Indian Reservation; thence northerly along said west boundary to its intersection with the international boundary; thence along said international boundary to the place of beginning, is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States under the name of "The Glacier National Park." All persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom. Nothing herein contained shall affect any valid claim, location, or entry existing under the land laws of the United States before May 11, 1910, or the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. The United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project. No lands within the limits of Glacier National Park belonging to or claimed by any railroad or other corporation having or claiming before May 11, 1910, the right of indemnity selection by virtue of any law or contract whatsoever shall be used as a basis for indemnity selection in any State or Territory whatsoever for any loss sustained by reason of the creation of Glacier National Park.

(May 11, 1910, ch. 226, §1, 36 Stat. 354; Jan. 26, 1931, ch. 47, §5, 46 Stat. 1043.)

Editorial Notes

REFERENCES IN TEXT

The land laws of the United States, referred to in text, are classified generally to Title 43, Public Lands. Herein, referred to in text, means act May 11, 1910, ch. 226, 36 Stat. 354, which is classified to this section and section 162 of this title.

CODIFICATION

In sentence beginning "Nothing herein contained", the words "before May 11, 1910" were inserted to give

effect to the preceding word "existing", and in the last sentence the words "having or claiming before May 11, 1910" are a translation of the words "now having or claiming" of the original text.

AMENDMENTS

1931—Act Jan. 26, 1931, struck out provision that right of way through the valleys of the North and Middle Forks of the Flathead River might be acquired within Glacier National Park for steam or electric railroads.

Statutory Notes and Related Subsidiaries

PERMITS FOR EXISTING NATURAL GAS PIPELINES

Pub. L. 112-268, §1, Jan. 14, 2013, 126 Stat. 2441, provided that:

"(a) IN GENERAL.—The Secretary of the Interior may issue right-of-way permits for each natural gas pipeline (including all appurtenances used in the operation of the natural gas pipeline) that, as of March 1, 2012, is located within the boundary of Glacier National Park.

"(b) TERMS AND CONDITIONS.—A permit issued under subsection (a) shall be—

"(1) issued as a right-of-way renewal, consistent with laws (including regulations) generally applicable to utility rights-of-way within units of the National Park System;

"(2) for a width of not more than 25 feet on either side of the centerline of the natural gas pipeline; and

"(3) subject to any terms and conditions that the Secretary of the Interior determines to be necessary."

Executive Documents

CHANGE OF NAME

The Reclamation Service, established in July 1902, changed to the Bureau of Reclamation on June 20, 1923, then to the Water and Power Resources Service on Nov. 6, 1979, and then back to the Bureau of Reclamation on May 18, 1981. See 155 Dep't of the Interior, Departmental Manual 1.1 (2008 repl.); Sec'y Hubert Work, Dep't of the Interior, Order (June 20, 1923); Sec'y Cecil D. Andrus, Dep't of the Interior, Secretarial Order 3042, §§1, 4 (Nov. 6, 1979); Sec'y James G. Watt, Dep't of the Interior, Secretarial Order 3064, §§3, 5 (May 18, 1981).

§ 161a. Part of Waterton-Glacier International Peace Park

For the purpose of permanently commemorating the long-existing relationship of peace and good will existing between the people and Governments of Canada and the United States and upon the enactment by the proper authority of the Canadian Government of a similar provision respecting the Waterton Lakes National Park in the Province of Alberta, and upon the proclamation of the President of the United States, who is authorized to issue such a proclamation, the Glacier National Park in the State of Montana shall become a part of an international park to be known as the Waterton-Glacier International Peace Park.

(May 2, 1932, ch. 157, §1, 47 Stat. 145.)

§ 161b. Designation for purposes of administration, promotion, development, and support

For purposes of administration, promotion, development, and support by appropriations that part of the said Waterton-Glacier International Peace Park within the territory of the United States shall be designated as the Glacier National Park.

(May 2, 1932, ch. 157, § 2, 47 Stat. 145.)

§ 161c. Addition of land; establishment of fish hatchery

The Secretary of the Interior is authorized to administer as a part of the Glacier National Park, in the State of Montana, subject to all laws and regulations applicable thereto, the lands, or interests in lands, within the State of Montana, in township 28 north, range 20 west, Montana meridian, which may be acquired by the United States for the establishment by the National Park Service of a fish hatchery for restocking the waters of the said park.

(July 31, 1939, ch. 395, 53 Stat. 1142.)

§ 161d. Elimination of fish hatchery; transfer of administration of hatchery to Fish and Wildlife Service

The property at Creston, Montana, acquired by the United States for the establishment of a fish hatchery for restocking the waters of Glacier National Park and administered as a part of the park pursuant to section 161c of this title, together with the improvements and equipment utilized in connection with the hatchery property, is eliminated from the park.

The functions of the National Park Service with regard to the administration of the aforesaid properties for the benefit of the park are transferred to and shall be exercised by the Fish and Wildlife Service for the same purposes: *Provided, however,* That such fish propagated at the hatchery as may be in excess of the number necessary to restock and maintain an optimum fish population in the waters of the park at all times may be utilized for the restocking of other waters.

(Dec. 13, 1944, ch. 555, 58 Stat. 801.)

Executive Documents

TRANSFER OF FUNCTIONS

Fish and Wildlife Service, created by Reorg. Plan No. III of 1940, § 3, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, succeeded by United States Fish and Wildlife Service established by act Aug. 8, 1956, ch. 1036, § 3, 70 Stat. 1120. See section 742b of this title.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 161e. Additional lands, buildings, or other real and personal property

The Secretary of the Interior is authorized to acquire, and the State of Montana is authorized to convey to the United States, without regard to the requirements contained in section 11 of the Act approved February 22, 1889 (25 Stat. 676), any lands, interests in lands, buildings, or other property, real and personal, owned by the State of Montana within the boundaries of Glacier National Park. The aforesaid properties may be acquired from the State of Montana by the Secretary of the Interior for such consideration as he may deem advisable, when the acquisition of

such property would, in his judgment, be in the best interests of the United States.

(Mar. 16, 1948, ch. 133, 62 Stat. 80.)

Editorial Notes

REFERENCES IN TEXT

Section 11 of the Act approved February 22, 1889 (25 Stat. 676), referred to in text, was not classified to the Code.

§ 162. Control; regulations; leases; sale and removal of timber

Glacier National Park shall be under the exclusive control of the Secretary of the Interior, whose duties it shall be, as soon as practicable, to make and publish such 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, which regulations shall provide for the preservation of the park in a state of nature so far as is consistent with the purposes of this section and section 161 of this title, and for the care and protection of the fish and game within the boundaries thereof. 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 company, for not to exceed twenty years, when such ground is necessary for the erection of buildings for the accommodation of visitors, and to parcels of ground not exceeding one acre in extent and for not to exceed twenty years to persons who have heretofore erected or whom he may hereafter authorize to erect summer homes or cottages; he may also sell and permit the removal of such matured,¹ or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park.

(May 11, 1910, ch. 226, § 2, 36 Stat. 354.)

§ 162a. Summer homes and cottages

After January 26, 1931, no permit, license, lease, or other authorization for the use of land within the Glacier National Park, Montana, for the erection and maintenance of summer homes or cottages shall be granted or made: *Provided, however,* That the Secretary of the Interior may, in his discretion, renew any permit, license, lease, or other authorization for such purpose granted or made prior to January 26, 1931.

(Jan. 26, 1931, ch. 47, § 3, 46 Stat. 1043.)

§ 163. Jurisdiction by the United States; fugitives from justice

Sole and exclusive jurisdiction is assumed by the United States over the territory embraced within the Glacier National Park, saving, however, to the State of Montana the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecution for or on account of rights acquired, obligations incurred, or crimes committed in said State but outside of said park, and saving, further, to the said State the right to tax persons and corporations, their franchises and property, on the lands included in

¹ So in original.