

of Mount Diablo meridian, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park, or pleasure ground, for the benefit and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; and all persons who shall locate or settle upon, or occupy the same or any part thereof except as provided in section 43 of this title, shall be considered trespassers and removed therefrom.

(Sept. 25, 1890, ch. 926, §1, 26 Stat. 478.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 45f, 471d of this title.

#### § 42. Repealed. Dec. 16, 1930, ch. 14, §1, 46 Stat. 1028

Section, act July 1, 1916, ch. 209, §1, 39 Stat. 308, related to donations of lands or rights-of-way. For general provisions relating to donations of lands, etc., see section 6 of this title.

#### § 43. Sequoia National Park; rules and regulations; leases; fish and game; trespassers

Sequoia National Park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, mineral deposits, natural curiosities or wonders within said park, and their retention in their natural condition. He may, in his discretion, grant leases for building purposes for terms not exceeding thirty years of small parcels of ground not exceeding five acres, at such places in said park as shall require the erection of buildings for the accommodation of visitors. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction, for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and, generally, shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this section and section 41 of this title.

(Sept. 25, 1890, ch. 926, §2, 26 Stat. 478; Aug. 25, 1916, ch. 408, §3, 39 Stat. 535; Pub. L. 85-434, May 29, 1958, 72 Stat. 152.)

#### CODIFICATION

“Thirty years” substituted for “ten years” in view of section 3 of act Aug. 25, 1916, and act May 29, 1958, which authorized the Secretary to grant privileges, leases, and permits in the various parks for periods not exceeding thirty years. See section 3 of this title.

As originally enacted, this section contained a further provision that “all of the proceeds of said leases and other revenues that may be derived from any source connected with said park to be expended under his [Secretary of the Interior] direction in the management of the same and the construction of roads and paths therein”. This provision was superseded by section 452 of this title providing for the disposition of all revenues from the national parks.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 41, 45f of this title.

#### §§ 44, 45. Transferred

#### CODIFICATION

Section 44, act Oct. 1, 1890, ch. 1263, §1, 26 Stat. 650, which related to lands in California set aside as reserved forest lands, was transferred to section 471c of this title.

Section 45, act Oct. 1, 1890, ch. 1263, §3, 26 Stat. 651, which related to additional forest reserves in California, was transferred to section 471d of this title.

#### § 45a. Sequoia National Park; revision of boundaries

The boundaries of the Sequoia National Park, California, are changed as follows:

Beginning at the southwest corner of the present boundary of Sequoia National Park, being the southwest corner of township 18 south, range 30 east of the Mount Diablo base and meridian, California, thence easterly along the present south boundary of Sequoia National Park to its intersection with the hydrographic divide between the headwaters of South Fork<sup>1</sup> Kaweah River and the headwaters of that branch of Little Kern River known as Pecks Canyon; thence southerly and easterly along the crest of the hydrographic divide between Pecks Canyon and Soda Creek to its intersection with a lateral divide at approximately the east line of section 2, township 19 south, range 31 east; thence northeasterly along said lateral divide to its intersection with the township line near the southeast corner of township 18 south, range 31 east of the Mount Diablo base and meridian; thence north approximately thirty-five degrees west to the summit of the butte next north of Soda Creek (United States Geological Survey altitude eight thousand eight hundred and eighty-eight feet); thence northerly and northwesterly along the crest of the hydrographic divide to a junction with the crest of the main hydrographic divide between the headwaters of the South Fork of the Kaweah River and the headwaters of Little Kern River; thence northerly along said divide now between Horse and Cow Creeks and the headwaters of East Fork Kaweah River to its intersection with the present east boundary of Sequoia National Park, approximately at Tar Gap, being the east line of township 17 south, range 30 east; thence northerly along said line to its intersection with the main hydrographic divide north of East Fork Kaweah River; thence easterly following said divide, passing through Timber Gap to the summit of Sawtooth Peak; thence southeasterly along the crest of the Great Western Divide to the summit of Coyote Peaks (United States Geological Survey bench mark, altitude ten thousand nine hundred and nineteen feet); thence northeasterly following the main hydrographic divide south of Coyote Creek to the junction of Coyote Creek and Kern River; thence due east across Kern River to the east bank; thence following said east bank of Kern River northerly to the junction of Golden Trout Creek and Kern River; thence northeasterly following the main hydrographic divide north of Golden Trout Creek, and between the headwaters of Golden Trout Creek and Rock Creek to a junction with the main

<sup>1</sup> So in original. Probably should be “Fork”.

crest of the Sierra Nevada, northwest of Cirque Peak; thence northerly and westerly along said main crest of the Sierra Nevada to Junction Peak (United States Geological Survey bench mark thirteen thousand nine hundred and three feet); thence westerly along the crest of the Kings-Kern Divide to a junction with the crest of the Great Western Divide at Thunder Mountain (United States Geological Survey bench mark thirteen thousand five hundred and seventy-eight feet); thence southwesterly along the crest of the Great Western Divide to Triple Divide Peak (United States Geological Survey altitude twelve thousand six hundred and fifty-one feet); thence westerly and northwesterly along the crest of the hydrographic divide between the headwaters of Roaring River and the headwaters of the Middle and Marble Forks of the Kaweah River to Kettle Peak (United States Geological Survey altitude ten thousand and thirty-eight feet); thence westerly and southwesterly along the crest of the main hydrographic divide next north of Clover Creek and Dorst Creek to the Junction of Stony Creek and Dorst Creek; thence following the west bank of the North Fork Kaweah River to its junction with Cactus Creek; thence easterly along the first hydrographic divide south of Cactus Creek to its intersection with the present west boundary of Sequoia National Park, being the west line of township 16 south, range 29 east; thence southerly along said west boundary to the southwest corner of said township; thence easterly along the present boundary of Sequoia National Park, being the north line of township 17 south, range 29 east, to the northeast corner of said township; thence southerly along the present boundary of Sequoia National Park, being the west lines of townships 17 and 18 south, range 30 east, to the place of beginning; and all of those lands lying within the boundary line above described are included in and made a part of the Roosevelt-Sequoia National Park; and all of those lands excluded from the present Sequoia National Park are included in and made a part of the Sequoia National Forest, subject to all laws and regulations applicable to the national forests.

(July 3, 1926, ch. 744, §1, 44 Stat. 818.)

#### EXCLUSION AND ADDITION OF LANDS

Certain lands excluded from Kings Canyon National Park and added to Sequoia National Forest, see section 80a-1 of this title.

Certain lands excluded from Sequoia National Forest and added to Kings Canyon National Park, see section 80a-2 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 45e of this title.

### § 45a-1. Addition of lands authorized

The Secretary of the Interior is authorized, in his discretion, to accept title to lands and interests in lands near the entrance to the Sequoia National Park, subject to existing easements for public highways and public utilities, within the following described tracts:

Tract A. A portion of tract 37, township 17 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately two acres.

Tract B. A portion of the east half of the northeast quarter of section 4, township 17 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately thirty-eight acres.

Tract C. A portion of the south half of tract 37, township 17 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately sixty one-hundredths acre.

The owners of the lands to be conveyed to the United States, before any exchange is effective, shall furnish to the Secretary of the Interior evidence satisfactory to him of title to such lands. Such property shall become a part of the Sequoia National Park upon the acceptance of title thereto by the Secretary, and shall thereafter be subject to all laws and regulations applicable to the park.

(Dec. 21, 1943, ch. 372, §1, 57 Stat. 606.)

#### ELECTRIC POWER DEVELOPMENT PERMITS

Pub. L. 99-338, June 19, 1986, 100 Stat. 641, as amended by Pub. L. 103-437, §6(d)(4), Nov. 2, 1994, 108 Stat. 4583, provided: "That the Secretary of the Interior is hereby authorized to issue a permit for ten years, and may issue not more than one renewal of equivalent duration, for portions of an existing hydroelectric project, known as the Kaweah Project of Southern California Edison Company, to continue to occupy and use lands of the United States within Sequoia National Park as necessary for continued operation and maintenance.

"SEC. 2. The Secretary shall not execute any permit renewal prior to one hundred and twenty calendar days from the date the same is submitted to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Natural Resources [now Committee on Resources] of the United States House of Representatives.

"SEC. 3. The permit shall contain a provision prohibiting expansion of the Kaweah Project in Sequoia National Park and shall also contain such other terms and conditions as the Secretary of the Interior shall deem necessary and proper for the management and care of Sequoia National Park and the purposes for which it was established."

Pub. L. 93-522, Dec. 14, 1974, 88 Stat. 1660, as amended by Pub. L. 95-625, title III, §314(d)(3), Nov. 10, 1978, 92 Stat. 3482, authorized Secretary of the Interior to issue a permit to occupy and use lands of United States within Sequoia National Park necessary for continued operation, maintenance, and use of hydroelectric project known as the Kaweah Number 3 project of Southern California Edison Company, provided that in no event could the term of such permit extend for any period in excess of ten years following the date of its issuance, unless specifically authorized by law, provided for terms and conditions of permit, required report on impact of hydroelectric project, and provided for applicability of the Act.

Pub. L. 88-47, June 21, 1963, 77 Stat. 70, authorized Secretary of the Interior to issue a permit to use and occupy United States lands within Sequoia National Park necessary for continued operation, maintenance, and use of the Kaweah number 3 hydroelectric project of Southern California Edison Company, which by its terms was to provide that any privileges granted thereunder were to be exercised in accord with Federal Power Act (16 U.S.C. 791a et seq.) and rules and regulations promulgated thereunder, and which was to expire no later than Aug. 6, 1974.

Section 3 of act Dec. 21, 1943, provided as follows: "Nothing in this Act [sections 45a-1 and 45a-2 of this title] shall be construed to alter or affect in any manner the provisions, or extend the term, of the permit heretofore granted to the Southern California Edison Company and predecessors thereof for the use of lands in the Sequoia National Park for electric power devel-