

**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 Doug<sup>1</sup> 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.)

**Editorial Notes**

## AMENDMENTS

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-

<sup>1</sup> 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.)

**Editorial Notes**

## AMENDMENTS

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

of other Government agencies may likewise be designated by the Secretary of the Interior for inclusion in the Nez Perce National Historical Park with the concurrence of the agency having administrative responsibility therefor, but such designation shall effect no transfer of administrative control unless the administering agency consents thereto. The Secretary of the Interior may cooperate with the Nez Perce Tribe or the administering agency, as the case may be, in research into and interpretation of the significance of any site so designated and in providing desirable interpretive services and facilities and other facilities required for public access to and use and enjoyment of the site and in conservation of the scenic and other resources thereof.

**(b) Cooperative agreements with property owners of non-Federal property; access; written consent for changes in properties, buildings, and grounds; other provisions**

The Secretary of the Interior may enter into cooperative agreements with the owners of property which, under the provisions of this subchapter, may be designated for inclusion in Nez Perce National Historical Park as sites in non-Federal ownership, and he may assist in the preservation, renewal, and interpretation of the properties, provided the cooperative agreements shall contain, but not be limited to, provisions that: (1) the Secretary has right of access at all reasonable times to all public portions of the property for the purpose of conducting visitors through the property and interpreting it to the public, and (2) no changes or alterations shall be made in the properties, including buildings and grounds, without the written consent of the Secretary.

(Pub. L. 89-19, § 4, May 15, 1965, 79 Stat. 110; Pub. L. 102-576, § 2(4), Oct. 30, 1992, 106 Stat. 4771.)

**Editorial Notes**

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-576 struck out after second sentence “Not more than one thousand and five hundred acres overall shall be designated pursuant to the foregoing provisions of this subsection.”

**§ 281d. Establishment; notice in Federal Register; administration**

When the Secretary of the Interior determines that he has acquired title to, or interest in, sufficient properties or determines that he has entered into appropriate cooperative agreements with owners of non-Federal properties, or any combination thereof including the designation of sites already in Federal ownership, he shall by publication in the Federal Register establish the Nez Perce National Historical Park and thereafter administer the Federal property under his administrative jurisdiction in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.),<sup>1</sup> as amended and supplemented.

(Pub. L. 89-19, § 5, May 15, 1965, 79 Stat. 110.)

<sup>1</sup> So in original. Probably should be preceded by “the”.

<sup>1</sup> See References in Text note below.

**Editorial Notes**

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), 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.

**§ 281e. Contracts and cooperative agreements with State of Idaho, and others**

**(a) Protection, preservation, maintenance, and operation; obligation of general fund of Treasury**

In order to carry out the purpose of this subchapter, the Secretary of the Interior may contract and make cooperative agreements with the States of Idaho, Oregon, Washington, Montana, Wyoming, their political subdivisions or agencies, corporations, associations, the Nez Perce Tribe, or individuals, to protect, preserve, maintain, or operate any site, object, or property included within the Nez Perce National Historical Park, regardless of whether title thereto is in the United States: *Provided*, That no contract or cooperative agreement shall be made or entered into which will obligate the general fund of the Treasury unless or until Congress has appropriated money for such purpose.

**(b) Erection and maintenance of tablets and markers**

To facilitate the interpretation of the Nez Perce country the Secretary is authorized to erect and maintain tablets or markers in accordance with the provisions contained in the Act approved August 21, 1935, entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes” (49 Stat. 666).<sup>1</sup>

**(c) Consultation with Nez Perce Tribe officials**

The Secretary shall consult with officials of the Nez Perce Tribe on the interpretation of the park and its history.

(Pub. L. 89-19, § 6, May 15, 1965, 79 Stat. 111; Pub. L. 102-576, § 2(5), (6), Oct. 30, 1992, 106 Stat. 4771.)

**Editorial Notes**

REFERENCES IN TEXT

The Act approved August 21, 1935, entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes” (49 Stat. 666), referred to in subsec. (b), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, known as the Historic Sites Act of 1935 and also as the Historic Sites, Buildings, and Antiquities Act, which enacted sections 461 to 467 of this title. The Act was repealed and restated as section 1866(a) of Title 18, Crimes

<sup>1</sup> See References in Text note below.