

Editorial Notes

AMENDMENTS

1992—Pub. L. 102-576, which directed the insertion of “and in the States of Oregon, Washington, Montana, and Wyoming” after “the Nez Perce Country of Idaho”, was executed by making the insertion after “the Nez Perce country of Idaho” to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-576, §1, Oct. 30, 1992, 106 Stat. 4770, provided that: “This Act [amending this section and sections 281a to 281c, 281e, and 281f of this title] may be cited as the ‘Nez Perce National Historical Park Additions Act of 1991.’”

§ 281a. Designation

To implement this purpose the Secretary of the Interior may designate as the Nez Perce National Historical Park various component sites in Federal and non-Federal ownership relating to the early Nez Perce culture, the Lewis and Clark Expedition through the area, the fur trade, missionaries, gold mining and logging, the Nez Perce war of 1877, and such other sites as he finds will depict the role of the Nez Perce country in the westward expansion of the Nation. Sites to be so designated shall include—

- (1) Tolo Lake, Idaho;
- (2) Looking Glass' 1877 Campsite, Idaho;
- (3) Buffalo Eddy, Washington and Idaho;
- (4) Traditional Crossing Near Doug¹ Bar, Oregon and Idaho;
- (5) Camas Meadows Battle Sites, Idaho;
- (6) Joseph Canyon Viewpoint, Oregon;
- (7) Traditional Campsite at the Fork of the Lostine and Willowa Rivers, Oregon;
- (8) Burial Site of Chief Joseph the Younger, Washington;
- (9) Nez Perce Campsites, Washington;
- (10) Big Hole National Battlefield, Montana;
- (11) Bear's Paw Battleground, Montana;
- (12) Canyon Creek, Montana; and
- (13) Hasotino Village, Idaho;

each as described in the National Park Service document entitled “Nez Perce National Historical Park Additions Study”, dated 1990 and Old Chief Joseph's Gravesite and Cemetery, Oregon, as depicted on the map entitled “Nez Perce Additions”, numbered 429-20-018, and dated September, 1991. Lands added to the Big Hole National Battlefield, Montana, pursuant to paragraph (10) shall become part of, and be placed under the administrative jurisdiction of, the Big Hole National Battlefield, but may be interpreted in accordance with the purposes of this subchapter.

(Pub. L. 89-19, §2, May 15, 1965, 79 Stat. 110; Pub. L. 102-576, §2(2), Oct. 30, 1992, 106 Stat. 4770.)

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1992—Pub. L. 102-576 inserted provision listing 13 sites to be designated as Nez Perce National Historical Park, as described in documents dated 1990 and 1991, and pro-

¹ So in original. Probably should be “Dug”.

vision relating to lands added to Big Hole National Battlefield, Montana.

§ 281b. Acquisition of lands; restrictions; tribal-owned lands

The Secretary of the Interior may acquire by donation or with donated funds such lands, or interests therein, and other property which in his judgment will further the purpose of this subchapter and he may purchase with appropriated funds land, or interests therein, required for the administration of the Nez Perce National Historical Park. Lands or interests therein owned by a State or political subdivision of a State may be acquired under this section only by donation or exchange. In the case of sites designated as components of the Nez Perce National Historical Park after November 1, 1991, the Secretary may not acquire privately owned land or interests in land without the consent of the owner unless the Secretary finds that—

(1) the nature of land use has changed significantly or that the landowner has demonstrated intent to change the land use significantly from the condition which existed on October 30, 1992;

(2) the acquisition by the Secretary of such land or interest in land is essential to assure its use for purposes set forth in this subchapter; and

(3) such lands or interests are located—

(A) within an area depicted on Sheet 3, 4, or 5 of the map entitled “Nez Perce Additions”, numbered 429-20018, and dated September 1991, or

(B) within the 8-acre parcel of Old Chief Joseph's Gravesite and Cemetery, Oregon, depicted as “Parcel A” on Sheet 2 of such map.

The Nez Perce Tribe's governing body, if it so desires, with the approval of the Secretary of the Interior, is authorized to sell, donate, or exchange tribal-owned lands held in trust needed to further the purpose of this subchapter.

(Pub. L. 89-19, §3, May 15, 1965, 79 Stat. 110; Pub. L. 102-576, §2(3), Oct. 30, 1992, 106 Stat. 4770.)

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1992—Pub. L. 102-576 substituted provisions relating to acquisition of lands or interest therein owned by State or political subdivision of State and provisions relating to acquisition of sites designated as components of park after Nov. 1, 1991, for proviso in first sentence limiting amount of land which may be purchased in fee to 1,500 acres and amount of scenic easements which may be purchased to 1,500 acres.

§ 281c. Inclusion of lands

(a) **Indian trust land; Federal-ownership sites; cooperation with Nez Perce Tribe and administrative agencies in research, services, and facilities for public access, use and enjoyment, and conservation of resources**

Indian trust land may be designated by the Secretary of the Interior for inclusion in the Nez Perce National Historical Park with the concurrence of the beneficial owner. Sites in Federal ownership under the administrative jurisdiction