

105TH CONGRESS  
2D SESSION

# H. R. 4570

To provide for certain boundary adjustments and conveyances involving public lands, to establish and improve the management of certain heritage areas, historic areas, National Parks, wild and scenic rivers, and national trails, to protect communities by reducing hazardous fuels levels on public lands, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 1998

Mr. HANSEN introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To provide for certain boundary adjustments and conveyances involving public lands, to establish and improve the management of certain heritage areas, historic areas, National Parks, wild and scenic rivers, and national trails, to protect communities by reducing hazardous fuels levels on public lands, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Omnibus National Parks and Public Lands Act of  
6       1998”.

- 1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

TITLE I—BOUNDARY ADJUSTMENTS AND RELATED  
CONVEYANCES

- Sec. 101. Fort Davis Historic Site, Fort Davis, Texas.  
 Sec. 102. Abraham Lincoln Birthplace National Historic Site, Kentucky.  
 Sec. 103. Grand Staircase-Escalante National Monument, Utah.  
 Sec. 104. George Washington Birthplace National Monument, Virginia.  
 Sec. 105. Wasatch-Cache National Forest and Mount Naomi Wilderness, Utah.  
 Sec. 106. Red Rock Canyon National Conservation Area, Nevada.  
 Sec. 107. Cape Cod National Seashore, Massachusetts.  
 Sec. 108. Hells Canyon Wilderness, Hells Canyon National Recreation Area.

TITLE II—OTHER LAND CONVEYANCES AND MANAGEMENT

Subtitle A—Southern Nevada Public Land Management

- Sec. 201. Findings and purpose.  
 Sec. 202. Definitions.  
 Sec. 203. Disposal and exchange.  
 Sec. 204. Acquisitions.  
 Sec. 205. Report.  
 Sec. 206. Recreation and Public Purposes Act.  
 Sec. 207. Support for affordable housing.  
 Sec. 208. Conveyance to Clark County Department of Aviation.

Subtitle B—Gallatin Land Consolidation

- Sec. 211. Findings.  
 Sec. 212. Definitions.  
 Sec. 213. Gallatin land consolidation completion.  
 Sec. 214. Other facilitated exchanges.  
 Sec. 215. General provisions.  
 Sec. 216. Authorization of appropriations.

Subtitle C—Conveyance of Canyon Ferry Reservoir Properties

- Sec. 221. Findings.  
 Sec. 222. Purpose.  
 Sec. 223. Definitions.  
 Sec. 224. Sale of Properties.  
 Sec. 225. Management of Bureau of Reclamation recreation area.  
 Sec. 226. Use of proceeds.  
 Sec. 227. Montana Fish and Wildlife Conservation Trust.  
 Sec. 228. Canyon Ferry-Broadwater County Trust.

Subtitle D—Conveyance of National Forest Lands for Public School Purposes

- Sec. 231. Authorization of use of National Forest lands for public school purposes.

Subtitle E—Other Conveyances

- Sec. 241. Land exchange, El Portal Administrative Site, California.

- Sec. 242. Authorization to use land in Merced County, California, for elementary school.
- Sec. 243. Issuance of quitclaim deed, Steffens family property, Big Horn County, Wyoming.
- Sec. 244. Issuance of quitclaim deed, Lowe family property, Big Horn County, Wyoming.
- Sec. 245. Utah schools and lands exchange.
- Sec. 246. Land exchange, Routt National Forest, Colorado.
- Sec. 247. Conveyance of administrative site, Rogue River National Forest, Oregon and California.
- Sec. 248. Hart Mountain jurisdictional transfers, Oregon.
- Sec. 249. Sale, lease, or exchange of Idaho school land.
- Sec. 250. Transfer of jurisdiction of certain property in San Joaquin County, California, to Bureau of Land Management.
- Sec. 251. Conveyance, Camp Owen and related parcels, Kern County, California.
- Sec. 252. Treatment of certain land acquired by exchange, Red Cliffs Desert Reserve, Utah.

### TITLE III—HERITAGE AREAS

#### Subtitle A—Delaware and Lehigh National Heritage Corridor of Pennsylvania

- Sec. 301. Change in name of Heritage Corridor.
- Sec. 302. Purpose.
- Sec. 303. Corridor Commission.
- Sec. 304. Powers of Corridor Commission.
- Sec. 305. Duties of Corridor Commission.
- Sec. 306. Termination of Corridor Commission.
- Sec. 307. Duties of other Federal entities.
- Sec. 308. Authorization of appropriations.
- Sec. 309. Local authority and private property.
- Sec. 310. Duties of the Secretary.

#### Subtitle B—Automobile National Heritage Area of Michigan

- Sec. 311. Findings and purposes.
- Sec. 312. Definitions.
- Sec. 313. Automobile National Heritage Area.
- Sec. 314. Designation of partnership as management entity.
- Sec. 315. Management duties of the Automobile National Heritage Area Partnership.
- Sec. 316. Duties and authorities of Federal agencies.
- Sec. 317. Lack of effect on land use regulation and private property.
- Sec. 318. Sunset.
- Sec. 319. Authorization of appropriations.

#### Subtitle C—Miscellaneous Provisions

- Sec. 321. Blackstone River Valley National Heritage Corridor, Massachusetts and Rhode Island.
- Sec. 322. Illinois and Michigan Canal National Heritage Corridor, Illinois.

### TITLE IV—HISTORIC AREAS

- Sec. 401. Battle of Midway National Memorial study.
- Sec. 402. Historic lighthouse preservation.

- Sec. 403. Thomas Cole National Historic Site, New York.
- Sec. 404. Addition of the Paoli battlefield to the Valley Forge National Historical Park.
- Sec. 405. Casa Malpais National Historic Landmark, Arizona.
- Sec. 406. Lower East Side Tenement National Historic Site, New York.
- Sec. 407. Gateway Visitor Center authorization, Independence National Historical Park.
- Sec. 408. Tuskegee Airmen National Historic Site, Alabama.
- Sec. 409. Little Rock Central High School National Historic Site, Arkansas.
- Sec. 410. Sand Creek Massacre National Historic Site study.
- Sec. 411. Chesapeake and Ohio Canal National Historical Park enhancement and protection.

#### TITLE V—SAN RAFAEL SWELL

- Sec. 501. Short title.
- Sec. 502. Definitions.

##### Subtitle A—San Rafael Swell National Heritage Area

- Sec. 511. Short title; findings; purposes.
- Sec. 512. Designation.
- Sec. 513. Definitions.
- Sec. 514. Grants, technical assistance, and other duties and authorities of Federal agencies.
- Sec. 515. Compact and heritage plan.
- Sec. 516. Heritage Council.
- Sec. 517. Lack of effect on land use regulation.
- Sec. 518. Authorization of appropriations.

##### Subtitle B—San Rafael Swell National Conservation Area

- Sec. 521. Definition of plan.
- Sec. 522. Establishment of national conservation area.
- Sec. 523. Management.
- Sec. 524. Additions.
- Sec. 525. Advisory Council.
- Sec. 526. Relationship to other laws and administrative provisions.
- Sec. 527. Communications equipment.

##### Subtitle C—Wilderness Areas Within Conservation Area

- Sec. 531. Designation of wilderness.
- Sec. 532. Administration of wilderness areas.
- Sec. 533. Livestock.
- Sec. 534. Wilderness release.

##### Subtitle D—Other Special Management Areas Within Conservation Area

- Sec. 541. San Rafael Swell Desert Bighorn Sheep Management Area.
- Sec. 542. Semi-primitive nonmotorized use areas.
- Sec. 543. Scenic visual area of critical environmental concern.

##### Subtitle E—General Management Provisions

- Sec. 551. Livestock grazing.
- Sec. 552. Cultural and paleontological resources.
- Sec. 553. Land exchanges relating to school and institutional trust lands.

- Sec. 554. Water rights.
- Sec. 555. Miscellaneous.

#### TITLE VI—NATIONAL PARKS

- Sec. 601. Provision for roads in Pictured Rocks National Lakeshore.
- Sec. 602. Expansion of Arches National Park, Utah.
- Sec. 603. Miccosukee Reserved Area.
- Sec. 604. Cumberland Island.
- Sec. 605. Studies of potential National Park System units in Hawaii.
- Sec. 606. Congressional review of national monument status and consultation.
- Sec. 607. Santa Cruz Island, additional rights of use and occupancy.
- Sec. 608. Acquisition of Warren Property for Morristown National Historical Park.
- Sec. 609. Amendment of Land and Water Conservation Fund Act of 1965 regarding treatment of receipts at certain parks.
- Sec. 610. Chattahoochee River National Recreation Area.

#### TITLE VII—REAUTHORIZATIONS

- Sec. 701. Reauthorization of National Historic Preservation Act.
- Sec. 702. Reauthorization of Delaware Water Gap National Recreation Area Citizen Advisory Commission.
- Sec. 703. Coastal Heritage Trail Route in New Jersey.
- Sec. 704. Extension of authorization for Upper Delaware Citizens Advisory Council.

#### TITLE VIII—RIVERS AND TRAILS

- Sec. 801. National discovery trails.
- Sec. 802. Sudbury, Assabet, and Concord Wild and Scenic Rivers.
- Sec. 803. Assistance to the National Historic Trails Interpretive Center.

#### TITLE IX—HAZARDOUS FUELS REDUCTION

- Sec. 901. Short title.
- Sec. 902. Findings and purpose.
- Sec. 903. Definitions.

##### Subtitle A—Management of Wildland/Urban Interface Areas

- Sec. 911. Identification of wildland/urban interface areas.
- Sec. 912. Contracting to reduce hazardous fuels and undertake forest management projects in wildland/urban interface areas.
- Sec. 913. Monitoring requirements.
- Sec. 914. Reporting requirements.
- Sec. 915. Termination of authority.

##### Subtitle B—Miscellaneous Provisions

- Sec. 921. Regulations.
- Sec. 922. Authorization of appropriations.

#### TITLE X—MISCELLANEOUS PROVISIONS

- Sec. 1001. Authority to establish Mahatma Gandhi memorial.
- Sec. 1002. Establishment of the National Cave and Karst Research Institute in New Mexico.

- Sec. 1003. Guadalupe-Hidalgo Treaty land claims.
- Sec. 1004. Otay Mountain Wilderness.
- Sec. 1005. Acquisition and management of Wilcox Ranch, Utah, for wildlife habitat.
- Sec. 1006. Acquisition of mineral and geothermal interests within Mount St. Helens National Volcanic Monument.
- Sec. 1007. Operation and Maintenance of Existing Dams and Weirs, Emigrant Wilderness, Stanislaus National Forest, California.
- Sec. 1008. Demonstration resource management project, Stanislaus National Forest, California, to enhance and protect the Granite watershed.
- Sec. 1009. East Texas blowdown-NEPA parity.
- Sec. 1010. Exemption for not-for-profit entities from strict liability for recovery of fire suppression costs.
- Sec. 1011. Study of Improved Outdoor Recreational Access for Persons with Disabilities.
- Sec. 1012. Communication site.
- Sec. 1013. Amendment of the Outer Continental Shelf Lands Act.
- Sec. 1014. Leasing of Certain Reserved Mineral Interests.
- Sec. 1015. Oil and Gas Wells in Wayne National Forest, Ohio.
- Sec. 1016. Memorial to Mr. Benjamin Banneker in the District of Columbia.

#### TITLE XI—AMENDMENTS AND TECHNICAL CORRECTIONS TO 1996 OMNIBUS PARKS ACT

- Sec. 1100. Reference to Omnibus Parks and Public Lands Management Act of 1996.

##### Subtitle A—Technical Corrections to the Omnibus Parks Act

- Sec. 1101. Presidio of San Francisco.
- Sec. 1102. Colonial National Historical Park.
- Sec. 1103. Merced Irrigation District.
- Sec. 1104. Big Thicket National Preserve.
- Sec. 1105. Kenai Natives Association land exchange.
- Sec. 1106. Lamprey Wild and Scenic River.
- Sec. 1107. Vancouver National Historic Reserve.
- Sec. 1108. Memorial to Martin Luther King, Jr.
- Sec. 1109. Advisory Council on Historic Preservation.
- Sec. 1110. Great Falls Historic District, New Jersey.
- Sec. 1111. New Bedford Whaling National Historical Park.
- Sec. 1112. Nicodemus National Historic Site.
- Sec. 1113. Unalaska.
- Sec. 1114. Revolutionary War and War of 1812 historic preservation study.
- Sec. 1115. Shenandoah Valley battlefields.
- Sec. 1116. Washita Battlefield.
- Sec. 1117. Ski area permit rental charge.
- Sec. 1118. Glacier Bay National Park.
- Sec. 1119. Robert J. Lagomarsino Visitor Center.
- Sec. 1120. National Park Service administrative reform.
- Sec. 1121. Blackstone River Valley National Heritage Corridor.
- Sec. 1122. Tallgrass Prairie National Preserve.
- Sec. 1123. Recreation lakes.
- Sec. 1124. Fossil forest protection.
- Sec. 1125. Opal Creek Wilderness and Scenic Recreation Area.
- Sec. 1126. Boston Harbor Islands National Recreation Area.

- Sec. 1127. Natchez National Historical Park.
- Sec. 1128. Regulation of fishing in certain waters of Alaska.
- Sec. 1129. National Coal Heritage Area.
- Sec. 1130. Tennessee Civil War Heritage Area.
- Sec. 1131. Augusta Canal National Heritage Area.
- Sec. 1132. Essex National Heritage Area.
- Sec. 1133. Ohio & Erie Canal National Heritage Corridor.

#### Subtitle B—Other Amendments to Omnibus Parks Act

- Sec. 1151. Black Revolutionary War Patriots Memorial extension.

### TITLE XII—DUTCH JOHN FEDERAL PROPERTY DISPOSITION AND ASSISTANCE

- Sec. 1201. Short title.
- Sec. 1202. Findings and purposes.
- Sec. 1203. Definitions.
- Sec. 1204. Disposition of certain lands and properties.
- Sec. 1205. Revocation of withdrawals.
- Sec. 1206. Transfers of jurisdiction.
- Sec. 1207. Surveys.
- Sec. 1208. Planning.
- Sec. 1209. Appraisals.
- Sec. 1210. Disposal of properties.
- Sec. 1211. Valid existing rights.
- Sec. 1212. Cultural resources.
- Sec. 1213. Transition of services to local government control.
- Sec. 1214. Authorization of appropriations.

### TITLE XIII—RECLAMATION PROJECT CONVEYANCES AND MISCELLANEOUS PROVISIONS

#### Subtitle A—Sly Park Dam and Reservoir, California

- Sec. 1311. Short title.
- Sec. 1312. Definitions.
- Sec. 1313. Conveyance of project.
- Sec. 1314. Relationship to existing operations.
- Sec. 1315. Relationship to certain contract obligations.
- Sec. 1316. Relationship to other laws.
- Sec. 1317. Liability.

#### Subtitle B—Minidoka Project, Idaho

- Sec. 1321. Short title.
- Sec. 1322. Definitions.
- Sec. 1323. Conveyance.
- Sec. 1324. Relationship to existing operations.
- Sec. 1325. Relationship to certain contract obligations.
- Sec. 1326. Liability.

#### Subtitle C—Carlsbad Irrigation Project, New Mexico

- Sec. 1331. Short title.
- Sec. 1332. Definitions.
- Sec. 1333. Conveyance of project.
- Sec. 1334. Relationship to existing operations.

- Sec. 1335. Relationship to certain contract obligations.
- Sec. 1336. Lease management and past revenues collected from the acquired lands.
- Sec. 1337. Water conservation practices.
- Sec. 1338. Liability.
- Sec. 1339. Future reclamation benefits.

Subtitle D—Palmetto Bend Project, Texas

- Sec. 1341. Short title.
- Sec. 1342. Definitions.
- Sec. 1343. Conveyance of project.
- Sec. 1344. Relationship to existing operations.
- Sec. 1345. Relationship to certain contract obligations.
- Sec. 1346. Relationship to other laws.
- Sec. 1347. Liability.

Subtitle E—Wellton-Mohawk Division, Gila Project, Arizona

- Sec. 1351. Short title.
- Sec. 1352. Definitions.
- Sec. 1353. Conveyance of project.
- Sec. 1354. Relationship to existing operations.
- Sec. 1355. Liability.
- Sec. 1356. Lands transfer.
- Sec. 1357. Water and power contracts.

Subtitle F—Canadian River Project, Texas

- Sec. 1361. Short title.
- Sec. 1362. Definitions.
- Sec. 1363. Prepayment and conveyance of project.
- Sec. 1364. Relationship to existing operations.
- Sec. 1365. Relationship to certain contract obligations.
- Sec. 1366. Relationship to other laws.
- Sec. 1367. Liability.

Subtitle G—Clear Creek Distribution System, California

- Sec. 1371. Short title.
- Sec. 1372. Definitions.
- Sec. 1373. Conveyance of project.
- Sec. 1374. Relationship to existing operations.
- Sec. 1375. Relationship to certain contract obligations.
- Sec. 1376. Liability.

Subtitle H—Pine River Project, Colorado

- Sec. 1381. Short title.
- Sec. 1382. Definitions.
- Sec. 1383. Conveyance of project.
- Sec. 1384. Relationship to existing operations.
- Sec. 1385. Relationship to other laws.
- Sec. 1386. Liability.

Subtitle I—Technical Corrections and Miscellaneous Provisions

- Sec. 1391. Technical corrections.



- Sec. 1392. Authorization to construct temperature control devices.
- Sec. 1393. Colusa Basin watershed integrated resources management.

#### TITLE XIV—PROVISIONS SPECIFIC TO ALASKA

##### Subtitle A—Land Exchange Near Gustavus and Related Provisions

- Sec. 1401. Short title.
- Sec. 1402. Land exchange and wilderness designation.
- Sec. 1403. Role of FERC.
- Sec. 1404. Role of Secretary of the Interior.
- Sec. 1405. Applicable law.

##### Subtitle B—Amendments to Alaska Native Claims Settlement Act and Related Provisions

- Sec. 1411. Automatic land bank protection.
- Sec. 1412. Development by third-party trespassers.
- Sec. 1413. Retained mineral estate.
- Sec. 1414. Amendment to Public Law 102–415.
- Sec. 1415. Clarification on treatment of bonds from a Native Corporation.
- Sec. 1416. Mining claims.
- Sec. 1417. Sale, disposition, or other use of common varieties of sand, gravel, stone, pumice, peat, clay, or cinder resources.
- Sec. 1418. Alaska native allotment applications.
- Sec. 1419. Visitor services.
- Sec. 1420. Local hire report.
- Sec. 1421. Shareholder benefits.

##### Subtitle C—Miscellaneous Provisions

- Sec. 1431. Moratorium on Federal management.
- Sec. 1432. Easement for Chugach Alaska Corporation.

1 **TITLE I—BOUNDARY ADJUST-**  
2 **MENTS AND RELATED CON-**  
3 **VEYANCES**

4 **SEC. 101. FORT DAVIS HISTORIC SITE, FORT DAVIS, TEXAS.**

5       The Act entitled “An Act Authorizing the establish-  
6 ment of a national historic site at Fort Davis, Jeff Davis  
7 County, Texas”, approved September 8, 1961 (75 Stat.  
8 488; 16 U.S.C. 461 note), is amended in the first section  
9 by striking “not to exceed four hundred and sixty acres”  
10 and inserting “not to exceed 476 acres”.

11 **SEC. 102. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HIS-**  
12 **TORIC SITE, KENTUCKY.**

13       (a) IN GENERAL.—Upon acquisition of the land  
14 known as Knob Creek Farm pursuant to subsection (b),  
15 the boundary of the Abraham Lincoln Birthplace National  
16 Historic Site, established by the Act of July 17, 1916 (39  
17 Stat. 385, chapter 247; 16 U.S.C. 211 et seq.), is revised  
18 to include such land.

19       (b) ACQUISITION OF KNOB CREEK FARM.—The Sec-  
20 retary of the Interior may acquire, by donation only, the  
21 approximately 228 acres of land known as Knob Creek  
22 Farm in Larue County, Kentucky.

23       (c) STUDY AND REPORT.—The Secretary of the Inte-  
24 rior shall study the Knob Creek Farm in Larue County,  
25 Kentucky, and not later than 1 year after the date of en-

1 actment of this Act, submit a report to the Congress con-  
2 taining the results of the study. The purpose of the study  
3 shall be to:

4 (1) Identify significant resources associated  
5 with the Knob Creek Farm and the early boyhood  
6 of Abraham Lincoln.

7 (2) Evaluate the threats to the long-term pro-  
8 tection of the Knob Creek Farm's cultural, rec-  
9 reational, and natural resources.

10 (3) Examine the incorporation of the Knob  
11 Creek Farm into the operations of the Abraham  
12 Lincoln Birthplace National Historic Site and estab-  
13 lish a strategic management plan for implementing  
14 such incorporation. In developing the plan, the Sec-  
15 retary shall—

16 (A) determine infrastructure requirements  
17 and property improvements needed at Knob  
18 Creek Farm to meet National Park Service  
19 standards;

20 (B) identify current and potential uses of  
21 Knob Creek Farm for recreational, interpretive,  
22 and educational opportunities; and

23 (C) project costs and potential revenues as-  
24 sociated with acquisition, development, and op-  
25 eration of Knob Creek Farm.

1 (d) AUTHORIZATION.—There are authorized to be ap-  
2 propriated such sums as may be necessary to carry out  
3 subsection (c).

4 **SEC. 103. GRAND STAIRCASE-ESCALANTE NATIONAL MONU-**  
5 **MENT, UTAH.**

6 (a) EXCLUSION OF CERTAIN LANDS.—The bound-  
7 aries of the Grand Staircase-Escalante National Monu-  
8 ment in the State of Utah are hereby modified to exclude  
9 the following lands:

10 (1) The parcel known as Henrieville Town,  
11 Utah, as generally depicted on the map entitled  
12 “Henrieville Town Exclusion, Garfield County,  
13 Utah”, dated March 25, 1998.

14 (2) The parcel known as Cannonville Town,  
15 Utah, as generally depicted on the map entitled  
16 “Cannonville Town Exclusion, Garfield County,  
17 Utah”, dated March 25, 1998.

18 (3) The parcel known as Tropic Town, Utah, as  
19 generally depicted on the map entitled “Tropic Town  
20 Parcel”, dated July 21, 1998.

21 (4) The parcel known as Boulder Town, Utah,  
22 as generally depicted on the map entitled “Boulder  
23 Town Exclusion, Garfield County, Utah”, dated  
24 March 25, 1998.

1 (b) INCLUSION OF CERTAIN ADDITIONAL LANDS.—

2 The boundaries of the Grand Staircase-Escalante National  
3 Monument are hereby modified to include the parcel  
4 known as East Clark Bench, as generally depicted on the  
5 map entitled “East Clark Bench Inclusion, Kane County,  
6 Utah”, dated March 25, 1998.

7 (c) MAPS.—The maps referred to in subsections (a)  
8 and (b) shall be on file and available for public inspection  
9 in the office of the Grand Staircase-Escalante National  
10 Monument in the State of Utah and in the office of the  
11 Director of the Bureau of Land Management.

12 (d) LAND CONVEYANCE, TROPIC TOWN, UTAH.—The  
13 Secretary of the Interior shall convey to Garfield County  
14 School District, Utah, all right, title, and interest of the  
15 United States in and to the lands shown on the map enti-  
16 tled “Tropic Town Parcel” and dated July 21, 1998, in  
17 accordance with section 1 of the Act of June 14, 1926  
18 (43 U.S.C. 869; commonly known as the Recreation and  
19 Public Purposes Act), for use as the location for a school  
20 and for other education purposes.

21 (e) LAND CONVEYANCE, KODACHROME BASIN STATE  
22 PARK, UTAH.—The Secretary shall transfer to the State  
23 of Utah all right, title, and interest of the United States  
24 in and to the lands shown on the map entitled “Koda-  
25 chrome Basin Conveyance No. 1 and No. 2” and dated

1 July 21, 1998, in accordance with section 1 of the Act  
2 of June 14, 1926 (43 U.S.C. 869; commonly known as  
3 the Recreation and Public Purposes Act), for inclusion of  
4 the lands in Kodachrome Basin State Park.

5 (f) UTILITY CORRIDOR DESIGNATION, U.S. ROUTE  
6 89, KANE COUNTY, UTAH.—There is hereby designated  
7 a utility corridor with regard to U.S. Route 89, in Kane  
8 County, Utah. The utility corridor shall run from the  
9 boundary of Glen Canyon Recreation Area easterly to  
10 Mount Carmel Jct. and shall consist of the following:

11 (1) Bureau of Land Management lands located  
12 on the north side of U.S. Route 89 within 240 feet  
13 of the center line of the highway.

14 (2) Bureau of Land Management lands located  
15 on the south side of U.S. Route 89 within 500 feet  
16 of the center line of the highway.

17 **SEC. 104. GEORGE WASHINGTON BIRTHPLACE NATIONAL**  
18 **MONUMENT, VIRGINIA.**

19 (a) ADDITION.—The boundaries of the George Wash-  
20 ington Birthplace National Monument are modified to in-  
21 clude the property generally known as George Washing-  
22 ton's Boyhood Home, Ferry Farm, located in Stafford  
23 County, Virginia, across the Rappahannock River from  
24 Fredericksburg, Virginia, comprising approximately 85  
25 acres. The boundary modification is generally depicted on

1 the map entitled “George Washington Birthplace National  
2 Monument Boundary Map”, numbered 322/80,020 and  
3 dated April 1998. The Secretary of the Interior shall keep  
4 the map on file and available for public inspection in ap-  
5 propriate offices of the National Park Service.

6 (b) ACQUISITION OF EASEMENT.—After enactment  
7 of this section, the Secretary of the Interior may acquire  
8 no more than a less than fee interest in the property de-  
9 scribed in subsection (a) to ensure the preservation of the  
10 important cultural and natural resources associated with  
11 Ferry Farm.

12 (c) RESOURCE STUDY.—Not later than 18 months  
13 after the date on which funds are made available to carry  
14 out this section, the Secretary of the Interior shall submit  
15 to the Committee on Energy and Natural Resources of  
16 the Senate and the Committee on Resources of the House  
17 of Representatives a resource study of the property de-  
18 scribed in subsection (a). The study shall—

19 (1) identify the full range of resources and his-  
20 toric themes associated with Ferry Farm, including  
21 those associated with George Washington’s tenure at  
22 the property described in subsection (a) and those  
23 associated with the Civil War period;

24 (2) identify alternatives for further National  
25 Park Service involvement at the property described

1 in subsection (a) beyond those that may be provided  
2 for in the acquisition authorized under subsection  
3 (b); and

4 (3) include cost estimates for any necessary ac-  
5 quisition, development, interpretation, operation, and  
6 maintenance associated with the alternatives identi-  
7 fied.

8 (d) AGREEMENTS.—Upon completion of the resource  
9 study under subsection (c), the Secretary of the Interior  
10 may enter into agreements with the owner of the property  
11 described in subsection (a) or other entities for the pur-  
12 pose of providing programs, services, facilities, or technical  
13 assistance that further the preservation and public use of  
14 the property.

15 **SEC. 105. WASATCH-CACHE NATIONAL FOREST AND MOUNT**  
16 **NAOMI WILDERNESS, UTAH.**

17 (a) BOUNDARY ADJUSTMENT.—To correct a faulty  
18 land survey, the boundaries of the Wasatch–Cache Na-  
19 tional Forest in the State of Utah and the boundaries of  
20 the Mount Naomi Wilderness, which is located within the  
21 Wasatch–Cache National Forest and was established as  
22 a component of the National Wilderness Preservation Sys-  
23 tem in section 102(a)(1) of the Utah Wilderness Act of  
24 1984 (Public Law 98–428; 98 Stat. 1657), are hereby  
25 modified to exclude the parcel of land known as the D.



1 Hyde property, which encompasses an area of cultivation  
 2 and private use, as generally depicted on the map entitled  
 3 “D. Hyde Property Section 7 Township 12 North Range  
 4 2 East SLB & M”, dated July 23, 1998.

5 (b) LAND CONVEYANCE.—The Secretary of Agri-  
 6 culture shall convey to Darrell Edward Hyde of Cache  
 7 County, Utah, all right, title, and interest of the United  
 8 States in and to the parcel of land identified in subsection  
 9 (a). As part of the conveyance, the Secretary shall release,  
 10 on behalf of the United States, any claims of the United  
 11 States against Darrell Edward Hyde for trespass or unau-  
 12 thorized use of the parcel before its conveyance.

13 **SEC. 106. RED ROCK CANYON NATIONAL CONSERVATION**  
 14 **AREA, NEVADA.**

15 Paragraph (2) of section 3(a) of the Red Rock Can-  
 16 yon National Conservation Area Establishment Act of  
 17 1990 (16 U.S.C. 460ccc–1(a)) is amended to read as fol-  
 18 lows:

19 “(2) The conservation area shall consist of approxi-  
 20 mately 195,780 acres as generally depicted on the map  
 21 entitled ‘Red Rock Canyon National Conservation Area  
 22 Administrative Boundary Modification’, dated August 8,  
 23 1996.”.

1 **SEC. 107. CAPE COD NATIONAL SEASHORE, MASSACHU-**  
2 **SETTS.**

3 (a) LAND EXCHANGE AND BOUNDARY ADJUST-  
4 MENT.—Section 2 of Public Law 87–126 (16 U.S.C.  
5 459b–1) is amended—

6 (1) by redesignating subsection (d) as sub-  
7 section (e); and

8 (2) by inserting after subsection (c) the follow-  
9 ing new subsection:

10 “(d) The Secretary may convey to the town of  
11 Provincetown, Massachusetts, a parcel of real property  
12 consisting of approximately 7.62 acres of Federal land  
13 within such area in exchange for approximately 11.157  
14 acres of land outside of such area, as depicted on the map  
15 entitled ‘Cape Cod National Seashore Boundary Revision  
16 Map’, dated May 1997, and numbered 609/80,801, to  
17 allow for the establishment of a municipal facility to serve  
18 the town that is restricted to solid waste transfer and recy-  
19 cling facilities and for other municipal activities that are  
20 compatible with National Park Service laws and regula-  
21 tions. Upon completion of the exchange, the Secretary  
22 shall modify the boundary of the Cape Cod National Sea-  
23 shore to include the land that has been added.”.

24 (b) REAUTHORIZATION OF ADVISORY COMMISSION.—  
25 Section 8(a) of Public Law 87–126 (16 U.S.C. 459b–7(a))  
26 is amended by striking the second sentence and inserting

1 the following new sentence: “The Commission shall termi-  
2 nate September 26, 2008.”.

3 **SEC. 108. HELLS CANYON WILDERNESS, HELLS CANYON NA-**  
4 **TIONAL RECREATION AREA.**

5       The Secretary of Agriculture shall revise the map and  
6 detailed boundary description of the Hells Canyon Wilder-  
7 ness designated by section 2 of Public Law 94–199 (16  
8 U.S.C. 460gg–1) to exclude Forest Service Road 3965  
9 from the wilderness area so that the road may continue  
10 to be used by motorized vehicles to its historical terminus  
11 at Squirrel Prairie, as was the original intent of the Con-  
12 gress. The road shall continue to be included in the Hells  
13 Canyon National Recreation Area also established by such  
14 Act.

1 **TITLE II—OTHER LAND CONVEY-**  
2 **ANCES AND MANAGEMENT**  
3 **Subtitle A—Southern Nevada**  
4 **Public Land Management**

5 **SEC. 201. FINDINGS AND PURPOSE.**

6 (a) FINDINGS.—The Congress finds the following:

7 (1) The Bureau of Land Management has ex-  
8 tensive land ownership in small and large parcels  
9 interspersed with or adjacent to private land in the  
10 Las Vegas Valley, Nevada, making many of these  
11 parcels difficult to manage and more appropriate for  
12 disposal.

13 (2) In order to promote responsible and orderly  
14 development in the Las Vegas Valley, certain of  
15 those Federal lands should be sold by the Federal  
16 Government based on recommendations made by  
17 local government and the public.

18 (3) The Las Vegas metropolitan area is the  
19 fastest growing urban area in the United States,  
20 which is causing significant impacts upon the Lake  
21 Mead National Recreation Area, the Red Rock Can-  
22 yon National Conservation Area, and the Spring  
23 Mountains National Recreation Area, which sur-  
24 round the Las Vegas Valley.

1 (b) PURPOSE.—The purpose of this subtitle is to pro-  
2 vide for the orderly disposal of certain Federal lands in  
3 Clark County, Nevada, and to provide for the acquisition  
4 of environmentally sensitive lands in the State of Nevada.

5 **SEC. 202. DEFINITIONS.**

6 As used in this subtitle:

7 (1) SECRETARY.—The term “Secretary” means  
8 the Secretary of the Interior.

9 (2) UNIT OF LOCAL GOVERNMENT.—The term  
10 “unit of local government” means Clark County, the  
11 City of Las Vegas, the City of North Las Vegas, or  
12 the City of Henderson; all in the State of Nevada.

13 (3) AGREEMENT.—The term “Agreement”  
14 means the agreement entitled “The Interim Cooper-  
15 ative Management Agreement Between The United  
16 States Department of the Interior—Bureau of Land  
17 Management and Clark County”, dated November 4,  
18 1992.

19 (4) SPECIAL ACCOUNT.—The term “special ac-  
20 count” means the account in the Treasury of the  
21 United States established under section  
22 203(e)(1)(C).

23 (5) RECREATION AND PUBLIC PURPOSES  
24 ACT.—The term “Recreation and Public Purposes  
25 Act” means the Act entitled “An Act to authorize

1 acquisition or use of public lands by States, counties,  
2 or municipalities for recreational purposes”, ap-  
3 proved June 14, 1926 (43 U.S.C. 869 et seq.).

4 (6) REGIONAL GOVERNMENTAL ENTITY.—The  
5 term “regional governmental entity” means the  
6 Southern Nevada Water Authority, the Regional  
7 Flood Control District, and the Clark County Sani-  
8 tation District.

9 (7) AVIATION DEPARTMENT.—The term “Avia-  
10 tion Department” means the Department of Avia-  
11 tion of Clark County, Nevada.

12 **SEC. 203. DISPOSAL AND EXCHANGE.**

13 (a) DISPOSAL.—Notwithstanding the land use plan-  
14 ning requirements contained in sections 202 and 203 of  
15 the Federal Land Policy and Management Act of 1976  
16 (43 U.S.C. 1711 and 1712), the Secretary, in accordance  
17 with this section, the Federal Land Policy and Manage-  
18 ment Act of 1976, and other applicable law, and subject  
19 to valid existing rights, is authorized to dispose of lands  
20 within the boundary of the area under the jurisdiction of  
21 the Direction of the Bureau of Land Management in Clark  
22 County, Nevada, as generally depicted on the map entitled  
23 “Las Vegas Valley, Nevada, Land Disposal Map”, dated  
24 April 10, 1997. Such map shall be on file and available

1 for public inspection in the offices of the Director and the  
2 Las Vegas District of the Bureau of Land Management.

3 (b) RESERVATION FOR LOCAL PUBLIC PURPOSES.—

4 (1) RECREATION AND PUBLIC PURPOSE ACT  
5 CONVEYANCES.—Not less than 30 days before the  
6 offering of lands for sale or exchange pursuant to  
7 subsection (a), the State of Nevada or the unit of  
8 local government in whose jurisdiction the lands are  
9 located may elect to obtain any such lands for local  
10 public purposes pursuant to the provisions of the  
11 Recreation and Public Purposes Act. Pursuant to  
12 any such election, the Secretary shall retain the  
13 elected lands for conveyance to the State of Nevada  
14 or such unit of the local government in accordance  
15 with the provisions of the Recreation and Public  
16 Purposes Act.

17 (2) RIGHTS-OF-WAY.—

18 (A) ISSUANCE.—Upon application, by a  
19 unit of local government or regional govern-  
20 mental entity, the Secretary, in accordance with  
21 this section and the Federal Land Policy and  
22 Management Act of 1976, and other applicable  
23 provisions of law, shall issue right-of-way grants  
24 on Federal lands in Clark County, Nevada, for  
25 all reservoirs, canals, channels, ditches, pipes,

1 pipelines, tunnels and other facilities and sys-  
2 tems needed for—

3 (i) the impoundment, storage, treat-  
4 ment, transportation or distribution of  
5 water (other than water from the Virgin  
6 River) or wastewater; or

7 (ii) flood control management.

8 (B) DURATION.—Right-of-way grants  
9 issued under this paragraph shall be valid in  
10 perpetuity.

11 (C) WAIVER OF FEES.—Right-of-way  
12 grants issued under this paragraph shall not re-  
13 quire the payment of rental or cost recovery  
14 fees.

15 (3) YOUTH ACTIVITY FACILITIES.—Within 30  
16 days after a request by Clark County, Nevada, the  
17 Secretary shall offer to Clark County, Nevada, the  
18 land depicted on the map entitled “Vicinity Map  
19 Parcel 177–28–101–020 dated August 14, 1996, in  
20 accordance with the Recreation and Public Purposes  
21 Act for the construction of youth activity facilities.

22 (c) WITHDRAWAL.—Subject to valid existing rights,  
23 all Federal lands identified in subsection (a) for disposal  
24 are withdrawn from location and entry, under the mining  
25 laws and from operation under the mineral leasing and



1 geothermal leasing laws until such time as the Secretary  
2 terminates the withdrawal or the lands are patented.

3 (d) SELECTION.—

4 (1) JOINT SELECTION REQUIRED.—The Sec-  
5 retary and the unit of local government in whose ju-  
6 risdiction lands referred to in subsection (a) are lo-  
7 cated shall jointly select lands to be offered for sale  
8 or exchange under this section. The Secretary shall  
9 coordinate land disposal activities with the unit of  
10 local government in whose jurisdiction such lands  
11 are located. Land disposal activities of the Secretary  
12 shall be consistent with local land use planning and  
13 zoning requirements and recommendations.

14 (2) OFFERING.—After land has been selected in  
15 accordance with this subsection, the Secretary shall  
16 make the first offering of land as soon as practicable  
17 after the date of enactment of this Act.

18 (e) DISPOSITION OF PROCEEDS.—

19 (1) LAND SALES.—Of the gross proceeds of  
20 sales of land under this section in a fiscal year—

21 (A) 5 percent shall be paid directly to the  
22 State of Nevada for use in the general edu-  
23 cation program of the State;

24 (B) 10 percent shall be paid directly to the  
25 Southern Nevada Water Authority for water

1 treatment and transmission facility infrastruc-  
2 ture in Clark County, Nevada; and

3 (C) the remainder shall be deposited in a  
4 special account in the Treasury of the United  
5 States for use pursuant to the provisions of  
6 paragraph (3).

7 Amounts in the special account shall be available to  
8 the Secretary without further appropriation and  
9 shall remain available until expended.

10 (2) LAND EXCHANGES.—

11 (A) PAYMENTS.—In the case of a land ex-  
12 change under this section, the non-Federal  
13 party shall provide direct payments to the State  
14 of Nevada and the Southern Nevada Water Au-  
15 thority in accordance with subparagraphs (A)  
16 and (B) of paragraph (1). The payments shall  
17 be based on the fair market value of the Fed-  
18 eral lands to be conveyed in the exchange and  
19 shall be considered a cost incurred by the non-  
20 Federal party that shall be compensated by the  
21 Secretary if so provided by any agreement to  
22 initiate the exchange.

23 (B) PENDING EXCHANGES.—The provi-  
24 sions of this section, except this subsection and  
25 subsections (a) and (b), shall not apply to any

1 land exchange for which an initial agreement to  
2 initiate an exchange was signed by an author-  
3 ized representative of the exchange proponent  
4 and an authorized officer of the Bureau of  
5 Land Management prior to February 29, 1996.

6 (3) AVAILABILITY OF SPECIAL ACCOUNT.—

7 (A) IN GENERAL.—Amounts deposited in  
8 the special account may be expended by the  
9 Secretary for—

10 (i) the acquisition of environmentally  
11 sensitive land in the State of Nevada in ac-  
12 cordance with section 5, with priority given  
13 to lands located within Clark County;

14 (ii) capital improvements at the Lake  
15 Mead National Recreation Area, the  
16 Desert National Wildlife Refuge, the Red  
17 Rock Canyon National Conservation Area  
18 and other areas administered by the Bu-  
19 reau of Land Management in Clark Coun-  
20 ty, and the Spring Mountains National  
21 Recreation Area;

22 (iii) development of a multispecies  
23 habitat conservation plan in Clark County,  
24 Nevada;

1 (iv) development of parks, trails, and  
2 natural areas in Clark County, Nevada,  
3 pursuant to a cooperative agreement with  
4 a unit of local government; and

5 (v) reimbursement of costs incurred  
6 by the local offices of the Bureau of Land  
7 Management in arranging sales or ex-  
8 changes under this subtitle.

9 (B) PROCEDURES.—The Secretary shall  
10 coordinate the use of the special account with  
11 the Secretary of Agriculture, the State of Ne-  
12 vada, local governments, and other interested  
13 persons, to ensure accountability and dem-  
14 onstrated results.

15 (C) LIMITATION.—Not more than 25 per-  
16 cent of the amounts available to the Secretary  
17 from the special account in any fiscal year (de-  
18 termined without taking into account amounts  
19 deposited under subsection (g)(4)) may be used  
20 in any fiscal year for the purposes described in  
21 subparagraph (A)(ii).

22 (f) INVESTMENT OF SPECIAL ACCOUNT.—All funds  
23 deposited as principal in the special account shall earn in-  
24 terest in the amount determined by the Secretary of the  
25 Treasury on the basis of the current average market yield

1 on outstanding marketable obligations of the United  
2 States of comparable maturities. Such interest shall be  
3 added to the principal of the account and expended ac-  
4 cording to the provisions of subsection (e)(3).

5 (g) AIRPORT ENVIRONS OVERLAY DISTRICT LAND  
6 TRANSFER.—Upon request of Clark County, Nevada, the  
7 Secretary shall transfer to Clark County, Nevada, without  
8 consideration, all right, title, and interest of the United  
9 States in and to the lands identified in the Agreement,  
10 subject to the following:

11 (1) Valid existing rights.

12 (2) Clark County agrees to manage such lands  
13 in accordance with the Agreement and with section  
14 47504 of title 49, United States Code (relating to  
15 airport noise compatibility planning), and regula-  
16 tions promulgated pursuant to that section.

17 (3) Clark County agrees that if any of such  
18 lands are sold, leased, or otherwise conveyed or  
19 leased by Clark County, such sale, lease, or other  
20 conveyance shall contain a limitation which requires  
21 uses compatible with the Agreement and such air-  
22 port noise compatibility planning provisions.

23 (4) Clark County agrees that if any of such  
24 lands are sold, leased, or otherwise conveyed by  
25 Clark County, such lands shall be sold, leased, or

1 otherwise conveyed for fair market value. Clark  
2 County shall contribute 85 percent of the gross pro-  
3 ceeds from the sale, lease, or other conveyance of  
4 such lands directly to the special account. If any of  
5 such lands sold, leased, or otherwise conveyed by  
6 Clark County are identified on the map referenced  
7 in section 2(a) of the Act entitled “An Act to pro-  
8 vide for the orderly disposal of certain Federal lands  
9 in Nevada and for the acquisition of certain other  
10 lands in the Lake Tahoe Basin, and for other pur-  
11 poses”, approved December 23, 1980 (94 Stat.  
12 3381; commonly known as the “Santini-Burton  
13 Act”), the proceeds contributed to the special ac-  
14 count by Clark County from the sale, lease, or other  
15 conveyance of such lands shall be used by the Sec-  
16 retary of Agriculture to acquire environmentally sen-  
17 sitive land in the Lake Tahoe Basin pursuant to sec-  
18 tion 3 of the Santini-Burton Act. Clark County shall  
19 contribute 5 percent of the gross proceeds from the  
20 sale, lease, or other conveyance of such lands di-  
21 rectly to the State of Nevada for use in the general  
22 education program of the State, and the remainder  
23 shall be available for use by the Aviation Depart-  
24 ment for the benefit of airport development and the  
25 noise compatibility program.

1 **SEC. 204. ACQUISITIONS.**

2 (a) ACQUISITIONS.—

3 (1) DEFINITION.—For purposes of this section,  
4 the term “environmentally sensitive land” means  
5 land or an interest in land, the acquisition of which  
6 the United States would, in the judgment of the Sec-  
7 retary or the Secretary of Agriculture—

8 (A) promote the preservation of natural,  
9 scientific, aesthetic, historical, cultural, water-  
10 shed, wildlife, and other values contributing to  
11 public enjoyment and biological diversity;

12 (B) enhance recreational opportunities and  
13 public access;

14 (C) provide the opportunity to achieve bet-  
15 ter management of public land through consoli-  
16 dation of Federal ownership; or

17 (D) otherwise serve the public interest.

18 (2) IN GENERAL.—After the consultation proc-  
19 ess has been completed in accordance with para-  
20 graph (3), the Secretary may acquire with the pro-  
21 ceeds of the special account environmentally sen-  
22 sitive land and interests in environmentally sensitive  
23 land. Lands may not be acquired under this section  
24 without the consent of the owner thereof. Funds  
25 made available from the special account may be used

1 with any other funds made available under any other  
2 provision of law.

3 (3) CONSULTATION.—Before initiating efforts  
4 to acquire land under this section, the Secretary or  
5 the Secretary of Agriculture shall consult with the  
6 State of Nevada and with local government within  
7 whose jurisdiction the lands are located, including  
8 appropriate planning and regulatory agencies, and  
9 with other interested persons, concerning the neces-  
10 sity of making the acquisition, the potential impacts  
11 on State and local government, and other appro-  
12 priate aspects of the acquisition. Consultation under  
13 this paragraph is in addition to any other consulta-  
14 tion required by law.

15 (b) ADMINISTRATION.—On acceptance of title by the  
16 United States, land and interests in land acquired under  
17 this section that is within the boundaries of a unit of the  
18 National Forest System, National Park System, National  
19 Wildlife Refuge System, National Wild and Scenic Rivers  
20 System, National Trails System, National Wilderness  
21 Preservation System, any other system established by Act  
22 of Congress, or any national conservation or national  
23 recreation area established by Act of Congress—



1           (1) shall become part of the unit or area with-  
2           out further action by the Secretary or Secretary of  
3           Agriculture; and

4           (2) shall be managed in accordance with all  
5           laws and regulations and land use plans applicable  
6           to the unit or area.

7           (c) DETERMINATION OF FAIR MARKET VALUE.—The  
8           fair market value of land or an interest in land to be ac-  
9           quired by the Secretary or the Secretary of Agriculture  
10          under this section shall be determined pursuant to section  
11          206 of the Federal Land Policy and Management Act of  
12          1976 (43 U.S.C. 1716) and shall be consistent with other  
13          applicable requirements and standards. Fair market value  
14          shall be determined without regard to the presence of a  
15          species listed as threatened or endangered under the En-  
16          dangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

17          (d) PAYMENTS IN LIEU OF TAXES.—Section 6901(1)  
18          of title 31, United States Code, is amended as follows:

19                (1) By striking “or” at the end of subpara-  
20                graph (F).

21                (2) By striking the period at the end of sub-  
22                paragraph (G) and inserting “; or”.

23                (3) By adding at the end the following:

24                       “(H) acquired by the Secretary of the Inte-  
25                       rior or the Secretary of Agriculture under sub-

1 title A of title II of the Omnibus National  
2 Parks and Public Lands Act of 1998 that is not  
3 otherwise described in subparagraphs (A)  
4 through (G).”.

5 **SEC. 205. REPORT.**

6 The Secretary, in cooperation with the Secretary of  
7 Agriculture, shall submit to the Committee on Energy and  
8 Natural Resources of the Senate and the Committee on  
9 Resources of the House of Representatives an annual re-  
10 port on all transactions under this subtitle.

11 **SEC. 206. RECREATION AND PUBLIC PURPOSES ACT.**

12 (a) TRANSFER OF REVERSIONARY INTEREST.—Upon  
13 request by a grantee of lands within Clark County, Ne-  
14 vada, that are subject to a lease or patent issued under  
15 the Recreation and Public Purposes Act, the Secretary  
16 may transfer the reversionary interest in such lands to  
17 other non-Federal lands. The transfer of the reversionary  
18 interest shall only be made to lands of equal value, except  
19 that with respect to the State of Nevada or a unit of local  
20 government, an amount equal to the excess (if any) of the  
21 fair market value of lands received by the unit of local  
22 government over the fair market value of lands transferred  
23 by the unit of local government shall be paid to the Sec-  
24 retary and shall be treated under section 203(e)(1) of this  
25 section as proceeds from the sale of land. For purposes

1 of this subsection, the fair market value of lands to be  
2 transferred by the State of Nevada or a unit of local gov-  
3 ernment may be based upon a statement of value prepared  
4 by a qualified appraiser.

5 (b) TERMS AND CONDITIONS APPLICABLE TO LANDS  
6 ACQUIRED.—Land selected under subsection (a) by a  
7 grantee described in such subsection shall be subject to  
8 the terms and conditions, uses, and acreage limitations of  
9 the lease or patent to which the lands transferred by the  
10 grantee were subject, including the reverter provisions,  
11 under the Recreation and Public Purposes Act.

12 **SEC. 207. SUPPORT FOR AFFORDABLE HOUSING.**

13 The Secretary, in consultation with the Secretary of  
14 Housing and Urban Development, may make available, in  
15 accordance with section 203 of the Federal Land Planning  
16 and Management Act of 1976 (43 U.S.C. 1712), land in  
17 the State of Nevada at less than fair market value and  
18 under other such terms and conditions as the Secretary  
19 may determine for affordable housing purposes. Such  
20 lands shall be made available only to State or local govern-  
21 mental entities, including local public housing authorities.  
22 For the purposes of this subsection, housing shall be con-  
23 sidered to be affordable housing if the housing serves low-  
24 income families (as defined in section 104 of the Cranston-

1 Gonzalez National Affordable Housing Act (42 U.S.C.  
2 12704)).

3 **SEC. 208. CONVEYANCE TO CLARK COUNTY DEPARTMENT**  
4 **OF AVIATION.**

5 (a) CONVEYANCE REQUIRED.—Notwithstanding the  
6 land use planning requirements contained in sections 202  
7 and 203 of the Federal Land Policy and Management Act  
8 of 1976 (43 U.S.C. 1711 and 1712), but subject to sub-  
9 section (b) of this section, the Secretary shall convey to  
10 the Department of Aviation of Clark County, Nevada, all  
11 right, title, and interest of the United States in and to  
12 the public lands identified for disposition on the map enti-  
13 tled “Ivanpah Valley, Nevada-Airport Selections”, num-  
14 bered \_\_\_\_\_, and dated \_\_\_\_\_, for the purpose of develop-  
15 ing an airport facility and related infrastructure. Such  
16 map shall be on file and available for public inspection  
17 in the offices of the Director and the Las Vegas District  
18 of the Bureau of Land Management.

19 (b) AIRSPACE STUDY AND MITIGATION OF ADVERSE  
20 EFFECTS.—The conveyance identified in subsection (a)  
21 shall not occur unless each of the following occur:

22 (1) The Aviation Department conducts an air-  
23 space assessment to identify any adverse effect on  
24 access to the Las Vegas Basin under visual flight  
25 rules that would result from the construction and

1 operation of a commercial or primary airport, or  
2 both, on the land to be conveyed.

3 (2) The Federal Aviation Administration cer-  
4 tifies to the Secretary that the Aviation Depart-  
5 ment's assessment is thorough and that alternatives  
6 have been developed to address each adverse effect  
7 identified in the assessment, including alternatives  
8 that ensure access to the Las Vegas Basin under  
9 visual flight rules at a level that is equal to or better  
10 than existing access.

11 (3) The Aviation Department enters into an  
12 agreement with the Secretary to retain ownership of  
13 nearby Jean Airport and to maintain and develop  
14 Jean Airport as a general aviation airport.

15 (c) PHASED CONVEYANCES.—The Secretary shall  
16 convey the lands identified in subsection (a) in smaller  
17 parcels over a period of up to 20 years, as may be required  
18 to carry out the phased construction and development of  
19 the airport facility and infrastructure on the lands to be  
20 conveyed. As consideration for the conveyance of each par-  
21 cel, the Aviation Department shall pay to the United  
22 States an amount equal to the fair market value of the  
23 parcel.

24 (d) DETERMINATIONS OF FAIR MARKET VALUE.—  
25 During the 3-year period beginning on the date of the en-

1 actment of this Act, the fair market value of a parcel to  
2 be conveyed under subsection (a) shall be based on an ap-  
3 praisal of the fair market value as of a date not later than  
4 6 months after the date of the enactment of this Act. The  
5 fair market value of each parcel conveyed after the end  
6 of such period shall be based on a subsequent appraisal.  
7 An appraisal conducted after such period shall consider  
8 the parcel in its unimproved state and shall not reflect  
9 any enhancement in value to the parcel based upon the  
10 existence or planned construction of infrastructure on or  
11 near the parcel.

12 (e) REVERSIONARY INTEREST.—During the 5-year  
13 period beginning 20 years after the date on which the Sec-  
14 retary conveys the first parcel under subsection (a), if the  
15 Secretary determines that the Aviation Department is not  
16 developing or progressing toward the development of the  
17 conveyed lands as an airport facility, the Secretary may  
18 exercise a right to reenter the conveyed lands. Any deter-  
19 mination of the Secretary under this subsection shall be  
20 made on the record after an opportunity for a hearing.  
21 If the Secretary exercises a right to reenter the conveyed  
22 lands under this subsection, the Secretary shall reimburse  
23 the Aviation Department for all payments made to the  
24 United States under subsection (c).

1 (f) WITHDRAWAL.—The public lands referred to in  
2 subsection (a) are hereby withdrawn from mineral entry  
3 under the Act of May 10, 1872 (30 U.S.C. 22 et seq.;  
4 popularly known as the Mining Law of 1872), and the  
5 Mineral Leasing Act (30 U.S.C. 181 et seq.).

6 **Subtitle B—Gallatin Land**  
7 **Consolidation**

8 **SEC. 211. FINDINGS.**

9 Congress finds that—

10 (1) the land north of Yellowstone National Park  
11 possesses outstanding natural characteristics and  
12 wildlife habitats that make the land a valuable addi-  
13 tion to the National Forest System;

14 (2) it is in the interest of the United States to  
15 establish a logical and effective ownership pattern  
16 for the Gallatin National Forest, reducing long-term  
17 costs for taxpayers and increasing and improving  
18 public access to the forest;

19 (3) it is in the interest of the United States for  
20 the Secretary of Agriculture to enter into an Option  
21 Agreement for the acquisition of land owned by Big  
22 Sky Lumber Co. to accomplish the purposes of this  
23 subtitle;

1           (4) other private property owners are willing to  
2       enter into exchanges that further improve the owner-  
3       ship pattern of the Gallatin National Forest; and

4           (5) BSL, acting in good faith, has shouldered  
5       many aspects of the financial burden of the ap-  
6       praisal and subsequent option and exchange process.

7   **SEC. 212. DEFINITIONS.**

8       In this subtitle:

9           (1) BLM LAND.—The term “BLM land”  
10      means approximately 2,000 acres of Bureau of Land  
11      Management land (including all appurtenances to  
12      the land) that is proposed to be acquired by BSL,  
13      as depicted in Exhibit B to the Option Agreement.

14          (2) BSL.—The term “BSL” means Big Sky  
15      Lumber Co., an Oregon joint venture, and its suc-  
16      cessors and assigns, and any other entities having a  
17      property interest in the BSL land.

18          (3) BSL LAND.—The term “BSL land” means  
19      approximately 54,000 acres of land (including all ap-  
20      purtenances to the land except as provided in section  
21      213(e)(1)(D)(i)) owned by BSL that is proposed to  
22      be acquired by the Secretary of Agriculture, as de-  
23      picted in Exhibit A to the Option Agreement.

24          (4) EASTSIDE NATIONAL FORESTS.—The term  
25      “Eastside National Forests” means national forests



1 east of the Continental Divide in the State of Mon-  
2 tana, including the Beaverhead National Forest,  
3 Deerlodge National Forest, Helena National Forest,  
4 Custer National Forest, and Lewis and Clark Na-  
5 tional Forest.

6 (5) NATIONAL FOREST SYSTEM LAND.—The  
7 term “National Forest System land” means approxi-  
8 mately 29,000 acres of land (including all appur-  
9 tenances to the land) owned by the United States in  
10 the Gallatin National Forest, Flathead National  
11 Forest, Deerlodge National Forest, Helena National  
12 Forest, Lolo National Forest, and Lewis and Clark  
13 National Forest that is proposed to be acquired by  
14 BSL, as depicted in Exhibit B to the Option Agree-  
15 ment.

16 (6) OPTION AGREEMENT.—The term “Option  
17 Agreement” means—

18 (A) the document signed by BSL, dated  
19 July 29, 1998, and entitled “Option Agreement  
20 for the Acquisition of Big Sky Lumber Co.  
21 Lands Pursuant to the Gallatin Range Consoli-  
22 dation and Protection Act of 1993”;

23 (B) the exhibits and maps attached to the  
24 document described in subparagraph (A); and

1 (C) a negotiated agreement to be entered  
2 into between the Secretary and BSL and made  
3 part of the document described in subparagraph  
4 (A).

5 (7) SECRETARY.—The “Secretary” means the  
6 Secretary of Agriculture.

7 **SEC. 213. GALLATIN LAND CONSOLIDATION COMPLETION.**

8 (a) IN GENERAL.—Notwithstanding any other provi-  
9 sion of law, and subject to the terms and conditions of  
10 the Option Agreement—

11 (1) if BSL offers title acceptable to the Sec-  
12 retary to the BSL land—

13 (A) the Secretary shall accept a warranty  
14 deed to the BSL land and a quit claim deed to  
15 agreed to mineral interests in the BSL land;

16 (B) the Secretary shall convey to BSL,  
17 subject to valid existing rights and to other  
18 terms, conditions, reservations, and exceptions  
19 as may be agreed to by the Secretary and BSL,  
20 fee title to the National Forest System land;  
21 and

22 (C) the Secretary of the Interior shall con-  
23 vey to BSL, by patent or otherwise, subject to  
24 valid existing rights and other terms, condi-  
25 tions, reservations, and exceptions as may be

1           agreed to by the Secretary of the Interior and  
2           BSL, fee title to the BLM land;

3           (2) if BSL places title in escrow acceptable to  
4           the Secretary to 11½ sections of the BSL land in  
5           the Taylor Fork area as set forth in the Option  
6           Agreement—

7                   (A) the Secretary shall place Federal land  
8                   in the Bangtail and Doe Creek areas of the  
9                   Gallatin National Forest, as identified in the  
10                  Option Agreement, in escrow pending convey-  
11                  ance to the Secretary of the Taylor Fork land,  
12                  as identified in the Option Agreement in es-  
13                  crow;

14                  (B) the Secretary, subject to the availabil-  
15                  ity of funds, shall purchase 7½ sections of BSL  
16                  land in the Taylor Fork area held in escrow and  
17                  identified in the Option Agreement at a pur-  
18                  chase price of \$4,150,000 plus interest at a  
19                  rate acceptable to the Secretary; and

20                  (C) the Secretary shall acquire the 4 Tay-  
21                  lor Fork sections identified in the Option  
22                  Agreement remaining in escrow, and any of the  
23                  6 sections referred to in subparagraph (B) for  
24                  which funds are not available, by providing  
25                  BSL with timber sale receipts from timber sales

1 on the Gallatin National Forest and other  
2 eastside national forests in the State of Mon-  
3 tana in accordance with subsection (c); and

4 (3)(A) as funds or timber sale receipts are re-  
5 ceived by BSL—

6 (i) the deeds to an equivalent value of  
7 BSL Taylor Fork land held in escrow shall  
8 be released and conveyed to the Secretary;  
9 and

10 (ii) the escrow of deeds to an equiva-  
11 lent value of Federal land shall be released  
12 to the Secretary in accordance with the  
13 terms of the Option Agreement; or

14 (B) if funds or timber sale receipts are not  
15 provided to BSL as provided in the Option  
16 Agreement, BSL shall be entitled to receive  
17 patents and deeds to an equivalent value of the  
18 Federal land held in escrow.

19 (b) VALUATION.—

20 (1) IN GENERAL.—The property and other as-  
21 sets exchanged or conveyed by BSL and the United  
22 States under subsection (a) shall be approximately  
23 equal in value, as determined by the Secretary.

24 (2) DIFFERENCE IN VALUE.—To the extent  
25 that the property and other assets exchanged or con-

1       veyed by BSL or the United States under subsection  
2       (a) are not approximately equal in value, as deter-  
3       mined by the Secretary, the values shall be equalized  
4       in accordance with methods identified in the Option  
5       Agreement.

6       (c) TIMBER SALE PROGRAM.—

7           (1) IN GENERAL.—The Secretary shall imple-  
8       ment a timber sale program, according to the terms  
9       and conditions identified in the Option Agreement  
10      and subject to compliance with applicable environ-  
11      mental laws, judicial decisions, and acts beyond the  
12      control of the Secretary, to generate sufficient tim-  
13      ber receipts to purchase the portions of the BSL  
14      land in Taylor Fork identified in the Option Agree-  
15      ment.

16          (2) IMPLEMENTATION.—In implementing the  
17      timber sale program—

18           (A) the Secretary shall provide BSL with  
19      a proposed annual schedule of timber sales;

20           (B) as set forth in the Option Agreement,  
21      receipts generated from the timber sale pro-  
22      gram shall be deposited by the Secretary in a  
23      special account established by the Secretary and  
24      paid by the Secretary to BSL;

1 (C) receipts from the Gallatin National  
2 Forest shall not be subject to the Act of May  
3 23, 1908 (16 U.S.C. 500); and

4 (D) the Secretary shall fund the timber  
5 sale program at levels determined by the Sec-  
6 retary to be commensurate with the preparation  
7 and administration of the identified timber sale  
8 program.

9 (d) RIGHTS-OF-WAY.—As specified in the Option  
10 Agreement—

11 (1) the Secretary, under the authority of the  
12 Federal Land Policy and Management Act of 1976  
13 (43 U.S.C. 1701 et seq.), shall convey to BSL such  
14 easements in or other rights-of-way over National  
15 Forest System land for access to the land acquired  
16 by BSL under this subtitle for all lawful purposes;  
17 and

18 (2) BSL shall convey to the United States such  
19 easements in or other rights-of-way over land owned  
20 by BSL for all lawful purposes, as may be agreed  
21 to by the Secretary and BSL.

22 (e) QUALITY OF TITLE.—

23 (1) DETERMINATION.—The Secretary shall re-  
24 view the title for the BSL land described in sub-  
25 section (a) and, within 45 days after receipt of all

1 applicable title documents from BSL, determine  
2 whether—

3 (A) the applicable title standards for Fed-  
4 eral land acquisition have been satisfied and the  
5 quality of the title is otherwise acceptable to the  
6 Secretary of Agriculture;

7 (B) all draft conveyances and closing docu-  
8 ments have been received and approved;

9 (C) a current title commitment verifying  
10 compliance with applicable title standards has  
11 been issued to the Secretary; and

12 (D) the title includes both the surface and  
13 subsurface estates without reservation or excep-  
14 tion (except as specifically provided in this sub-  
15 title), including—

16 (i) minerals, mineral rights, and min-  
17 eral interests (including severed oil and gas  
18 surface rights), subject to and excepting  
19 other outstanding or reserved oil and gas  
20 rights;

21 (ii) timber, timber rights, and timber  
22 interests (except those reserved subject to  
23 section 251.14 of title 36, Code of Federal  
24 Regulations, by BSL and agreed to by the  
25 Secretary);

- 1 (iii) water, water rights, ditch, and
- 2 ditch rights;
- 3 (iv) geothermal rights; and
- 4 (v) any other interest in the property.

5 (2) CONVEYANCE OF TITLE.—

6 (A) IN GENERAL.—If the quality of title  
 7 does not meet Federal standards or is otherwise  
 8 determined to be unacceptable to the Secretary  
 9 of Agriculture, the Secretary shall advise BSL  
 10 regarding corrective actions necessary to make  
 11 an affirmative determination under paragraph  
 12 (1).

13 (B) TITLE TO SUBSURFACE ESTATE.—  
 14 Title to the subsurface estate shall be conveyed  
 15 by BSL to the Secretary in the same form and  
 16 content as that estate is received by BSL from  
 17 Burlington Resources Oil & Gas Company Inc.  
 18 and Glacier Park Company.

19 (f) TIMING OF IMPLEMENTATION.—

20 (1) LAND-FOR-LAND EXCHANGE.—The Sec-  
 21 retary shall accept the conveyance of land described  
 22 in subsection (a) not later than 45 days after the  
 23 Secretary has made an affirmative determination of  
 24 quality of title.



1           (2) LAND-FOR-TIMBER SALE RECEIPT EX-  
 2           CHANGE.—As provided in subsection (c) and the Op-  
 3           tion Agreement, the Secretary shall make timber re-  
 4           ceipts described in subsection (a)(3) available not  
 5           later than December 31 of the fifth full calendar  
 6           year that begins after the date of enactment of this  
 7           subtitle.

8           (3) PURCHASE.—The Secretary shall complete  
 9           the purchase of BSL land under subsection  
 10          (a)(2)(B) not later than 30 days after the date on  
 11          which funds are made available for such purchase  
 12          and an affirmative determination of quality of title  
 13          is made with respect to the BSL land.

14 **SEC. 214. OTHER FACILITATED EXCHANGES.**

15          (a) AUTHORIZED EXCHANGES.—

16           (1) IN GENERAL.—The Secretary shall enter  
 17          into the following land exchanges if the landowners  
 18          are willing:

19                  (A) Wapiti land exchange, as outlined in  
 20                  the documents entitled “Non-Federal Lands in  
 21                  Facilitated Exchanges” and “Federal Lands in  
 22                  Facilitated Exchanges” and dated July 1998.

23                  (B) Eightmile/West Pine land exchange as  
 24                  outlined in the documents entitled “Non-Fed-  
 25                  eral Lands in Facilitated Exchanges” and

1 “Federal Lands in Facilitated Exchanges” and  
2 dated July 1998.

3 (2) EQUAL VALUE.—Before entering into an  
4 exchange under paragraph (1), the Secretary shall  
5 determine that the parcels of land to be exchanged  
6 are of approximately equal value, based on an ap-  
7 praisal.

8 (b) SECTION 1 OF THE TAYLOR FORK LAND.—

9 (1) IN GENERAL.—The Secretary is encouraged  
10 to pursue a land exchange with the owner of section  
11 1 of the Taylor Fork land after completing a full  
12 public process and an appraisal.

13 (2) REPORT.—The Secretary shall report to  
14 Congress on the implementation of paragraph (1)  
15 not later than 180 days after the date of enactment  
16 of this subtitle.

17 **SEC. 215. GENERAL PROVISIONS.**

18 (a) MINOR CORRECTIONS.—

19 (1) IN GENERAL.—The Option Agreement shall  
20 be subject to such minor corrections and supple-  
21 mental provisions as may be agreed to by the Sec-  
22 retary and BSL.

23 (2) NOTIFICATION.—The Secretary shall notify  
24 the Committee on Energy and Natural Resources of  
25 the Senate, the Committee on Resources of the

1 House of Representatives, and each member of the  
2 Montana congressional delegation of any changes  
3 made under this subsection.

4 (3) BOUNDARY ADJUSTMENT.—

5 (A) IN GENERAL.—The boundary of the  
6 Gallatin National Forest is adjusted in the  
7 Wineglass and North Bridger area, as described  
8 on maps dated July 1998, upon completion of  
9 the conveyances.

10 (B) NO LIMITATION.—Nothing in this sub-  
11 section limits the authority of the Secretary to  
12 adjust the boundary pursuant to section 11 of  
13 the Act of March 1, 1911 (commonly known as  
14 the “Weeks Act”) (16 U.S.C. 521).

15 (C) ALLOCATION OF LAND AND WATER  
16 CONSERVATION FUND MONEYS.—For the pur-  
17 poses of section 7 of the Land and Water Con-  
18 servation Fund Act of 1965 (16 U.S.C. 460l–  
19 9), boundaries of the Gallatin National Forest  
20 shall be considered to be the boundaries of the  
21 National Forest as of January 1, 1965.

22 (b) PUBLIC AVAILABILITY.—The Option Agree-  
23 ment—

1           (1) shall be on file and available for public in-  
2           spection in the office of the Supervisor of the Gal-  
3           latin National Forest; and

4           (2) shall be filed with the county clerk of each  
5           of Gallatin County, Park County, Madison County,  
6           Granite County, Broadwater County, Meagher Coun-  
7           ty, Flathead County, and Missoula County, Mon-  
8           tana.

9           (c) COMPLIANCE WITH OPTION AGREEMENT.—The  
10          Secretary, the Secretary of the Interior, and BSL shall  
11          comply with the terms and conditions of the Option Agree-  
12          ment except to the extent that any provision of the Option  
13          Agreement conflicts with this subtitle.

14          (d) CONVEYANCE OF TIMBER.—After completion of  
15          the land-for-land exchange under section 213(a)(1), the  
16          Secretary shall convey to BSL 1,000,000 board feet of  
17          timber from roaded land in the Gallatin National Forest,  
18          which—

19                (1) shall be treated as reserved timber under  
20                section 251.14 of title 36, Code of Federal Regula-  
21                tions; and

22                (2) shall not be considered as part of the ap-  
23                praisal value of land exchanged under this subtitle.

24          (e) STATUS OF LAND.—All land conveyed to the  
25          United States under this subtitle shall be added to and

1 administered as part of the Gallatin National Forest and  
2 Deerlodge National Forest, as appropriate, in accordance  
3 with the Act of March 1, 1911 (5 U.S.C. 515 et seq.),  
4 and other laws (including regulations) pertaining to the  
5 National Forest System.

6 (f) MANAGEMENT.—

7 (1) PUBLIC PROCESS.—Not later than 30 days  
8 after the date of completion of the land-for-land ex-  
9 change under section 213(f)(1), the Secretary shall  
10 initiate a public process to amend the Gallatin Na-  
11 tional Forest Plan and the Deerlodge National For-  
12 est Plan to integrate the acquired land into the  
13 plans.

14 (2) PROCESS TIME.—The amendment process  
15 under paragraph (1) shall be completed as soon as  
16 practicable, and in no event later than 540 days  
17 after the date on which the amendment process is  
18 initiated.

19 (3) LIMITATION.—An amended management  
20 plan shall not permit surface occupancy on the ac-  
21 quired land for access to reserved or outstanding oil  
22 and gas rights or for exploration or development of  
23 oil and gas.

1           (4) INTERIM MANAGEMENT.—Pending comple-  
2           tion of the forest plan amendment process under  
3           paragraph (1), the Secretary shall—

4                   (A) manage the acquired land under the  
5                   standards and guidelines in the applicable land  
6                   and resource management plans for adjacent  
7                   land managed by the Forest Service; and

8                   (B) maintain all existing public access to  
9                   the acquired land.

10          (g) RESTORATION.—

11               (1) IN GENERAL.—The Secretary shall imple-  
12               ment a restoration program including reforestation  
13               and watershed enhancements to bring the acquired  
14               land and surrounding national forest land into com-  
15               pliance with Forest Service standards and guide-  
16               lines.

17               (2) STATE AND LOCAL CONSERVATION  
18               CORPS.—In implementing the restoration program,  
19               the Secretary shall, when practicable, use partner-  
20               ships with State and local conservation corps, includ-  
21               ing the Montana Conservation Corps, under the  
22               Public Lands Corps Act of 1993 (16 U.S.C. 1721 et  
23               seq.).

24               (h) IMPLEMENTATION.—The Secretary of Agri-  
25               culture shall ensure that sufficient funds are made avail-

1 able to the Gallatin National Forest to carry out this sub-  
2 title.

3 (i) REVOCATIONS.—Notwithstanding any other provi-  
4 sion of law, any public orders withdrawing lands identified  
5 in the Option Agreement from all forms of appropriation  
6 under the public land laws are revoked upon conveyance  
7 of the lands by the Secretary.

8 **SEC. 216. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated such sums  
10 as are necessary to carry out this subtitle.

11 **Subtitle C—Conveyance of Canyon**  
12 **Ferry Reservoir Properties**

13 **SEC. 221. FINDINGS.**

14 The Congress finds that the conveyance of the Prop-  
15 erties described in section 224(b) to the Lessees of those  
16 Properties for fair market value would have the beneficial  
17 results of—

18 (1) reducing Pick-Sloan project debt for the  
19 Canyon Ferry Reservoir;

20 (2) providing a permanent source of funding to  
21 acquire public access, to conserve fish and wildlife,  
22 and to enhance public hunting, fishing, and rec-  
23 reational opportunities in the State of Montana;

24 (3) eliminating Federal payments in lieu of  
25 taxes and associated management expenditures in

1 connection with the Federal Government’s ownership  
2 of the Properties while increasing local tax revenues  
3 from the new owners of the Properties; and

4 (4) eliminating expensive and contentious dis-  
5 putes between the Secretary of the Interior and Les-  
6 sees while ensuring that the Federal Government re-  
7 ceives full and fair value for the conveyance of the  
8 Properties.

9 **SEC. 222. PURPOSE.**

10 The purpose of this subtitle is to establish terms and  
11 conditions under which the Secretary of the Interior shall  
12 convey, for fair market value, certain Properties around  
13 Canyon Ferry Reservoir in the State of Montana, to the  
14 Lessees of the Properties.

15 **SEC. 223. DEFINITIONS.**

16 In this subtitle:

17 (1) CFRA.—The term “CFRA” means the  
18 Canyon Ferry Recreation Association, Incorporated,  
19 a Montana corporation.

20 (2) COMMISSIONERS.—The term “Commis-  
21 sioners” means the Board of Commissioners for  
22 Broadwater County, Montana.

23 (3) COUNTY TRUST.—The terms “County  
24 Trust” and “Canyon Ferry-Broadwater County



1 Trust” mean the Canyon Ferry-Broadwater County  
2 Trust established pursuant to section 228.

3 (3) LESSEE.—The term “Lessee” means the  
4 leaseholder of any 1 of the cabin sites described in  
5 section 224(b) on the date of the enactment of this  
6 subtitle and the heirs, executors, and assigns of the  
7 leaseholder’s interest in that cabin site.

8 (4) PROPERTY.—The term “Property” means  
9 any one of the cabin sites described in section  
10 224(b).

11 (5) PROPERTIES.—The term “Properties”  
12 means all 265 of the cabin sites (and related par-  
13 cels) described in section 224(b).

14 (6) PURCHASER.—The term “Purchaser”  
15 means a person or entity, excluding CFRA, that  
16 purchases the Properties under section 224.

17 (7) RESERVOIR.—The terms “Reservoir” and  
18 “Canyon Ferry Reservoir” mean the Canyon Ferry  
19 Reservoir in the State of Montana.

20 (8) SECRETARY.—The term “Secretary” means  
21 the Secretary of the Interior.

22 (9) STATE TRUST.—The terms “State Trust”  
23 and “Montana Fish and Wildlife Conservation  
24 Trust” mean the Montana Fish and Wildlife Con-  
25 servation Trust established pursuant to section 227.

1 **SEC. 224. SALE OF PROPERTIES.**

2 (a) SALE REQUIRED.—Subject to subsection (c) and  
3 section 228, and notwithstanding any other provision of  
4 law, the Secretary shall sell at fair market value—

5 (1) all right, title, and interest of the United  
6 States in and to all (but not fewer than all) of the  
7 Properties, subject to valid existing rights; and

8 (2) perpetual easements for—

9 (A) vehicular access to each Property;

10 (B) access to and the use of one dock per  
11 Property; and

12 (C) access to and the use of all boathouses,  
13 ramps, retaining walls, and other improvements  
14 for which access is provided in the Property  
15 leases as of the date of the enactment of this  
16 subtitle.

17 (b) DESCRIPTION OF PROPERTIES.—

18 (1) IN GENERAL.—The Properties to be con-  
19 veyed are—

20 (A) the 265 cabin sites of the Bureau of  
21 Reclamation located along the northern end of  
22 the Reservoir in portions of sections 2, 11, 12,  
23 13, 15, 22, 23, and 26, Township 10 North,  
24 Range 1 West; and

25 (B) any small parcels contiguous to the  
26 Properties (not including shoreline or land

1           needed to provide public access to the shoreline  
 2           of the Reservoir) that the Secretary determines  
 3           should be conveyed in order to eliminate  
 4           inholdings and facilitate administration of sur-  
 5           rounding land remaining in Federal ownership.

6           (2) ACREAGE; LEGAL DESCRIPTION.—The acre-  
 7           age and legal description of each Property and of  
 8           each parcel determined by the Secretary under para-  
 9           graph (1)(B) shall be determined by agreement be-  
 10          tween the Secretary and CFRA.

11          (c) PURCHASE PROCESS.—

12           (1) IN GENERAL.—The Secretary shall—

13                   (A) solicit sealed bids for the Properties;

14                   (B) subject to paragraph (2), sell the  
 15           Properties to the bidder that submits the high-  
 16           est bid above the minimum bid determined  
 17           under paragraph (2); and

18                   (C) only accept bids that provide for the  
 19           purchase of all of the Properties in one bundle.

20          (2) MINIMUM BID.—Before accepting bids, the  
 21          Secretary, in consultation with CFRA, shall estab-  
 22          lish a minimum bid based on an appraisal of the fair  
 23          market value of the Properties, exclusive of the value  
 24          of private improvements made by leaseholders of the  
 25          Properties before the date of the conveyance. The

1 appraisal shall be conducted in conformance with the  
2 Uniform Standards of Professional Appraisal Prac-  
3 tice.

4 (3) RIGHT OF FIRST REFUSAL.—If the highest  
5 bidder is a person other than CFRA, CFRA shall  
6 have the right to match the highest bid and pur-  
7 chase the Properties at a price equal to the amount  
8 of that bid.

9 (d) TERMS OF CONVEYANCE.—

10 (1) PURCHASER TO EXTEND OPTION TO PUR-  
11 CHASE OR TO CONTINUE LEASING.—

12 (A) PURCHASE OPTION.—The Purchaser  
13 shall give each Lessee of a Property conveyed  
14 under this section an option to purchase the  
15 Property at fair market value as determined  
16 under subsection (c)(2).

17 (B) RIGHT TO CONTINUE LEASE.—A Les-  
18 see that is unable or unwilling to purchase a  
19 Property shall be provided the opportunity to  
20 continue to lease the Property for fair market  
21 value rent under the same terms and conditions  
22 as apply under the existing lease for the Prop-  
23 erty, including the right to renew the term of  
24 the existing lease for two consecutive five-year  
25 terms.

1                   (C)    COMPENSATION    FOR    IMPROVE-  
2                   MENTS.—If a Lessee declines to purchase a  
3                   Property, the Purchaser shall compensate the  
4                   Lessee for the fair market value, as determined  
5                   pursuant to customary appraisal procedures, of  
6                   all improvements made to the Property. The  
7                   Lessee may sell the improvements to the Pur-  
8                   chaser at any time, but the sale shall be com-  
9                   pleted by the final termination of the lease,  
10                  after all renewals as provided in subparagraph  
11                  (B).

12               (2) PROPERTY DESCRIPTIONS AND HISTORICAL  
13               USE.—The Purchaser shall honor the existing de-  
14               scriptions of the Properties and historical use re-  
15               strictions for the Properties.

16               (3) CFRA PURCHASES.—

17                   (A) CONVEYANCE TO STATE TRUST IN  
18                   LIEU OF PAYMENT.—If CFRA is the highest  
19                   bidder, or matches the highest bid, CFRA may  
20                   convey to the Montana Fish and Wildlife Con-  
21                   servation Trust the fee title to any Property  
22                   that is not purchased by a Lessee under para-  
23                   graph (1)(A). The conveyance to the State  
24                   Trust shall be in lieu of payment, and the value  
25                   of each Property contribution under this sub-

1 paragraph shall be the fair market value of the  
2 Property under this section.

3 (B) CONTINUATION OF LEASES.—

4 (i) IN GENERAL.—CFRA (or the  
5 State Trust if a Property is conveyed to  
6 the State Trust under subparagraph (A))  
7 shall allow the Lessee of that Property who  
8 is unable or unwilling to purchase the  
9 Property to continue to lease the Property  
10 pursuant to the terms and conditions of  
11 the lease in effect for the Property on the  
12 date of the enactment of this subtitle.

13 (ii) RENTAL PAYMENTS.—All rents re-  
14 ceived during the continuation of a lease  
15 under clause (i) shall be paid to CFRA (or  
16 the State Trust if the Property is conveyed  
17 to the State Trust under subparagraph  
18 (A)).

19 (iii) LIMITATION ON RIGHT TO TRANS-  
20 FER LEASE.—Subject to valid existing  
21 rights, a Lessee may not sell or otherwise  
22 assign or transfer the Lessee's Property  
23 without purchasing the Property from  
24 CFRA (or the State Trust if the Property  
25 is conveyed to the State Trust under sub-

1 paragraph (A)) and conveying the fee in-  
2 terest in the Property.

3 (C) CONVEYANCE BY STATE TRUST.—All  
4 conveyances of a Property and any related par-  
5 cels under subsection (b)(1)(B) by the State  
6 Trust shall be at fair market value as deter-  
7 mined by a new appraisal, but in no event may  
8 the State Trust convey any Property to a Les-  
9 see for an amount less than the value estab-  
10 lished for the Property by the appraisal con-  
11 ducted pursuant to subsection (c)(2).

12 (e) ADMINISTRATIVE COSTS.—Any reasonable ad-  
13 ministrative cost incurred by the Secretary incident to the  
14 conveyance under subsection (a) shall be reimbursed by  
15 the Purchaser or CFRA, as the case may be.

16 (f) TIMING.—The Secretary shall make every effort  
17 to complete the conveyance under subsection (a) not later  
18 than one year after the date of the enactment of this sub-  
19 title.

20 (g) CLOSING.—Real estate closings to complete the  
21 conveyance under subsection (a) may be staggered to fa-  
22 cilitate the conveyance as agreed to by the Secretary and  
23 the Purchaser or CFRA, as the case may be.

24 (h) CONVEYANCE TO LESSEE.—If a Lessee elects to  
25 purchase a Property from the Purchaser or CFRA as pro-

1 vided in subsection (d)(1)(A), the Secretary, upon request  
2 by the Lessee, shall have the conveyance documents pre-  
3 pared in the Lessee's name or names in order to minimize  
4 the time and documents required to complete the closing  
5 for the Property.

6 (h) COSTS.—The Lessee shall reimburse CFRA for  
7 a proportionate share of the costs to CFRA of completing  
8 the transactions contemplated by this subtitle, including  
9 any interest charges. In addition, the Lessee shall reim-  
10 burse the State Trust for costs, including costs of the new  
11 appraisal, associated with conveying the Property from the  
12 Trust to the Lessee.

13 **SEC. 225. MANAGEMENT OF BUREAU OF RECLAMATION**  
14 **RECREATION AREA.**

15 (a) CONTRACT FOR CAMPGROUND MANAGEMENT.—  
16 Not later than six months after the date of the enactment  
17 of this subtitle, the Secretary shall—

18 (1) offer to enter into a contract with the  
19 Board of Commissioners for Broadwater County,  
20 Montana, under which the Commissioners would un-  
21 dertake the management of the Bureau of Reclama-  
22 tion recreation area known as Silos recreation area;  
23 and



1           (2) enter into such a contract if mutually  
 2       agreed upon by the Secretary and the Commis-  
 3       sioners.

4       (b) CONCESSION INCOME.—Any income generated by  
 5       any concessions which may be granted by the Commis-  
 6       sioners at the recreation area shall be deposited in the  
 7       Canyon Ferry-Broadwater County Trust established pur-  
 8       suant to section 228 and may be dispersed by the manager  
 9       of the County Trust as part of the income of the County  
 10      Trust.

11   **SEC. 226. USE OF PROCEEDS.**

12       Proceeds received by the United States from the con-  
 13      veyances under this subtitle shall be used as follows:

14           (1) 10 percent of the proceeds shall be applied  
 15       by the Secretary of the Treasury to reduce the out-  
 16       standing debt for the Pick-Sloan project at Canyon  
 17       Ferry Reservoir.

18           (2) 90 percent of the proceeds shall be depos-  
 19       ited into the State Trust.

20   **SEC. 227. MONTANA FISH AND WILDLIFE CONSERVATION**  
 21       **TRUST.**

22       As part of the conveyance of the Properties under  
 23      section 224, there shall be established a nonprofit chari-  
 24      table permanent perpetual public trust in Montana to be  
 25      known as the “Montana Fish and Wildlife Conservation

1 Trust”, to provide a permanent source of funding to ac-  
 2 quire publicly accessible land and interests in land, includ-  
 3 ing easements and conservation easements, in Montana  
 4 from willing sellers at fair market value to—

5 (1) restore and conserve fisheries habitat, in-  
 6 cluding riparian habitat;

7 (2) restore and conserve wildlife habitat;

8 (3) enhance public hunting, fishing, and rec-  
 9 reational opportunities; and

10 (4) improve public access to public lands.

11 **SEC. 228. CANYON FERRY-BROADWATER COUNTY TRUST.**

12 (a) TRUST REQUIRED AS CONDITION ON CONVEY-  
 13 ANCES.—The Secretary may not sell the Properties under  
 14 section 224 unless and until the Board of Commissioners  
 15 for Broadwater County, Montana—

16 (1) establishes a nonprofit charitable permanent  
 17 perpetual public trust, to be known as the “Canyon  
 18 Ferry-Broadwater County Trust”; and

19 (2) deposits at least \$3,000,000 as the initial  
 20 corpus of the County Trust.

21 (b) REDUCTION FOR IN-KIND CONTRIBUTIONS.—

22 The Secretary may reduce the amount required to be de-  
 23 posited in the County Trust under subsection (a)(2) to  
 24 reflect in-kind contributions made in Broadwater County  
 25 and related to the maintenance or improvement of access

1 to or recreational facilities at the Reservoir. In kind con-  
2 tributions shall be valued based on the fair market value  
3 of the goods or services provided.

4 (c) COUNTY TRUST MANAGEMENT.—The County  
5 Trust shall be managed by the Montana Community  
6 Foundation, in this section referred to as the “trust man-  
7 ager”.

8 (d) USE.—

9 (1) IN GENERAL.—The trust manager shall in-  
10 vest the corpus of the County Trust and shall dis-  
11 perse funds from the County Trust only as provided  
12 in this subsection.

13 (2) SILO RECREATION AREA.—A sum not to ex-  
14 ceed \$500,000 may be expended from the corpus of  
15 the County Trust to pay for the planning and con-  
16 struction of a harbor at the Silos recreation area.

17 (3) OTHER USES.—The balance of the principal  
18 of the County Trust shall be inviolate. Income de-  
19 rived from the County Trust may be expended for  
20 the improvement of access to those portions of Can-  
21 yon Ferry Reservoir lying within Broadwater Coun-  
22 ty, Montana, and for the creation and improvement  
23 of new and existing recreational areas within  
24 Broadwater County.

1           (4) LIMITATION.—All interest earned on the  
2           principal of the County Trust shall be reinvested and  
3           considered part of the corpus of the Trust until the  
4           sum of \$3,000,000, or such lesser amount estab-  
5           lished by the Secretary under subsection (b), is de-  
6           posited as the initial corpus of County Trust.

7           (5) DISPERSEMENT.—The trust manager shall  
8           either approve or reject any request for disperse-  
9           ment, but shall not make any expenditure except on  
10          the recommendation of the advisory committee es-  
11          tablished under subsection (e).

12          (e) ADVISORY COMMITTEE.—

13           (1) APPOINTMENT.—The Commissioners shall  
14           appoint an advisory committee consisting of not less  
15           than three nor more than person persons.

16           (2) DUTIES.—The advisory committee shall  
17           meet on a regular basis to establish priorities and  
18           prepare requests for the dispersement of funds from  
19           the County Trust, except that the advisory commit-  
20           tee shall recommend only such expenditures as are  
21           approved by the Commissioners.

1 **Subtitle D—Conveyance of Na-**  
2 **tional Forest Lands for Public**  
3 **School Purposes**

4 **SEC. 231. AUTHORIZATION OF USE OF NATIONAL FOREST**  
5 **LANDS FOR PUBLIC SCHOOL PURPOSES.**

6 (a) TRANSFERS.—The Secretary of Agriculture may,  
7 upon a finding that the transfer of certain National Forest  
8 lands for local public school purposes would serve the pub-  
9 lic interest, authorize the transfer of up to 40 acres of  
10 National Forest lands to a local governmental entity for  
11 public school purposes. The Secretary may make available  
12 only those National Forest lands that have been identified  
13 for disposal or exchange or are not otherwise needed for  
14 National Forest purposes. The Secretary shall make such  
15 transfers using the least amount of land required for the  
16 efficient operation of the project involved.

17 (b) COSTS.—Such transfers may be made at dis-  
18 counted or no-cost. The Secretary shall provide for a no-  
19 cost transfer to a local governmental entity for public  
20 school purposes if the Secretary determines that the  
21 charges for such lands would impose an undue hardship  
22 on the local governmental entity.

23 (c) CONDITIONS.—Such transfers shall be condi-  
24 tioned on the requirement that the lands so transferred  
25 will be used solely for public school purposes.

(d) DEADLINE FOR CONSIDERATION OF APPLICATION FOR USE FOR SCHOOL.—If the Secretary receives an application from a duly qualified applicant that is a local education agency seeking a conveyance of land under this section for use for an elementary or secondary school, including a public charter school, the Secretary shall—

(1) before the end of the 10-day period beginning on the date of that receipt, provide notice of that receipt to the applicant; and

(2) before the end of the 90-day period beginning on the date of that receipt—

(A) determine whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) report to the Congress and the applicant the reasons that determination has not been made.

## **Subtitle D—Other Conveyances**

### **SEC. 241. LAND EXCHANGE, EL PORTAL ADMINISTRATIVE SITE, CALIFORNIA.**

(a) AUTHORIZATION OF EXCHANGE.—If the non-Federal lands described in subsection (b) are conveyed to the United States in accordance with this section, the Secretary of the Interior shall convey to the party conveying the non-Federal lands all right, title, and interest of the

1 United States in and to a parcel of land consisting of ap-  
2 proximately 8 acres administered by the Department of  
3 Interior as part of the El Portal Administrative Site in  
4 the State of California, as generally depicted on the map  
5 entitled “El Portal Administrative Site Land Exchange”,  
6 dated June 1998.

7 (b) RECEIPT OF NON-FEDERAL LANDS.—The parcel  
8 of non-Federal lands referred to in subsection (a) consists  
9 of approximately 8 acres, known as the Yosemite View  
10 parcel, which is located adjacent to the El Portal Adminis-  
11 trative Site, as generally depicted on the map referred to  
12 in subsection (a). Title to the non-Federal lands must be  
13 acceptable to the Secretary of the Interior, and the convey-  
14 ance shall be subject to such valid existing rights of record  
15 as may be acceptable to the Secretary. The parcel shall  
16 conform with the title approval standards applicable to  
17 Federal land acquisitions.

18 (c) EQUALIZATION OF VALUES.—If the value of the  
19 Federal land and non-Federal lands to be exchanged  
20 under this section are not equal in value, the difference  
21 in value shall be equalized through a cash payment or the  
22 provision of goods or services as agreed upon by the Sec-  
23 retary and the party conveying the non-Federal lands.

24 (d) APPLICABILITY OF OTHER LAWS.—Except as  
25 otherwise provided in this section, the Secretary of the In-

terior shall process the land exchange authorized by this section in the manner provided in part 2200 of title 43, Code of Federal Regulations, as in effect on the date of the enactment of this subtitle.

(e) BOUNDARY ADJUSTMENT.—Upon completion of the land exchange, the Secretary shall adjust the boundaries of the El Portal Administrative Site as necessary to reflect the exchange. Lands acquired by the Secretary under this section shall be administered as part of the El Portal Administrative Site.

(f) MAP.—The map referred to in subsection (a) shall be on file and available for inspection in appropriate offices of the Department of the Interior.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 242. AUTHORIZATION TO USE LAND IN MERCED COUNTY, CALIFORNIA, FOR ELEMENTARY SCHOOL.**

(a) REMOVAL OF RESTRICTIONS.—Notwithstanding the restrictions otherwise applicable under the terms of conveyance by the United States of any of the land described in subsection (b) to Merced County, California, or under any agreement concerning any part of such land



1 between such county and the Secretary of the Interior or  
2 any other officer or agent of the United States, the land  
3 described in subsection (b) may be used for the purpose  
4 specified in subsection (c).

5 (b) LAND AFFECTED.—The land referred to in sub-  
6 section (a) is the north 25 acres of the 40 acres located  
7 in the northwest quarter of the southwest quarter of sec-  
8 tion 20, township 7 south, range 13 east, Mount Diablo  
9 base line and Meridian in Merced County, California, con-  
10 veyed to such county by deed recorded in volume 1941  
11 at page 441 of the official records in Merced County, Cali-  
12 fornia.

13 (c) AUTHORIZED USES.—Merced County, California,  
14 may authorize the use of the land described in subsection  
15 (b) for an elementary school serving children without re-  
16 gard to their race, creed, color, national origin, physical  
17 or mental disability, or sex, operated by a nonsectarian  
18 organization on a nonprofit basis and in compliance with  
19 all applicable requirements of the laws of the United  
20 States and the State of California. If Merced County per-  
21 mits such lands to be used for such purposes, the county  
22 shall include information concerning such use in the peri-  
23 odic reports to the Secretary of the Interior required under  
24 the terms of the conveyance of such lands to the county  
25 by the United States. Any violation of the provisions of

1 this subsection shall be deemed to be a breach of the con-  
 2 ditions and covenants under which such lands were con-  
 3 veyed to Merced County by the United States, and shall  
 4 have the same effect as provided by deed whereby the  
 5 United States conveyed the lands to the county. Except  
 6 as specified in this subsection, nothing in this section shall  
 7 increase or diminish the authority or responsibility of the  
 8 county with respect to the land.

9 **SEC. 243. ISSUANCE OF QUITCLAIM DEED, STEFFENS FAM-**  
 10 **ILY PROPERTY, BIG HORN COUNTY, WYO-**  
 11 **MING.**

12 (a) ISSUANCE.—Subject to valid existing rights and  
 13 subsection (d), the Secretary of the Interior is directed  
 14 to issue, without consideration, a quitclaim deed to Marie  
 15 Wambeke of Big Horn County, Wyoming, the personal  
 16 representative of the estate of Fred Steffens, to the land  
 17 described in subsection (b).

18 (b) LAND DESCRIPTION.—The land referred to in  
 19 subsection (a) is the approximately 80-parcel known as  
 20 “Farm Unit C” in the E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub> of Section 27, Township  
 21 57 North, Range 97 West, 6th Principal Meridian, Wyo-  
 22 ming.

23 (c) REVOCATION OF WITHDRAWAL.—The Bureau of  
 24 Reclamation withdrawal for the Shoshone Reclamation  
 25 Project under Secretarial Order dated October 21, 1913,

1 is hereby revoked with respect to the land described in  
2 subsection (b).

3 (d) RESERVATION OF MINERAL INTERESTS.—All  
4 minerals underlying the land described in subsection (b)  
5 are hereby reserved to the United States.

6 **SEC. 244. ISSUANCE OF QUITCLAIM DEED, LOWE FAMILY**  
7 **PROPERTY, BIG HORN COUNTY, WYOMING.**

8 (a) ISSUANCE.—Subject to valid existing rights and  
9 subsection (c), the Secretary of the Interior is directed to  
10 issue, without consideration, a quitclaim deed to John R.  
11 and Margaret J. Lowe of Big Horn County, Wyoming, to  
12 the land described in subsection (b).

13 (b) LAND DESCRIPTION.—The land referred to in  
14 subsection (a) is the approximately 40-acre parcel located  
15 in the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 11, Township 51 North,  
16 Range 96 West, 6th Principal Meridian, Wyoming.

17 (c) RESERVATION OF MINERAL INTERESTS.—All  
18 minerals underlying the land described in subsection (b)  
19 are hereby reserved to the United States.

20 **SEC. 245. UTAH SCHOOLS AND LANDS EXCHANGE.**

21 (a) FINDINGS.—The Congress finds the following:

22 (1) The State of Utah owns approximately  
23 176,600 acres of land, as well as approximately  
24 24,165 acres of mineral interests, administered by  
25 the Utah School and Institutional Trust Lands Ad-

1       ministration, within the exterior boundaries of the  
2       Grand Staircase-Escalante National Monument, es-  
3       tablished by Presidential proclamation on September  
4       18, 1996, pursuant to section 2 of the Antiquities  
5       Act of 1906 (16 U.S.C. 431). The State of Utah  
6       also owns approximately 200,000 acres of land, and  
7       76,000 acres of mineral interests, administered by  
8       the Utah School and Institutional Trust Lands Ad-  
9       ministration, within the exterior boundaries of sev-  
10      eral units of the National Park System and the Na-  
11      tional Forest System, and within certain Indian res-  
12      ervations in Utah. These lands were granted by Con-  
13      gress to the State of Utah pursuant to the Utah En-  
14      abling Act, chap. 138, 28 Stat. 107 (1894), to be  
15      held in trust for the benefit of the State's public  
16      school system and other public institutions.

17           (2) Many of the State school trust lands within  
18      the monument may contain significant economic  
19      quantities of mineral resources, including coal, oil,  
20      and gas, tar sands, coalbed methane, titanium, ura-  
21      nium, and other energy and metalliferous minerals.  
22      Certain State school trust lands within the Monu-  
23      ment, like the Federal lands comprising the Monu-  
24      ment, have substantial noneconomic scientific, his-  
25      toric, cultural, scenic, recreational, and natural re-

1 sources, including ancient Native American archae-  
2 ological sites and rare plant and animal commu-  
3 nities.

4 (3) Development of surface and mineral re-  
5 sources on State school trust lands within the monu-  
6 ment could be incompatible with the preservation of  
7 these scientific and historic resources for which the  
8 monument was established. Federal acquisition of  
9 State school trust lands within the monument would  
10 eliminate this potential incompatibility, and would  
11 enhance management of the Grand Staircase-  
12 Escalante National Monument.

13 (4) The United States owns lands and interest  
14 in lands outside of the monument that can be trans-  
15 ferred to the State of Utah in exchange for the  
16 monument inholdings without jeopardizing Federal  
17 management objectives or needs.

18 (5) In 1993, Congress passed and the President  
19 signed Public Law 103–93, which contained a proc-  
20 ess for exchanging State of Utah school trust  
21 inholdings in the National Park System, the Na-  
22 tional Forest System, and certain Indian reserva-  
23 tions in Utah. Among other things, it identified var-  
24 ious Federal lands and interests in land that were  
25 available to exchange for these State inholdings.

1           (6) Although Public Law 103–93 offered the  
2       hope of a prompt, orderly exchange of State  
3       inholdings for Federal lands elsewhere, implementa-  
4       tion of the legislation has been very slow. Comple-  
5       tion of this process is realistically estimated to be  
6       many years away, at great expense to both the State  
7       and the United States in the form of expert wit-  
8       nesses, lawyers, appraisers, and other litigation  
9       costs.

10          (7) The State also owns approximately 2,560  
11       acres of land in or near the Alton coal field which  
12       has been declared an area unsuitable for coal mining  
13       under the terms of the Surface Mining Control and  
14       Reclamation Act. This land is also administered by  
15       the Utah School and Institutional Trust Lands Ad-  
16       ministration, but its use is limited given this dec-  
17       laration.

18          (8) The large presence of State school trust  
19       land inholdings in the monument, national parks,  
20       national forests, and Indian reservations make land  
21       and resource management in these areas difficult,  
22       costly, and controversial for both the State of Utah  
23       and the United States.

24          (9) It is in the public interest to reach agree-  
25       ment on exchange of inholdings, on terms fair to

1 both the State and the United States. Agreement  
2 saves much time and delay in meeting the expecta-  
3 tions of the State school and institutional trusts, in  
4 simplifying management of Federal and Indian lands  
5 and resources, and in avoiding expensive, protracted  
6 litigation under Public Law 103–93.

7 (10) The State of Utah and the United States  
8 have reached an agreement under which the State  
9 would exchange of all its State school trust lands  
10 within the monument, and specified inholdings in  
11 national parks, forests, and Indian reservations that  
12 are subject to Public Law 103–93, for various Fed-  
13 eral lands and interests in lands located outside the  
14 monument, including Federal lands and interests  
15 identified as available for exchange in Public Law  
16 103–93 and additional Federal lands and interests  
17 in lands.

18 (11) The State school trust lands to be con-  
19 veyed to the Federal Government include properties  
20 within units of the National Park System, the Na-  
21 tional Forest System, and the Grand Staircase-  
22 Escalante National Monument. The Federal assets  
23 made available for exchange with the State were se-  
24 lected with a great sensitivity to environmental con-  
25 cerns and a belief and expectation by both parties

1       that Federal assets to be conveyed to the State  
2       would be unlikely to trigger significant environ-  
3       mental controversy.

4           (12) The parties agreed at the outset of nego-  
5       tiations to avoid identifying Federal assets for con-  
6       veyance to the State where any of the following was  
7       known to exist or likely to be an issue as a result  
8       of foreseeable future uses of the land: significant  
9       wildlife resources, endangered species habitat, sig-  
10      nificant archaeological resources, areas of critical en-  
11      vironmental concern, coal resources requiring sur-  
12      face mining to extract the mineral deposits, wilder-  
13      ness study areas, significant recreational areas, or  
14      any other lands known to raise significant environ-  
15      mental concerns of any kind.

16          (13) The parties further agreed that the use of  
17      any mineral interests obtained by the State of Utah  
18      where the Federal Government retains surface and  
19      other interest, will not conflict with established Fed-  
20      eral land and environmental management objectives,  
21      and shall be fully subject to all environmental regu-  
22      lations applicable to development of non-Federal  
23      mineral interest on Federal lands.

24          (14) Because the inholdings to be acquired by  
25      the Federal Government include properties within



1 the boundaries of some of the most renowned con-  
2 servation land units in the United States, and be-  
3 cause a mission of the Utah School and Institutional  
4 Trust Lands Administration is to produce economic  
5 benefits for Utah's public schools and other bene-  
6 ficiary institutions, the exchange of lands called for  
7 in this agreement will resolve many longstanding en-  
8 vironmental conflicts and further the interest of the  
9 State trust lands, the school children of Utah, and  
10 these conservation resources.

11 (15) Under this Agreement taken as a whole,  
12 the State interests to be conveyed to the United  
13 States by the State of Utah, and the Federal inter-  
14 ests and payments to be conveyed to the State of  
15 Utah by the United States, are approximately equal  
16 in value.

17 (16) The purpose of this section is to enact into  
18 law and direct prompt implementation of this his-  
19 toric agreement.

20 (b) RATIFICATION OF AGREED EXCHANGE BETWEEN  
21 THE STATE OF UTAH AND THE DEPARTMENT OF THE IN-  
22 TERIOR.—

23 (1) AGREEMENT.—The State of Utah and the  
24 Department of the Interior have agreed to exchange  
25 certain Federal lands, Federal mineral interests, and

1 payment of money for lands and mineral interests  
2 managed by the Utah School and Institutional Trust  
3 Lands Administration, lands and mineral interests  
4 of approximately equal value inheld within the  
5 Grand Staircase-Escalante National Monument the  
6 Goshute and Navajo Indian Reservations, units of  
7 the National Park System, the National Forest Sys-  
8 tem, and the Alton coal fields.

9 (2) RATIFICATION.—All terms, conditions, pro-  
10 cedures, covenants, reservations, and other provi-  
11 sions set forth in the document entitled “Agreement  
12 to Exchange Utah School Trust Lands Between the  
13 State of Utah and the United States of America” (in  
14 this section referred to as the “Agreement”) are  
15 hereby incorporated in this section, are ratified and  
16 confirmed, and set forth the obligations and commit-  
17 ments of the United States, the State of Utah, and  
18 Utah School and Institutional Trust Lands Adminis-  
19 tration, as a matter of Federal law.

20 (c) LEGAL DESCRIPTIONS.—

21 (1) IN GENERAL.—The maps and legal descrip-  
22 tions referred to in the Agreement depict the lands  
23 subject to the conveyances.

24 (2) PUBLIC AVAILABILITY.—The maps and de-  
25 scriptions referred to in the Agreement shall be on

1 file and available for public inspection in the offices  
2 of the Secretary of the Interior and the Utah State  
3 Director of the Bureau of Land Management.

4 (3) CONFLICT.—In case of conflict between the  
5 maps and the legal descriptions, the legal descrip-  
6 tions shall control.

7 (d) COSTS.—The United States and the State of  
8 Utah shall each bear its own respective costs incurred in  
9 the implementation of this section.

10 (e) REPEAL OF PUBLIC LAW 103–93 AND PUBLIC  
11 LAW 104–211.—The provisions of Public Law 103–93  
12 (107 Stat. 995), other than section 7(b)(1), section  
13 7(b)(3), and section 10(b) thereof, are hereby repealed.  
14 Public Law 104–211 (110 Stat. 3013) is hereby repealed.

15 (f) CASH PAYMENT PREVIOUSLY AUTHORIZED.—As  
16 previously authorized and made available by section  
17 7(b)(1) and (b)(3) of Public Law 103–93, upon comple-  
18 tion of all conveyances described in the Agreement, the  
19 United States shall pay \$50,000,000 to the State of Utah  
20 from funds not otherwise appropriated from the Treasury.

21 (g) SCHEDULE FOR CONVEYANCES.—All conveyances  
22 under sections 2 and 3 of the Agreement shall be com-  
23 pleted within 70 days after the enactment of this Act.

1 **SEC. 246. LAND EXCHANGE, ROUTT NATIONAL FOREST,**  
2 **COLORADO.**

3 (a) AUTHORIZATION OF EXCHANGE.—If the non-  
4 Federal lands described in subsection (b) are conveyed to  
5 the United States in accordance with this section, the Sec-  
6 retary of Agriculture shall convey to the party conveying  
7 the non-Federal lands all right, title, and interest of the  
8 United States in and to a parcel of land consisting of ap-  
9 proximately 84 acres within the Routt National Forest in  
10 the State of Colorado, as generally depicted on the map  
11 entitled “Miles Land Exchange”, Routt National Forest,  
12 dated May 1996.

13 (b) RECEIPT OF NON-FEDERAL LANDS.—The parcel  
14 of non-Federal lands referred to in subsection (a) consists  
15 of approximately 84 acres, known as the Miles parcel, lo-  
16 cated adjacent to the Routt National Forest, as generally  
17 depicted on the map entitled “Miles Land Exchange”,  
18 Routt National Forest, dated May 1996. Title to the non-  
19 Federal lands must be acceptable to the Secretary of Agri-  
20 culture, and the conveyance shall be subject to such valid  
21 existing rights of record as may be acceptable to the Sec-  
22 retary of Agriculture. The parcel shall conform with the  
23 title approval standards applicable to Federal land acqui-  
24 sitions.

25 (c) APPROXIMATELY EQUAL IN VALUE.—The values  
26 of both the Federal and non-Federal lands to be ex-

1 changed under this section are deemed to be approxi-  
2 mately equal in value, and no additional valuation deter-  
3 minations are required.

4 (d) APPLICABILITY OF OTHER LAWS.—Except as  
5 otherwise provided in this section, the Secretary of Agri-  
6 culture shall process the land exchange authorized by this  
7 section in the manner provided in subpart A of part 254  
8 of title 36, Code of Federal Regulations.

9 (e) MAPS.—The maps referred to in subsections (a)  
10 and (b) shall be on file and available for inspection in the  
11 office of the Forest Supervisor, Routt National Forest,  
12 and in the office of the Chief of the Forest Service.

13 (f) BOUNDARY ADJUSTMENT.—Upon approval and  
14 acceptance of title by the Secretary of Agriculture, the  
15 non-Federal lands conveyed to the United States under  
16 this section shall become part of the Routt National For-  
17 est, and the boundaries of the Routt National Forest shall  
18 be adjusted to reflect the land exchange. Upon receipt of  
19 the non-Federal lands, the Secretary of Agriculture shall  
20 manage the lands in accordance with the laws and regula-  
21 tions pertaining to the National Forest System. For pur-  
22 poses of section 7 of the Land and Water Conservation  
23 Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of  
24 the Routt National Forest, as adjusted by this section,

1 shall be considered to be the boundaries of the National  
2 Forest as of January 1, 1965.

3 (g) ADDITIONAL TERMS AND CONDITIONS.—The  
4 Secretary of Agriculture may require such additional  
5 terms and conditions in connection with the conveyances  
6 under this section as the Secretary considers appropriate  
7 to protect the interests of the United States.

8 **SEC. 247. CONVEYANCE OF ADMINISTRATIVE SITE, ROGUE**  
9 **RIVER NATIONAL FOREST, OREGON AND**  
10 **CALIFORNIA.**

11 (a) SALE OR EXCHANGE AUTHORIZED.—The Sec-  
12 retary of Agriculture, under such terms and conditions as  
13 the Secretary may prescribe, may sell or exchange any or  
14 all right, title, and interest of the United States in and  
15 to the Rogue River National Forest administrative site de-  
16 picted on the map entitled “Rogue River Administrative  
17 Conveyance” dated April 23, 1998, consisting of approxi-  
18 mately 5.1 acres.

19 (b) EXCHANGE ACQUISITIONS.—The Secretary of  
20 Agriculture may provide for the construction of adminis-  
21 trative facilities in exchange for a conveyance of the ad-  
22 ministrative site under subsection (a).

23 (c) APPLICABLE AUTHORITIES.—Except as otherwise  
24 provided in this section, any sale or exchange of an admin-  
25 istrative site shall be subject to the laws (including regula-

1 tions) applicable to the conveyance and acquisition of land  
2 for National Forest System purposes.

3 (d) CASH EQUALIZATION.—Notwithstanding any  
4 other provision of law, the Secretary of Agriculture may  
5 accept a cash equalization payment in excess of 25 percent  
6 of the value of an administrative site in an exchange under  
7 subsection (a).

8 (e) SOLICITATIONS OF OFFERS.—In carrying out this  
9 section, the Secretary of Agriculture may—

10 (1) use solicitations of offers for sale or ex-  
11 change on such terms and conditions as the Sec-  
12 retary may prescribe; and

13 (2) reject any offer if the Secretary determines  
14 that the offer is not adequate or not in the public  
15 interest.

16 (f) DISPOSITION OF FUNDS.—The proceeds of a sale  
17 or exchange under subsection (a) shall be deposited in the  
18 fund established under Public Law 90–171 (16 U.S.C.  
19 484a; commonly known as the Sisk Act) and shall be avail-  
20 able, until expended, for the construction or improvement  
21 of offices and support buildings for combined use by the  
22 Forest Service for the Rogue River National Forest, and  
23 by the Bureau of Land Management.

24 (g) REVOCATION OF PUBLIC LAND ORDERS.—Not-  
25 withstanding any other provision of law, to facilitate the

1 sale or exchange of the administrative site, public land or-  
2 ders withdrawing the administrative site from all forms  
3 of appropriation under the public land laws are revoked  
4 for any portion of the administrative site, upon conveyance  
5 of that portion by the Secretary of Agriculture. The effec-  
6 tive date of a revocation made by this subsection shall be  
7 the date of the patent or deed conveying the administra-  
8 tive site (or portion thereof).

9 **SEC. 248. HART MOUNTAIN JURISDICTIONAL TRANSFERS,**  
10 **OREGON.**

11 (a) TRANSFER FROM THE BUREAU OF LAND MAN-  
12 AGEMENT TO THE UNITED STATES FISH AND WILDLIFE  
13 SERVICE.—

14 (1) IN GENERAL.—Administrative jurisdiction  
15 over the parcels of land identified for transfer to the  
16 United States Fish and Wildlife Service on the map  
17 entitled “Hart Mountain Jurisdictional Transfer”,  
18 dated February 26, 1998, comprising approximately  
19 12,100 acres of land in Lake County, Oregon, lo-  
20 cated adjacent to or within the Hart Mountain Na-  
21 tional Antelope Refuge, is transferred from the Bu-  
22 reau of Land Management to the United States Fish  
23 and Wildlife Service.



1           (2) INCLUSION IN REFUGE.—The parcels of  
2       land described in paragraph (1) shall be included in  
3       the Hart Mountain National Antelope Refuge.

4           (3) WITHDRAWAL.—Subject to valid existing  
5       rights, the parcels of land described in paragraph  
6       (1)—

7                   (A) are withdrawn from—

8                           (i) surface entry under the public land  
9       laws;

10                          (ii) leasing under the mineral leasing  
11       laws and Geothermal Steam Act of 1970  
12       (30 U.S.C. 1001 et seq.); and

13                          (iii) location and entry under the min-  
14       ing laws; and

15                   (B) shall be treated as parcels of land sub-  
16       ject to the provisions of Executive Order No.  
17       7523 of December 21, 1936, as amended by  
18       Executive Order No. 7895 of May 23, 1938,  
19       and Presidential Proclamation No. 2416 of July  
20       25, 1940, that withdrew parcels of land for the  
21       Hart Mountain National Antelope Refuge.

22           (4) MANAGEMENT.—The land described in  
23       paragraph (1) shall be included in the Hart Moun-  
24       tain National Antelope Refuge and managed in ac-  
25       cordance with the National Wildlife Refuge System

1 Administration Act of 1966 (16 U.S.C. 668dd et  
2 seq.), and other applicable law and with manage-  
3 ment plans and agreements between the Bureau of  
4 Land Management and the United States Fish and  
5 Wildlife Service for the Hart Mountain Refuge.

6 (b) CONTINUED MANAGEMENT OF GUANO CREEK  
7 WILDERNESS STUDY AREA BY THE BUREAU OF LAND  
8 MANAGEMENT.—

9 (1) IN GENERAL.—The parcels of land identi-  
10 fied for cooperative management on the map entitled  
11 “Hart Mountain Jurisdictional Transfer”, dated  
12 February 26, 1998, comprising approximately  
13 10,900 acres of land in Lake County, Oregon, lo-  
14 cated south of the Hart Mountain National Antelope  
15 Refuge, shall be retained under the jurisdiction of  
16 the Bureau of Land Management.

17 (2) MANAGEMENT.—The parcels of land de-  
18 scribed in paragraph (1) that are within the Guano  
19 Creek Wilderness Study Area Act shall be managed  
20 so as not to impair the suitability of the area for  
21 designation as wilderness, in accordance with cur-  
22 rent and future management plans and agreements  
23 (including the agreement known as the “Shirk  
24 Ranch Agreement” dated September 30, 1997),

1       until such date as Congress enacts a law directing  
2       otherwise.

3       (c) TRANSFER FROM THE UNITED STATES FISH AND  
4 WILDLIFE SERVICE TO THE BUREAU OF LAND MANAGE-  
5 MENT.—

6           (1) IN GENERAL.—Administrative jurisdiction  
7       over the parcels of land identified for transfer to the  
8       Bureau of Land Management on the map entitled  
9       “Hart Mountain Jurisdictional Transfer”, dated  
10      February 26, 1998, comprising approximately 7,700  
11      acres of land in Lake County, Oregon, located adja-  
12      cent to or within the Hart Mountain National Ante-  
13      lope Refuge, is transferred from the United States  
14      Fish and Wildlife Service to the Bureau of Land  
15      Management.

16          (2) REMOVAL FROM REFUGE.—The parcels of  
17      land described in paragraph (1) are removed from  
18      the Hart Mountain National Antelope Refuge, and  
19      the boundary of the refuge is modified to reflect that  
20      removal.

21          (3) REVOCATION OF WITHDRAWAL.—The provi-  
22      sions of Executive Order No. 7523 of December 21,  
23      1936, as amended by Executive Order No. 7895 of  
24      May 23, 1938, and Presidential Proclamation No.  
25      2416 of July 25, 1940, that withdrew the parcels of

1 land for the refuge, shall be of no effect with respect  
2 to the parcels of land described in paragraph (1).

3 (4) STATUS.—The parcels of land described in  
4 paragraph (1)—

5 (A) are designated as public land; and

6 (B) shall be open to—

7 (i) surface entry under the public land  
8 laws;

9 (ii) leasing under the mineral leasing  
10 laws and the Geothermal Steam Act of  
11 1970 (30 U.S.C. 1001 et seq.); and

12 (iii) location and entry under the min-  
13 ing laws.

14 (5) MANAGEMENT.—The land described in  
15 paragraph (1) shall be managed in accordance with  
16 the Federal Land Policy and Management Act of  
17 1976 (43 U.S.C. 1701 et seq.) and other applicable  
18 law, and the agreement known as the “Shirk Ranch  
19 Agreement” dated September 30, 1997.

20 (d) MAP.—A copy of the map described in sub-  
21 sections (a), (b), and (c) and such additional legal descrip-  
22 tions as are applicable shall be kept on file and available  
23 for public inspection in the Office of the Regional Director  
24 of Region 1 of the United States Fish and Wildlife Serv-  
25 ice, the local District Office of the Bureau of Land Man-

1 agement, the Committee on Energy and Natural Re-  
 2 sources of the Senate, and the Committee on Resources  
 3 of the House of Representatives.

4 (e) CORRECTION OF REFERENCE TO WILDLIFE REF-  
 5 UGE.—Section 28 of the Act of August 13, 1954 (68 Stat.  
 6 718, chapter 732; 72 Stat. 818; 25 U.S.C. 564w-1), is  
 7 amended in subsections (f) and (g) by striking “Klamath  
 8 Forest National Wildlife Refuge” each place it appears  
 9 and inserting “Klamath Marsh National Wildlife Refuge”.

10 **SEC. 249. SALE, LEASE, OR EXCHANGE OF IDAHO SCHOOL**  
 11 **LAND.**

12 The Act of July 3, 1890 (commonly known as the  
 13 “Idaho Admission Act”) (26 Stat. 215, chapter 656), is  
 14 amended by striking section 5 and inserting the following:

15 **“SEC. 5. SALE, LEASE, OR EXCHANGE OF SCHOOL LAND.**

16 **“(a) SALE.—**

17 **“(1) IN GENERAL.—**Except as provided in sub-  
 18 section (c), all land granted under this Act for edu-  
 19 cational purposes shall be sold only at public sale.

20 **“(2) USE OF PROCEEDS.—**

21 **“(A) IN GENERAL.—**Proceeds of the sale  
 22 of school land—

23 **“(i) except as provided in clause (ii),**  
 24 **shall be deposited in the public school per-**

1           manent endowment fund and expended  
2           only for the support of public schools; and

3           “(ii)(I) may be deposited in a land  
4           bank fund to be used to acquire, in accord-  
5           ance with State law, other land in the  
6           State for the benefit of the beneficiaries of  
7           the public school permanent endowment  
8           fund; or

9           “(II) if the proceeds are not used to  
10          acquire other land in the State within a  
11          period specified by State law, shall be  
12          transferred to the public school permanent  
13          endowment fund.

14          “(B) EARNINGS RESERVE FUND.—Earn-  
15          ings on amounts in the public school permanent  
16          endowment fund shall be deposited in an earn-  
17          ings reserve fund to be used for the support of  
18          public schools of the State in accordance with  
19          State law.

20          “(b) LEASE.—Land granted under this Act for edu-  
21          cational purposes may be leased in accordance with State  
22          law.

23          “(c) EXCHANGE.—

1           “(1) IN GENERAL.—Land granted for edu-  
2           cational purposes under this Act may be exchanged  
3           for other public or private land.

4           “(2) VALUATION.—The values of exchanged  
5           lands shall be approximately equal, or, if the values  
6           are not approximately equal, the values shall be  
7           equalized by the payment of funds by the appro-  
8           priate party.

9           “(3) EXCHANGES WITH THE UNITED STATES.—

10           “(A) IN GENERAL.—A land exchange with  
11           the United States shall be limited to Federal  
12           land within the State that is subject to ex-  
13           change under the law governing the administra-  
14           tion of the Federal land.

15           “(B) PREVIOUS EXCHANGES.—All land ex-  
16           changes made with the United States before the  
17           date of enactment of this paragraph are ap-  
18           proved.

19           “(d) RESERVATION FOR SCHOOL PURPOSES.—Land  
20           granted for educational purposes, whether surveyed or  
21           unsurveyed, shall not be subject to preemption, homestead  
22           entry, or any other form of entry under the land laws of  
23           the United States, but shall be reserved for school pur-  
24           poses only.”.

1 **SEC. 250. TRANSFER OF JURISDICTION OF CERTAIN PROP-**  
2 **ERTY IN SAN JOAQUIN COUNTY, CALIFORNIA,**  
3 **TO BUREAU OF LAND MANAGEMENT.**

4 (a) TRANSFER.—The property described in sub-  
5 section (b) is hereby transferred by operation of law upon  
6 the enactment of this Act from the administrative jurisdic-  
7 tion of the Federal Bureau of Prisons, United States De-  
8 partment of Justice, to the Bureau of Land Management,  
9 United States Department of the Interior. The Attorney  
10 General of the United States and the Secretary of the In-  
11 terior shall take such actions as may be necessary to carry  
12 out such transfer.

13 (b) PROPERTY DESCRIPTION.—The property referred  
14 to in subsection (a) is a portion of a 200-acre property  
15 located in the San Joaquin Valley, approximately 55 miles  
16 east of San Francisco, 2 miles to the west of the City of  
17 Tracy, California, municipal limits, approximately 1.25  
18 miles west of Interstate 5 (I–5) and ½ mile southeast of  
19 the I–580/I–205 split as indicated by Exhibit I–3, for-  
20 merly a Federal Aviation Administration (FAA) antenna  
21 field, known as the “Tracy Site”.

22 **SEC. 251. CONVEYANCE, CAMP OWEN AND RELATED PAR-**  
23 **CELS, KERN COUNTY, CALIFORNIA.**

24 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-  
25 riculture shall convey, without consideration, to Kern  
26 County, California, all right, title, and interest of the



1 United States in and to three parcels of land under the  
2 jurisdiction of the Forest Service in Kern County, as fol-  
3 lows

4 (1) Approximately 104 acres known as Camp  
5 Owen.

6 (2) Approximately 4 acres known as Wofford  
7 Heights Park.

8 (3) Approximately 3.4 acres known as the  
9 French Gulch maintenance yard.

10 (b) CONDITION ON CONVEYANCE.—The lands con-  
11 veyed under this section shall be subject to valid existing  
12 rights of record.

13 (c) TIME FOR CONVEYANCE.—The Secretary shall  
14 complete the conveyance under this section within three  
15 months after the date of the enactment of this Act.

16 (d) LEGAL DESCRIPTIONS.—The exact acreage and  
17 legal description of the lands to be conveyed under this  
18 section shall be determined by a survey satisfactory to the  
19 Secretary.

20 **SEC. 252. TREATMENT OF CERTAIN LAND ACQUIRED BY EX-**  
21 **CHANGE, RED CLIFFS DESERT RESERVE,**  
22 **UTAH.**

23 (a) LIMITATION ON LIABILITY.—In support of the  
24 habitat conservation plan of Washington County, Utah,  
25 for the protection of the desert tortoise and surrounding

1 habitat, the transfer of the land described in subsection  
2 (b) from the city of St. George, Utah, to the United States  
3 shall convey no liability on the United States that did not  
4 already exist with the United States on the date of the  
5 transfer of the land.

6 (b) DESCRIPTION OF LAND.—The land referred to in  
7 subsection (a) is a parcel of approximately 15 acres of  
8 land located within the Red Cliffs Desert Reserve in  
9 Washington County, Utah, that was formerly used as a  
10 landfill by the city of St. George.

1       **TITLE III—HERITAGE AREAS**  
2       **Subtitle A—Delaware and Lehigh**  
3       **National Heritage Corridor of**  
4       **Pennsylvania**

5       **SEC. 301. CHANGE IN NAME OF HERITAGE CORRIDOR.**

6           The Delaware and Lehigh Navigation Canal National  
7   Heritage Corridor Act of 1988 (Public Law 100–692; 102  
8   Stat. 4552; 16 U.S.C. 461 note) is amended by striking  
9   “Delaware and Lehigh Navigation Canal National Herit-  
10   age Corridor” each place it appears (except section 4(a))  
11   and inserting “Delaware and Lehigh National Heritage  
12   Corridor”.

13       **SEC. 302. PURPOSE.**

14           Section 3(b) of such Act (102 Stat. 4552) is amended  
15   as follows:

16           (1) By inserting after “subdivisions” the follow-  
17   ing: “in enhancing economic development within the  
18   context of preservation and”.

19           (2) By striking “and surrounding the Delaware  
20   and Lehigh Navigation Canal in the Common-  
21   wealth” and inserting “the Corridor”.

22       **SEC. 303. CORRIDOR COMMISSION.**

23           (a) MEMBERSHIP.—Section 5(b) of such Act (102  
24   Stat. 4553) is amended as follows:

1           (1) In the matter preceding paragraph (1), by  
2           striking “appointed not later than 6 months after  
3           the date of enactment of this Act”.

4           (2) By striking paragraph (2) and inserting the  
5           following:

6           “(2) 3 individuals appointed by the Secretary  
7           upon consideration of individuals recommended by  
8           the governor, of whom—

9           “(A) 1 shall represent the Pennsylvania  
10          Department of Conservation and Natural Re-  
11          sources;

12          “(B) 1 shall represent the Pennsylvania  
13          Department of Community and Economic De-  
14          velopment; and

15          “(C) 1 shall represent the Pennsylvania  
16          Historical and Museum Commission.”.

17          (3) In paragraph (3), by striking “the Sec-  
18          retary, after receiving recommendations from the  
19          Governor, of whom” and all that follows through  
20          “Delaware Canal region” and inserting the follow-  
21          ing: “the Secretary upon consideration of individuals  
22          recommended by the governor, of whom—

23          “(A) 1 shall represent a city, 1 shall rep-  
24          resent a borough, and 1 shall represent a town-  
25          ship; and

1           “(B) 1 shall represent each of the 5 coun-  
 2           ties of Luzerne, Carbon, Lehigh, Northampton,  
 3           and Bucks in Pennsylvania”.

4           (4) In paragraph (4)—

5                 (A) By striking “8 individuals” and insert-  
 6                 ing “9 individuals”.

7                 (B) By striking “the Secretary, after re-  
 8                 ceiving recommendations from the Governor,  
 9                 who shall have” and all that follows through  
 10                “Canal region. A vacancy” and inserting the  
 11                following: “the Secretary upon consideration of  
 12                individuals recommended by the governor, of  
 13                whom—

14                “(A) 3 shall represent the northern region  
 15                of the Corridor;

16                “(B) 3 shall represent the middle region of  
 17                the Corridor; and

18                “(C) 3 shall represent the southern region  
 19                of the Corridor.

20           A vacancy”.

21           (b) TERMS.—Section 5 of such Act (102 Stat. 4553)  
 22           is amended by striking subsection (c) and inserting the  
 23           following:

1       “(c) TERMS.—The following provisions shall apply to  
2 a member of the Commission appointed under paragraph  
3 (3) or (4) of subsection (b):

4           “(1) LENGTH OF TERM.—The member shall  
5 serve for a term of 3 years.

6           “(2) CARRYOVER.—The member shall serve  
7 until a successor is appointed by the Secretary.

8           “(3) REPLACEMENT.—If the member resigns or  
9 is unable to serve due to incapacity or death, the  
10 Secretary shall appoint, not later than 60 days after  
11 receiving a nomination of the appointment from the  
12 Governor, a new member to serve for the remainder  
13 of the term.

14           “(4) TERM LIMITS.—A member may serve for  
15 not more than 6 years.”

16 **SEC. 304. POWERS OF CORRIDOR COMMISSION.**

17       (a) CONVEYANCE OF REAL ESTATE.—Section  
18 7(g)(3) of such Act (102 Stat. 4555) is amended in the  
19 first sentence by inserting “or nonprofit organization”  
20 after “appropriate public agency”.

21       (b) COOPERATIVE AGREEMENTS.—Section 7(h) of  
22 such Act (102 Stat. 4555) is amended as follows:

23           (1) In the first sentence, by inserting “any non-  
24 profit organization,” after “subdivision of the Com-  
25 monwealth,”.

1           (2) In the second sentence, by inserting “such  
2       nonprofit organization,” after “such political sub-  
3       division,”.

4   **SEC. 305. DUTIES OF CORRIDOR COMMISSION.**

5       Section 8(b) of such Act (102 Stat. 4556) is amended  
6   in the matter preceding paragraph (1) by inserting “, cul-  
7   tural, natural, recreational, and scenic” after “interpret  
8   the historic”.

9   **SEC. 306. TERMINATION OF CORRIDOR COMMISSION.**

10      Section 9(a) of such Act (102 Stat. 4556) is amended  
11   by striking “5 years after the date of enactment of this  
12   Act” and inserting “5 years after the date of enactment  
13   of the Omnibus National Parks and Public Lands Act of  
14   1998”.

15   **SEC. 307. DUTIES OF OTHER FEDERAL ENTITIES.**

16      Section 11 of such Act (102 Stat. 4557) is amended  
17   in the matter preceding paragraph (1) by striking “the  
18   flow of the Canal or the natural” and inserting “directly  
19   affecting the purposes of the Corridor”.

20   **SEC. 308. AUTHORIZATION OF APPROPRIATIONS.**

21      Section 12(a) of such Act (102 Stat. 4558) is amend-  
22   ed by striking “\$350,000” and inserting “\$650.000”.

23   **SEC. 309. LOCAL AUTHORITY AND PRIVATE PROPERTY.**

24      Such Act is further amended—

1 (1) by redesignating section 13 (102 Stat.  
2 4558) as section 14; and

3 (2) by inserting after section 12 the following:

4 **“SEC. 13. LOCAL AUTHORITY AND PRIVATE PROPERTY.**

5 “The Commission shall not interfere with—

6 “(1) the private property rights of any person;

7 or

8 “(2) any local zoning ordinance or land use  
9 plan of the Commonwealth of Pennsylvania or any  
10 political subdivision of Pennsylvania.”.

11 **SEC. 310. DUTIES OF THE SECRETARY.**

12 Section 10 of such Act (102 Stat. 4557) is amended  
13 by striking subsection (d) and inserting the following:

14 “(d) TECHNICAL ASSISTANCE AND GRANTS.—The  
15 Secretary, upon request of the Commission, is authorized  
16 to provide grants and technical assistance to the Commis-  
17 sion or units of government, nonprofit organizations, and  
18 other persons, for development and implementation of the  
19 Plan.”.

20 **Subtitle B—Automobile National**  
21 **Heritage Area of Michigan**

22 **SEC. 311. FINDINGS AND PURPOSES.**

23 (a) FINDINGS.—The Congress finds that—



1           (1) the industrial, cultural, and natural heritage  
2       legacies of Michigan's automobile industry are na-  
3       tionally significant;

4           (2) in the areas of Michigan including and in  
5       proximity to Detroit, Dearborn, Pontiac, Flint, and  
6       Lansing, the design and manufacture of the auto-  
7       mobile helped establish and expand the United  
8       States industrial power;

9           (3) the industrial strength of automobile manu-  
10      facturing was vital to defending freedom and democ-  
11      racy in 2 world wars and played a defining role in  
12      American victories;

13          (4) the economic strength of our Nation is con-  
14      nected integrally to the vitality of the automobile in-  
15      dustry, which employs millions of workers and upon  
16      which 1 out of 7 United States jobs depends;

17          (5) the industrial and cultural heritage of the  
18      automobile industry in Michigan includes the social  
19      history and living cultural traditions of several gen-  
20      erations;

21          (6) the United Auto Workers and other unions  
22      played a significant role in the history and progress  
23      of the labor movement and the automobile industry;

24          (7) the Department of the Interior is respon-  
25      sible for protecting and interpreting the Nation's

1 cultural and historic resources, and there are signifi-  
2 cant examples of these resources within Michigan to  
3 merit the involvement of the Federal Government to  
4 develop programs and projects in cooperation with  
5 the Automobile National Heritage Area Partnership,  
6 Incorporated, the State of Michigan, and other local  
7 and governmental bodies, to adequately conserve,  
8 protect, and interpret this heritage for the edu-  
9 cational and recreational benefit of this and future  
10 generations of Americans;

11 (8) the Automobile National Heritage Area  
12 Partnership, Incorporated would be an appropriate  
13 entity to oversee the development of the Automobile  
14 National Heritage Area; and

15 (9) 2 local studies, “A Shared Vision for Metro-  
16 politan Detroit” and “The Machine That Changed  
17 the World”, and a National Park Service study,  
18 “Labor History Theme Study: Phase III; Suitability-  
19 Feasibility”, demonstrated that sufficient historical  
20 resources exist to establish the Automobile National  
21 Heritage Area.

22 (b) PURPOSE.—The purpose of this subtitle is to es-  
23 tablish the Automobile National Heritage Area to—

24 (1) foster a close working relationship with all  
25 levels of government, the private sector, and the

1 local communities in Michigan and empower commu-  
2 nities in Michigan to conserve their automotive her-  
3 itage while strengthening future economic opportuni-  
4 ties; and

5 (2) conserve, interpret, and develop the histori-  
6 cal, cultural, natural, and recreational resources re-  
7 lated to the industrial and cultural heritage of the  
8 Automobile National Heritage Area.

9 **SEC. 312. DEFINITIONS.**

10 For purposes of this subtitle:

11 (1) BOARD.—The term “Board” means the  
12 Board of Directors of the Partnership.

13 (2) HERITAGE AREA.—The term “Heritage  
14 Area” means the Automobile National Heritage  
15 Area established by section 313.

16 (3) PARTNERSHIP.—The term “Partnership”  
17 means the Automobile National Heritage Area Part-  
18 nership, Incorporated (a nonprofit corporation estab-  
19 lished under the laws of the State of Michigan).

20 (4) SECRETARY.—The term “Secretary” means  
21 the Secretary of the Interior.

22 **SEC. 313. AUTOMOBILE NATIONAL HERITAGE AREA.**

23 (a) ESTABLISHMENT.—There is established in the  
24 State of Michigan the Automobile National Heritage Area.

25 (b) BOUNDARIES.—

1           (1) IN GENERAL.—Subject to paragraph (2),  
2       the boundaries of the Heritage Area shall include  
3       lands in Michigan that are related to the following  
4       corridors:

5                   (A) The Rouge River Corridor.

6                   (B) The Detroit River Corridor.

7                   (C) The Woodward Avenue Corridor.

8                   (D) The Lansing Corridor.

9                   (E) The Flint Corridor.

10                  (F) The Sauk Trail/Chicago Road Cor-  
11       ridor.

12           (2) SPECIFIC BOUNDARIES.—The specific  
13       boundaries of the Heritage Area shall be those speci-  
14       fied in the management plan approved under section  
15       315.

16           (3) MAP.—The Secretary shall prepare a map  
17       of the Heritage Area which shall be on file and  
18       available for public inspection in the office of the Di-  
19       rector of the National Park Service.

20           (4) CONSENT OF LOCAL GOVERNMENTS.—(A)  
21       The Partnership shall provide to the government of  
22       each city, village, and township that has jurisdiction  
23       over property proposed to be included in the Herit-  
24       age Area written notice of that proposal.

1 (B) Property may not be included in the Herit-  
 2 age Area if—

3 (i) the Partnership fails to give notice of  
 4 the inclusion in accordance with subparagraph  
 5 (A);

6 (ii) any local government to which the no-  
 7 tice is required to be provided objects to the in-  
 8 clusion, in writing to the Partnership, by not  
 9 later than the end of the period provided pursu-  
 10 ant to clause (iii); or

11 (iii) fails to provide a period of at least 60  
 12 days for objection under clause (ii).

13 (c) ADMINISTRATION.—The Heritage Area shall be  
 14 administered in accordance with this subtitle.

15 (d) ADDITIONS AND DELETIONS OF LANDS.—The  
 16 Secretary may add or remove lands to or from the Herit-  
 17 age Area in response to a request from the Partnership.

18 **SEC. 314. DESIGNATION OF PARTNERSHIP AS MANAGE-**  
 19 **MENT ENTITY.**

20 (a) IN GENERAL.—The Partnership shall be the  
 21 management entity for the Heritage Area.

22 (b) FEDERAL FUNDING.—

23 (1) AUTHORIZATION TO RECEIVE FUNDS.—The  
 24 Partnership may receive amounts appropriated to  
 25 carry out this subtitle.

1           (2) DISQUALIFICATION.—If a management plan  
2       for the Heritage Area is not submitted to the Sec-  
3       retary as required under section 315 within the time  
4       specified in that section, the Partnership shall cease  
5       to be authorized to receive Federal funding under  
6       this subtitle until such a plan is submitted to the  
7       Secretary.

8       (c) AUTHORITIES OF PARTNERSHIP.—The Partner-  
9       ship may, for purposes of preparing and implementing the  
10      management plan for the Heritage Area, use Federal  
11      funds made available under this subtitle—

12           (1) to make grants to the State of Michigan, its  
13      political subdivisions, nonprofit organizations, and  
14      other persons;

15           (2) to enter into cooperative agreements with or  
16      provide technical assistance to the State of Michi-  
17      gan, its political subdivisions, nonprofit organiza-  
18      tions, and other organizations;

19           (3) to hire and compensate staff;

20           (4) to obtain money from any source under any  
21      program or law requiring the recipient of such  
22      money to make a contribution in order to receive  
23      such money; and

24           (5) to contract for goods and services.

1 (d) PROHIBITION OF ACQUISITION OF REAL PROP-  
 2 erty.—The Partnership may not use Federal funds re-  
 3 ceived under this subtitle to acquire real property or any  
 4 interest in real property.

5 **SEC. 315. MANAGEMENT DUTIES OF THE AUTOMOBILE NA-**  
 6 **TIONAL HERITAGE AREA PARTNERSHIP.**

7 (a) HERITAGE AREA MANAGEMENT PLAN.—

8 (1) SUBMISSION FOR REVIEW BY SECRETARY.—

9 The Board of Directors of the Partnership shall,  
 10 within 3 years after the date of enactment of this  
 11 subtitle, develop and submit for review to the Sec-  
 12 retary a management plan for the Heritage Area.

13 (2) PLAN REQUIREMENTS, GENERALLY.—A  
 14 management plan submitted under this section  
 15 shall—

16 (A) present comprehensive recommenda-  
 17 tions for the conservation, funding, manage-  
 18 ment, and development of the Heritage Area;

19 (B) be prepared with public participation;

20 (C) take into consideration existing Fed-  
 21 eral, State, county, and local plans and involve  
 22 residents, public agencies, and private organiza-  
 23 tions in the Heritage Area;

24 (D) include a description of actions that  
 25 units of government and private organizations

1 are recommended to take to protect the re-  
2 sources of the Heritage Area; and

3 (E) specify existing and potential sources  
4 of Federal and non-Federal funding for the  
5 conservation, management, and development of  
6 the Heritage Area.

7 (3) ADDITIONAL PLAN REQUIREMENTS.—The  
8 management plan also shall include the following, as  
9 appropriate:

10 (A) An inventory of resources contained in  
11 the Heritage Area, including a list of property  
12 in the Heritage Area that should be conserved,  
13 restored, managed, developed, or maintained be-  
14 cause of the natural, cultural, or historic sig-  
15 nificance of the property as it relates to the  
16 themes of the Heritage Area. The inventory  
17 may not include any property that is privately  
18 owned unless the owner of the property con-  
19 sents in writing to that inclusion.

20 (B) A recommendation of policies for re-  
21 source management that consider and detail the  
22 application of appropriate land and water man-  
23 agement techniques, including (but not limited  
24 to) the development of intergovernmental coop-  
25 erative agreements to manage the historical,



1 cultural, and natural resources and recreational  
2 opportunities of the Heritage Area in a manner  
3 consistent with the support of appropriate and  
4 compatible economic viability.

5 (C) A program for implementation of the  
6 management plan, including plans for restora-  
7 tion and construction and a description of any  
8 commitments that have been made by persons  
9 interested in management of the Heritage Area.

10 (D) An analysis of means by which Fed-  
11 eral, State, and local programs may best be co-  
12 ordinated to promote the purposes of this sub-  
13 title.

14 (E) An interpretive plan for the Heritage  
15 Area.

16 (4) APPROVAL AND DISAPPROVAL OF THE MAN-  
17 AGEMENT PLAN.—

18 (A) IN GENERAL.—Not later than 180  
19 days after submission of the Heritage Area  
20 management plan by the Board, the Secretary  
21 shall approve or disapprove the plan. If the Sec-  
22 retary has taken no action after 180 days, the  
23 plan shall be considered approved.

24 (B) DISAPPROVAL AND REVISIONS.—If the  
25 Secretary disapproves the management plan,

1 the Secretary shall advise the Board, in writing,  
2 of the reasons for the disapproval and shall  
3 make recommendations for revision of the plan.  
4 The Secretary shall approve or disapprove pro-  
5 posed revisions to the plan not later than 60  
6 days after receipt of such revisions from the  
7 Board. If the Secretary has taken no action for  
8 60 days after receipt, the plan and revisions  
9 shall be considered approved.

10 (b) PRIORITIES.—The Partnership shall give priority  
11 to the implementation of actions, goals, and policies set  
12 forth in the management plan for the Heritage Area, in-  
13 cluding—

14 (1) assisting units of government, regional plan-  
15 ning organizations, and nonprofit organizations—

16 (A) in conserving the natural and cultural  
17 resources in the Heritage Area;

18 (B) in establishing and maintaining inter-  
19 pretive exhibits in the Heritage Area;

20 (C) in developing recreational opportunities  
21 in the Heritage Area;

22 (D) in increasing public awareness of and  
23 appreciation for the natural, historical, and cul-  
24 tural resources of the Heritage Area;

1 (E) in the restoration of historic buildings  
2 that are located within the boundaries of the  
3 Heritage Area and related to the theme of the  
4 Heritage Area; and

5 (F) in ensuring that clear, consistent, and  
6 environmentally appropriate signs identifying  
7 access points and sites of interest are put in  
8 place throughout the Heritage Area; and

9 (2) consistent with the goals of the manage-  
10 ment plan, encouraging economic viability in the af-  
11 fected communities by appropriate means.

12 (c) CONSIDERATION OF INTERESTS OF LOCAL  
13 GROUPS.—The Partnership shall, in preparing and imple-  
14 menting the management plan for the Heritage Area, con-  
15 sider the interest of diverse units of government, busi-  
16 nesses, private property owners, and nonprofit groups  
17 within the Heritage Area.

18 (d) PUBLIC MEETINGS.—The Partnership shall con-  
19 duct public meetings at least annually regarding the im-  
20 plementation of the Heritage Area management plan.

21 (e) ANNUAL REPORTS.—The Partnership shall, for  
22 any fiscal year in which it receives Federal funds under  
23 this subtitle or in which a loan made by the Partnership  
24 with Federal funds under section 314(c)(1) is outstanding,  
25 submit an annual report to the Secretary setting forth its

1 accomplishments, its expenses and income, and the enti-  
2 ties to which it made any loans and grants during the year  
3 for which the report is made.

4 (f) COOPERATION WITH AUDITS.—The Partnership  
5 shall, for any fiscal year in which it receives Federal funds  
6 under this subtitle or in which a loan made by the Part-  
7 nership with Federal funds under section 314(c)(1) is out-  
8 standing, make available for audit by the Congress, the  
9 Secretary, and appropriate units of government all records  
10 and other information pertaining to the expenditure of  
11 such funds and any matching funds, and require, for all  
12 agreements authorizing expenditure of Federal funds by  
13 other organizations, that the receiving organizations make  
14 available for such audit all records and other information  
15 pertaining to the expenditure of such funds.

16 (g) DELEGATION.—The Partnership may delegate  
17 the responsibilities and actions under this section for each  
18 corridor identified in section 313(b)(1). All delegated ac-  
19 tions are subject to review and approval by the Partner-  
20 ship.

21 **SEC. 316. DUTIES AND AUTHORITIES OF FEDERAL AGEN-**  
22 **CIES.**

23 (a) TECHNICAL ASSISTANCE AND GRANTS.—

24 (1) IN GENERAL.—The Secretary may provide  
25 technical assistance and, subject to the availability

1 of appropriations, grants to units of government,  
2 nonprofit organizations, and other persons upon re-  
3 quest of the Partnership, and to the Partnership, re-  
4 garding the management plan and its implementa-  
5 tion.

6 (2) PROHIBITION OF CERTAIN REQUIRE-  
7 MENTS.—The Secretary may not, as a condition of  
8 the award of technical assistance or grants under  
9 this section, require any recipient of such technical  
10 assistance or a grant to enact or modify land use re-  
11 strictions.

12 (3) DETERMINATIONS REGARDING ASSIST-  
13 ANCE.—The Secretary shall decide if a unit of gov-  
14 ernment, nonprofit organization, or other person  
15 shall be awarded technical assistance or grants and  
16 the amount of that assistance. Such decisions shall  
17 be based on the relative degree to which the assist-  
18 ance effectively fulfills the objectives contained in  
19 the Heritage Area management plan and achieves  
20 the purposes of this subtitle. Such decisions shall  
21 give consideration to projects which provide a great-  
22 er leverage of Federal funds.

23 (b) PROVISION OF INFORMATION.—In cooperation  
24 with other Federal agencies, the Secretary shall provide

1 the general public with information regarding the location  
2 and character of the Heritage Area.

3 (c) OTHER ASSISTANCE.—The Secretary may enter  
4 into cooperative agreements with public and private orga-  
5 nizations for the purposes of implementing this subsection.

6 (d) DUTIES OF OTHER FEDERAL AGENCIES.—Any  
7 Federal entity conducting any activity directly affecting  
8 the Heritage Area shall consider the potential effect of the  
9 activity on the Heritage Area management plan and shall  
10 consult with the Partnership with respect to the activity  
11 to minimize the adverse effects of the activity on the Her-  
12 itage Area.

13 **SEC. 317. LACK OF EFFECT ON LAND USE REGULATION AND**  
14 **PRIVATE PROPERTY.**

15 (a) LACK OF EFFECT ON AUTHORITY OF LOCAL  
16 GOVERNMENT.—Nothing in this subtitle shall be con-  
17 strued to modify, enlarge, or diminish any authority of  
18 Federal, State, or local governments to regulate any use  
19 of land under any other law or regulation.

20 (b) LACK OF ZONING OR LAND USE POWERS.—  
21 Nothing in this subtitle shall be construed to grant powers  
22 of zoning or land use control to the Partnership.

23 (c) LOCAL AUTHORITY AND PRIVATE PROPERTY  
24 NOT AFFECTED.—Nothing in this subtitle shall be con-

1 strued to affect or to authorize the Partnership to inter-  
2 fere with—

3 (1) the rights of any person with respect to pri-  
4 vate property; or

5 (2) any local zoning ordinance or land use plan  
6 of the State of Michigan or a political subdivision  
7 thereof.

8 **SEC. 318. SUNSET.**

9 The Secretary may not make any grant or provide  
10 any assistance under this subtitle after September 30,  
11 2014.

12 **SEC. 319. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) IN GENERAL.—There are authorized to be appro-  
14 priated under this subtitle not more than \$1,000,000 for  
15 any fiscal year. Not more than a total of \$10,000,000 may  
16 be appropriated for the Heritage Area under this subtitle.

17 (b) 50 PERCENT MATCH.—Federal funding provided  
18 under this subtitle, after the designation of the Heritage  
19 Area, may not exceed 50 percent of the total cost of any  
20 activity carried out with any financial assistance or grant  
21 provided under this subtitle.

**Subtitle C—Miscellaneous  
Provisions**

**SEC. 321. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE  
CORRIDOR, MASSACHUSETTS AND  
RHODE ISLAND.**

Section 10(b) of the Act entitled “An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island”, approved November 10, 1986 (Public Law 99–647; 16 U.S.C. 461 note), is amended by striking “For fiscal year 1996, 1997, and 1998,” and inserting “For fiscal years 1998, 1999, and 2000,”.

**SEC. 322. ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE  
CORRIDOR, ILLINOIS.**

(a) EXTENSION OF COMMISSION.—Section 111(a) of the Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98–398; 98 Stat. 1456; 16 U.S.C. 461 note) is amended by striking “ten” and inserting “20”.

(b) REPEAL OF EXTENSION AUTHORITY.—Section 111 of such Act (16 U.S.C. 461 note) is further amended—

(1) by striking “(a) TERMINATION.—”; and

(2) by striking subsection (b).



1       **TITLE IV—HISTORIC AREAS**

2       **SEC. 401. BATTLE OF MIDWAY NATIONAL MEMORIAL**  
3               **STUDY.**

4       (a) FINDINGS.—The Congress makes the following  
5 findings:

6               (1) September 2, 1998, marked the 53d anni-  
7 versary of the United States victory over Japan in  
8 World War II.

9               (2) The Battle of Midway proved to be the  
10 turning point in the war in the Pacific, as United  
11 States Navy forces inflicted such severe losses on the  
12 Imperial Japanese Navy during the battle that the  
13 Imperial Japanese Navy never again took the offen-  
14 sive against United States or allied forces.

15              (3) During the Battle of Midway on June 4,  
16 1942, an outnumbered force of the United States  
17 Navy, consisting of 29 ships and other units of the  
18 Armed Forces under the command of Admiral Nim-  
19 itz and Admiral Spruance, outmaneuvered and out-  
20 fought 350 ships of the Imperial Japanese Navy.

21              (4) It is in the public interest to study whether  
22 Midway Atoll should be established as a national  
23 memorial to the Battle of Midway to express the en-  
24 during gratitude of the American people for victory  
25 in the battle and to inspire future generations of

1 Americans with the heroism and sacrifice of the  
2 members of the Armed Forces who achieved that  
3 victory.

4 (5) The historic structures on Midway Atoll  
5 should be protected and maintained.

6 (b) PURPOSE.—The purpose of this section shall be  
7 to require a study of the feasibility and suitability of des-  
8 ignating the Midway Atoll as a national memorial to the  
9 Battle of Midway within the boundaries of the Midway  
10 Atoll National Wildlife Refuge. The study of the Midway  
11 Atoll and its environs shall include, but not be limited to,  
12 identification of interpretive opportunities for the edu-  
13 cational and inspirational benefit of present and future  
14 generations, and of the unique and significant cir-  
15 cumstances involving the defense of the island by the  
16 United States in World War II and the Battle of Midway.

17 (c) STUDY OF THE ESTABLISHMENT OF MIDWAY  
18 ATOLL AS A NATIONAL MEMORIAL TO THE BATTLE OF  
19 MIDWAY.—

20 (1) IN GENERAL.—Not later than 6 months  
21 after the date of enactment of this Act, the Sec-  
22 retary of the Interior, acting through the Director of  
23 the United States Fish and Wildlife Service, shall  
24 carry out a study of the suitability and feasibility of  
25 establishing Midway Atoll as a national memorial to

1 the Battle of Midway. The Secretary shall carry out  
2 the study in consultation with the Director of the  
3 National Park Service, the International Midway  
4 Memorial Foundation, Inc. (referred to in this sec-  
5 tion as the “Foundation”), the Veterans of Foreign  
6 Wars, the Battle of Coral Sea Association, the  
7 American Legion, or other appropriate veterans  
8 group, respectively, and the Midway Phoenix Cor-  
9 poration.

10 (2) CONSIDERATIONS.—In studying the estab-  
11 lishment of Midway Atoll as a national memorial to  
12 the Battle of Midway under paragraph (1), the Sec-  
13 retary shall address the following:

14 (A) The appropriate Federal agency to  
15 manage such a memorial, and whether and  
16 under what conditions to lease or otherwise  
17 allow the Foundation or another appropriate  
18 entity to administer, maintain, and fully utilize  
19 for use as a national memorial to the Battle of  
20 Midway the lands (including any equipment, fa-  
21 cilities, infrastructure, and other improvements)  
22 and waters of Midway Atoll if designated as a  
23 national memorial.

24 (B) Whether designation as a national me-  
25 morial would conflict with current management

1 of Midway Atoll as a wildlife refuge and wheth-  
2 er, and under what circumstances, the needs  
3 and requirements of the wildlife refuge should  
4 take precedence over the needs and require-  
5 ments of a national memorial on Midway Atoll.

6 (C) Whether, and under what conditions,  
7 to permit the use of the facilities on Sand Is-  
8 land for purposes other than a wildlife refuge or  
9 a national memorial.

10 (D) Whether to impose conditions on pub-  
11 lic access to Midway Atoll if designated as a na-  
12 tional memorial.

13 (d) REPORT.—Upon completion of the study required  
14 under paragraph (1), the Secretary shall submit to the  
15 Committee on Resources of the House of Representatives  
16 and the Committee on Energy and Natural Resources of  
17 the Senate a report on the study, which shall include any  
18 recommendations for further legislative action. The report  
19 shall also include an inventory of all known past and  
20 present facilities and structures of historical significance  
21 on Midway Atoll and its environs. The report shall include  
22 a description of each historic facility and structure and  
23 a discussion of how each will contribute to the designation  
24 and interpretation of the proposed national memorial.

1 (e) CONTINUING DISCUSSIONS.—Nothing in this sec-  
 2 tion shall be construed to delay or prohibit discussions or  
 3 agreements between the Foundation, the Veterans of For-  
 4 eign Wars, the Battle of Coral Sea Association, the Amer-  
 5 ican Legion, or any other appropriate veterans group, or  
 6 the Midway Phoenix Corporation and the United States  
 7 Fish and Wildlife Service or any other Government entity  
 8 regarding the future role of the Foundation or the Midway  
 9 Phoenix Corporation on Midway Atoll.

10 (f) EXISTING AGREEMENT.—This section shall not  
 11 affect any agreement in effect on the date of the enact-  
 12 ment of this Act between the United States Fish and  
 13 Wildlife Service and Midway Phoenix Corporation.

14 (g) AUTHORIZATION.—There are authorized to be ap-  
 15 propriated to carry out this section not more than  
 16 \$100,000.

17 **SEC. 402. HISTORIC LIGHTHOUSE PRESERVATION.**

18 (a) PRESERVATION OF HISTORIC LIGHT STA-  
 19 TIONS.—Title III of the National Historic Preservation  
 20 Act (16 U.S.C. 470w–470w–6) is amended by adding the  
 21 following new section after section 307:

22 **“SEC. 308. HISTORIC LIGHTHOUSE PRESERVATION.**

23 “(a) IN GENERAL.—In order to provide a national  
 24 historic light station program, the Secretary shall—

1           “(1) collect and disseminate information con-  
2           cerning historic light stations, including historic  
3           lighthouses and associated structures;

4           “(2) foster educational programs relating to the  
5           history, practice, and contribution to society of his-  
6           toric light stations;

7           “(3) sponsor or conduct research and study into  
8           the history of light stations;

9           “(4) maintain a listing of historic light stations;  
10          and

11          “(5) assess the effectiveness of the program es-  
12          tablished by this section regarding the conveyance of  
13          historic light stations.

14          “(b) CONVEYANCE OF HISTORIC LIGHT STATIONS.—

15               “(1) Within one year of the date of enactment  
16               of this section, the Secretary and the Administrator  
17               of General Services shall establish a process for  
18               identifying, and selecting, an eligible entity to which  
19               a historic light station could be conveyed for edu-  
20               cation, park, recreation, cultural, or historic preser-  
21               vation purposes.

22               “(2) The Secretary shall review all applicants  
23               for the conveyance of a historic light station, when  
24               the historic light station has been identified as ex-  
25               cess to the needs of the agency with administrative

1 jurisdiction over the historic light station, and for-  
2 ward to the Administrator a single approved applica-  
3 tion for the conveyance of the historic light station.  
4 When selecting an eligible entity, the Secretary may  
5 consult with the State Historic Preservation Officer  
6 of the state in which the historic light station is lo-  
7 cated. A priority of consideration shall be afforded  
8 public entities that submit applications in which the  
9 public entity enters into a partnership with a non-  
10 profit organization whose primary mission is historic  
11 light station preservation.

12 “(3)(A) Except as provided in paragraph (B),  
13 the Administrator shall convey, by quitclaim deed,  
14 without consideration, all right, title, and interest of  
15 the United States in and to the historic light station,  
16 subject to the conditions set forth in subsection (c).  
17 The conveyance of a historic light station under this  
18 section shall not be subject to the provisions of 42  
19 U.S.C. 11301 et seq.

20 “(B)(i) Historic light stations located within the  
21 exterior boundaries of a unit of the National Park  
22 System or a refuge within the National Wildlife Ref-  
23 uge System shall be conveyed or sold only with the  
24 approval of the Secretary.

1           “(ii) If the Secretary approves the conveyance  
2           or sale of a historic light station referenced in this  
3           paragraph, such conveyance or sale shall be subject  
4           to the conditions set forth in subsection (c) and any  
5           other terms or conditions the Secretary considers  
6           necessary to protect the resources of the park unit  
7           or wildlife refuge.

8           “(iii) For those historic light stations ref-  
9           erenced in this paragraph, the Secretary is encour-  
10          aged to enter cooperative agreements with appro-  
11          priate eligible entities, as provided in this Act, to the  
12          extent such cooperative agreements are consistent  
13          with the Secretary’s responsibilities to manage and  
14          administer the park unit or wildlife refuge, as appro-  
15          priate.

16          “(c) TERMS OF CONVEYANCE.—

17                 “(1) The conveyance of a historic light station  
18                 shall be made subject to any conditions the Adminis-  
19                 trator considers necessary to ensure that—

20                         “(A) the lights, antennas, sound signal,  
21                         electronic navigation equipment, and associated  
22                         light station equipment located at the historic  
23                         light station, which are active aids to naviga-  
24                         tion, shall continue to be operated and main-



1           tained by the United States for as long as need-  
2           ed for this purpose;

3           “(B) the eligible entity to which the his-  
4           toric light station is conveyed under this section  
5           shall not interfere or allow interference in any  
6           manner with aids to navigation without the ex-  
7           press written permission of the head of the  
8           agency responsible for maintaining the aids to  
9           navigation;

10          “(C) there is reserved to the United States  
11          the right to relocate, replace, or add any aid to  
12          navigation located at the historic light station  
13          as may be necessary for navigation purposes;

14          “(D) the eligible entity to which the his-  
15          toric light station is conveyed under this section  
16          shall maintain the historic light station in ac-  
17          cordance with this Act, the Secretary’s Stand-  
18          ards for the Treatment of Historic Properties,  
19          and other applicable laws;

20          “(E) the eligible entity to which the his-  
21          toric light station is conveyed under this section  
22          shall make the historic light station available  
23          for education, park, recreation, cultural or his-  
24          toric preservation purposes for the general pub-

1           lic at reasonable times and under reasonable  
2           conditions; and

3           “(F) the United States shall have the  
4           right, at any time, to enter the historic light  
5           station without notice for purposes of maintain-  
6           ing and inspecting aids to navigation and en-  
7           suring compliance with paragraph (C), to the  
8           extent that it is not possible to provide advance  
9           notice.

10          “(2) The Secretary, the Administrator, and any  
11          eligible entity to which a historic light station is con-  
12          veyed under this section, shall not be required to  
13          maintain any active aids to navigation associated  
14          with a historic light station.

15          “(3) In addition to any term or condition estab-  
16          lished pursuant to this subsection, the conveyance of  
17          a historic light station shall include a condition that  
18          the historic light station in its existing condition, at  
19          the option of the Administrator, revert to the United  
20          States if—

21                 “(A) the historic light station or any part  
22                 of the historic light station ceases to be avail-  
23                 able for education, park, recreation, cultural, or  
24                 historic preservation purposes for the general  
25                 public at reasonable times and under reasonable

1 conditions which shall be set forth in the eligi-  
2 ble entity's application;

3 “(B) the historic light station or any part  
4 of the historic light station ceases to be main-  
5 tained in a manner that ensures its present or  
6 future use as an aid to navigation or compli-  
7 ance with this Act, the Secretary's Standards  
8 for the Treatment of Historic Properties, and  
9 other applicable laws; or

10 “(C) at least 30 days before the reversion,  
11 the Administrator provides written notice to the  
12 owner that the historic light station is needed  
13 for national security purposes.

14 “(d) DESCRIPTION OF PROPERTY.—The Adminis-  
15 trator shall prepare the legal description of any historic  
16 light station conveyed under this section. The Adminis-  
17 trator may retain all right, title, and interest of the United  
18 States in and to any historical artifact, including any lens  
19 or lantern, that is associated with the historic light station  
20 and located at the light station at the time of conveyance.  
21 All conditions placed with the deed of title to the historic  
22 light station shall be construed as covenants running with  
23 the land. No submerged lands shall be conveyed to non-  
24 Federal entities.

1       “(e) RESPONSIBILITIES OF CONVEYEEES.—Each eligi-  
 2 ble entity to which a historic light station is conveyed  
 3 under this section shall use and maintain the historic light  
 4 station in accordance with this section, and have such con-  
 5 ditions recorded with the deed of title to the historic light  
 6 station.

7       “(f) DEFINITIONS.—For purposes of this section and  
 8 sections 309 and 310:

9           “(1) HISTORIC LIGHT STATION.—The term  
 10 ‘historic light station’ includes the light tower, light-  
 11 house, keepers dwelling, garages, storage sheds, oil  
 12 house, fog signal building, boat house, barn, pump-  
 13 house, tramhouse support structures, piers, walk-  
 14 ways, and related real property and improvements  
 15 associated therewith; provided that the light tower or  
 16 lighthouse shall be included in or eligible for inclu-  
 17 sion in the National Register of Historic Places.

18           “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
 19 tity’ shall mean—

20           “(A) any department or agency of the Fed-  
 21 eral government; or

22           “(B) any department or agency of the  
 23 state in which the historic light station is lo-  
 24 cated, the local government of the community  
 25 in which the historic light station is located,

1            nonprofit corporation, educational agency, or  
 2            community development organization that—

3                    “(i) has agreed to comply with the  
 4                    conditions set forth in subsection (c) and  
 5                    to have such conditions recorded with the  
 6                    deed of title to the historic light station;

7                    “(ii) is financially able to maintain the  
 8                    historic light station in accordance with  
 9                    the conditions set forth in subsection (c);  
 10                   and

11                   “(iii) can indemnify the Federal gov-  
 12                   ernment to cover any loss in connection  
 13                   with the historic light station, or any ex-  
 14                   penses incurred due to reversion.

15                   “(3) ADMINISTRATOR.—The term ‘Adminis-  
 16                   trator’ means the Administrator of General Serv-  
 17                   ices.”.

18            (b) SALE OF EXCESS LIGHT STATIONS.—Title III of  
 19            the National Historic Preservation Act (16 U.S.C. 470w–  
 20            470w–6) is amended by adding the following new section  
 21            after section 308:

22            **“SEC. 309. HISTORIC LIGHT STATION SALES.**

23                    “In the event no applicants are approved for the con-  
 24                    veyance of a historic light station pursuant to section 308,  
 25                    the historic light station shall be offered for sale. Terms

1 of such sales shall be developed by the Administrator. Con-  
 2 veyance documents shall include all necessary covenants  
 3 to protect the historical integrity of the historic light sta-  
 4 tion and ensure that any active aids to navigation located  
 5 at the historic light station are operated and maintained  
 6 by the United States for as long as needed for that pur-  
 7 pose. Net sale proceeds shall be transferred to the Na-  
 8 tional Maritime Heritage Grant Program, established by  
 9 section 4 of the National Maritime Heritage Act of 1994  
 10 (Public Law 103–451; 16 U.S.C. 5403), within the De-  
 11 partment of the Interior.”.

12 (c) TRANSFER OF HISTORIC LIGHT STATIONS TO  
 13 FEDERAL AGENCIES.—Title III of the National Historic  
 14 Preservation Act (16 U.S.C. 470w–470w–6) is amended  
 15 by adding the following new section after section 309:

16 **“SEC. 310. TRANSFER OF HISTORIC LIGHT STATIONS TO**  
 17 **FEDERAL AGENCIES.**

18 “After the date of enactment of this section, any de-  
 19 partment or agency of the Federal government, to which  
 20 a historic light station is conveyed, shall maintain the his-  
 21 toric light station in accordance with this Act, the Sec-  
 22 retary’s Standards for the Treatment of Historic Prop-  
 23 erties, and other applicable laws.”.

1 (d) FUNDING.—There are hereby authorized to be  
2 appropriated to the Secretary of the Interior such sums  
3 as may be necessary to carry out this section.

4 **SEC. 403. THOMAS COLE NATIONAL HISTORIC SITE, NEW**  
5 **YORK.**

6 (a) DEFINITIONS.—As used in this section:

7 (1) The term “historic site” means the Thomas  
8 Cole National Historic Site established by subsection  
9 (c).

10 (2) The term “Hudson River artists” means  
11 artists who were associated with the Hudson River  
12 school of landscape painting.

13 (3) The term “plan” means the general man-  
14 agement plan developed pursuant to subsection  
15 (e)(4).

16 (4) The term “Secretary” means the Secretary  
17 of the Interior.

18 (5) The term “Society” means the Greene  
19 County Historical Society of Greene County, New  
20 York, which owns the Thomas Cole home, studio,  
21 and other property comprising the historic site.

22 (b) FINDINGS AND PURPOSES.—

23 (1) FINDINGS.—Congress finds the following:

24 (A) The Hudson River school of landscape  
25 painting was inspired by Thomas Cole and was

1 characterized by a group of 19th century land-  
2 scape artists who recorded and celebrated the  
3 landscape and wilderness of America, particu-  
4 larly in the Hudson River Valley region in the  
5 State of New York.

6 (B) Thomas Cole is recognized as Ameri-  
7 ca's most prominent landscape and allegorical  
8 painter of the mid-19th century.

9 (C) Located in Greene County, New York,  
10 the Thomas Cole House, also known as Thomas  
11 Cole's Cedar Grove, is listed on the National  
12 Register of Historic Places and has been des-  
13 ignated as a National Historic Landmark.

14 (D) Within a 15 mile radius of the Thom-  
15 as Cole House, an area that forms a key part  
16 of the rich cultural and natural heritage of the  
17 Hudson River Valley region, significant land-  
18 scapes and scenes painted by Thomas Cole and  
19 other Hudson River artists, such as Frederic  
20 Church, survive intact.

21 (E) The State of New York has established  
22 the Hudson River Valley Greenway to promote  
23 the preservation, public use, and enjoyment of  
24 the natural and cultural resources of the Hud-  
25 son River Valley region.



1 (F) Establishment of the Thomas Cole Na-  
2 tional Historic Site will provide opportunities  
3 for the illustration and interpretation of cul-  
4 tural themes of the heritage of the United  
5 States and unique opportunities for education,  
6 public use, and enjoyment.

7 (2) PURPOSES.—The purposes of this section  
8 are—

9 (A) to preserve and interpret the home and  
10 studio of Thomas Cole for the benefit, inspira-  
11 tion, and education of the people of the United  
12 States;

13 (B) to help maintain the integrity of the  
14 setting in the Hudson River Valley region that  
15 inspired artistic expression;

16 (C) to coordinate the interpretive, preser-  
17 vation, and recreational efforts of Federal,  
18 State, and other entities in the Hudson Valley  
19 region in order to enhance opportunities for  
20 education, public use, and enjoyment; and

21 (D) to broaden understanding of the Hud-  
22 son River Valley region and its role in American  
23 history and culture.

24 (c) ESTABLISHMENT OF THOMAS COLE NATIONAL  
25 HISTORIC SITE.—

1           (1) ESTABLISHMENT.—There is established, as  
2           an affiliated area of the National Park System, the  
3           Thomas Cole National Historic Site in the State of  
4           New York.

5           (2) DESCRIPTION.—The historic site shall con-  
6           sist of the home and studio of Thomas Cole, com-  
7           prising approximately 3.4 acres, located at 218  
8           Spring Street, in the village of Catskill, New York,  
9           as generally depicted on the boundary map num-  
10          bered TCH/80002, and dated March 1992.

11          (d) RETENTION OF OWNERSHIP AND MANAGEMENT  
12          OF HISTORIC SITE BY GREENE COUNTY HISTORICAL SO-  
13          CIETY.—The Greene County Historical Society of Greene  
14          County, New York, shall continue to own, manage, and  
15          operate the historic site.

16          (e) ADMINISTRATION OF HISTORIC SITE.—

17               (1) APPLICABILITY OF NATIONAL PARK SYSTEM  
18               LAWS.—The historic site shall be administered by  
19               the Society in a manner consistent with this Act and  
20               all laws generally applicable to units of the National  
21               Park System, including the Act of August 25, 1916  
22               (16 U.S.C. 1 et seq.; commonly known as the Na-  
23               tional Park Service Organic Act), and the Act of Au-  
24               gust 21, 1935 (16 U.S.C. 461 et seq.; commonly

1 known as the Historic Sites, Buildings, and Antiquities Act).

3 (2) COOPERATIVE AGREEMENTS.—

4 (A) ASSISTANCE TO SOCIETY.—The Secretary may enter into cooperative agreements  
5 with the Society to preserve the Thomas Cole  
6 House and other structures in the historic site  
7 and to assist with education programs and research  
8 and interpretation of the Thomas Cole  
9 House and associated landscapes.  
10

11 (B) OTHER ASSISTANCE.—To further the  
12 purposes of this section, the Secretary may  
13 enter into cooperative agreements with the  
14 State of New York, the Society, the Thomas  
15 Cole Foundation, and other public and private  
16 entities to facilitate public understanding and  
17 enjoyment of the lives and works of the Hudson  
18 River artists through the provision of assistance  
19 to develop, present, and fund art exhibits, resident  
20 artist programs, and other appropriate activities  
21 related to the preservation, interpretation,  
22 tion, and use of the historic site.

23 (3) ARTIFACTS AND PROPERTY.—

24 (A) PERSONAL PROPERTY GENERALLY.—

25 The Secretary may acquire personal property

1 associated with, and appropriate for, the inter-  
2 pretation of the historic site.

3 (B) WORKS OF ART.—The Secretary may  
4 acquire works of art associated with Thomas  
5 Cole and other Hudson River artists for the  
6 purpose of display at the historic site.

7 (4) GENERAL MANAGEMENT PLAN.—Within  
8 two complete fiscal years after the date of the enact-  
9 ment of this Act, the Secretary shall develop a gen-  
10 eral management plan for the historic site with the  
11 cooperation of the Society. Upon the completion of  
12 the plan, the Secretary shall provide a copy of the  
13 plan to the Committee on Resources of the House of  
14 Representatives and the Committee on Energy and  
15 Natural Resources of the Senate. The plan shall in-  
16 clude recommendations for regional wayside exhibits,  
17 to be carried out through cooperative agreements  
18 with the State of New York and other public and  
19 private entities. The plan shall be prepared in ac-  
20 cordance with section 12(b) of Public Law 91–383  
21 (16 U.S.C. 1a–1 et seq.; commonly known as the  
22 National Park System General Authorities Act).

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated such sums as are nec-  
25 essary to carry out this section.

1 **SEC. 404. ADDITION OF THE PAOLI BATTLEFIELD TO THE**  
2 **VALLEY FORGE NATIONAL HISTORICAL**  
3 **PARK.**

4 (a) BOUNDARY MODIFICATION.—Section 2(a) of the  
5 Act of July 4, 1976 (Public Law 94–337; 90 Stat. 796;  
6 16 U.S.C. 410aa–1), is amended by adding the following  
7 after the first sentence thereof: “The park shall also in-  
8 clude the Paoli Battlefield, located in the Borough of Mal-  
9 vern, Pennsylvania, as depicted on the map numbered  
10 ——— and dated ——— (hereinafter in this Act re-  
11 ferred to as the ‘Paoli Battlefield Addition’).”

12 (b) ACQUISITION OF LANDS.—Section 4(a) of the Act  
13 of July 4, 1976 (Public Law 94–337; 90 Stat. 796; 16  
14 U.S.C. 410aa–3), is amended by adding the following be-  
15 fore the period at the end thereof: “, except that there  
16 is authorized to be appropriated an additional amount of  
17 not more than \$2,500,000 for the acquisition of property  
18 within the Paoli Battlefield Addition if non-Federal mon-  
19 ies in the amount of not less than \$1,000,000 are available  
20 for the acquisition (and subsequent donation to the Na-  
21 tional Park Service) of such property”.

22 (c) COOPERATIVE MANAGEMENT.—Section 3 of the  
23 Act of July 4, 1976 (Public Law 94–337; 90 Stat. 796;  
24 16 U.S.C. 410aa–2), is amended by adding the following  
25 at the end thereof: “The Secretary may enter into a coop-  
26 erative agreement with the Borough of Malvern for the

1 management by the Borough of the Paoli Battlefield Addi-  
2 tion.”.

3 **SEC. 405. CASA MALPAIS NATIONAL HISTORIC LANDMARK,**  
4 **ARIZONA.**

5 (a) FINDINGS.—The Congress finds and declares  
6 that—

7 (1) the Casa Malpais National Historic Land-  
8 mark was occupied by one of the largest and most  
9 sophisticated Mogollon communities in the United  
10 States;

11 (2) the landmark includes a 58-room masonry  
12 pueblo, including stairways, Great Kiva complex,  
13 and fortification walls, a prehistoric trail, and cata-  
14 comb chambers where the deceased were placed;

15 (3) the Casa Malpais was designated as a na-  
16 tional historic landmark by the Secretary of the In-  
17 terior in 1964; and

18 (4) the State of Arizona and the community of  
19 Springerville are undertaking a program of interpre-  
20 tation and preservation of the landmark.

21 (b) PURPOSE.—It is the purpose of this section to  
22 assist in the preservation and interpretation of the Casa  
23 Malpais National Historic Landmark for the benefit of the  
24 public.

25 (c) COOPERATIVE AGREEMENTS.—

1           (1) IN GENERAL.—In furtherance of the pur-  
2       pose of this section, the Secretary of the Interior is  
3       authorized to enter into cooperative agreements with  
4       the State of Arizona and the town of Springerville,  
5       Arizona, pursuant to which the Secretary may pro-  
6       vide technical assistance to interpret, operate, and  
7       maintain the Casa Malpais National Historic Land-  
8       mark and may also provide financial assistance for  
9       planning, staff training, and development of the  
10      Casa Malpais National Historic Landmark, but not  
11      including other routine operations.

12           (2) ADDITIONAL PROVISIONS.—Any such agree-  
13      ment may also contain provisions that—

14           (A) the Secretary, acting through the Di-  
15      rector of the National Park Service, shall have  
16      right to access at all reasonable times to all  
17      public portions of the property covered by such  
18      agreement for the purpose of interpreting the  
19      landmark; and

20           (B) no changes or alterations shall be  
21      made in the landmark except by mutual agree-  
22      ment between the Secretary and the other par-  
23      ties to all such agreements.

1 (d) APPROPRIATIONS.—There are authorized to be  
2 appropriated such sums as may be necessary to provide  
3 financial assistance in accordance with this section.

4 **SEC. 406. LOWER EAST SIDE TENEMENT NATIONAL HIS-**  
5 **TORIC SITE, NEW YORK.**

6 (a) FINDINGS.—Congress finds that—

7 (1) immigration, and the resulting diversity of  
8 cultural influences, is a key factor in defining Amer-  
9 ican identity; the majority of United States citizens  
10 trace their ancestry to persons born in nations other  
11 than the United States;

12 (2) the latter part of the 19th century and the  
13 early part of the 20th century marked a period in  
14 which the volume of immigrants coming to the  
15 United States far exceeded that of any time prior to  
16 or since that period;

17 (3) no single identifiable neighborhood in the  
18 United States absorbed a comparable number of im-  
19 migrants than the Lower East Side neighborhood of  
20 Manhattan in New York City;

21 (4) the Lower East Side Tenement at 97 Or-  
22 chard Street in New York City is an outstanding  
23 survivor of the vast number of humble buildings that  
24 housed immigrants to New York City during the  
25 greatest wave of immigration in American history;



1           (5) the Lower East Side Tenement is owned  
2           and operated as a museum by the Lower East Side  
3           Tenement Museum;

4           (6) the Lower East Side Tenement Museum is  
5           dedicated to interpreting immigrant life within a  
6           neighborhood long associated with the immigrant ex-  
7           perience in the United States, New York's Lower  
8           East Side, and its importance to United States his-  
9           tory; and

10          (7) the National Park Service found the Lower  
11          East Side Tenement at 97 Orchard Street to be na-  
12          tionally significant; the Secretary of the Interior de-  
13          clared it a National Historic Landmark on April 19,  
14          1994, and the National Park Service through a spe-  
15          cial resource study found the Lower East Side Tene-  
16          ment suitable and feasible for inclusion in the Na-  
17          tional Park System.

18          (b) PURPOSES.—The purposes of this section are—

19               (1) to ensure the preservation, maintenance,  
20               and interpretation of this site and to interpret at the  
21               site the themes of immigration, tenement life in the  
22               later half of the 19th century and the first half of  
23               the 20th century, the housing reform movement, and  
24               tenement architecture in the United States;

1           (2) to ensure continued interpretation of the  
2           nationally significant immigrant phenomenon associ-  
3           ated with New York City’s Lower East Side and its  
4           role in the history of immigration to the United  
5           States; and

6           (3) to enhance the interpretation of the Castle  
7           Clinton, Ellis Island, and Statue of Liberty National  
8           Monuments.

9           (c) DEFINITIONS.—As used in this section:

10           (1) HISTORIC SITE.—The term “historic site”  
11           means the Lower East Side Tenement at 97 Or-  
12           chard Street on Manhattan Island in New York  
13           City, New York, and designated as a national his-  
14           toric site by subsection (d)(1).

15           (2) LOWER EAST SIDE TENEMENT MUSEUM.—  
16           The term “Lower East Side Tenement Museum”  
17           means the Lower East Side Tenement Museum, a  
18           nonprofit organization established in New York City,  
19           which owns and operates the tenement building at  
20           97 Orchard Street and manages other properties in  
21           the vicinity of 97 Orchard Street as administrative  
22           and program support facilities for 97 Orchard  
23           Street.

24           (3) SECRETARY.—The term “Secretary” means  
25           the Secretary of the Interior.

1 (d) ESTABLISHMENT OF HISTORIC SITE.—

2 (1) DESIGNATION.—To further the purposes of  
3 this section and the Act entitled “An Act to provide  
4 for the preservation of historic American sites, build-  
5 ings, objects, and antiquities of national significance,  
6 and for other purposes”, approved August 21, 1935  
7 (16 U.S.C. 461 et seq.), the Lower East Side Tene-  
8 ment at 97 Orchard Street, in the City of New York,  
9 State of New York, is designated a national historic  
10 site to be known as “Lower East Side Tenement  
11 National Historic Site”.

12 (2) STATUS AS AFFILIATED SITE.—The Lower  
13 East Side Tenement National Historic Site shall be  
14 an affiliated site of the National Park System. The  
15 Secretary shall coordinate the operation and inter-  
16 pretation of the historic site with that of the Lower  
17 East Side Tenement Historic Site and the Statue of  
18 Liberty, Ellis Island, and Castle Clinton National  
19 Monument, as the historic site’s story and interpre-  
20 tation of the immigrant experience in the United  
21 States is directly related to the themes and purposes  
22 of these national monuments.

23 (3) OWNERSHIP AND OPERATION.—The Lower  
24 East Side Tenement National Historic Site shall

1 continue to be owned, operated, and managed by the  
2 Lower East Side Tenement Museum.

3 (e) MANAGEMENT OF HISTORIC SITE.—

4 (1) COOPERATIVE AGREEMENT.—The Secretary  
5 is authorized to enter into a cooperative agreement  
6 with the Lower East Side Tenement Museum to en-  
7 sure the marking, interpretation, and preservation of  
8 the historic site.

9 (2) ASSISTANCE.—The Secretary is authorized  
10 to provide technical and financial assistance to the  
11 Lower East Side Tenement Museum to mark, inter-  
12 pret, and preserve the historic site, including the  
13 making of preservation-related capital improvements  
14 and repairs.

15 (3) MANAGEMENT PLAN.—The Secretary shall,  
16 working with the Lower East Side Tenement Mu-  
17 seum, develop a general management plan for the  
18 historic site to define the National Park Service's  
19 roles and responsibilities with regard to the interpre-  
20 tation and the preservation of the historic site. The  
21 plan shall also outline how interpretation and pro-  
22 gramming for the Lower East Side Tenement Na-  
23 tional Historic Site and the Statue of Liberty, Ellis  
24 Island, and Castle Clinton national monuments will  
25 be integrated and coordinated so as to enhance the

1 stories at each of the 4 sites. Such plan shall be  
2 completed within 2 years after the enactment of this  
3 Act.

4 (4) SAVINGS CLAUSE.—Nothing in this section  
5 authorizes the Secretary to acquire the property at  
6 97 Orchard Street or to assume overall financial re-  
7 sponsibility for the operation, maintenance, or man-  
8 agement of the Lower East Side Tenement National  
9 Historic Site.

10 (f) APPROPRIATIONS.—There are authorized to be  
11 appropriated such sums as are necessary to carry out this  
12 section.

13 **SEC. 407. GATEWAY VISITOR CENTER AUTHORIZATION,**  
14 **INDEPENDENCE NATIONAL HISTORICAL**  
15 **PARK.**

16 (a) FINDINGS AND PURPOSE.—

17 (1) FINDINGS.—The Congress finds the follow-  
18 ing:

19 (A) The National Park Service completed  
20 and approved in 1997 a general management  
21 plan for Independence National Historical Park  
22 that establishes goals and priorities for the  
23 park's future.

24 (B) The general management plan for  
25 Independence National Historical Park calls for

1 the revitalization of Independence Mall and rec-  
2 ommends as a critical component of the Inde-  
3 pendence Mall's revitalization the development  
4 of a new "Gateway Visitor Center".

5 (C) Such a visitor center would replace the  
6 existing park visitor center and would serve as  
7 an orientation center for visitors to the park  
8 and to city and regional attractions.

9 (D) Subsequent to the completion of the  
10 general management plan, the National Park  
11 Service undertook and completed a design  
12 project and master plan for Independence Mall  
13 which includes the Gateway Visitor Center.

14 (E) Plans for the Gateway Visitor Center  
15 call for it to be developed and managed, in co-  
16 operation with the Secretary of the Interior, by  
17 a nonprofit organization which represents the  
18 various public and civic interests of the greater  
19 Philadelphia metropolitan area.

20 (F) The Gateway Visitor Center Corpora-  
21 tion, a nonprofit organization, has been estab-  
22 lished to raise funds for and cooperate in a pro-  
23 gram to design, develop, construct, and operate  
24 the proposed Gateway Visitor Center.

1           (2) PURPOSE.—The purpose of this section is  
2           to authorize the Secretary of the Interior to enter  
3           into a cooperative agreement with the Gateway Visi-  
4           tor Center Corporation to construct and operate a  
5           regional visitor center on Independence Mall.

6           (b) GATEWAY VISITOR CENTER AUTHORIZATION.—

7           (1) AGREEMENT.—The Secretary of the Inte-  
8           rior, in administering the Independence National  
9           Historical Park, may enter into an agreement under  
10          appropriate terms and conditions with the Gateway  
11          Visitor Center Corporation (a nonprofit corporation  
12          established under the laws of the State of Pennsyl-  
13          vania) to facilitate the construction and operation of  
14          a regional Gateway Visitor Center on Independence  
15          Mall.

16          (2) OPERATIONS OF CENTER.—The Agreement  
17          shall authorize the Corporation to operate the Cen-  
18          ter in cooperation with the Secretary and to provide  
19          at the Center information, interpretation, facilities,  
20          and services to visitors to Independence National  
21          Historical Park, its surrounding historic sites, the  
22          city of Philadelphia, and the region, in order to as-  
23          sist in their enjoyment of the historic, cultural, edu-  
24          cational, and recreational resources of the greater  
25          Philadelphia area.

1           (3) MANAGEMENT-RELATED ACTIVITIES.—The  
2       Agreement shall authorize the Secretary to under-  
3       take at the Center activities related to the manage-  
4       ment of Independence National Historical Park, in-  
5       cluding, but not limited to, provision of appropriate  
6       visitor information and interpretive facilities and  
7       programs related to Independence National Histori-  
8       cal Park.

9           (4) ACTIVITIES OF CORPORATION.—The Agree-  
10      ment shall authorize the Corporation, acting as a  
11      private nonprofit organization, to engage in activities  
12      appropriate for operation of a regional visitor center  
13      that may include, but are not limited to, charging  
14      fees, conducting events, and selling merchandise,  
15      tickets, and food to visitors to the Center.

16          (5) USE OF REVENUES.—Revenues from activi-  
17      ties engaged in by the Corporation shall be used for  
18      the operation and administration of the Center.

19          (6) PROTECTION OF PARK.—Nothing in this  
20      section authorizes the Secretary or the Corporation  
21      to take any actions in derogation of the preservation  
22      and protection of the values and resources of Inde-  
23      pendence National Historical Park.

24          (7) DEFINITIONS.—In this subsection:



1 (A) AGREEMENT.—The term “Agreement”  
 2 means an agreement under this section between  
 3 the Secretary and the Corporation.

4 (B) CENTER.—The term “Center” means  
 5 a Gateway Visitor Center constructed and oper-  
 6 ated in accordance with the Agreement.

7 (C) CORPORATION.—The term “Corpora-  
 8 tion” means the Gateway Visitor Center Cor-  
 9 poration (a nonprofit corporation established  
 10 under the laws of the State of Pennsylvania).

11 (D) SECRETARY.—The term “Secretary”  
 12 means the Secretary of the Interior.

13 **SEC. 408. TUSKEGEE AIRMEN NATIONAL HISTORIC SITE,**  
 14 **ALABAMA.**

15 (a) DEFINITIONS.—As used in this section:

16 (1) HISTORIC SITE.—The term “historic site”  
 17 means the Tuskegee Airmen National Historic Site  
 18 as established by subsection (d).

19 (2) SECRETARY.—The term “Secretary” means  
 20 the Secretary of the Interior.

21 (3) TUSKEGEE AIRMEN.—The term “Tuskegee  
 22 Airmen” means the thousands of men and women  
 23 who served in America’s African-American Air Force  
 24 units of World War II and shared in the Tuskegee  
 25 Experience.

1           (4) TUSKEGEE UNIVERSITY.—The term  
2       “Tuskegee University” means the institution of  
3       higher education by that name located in the State  
4       of Alabama and founded by Booker T. Washington  
5       in 1881, formerly named Tuskegee Institute.

6       (b) FINDINGS.—The Congress finds the following:

7           (1) The struggle of African-Americans for  
8       greater roles in North American military conflicts  
9       spans the 17th, 18th, 19th, and 20th centuries. Op-  
10      portunities for African-American participation in the  
11      United States military were always very limited and  
12      controversial. Quotas, exclusion, and racial discrimi-  
13      nation were based on the prevailing attitude in the  
14      United States, particularly on the part of the United  
15      States military, that African-Americans did not pos-  
16      sess the intellectual capacity, aptitude, and skills to  
17      be successful fighters.

18          (2) By the early 1940’s these perceptions con-  
19      tinued within the United States military. Key lead-  
20      ers within the United States Army Air Corps did not  
21      believe that African-Americans possessed the capac-  
22      ity to become successful military pilots. After suc-  
23      cumbing to pressure exerted by civil rights groups  
24      and the black press, the Army decided to train a  
25      small number of African-American pilot cadets

1 under special conditions. Although prejudice and dis-  
2 crimination against African-Americans was a na-  
3 tional phenomenon, not just a southern trait, it was  
4 more intense in the South where it had hardened  
5 into rigidly enforced patterns of segregation. Such  
6 was the environment where the military chose to lo-  
7 cate the training of the Tuskegee Airmen.

8 (3) The military selected Tuskegee Institute  
9 (now known as Tuskegee University) as a civilian  
10 contractor for a variety of reasons. These included  
11 the school's existing facilities, engineering and tech-  
12 nical instructors, and a climate with ideal flying con-  
13 ditions year round. Tuskegee Institute's strong in-  
14 terest in providing aeronautical training for African-  
15 American youths was also an important factor. Stu-  
16 dents from the school's civilian pilot training pro-  
17 gram had some of the best test scores when com-  
18 pared to other students from programs across the  
19 Southeast.

20 (4) In 1941 the United States Army Air Corps  
21 awarded a contract to Tuskegee Institute to operate  
22 a primary flight school at Moton Field. Tuskegee In-  
23 stitute (now known as Tuskegee University) chose  
24 an African-American contractor who designed and  
25 constructed Moton Field, with the assistance of its

1 faculty and students, as the site for its military pilot  
2 training program. The field was named for the  
3 school's second president, Robert Russa Moton. Con-  
4 sequently, Tuskegee Institute was one of a very few  
5 American institutions (and the only African-Amer-  
6 ican institution) to own, develop, and control facili-  
7 ties for military flight instruction.

8 (5) Moton Field, also known as the Primary  
9 Flying Field or Airport Number 2, was the only pri-  
10 mary flight training facility for African-American  
11 pilot candidates in the United States Army Air  
12 Corps during World War II. The facility symbolizes  
13 the entrance of African-American pilots into the  
14 United States Army Air Corps, although on the  
15 basis of a policy of segregation that was mandated  
16 by the military and institutionalized in the South.  
17 The facility also symbolizes the singular role of  
18 Tuskegee Institute (Tuskegee University) in provid-  
19 ing leadership as well as economic and educational  
20 resources to make that entry possible.

21 (6) The Tuskegee Airmen were the first Afri-  
22 can-American soldiers to complete their training suc-  
23 cessfully and to enter the United States Army Air  
24 Corps. Almost 1,000 aviators were trained as Ameri-  
25 ca's first African-American military pilots. In addi-

1       tion, more than 10,000 military and civilian African-  
2       American men and women served as flight instruc-  
3       tors, officers, bombardiers, navigators, radio techni-  
4       cians, mechanics, air traffic controllers, parachute  
5       riggers, electrical and communications specialists,  
6       medical professionals, laboratory assistants, cooks,  
7       musicians, supply, firefighting, and transportation  
8       personnel.

9               (7) Although military leaders were hesitant to  
10       use the Tuskegee Airmen in combat, the Airmen  
11       eventually saw considerable action in North Africa  
12       and Europe. Acceptance from United States Army  
13       Air Corps units came slowly, but their courageous  
14       and, in many cases, heroic performance earned them  
15       increased combat opportunities and respect.

16              (8) The successes of the Tuskegee Airmen  
17       proved to the American public that African-Ameri-  
18       cans, when given the opportunity, could become ef-  
19       fective military leaders and pilots. This helped pave  
20       the way for desegregation of the military, beginning  
21       with President Harry S Truman's Executive Order  
22       9981 in 1948. The Tuskegee Airmen's success also  
23       helped set the stage for civil rights advocates to con-  
24       tinue the struggle to end racial discrimination dur-

1 ing the civil rights movement of the 1950's and  
2 1960's.

3 (9) The story of the Tuskegee Airmen also re-  
4 flects the struggle of African-Americans to achieve  
5 equal rights, not only through legal attacks on the  
6 system of segregation, but also through the tech-  
7 niques of nonviolent direct action. The members of  
8 the 477th Bombardment Group, who staged a non-  
9 violent demonstration to desegregate the officer's  
10 club at Freeman Field, Indiana, helped set the pat-  
11 tern for direct action protests popularized by civil  
12 rights activists in later decades.

13 (c) PURPOSES.—The purposes of this section are the  
14 following:

15 (1) To benefit and inspire present and future  
16 generations to understand and appreciate the heroic  
17 legacy of the Tuskegee Airmen, through interpreta-  
18 tion and education, and the preservation of cultural  
19 resources at Moton Field, which was the site of pri-  
20 mary flight training.

21 (2) To commemorate and interpret the impact  
22 of the Tuskegee Airmen during World War II; the  
23 training process for the Tuskegee Airmen including  
24 the roles played by Moton Field, other training fa-  
25 cilities, and related sites; the strategic role of

1 Tuskegee Institute (Tuskegee University) in the  
2 training; the African-American struggle for greater  
3 participation in the United States military and more  
4 significant roles in defending their country; the sig-  
5 nificance of successes of the Tuskegee Airmen in  
6 leading to desegregation of the United States mili-  
7 tary shortly after World War II; and the impacts of  
8 Tuskegee Airmen accomplishments on subsequent  
9 civil rights advances of the 1950's and 1960's.

10 (d) ESTABLISHMENT OF THE TUSKEGEE AIRMEN  
11 NATIONAL HISTORIC SITE.

12 (1) IN GENERAL.—There is hereby established  
13 as a unit of the National Park System the Tuskegee  
14 Airmen National Historic Site, in association with  
15 Tuskegee University, in the State of Alabama.

16 (2) DESCRIPTION.—The total historic site, after  
17 the conditions are met for its full development and  
18 management, and subsequent to agreements to do-  
19 nate land by Tuskegee University and the city of  
20 Tuskegee, shall consist of approximately 90 acres,  
21 known as Moton Field, in Macon County, Alabama,  
22 as generally depicted on a map entitled “Alternative  
23 C, Living History: Tuskegee Airmen Experience”,  
24 dated June 1998. Such map shall be on file and

1       available for public inspection in the appropriate of-  
2       fices of the National Park Service.

3       (e) PROPERTY ACQUISITION.—The Secretary may ac-  
4       quire by donation, exchange, or purchase with donated or  
5       appropriated funds the real property described in sub-  
6       section (d)(2), except that any property owned by the  
7       State of Alabama or any political subdivision thereof or  
8       Tuskegee University may be acquired only by donation.  
9       It is understood that property donated by Tuskegee Uni-  
10      versity shall be used only for purposes consistent with this  
11      Act in commemorating the Tuskegee Airmen. The initial  
12      donation of land by Tuskegee University shall consist of  
13      approximately 35 acres with the remainder of the acreage  
14      to be donated by Tuskegee University after agreement is  
15      reached regarding the development and management of  
16      the Tuskegee Airmen National Center. The Secretary may  
17      also acquire by the same methods personal property asso-  
18      ciated with, and appropriate for, the interpretation of the  
19      historic site.

20      (f) ADMINISTRATION OF HISTORIC SITE.—

21           (1) IN GENERAL.—The Secretary shall admin-  
22      ister the historic site in accordance with this section  
23      and the laws generally applicable to units of the Na-  
24      tional Park System, including the Act of August 25,



1       1916 (39 Stat. 535), and the Act of August 21,  
2       1935 (49 Stat. 666).

3               (2) ROLE OF TUSKEGEE INSTITUTE NATIONAL  
4       HISTORIC SITE.—Tuskegee Institute National His-  
5       toric Site shall serve as the principal administrative  
6       facility for the historic site.

7               (3) ROLE OF TUSKEGEE UNIVERSITY.—  
8       Tuskegee University shall serve as the principal  
9       partner with the National Park Service, and other  
10      Federal agencies mutually agreed upon, for the lead-  
11      ership, organization, development, and management  
12      of the historic site.

13              (4) ROLE OF TUSKEGEE AIRMEN.—The  
14      Tuskegee Airmen shall assist the principal partners  
15      for the historic site in fundraising for the develop-  
16      ment of visitor facilities and programs, and provide  
17      artifacts, memorabilia, and historical research for in-  
18      terpretive exhibits.

19              (5) DEVELOPMENT.—The general management  
20      plan for the operation and development of the his-  
21      toric site shall reflect Alternative C, Living History:  
22      The Tuskegee Airmen Experience, as expressed in  
23      the draft special resource study entitled “Moton  
24      Field/Tuskegee Airmen Special Resource Study”,  
25      dated June 1998. Subsequent development of the

1 historic site, with the approval of Tuskegee Univer-  
2 sity, shall reflect Alternative D.

3 (6) COOPERATIVE AGREEMENTS.—

4 (A) IN GENERAL.—The Secretary may  
5 enter into cooperative agreements with  
6 Tuskegee University, other nonhigher edu-  
7 cational institutions, the Tuskegee Airmen, in-  
8 dividuals, private and public organizations, and  
9 other Federal agencies in furtherance of the  
10 purposes of this Act. The Secretary shall recog-  
11 nize the concern of Tuskegee University for the  
12 wise management, use, and development of the  
13 historic site, and shall consult with Tuskegee  
14 University in the formulation of any cooperative  
15 agreement that may affect the historic site.

16 (B) TUSKEGEE AIRMEN NATIONAL CEN-  
17 TER.—The Secretary may enter into a coopera-  
18 tive agreement with Tuskegee University to de-  
19 fine and implement the public/private partner-  
20 ship needed to develop the historic site, includ-  
21 ing the Tuskegee Airmen National Center on  
22 the grounds of the historic site. The purpose of  
23 the center shall be to extend the ability to relate  
24 more fully the story of the Tuskegee Airmen at  
25 Moton Field. The center shall house a Tuskegee

1 Airmen Memorial and provide large exhibit  
2 space for the display of period aircraft and  
3 equipment used by the Tuskegee Airmen and a  
4 Tuskegee University Department of Aviation  
5 Science. It is the intent of the Congress that in-  
6 terpretive programs for visitors benefit from the  
7 school's active pilot training instruction pro-  
8 gram, and that the training program will pro-  
9 vide a historical continuum of flight training in  
10 the tradition of the Tuskegee Airmen. The  
11 Tuskegee University Department of Aviation  
12 Science may be located in historic buildings  
13 within the Moton Field complex until the  
14 Tuskegee Airmen National Center has been  
15 completed.

16 (C) REPORT.—Within one year after the  
17 date of the enactment of this Act, the Secretary  
18 and Tuskegee University, in consultation with  
19 the Tuskegee Airmen, shall prepare a report on  
20 the partnership needed to develop and operate  
21 the Tuskegee Airmen National Center, and sub-  
22 mit the report to the Committee on Resources  
23 of the House of Representatives and the Com-  
24 mittee on Energy and Natural Resources of the  
25 Senate. Subject to the approval of the Con-

gress, the Secretary and Tuskegee University may enter into a cooperative agreement to permit the development of the Center. Before the balance of the land is donated and before the development of the Tuskegee Airmen National Center can proceed, a cooperative agreement acceptable to the Secretary and Tuskegee University must be executed.

(7) GENERAL MANAGEMENT PLAN.—Within 2 complete fiscal years after funds are first made available to carry out this section, the Secretary shall prepare, with the full participation of Tuskegee University, a general management plan for the historic site and submit the plan to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

**SEC. 409. LITTLE ROCK CENTRAL HIGH SCHOOL NATIONAL HISTORIC SITE, ARKANSAS.**

(a) FINDINGS.—The Congress finds that—

(1) the 1954 United States Supreme Court decision of *Brown v. Board of Education*, which man-

1       dated an end to the segregation of public schools,  
2       was one of the most significant court decisions in  
3       the history of the United States;

4           (2) the admission of 9 African-American stu-  
5       dents, known as the “Little Rock Nine”, to Little  
6       Rock’s Central high School as a result of the Brown  
7       decision, was the most prominent national example  
8       of the implementation of the Brown decision, and  
9       served as a catalyst for the integration of other, pre-  
10      viously segregated public schools in the United  
11      States;

12          (3) 1997 marked the 70th anniversary of the  
13      construction of Central High School, which has been  
14      named by the American Institute of Architects as  
15      “the most beautiful high school building in Amer-  
16      ica”;

17          (4) Central High School was included on the  
18      National Register of Historic Places in 1977 and  
19      designated by the Secretary of the Interior as a na-  
20      tional historic landmark in 1982 in recognition of its  
21      national significance in the development of the civil  
22      rights movement in the United States; and

23          (5) the designation of Little Rock Central High  
24      School as a unit of the National Park System will  
25      recognize the significant role the school played in the

1       desegregation of public schools in the South and will  
2       interpret for future generations the events associated  
3       with early desegregation of Southern schools.

4       (b) PURPOSE.—The purpose of this section is to pre-  
5       serve, protect, and interpret for the benefit, education, and  
6       inspiration of present and future generations, Central  
7       High School in Little Rock, Arkansas, and its role in the  
8       integration of public schools and the development of the  
9       civil rights movement in the United States.

10       (c) ESTABLISHMENT OF CENTRAL HIGH SCHOOL  
11       NATIONAL HISTORIC SITE.—

12               (1) ESTABLISHMENT.—The Little Rock Central  
13       High School national historic site in the State or Ar-  
14       kansas (referred to in this section as the “historic  
15       site”) is hereby established as a unit of the National  
16       Park System. The historic site shall consist of lands  
17       and interests therein comprising the Central High  
18       School campus in Little Rock, Arkansas, as gen-  
19       erally depicted on a map entitled \_\_\_\_\_ and  
20       dated June 1998. Such map shall be on file and  
21       available for public inspection in the appropriate of-  
22       fices of the National Park Service.

23               (2) ADMINISTRATION OF HISTORIC SITE.—The  
24       Secretary of the Interior (referred to in this section  
25       as the “Secretary”) shall administer the historic site

1 in accordance with this section and the laws gen-  
2 erally applicable to units of the National Park Sys-  
3 tem, including the Act of August 25, 1916 (16  
4 U.S.C. 1, 2–4) and the Act of August 21, 1935 (16  
5 U.S.C. 461–467): *Provided*, That nothing in this  
6 section shall affect the authority of the Little Rock  
7 School District to administer Little Rock Central  
8 High School.

9 (3) COOPERATIVE AGREEMENTS.—(A) The Sec-  
10 retary may enter into cooperative agreements with  
11 appropriate public and private agencies, organiza-  
12 tions, and institutions (including, but not limited to,  
13 the State of Arkansas, the city of Little Rock, the  
14 Little Rock School District, Central High Museum,  
15 Inc., Central High Neighborhood, Inc., or the Uni-  
16 versity of Arkansas) in furtherance of the purposes  
17 of this Act.

18 (B) The Secretary shall coordinate visitor inter-  
19 pretation of the historic site with the Little Rock  
20 School District and the Central High School Mu-  
21 seum, Inc.

22 (4) GENERAL MANAGEMENT PLAN.—Within 2  
23 years after the date funds are made available, the  
24 Secretary shall prepare a general management plan  
25 for the historic site.

1           (5) CONTINUING EDUCATIONAL USE.—The Sec-  
2       retary shall consult and coordinate with the Little  
3       Rock School District in the development of the gen-  
4       eral management plan and in the administration of  
5       the historic site so as to not interfere with the con-  
6       tinuing use of Central High School as an edu-  
7       cational institution.

8           (6) ACQUISITION OF PROPERTY.—The Sec-  
9       retary is authorized to acquire by purchase with do-  
10      nated or appropriated funds, by exchange, or dona-  
11      tion the lands and interests therein located within  
12      the boundaries of the historic site, except that the  
13      Secretary may only acquire lands or interests therein  
14      with the consent of the owner thereof and lands or  
15      interests therein owned by the State of Arkansas or  
16      a political subdivision thereof, may only be acquired  
17      by donation or exchange.

18      (d) DESEGREGATION IN PUBLIC EDUCATION THEME  
19      STUDY.—

20           (1) THEME STUDY.—Within 2 years after the  
21      date funds are made available, the Secretary shall  
22      prepare and transmit to the Committee on Re-  
23      sources of the United States House of Representa-  
24      tives and the Committee on Energy and Natural Re-  
25      sources of the United States Senate a national his-



1        toric landmark theme study (hereinafter referred to  
2        as the “theme study”) on the history of desegrega-  
3        tion in public education. The purpose of the theme  
4        study shall be to identify sites, districts, buildings,  
5        structures, and landscapes that best illustrate or  
6        commemorate key events or decisions in the histori-  
7        cal movement to provide for racial desegregation in  
8        public education. On the basis of the theme study,  
9        the Secretary shall identify possible new national  
10       historic landmarks appropriate to this theme and  
11       prepare a list in order of importance or merit of the  
12       most appropriate sites for national historic landmark  
13       designation.

14                (2) OPPORTUNITIES FOR EDUCATION AND RE-  
15       SEARCH.—The theme study shall identify appro-  
16       priate means to establish linkages between sites  
17       identified in paragraph (1) and between those sites  
18       and the Central High School National Historic Site  
19       established in this section and with other existing  
20       units of the National Park System to maximize op-  
21       portunities for public education and scholarly re-  
22       search on desegregation in public education. The  
23       theme study also shall recommend opportunities for  
24       cooperative arrangements with State and local gov-  
25       ernments, educational institutions, local historical

1 organizations, and other appropriate entities to pre-  
 2 serve and interpret key sites in the history of deseg-  
 3 regation in public education.

4 (3) COOPERATIVE AGREEMENTS.—The Sec-  
 5 retary may enter into cooperative agreements with 1  
 6 or more major educational institutions, public his-  
 7 tory organizations, or civil rights organizations  
 8 knowledgeable about desegregation in public edu-  
 9 cation to prepare the theme study and to ensure  
 10 that the theme study meets scholarly standards.

11 (4) THEME STUDY COORDINATION WITH GEN-  
 12 ERAL MANAGEMENT PLAN.—The theme study shall  
 13 be prepared as part of the preparation and develop-  
 14 ment of the general management plan for the Little  
 15 Rock Central High School National Historic Site es-  
 16 tablished in this section.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
 18 are authorized to be appropriated such sums as may be  
 19 necessary to carry out this section.

20 **SEC. 410. SAND CREEK MASSACRE NATIONAL HISTORIC**  
 21 **SITE STUDY.**

22 (a) FINDINGS.—Congress finds that—

23 (1) on November 29, 1864, Colonel John M.  
 24 Chivington led a group of 700 armed soldiers to a  
 25 peaceful Cheyenne village of more than 100 lodges

1 on the Big Sandy, also known as Sand Creek, lo-  
2 cated within the Territory of Colorado, and in a run-  
3 ning fight that ranged several miles upstream along  
4 the Big Sandy, slaughtered several hundred Indians  
5 in Chief Black Kettle's village, the majority of whom  
6 were women and children;

7 (2) the incident was quickly recognized as a na-  
8 tional disgrace and investigated and condemned by  
9 2 congressional committees and a military commis-  
10 sion;

11 (3) although the United States admitted guilt  
12 and reparations were provided for in article VI of  
13 the Treaty of Little Arkansas of October 14, 1865  
14 (14 Stat. 703) between the United States and the  
15 Cheyenne and Arapaho Tribes of Indians, those  
16 treaty obligations remain unfulfilled;

17 (4) land at or near the site of the Sand Creek  
18 Massacre may be available for purchase from a will-  
19 ing seller; and

20 (5) the site is of great significance to the Chey-  
21 enne and Arapaho Indian descendants of those who  
22 lost their lives at the incident at Sand Creek and to  
23 their tribes, and those descendants and tribes de-  
24 serve the right of open access to visit the site and

1 rights of cultural and historical observance at the  
2 site.

3 (b) DEFINITIONS.—For purposes of this section:

4 (1) SECRETARY.—The term “Secretary” means  
5 the Secretary of the Interior acting through the Di-  
6 rector of the National Park Service.

7 (2) SITE.—The term “site” means the Sand  
8 Creek massacre site described in subsection (a).

9 (3) TRIBES.—The term “Tribes” means—

10 (A) the Cheyenne and Arapaho Tribe of  
11 Oklahoma;

12 (B) the Northern Cheyenne Tribe; and

13 (C) the Northern Arapaho Tribe.

14 (c) STUDY.—

15 (1) IN GENERAL.—Not later than 18 months  
16 after the date on which funds are made available for  
17 the purpose of this section, the Secretary, in con-  
18 sultation with the Tribes and the State of Colorado,  
19 shall submit to the Committee on Resources of the  
20 House of Representatives and the Committee on En-  
21 ergy and Natural Resources of the Senate a resource  
22 study of the site.

23 (2) CONTENTS.—The study under paragraph

24 (1) shall—

1 (A) identify the location and extent of the  
 2 massacre area and the suitability and feasibility  
 3 of designating the site as a unit of the National  
 4 Park System; and

5 (B) include cost estimates for any nec-  
 6 essary acquisition, development, operation and  
 7 maintenance, and identification of alternatives  
 8 for the management, administration, and pro-  
 9 tection of the area.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
 11 are authorized to be appropriated such sums as are nec-  
 12 essary to carry out this section.

13 **SEC. 411. CHESAPEAKE AND OHIO CANAL NATIONAL HIS-**  
 14 **TORICAL PARK ENHANCEMENT AND PROTEC-**  
 15 **TION.**

16 (a) FINDINGS.—The Congress finds the following:

17 (1) The National Park Service has insufficient  
 18 funds for the operation, maintenance, and rehabilita-  
 19 tion of certain units of the National Park System.

20 (2) Federal full fee ownership of structures and  
 21 lands that are not consistent with the purposes for  
 22 which a national historical park was established and  
 23 that are essential only to the protection of such a  
 24 park is not always required to preserve the aesthetic,

1 natural, cultural, and historical values of national  
2 historical parks.

3 (3) The sale or lease, or any extension of a sale  
4 or lease, of secondary structures and surplus lands  
5 of national historical parks that are not consistent  
6 with the purposes for which the parks were estab-  
7 lished and that are essential only to the protection  
8 of such parks, could generate needed funds while  
9 preserving the values for which the parks were es-  
10 tablished, if adequate protection of natural, aes-  
11 thetic, recreational, cultural, and historical values is  
12 assured by appropriate terms, covenants, conditions,  
13 or reservations.

14 (4) There are some secondary structures and  
15 surplus lands of the Chesapeake and Ohio Canal Na-  
16 tional Historical Park that need not be owned by the  
17 Federal Government in fee simple to achieve the  
18 benefits for which the park was established.

19 (b) DEFINITIONS.—In this section:

20 (1) SURPLUS LAND.—The term “surplus land”  
21 means land owned by the United States that—

22 (A) is controlled by the Secretary, is ad-  
23 ministered as part of the Chesapeake and Ohio  
24 Canal National Historical Park, and was first  
25 included in the park in the period beginning

1 January 1, 1972, and ending December 31,  
2 1983;

3 (B) is not consistent with the purposes for  
4 which the park was established; and

5 (C) is determined by the Secretary to be  
6 surplus to the purposes of national historical  
7 parks.

8 (2) SECONDARY STRUCTURES.—The term “sec-  
9 ondary structure”—

10 (A) except as provided in subparagraph  
11 (B), means a structure (including associated  
12 land) that—

13 (i) is controlled by the Secretary and  
14 administered as part of the Chesapeake  
15 and Ohio Canal National Historical Park,  
16 and was first included in the park in the  
17 period beginning January 1, 1972, and  
18 ending December 31, 1983;

19 (ii) is not historic under National  
20 Register on Historic Places criteria; and

21 (iii) is determined by the Secretary to  
22 be surplus to the purposes of national his-  
23 torical parks; and

24 (B) does not include any structure or land  
25 that is determined by the Secretary to be part

1           of the essence of the Chesapeake and Ohio  
2           Canal National Historical Park.

3           (3) SECRETARY.—The term “Secretary” means  
4           the Secretary of the Interior.

5           (c) ALLOWING PRIVATE ACQUISITION OR USE OF  
6           SECONDARY STRUCTURES AND SURPLUS LAND.—

7           (1) DETERMINATION OF SECONDARY STRUC-  
8           TURES AND SURPLUS LAND.—The Secretary shall  
9           review the lands and structures that are controlled  
10          by the Secretary and administered as part of the  
11          Chesapeake and Ohio Canal National Historical  
12          Park and determine whether any of those lands or  
13          structures are secondary structures or surplus lands,  
14          respectively.

15          (2) ALLOWING PRIVATE ACQUISITION OR  
16          USE.—The Secretary, after determining it to be in  
17          the public interest and after publication of notice in  
18          the Federal Register and 30 days for public com-  
19          ment, may in accordance with this section sell, lease,  
20          permit the use of, or extend a lease or use permit  
21          for, any land and structure determined by the Sec-  
22          retary to be a secondary structure or surplus land,  
23          respectively.

24          (d) REQUIREMENTS.—



1           (1) COMPETITION.—Except as provided in  
2           paragraph (3), any sale or lease of property under  
3           this section shall be made under full and open com-  
4           petition.

5           (2) COSTS.—The Secretary shall ensure that  
6           the terms of any sale, lease, or use permit under this  
7           section are sufficient to recover the costs to the  
8           United States of awarding and administering the  
9           sale, lease, or permit. The Secretary shall require  
10          that a person acquiring, leasing, or using property  
11          under this section shall bear all reasonable costs of  
12          appraisal incidental to such conveyance, lease, or  
13          use, as determined by the Secretary.

14          (3) REACQUISITION BY ORIGINAL OWNER.—Be-  
15          fore disposing of any secondary structure or surplus  
16          land under this section, the Secretary shall, to the  
17          extent possible, provide the person or persons from  
18          whom the structure or land was acquired by the  
19          United States, or their heirs, as determined from the  
20          deed and land records for the property, an oppor-  
21          tunity to reacquire the structure or land by nego-  
22          tiated sale, lease, or use permit. The Secretary shall  
23          publish a notice in an appropriate regional or local  
24          newspaper in an attempt to locate such persons.

1           (4) NOTICE TO CONGRESS.—The Secretary  
2       shall report to the Committee on Resources of the  
3       House of Representatives and the Committee on En-  
4       ergy and Natural Resources of the Senate each con-  
5       veyance, lease, or issuance of a use permit for prop-  
6       erty under this section having a total value greater  
7       than \$150,000, at least 30 days prior to consumma-  
8       tion of the transaction.

9       (e) PROTECTION OF HISTORICAL INTEGRITY OF  
10      PARK.—In order to protect the natural, aesthetic, rec-  
11     reational, cultural, or historic values of the Chesapeake  
12     and Ohio Canal National Historical Park, the Secretary  
13     shall include in any sale, lease, or use permit under this  
14     section any terms, covenants, conditions, or reservations  
15     necessary to ensure preservation of the public interest and  
16     uses consistent with the purposes for which the park was  
17     established.

18      (f) USE OF REVENUES.—Amounts received by the  
19     United States as proceeds from any sale, lease, or use of  
20     a secondary structure or surplus land under this section  
21     in excess of the administrative cost of the sale, lease, or  
22     use—

23           (1) shall be deposited in a special fund in the  
24     Treasury; and

1           (2) shall be available to the Secretary, without  
2       further appropriation, for operation, maintenance, or  
3       improvement of, or for the acquisition of land or in-  
4       terests therein for, the Chesapeake and Ohio Canal  
5       National Historical Park.

1     **TITLE V—SAN RAFAEL SWELL**

2     **SEC. 501. SHORT TITLE.**

3         This title may be cited as the “San Rafael Swell Na-  
4     tional Heritage and Conservation Act”.

5     **SEC. 502. DEFINITIONS.**

6         In this title:

7             (1) **ADVISORY COUNCIL.**—The term “Advisory  
8     Council” means the San Rafael Swell National Con-  
9     servation Area Advisory Council established under  
10    section 525.

11            (2) **CONSERVATION AREA.**—The term “con-  
12    servation area” means the San Rafael Swell Na-  
13    tional Conservation Area established by section 522.

14            (3) **DIRECTOR.**—The term “Director” means  
15    the Director of the Bureau of Land Management.

16            (4) **NATIONAL HERITAGE AREA.**—The term  
17    “national heritage area” means the San Rafael  
18    Swell National Heritage Area established by section  
19    513.

20            (5) **SECRETARY.**—The term “Secretary” means  
21    the Secretary of the Interior, acting through the Di-  
22    rector of the Bureau of Land Management.

23            (6) **SEMI-PRIMITIVE AREA.**—The term “semi-  
24    primitive area” means any area designated as a

1 semi-primitive nonmotorized use area under section  
2 542.

3 **Subtitle A—San Rafael Swell**  
4 **National Heritage Area**

5 **SEC. 511. SHORT TITLE; FINDINGS; PURPOSES.**

6 (a) SHORT TITLE.—This subtitle may be cited as the  
7 “San Rafael Swell National Heritage Area Act”.

8 (b) FINDINGS.—Congress finds the following:

9 (1) The history of the American West is one of  
10 the most significant chapters of United States his-  
11 tory, and the major themes and images of the his-  
12 tory of the American West provide a legacy that has  
13 done much to shape the contemporary culture, atti-  
14 tudes, and values of the American West and the  
15 United States.

16 (2) The San Rafael Swell region of the State of  
17 Utah was one of the country’s last frontiers and pos-  
18 sesses important historical, cultural, and natural re-  
19 sources that are representative of the central themes  
20 associated with the history of the American West,  
21 including themes of pre-Columbian and Native  
22 American culture, exploration, pioneering, settle-  
23 ment, ranching, outlaws, prospecting and mining,  
24 water development and irrigation, railroad building,

1 industrial development, and the utilization and con-  
2 servation of natural resources.

3 (3) The San Rafael Swell region contains im-  
4 portant historical sites, including sections of the Old  
5 Spanish Trail, the Outlaw Trail, the Green River  
6 Crossing, and numerous sites associated with cow-  
7 boy, pioneer, and mining history.

8 (4) The heritage of the San Rafael Swell region  
9 includes the activities of many prominent historical  
10 figures of the old American West, such as Chief  
11 Walker, John Wesley Powell, Kit Carson, John C.  
12 Fremont, John W. Gunnison, Butch Cassidy, John  
13 W. Taylor, and the Swasey brothers.

14 (5) The San Rafael Swell region has a notable  
15 history of coal and uranium mining, and a rich cul-  
16 tural heritage of activities associated with mining,  
17 such as prospecting, railroad building, immigrant  
18 workers, coal camps, labor union movements, and  
19 mining disasters.

20 (6) The San Rafael Swell region is widely rec-  
21 ognized for its significant paleontological resources  
22 and dinosaur bone quarries, including the Cleveland  
23 Lloyd Dinosaur Quarry which was designated as a  
24 National Natural Landmark in 1966.

1           (7) The beautiful rural landscapes, historic and  
2           cultural landscapes, and spectacular scenic vistas of  
3           the San Rafael Swell region contain significant un-  
4           developed recreational opportunities for people  
5           throughout the United States.

6           (8) Museums and visitor centers have already  
7           been constructed in the San Rafael Swell region, in-  
8           cluding the John Wesley Powell River History Mu-  
9           seum, the College of Eastern Utah Prehistoric Mu-  
10          seum, the Museum of the San Rafael, the Western  
11          Mining and Railroad Museum, the Emery County  
12          Pioneer Museum, and the Cleveland Lloyd Dinosaur  
13          Quarry, and these museums are available to inter-  
14          pret the themes of the national heritage area estab-  
15          lished by this title and to coordinate the interpretive  
16          and preservation activities of the area.

17          (9) Despite the efforts of the State of Utah, po-  
18          litical subdivisions of the State, volunteer organiza-  
19          tions, and private businesses, the cultural, historical,  
20          natural, and recreational resources of the San  
21          Rafael Swell region have not realized their full po-  
22          tential and may be lost without assistance from the  
23          Federal Government.

24          (10) Many of the historical, cultural, and sci-  
25          entific sites of the San Rafael Swell region are lo-

1 cated on lands owned by the Federal Government  
2 and are managed by the Bureau of Land Manage-  
3 ment or the United States Forest Service.

4 (11) The preservation of the cultural, historical,  
5 natural, and recreational resources of the San  
6 Rafael Swell region within a regional framework re-  
7 quires cooperation among local property owners and  
8 Federal, State, and local government entities.

9 (12) Partnerships between Federal, State, and  
10 local governments, local and regional entities of  
11 these governments, and the private sector offer the  
12 most effective opportunities for the enhancement  
13 and management of the cultural, historical, natural,  
14 and recreational resources of the San Rafael Swell  
15 region.

16 (c) PURPOSES.—The purposes of this subtitle are—

17 (1) to establish the San Rafael Swell National  
18 Heritage Area to promote the preservation, con-  
19 servation, interpretation, and development of the his-  
20 torical, cultural, natural, and recreational resources  
21 related to the historical, cultural, and industrial her-  
22 itage of the San Rafael Swell region of the State of  
23 Utah, which includes the counties of Carbon and  
24 Emery, and portions of the county of Sanpete;



1           (2) to encourage within the national heritage  
2       area a broad range of economic and recreational op-  
3       portunities to enhance the quality of life for present  
4       and future generations;

5           (3) to assist the State of Utah, political subdivi-  
6       sions of the State and their local and regional enti-  
7       ties, and nonprofit organizations, or combinations  
8       thereof, in preparing and implementing a heritage  
9       plan for the national heritage area and in developing  
10      policies and programs that will preserve, enhance,  
11      and interpret the cultural, historical, natural, rec-  
12      reational, and scenic resources of the heritage area;  
13      and

14          (4) to authorize the Secretary of the Interior to  
15      provide financial assistance and technical assistance  
16      to support the preparation and implementation of  
17      the heritage plan for the national heritage area.

18 **SEC. 512. DESIGNATION.**

19       There is hereby designated the San Rafael Swell Na-  
20      tional Heritage Area.

21 **SEC. 513. DEFINITIONS.**

22       For purposes of this subtitle:

23          (1) COMPACT.—The term “compact” means an  
24      agreement described in section 515(a).

1           (2) FINANCIAL ASSISTANCE.—The term “finan-  
2       cial assistance” means funds appropriated by the  
3       Congress and made available to the Heritage Coun-  
4       cil for the purposes of preparing and implementing  
5       a heritage plan.

6           (3) HERITAGE AREA.—The term “Heritage  
7       Area” means the San Rafael Swell National Herit-  
8       age Area established by this subtitle.

9           (4) HERITAGE PLAN.—The term “heritage  
10      plan” means a plan described in section 515(b).

11          (5) HERITAGE COUNCIL.—The term “Heritage  
12      Council” means the entity designated in the compact  
13      for a National Heritage Area and described in sec-  
14      tion 516(a).

15          (6) SECRETARY.—The term “Secretary” means  
16      the Secretary of the Interior.

17          (7) TECHNICAL ASSISTANCE.—The term “tech-  
18      nical assistance” includes—

19              (A) assistance by the Secretary in the  
20              preparation of any heritage plan, compact, or  
21              resource inventory; and

22              (B) professional guidance provided by the  
23              Secretary.

1           (8) UNIT OF GOVERNMENT.—The term “unit of  
2       government” means the government of a State, a  
3       political subdivision of a State, or an Indian tribe.

4 **SEC. 514. GRANTS, TECHNICAL ASSISTANCE, AND OTHER**  
5                   **DUTIES AND AUTHORITIES OF FEDERAL**  
6                   **AGENCIES.**

7       (a) GRANTS.—

8           (1) IN GENERAL.—The Secretary may make  
9       grants for the purposes of this subtitle to any unit  
10      of government or to the Heritage Council.

11          (2) PERMITTED AND PROHIBITED USES OF  
12      GRANTS.—

13           (A) PERMITTED USES.—Grants made  
14      under this section may be used for reports,  
15      studies, interpretive exhibits, historic preserva-  
16      tion projects, construction of cultural, rec-  
17      reational, and interpretive facilities that are  
18      open to the public, and such other expenditures  
19      as are consistent with this subtitle.

20           (B) PROHIBITED USES.—Grants made  
21      under this section may not be used for acqui-  
22      sition of real property or any interest in real  
23      property.

24          (3) APPLICABILITY OF RESTRICTIONS TO SUB-  
25      GRANTS.—For purposes of paragraph (2), any

1       subgrant made from funds received as a grant (or  
2       subgrant) made under this section shall be treated  
3       as a grant made under this section.

4               (4) PROTECTION OF FEDERAL INVESTMENT.—

5       Any grant made under this section shall be subject  
6       to an agreement that conversion, use, or disposal of  
7       the project so assisted for purposes contrary to the  
8       purposes of this subtitle, as determined by the Sec-  
9       retary, shall result in a right of the United States  
10      to compensation equal to the greater of—

11               (A) all Federal funds made available to  
12               such project under this subtitle; or

13               (B) the proportion of the increased value  
14               of the project attributable to such funds, as de-  
15               termined at the time of such conversion, use, or  
16               disposal.

17       (b) TECHNICAL ASSISTANCE.—The Secretary may  
18       provide technical assistance with respect to this subtitle.

19       (c) DURATION OF ELIGIBILITY FOR GRANTS AND  
20       TECHNICAL ASSISTANCE.—The Secretary may not pro-  
21       vide any grant, and may provide only limited technical as-  
22       sistance, under this subtitle after the expiration of the 10-  
23       year period beginning on the date of the designation of  
24       the National Heritage Area.

1 (d) DISQUALIFICATION FOR FEDERAL FUNDING.—If  
2 a heritage plan meeting the requirements of section 515(b)  
3 is not forwarded to the Secretary as required under sec-  
4 tion 516(b)(1) within the time specified in section  
5 516(b)(1), the Secretary may not, after such time, provide  
6 technical assistance or grants under this subtitle until  
7 such a heritage plan for the National Heritage Area is  
8 developed and forwarded to the Secretary.

9 (e) OTHER DUTIES AND AUTHORITIES OF SEC-  
10 RETARY.—

11 (1) SIGNING OF COMPACT.—The Secretary shall  
12 sign or withhold signature on any proposed compact  
13 submitted under this subtitle not later than 90 days  
14 after receiving the proposed compact. If the Sec-  
15 retary withholds signature on the proposed compact,  
16 the Secretary shall advise the submitter, in writing,  
17 of the reasons. The Secretary shall sign or withhold  
18 signature on each proposed revision to the proposed  
19 compact not later than 90 days after receiving the  
20 proposed revision. A submitter shall hold a public  
21 meeting in the immediate vicinity of the proposed  
22 National Heritage Area before making any major re-  
23 visions in any proposed compact submitted under  
24 this subtitle.

1           (2) MONITORING OF NATIONAL HERITAGE  
2       AREA.—The Secretary shall monitor the National  
3       Heritage Area. Monitoring of the National Heritage  
4       Area shall include monitoring to ensure compliance  
5       with the terms of the compact for the area.

6       (f) DUTIES OF FEDERAL ENTITIES.—Any Federal  
7       entity conducting or supporting activities within the Na-  
8       tional Heritage Area, and any unit of government acting  
9       pursuant to a grant of Federal funds or a Federal permit  
10      or agreement and conducting or supporting such activities,  
11      shall, to the maximum extent practicable—

12           (1) consult with the Secretary and the Heritage  
13      Council for the National Heritage Area with respect  
14      to such activities; and

15           (2) cooperate with the Secretary and the Herit-  
16      age Council in the carrying out of the duties of the  
17      Secretary and the Heritage Council under this sub-  
18      title, and coordinate such activities to minimize any  
19      real or potential adverse impact on the National  
20      Heritage Area.

21      (g) PROHIBITION OF CERTAIN REQUIREMENTS.—  
22      The Secretary may not, as a condition of the award of  
23      technical assistance or financial assistance under this sec-  
24      tion, require any recipient of such assistance to enact or  
25      modify land use restrictions.

1 **SEC. 515. COMPACT AND HERITAGE PLAN.**

2 (a) COMPACT.—

3 (1) IN GENERAL.—The compact submitted  
4 under this subtitle with respect to the National Her-  
5 itage Area shall consist of an agreement entered into  
6 by the Secretary, the Secretary of Agriculture, and  
7 the Governor of Utah or a designee of the Governor,  
8 in coordination with the Heritage Council. Such  
9 agreement shall define the area, describe anticipated  
10 programs for the area, and include information re-  
11 lating to the objectives and management of the area.  
12 Such information shall include, but need not be lim-  
13 ited to, each of the following:

14 (A) BOUNDARIES.—A delineation of the  
15 boundaries of the National Heritage Area. Such  
16 boundaries shall include the land generally de-  
17 picted on the map entitled San Rafael Swell  
18 National Heritage-Conservation Area Proposed,  
19 dated June 12, 1998, which shall be on file and  
20 available for public inspection in the office of  
21 the Director of the Bureau of Land Manage-  
22 ment.

23 (B) MANAGEMENT ENTITY.—An identifica-  
24 tion and description of the Heritage Council.

25 (C) NON-FEDERAL PARTICIPANTS.—A list  
26 of the initial participants to be involved in de-

veloping and implementing the heritage plan and a statement of the financial commitment of those participants.

(D) GOALS, OBJECTIVES, AND CONCEPTUAL FRAMEWORK.—A discussion of the goals, objectives, and cost of the National Heritage Area, including an explanation of—

(i) the conceptual framework, proposed by the partners referred to in subparagraph (C), for development and implementation of the heritage plan for the National Heritage Area; and

(ii) the costs associated with the conceptual framework.

(E) ROLE OF STATE.—A description of the role of the State of Utah.

(2) CONSISTENCY WITH ECONOMIC VIABILITY.—The compact submitted under this subtitle shall be consistent with continued economic viability in the communities within the National Heritage Area.

(3) INITIATION OF ACTIONS.—Actions called for in the compact shall be initiated within a reasonable time after designation of the National Heritage Area



1 and shall ensure effective implementation of the  
2 State and local aspects of the compact.

3 (b) HERITAGE PLAN.—

4 (1) IN GENERAL.—The heritage plan forwarded  
5 to the Secretary under this subtitle shall be a plan  
6 which sets forth the strategy to implement the goals  
7 and objectives of the National Heritage Area. The  
8 heritage plan shall—

9 (A) present comprehensive recommenda-  
10 tions for the conservation, funding, manage-  
11 ment, and development of the area;

12 (B) be prepared with public participation;

13 (C) take into consideration existing Fed-  
14 eral, State, county, and local plans and involve  
15 residents, private property owners, public agen-  
16 cies, and private organizations in the area;

17 (D) include a description of actions that  
18 units of government and private organizations  
19 could take to protect the resources of the area;  
20 and

21 (E) specify existing and potential sources  
22 of funding for the conservation, management,  
23 and development of the area.

1           (2) ADDITIONAL INFORMATION.—The heritage  
2       plan forwarded to the Secretary under this subtitle  
3       also shall include the following, as appropriate:

4           (A) INVENTORY OF RESOURCES.—An in-  
5       ventory of important natural, cultural, or his-  
6       toric resources which illustrate the themes of  
7       the National Heritage Area.

8           (B) RECOMMENDATIONS FOR MANAGE-  
9       MENT.—A recommendation of policies for man-  
10      agement of the historical, cultural, and natural  
11      resources and the recreational and educational  
12      opportunities of the area in a manner consistent  
13      with the support of appropriate and compatible  
14      economic viability.

15          (C) PROGRAM AND COMMITMENTS.—A  
16      program for implementation of the heritage  
17      plan by the Heritage Council and specific com-  
18      mitments, for the first 5 years of operation of  
19      the heritage plan, by the partners identified in  
20      the compact.

21          (D) ANALYSIS OF COORDINATION.—An  
22      analysis of means by which Federal, State, and  
23      local programs may best be coordinated to pro-  
24      mote the purposes of this subtitle.

1 (E) INTERPRETIVE PLAN.—An interpretive  
2 plan for the National Heritage Area.

3 (3) RELATIONSHIP TO CONSERVATION AREA  
4 MANAGEMENT PLAN.—The heritage plan and the  
5 conservation area management plan shall not be in-  
6 consistent. However, nothing in the heritage plan  
7 may supersede the management plan for the con-  
8 servation area under section 533, with respect to the  
9 application of the management plan to the conserva-  
10 tion area.

11 **SEC. 516. HERITAGE COUNCIL.**

12 (a) IN GENERAL.—The management entity for the  
13 National Heritage Area shall be known as the “Heritage  
14 Council”. The Heritage Council shall be an entity that re-  
15 flects a broad cross-section of interests within the National  
16 Heritage Area and shall include—

17 (1) at least 1 representative of one or more  
18 units of government in the State of Utah;

19 (2) representatives of interested or affected  
20 groups; and

21 (3) private property owners who reside within  
22 the National Heritage Area.

23 (b) DUTIES.—The Heritage Council shall fulfill each  
24 of the following requirements:

1           (1) HERITAGE PLAN.—Not later than 3 years  
2     after the date of the designation of the National  
3     Heritage Area, the Heritage Council shall develop  
4     and forward to the Secretary and to the Governor of  
5     Utah a heritage plan in accordance with the compact  
6     under subsection (a).

7           (2) PRIORITIES.—The Heritage Council shall  
8     give priority to the implementation of actions, goals,  
9     and policies set forth in the compact and heritage  
10    plan for the National Heritage Area, including as-  
11    sisting units of government and others in—

12           (A) carrying out programs which recognize  
13    important resource values within the National  
14    Heritage Area;

15           (B) encouraging economic viability in the  
16    affected communities;

17           (C) establishing and maintaining interpre-  
18    tive exhibits in the area;

19           (D) developing recreational and edu-  
20    cational opportunities in the area;

21           (E) increasing public awareness of and ap-  
22    preciation for the natural, historical, and cul-  
23    tural resources of the area;

1 (F) restoring historic buildings that are lo-  
2 cated within the boundaries of the area and re-  
3 late to the theme of the area; and

4 (G) ensuring that clear, consistent, and ap-  
5 propriate signs identifying public access points  
6 and sites of interest are put in place throughout  
7 the area.

8 (3) CONSIDERATION OF INTERESTS OF LOCAL  
9 GROUPS.—The Heritage Council shall, in developing  
10 and implementing the heritage plan for the National  
11 Heritage Area, consider the interests of diverse units  
12 of government, businesses, private property owners,  
13 and nonprofit groups within the geographic area.

14 (4) PUBLIC MEETINGS.—The Heritage Council  
15 shall conduct public meetings at least annually re-  
16 garding the implementation of the heritage plan for  
17 the National Heritage Area. The Heritage Council  
18 shall place a notice of each such meeting in a news-  
19 paper of general circulation in the area and shall  
20 make the minutes of the meeting available to the  
21 public.

22 **SEC. 517. LACK OF EFFECT ON LAND USE REGULATION.**

23 (a) LACK OF EFFECT ON AUTHORITY OF GOVERN-  
24 MENTS.—Nothing in this subtitle shall be construed to  
25 modify, enlarge, or diminish any authority of Federal,

1 State, and local governments to regulate any use of land  
2 as provided for by law or regulation.

3 (b) LACK OF ZONING OR LAND USE POWERS OF EN-  
4 TITY.—Nothing in this subtitle shall be construed to grant  
5 powers of zoning or land use to the management entity  
6 for the National Heritage Area.

7 (c) BLM AUTHORITY.—

8 (1) IN GENERAL.—Nothing in this subtitle shall  
9 be construed to modify, enlarge, or diminish the au-  
10 thority of the Secretary or the Bureau of Land Man-  
11 agement with respect to lands under the administra-  
12 tive jurisdiction of the Bureau.

13 (2) COOPERATION.—In carrying out this sub-  
14 title, the Secretary shall work cooperatively under  
15 the Federal Land Policy and Management Act of  
16 1976 with the Forest Service, the Heritage Council  
17 under section 516, State and local governments, and  
18 private entities.

19 **SEC. 518. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There are authorized to be appro-  
21 priated for grants made and technical assistance provided  
22 under subsections (a) and (b), respectively, of section 514,  
23 and the administration of such grants and assistance, not  
24 more than \$1,000,000 annually, to remain available until  
25 expended.

1 (b) ANNUAL ALLOCATION FOR GRANTS.—In any fis-  
2 cal year, not less than 70 percent of the funds obligated  
3 under this subtitle shall be used for grants made under  
4 section 514(a).

5 (c) LIMITATION ON PERCENT OF COST.—

6 (1) IN GENERAL.—Federal funding provided  
7 under this subtitle, after the designation of the Na-  
8 tional Heritage Area, for any technical assistance or  
9 grant with respect to the area may not exceed 50  
10 percent of the total cost of the assistance or grant.  
11 Federal funding provided under this subtitle with re-  
12 spect to an area before the designation of the area  
13 as the National Heritage Area may not exceed an  
14 amount proportionate to the level of local support of  
15 and commitment to the designation of the area.

16 (2) TREATMENT OF DONATIONS.—The value of  
17 property or services donated by non-Federal sources  
18 and used for management of the National Heritage  
19 Area shall be treated as non-Federal funding for  
20 purposes of paragraph (1).

21 (d) LIMITATION ON TOTAL FUNDING.—Not more  
22 than a total of \$10,000,000 may be made available under  
23 this section with respect to the National Heritage Area.

24 (e) ALLOCATION OF APPROPRIATIONS.—Notwith-  
25 standing any other provision of law, no funds appropriated

1 or otherwise made available to the Secretary to carry out  
2 this subtitle—

3 (1) may be obligated or expended by any person  
4 unless the appropriation of such funds has been allo-  
5 cated in the manner prescribed by this subtitle; or

6 (2) may be obligated or expended by any person  
7 in excess of the amount prescribed by this subtitle.

8 **Subtitle B—San Rafael Swell**  
9 **National Conservation Area**

10 **SEC. 521. DEFINITION OF PLAN.**

11 In this subtitle, the term “plan” means the com-  
12 prehensive management plan developed for the national  
13 conservation area under section 523, including such revi-  
14 sions thereto as may be required in order to implement  
15 this subtitle.

16 **SEC. 522. ESTABLISHMENT OF NATIONAL CONSERVATION**  
17 **AREA.**

18 (a) ESTABLISHMENT.—In order to preserve and  
19 maintain heritage, tourism, recreational, historical, scenic,  
20 archaeological, paleontological, biological, cultural, sci-  
21 entific, educational, and economic resources, there is here-  
22 by established the San Rafael Swell National Conservation  
23 Area.

24 (b) AREA INCLUDED.—The conservation area shall  
25 consist of all public lands within the exterior boundaries



1 of the conservation area, comprised of approximately  
2 630,000 acres, as generally depicted on the map entitled  
3 “San Rafael Swell National Heritage/Conservation Area  
4 Proposed”, dated June 12, 1998, including areas depicted  
5 within those boundaries on that map as “Proposed Wilder-  
6 ness”, “Proposed Bighorn Sheep Management Area”,  
7 “Scenic Visual Area of Critical Environmental Concern”,  
8 and “Semi-Primitive Non-Motorized Use Areas”.

9 (c) MAP AND LEGAL DESCRIPTION.—As soon as is  
10 practicable after enactment of this Act, the map referred  
11 to in subsection (b) and a legal description of the con-  
12 servation area shall be filed by the Secretary with the  
13 Committee on Resources of the House of Representatives  
14 and the Committee on Energy and Natural Resources of  
15 the Senate. Such map and description shall have the same  
16 force and effect as if included in this title, except that  
17 the Secretary may correct clerical and typographical er-  
18 rors in such map and legal description. Such map and de-  
19 scription shall be on file and available for public inspection  
20 in the office of the Director and the Utah State Director  
21 of the Bureau of Land Management of the Department  
22 of the Interior.

23 (d) WITHDRAWALS.—Subject to valid existing rights,  
24 the Federal lands within the conservation area are hereby  
25 withdrawn from all forms of entry, appropriation, or dis-

1 posal under the public land laws; and from entry, applica-  
2 tion, and selection under the Act of March 3, 1877 (Ch.  
3 107, 19 Stat. 377, 43 U.S.C. 321 et seq.; commonly re-  
4 ferred to as the “Desert Lands Act”), section 4 of the  
5 Act of August 18, 1894 (Ch. 301, 28 Stat. 422; 43 U.S.C.  
6 641; commonly referred to as the “Carey Act”), section  
7 2275 of the Revised Statutes, as amended (43 U.S.C.  
8 851), and section 2276 of the Revised Statutes (43 U.S.C.  
9 852). The Secretary shall return to the applicants any  
10 such applications pending on the date of enactment of this  
11 Act, without further action. Subject to valid existing  
12 rights, as of the date of enactment of this Act, lands with-  
13 in the conservation area are withdrawn from location  
14 under the general mining laws, the operation of the min-  
15 eral and geothermal leasing laws, and the mineral material  
16 disposal laws, except that mineral materials subject to dis-  
17 posal may be made available from existing sites to the ex-  
18 tent compatible with the purposes for which the conserva-  
19 tion area is established.

20 (e) CLOSURE TO FORESTRY.—The Secretary shall  
21 prohibit all commercial sale of trees, portions of trees, and  
22 forest products located in the conservation area.

23 **SEC. 523. MANAGEMENT.**

24 (a) IN GENERAL.—The Secretary shall, in consulta-  
25 tion with the Advisory Council and subject to valid exist-

1 ing rights, manage the conservation area to conserve, pro-  
2 tect, and enhance the resources of the conservation area  
3 referred to in section 522(a), the Federal Land Policy and  
4 Management Act of 1976, and other applicable laws.

5 (b) USES.—The Secretary shall allow such uses of  
6 the conservation area as are specified in the management  
7 plan developed under subsection (b) and that the Sec-  
8 retary finds will further the conservation, protection, en-  
9 hancement, public use, and enjoyment of the resource val-  
10 ues referred to in section 522(a). Except when needed for  
11 administrative and emergency purposes, the uses of mo-  
12 torized vehicles in the conservation area shall be permitted  
13 only on roads and trails specifically designated for such  
14 use as part of the management plan prepared pursuant  
15 to subsection (c).

16 (c) MANAGEMENT PLAN.—No later than 3 years  
17 after the date of enactment of this Act, the Secretary, in  
18 cooperation with the Advisory Council, shall develop a  
19 comprehensive plan for the long-range management and  
20 protection of the conservation area. The plan shall be de-  
21 veloped with full opportunity for public participation and  
22 comment, and shall contain provisions designed to assure  
23 access to an protection of the heritage, tourism, rec-  
24 reational, historical, scenic, archaeological, paleontological,

1 biological, cultural, scientific, educational, and economic  
2 resources and values of the conservation area.

3 (d) VISITORS.—

4 (1) VISITORS CENTER.—The Secretary may es-  
5 tablish, in cooperation with the Advisory Council and  
6 other public or private entities as the Secretary con-  
7 siders appropriate, a visitors center designed to in-  
8 terpret the history and the geological, ecological,  
9 natural, cultural, and other resources of the con-  
10 servation area.

11 (2) VISITORS USE OF AREA.—In addition to the  
12 Visitors Center, the Secretary may provide for visi-  
13 tor use of the public lands in the conservation area  
14 to such extent and in such manner as the Secretary  
15 considers consistent with the purposes for which the  
16 conservation area is established. To the extent prac-  
17 ticable, the Secretary shall make available to visitors  
18 and other members of the public a map of the con-  
19 servation area and such other educational and inter-  
20 pretive materials as may be appropriate.

21 (e) COOPERATIVE AGREEMENTS.—The Secretary  
22 may provide technical assistance to, and enter into such  
23 cooperative agreements and contracts with, the State of  
24 Utah and with local governments and private entities as

1 the Secretary deems necessary or desirable to carry out  
2 the purposes and policies of this subtitle.

3 **SEC. 524. ADDITIONS.**

4 (a) ADDITION TO CONSERVATION AREA.—Any lands  
5 located within the boundaries of the conservation area that  
6 are acquired by the United States on or after the date  
7 of enactment of this Act shall become a part of the con-  
8 servation area and shall be subject to this subtitle.

9 (b) LAND EXCHANGES TO RESOLVE CONFLICTS.—  
10 The Secretary shall, within 4 years after the date of enact-  
11 ment of this Act, study, identify, and initiate voluntary  
12 land exchanges which would resolve ownership-related  
13 land use conflicts within the conservation area. Lands may  
14 be acquired under this subsection only from willing sellers.

15 **SEC. 525. ADVISORY COUNCIL.**

16 (a) ESTABLISHMENT.—There is established the San  
17 Rafael Swell National Conservation Area Advisory Coun-  
18 cil. The Advisory Council shall advise the Secretary re-  
19 garding management of the conservation area.

20 (b) MEMBERSHIP.—

21 (1) IN GENERAL.—The Advisory Council shall  
22 consist of 11 members appointed by the Secretary  
23 from among persons who are representative of the  
24 various major citizen's interests concerned with the

1 management of the public lands located in the con-  
2 servation area. Of the members—

3 (A) 2 shall be appointed from individuals  
4 recommended by the Governor of the State of  
5 Utah;

6 (B) 4 shall be appointed from individuals  
7 recommended by the Board of Commissioners  
8 of Emery County, Utah, and shall include a  
9 representative of each of the Emery County  
10 Public Lands Council and the San Rafael Re-  
11 gional Heritage Council recognized under sec-  
12 tion 514(a);

13 (C) 1 shall be the Director of the Bureau  
14 of Land Management in the State of Utah, or  
15 his or her designee; and

16 (D) 4 shall be selected by the Secretary.

17 (2) APPOINTMENT PROCESS.—The Secretary  
18 shall appoint the members of the Advisory Council  
19 in accordance with rules prescribed by the Secretary.

20 (3) TERMS.—(A) The term of members of the  
21 Advisory Council shall be a period established by the  
22 Secretary, which may not exceed 4 years and which,  
23 except as provided by subparagraph (B), shall be the  
24 same for all members.

1           (B) In appointing the initial members of the  
2       Advisory Council, the Secretary shall, for a portion  
3       of the members, specify terms that are shorter than  
4       the period established under subparagraph (A), as  
5       necessary to achieve staggering of terms.

6       (c) CHAIRPERSON.—The Advisory Council shall have  
7       a Chairperson, who shall be selected by the Advisory  
8       Council from among its members.

9       (d) MEETINGS.—The Advisory Council shall meet at  
10      least twice each year, at the call of the Secretary or the  
11      Chairperson.

12      (e) PAY AND EXPENSES.—Members of the Advisory  
13      Council shall serve without pay, except travel and per diem  
14      shall be paid to each member for meetings called by the  
15      Secretary or the Chairperson.

16      (f) FURNISHING ADVICE.—The Advisory Council  
17      may furnish advice to the Secretary with respect to the  
18      planning and management of the public lands within the  
19      conservation area and such other matters as may be re-  
20      ferred to it by the Secretary.

21      (g) TERMINATION.—The Advisory Council shall ter-  
22      minate 10 years after the date of the enactment of this  
23      Act, unless otherwise extended by law.

1 **SEC. 526. RELATIONSHIP TO OTHER LAWS AND ADMINIS-**  
2 **TRATIVE PROVISIONS.**

3 (a) PUBLIC LAND LAWS.—Except as otherwise spe-  
4 cifically provided in this title, nothing in this subtitle shall  
5 be construed as limiting the applicability to lands in the  
6 conservation area of laws applicable to public lands gen-  
7 erally, including but not limited to the National Historic  
8 Preservation Act (16 U.S.C. 470 et seq.), the Archaeologi-  
9 cal Resources Protection Act of 1979 (16 U.S.C. 470aa  
10 et seq.), or the Native American Graves Protection and  
11 Repatriation Act (25 U.S.C. 3001 et seq.).

12 (b) NON-BLM LAND.—Nothing in this subtitle shall  
13 be construed as by itself altering the status of any lands  
14 that on the date of enactment of this Act were not man-  
15 aged by the Bureau of Land Management.

16 **SEC. 527. COMMUNICATIONS EQUIPMENT.**

17 Nothing in this title shall be construed to prohibit  
18 the Secretary from authorizing the installation of commu-  
19 nications equipment in the conservation area for public  
20 safety purposes, other than within areas designated as wil-  
21 derness, to the highest practicable degree consistent with  
22 requirements and restrictions otherwise applicable to the  
23 conservation area.



1       **Subtitle C—Wilderness Areas**  
2       **Within Conservation Area**

3   **SEC. 531. DESIGNATION OF WILDERNESS.**

4       (a) DESIGNATION.—In furtherance of the purposes of  
5 the Wilderness Act (16 U.S.C. 1131 et seq.), the following  
6 lands in the conservation area, as generally depicted on  
7 the map entitled “San Rafael Swell National Heritage/  
8 Conservation Area Proposed”, dated June 12, 1998, are  
9 hereby designated as wilderness and therefore as compo-  
10 nents of the National Wilderness Preservation System:

11           (1) Crack Canyon Wilderness Area, consisting  
12       of approximately 25,624 acres.

13           (2) Mexican Mountain Wilderness Area, consist-  
14       ing of approximately 27,257 acres.

15           (3) Muddy Creek Wilderness Area, consisting of  
16       approximately 39,348 acres.

17           (4) San Rafael Reef Wilderness Area, consist-  
18       ing of approximately 48,227 acres.

19       (b) MAP AND DESCRIPTION.—As soon as practicable  
20 after the date of the enactment of this Act, the Secretary  
21 shall file a map and a legal description of each area des-  
22 ignated as wilderness by subsection (a) with the Commit-  
23 tee on Resources of the House of Representatives and the  
24 Committee on Energy and Natural Resources of the Sen-  
25 ate. Each map and description shall have the same force

1 and effect as if included in this title, except that the Sec-  
2 retary may correct clerical and typographical errors in  
3 such maps and legal descriptions. Each map and legal de-  
4 scription shall be on file and available for public inspection  
5 in the office of the Director of the Bureau of Land Man-  
6 agement, and the office of the State Director of the Bu-  
7 reau of Land Management in the State of Utah, Depart-  
8 ment of the Interior.

9 **SEC. 532. ADMINISTRATION OF WILDERNESS AREAS.**

10 (a) IN GENERAL.—Subject to valid existing rights  
11 and the full exercise of those rights, each area designated  
12 as wilderness by this title shall be administered by the Sec-  
13 retary in accordance with this title and the Wilderness Act  
14 (16 U.S.C. 1131 et seq.).

15 (b) INCORPORATION OF ACQUIRED LANDS AND IN-  
16 TERESTS.—Any lands or interest in lands within the  
17 boundaries of an area designated as wilderness by this  
18 title that is acquired by the United States after the date  
19 of the enactment of this Act shall be added to and admin-  
20 istered as part of the wilderness area within which the  
21 acquired lands or interest in lands are located.

22 (c) MANAGEMENT PLANS.—As soon as possible after  
23 the date of the enactment of this Act, the Secretary, in  
24 cooperation with the Advisory Council, shall prepare plans  
25 in accordance with section 202 of the Federal Land Policy

1 and Management Act of 1976 (43 U.S.C. 1712) to man-  
2 age the areas designated as wilderness by this title.

3 **SEC. 533. LIVESTOCK.**

4 Grazing of livestock in areas designated as wilderness  
5 by this title, where such grazing is established before the  
6 date of the enactment of this Act—

7 (1) may not be reduced, increased, or with-  
8 drawn, except based solely on scientific analyses of  
9 range conditions; and

10 (2) shall be administered in accordance with  
11 section 4(d)(4) of the Wilderness Act (16 U.S.C.  
12 1133(d)(4)) and the guidelines set forth in House  
13 Report 96–1126.

14 **SEC. 534. WILDERNESS RELEASE.**

15 (a) FINDING.—The Congress finds and directs that  
16 public lands administered by the Bureau of Land Manage-  
17 ment within the conservation area in the County of  
18 Emery, Utah, that are depicted on the map entitled “San  
19 Rafael Swell National Heritage/Conservation Area Pro-  
20 posed”, dated June 12, 1998, have been adequately stud-  
21 ied for wilderness designation pursuant to section 603 of  
22 the Federal Land Policy and Management Act of 1976  
23 (43 U.S.C. 1782).

24 (b) RELEASE.—Any public lands administered by the  
25 Bureau of Land Management within the conservation area

1 in the County of Emery, Utah, that are depicted on the  
 2 map entitled “San Rafael Swell National Heritage/Con-  
 3 servation Area Proposed”, dated June 12, 1998, and that  
 4 are not designated as wilderness by this title are no longer  
 5 subject to section 603(c) of the Federal Land Policy and  
 6 Management Act of 1976 (43 U.S.C. 1782(c)). Such lands  
 7 shall be managed for public uses as defined in section  
 8 103(c) of the Federal Land Policy and Management Act  
 9 of 1976 (43 U.S.C. 1702(c)) and in accordance with land  
 10 management plans adopted pursuant to section 202 of  
 11 such Act (43 U.S.C. 1712) and this title.

12 **Subtitle D—Other Special Manage-**  
 13 **ment Areas Within Conservation**  
 14 **Area**

15 **SEC. 541. SAN RAFAEL SWELL DESERT BIGHORN SHEEP**  
 16 **MANAGEMENT AREA.**

17 (a) ESTABLISHMENT AND PURPOSES.—

18 (1) ESTABLISHMENT.—There is hereby estab-  
 19 lished in the conservation area the San Rafael Swell  
 20 Desert Bighorn Sheep Management Area (in this  
 21 section referred to as the “management area”).

22 (2) PURPOSES.—The purposes of the manage-  
 23 ment area are the following:

24 (A) To provide for the prudent manage-  
 25 ment of Desert Bighorn Sheep and their habi-

1           tat in the Sid's Mountain area of the conserva-  
2           tion area.

3                   (B) To provide opportunities for watchable  
4           wildlife, hunting, and scientific study of Desert  
5           Bighorn Sheep and their habitat.

6                   (C) To provide a seed source for other  
7           Desert Bighorn Sheep herds, and a gene pool to  
8           protect genetic diversity within the Desert Big-  
9           horn Sheep species.

10                   (D) To provide educational opportunities  
11           to the public regarding Desert Big Horn Sheep  
12           and their environs.

13                   (E) To maintain the natural qualities of  
14           the lands and habitat of the management area  
15           to the extent practicable with prudent manage-  
16           ment of desert bighorn sheep.

17           (b) AREA INCLUDED.—The management area shall  
18           consist of approximately 73,909 acres of federally owned  
19           lands and interests therein managed by the Bureau of  
20           Land Management as generally depicted on the map enti-  
21           tled “San Rafael Swell National Heritage/Conservation  
22           Area Proposed”, dated June 12, 1998.

23           (c) MANAGEMENT AND USE.—

24                   (1) IN GENERAL.—Except as otherwise pro-  
25           vided in this section, the management area and use

1 of the management area shall be subject to all re-  
2 quirements and restrictions that apply to the con-  
3 servation area.

4 (2) MECHANIZED TRAVEL.—The Secretary  
5 shall not allow any mechanized travel in the manage-  
6 ment area, except—

7 (A) mechanized travel that is in accord-  
8 ance with the plan; and

9 (B) mechanized travel by personnel of the  
10 Utah Division of Wildlife Resources and the  
11 Bureau of Land Management, including over-  
12 flights of aircraft and landings of helicopters,  
13 may be allowed as needed to manage the Desert  
14 Bighorn Sheep and their habitat.

15 (3) DESERT BIGHORN SHEEP MANAGEMENT.—  
16 The Secretary and the Utah Division of Wildlife Re-  
17 sources may use such management tools as are  
18 needed to provide for the sustainability of the Desert  
19 Bighorn Sheep herd and the range resource of the  
20 management area, including animal transplanting  
21 (both into and out of the management area), hunt-  
22 ing, water development, fencing, surveys, prescribed  
23 fire, control of noxious or invading weeds, and pred-  
24 ator control.

1           (4) WILDLIFE VIEWING.—The Secretary, in co-  
2           operation with the State of Utah and the Advisory  
3           Council, shall manage the management area to pro-  
4           vide opportunities for the public to view Desert Big-  
5           horn Sheep in their natural habitat. However, the  
6           Secretary may restrict mechanized and nonmecha-  
7           nized visitation to sensitive areas during critical sea-  
8           sons as needed to provide for the proper manage-  
9           ment of the Desert Bighorn Sheep herd of the man-  
10          agement area.

11         (d) MANAGEMENT PLAN.—

12           (1) IN GENERAL.—The Secretary shall include  
13           a management plan for the management area in the  
14           management plan for the conservation area under  
15           section 523.

16           (2) CONTENTS.—The management plan for the  
17           management area shall establish goals and manage-  
18           ment steps to be taken within the management area  
19           to achieve the purposes of the management area  
20           under subsection (a)(2).

21           (3) PARTICIPATION.—The Secretary shall co-  
22           operate with the Utah Division of Wildlife Resources  
23           and the Advisory Council in developing the manage-  
24           ment plan for the management area.

25         (e) FACILITIES.—

1           (1) IN GENERAL.—The Secretary may estab-  
2       lish, operate, and maintain in the management area  
3       such facilities as are needed to provide for the man-  
4       agement and safety of recreational users of the man-  
5       agement area.

6           (2) VIEWING SITES.—Facilities under this sub-  
7       section may include improved sheep viewing sites  
8       around the periphery of the management area, if  
9       such sites do not interfere with the proper manage-  
10      ment of the sheep and their habitat.

11          (f) DEVELOPMENT OF HERITAGE SITES.—This sec-  
12      tion shall not be construed to preclude the utilization, en-  
13      hancement, and maintenance of national heritage area  
14      sites in the management area, if such activities do not con-  
15      flict with the purposes of the management area under sub-  
16      section (a).

17      **SEC. 542. SEMI-PRIMITIVE NONMOTORIZED USE AREAS.**

18          (a) DESIGNATION AND PURPOSES.—The Secretary  
19      shall designate areas in the conservation area as semi-  
20      primitive nonmotorized use areas. The purposes of the  
21      semi-primitive areas are the following:

22            (1) To provide opportunities for isolation from  
23      the sights and sounds of man.

24            (2) To provide opportunities to have a high de-  
25      gree of interaction with the natural environment.



1           (3) To provide opportunities for recreational  
2       users to practice outdoor skills in settings that  
3       present moderate challenge and risk.

4       (b) AREA INCLUDED.—The semi-primitive areas shall  
5       consist generally of approximately 120,695 acres of feder-  
6       ally owned lands and interests therein located in the con-  
7       servation area that are managed by the Bureau of Land  
8       Management, as generally depicted on the map entitled  
9       “San Rafael Swell National Heritage/Conservation Area  
10      Proposed”, dated June 12, 1998.

11      (c) MANAGEMENT AND USE.—Except as otherwise  
12      provided in this section, semi-primitive areas shall be sub-  
13      ject to all requirements and restrictions that apply to the  
14      conservation area.

15      (d) MANAGEMENT PLAN.—

16           (1) IN GENERAL.—The Secretary shall include  
17      a management plan for the semi-primitive areas in  
18      the management plan for the conservation area  
19      under section 523.

20           (2) CONTENTS.—The management plans for  
21      the semi-primitive areas shall establish goals and  
22      management steps to be taken within the semi-  
23      primitive areas to achieve the purposes under sub-  
24      section (a).

1 (e) DEVELOPMENT OF HERITAGE SITES.—This sec-  
2 tion shall not be construed to preclude the utilization, en-  
3 hancement, and maintenance of national heritage area  
4 sites in any semi-primitive area, if such activities do not  
5 conflict with the purposes of the semi-primitive areas  
6 under subsection (a).

7 **SEC. 543. SCENIC VISUAL AREA OF CRITICAL ENVIRON-**  
8 **MENTAL CONCERN.**

9 (a) DESIGNATION AND PURPOSE.—The Secretary  
10 shall designate areas in the conservation area as a scenic  
11 visual area of critical environmental concern (in this sec-  
12 tion referred to as the “scenic visual ACEC”). The pur-  
13 pose of the scenic visual ACEC is to preserve the scenic  
14 value of the Interstate Route 70 corridor within the con-  
15 servation area.

16 (b) AREA INCLUDED.—The scenic visual ACEC shall  
17 consist generally of approximately 27,670 acres of lands  
18 and interests therein located in the conservation area bor-  
19 dering Interstate Route 70 that are managed by the Bu-  
20 reau of Land Management, as generally depicted on the  
21 map entitled “San Rafael Swell National Heritage/Con-  
22 servation Area Proposed”, dated June 12, 1998.

23 (c) MANAGEMENT AND USE.—Except as otherwise  
24 provided in this section, the scenic visual ACEC shall be  
25 subject to all requirements and restrictions that apply to

1 the conservation area, and shall be managed to protect  
2 scenic values in accordance with the Bureau of Land Man-  
3 agement document entitled “San Rafael Resource Man-  
4 agement Plan, Utah, Moab District, San Rafael Resource  
5 Area, 1991”.

## 6     **Subtitle E—General Management** 7                                   **Provisions**

### 8     **SEC. 551. LIVESTOCK GRAZING.**

9             (a) AREAS OTHER THAN WILDERNESS.—

10                 (1) IN GENERAL.—Except as provided in sub-  
11             section (b), the Secretary shall permit domestic live-  
12             stock grazing in areas of the conservation area  
13             where grazing was established before the enactment  
14             of this Act. Grazing in such areas may not be re-  
15             duced, increased, or withdrawn, except based solely  
16             on scientific analyses of range conditions.

17                 (2) COMPLIANCE WITH APPLICABLE REQUIRE-  
18             MENTS.—Except as provided in subsection (b), any  
19             livestock grazing on public lands within the con-  
20             servation area and activities the Secretary deter-  
21             mines necessary to carry out proper and practical  
22             grazing management programs on such public lands  
23             (such as animal damage control activities), shall be  
24             managed in accordance with the Act of June 28,  
25             1934 (43 U.S.C. 315 et seq.; commonly referred to

1 as the “Taylor Grazing Act”), section 402 of the  
2 Federal Land Policy and Management Act of 1976  
3 (43 U.S.C. 1752), other laws applicable to such use  
4 and programs on the public lands, and the manage-  
5 ment plan for the conservation area.

6 (3) CERTAIN WATER FACILITIES NOT AF-  
7 FECTED.—Nothing in this title shall affect the main-  
8 tenance, repair, replacement, or improvement of, or  
9 ingress to or egress from, water catchment, storage,  
10 and conveyance facilities in existence before the date  
11 of the enactment of this Act that are associated with  
12 livestock or wildlife purposes, whether located within  
13 or outside of the boundaries of areas designated as  
14 part of the conservation area under this title.

15 (b) WILDERNESS.—Subsection (a) shall not apply to  
16 any wilderness designated by this title.

17 **SEC. 552. CULTURAL AND PALEONTOLOGICAL RESOURCES.**

18 The Secretary shall allow for the discovery of, shall  
19 protect, and may interpret, cultural or paleontological re-  
20 sources located within areas designated as part of the con-  
21 servation area, to the extent consistent with the other pro-  
22 visions of this title governing management of those areas.

23 **SEC. 553. LAND EXCHANGES RELATING TO SCHOOL AND IN-**  
24 **STITUTIONAL TRUST LANDS.**

25 (a) EXCHANGE AUTHORIZED.—

1           (1) IDENTIFICATION OF LANDS AND INTERESTS  
2       BY STATE.—Not later than 1 year after the date of  
3       enactment of this Act, the Governor of the State of  
4       Utah may identify, describe, and notify the Sec-  
5       retary of any school and institutional trust lands the  
6       value or economic potential of which may be dimin-  
7       ished by establishment of the conservation area  
8       under this title, and that the State would like to ex-  
9       change for other Federal lands or interests in land  
10      within the State of Utah.

11           (2) OFFER BY SECRETARY.—Not later than 1  
12      year after the date of receipt of notification under  
13      subsection (a), and after seeking the advice of the  
14      Governor of the State of Utah on potential lands for  
15      exchange, the Secretary shall transmit to the Gov-  
16      ernor a list of Federal lands or interests in lands  
17      within the State of Utah that the Secretary believes  
18      are approximately equivalent in value to the lands  
19      described in subsection (a) of this section, and shall  
20      offer such lands for exchange to the State for the  
21      lands described in subsection (a).

22      (b) ENSURING EQUIVALENT VALUE.—

23           (1) IN GENERAL.—In preparing the list under  
24      subsection (a)(2), the Secretary shall take all steps  
25      as are necessary and reasonable to ensure that the

1 State of Utah agrees that the lands offered by the  
2 Secretary are approximately equivalent in value to  
3 the lands identified and described by the State under  
4 subsection (a)(1).

5 (2) ACCOUNTING FOR REVENUE SHARING.—If  
6 the State of Utah shares revenue from the prop-  
7 erties to be acquired by the State under this section,  
8 the value of such properties shall be the value other-  
9 wise established under this section, reduced by a  
10 percentage that represents the Federal revenue shar-  
11 ing obligation. The amount of such reduction shall  
12 not be considered a property right of the State of  
13 Utah.

14 (c) PUBLIC INTEREST.—The exchange of lands in-  
15 cluded in the list prepared under subsection (a)(2) shall  
16 be construed as satisfying the provisions of section 206(a)  
17 of the Federal Land Policy and Management Act of 1976  
18 requiring that exchanges of lands be in the public interest.

19 (d) DEFINITIONS.—As used in this section:

20 (1) SCHOOL AND INSTITUTIONAL TRUST  
21 LANDS.—The term “school and institutional trust  
22 lands” means those properties granted by the United  
23 States in the Utah Enabling Act to the State of  
24 Utah in trust, and other lands that under State law  
25 must be managed for the benefit of the public school

1 system or the institutions of the State that are des-  
2 ignated by the Utah Enabling Act, that are located  
3 in the conservation area.

4 (2) UTAH ENABLING ACT.—The term “Utah  
5 Enabling Act” means the Act entitled “An Act to  
6 enable the people of Utah to form a constitution and  
7 State government, and to be admitted into the  
8 Union on an equal footing with the original States”,  
9 approved July 16, 1894 (chapter 138; 28 Stat. 107).

10 **SEC. 554. WATER RIGHTS.**

11 (a) FINDINGS.—The Congress finds the following:

12 (1) The San Rafael Swell region of Utah is a  
13 high desert climate with little annual precipitation  
14 and scarce water resources.

15 (2) In order to preserve the limited amount of  
16 water available to wildlife, the State of Utah has  
17 granted to the Division of Wildlife Resources an in-  
18 stream flow right in the San Rafael River.

19 (3) This preserved right will guarantee that  
20 wetland and riparian habitats within the San Rafael  
21 region will be protected for designations such as wil-  
22 derness, semi-primitive areas, bighorn sheep, and  
23 other Federal land needs within the San Rafael  
24 Swell region.

1       (b) NO FEDERAL RESERVATION.—Nothing in this  
2 title or any other Act of Congress shall constitute or be  
3 construed to constitute either an express or implied Fed-  
4 eral reservation of water or water rights for any purpose  
5 arising from the designation of areas as part of the con-  
6 servation area or as a wilderness or semi-primitive area  
7 under this title.

8       (c) ACQUISITION AND EXERCISE OF WATER RIGHTS  
9 UNDER UTAH LAW.—The United States may acquire and  
10 exercise such water rights as it deems necessary to carry  
11 out its responsibilities on any lands designated as part of  
12 the conservation area under this title pursuant to the sub-  
13 stantive and procedural requirements of the State of Utah.  
14 Nothing in this title shall be construed to authorize the  
15 use of eminent domain by the United States to acquire  
16 water rights for such lands. Within areas designated as  
17 part of the conservation area under this title, all rights  
18 to water granted under the laws of the State of Utah may  
19 be exercised in accordance with the substantive and proce-  
20 dural requirements of the State of Utah.

21       (d) EXERCISE OF WATER RIGHTS GENERALLY  
22 UNDER UTAH LAWS.—Nothing in this title shall be con-  
23 strued to limit the exercise of water rights as provided  
24 under the laws of the State of Utah.



1       (e) COLORADO RIVER.—Nothing in this title shall be  
2 construed to affect the operation of any existing private,  
3 local, State, or federally owned dam, reservoir, or other  
4 water works on the Colorado River or its tributaries.  
5 Nothing in this title shall alter, amend, construe, super-  
6 sede, or preempt any local, State, or Federal law; any ex-  
7 isting private, local, or State agreement; or any interstate  
8 compact or international treaty pertaining to the waters  
9 of the Colorado River or its tributaries.

10 **SEC. 555. MISCELLANEOUS.**

11       (a) STATE FISH AND WILDLIFE MANAGEMENT.—In  
12 accordance with section 4(d)(7) of the Wilderness Act (16  
13 U.S.C. 1131(d)(7)), nothing in this title shall be construed  
14 as affecting the jurisdiction or responsibilities of the State  
15 of Utah with respect to fish and wildlife management ac-  
16 tivities, including water development, predator control,  
17 transplanting animals, stocking fish, hunting, fishing, and  
18 trapping.

19       (b) PROHIBITION OF BUFFER ZONES.—The Con-  
20 gress does not intend that the designation of an area by  
21 this title as part of the conservation area or a wilderness  
22 or semi-primitive area lead to the creation of protective  
23 perimeters or buffer zones around the area. It is the inten-  
24 tion of the Congress that any protective perimeter or buff-  
25 er zone be located wholly within such an area. The fact

1 that nonconforming activities or uses can be seen or heard  
2 from land within such an area shall not, of itself, preclude  
3 such activities or uses up to the boundary of the area.  
4 Nonconforming activities that occur outside of the bound-  
5 aries of such an area designated by this title shall not be  
6 taken into account in assessing unnecessary and undue  
7 degradation of such an area.

8 (c) ROADS AND RIGHTS-OF-WAY AS BOUNDARIES.—

9 Unless depicted otherwise on a map referred to in this  
10 title, where roads form the boundaries of an area des-  
11 ignated as part of the conservation area or a wilderness  
12 or semi-primitive area under this title, the boundary of  
13 the area shall be set back from the center line of the road  
14 as follows:

15 (1) A setback that corresponds with the bound-  
16 ary of the right-of-way for Interstate 70.

17 (2) 150 feet for high standard roads.

18 (3) 100 feet for roads classified as County  
19 Class B roads.

20 (4) 50 feet for roads equivalent to County Class  
21 D roads.

22 (d) ACCESS.—

23 (1) REASONABLE ACCESS ALLOWED.—Subject  
24 to valid existing rights, reasonable access shall be al-  
25 lowed to existing improvements, structures, and fa-

1 cilities, including those related to water and grazing  
2 resources, which are within the conservation area or  
3 a wilderness or semi-primitive area designated under  
4 this title, whether located on Federal or non-Federal  
5 lands, in order that they may be operated, main-  
6 tained, repaired, modified, or replaced as necessary.

7 (2) REASONABLE ACCESS DEFINED.—For the  
8 purposes of this subsection, the term “reasonable ac-  
9 cess” means right of entry and includes access by  
10 motorized transport when necessarily, customarily,  
11 or historically employed on routes in existence as of  
12 the date of the enactment of this Act.

13 (e) LAND ACQUISITION BY EXCHANGE OR PUR-  
14 CHASE.—The Secretary shall offer to acquire from non-  
15 governmental entities lands and interests in lands located  
16 within or adjacent to the conservation area or a wilderness  
17 or semi-primitive area designated under this title. Lands  
18 may be acquired under this subsection only by exchange  
19 or purchase from willing sellers.

20 (f) RIGHTS-OF-WAY.—

21 (1) RIGHT-OF-WAY CLAIMS NOT AFFECTED.—  
22 Nothing in this title, including any reference to or  
23 depiction on the map entitled “San Rafael Swell Na-  
24 tional Heritage/Conservation Area Proposed”, dated  
25 June 12, 1998, affects any right-of-way claim that

1       arose under section 2477 of the Revised Statutes  
2       (43 U.S.C. 932).

3           (2) DEPICTIONS NOT DETERMINATIVE.—Any  
4       depiction or lack of depiction of a highway, road,  
5       right-of-way, or trail on the map entitled “San  
6       Rafael Swell National Heritage/Conservation Area  
7       Proposed”, dated June 12, 1998, shall not be con-  
8       sidered in any determination under section 2477 of  
9       the Revised Statutes (43 U.S.C. 932) of whether or  
10      not such highway, road, right-of-way, or trail exists.

1       **TITLE VI—NATIONAL PARKS**

2       **SEC. 601. PROVISION FOR ROADS IN PICTURED ROCKS NA-**  
3               **TIONAL LAKESHORE.**

4       Section 6 of the Act of October 15, 1966, entitled  
5       “An Act to establish in the State of Michigan the Pictured  
6       Rocks National Lakeshore, and for other purposes” (16  
7       U.S.C. 460s–5), is amended as follows:

8               (1) In subsection (b)(1) by striking “including  
9       a scenic shoreline drive” and inserting “including  
10       appropriate improvements to Alger County Road H–  
11       58”.

12              (2) By adding at the end the following new sub-  
13       section:

14       “(c) PROHIBITION OF CERTAIN CONSTRUCTION.—A  
15       scenic shoreline drive may not be constructed in the Pic-  
16       tured Rocks National Lakeshore.”.

17       **SEC. 602. EXPANSION OF ARCHES NATIONAL PARK, UTAH.**

18       (a) IN GENERAL.—

19              (1) BOUNDARY EXPANSION.—Subsection (a) of  
20       the first section of Public Law 92–155 (16 U.S.C.  
21       272; 85 Stat. 422) is amended as follows:

22              (A) By inserting after the first sentence  
23       the following new sentence: “Effective on the  
24       date of the enactment of this sentence, the  
25       boundary of the park shall also include the area

1           consisting of approximately 3,140 acres and  
2           known as the ‘Lost Spring Canyon Addition’, as  
3           depicted on the map entitled ‘Boundary Map,  
4           Arches National Park, Lost Spring Canyon Ad-  
5           dition’, numbered 138/60,000–B, and dated  
6           April 1997.”.

7                   (B) In the last sentence, by striking “Such  
8           map” and inserting “Such maps”.

9           (2) INCLUSION OF LAND IN PARK.—Section 2  
10          of Public Law 92–155 (16 U.S.C. 272a) is amended  
11          by adding at the end the following new sentences:  
12          “As soon as possible after the date of the enactment  
13          of this sentence, the Secretary of the Interior shall  
14          transfer jurisdiction over the Federal lands con-  
15          tained in the Lost Spring Canyon Addition from the  
16          Bureau of Land Management to the National Park  
17          Service. The Lost Spring Canyon addition shall be  
18          administered in accordance with the laws and regu-  
19          lations applicable to the park.”.

20          (3) PROTECTION OF EXISTING GRAZING PER-  
21          MIT.—Section 3 of Public Law 92–155 (16 U.S.C.  
22          272b) is amended as follows:

23                   (A) By inserting “(a) IN GENERAL.—” be-  
24           fore “Where”.

1 (B) By adding at the end the following  
2 new subsection:

3 “(b) EXISTING LEASES, PERMITS, OR LICENSES.—(1)  
4 In the case of any grazing lease, permit, or license with  
5 respect to lands within the Lost Spring Canyon Addition  
6 that was issued before the date of the enactment of this  
7 subsection, the Secretary of the Interior shall, subject to  
8 periodic renewal, continue such lease, permit, or license  
9 for a period of time equal to the lifetime of the permittee  
10 as of that date and any direct descendants of the permit-  
11 tee born before that date. Any such grazing lease, permit,  
12 or license shall be permanently retired at the end of such  
13 period. Pending the expiration of such period, the permit-  
14 tee (or a descendant of the permittee who holds the lease,  
15 permit, or license) shall be entitled to periodically renew  
16 the lease, permit, or license, subject to such limitations,  
17 conditions, or regulations as the Secretary may prescribe.  
18 “(2) Any such grazing lease, permit, or license may  
19 be sold during the period specified in paragraph (1) only  
20 on the condition that the purchaser shall, immediately  
21 upon such acquisition, permanently retire such lease, per-  
22 mit, or license. Nothing in this subsection shall affect  
23 other provisions concerning leases, permits, or licenses  
24 under the Taylor Grazing Act.

1       “(3) Any portion of any grazing lease, permit, or li-  
2 cense with respect to lands within the Lost Spring Canyon  
3 Addition shall be administered by the National Park Serv-  
4 ice.”.

5               (4) WITHDRAWAL FROM MINERAL ENTRY AND  
6 LEASING; PIPELINE MANAGEMENT.—Section 5 of  
7 Public Law 92–155 (16 U.S.C. 272d) is amended by  
8 adding at the end the following new subsection:

9       “(c) WITHDRAWAL FROM MINERAL ENTRY AND LEAS-  
10 ING; PIPELINE MANAGEMENT.—(1) Subject to valid exist-  
11 ing rights, Federal lands within the Lost Spring Canyon  
12 Addition are hereby appropriated and withdrawn from  
13 entry, location, selection, leasing, or other disposition  
14 under the public land laws, including the mineral leasing  
15 laws.

16       “(2) The inclusion of the Lost Spring Canyon Addi-  
17 tion in the park shall not affect the operation or mainte-  
18 nance by the Northwest Pipeline Corporation (or its suc-  
19 cessors or assigns) of the natural gas pipeline and related  
20 facilities located in the Lost Spring Canyon Addition on  
21 the date of the enactment of this subsection.”.

22               (5) EFFECT ON SCHOOL TRUST LANDS.—

23               (A) FINDINGS.—The Congress finds the  
24 following:



1 (i) A parcel of State school trust  
2 lands, more specifically described as sec-  
3 tion 16, township 23 south, range 22 east,  
4 of the Salt Lake base and meridian, is par-  
5 tially contained within the Lost Spring  
6 Canyon Addition included within the  
7 boundaries of Arches National Park by the  
8 amendment by subsection (a).

9 (ii) The parcel was originally granted  
10 to the State of Utah for the purpose of  
11 generating revenue for the public schools  
12 through the development of natural and  
13 other resources located on the parcel.

14 (iii) It is in the interest of the State  
15 of Utah and the United States for the par-  
16 cel to be exchanged for Federal lands of  
17 equivalent value outside the Lost Spring  
18 Canyon Addition, in order to permit Fed-  
19 eral management of all lands within the  
20 Lost Spring Canyon Addition.

21 (B) LAND EXCHANGE.—Public Law 92–  
22 155 is amended by adding at the end the fol-  
23 lowing new section:

1   **“SEC. 8. LAND EXCHANGE INVOLVING SCHOOL TRUST**  
2                   **LANDS.**

3           “(a) EXCHANGE REQUIREMENT.—If, not later than  
4 one year after the date of the enactment of this section,  
5 and in accordance with this section, the State of Utah of-  
6 fers to transfer all right, title and interest of the State  
7 in and to the parcel of school trust lands described in sub-  
8 section (b)(1) to the United States, the Secretary of the  
9 Interior shall accept the offer on behalf of the United  
10 States and, within 180 days after the date of such accept-  
11 ance, transfer to the State of Utah all right, title and in-  
12 terest of the United States in and to the parcel of land  
13 described in subsection (b)(2). Title to the State lands  
14 shall be transferred at the same time as conveyance of  
15 title to the Federal lands by the Secretary of the Interior.  
16 The exchange of lands under this section shall be subject  
17 to valid existing rights, and each party shall succeed to  
18 the rights and obligations of the other party with respect  
19 to any lease, right-of-way, or permit encumbering the ex-  
20 changed lands.

21           “(b) DESCRIPTION OF PARCELS.—

22           “(1) STATE CONVEYANCE.—The parcel of  
23 school trust lands to be conveyed by the State of  
24 Utah under subsection (a) is section 16, township 23  
25 south, range 22 east of the Salt Lake base and me-  
26 ridian.

1           “(2) FEDERAL CONVEYANCE.—The parcel of  
2       Federal lands to be conveyed by the Secretary of the  
3       Interior consists of approximately 639 acres and is  
4       identified as lots 1 through 12 located in the  
5       S<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub> and the N<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub> of section 1, town-  
6       ship 25 south, range 18 east, Salt Lake base and  
7       meridian.

8           “(3) EQUIVALENT VALUE.—The Federal lands  
9       described in paragraph (2) are of equivalent value to  
10      the State school trust lands described in paragraph  
11      (1).

12      “(c) MANAGEMENT BY STATE.—At least 60 days be-  
13      fore undertaking or permitting any surface disturbing ac-  
14      tivities to occur on the lands acquired by the State under  
15      this section, the State shall consult with the Utah State  
16      Office of the Bureau of Land Management concerning the  
17      extent and impact of such activities on Federal lands and  
18      resources and conduct, in a manner consistent with Fed-  
19      eral laws, inventory, mitigation, and management activi-  
20      ties in connection with any archaeological, paleontological,  
21      and cultural resources located on the acquired lands. To  
22      the extent consistent with applicable law governing the use  
23      and disposition of State school trust lands, the State shall  
24      preserve existing grazing, recreational, and wildlife uses  
25      of the acquired lands. Nothing in this subsection shall be

1 construed to preclude the State from authorizing or under-  
2 taking surface or mineral activities authorized by existing  
3 or future land management plans for the acquired lands.

4 “(d) IMPLEMENTATION.—Administrative actions nec-  
5 essary to implement the land exchange described in this  
6 section shall be completed within 180 days after the date  
7 of the enactment of this section.”.

8 **SEC. 603. MICCOSUKEE RESERVED AREA.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) Since 1964, the Miccosukee Tribe of Indi-  
11 ans of Florida have lived and governed their own af-  
12 fairs on a strip of land on the northern edge of the  
13 Everglades National Park pursuant to permits from  
14 the National Park Service and other legal authority.  
15 The current permit expires in 2014.

16 (2) Since the commencement of the Tribe’s per-  
17 mitted use and occupancy of the Special Use Permit  
18 Area, the Tribe’s membership has grown, as have  
19 the needs and desires of the Tribe and its members  
20 for modern housing, governmental and administra-  
21 tive facilities, schools and cultural amenities, and re-  
22 lated structures.

23 (3) The United States, the State of Florida, the  
24 Miccosukee Tribe, and the Seminole Tribe of Florida  
25 are participating in a major intergovernmental effort

1 to restore the South Florida ecosystem, including  
2 the restoration of the environment of the Park.

3 (4) The Special Use Permit Area is located  
4 within the northern boundary of the Park, which is  
5 critical to the protection and restoration of the Ever-  
6 glades, as well as to the cultural values of the  
7 Miccosukee Tribe.

8 (5) The interests of both the Miccosukee Tribe  
9 and the United States would be enhanced by a fur-  
10 ther delineation of the rights and obligations of each  
11 with respect to the Special Use Permit Area and to  
12 the Park as a whole.

13 (6) The amount and location of land allocated  
14 to the Tribe fulfills the purposes of the Park.

15 (b) PURPOSES.—The purposes of this section are as  
16 follows:

17 (1) To replace the special use permit with a  
18 legal framework under which the Tribe can live per-  
19 manently and govern the Tribe's own affairs in a  
20 modern community within the Park.

21 (2) To protect the Park outside the boundaries  
22 of the Miccosukee Reserved Area from adverse ef-  
23 fects of structures or activities within that area, and  
24 to support restoration of the South Florida eco-

1 system, including restoring the environment of the  
2 Park.

3 (c) DEFINITIONS.—For purposes of this section:

4 (1) EVERGLADES.—The term “Everglades”  
5 means the areas within the Florida Water Conserva-  
6 tion Areas, Everglades National Park, and Big Cy-  
7 press National Preserve.

8 (2) FEDERAL AGENCY.—The term “Federal  
9 agency” means an agency, as that term is defined  
10 in section 551(1) of title 5, United States Code.

11 (3) MICCOSUKEE RESERVED AREA; MRA.—The  
12 term “Miccosukee Reserved Area” or “MRA”  
13 means, notwithstanding any other provision of law  
14 and subject to the limitations specified in subsection  
15 (l) of this section, the portion of the Everglades Na-  
16 tional Park described as follows: “Beginning at the  
17 western boundary of Everglades National Park at  
18 the west line of sec. 20, T. 54 S., R. 35 E., thence  
19 E. following the Northern boundary of said Park in  
20 T. 54 S., Rs. 35 and 36 E., to a point in sec. 19,  
21 T. 54 S., R. 36 E., 500 feet west of the existing  
22 road known as Seven Miles Road, thence 500 feet  
23 south from said road, thence west paralleling the  
24 Park boundary for 3,200 feet, thence south for 600  
25 feet, thence west, paralleling the Park boundary to

1 the west line of sec. 20, T. 54 S., R. 35 E., thence  
2 N. 1,100 feet to the point of beginning.”.

3 (4) PARK.—The term “Park” means the Ever-  
4 glades National Park, including any additions to  
5 that Park.

6 (5) PERMIT.—The term “permit”, unless other-  
7 wise specified, means any federally issued permit, li-  
8 cense, certificate of public convenience and necessity,  
9 or other permission of any kind.

10 (6) SECRETARY.—The term “Secretary” means  
11 the Secretary of the Interior or the designee of the  
12 Secretary.

13 (7) SOUTH FLORIDA ECOSYSTEM.—The term  
14 “South Florida ecosystem” has the meaning given  
15 that term in section 528(a)(4) of the Water Re-  
16 sources Development Act of 1996 (Public Law 104–  
17 303).

18 (8) SPECIAL USE PERMIT AREA.—The term  
19 “special use permit area” means the area of 333.3  
20 acres on the northern boundary of the Park reserved  
21 for the use, occupancy, and governance of the Tribe  
22 under a special use permit before the date of enact-  
23 ment of this Act.

24 (9) TRIBE.—The term “Tribe”, unless other-  
25 wise specified, means the Miccosukee Tribe of Indi-

1       ans of Florida, a tribe of American Indians recog-  
2       nized by the United States and organized under sec-  
3       tion 16 of the Act of June 18, 1934 (48 Stat. 987;  
4       25 U.S.C. 476), and recognized by the State of Flor-  
5       ida pursuant to chapter 285, Florida Statutes.

6           (10) TRIBAL.—The term “tribal” means of or  
7       pertaining to the Miccosukee Tribe of Indians of  
8       Florida.

9           (11) TRIBAL CHAIRMAN.—The term “tribal  
10      chairman” means the duly elected chairman of the  
11      Miccosukee Tribe of Indians of Florida, or the des-  
12      ignee of that chairman.

13      (d) SPECIAL USE PERMIT TERMINATED.—

14           (1) TERMINATION.—The special use permit  
15      dated February 1, 1973, issued by the Secretary to  
16      the Tribe, and any amendments to that permit, are  
17      terminated.

18           (2) EXPANSION OF SPECIAL USE PERMIT  
19      AREA.—The special use permit area shall be ex-  
20      panded pursuant to this section and known as the  
21      Miccosukee Reserved Area.

22           (3) GOVERNANCE OF AFFAIRS IN MICCOSUKEE  
23      RESERVED AREA.—Subject to the provisions of this  
24      section and other applicable Federal law, the Tribe



1       shall govern its own affairs in the MRA as though  
2       the MRA were a Federal Indian reservation.

3       (e) PERPETUAL USE AND OCCUPANCY.—The Tribe  
4       shall have the exclusive right to use and develop the MRA  
5       in perpetuity in a manner consistent with this section for  
6       purposes of the administration, education, housing, and  
7       cultural activities of the Tribe, including commercial serv-  
8       ices necessary to support those purposes.

9       (f) INDIAN COUNTRY STATUS.—The MRA shall be—  
10       (1) considered to be Indian Country (as that  
11       term is defined in section 1151 of title 18, United  
12       States Code); and

13       (2) treated as a federally recognized Indian res-  
14       ervation solely for purposes of—

15               (A) determining the authority of the Tribe  
16               to govern its own affairs within the MRA; and

17               (B) the eligibility of the Tribe and its  
18               members for any Federal health, education, em-  
19               ployment, economic assistance, revenue sharing,  
20               or social welfare programs, or any other similar  
21               Federal program for which Indians are eligible  
22               because of their—

23                       (i) status as Indians; and

24                       (ii) residence on or near an Indian  
25               reservation.

1       (g) EXCLUSIVE FEDERAL JURISDICTION PRE-  
2 SERVED.—The exclusive Federal legislative jurisdiction as  
3 applied to the MRA as in effect on the date of enactment  
4 of this Act shall be preserved. The Act of August 15,  
5 1953, 67 Stat. 588, chapter 505 and the amendments  
6 made by that Act, including section 1162 of title 18,  
7 United States Code, as added by that Act and section  
8 1360 of title 28, United States Code, as added by that  
9 Act, shall not apply with respect to the MRA.

10       (h) OTHER RIGHTS PRESERVED.—Nothing in this  
11 section shall affect any rights of the Tribe under Federal  
12 law, including the right to use other lands or waters within  
13 the Park for other purposes, including, fishing, boating,  
14 hiking, camping, cultural activities, or religious observ-  
15 ances.

16       (i) ENVIRONMENTAL PROTECTION AND ACCESS RE-  
17 QUIREMENTS.—

18               (1) IN GENERAL.—The MRA shall remain with-  
19 in the boundaries of the Park and be a part of the  
20 Park in a manner consistent with this section.

21               (2) COMPLIANCE WITH APPLICABLE LAWS.—  
22 The Tribe shall be responsible for compliance with  
23 all applicable laws, except as specifically exempted  
24 by this section.

1           (3) PREVENTION OF DEGRADATION; ABATE-  
2       MENT.—

3           (A) PREVENTION OF DEGRADATION.—The  
4       Tribe shall prevent and abate any significant  
5       degradation of the quality of surface or ground-  
6       water that is released into other parts of the  
7       Park, as follows:

8           (i) With respect to water entering the  
9       MRA which fails to meet applicable water  
10      quality standards approved under the  
11      Clean Water Act by the Federal Govern-  
12      ment, actions of the Tribe shall not further  
13      degrade water quality. The Tribe shall not  
14      be responsible for improving the water  
15      quality.

16          (ii) With respect to water entering the  
17      MRA which meets water quality standards  
18      approved under the Clean Water Act by  
19      the Federal Government, the Tribe shall  
20      not cause the water to fail to comply with  
21      applicable water quality standards.

22          (B) PREVENTION AND ABATEMENT.—The  
23      Tribe shall prevent and abate any significant  
24      disruption of the restoration or preservation of  
25      the quantity, timing, or distribution of surface

1 or groundwater that would enter the MRA and  
2 flow, directly or indirectly, into other parts of  
3 the Park, but only to the extent that such dis-  
4 ruption is caused by conditions, activities, or  
5 structures within the MRA.

6 (C) PREVENTION OF SIGNIFICANT PROPA-  
7 GATION OF EXOTIC PLANTS AND ANIMALS.—  
8 The Tribe shall prevent significant propagation  
9 of exotic plants or animals outside the MRA.

10 (D) PUBLIC ACCESS TO CERTAIN AREAS  
11 OF THE PARK.—The Tribe shall not impede  
12 public access to those areas of the Park outside  
13 the boundaries of the MRA, and to and from  
14 the Big Cypress National Preserve, except that  
15 the Tribe shall not be required to allow individ-  
16 uals who are not members of the Tribe access  
17 to the MRA other than Federal employees,  
18 agents, officers, and officials (as provided in  
19 this section).

20 (E) PREVENTION OF SIGNIFICANT CUMU-  
21 LATIVE ADVERSE ENVIRONMENTAL IMPACTS.—  
22 The Tribe shall prevent and abate any signifi-  
23 cant cumulative adverse environmental impact  
24 on the Park outside the MRA resulting from  
25 development or other activities within the MRA.

1 (i) PROCEDURES.—Not later than 12  
2 months after the date of enactment of this  
3 Act, the Tribe shall develop, publish, and  
4 implement procedures that shall ensure  
5 adequate public notice and opportunity to  
6 comment on major tribal actions within the  
7 MRA that may contribute to a significant  
8 cumulative adverse impact on the Ever-  
9 glades ecosystem.

10 (ii) WRITTEN NOTICE.—The proce-  
11 dures in clause (i) shall include timely  
12 written notice to the Secretary and consid-  
13 eration of the Secretary’s comments.

14 (F) WATER QUALITY STANDARDS.—

15 (i) IN GENERAL.—Not later than 12  
16 months after the date of enactment of this  
17 Act, the Tribe shall adopt and comply with  
18 water quality standards within the MRA  
19 that are at least as protective as the stand-  
20 ards approved under the Clean Water Act  
21 by the Federal Government for the area  
22 encompassed by Everglades National Park.

23 (ii) EFFECT OF FAILURE TO ADOPT  
24 OR PRESCRIBE STANDARDS.—In the event  
25 the Tribe fails to adopt water quality

1 standards referred to in clause (i) or fails  
2 to revise its own standards within the 12-  
3 month period beginning on the date on  
4 which any changes to water quality stand-  
5 ards of the State of Florida are made to  
6 ensure that the standards of the Tribe are  
7 at least as protective as the standards of  
8 the State of Florida, the standards of the  
9 State of Florida shall be deemed to apply  
10 to the Tribe until such time as the Tribe  
11 adopts standards that meet the require-  
12 ments of this subparagraph.

13 (G) NATURAL EASEMENTS.—The Tribe  
14 shall not engage in any construction, develop-  
15 ment, or improvement in any area that is des-  
16 ignated as a natural easement.

17 (j) HEIGHT RESTRICTIONS.—

18 (1) RESTRICTIONS.—Except as provided in  
19 paragraphs (2) through (4), no structure con-  
20 structed within the MRA shall exceed the height of  
21 45 feet or exceed 2 stories, except that a structure  
22 within the government center, which is that portion  
23 of the MRA whose road frontage is occupied by a  
24 government building on the date of the enactment of  
25 this Act, shall not exceed the height of 70 feet.

1           (2) EXCEPTIONS.—The following types of struc-  
2           tures are exempt from the restrictions of this section  
3           to the extent necessary for the health, safety, or wel-  
4           fare of the tribal members, and for the utility of the  
5           structures:

6                     (A) Water towers or standpipes.

7                     (B) Radio towers.

8                     (C) Utility lines.

9           (3) WAIVER.—The Secretary may waive the re-  
10          strictions of this subsection if the Secretary finds  
11          that the needs of the Tribe for the structure that is  
12          taller than structure allowed under the restrictions  
13          would outweigh the adverse effects to the Park or its  
14          visitors.

15          (4) GRANDFATHER CLAUSE.—Any structure ap-  
16          proved by the Secretary before to the date of enact-  
17          ment of this Act, and for which construction com-  
18          mences not later than 12 months after the date of  
19          enactment of this Act, shall not be subject to the  
20          provisions of this subsection.

21          (5) MEASUREMENT.—The heights specified in  
22          this subsection shall be measured from mean sea  
23          level.

24          (k) OTHER CONDITIONS.—

1           (1) GAMING.—No class II or class III gaming  
2           (as those terms are defined in section 4 (7) and (8)  
3           of the Indian Gaming Regulatory Act (25 U.S.C.  
4           2703 (7) and (8)) shall be conducted within the  
5           MRA.

6           (2) AVIATION.—

7                 (A) IN GENERAL.—No commercial aviation  
8                 may be conducted from or to the MRA.

9                 (B) EMERGENCY OPERATORS.—Takeoffs  
10                and landings of aircraft shall be allowed for  
11                emergency operations and administrative use by  
12                the Tribe or the United States, including re-  
13                source management and law enforcement.

14                (C) STATE AGENCIES AND OFFICIALS.—  
15                The Tribe may permit the State of Florida, as  
16                agencies or municipalities of the State of Flor-  
17                ida to provide for takeoffs or landings of air-  
18                craft on the MRA for emergency operations or  
19                administrative purposes.

20           (3) VISUAL QUALITY.—

21                 (A) IN GENERAL.—In the planning, use,  
22                 and development of the MRA by the Tribe, the  
23                 Tribe shall consider the quality of the visual ex-  
24                 perience from the Shark River Valley visitor use  
25                 area, including limitations on the height and lo-



1 cations of billboards or other commercial signs  
2 or other advertisements visible from the Shark  
3 Valley visitor center, tram road, or observation  
4 tower.

5 (B) EXEMPTION OF MARKINGS.—The  
6 Tribe may exempt markings on a water tower  
7 or standpipe that merely identify the Tribe.

8 (I) EASEMENTS AND RANGER STATION.—Notwith-  
9 standing any other provision of this section:

10 (1) NATURAL EASEMENTS.—The use and occu-  
11 pancy of the MRA by the Tribe shall be perpetually  
12 subject to natural easements on parcels of land that  
13 are—

14 (A) bounded on the north and south by the  
15 boundaries of the MRA, specified in the legal  
16 description under subsection (c); and

17 (B) bounded on the east and west by  
18 boundaries than run north and south per-  
19 pendicular to the northern and southern bound-  
20 aries of the MRA, as follows:

21 (i) easement #1, being 443 feet wide  
22 with western boundary 525 feet, and east-  
23 ern boundary 970 feet, east of the western  
24 boundary of the MRA;

1                   (ii) easement #2, being 443 feet wide  
2                   with western boundary 3637 feet, and  
3                   eastern boundary 4080 feet, east of the  
4                   western boundary of the MRA;

5                   (iii) easement #3, being 320 feet wide  
6                   with western boundary 5380 feet, and  
7                   eastern boundary 5700 feet, east of the  
8                   western boundary of the MRA;

9                   (iv) easement #4, being 290 feet wide  
10                  with western boundary 6020 feet, and  
11                  eastern boundary 6310 feet, east of the  
12                  western boundary of the MRA;

13                  (v) easement #5, being 290 feet wide  
14                  with western boundary 8160 feet, and  
15                  eastern boundary 8460 feet, east of the  
16                  western boundary of the MRA; and

17                  (vi) easement #6, being 312 feet wide  
18                  with western boundary 8920 feet, and  
19                  eastern boundary 9232 feet, east of the  
20                  western boundary of the MRA.

21                  (2) EXTENT OF EASEMENTS.—The aggregate  
22                  extent of the east-west parcels of lands subject to  
23                  easements under this paragraph shall not exceed  
24                  2,100 linear feet.

1           (3) USE OF EASEMENTS.—The Secretary in his  
2       discretion may use the natural easements specified  
3       in paragraphs (1) and (2) to fulfill the hydrological  
4       and other environmental objectives of Everglades  
5       National Park.

6           (4) ADDITIONAL REQUIREMENTS.—In addition  
7       to providing for the easements specified in para-  
8       graphs (1) and (2), the Tribe shall not impair or im-  
9       pede the continued function of the water control  
10      structures designated as “S-12A” and “S-12B”, lo-  
11      cated north of the MRA on the Tamiami Trail and  
12      any existing water flows under the Old Tamiami  
13      Trail.

14          (5) USE BY DEPARTMENT OF THE INTERIOR.—  
15      The Department of the Interior shall have a right,  
16      in perpetuity, to use and occupy, and to have access  
17      to, the Tamiami Ranger Station presently located  
18      within the MRA, except that the pad on which such  
19      station is constructed shall not be increased in size  
20      without the consent of the Tribe.

21          (m)     GOVERNMENT-TO-GOVERNMENT     AGREE-  
22      MENTS.—The Secretary and the tribal chairman shall  
23      make reasonable, good faith efforts to implement the re-  
24      quirements of this section. Those efforts may include gov-  
25      ernment-to-government consultations, and the develop-

1 ment of standards of performance and monitoring proto-  
2 cols.

3 (n) FEDERAL MEDIATION AND CONCILIATION SERV-  
4 ICE.—If the Secretary and the tribal chairman both be-  
5 lieve that they cannot reach agreement on any significant  
6 issue relating to the implementation of the requirements  
7 of this section, the Secretary and the tribal chairman may  
8 jointly request that the Federal Mediation and Concilia-  
9 tion Service assist them in reaching a satisfactory agree-  
10 ment.

11 (o) 60-DAY TIME LIMIT.—The Federal Mediation  
12 and Conciliation Service may conduct mediation or other  
13 nonbinding dispute resolution activities for a period not  
14 to exceed 60 days beginning on the date on which the Fed-  
15 eral Mediation and Conciliation Service receives the re-  
16 quest for assistance, unless the Secretary and the tribal  
17 chairman agree to an extension of period of time.

18 (p) OTHER RIGHTS PRESERVED.—The facilitated  
19 dispute resolution specified in this section shall not preju-  
20 dice any right of the parties to—

21 (1) commence an action in a court of the  
22 United States at any time; or

23 (2) any other resolution process that is not pro-  
24 hibited by law.

1       (q) NO GENERAL APPLICABILITY.—Nothing in this  
2 section creates any right, interest, privilege, or immunity  
3 affecting any other Tribe or any other park or Federal  
4 lands.

5       (r) NONINTERFERENCE WITH FEDERAL AGENTS.—

6           (1) IN GENERAL.—Federal employees, agents,  
7 officers, and officials shall have a right of access to  
8 the MRA—

9           (A) to monitor compliance with the provi-  
10 sions of this section; and

11           (B) for other purposes, as though it were  
12 a Federal Indian reservation.

13       (2) STATUTORY CONSTRUCTION.—Nothing in  
14 this section shall authorize the Tribe or members or  
15 agents of the Tribe to interfere with any Federal  
16 employee, agent, officer, or official in the perform-  
17 ance of official duties (whether within or outside the  
18 boundaries of the MRA) except that nothing in this  
19 paragraph may prejudice any right under the Con-  
20 stitution of the United States.

21       (s) FEDERAL PERMITS.—

22           (1) IN GENERAL.—No Federal permit shall be  
23 issued to the Tribe for any activity or structure that  
24 would be inconsistent with this section.

1           (2) CONSULTATIONS.—Any Federal agency con-  
2       sidering an application for a permit for construction  
3       or activities on the MRA shall consult with, and con-  
4       sider the advice, evidence, and recommendations of  
5       the Secretary before issuing a final decision.

6           (3) RULE OF CONSTRUCTION.—Except as oth-  
7       erwise specifically provided in this section, nothing  
8       in this section supersedes any requirement of any  
9       other applicable Federal law.

10       (t) VOLUNTEER PROGRAMS AND TRIBAL INVOLVE-  
11   MENT.—The Secretary may establish programs that foster  
12   greater involvement by the Tribe with respect to the Park.  
13   Those efforts may include internships and volunteer pro-  
14   grams with tribal schoolchildren and with adult tribal  
15   members.

16       (u) SAVING ECOSYSTEM RESTORATION.—

17           (1) IN GENERAL.—Nothing in this section shall  
18       be construed to amend or prejudice the authority of  
19       the United States to design, construct, fund, oper-  
20       ate, permit, remove, or degrade canals, levees,  
21       pumps, impoundments, wetlands, flow ways, or other  
22       facilities, structures, or systems, for the restoration  
23       or protection of the South Florida ecosystem pursu-  
24       ant to Federal laws.

25           (2) GROUNDWATER.—

1           (A) IN GENERAL.—The Secretary may use  
2           all or any part of the MRA lands to the extent  
3           necessary to restore or preserve the quality,  
4           quantity, timing, or distribution of surface or  
5           groundwater, if other reasonable alternative  
6           measures to achieve the same purpose are im-  
7           practical.

8           (B) USE OF LANDS.—The Secretary may  
9           use lands referred to in subparagraph (A) ei-  
10          ther under an agreement with the tribal chair-  
11          man or upon an order of the United States dis-  
12          trict court for the district in which the MRA is  
13          located, upon petition by the Secretary and  
14          finding by the court that—

15               (i) the proposed actions of the Sec-  
16               retary are necessary; and

17               (ii) other reasonable alternative meas-  
18               ures are impractical.

19          (3) COSTS.—

20           (A) IN GENERAL.—In the event the Sec-  
21           retary exercises the authority granted the Sec-  
22           retary under paragraph (2), the United States  
23           shall be liable to the Tribe or the members of  
24           the Tribe for—

1 (i) cost of modification, removal, relo-  
2 cation, or reconstruction of structures law-  
3 fully erected in good faith on the MRA;  
4 and

5 (ii) loss of use of the affected land  
6 within the MRA.

7 (B) PAYMENT OF COMPENSATION.—Any  
8 compensation paid under subparagraph (A)  
9 shall be paid as cash payments with respect to  
10 taking structures and other fixtures and in the  
11 form of rights to occupy similar land adjacent  
12 to the MRA with respect to taking land.

13 (4) RULE OF CONSTRUCTION.—Subsections (2)  
14 and (3) shall not apply to natural easements speci-  
15 fied in subsection (l)(1) and (2).

16 (v) PARTIES HELD HARMLESS.—

17 (1) UNITED STATES HELD HARMLESS.—

18 (A) IN GENERAL.—Subject to subpara-  
19 graph (B) with respect to any tribal member,  
20 tribal employee, tribal contractor, tribal enter-  
21 prise, or any person residing within the MRA,  
22 notwithstanding any other provision of law, the  
23 United States (including an officer, agent, or  
24 employee of the United States), shall not be lia-  
25 ble for any action or failure to act by the Tribe



(including an officer, employee, or member of the Tribe), including any failure to perform any of the obligations of the Tribe under this section.

(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter any liability or other obligation that the United States may have under section 2 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450).

(2) TRIBE HELD HARMLESS.—Notwithstanding any other provision of law, the Tribe and the members of the Tribe shall not be liable for any injury, loss, damage, or harm that—

(A) occurs with respect to the MRA; and

(B) is caused by an action or failure to act by the United States, or the officer, agent, or employee of the United States (including the failure to perform any obligation of the United States under this section).

(w) COOPERATIVE AGREEMENTS.—Nothing in this section shall alter the authority of the Secretary and the Tribe to enter into any cooperative agreement, including any agreement concerning law enforcement, emergency response, or resource management.

1       (x) WATER RIGHTS.—Nothing in this section shall  
2 enhance or diminish any water rights of the Tribe, or  
3 members of the Tribe, or the United States (with respect  
4 to the Park).

5       (y) ENFORCEMENT.—

6           (1) ACTIONS BROUGHT BY ATTORNEY GEN-  
7 ERAL.—The Attorney General may bring a civil ac-  
8 tion in the United States district court for the dis-  
9 trict in which the MRA is located, to enjoin the  
10 Tribe from violating any provision of this section.

11          (2) ACTION BROUGHT BY TRIBE.—The Tribe  
12 may bring a civil action in the United States district  
13 court for the district in which the MRA is located  
14 enjoin the United States from violating any provi-  
15 sion of this section.

16 **SEC. 604. CUMBERLAND ISLAND.**

17       (a) BOUNDARY ADJUSTMENTS FOR LAND EX-  
18 CHANGE.—

19           (1) EXCLUSION OF CERTAIN CONVEYED  
20 LANDS.—If a proposed land exchange described in  
21 subsection (b) is agreed to by the Secretary of the  
22 Interior, any lands to be conveyed by the United  
23 States as part of the land exchange shall be excluded  
24 from the boundaries of the Cumberland Island Wil-

1        derness or the potential wilderness area if the lands  
2        contain improvements.

3            (2) INCLUSION OF ACQUIRED LANDS.—All  
4        lands acquired by the United States as part of the  
5        land exchange described in subsection (b) shall be  
6        included in, and managed as part of, the Cum-  
7        berland Island Wilderness. Upon acquisition of the  
8        lands, the Secretary of the Interior shall adjust the  
9        boundaries of the Cumberland Island Wilderness to  
10       include the acquired lands.

11        (b) DESCRIPTION OF LAND EXCHANGE.—The land  
12       exchange referred to in subsection (a) is a land exchange  
13       with regard to Cumberland Island National Seashore and  
14       Cumberland Island Wilderness that is being negotiated by  
15       the Secretary of the Interior with the Nature Conservancy  
16       and High Point, Inc., for the purpose of acquiring pri-  
17       vately owned lands on Cumberland Island, which have sub-  
18       stantial wilderness characteristics, in exchange for Federal  
19       lands (or rights or interests therein) located at the north  
20       end of the island.

21        (c) TREATMENT OF MAIN ROAD.—

22            (1) FINDINGS.—Congress finds the following:

23                    (A) The main road at Cumberland Island  
24        National Seashore is included on the register of  
25        national historic places.

1 (B) The continued existence and use of the  
2 main road, as well as a spur road that provides  
3 access to Plum Orchard mansion at Cum-  
4 berland Island National Seashore, is necessary  
5 for maintenance and access to the natural, cul-  
6 tural, and historical resources of Cumberland  
7 Island National Seashore.

8 (C) The preservation of the main road is  
9 not only lawful, but also mandated under sec-  
10 tion 4(a)(3) of the Wilderness Act (16 U.S.C.  
11 1133(a)(3)).

12 (D) The inclusion of these roads both on  
13 the register of national historic places and in  
14 the Cumberland Island Wilderness or potential  
15 wilderness area is incompatible and causes com-  
16 peting mandates on the Secretary of the Inte-  
17 rior for management.

18 (2) EXCLUSION FROM WILDERNESS.—The main  
19 road on Cumberland Island (as described on the reg-  
20 ister of national historic places), the spur road that  
21 provides access to Plum Orchard mansion, and the  
22 area extending 10 feet on each side of the center line  
23 of both roads are hereby excluded from the bound-  
24 aries of the Cumberland Island Wilderness and the  
25 potential wilderness area.

1           (3) EFFECT OF EXCLUSION.—Nothing in this  
2 subsection shall be construed to affect the inclusion  
3 of the main road on the register of national historic  
4 places or the authority of the Secretary of the Inte-  
5 rior to impose reasonable restrictions, subject to  
6 valid existing rights, on the use of the main road or  
7 spur road to minimize any adverse impacts on the  
8 Cumberland Island Wilderness or the potential wil-  
9 derness area.

10       (d) RESTORATION OF PLUM ORCHARD MANSION.—

11           (1) RESTORATION REQUIRED.—Using funds ap-  
12 propriated pursuant to the authorization of appro-  
13 priations in paragraph (4), the Secretary of the In-  
14 terior shall restore Plum Orchard mansion at Cum-  
15 berland Island National Seashore so that the condi-  
16 tion of the restored mansion is at least equal to the  
17 condition of the mansion when it was donated to the  
18 United States. The Secretary shall endeavor to col-  
19 lect donations of money and in-kind contributions  
20 for the purpose of restoring structures within the  
21 Plum Orchard historic district.

22           (2) SUBSEQUENT MAINTENANCE.—The Sec-  
23 retary of the Interior shall endeavor to enter into an  
24 agreement with public persons, private persons, or

1       both, to provide for the maintenance of Plum Or-  
2       chard mansion following its restoration.

3           (3) RESTORATION PLAN.—Not later than 270  
4       days after the date of the enactment of this Act, the  
5       Secretary of the Interior shall submit to Congress a  
6       comprehensive plan for the repair, stabilization, res-  
7       toration, and subsequent maintenance of Plum Or-  
8       chard mansion to the condition the mansion was in  
9       when acquired by the United States.

10          (4) AUTHORIZATION OF APPROPRIATIONS.—  
11       There is authorized to be appropriated such sums as  
12       are necessary for the restoration and maintenance of  
13       Plum Orchard mansion under this subsection.

14          (e) ARCHAEOLOGICAL AND HISTORIC SITES.—The  
15       Secretary of the Interior shall identify, document, and pro-  
16       tect archaeological sites located on Federal land within  
17       Cumberland Island National Seashore. The Secretary  
18       shall prepare and implement a plan to preserve designated  
19       national historic sites within the seashore.

20          (f) DESIGNATION OF ADDITIONAL WILDERNESS  
21       AREA.—

22           (1) DESIGNATION.—In furtherance of the pur-  
23       poses of the Wilderness Act (16 U.S.C. 1131 et  
24       seq.), a parcel of Federal lands within Cumberland  
25       Island National Seashore, which comprises approxi-

1 mately \_\_\_\_ acres on the southern portion of Cum-  
2 berland Island, as depicted on the map entitled  
3 “Cumberland Island Wilderness Addition, Pro-  
4 posed”, dated \_\_\_\_\_, 1998, is hereby designated  
5 as wilderness and therefore as a component of the  
6 National Wilderness Preservation System.

7 (2) ADMINISTRATION.—The parcel designated  
8 by paragraph (1) shall be administered by the Sec-  
9 retary of the Interior in accordance with the Wilder-  
10 ness Act as part of the Cumberland Island Wilder-  
11 ness. The Secretary shall adjust the boundaries of  
12 the Cumberland Island Wilderness to include the  
13 parcel.

14 (3) EXISTING RIGHTS AND USES.—The des-  
15 ignation of the wilderness area under paragraph (1)  
16 shall be subject to valid existing rights of the des-  
17 ignated parcel.

18 (g) DEFINITIONS.—In this section:

19 (1) The term “Cumberland Island National  
20 Seashore” means the national seashore established  
21 under Public Law 92–536 (16 U.S.C. 459i et seq.).

22 (2) The term “Cumberland Island Wilderness”  
23 means the wilderness area in the Cumberland Island  
24 National Seashore designated by section 2 of Public  
25 Law 97–250 (96 Stat. 709; 16 U.S.C. 1132 note).

1           (3) The term “potential wilderness area” means  
2           the potential wilderness area in the Cumberland Is-  
3           land National Seashore designated by such section  
4           2.

5   **SEC. 605. STUDIES OF POTENTIAL NATIONAL PARK SYSTEM**  
6                           **UNITS IN HAWAII.**

7           (a) IN GENERAL.—The Secretary of the Interior, act-  
8           ing through the Director of the National Park Service,  
9           shall undertake feasibility studies regarding the establish-  
10          ment of National Park System units in the following areas  
11          in the State of Hawaii:

12           (1) Island of Maui: The shoreline area known  
13           as “North Beach”, immediately north of the present  
14           resort hotels at Kaanapali Beach, in the Lahaina  
15           district in the area extending from the beach inland  
16           to the main highway.

17           (2) Island of Lanai: The mountaintop area  
18           known as “Hale” in the central part of the island.

19           (3) Island of Kauai: The shoreline area from  
20           “Anini Beach” to “Makua Tunnels” on the north  
21           coast of this island.

22           (4) Island of Molokai: The “Halawa Valley” on  
23           the eastern end of the island, including its shoreline,  
24           cove and lookout/access roadway.



1       (b) KALAUPAPA SETTLEMENT BOUNDARIES.—The  
2 studies conducted under this section shall include a study  
3 of the feasibility of extending the present National His-  
4 toric Park boundaries at Kalaupapa Settlement eastward  
5 to Halawa Valley along the island’s north shore.

6       (c) REPORT.—A report containing the results of the  
7 studies under this section shall be submitted to the Con-  
8 gress promptly upon completion.

9       **SEC. 606. CONGRESSIONAL REVIEW OF NATIONAL MONU-**  
10                                   **MENT STATUS AND CONSULTATION.**

11       Section 2 of the Act of June 8, 1906 (Chapter 3060;  
12 34 Stat. 225; 16 U.S.C. 431; commonly referred to as the  
13 “Antiquities Act”), is amended by adding at the end the  
14 following: “A proclamation of the President under this  
15 section that results in the designation of a total acreage  
16 in excess of 50,000 acres in a single State in a single cal-  
17 endar year as a national monument may not be issued  
18 until 30 days after the President has transmitted the pro-  
19 posed proclamation to the Governor of the State in which  
20 such acreage is located and solicited such Governor’s writ-  
21 ten comments, and any such proclamation shall cease to  
22 be effective on the date 2 years after issuance unless the  
23 Congress has approved such proclamation by the enact-  
24 ment of a law.”.

1 **SEC. 607. SANTA CRUZ ISLAND, ADDITIONAL RIGHTS OF**  
2 **USE AND OCCUPANCY.**

3 Section 202(e) of Public Law 96–199 (16 U.S.C.  
4 410ff–1(e)) is amended by adding the following at the end  
5 thereof:

6 “(5) In the case of the real property referred to in  
7 paragraph (1), in addition to the rights of use and occu-  
8 pancy reserved under paragraph (1) and set forth in In-  
9 strument 90–027494, upon the enactment of this para-  
10 graph, the Secretary shall grant identical rights of use and  
11 occupancy to Mr. Francis Gherini of Ventura, California,  
12 the previous owner of the real property, and to each of  
13 the two grantors identified in Instrument No. 92–102117  
14 recorded in the Official Records of the County of Santa  
15 Barbara, California. The use and occupancy rights grant-  
16 ed to Mr. Francis Gherini shall be for a term of 25 years  
17 from the date of the enactment of this paragraph. The  
18 Secretary shall grant such rights without consideration  
19 and shall execute and record such instruments as nec-  
20 essary to vest such rights in such individuals as promptly  
21 as practicable, but no later than 90 days, after the enact-  
22 ment of this paragraph.”.

23 **SEC. 608. ACQUISITION OF WARREN PROPERTY FOR MOR-**  
24 **RISTOWN NATIONAL HISTORICAL PARK.**

25 The Act entitled “An Act to provide for the establish-  
26 ment of the Morristown National Historical Park in the

1 State of New Jersey, and for other purposes”, approved  
2 March 2, 1933 (chapter 182; 16 U.S.C. 409 et seq.), is  
3 amended by adding at the end the following new section:

4       “SEC. 8. (a) In addition to any other lands or interest  
5 authorized to be acquired for inclusion in Morristown Na-  
6 tional Historical Park, and notwithstanding the first pro-  
7 viso of the first section of this Act, the Secretary of the  
8 Interior may acquire by purchase, donation, purchase with  
9 appropriated funds, or otherwise, not to exceed 15 acres  
10 of land and interests therein comprising the property  
11 known as the Warren Property or Mount Kimble. The  
12 Secretary may expend such sums as may be necessary for  
13 such acquisition.

14       “(b) Any lands or interests acquired under this sec-  
15 tion shall be included in and administered as part of the  
16 Morristown National Historical Park.”.

17 **SEC. 609. AMENDMENT OF LAND AND WATER CONSERVA-**  
18 **TION FUND ACT OF 1965 REGARDING TREAT-**  
19 **MENT OF RECEIPTS AT CERTAIN PARKS.**

20       Section 4(i)(1)(B) of the Land and Water Conserva-  
21 tion Fund Act of 1965 (16 U.S.C. 4601–6a(i)(1)(B)) is  
22 amended by inserting the following after the second sen-  
23 tence: “Notwithstanding subparagraph (A), in any fiscal  
24 year, the Secretary of the Interior shall also withhold from  
25 the special account 100 percent of the fees and charges

1 collected in connection with any unit of the national park  
2 system at which entrance or admission fees cannot be col-  
3 lected by reason of deed restrictions, and the amounts so  
4 withheld shall be retained by the Secretary and shall be  
5 available, without further appropriation, for expenditure  
6 by the Secretary for purpose of such park system unit.”.

7 **SEC. 610. CHATTAHOOCHEE RIVER NATIONAL RECREATION**  
8 **AREA.**

9 (a) FINDINGS.—The Congress finds that:

10 (1) The Chattahoochee River National Recre-  
11 ation Area is a nationally significant resource and  
12 the national recreation area has been adversely af-  
13 fected by land use changes occurring within and out-  
14 side its boundaries.

15 (2) The population of the metropolitan Atlanta  
16 area continues to expand northward, leaving dwin-  
17 dling opportunities to protect the scenic, recreation,  
18 natural, and historic values of the 2,000-foot wide  
19 corridor adjacent to each bank of the Chattahoochee  
20 River and its impoundments in the 48-mile segment  
21 known as the area of national concern.

22 (3) The State of Georgia has enacted the Met-  
23 ropolitan River Protection Act in order to ensure the  
24 protection of the corridor located within 2,000 feet  
25 of each bank of the Chattahoochee River, or the

1       100-year flood plain, whichever is greater, and such  
2       corridor includes the area of national concern.

3           (4) Visitor use of the Chattahoochee River Na-  
4       tional Recreation Area has shifted dramatically since  
5       the establishment of the national recreation area  
6       from waterborne to water-related and land-based ac-  
7       tivities.

8           (5) The State of Georgia and its political sub-  
9       divisions along the Chattahoochee River have indi-  
10      cated their willingness to join in cooperative efforts  
11      with the United States of America to link existing  
12      units of the national recreation area with a series of  
13      linear corridors to be established within the area of  
14      national concern and elsewhere on the river and pro-  
15      vided Congress appropriates certain funds in support  
16      of such effort, funding from the State, its political  
17      subdivisions, private foundations, corporate entities,  
18      private individuals, and other sources will be avail-  
19      able to fund more than half of the estimated cost of  
20      such cooperative effort.

21      (b) PURPOSES.—The purposes of this section are  
22      to—

23           (1) increase the level of protection of the re-  
24      maining open spaces within the area of national con-  
25      cern along the Chattahoochee River and to enhance

1 visitor enjoyment of such areas by adding land-based  
2 links between existing units of the national recre-  
3 ation area;

4 (2) assure that the national recreation area is  
5 managed to standardize acquisition, planning, de-  
6 sign, construction, and operation of the linear cor-  
7 ridors; and

8 (3) authorize the appropriation of Federal  
9 funds to cover a portion of the costs of the Federal,  
10 State, local, and private cooperative effort to add ad-  
11 ditional areas to the Chattahoochee River National  
12 Recreation Area in order to establish a series of lin-  
13 ear corridors linking existing units of the national  
14 recreation area and to protect other undeveloped  
15 portions of the Chattahoochee River corridor.

16 (c) AMENDMENTS TO CHATTAHOOCHEE NRA ACT.—  
17 The Act of August 15, 1978, entitled “An Act to authorize  
18 the establishment of the Chattahoochee River National  
19 Recreation Area in the State of Georgia, and for other  
20 purposes” (Public Law 95–344; 16 U.S.C. 460ii–2(b)) is  
21 amended as follows:

22 (1) Section 101 is amended as follows:

23 (A) By inserting after “map entitled  
24 ‘Boundary Map, Chattahoochee River National  
25 Recreation Area’, numbered Chat–20,003 and

1           dated September 1984” the following: “and on  
2           the maps entitled ‘Chattahoochee River Na-  
3           tional Recreation Area, Interim Boundary Map  
4           #1, #2, and #3, dated \_\_\_\_\_”.

5           (B) By amending the fourth sentence to  
6           read as follows: “After July 1, 1999, the Sec-  
7           retary of the Interior (in this Act referred to as  
8           the ‘Secretary’) may modify the boundaries of  
9           the recreation area to include other lands within  
10          the river corridor of the Chattahoochee River by  
11          submitting a revised map or other boundary de-  
12          scription to the Congress. Such revised bound-  
13          aries shall take effect on the date 6 months  
14          after the date of such submission unless, within  
15          such 6-month period, the Congress adopts a  
16          Joint Resolution disapproving such revised  
17          boundaries. Such revised map or other bound-  
18          ary description shall be prepared by the Sec-  
19          retary after consultation with affected land-  
20          owners and with the State of Georgia and af-  
21          fected political subdivisions.”.

22          (C) By striking out “may not exceed ap-  
23          proximately 6,800 acres.” and inserting “may  
24          not exceed 10,000 acres.”.

25          (2) Section 102(f) is repealed.

1           (3) Section 103(b) is amended to read as fol-  
2       lows:

3       “(b) COOPERATIVE AGREEMENTS.—The Secretary is  
4       authorized to enter into cooperative agreements with the  
5       State, its political subdivisions, and other entities to as-  
6       sure standardized acquisition, planning, design, construc-  
7       tion, and operation of the national recreation area.”.

8           (4) Section 105(a) is amended to read as fol-  
9       lows:

10       “(a) AUTHORIZATION OF APPROPRIATIONS; ACCEPT-  
11       ANCE OF DONATIONS.—In addition to funding and the do-  
12       nation of lands and interests in lands provided by the  
13       State of Georgia, local government authorities, private  
14       foundations, corporate entities, and individuals, and fund-  
15       ing that may be available pursuant to the settlement of  
16       litigation, there is hereby authorized to be appropriated  
17       for land acquisition not more than \$25,000,000 for fiscal  
18       years after fiscal year 1998. The Secretary is authorized  
19       to accept the donation of funds and lands or interests in  
20       lands to carry out this Act.”.

21           (5) Section 105(c) (16 U.S.C. 460ii–4(c)) is  
22       amended by adding the following at the end thereof:  
23       “The Secretary shall submit a new plan within 3  
24       years after the enactment of this sentence to provide  
25       for the protection, enhancement, enjoyment, develop-



1       ment, and use of areas added to the national recre-  
2       ation area. During the preparation of the revised  
3       plan the Secretary shall seek and encourage the par-  
4       ticipation of the State of Georgia and its affected  
5       political subdivisions, private landowners, interested  
6       citizens, public officials, groups, agencies, edu-  
7       cational institutions, and others.”.

8               (6) Section 102(a) (16 U.S.C. 460ii-1(a)) is  
9       amended by inserting the following before the period  
10      at the end of the first sentence: “, except that lands  
11      and interests in lands within the Addition Area de-  
12      picted on the map referred to in section 101 may  
13      not be acquired without the consent of the owner  
14      thereof”.

# 1 **TITLE VII—REAUTHORIZATIONS**

## 2 **SEC. 701. REAUTHORIZATION OF NATIONAL HISTORIC** 3 **PRESERVATION ACT.**

4 The National Historic Preservation Act (16 U.S.C.  
5 470 and following; Public Law 89–665) is amended as fol-  
6 lows:

7 (1) In the third sentence of section 101(a)(6)  
8 (16 U.S.C. 470a(a)(6)) by striking “shall review”  
9 and inserting “may review” and by striking “shall  
10 determine” and inserting “determine”.

11 (2) Section 101(e)(2) (16 U.S.C. 470a(e)(2)) is  
12 amended to read as follows:

13 “(2) The Secretary may administer grants to the Na-  
14 tional Trust for Historic Preservation in the United  
15 States, chartered by an Act of Congress approved October  
16 26, 1949 (63 Stat. 947), consistent with the purposes of  
17 its charter and this Act.”.

18 (3) Section 102 (16 U.S.C. 470b) is amended  
19 by redesignating subsection (e) as subsection (f) and  
20 by redesignating subsection (d), as added by section  
21 4009(3) of Public Law 102–575, as subsection (e).

22 (4) Section 101(b)(1) (16 U.S.C. 470a(b)(1)) is  
23 amended by adding the following at the end thereof:  
24 “For purposes of subparagraph (A), the State and Indian  
25 tribe shall be solely responsible for determining which pro-

1 fessional employees, are necessary to carry out the duties  
2 of the State or tribe, consistent with standards developed  
3 by the Secretary.”.

4 (5) Section 107 (16 U.S.C. 470g) is amended  
5 to read as follows:

6 “SEC. 107. Nothing in this Act shall be construed  
7 to be applicable to the White House and its grounds, the  
8 Supreme Court building and its grounds, or the United  
9 States Capitol and its related buildings and grounds as  
10 depicted on the map entitled ‘Map Showing Properties  
11 Under the Jurisdiction of the Architect of the Capitol’ and  
12 dated November 6, 1996, which shall be on file in the of-  
13 fice of the Secretary of the Interior.”.

14 (6) Section 108 (16 U.S.C. 470h) is amended  
15 by striking “1997” and inserting “2004”.

16 (7) Section 110(a)(1) (16 U.S.C. 470h–2(a)(1))  
17 is amended by inserting the following before the pe-  
18 riod at the end of the second sentence: “, especially  
19 those located in central business areas. When locat-  
20 ing Federal facilities, Federal agencies shall give  
21 first consideration to historic properties in historic  
22 districts. If no such property is operationally appro-  
23 priate and economically prudent, then Federal agen-  
24 cies shall consider other developed or undeveloped  
25 sites within historic districts. Federal agencies shall

1       then consider historic properties outside of historic  
 2       districts, if no suitable site within a district exists.  
 3       Any rehabilitation or construction that is undertaken  
 4       pursuant to this Act must be architecturally compat-  
 5       ible with the character of the surrounding historic  
 6       district or properties”.

7           (8) The first sentence of section 110(l) (16  
 8       U.S.C. 470h–2(l)) is amended by striking “with the  
 9       Council” and inserting “pursuant to regulations  
 10      issued by the Council”.

11          (9) The last sentence of section 212(a) (16  
 12      U.S.C. 470t(a)) is amended by striking “2000” and  
 13      inserting “2004”.

14   **SEC. 702. REAUTHORIZATION OF DELAWARE WATER GAP**  
 15                           **NATIONAL RECREATION AREA CITIZEN ADVI-**  
 16                           **SORY COMMISSION.**

17      Section 5 of Public Law 101–573 (16 U.S.C. 460o  
 18      note) is amended by striking “10” and inserting “20”.

19   **SEC. 703. COASTAL HERITAGE TRAIL ROUTE IN NEW JER-**  
 20                           **SEY.**

21      Public Law 100–515 (102 Stat. 2563; 16 U.S.C.  
 22      1244 note) is amended as follows:

23          (1) In subsection (b)(1) of section 6 by striking  
 24      “\$1,000,000” and inserting “\$4,000,000”.

1           (2) In subsection (c) of section 6 by striking  
2           “five” and inserting “10”.

3           (3) In the second sentence of section 2 by in-  
4           serting “including sites in the Township of  
5           Woodbridge, New Jersey,” after “cultural sites”.

6 **SEC. 704. EXTENSION OF AUTHORIZATION FOR UPPER**  
7 **DELAWARE CITIZENS ADVISORY COUNCIL.**

8           The last sentence of paragraph (1) of section 704(f)  
9           of the National Parks and Recreation Act of 1978 (16  
10          U.S.C. 1274 note) is amended by striking “20” and in-  
11          serting “30”.

# 1 **TITLE VIII—RIVERS AND TRAILS**

## 2 **SEC. 801. NATIONAL DISCOVERY TRAILS.**

3 (a) NATIONAL TRAILS SYSTEM ACT AMEND-  
4 MENTS.—

5 (1) NATIONAL DISCOVERY TRAILS ESTAB-  
6 LISHED.—

7 (A) IN GENERAL.—Section 3(a) of the Na-  
8 tional Trails System Act (16 U.S.C. 1242(a)) is  
9 amended by inserting after paragraph (4) the  
10 following:

11 “(5)(A) National discovery trails, established as  
12 provided in section 5, which will be extended, contin-  
13 uous, interstate trails so located as to provide for  
14 outstanding outdoor recreation and travel and to  
15 connect representative examples of America’s trails  
16 and communities. National discovery trails should  
17 provide for the conservation and enjoyment of sig-  
18 nificant natural, cultural, and historic resources as-  
19 sociated with each trail and should be so located as  
20 to represent metropolitan, urban, rural, and  
21 backcountry regions of the Nation. Any such trail  
22 may be designated on Federal lands and, with the  
23 consent of the owner thereof, on any non-Federal  
24 lands. The consent of the owner shall be obtained in  
25 the form of a written agreement, which shall include

1       such terms and conditions as the parties to the  
2       agreement consider advisable, and may include pro-  
3       visions regarding the discontinuation of the trail des-  
4       ignation. The Congress does not intend for the es-  
5       tablishment of a national discovery trail to lead to  
6       the creation of protective perimeters or buffer zones  
7       adjacent to a national discovery trail. The fact that  
8       there may be activities or uses on lands adjacent to  
9       the trail that would not be permitted on the trail  
10      shall not preclude such activities or uses on such  
11      lands adjacent to the trail to the extent consistent  
12      with other applicable law. Nothing in this Act may  
13      be construed to impose or permit the imposition of  
14      any landowner on the use of any non-Federal lands  
15      without the consent of the owner. Neither the des-  
16      ignation of a national discovery trail nor any plan  
17      related thereto shall affect, or be considered, in the  
18      granting or denial of a right-of-way or any condi-  
19      tions relating thereto.

20           “(B) The appropriate Secretary for each na-  
21      tional discovery trail shall administer the trail in co-  
22      operation with a competent trailwide volunteer-based  
23      organization. Where national discovery trails are  
24      congruent with other local, State, national scenic, or  
25      national historic trails, the designation of the discov-

1       ery trail shall not in any way diminish the values  
2       and significance for which these trails were estab-  
3       lished.”.

4               (B) FEASIBILITY REQUIREMENTS; COOP-  
5       ERATIVE MANAGEMENT REQUIREMENT.—Sec-  
6       tion 5(b) of such Act (16 U.S.C. 1244(b)) is  
7       amended by adding at the end the following  
8       new paragraph:

9       “(12) For purposes of this subsection, a trail  
10      shall not be considered feasible and desirable for  
11      designation as a national discovery trail unless it  
12      meets all of the following criteria:

13             “(A) The trail must link to one or more  
14      areas within the boundaries of a metropolitan  
15      area (as those boundaries are determined under  
16      section 134(c) of title 23, United States Code).  
17      It should also join with other trails, tying the  
18      National Trails System to significant recreation  
19      and resources areas.

20             “(B) The trail must be supported by at  
21      least one competent trailwide volunteer-based  
22      organization. Each trail shall have extensive  
23      local and trailwide support by the public, by  
24      user groups, and by affected State and local  
25      governments.



1           “(C) The trail must be extended and pass  
2           through more than one State. At a minimum,  
3           it should be a continuous, walkable route. Na-  
4           tional discovery trails are specifically exempted  
5           from the provisions of sections 7(g) of this Act.

6           “(D) The appropriate Secretary shall ob-  
7           tain written consent from affected landowners  
8           prior to entering nonpublic lands for the pur-  
9           poses of conducting any surveys or studies of  
10          nonpublic lands for purposes of this Act. Pro-  
11          vided, before any designation or establishment  
12          of any discovery trail provided by this Act, the  
13          appropriate Secretary must ensure written noti-  
14          fication to all nonpublic landowners on which a  
15          designated trail crosses or abuts nonpublic  
16          lands. Furthermore, any nonpublic landowner  
17          that has property crossed by or abutting land  
18          designated under this Act, if trespassing should  
19          occur by travelers on the National Discovery  
20          Trail, has the right to request and subsequently  
21          require the appropriate Secretary to coordinate  
22          with State and local officials to ensure to the  
23          maximum extent feasible that no further tres-  
24          passing should occur on such nonpublic land.”.

1           (2) DESIGNATION OF THE AMERICAN DISCOV-  
2       ERY TRAIL AS A NATIONAL DISCOVERY TRAIL.—  
3       Section 5(a) of such Act (16 U.S.C. 1244(a)) is  
4       amended as follows:

5           (A) By redesignating the paragraph relat-  
6       ing to the California National Historic Trail as  
7       paragraph (18).

8           (B) By redesignating the paragraph relat-  
9       ing to the Pony Express National Historic Trail  
10      as paragraph (19).

11          (C) By redesignating the paragraph relat-  
12      ing to the Selma to Montgomery National His-  
13      toric Trail as paragraph (20).

14          (D) By adding at the end the following:

15      “(21) The American Discovery Trail, a trail of ap-  
16      proximately 6,000 miles extending from Cape Henlopen  
17      State Park in Delaware to Point Reyes National Seashore  
18      in California, extending westward through Delaware,  
19      Maryland, the District of Columbia, West Virginia, Ohio,  
20      and Kentucky, where near Cincinnati it splits into two  
21      routes. The Northern Midwest route traverses Ohio, Indi-  
22      ana, Illinois, Iowa, Nebraska, and Colorado, and the  
23      Southern Midwest route traverses Indiana, Illinois, Mis-  
24      souri, Kansas, and Colorado. After the two routes rejoin  
25      in Denver, Colorado, the route continues through Colo-

1 rado, Utah, Nevada, and California. The trail is generally  
2 described in Volume 2 of the National Park Service fea-  
3 sibility study dated June 1995 which shall be on file and  
4 available for public inspection in the office of the Director  
5 of the National Park Service, Department of the Interior,  
6 the District of Columbia. The American Discovery Trail  
7 shall be administered by the Secretary of the Interior in  
8 cooperation with at least one competent trailwide volun-  
9 teer-based organization, affected land managing agencies  
10 and State and local governments as appropriate. No lands  
11 or interests outside the exterior boundaries of federally ad-  
12 ministered areas may be acquired by the Federal Govern-  
13 ment solely for the American Discovery Trail. The Amer-  
14 ican Discovery Trail is specifically exempted from the pro-  
15 visions of subsection (e), (f), and (g) of section 7.”.

16 (3) COMPREHENSIVE NATIONAL DISCOVERY  
17 TRAIL PLAN.—Section 5 of such Act (16 U.S.C.  
18 1244) is further amended by adding at the end the  
19 following new subsection:

20 “(g) Within 3 complete fiscal years after the date of  
21 enactment of any law designating a national discovery  
22 trail, the responsible Secretary shall submit a comprehen-  
23 sive plan for the protection, management, development,  
24 and use of the Federal portions of the trail, and provide  
25 technical assistance to States and local units of govern-

1 ment and private landowners, as requested, for nonfederal  
2 portions of the trail, to the Committee on Resources of  
3 the United States House of Representatives and the Com-  
4 mittee on Energy and Natural Resources of the United  
5 States Senate. In developing a comprehensive manage-  
6 ment plan for a national discovery trail, the responsible  
7 Secretary shall cooperate to the fullest practicable extent  
8 with the organizations sponsoring the trail. The respon-  
9 sible Secretary shall ensure that the comprehensive plan  
10 does not conflict with existing agency direction and shall  
11 consult with the affected land managing agencies, the Gov-  
12 ernors of the affected States, affected county and local po-  
13 litical jurisdictions, and local organizations maintaining  
14 components of the trail. Components of the comprehensive  
15 plan include—

16           “(1) policies, objectives and practices to be ob-  
17           served in the administration and management of the  
18           trail, including the identification of all significant  
19           natural, historical, and cultural resources to be pre-  
20           served, model agreements necessary for joint trail  
21           administration among and between interested par-  
22           ties, and an identified carrying capacity for critical  
23           segments of the trail and procedures for implemen-  
24           tation, where appropriate;

1 “(2) strategies for trail protection to retain the  
2 values for which the trail is being established and  
3 recognized by the Federal Government;

4 “(3) general and site-specific trail-related devel-  
5 opment, including anticipated costs; and

6 “(4) the process to be followed to implement  
7 the trail marking authorities in section 7(c) con-  
8 forming to approved trail logo or emblem require-  
9 ments.”.

10 (b) CONFORMING AMENDMENTS.—The National  
11 Trails System Act is amended:

12 (1) In section 2(b) (16 U.S.C. 1241(b)), by  
13 striking “scenic and historic” and inserting “scenic,  
14 historic, and discovery”.

15 (2) In the section heading to section 5 (16  
16 U.S.C. 1244), by striking “AND NATIONAL HIS-  
17 TORIC” and inserting “, NATIONAL HISTORIC, AND  
18 NATIONAL DISCOVERY”.

19 (3) In section 5(a) (16 U.S.C. 1244(a)), in the  
20 matter preceding paragraph (1)—

21 (A) by striking “and national historic” and  
22 inserting “, national historic, and national dis-  
23 covery”; and

1 (B) by striking “and National Historic”  
2 and inserting “, National Historic, and Na-  
3 tional Discovery”.

4 (4) In section 5(b) (16 U.S.C. 1244(b)), in the  
5 matter preceding paragraph (1), by striking “or na-  
6 tional historic” and inserting “, national historic, or  
7 national discovery”.

8 (5) In section 5(b)(3) (16 U.S.C. 1244(b)(3)),  
9 by striking “or national historic” and inserting “,  
10 national historic, or national discovery”.

11 (6) In section 7(a)(2) (16 U.S.C. 1246(a)(2)),  
12 by striking “and national historic” and inserting “,  
13 national historic, and national discovery”.

14 (7) In section 7(b) (16 U.S.C. 1246(b)), by  
15 striking “or national historic” each place such term  
16 appears and inserting “, national historic, or na-  
17 tional discovery”.

18 (8) In section 7(c) (16 U.S.C. 1246(c))—

19 (A) by striking “scenic or national his-  
20 toric” each place it appears and inserting “see-  
21 nic, national historic, or national discovery”;

22 (B) in the second proviso, by striking “see-  
23 nic, or national historic” and inserting “scenic,  
24 national historic, or national discovery”; and

1 (C) by striking “, and national historic”  
2 and inserting “, national historic, and national  
3 discovery”.

4 (9) In section 7(d) (16 U.S.C. 1246(d)), by  
5 striking “or national historic” and inserting “na-  
6 tional historic, or national discovery”.

7 (10) In section 7(e) (16 U.S.C. 1246(e)), by  
8 striking “or national historic” each place such term  
9 appears and inserting “, national historic, or na-  
10 tional discovery”.

11 (11) In section 7(f)(2) (16 U.S.C. 1246(f)(2)),  
12 by striking “National Scenic or Historic Trail” and  
13 inserting “national scenic, historic, or discovery  
14 trail”.

15 (12) In section 7(h)(1) (16 U.S.C. 1246(h)(1)),  
16 by striking “or national historic” and inserting “na-  
17 tional historic, or national discovery”.

18 (13) In section 7(i) (16 U.S.C. 1246(i)), by  
19 striking “or national historic” and inserting “na-  
20 tional historic, or national discovery”.

21 **SEC. 802. LINCOLN NATIONAL HISTORIC TRAIL.**

22 (a) POTENTIAL ADDITION.—Section 5(a) of the Na-  
23 tional Trails System Act (16 U.S.C. 1276(a)) is amended  
24 by adding the following new paragraph at the end thereof:

1           “( ) The Lincoln National Historic Trail, a  
2 trail of approximately 350 miles extending from  
3 Lake Michigan to the Mississippi River, as generally  
4 described in ‘The Proposal’ in the Department of  
5 the Interior report entitled ‘Illinois Trail, National  
6 Trail Feasibility Study and Environmental Assess-  
7 ment’, dated September 1987, with an extension of  
8 the water route down the Mississippi River to con-  
9 nect with the Lewis and Clark National Historic  
10 Trail near Wood River, Illinois. A map generally de-  
11 picting the route shall be on file and available for  
12 public inspection in the Office of the Director of the  
13 National Park Service, Washington, District of Co-  
14 lumbia. The trail shall be administered by the Sec-  
15 retary of the Interior.”.

16       (b) DESIGNATION.—Section 3(a) of the National  
17 Trails System Act (16 U.S.C. 1274(a)) is amended by  
18 adding the following new paragraph at the end thereof:

19           “( ) SUDBURY, ASSABET, AND CONCORD RIV-  
20 ERS, MASSACHUSETTS.—The 29 miles of river seg-  
21 ments in Massachusetts, as follows:

22           “(A) The 14.9 mile segment of the Sud-  
23 bury river beginning at the Danforth Street  
24 bridge in the town of Framington, downstream  
25 to Route 2 bridge in Concord, as a scenic river.



1           “(B) The 1.7 mile segment of the Sudbury  
2           River from the Route 2 bridge downstream to  
3           its confluence with the Assabet River at Egg  
4           Rock, as a recreational river.

5           “(C) The 4.4 mile segment of the Assabet  
6           River beginning 1,000 feet downstream from  
7           the Damon Mill Dam in the town of Concord,  
8           to its confluence with the Sudbury River at Egg  
9           Rock in Concord, as a recreational river.

10          “(D) The 8.0 mile segment of the Concord  
11          River from Egg Rock at the confluence of the  
12          Sudbury and Assabet Rivers downstream to the  
13          Route 3 bridge in the town of Billerica, as a  
14          recreational river.

15          The segments referred to in subparagraphs (A)  
16          through (D) shall be administered by the Secretary  
17          of the Interior in cooperation with the SUASCO  
18          River Stewardship Council provided for in the plan  
19          through cooperative agreements under section 10(e)  
20          between the Secretary and the Commonwealth of  
21          Massachusetts and its relevant political subdivisions  
22          (including the towns of Framingham, Wayland, Sud-  
23          bury, Lincoln, Concord, Carlisle, Bedford, and Bil-  
24          lerica). The segments shall be managed in accord-  
25          ance with the plan entitled ‘Sudbury, Assabet and

1 Concord Wild and Scenic River Study, River Con-  
2 servation Plan' dated March 16, 1995. The plan is  
3 deemed to satisfy the requirement for a comprehen-  
4 sive management plan under subsection (d) of this  
5 section.”.

6 **SEC. 803. ASSISTANCE TO THE NATIONAL HISTORIC TRAILS**  
7 **INTERPRETIVE CENTER.**

8 (a) FINDINGS AND PURPOSES.—

9 (1) FINDINGS.—The Congress finds and de-  
10 clares the following:

11 (A) The city of Casper, Wyoming, is na-  
12 tionally significant as the only geographic loca-  
13 tion in the western United States where 4 con-  
14 gressionally recognized historic trails (the Or-  
15 egon Trail, the Mormon Trail, the California  
16 Trail, and the Pony Express Trail), the Bridger  
17 Trail, the Bozeman Trail, and many Indian  
18 routes converged.

19 (B) The historic trails that passed through  
20 the Casper area are a distinctive part of the na-  
21 tional character and possess important histori-  
22 cal and cultural values representing themes of  
23 migration, settlement, transportation, and com-  
24 merce that shaped the landscape of the West.

1           (C) The Bureau of Land Management has  
2 not yet established a historic trails interpretive  
3 center in Wyoming or in any adjacent State to  
4 educate and focus national attention on the his-  
5 tory of the mid-19th century immigrant trails  
6 that crossed public lands in the Intermountain  
7 West.

8           (D) At the invitation of the Bureau of  
9 Land Management, the city of Casper and the  
10 National Historic Trails Foundation, Inc. (a  
11 nonprofit corporation established under the  
12 laws of the State of Wyoming) entered into a  
13 memorandum of understanding in 1992, and  
14 have since signed an assistance agreement in  
15 1993 and a cooperative agreement in 1997, to  
16 create, manage, and sustain a National Historic  
17 Trails Interpretive Center to be located in Cas-  
18 per, Wyoming, to professionally interpret the  
19 historic trails in the Casper area for the benefit  
20 of the public.

21           (E) The National Historic Trails Interpre-  
22 tive Center authorized by this section is consist-  
23 ent with the purposes and objectives of the Na-  
24 tional Trails System Act (16 U.S.C. 1241 et  
25 seq.), which directs the Secretary of the Interior

1 to protect, interpret, and manage the remnants  
2 of historic trails on public lands.

3 (F) The State of Wyoming effectively  
4 joined the partnership to establish the National  
5 Historic Trails Interpretive Center through a  
6 legislative allocation of supporting funds, and  
7 the citizens of the city of Casper have increased  
8 local taxes to meet their financial obligations  
9 under the assistance agreement and the cooper-  
10 ative agreement referred to in paragraph (4).

11 (G) The National Historic Trails Founda-  
12 tion, Inc. has secured most of the \$5,000,000  
13 of non-Federal funding pledged by State and  
14 local governments and private interests pursu-  
15 ant to the cooperative agreement referred to in  
16 subparagraph (D).

17 (H) The Bureau of Land Management has  
18 completed the engineering and design phase of  
19 the National Historic Trails Interpretive Cen-  
20 ter, and the National Historic Trails Founda-  
21 tion, Inc. is ready for Federal financial and  
22 technical assistance to construct the Center  
23 pursuant to the cooperative agreement referred  
24 to in subparagraph (D).

1           (2) PURPOSES.—The purposes of this section  
2   are the following:

3           (A) To recognize the importance of the his-  
4       toric trails that passed through the Casper, Wy-  
5       oming, area as a distinctive aspect of American  
6       heritage worthy of interpretation and preserva-  
7       tion.

8           (B) To assist the city of Casper, Wyoming,  
9       and the National Historic Trails Foundation,  
10      Inc. in establishing the National Historic Trails  
11      Interpretive Center to memorialize and inter-  
12      pret the significant role of those historic trails  
13      in the history of the United States.

14          (C) To highlight and showcase the Bureau  
15      of Land Management’s stewardship of public  
16      lands in Wyoming and the West.

17      (b) NATIONAL HISTORIC TRAILS INTERPRETIVE  
18   CENTER.—

19          (1) ESTABLISHMENT.—The Secretary of the In-  
20      terior, acting through the Director of the Bureau of  
21      Land Management (in this section referred to as the  
22      “Secretary”), shall establish in Casper, Wyoming, a  
23      center for the interpretation of the historic trails in  
24      the vicinity of Casper, including the Oregon Trail,  
25      the Mormon Trail, the California Trail, and the

1 Pony Express Trail, the Bridger Trail, the Bozeman  
2 Trail, and various Indian routes. The center shall be  
3 known as the National Historic Trails Interpretive  
4 Center (in this section referred to as the “Center”).

5 (2) FACILITIES.—The Secretary, subject to the  
6 availability of appropriations, shall construct, oper-  
7 ate, and maintain facilities for the Center—

8 (A) on land provided by the city of Casper,  
9 Wyoming;

10 (B) in cooperation with the city of Casper  
11 and the National Historic Trails Interpretive  
12 Center Foundation, Inc. (a nonprofit corpora-  
13 tion established under the laws of the State of  
14 Wyoming); and

15 (C) in accordance with—

16 (i) the Memorandum of Understand-  
17 ing entered into on March 4, 1993, by the  
18 city, the foundation, and the Wyoming  
19 State Director of the Bureau of Land  
20 Management; and

21 (ii) the cooperative agreement between  
22 the foundation and the Wyoming State Di-  
23 rector of the Bureau of Land Management,  
24 numbered K910A970020.

1           (3) DONATIONS.—Notwithstanding any other  
2           provision of law, the Secretary may accept, retain,  
3           and expend donations of funds, property, or services  
4           from individuals, foundations, corporations, or public  
5           entities for the purpose of development and oper-  
6           ation of the Center.

7           (4) ENTRANCE FEE.—Notwithstanding section  
8           4 of the Land and Water Conservation Fund Act of  
9           1965 (16 U.S.C. 460l–6a), the Secretary may—

10                 (A) collect an entrance fee from visitors to  
11           the Center; and

12                 (B) use amounts received by the United  
13           States from that fee for expenses of operation  
14           of the Center.

15           (5) AUTHORIZATION OF APPROPRIATIONS.—  
16           There are authorized to be appropriated to the Sec-  
17           retary \$5,000,000 to carry out this section.

1     **TITLE IX—HAZARDOUS FUELS**  
2                     **REDUCTION**

3     **SEC. 901. SHORT TITLE.**

4             This title may be cited as the “Community Protection  
5     and Hazardous Fuels Reduction Act of 1998”.

6     **SEC. 902. FINDINGS AND PURPOSE.**

7             (a) FINDINGS.—The Congress finds the following:

8                     (1) Management of Federal lands has been  
9             characterized by large cyclical variations in fire sup-  
10            pression policies, timber harvesting levels, and the  
11            attention paid to commodity and noncommodity val-  
12            ues.

13                    (2) Forests on Federal lands are experiencing  
14            significant disease epidemics and insect infestations.

15                    (3) The combination of inconsistent manage-  
16            ment and natural effects has resulted in a hazardous  
17            fuels buildup on Federal lands that threatens cata-  
18            strophic wildfire.

19                    (4) While the long-term effect of catastrophic  
20            wildfire on forests and forest systems is a matter of  
21            debate, there should be no question that catastrophic  
22            wildfire must be prevented in areas of the Federal  
23            lands where wildlands abut, or are located in close  
24            proximity to, communities, residences, and other pri-  
25            vate and public facilities on non-Federal lands.



1           (5) Wildfire resulting from hazardous fuels  
2       buildup in such wildland/urban interface areas  
3       threatens the destruction of communities, puts  
4       human life and property at risk, threatens commu-  
5       nity water supplies with erosion that follows wildfire,  
6       destroys wildlife habitat, and damages ambient air  
7       quality.

8           (6) The Secretary of Agriculture and the Sec-  
9       retary of the Interior must assign a high priority  
10      and undertake aggressive management to achieve  
11      the elimination of hazardous fuel buildup and reduc-  
12      tion of the risk of wildfire to the wildland/urban  
13      interface areas on Federal lands. Protection of  
14      human life and property, including water supplies  
15      and ambient air quality, must be given the highest  
16      priority.

17          (7) The noncommodity resources, including ri-  
18      parian zones and wildlife habitats, in wildland/urban  
19      interface areas on Federal lands which must be pro-  
20      tected to provide recreational opportunities, clean  
21      water, and other amenities to neighboring commu-  
22      nities and the public suffer from a backlog of un-  
23      funded forest management projects designed to pro-  
24      vide such protection.

1           (8) In a period of fiscal austerity characterized  
2       by shrinking budgets and personnel levels, Congress  
3       must provide the Secretary of Agriculture and the  
4       Secretary of the Interior with innovative tools to ac-  
5       complish the required reduction in hazardous fuels  
6       buildup and undertake other forest management  
7       projects in the wildland/urban interface areas on the  
8       Federal lands at least cost.

9       (b) PURPOSE.—The purpose of this title is to provide  
10   new authority and innovative tools to the Secretary of Ag-  
11   riculture and the Secretary of the Interior to safeguard  
12   communities, lives, and property by reducing or eliminat-  
13   ing the threat of catastrophic wildfire, and to undertake  
14   needed forest management projects, in wildland/urban  
15   interface areas on Federal lands.

16   **SEC. 903. DEFINITIONS.**

17       As used in this title:

18           (1) FEDERAL LANDS.—The term “Federal  
19       lands” means—

20                   (A) federally managed lands administered  
21               by the Bureau of Land Management under the  
22               Secretary of the Interior; and

23                   (B) federally managed lands administered  
24               by the Secretary of Agriculture.

1           (2) FOREST MANAGEMENT PROJECT.—The  
2       term “forest management project” means a project,  
3       including riparian zone enhancement, habitat im-  
4       provement, forage removal by livestock grazing or  
5       mechanical means, and soil stabilization or other  
6       water quality improvement project, designed to pro-  
7       tect one or more noncommodity resources on or in  
8       close proximity to Federal lands.

9           (3) LAND MANAGEMENT PLAN.—The term  
10      “land management plan” means the following:

11           (A) With respect to Federal lands de-  
12      scribed in paragraph (1)(A), a land use plan  
13      prepared by the Bureau of Land Management  
14      pursuant to section 202 of the Federal Land  
15      Policy and Management Act of 1976 (43 U.S.C.  
16      1712), or other multiple-use plan currently in  
17      effect.

18           (B) With respect to Federal lands de-  
19      scribed in paragraph (1)(B), a land and re-  
20      source management plan (or if no final plan is  
21      in effect, a draft land and resource manage-  
22      ment plan) prepared by the Forest Service pur-  
23      suant to section 6 of the Forest and Rangeland  
24      Renewable Resources Planning Act of 1974 (16  
25      U.S.C. 1604).

1           (4) SECRETARY CONCERNED.—The term “Sec-  
2       retary concerned” means—

3           (A) with respect to the Federal lands de-  
4       scribed in paragraph (1)(A), the Secretary of  
5       the Interior; and

6           (B) with respect to the Federal lands de-  
7       scribed in paragraph (1)(B), the Secretary of  
8       Agriculture.

9           (5) WILDLAND/URBAN INTERFACE AREA.—The  
10      term “wildland/urban interface area” means the line,  
11      area, or zone where structures and other human de-  
12      velopment meet or intermingle with undeveloped  
13      wildland or vegetative fuel.

14          (6) CONGRESSIONAL COMMITTEES.—The term  
15      “congressional committees” means the Committee  
16      on Resources and the Committee on Agriculture of  
17      the House of Representatives and the Committee on  
18      Energy and Natural Resources and the Committee  
19      on Agriculture, Nutrition, and Forestry of the Sen-  
20      ate.

21          (7) HAZARDOUS FUELS BUILDUP.—The term  
22      “hazardous fuels buildup” means that level of fuels  
23      accumulation, within a fire regime, in which an igni-  
24      tion with the right combination of weather and topo-  
25      graphic conditions can result in—

1 (A) a dangerous exposure of risk to fire-  
2 fighters and the public;

3 (B) a high potential to cause risk of loss  
4 to key components that define ecological re-  
5 sources, capital investments, and private prop-  
6 erty; or

7 (C) both subparagraphs (A) and (B).

8 (8) FUELS.—The term “fuels” includes forage,  
9 woody debris, duff, needle cast, brush, dead or dying  
10 understory, and dead or dying overstory.

11 **Subtitle A—Management of**  
12 **Wildland/Urban Interface Areas**

13 **SEC. 911. IDENTIFICATION OF WILDLAND/URBAN INTER-**  
14 **FACE AREAS.**

15 On or before September 30 of each year, each Dis-  
16 trict Manager of the Bureau of Land Management and  
17 each Forest Supervisor of the Forest Service shall identify  
18 those areas on Federal lands within the jurisdiction of the  
19 District Manager or Forest Supervisor that the District  
20 Manager or Forest Supervisor determines—

21 (1) meet the definition of wildland/urban inter-  
22 face areas; and

23 (2) have hazardous fuels buildups and other  
24 forest management needs that warrant the use of

1 forest management projects as provided in section  
2 912.

3 **SEC. 912. CONTRACTING TO REDUCE HAZARDOUS FUELS**  
4 **AND UNDERTAKE FOREST MANAGEMENT**  
5 **PROJECTS IN WILDLAND/URBAN INTERFACE**  
6 **AREAS.**

7 (a) CONTRACTING AUTHORITY.—

8 (1) IN GENERAL.—The Secretary concerned is  
9 authorized to enter into contracts under this section  
10 for the sale of forest products in a wildland/urban  
11 interface area identified under section 911 for the  
12 purpose of reducing hazardous fuels buildups in the  
13 area.

14 (2) INCLUSION OF FOREST MANAGEMENT  
15 PROJECTS.—Subject to paragraph (3), the Secretary  
16 concerned may require, as a condition of any sale of  
17 forest products referred to in paragraph (1), that  
18 the purchaser of such products undertake one or  
19 more forest management projects in the wildland/  
20 urban interface area.

21 (3) CONDITIONS ON INCLUSION.—The Sec-  
22 retary concerned may include a forest management  
23 project as a condition in a contract for the sale of  
24 forest products referred to in paragraph (1) only  
25 when the Secretary determines that—

1 (A) the forest management project is con-  
2 sistent with the applicable land management  
3 plan; and

4 (B) the objectives of the forest manage-  
5 ment project can be accomplished most cost ef-  
6 ficiently and effectively when the project is per-  
7 formed as part of the sale contract.

8 (b) FINANCING AND SUPPLEMENTAL FUNDING.—

9 (1) FOREST MANAGEMENT CREDITS.—The fi-  
10 nancing of a forest management project required as  
11 a condition of a contract for a sale authorized by  
12 subsection (a) shall be accomplished through the in-  
13 clusion in the contract of a provision for amortiza-  
14 tion of the cost of the forest management project  
15 through the issuance of forest management credits  
16 to the purchaser. Such forest management credits  
17 shall offset the cost of the required forest manage-  
18 ment project against the purchaser's payment for  
19 forest products.

20 (2) USE OF APPROPRIATED FUNDS.—The Sec-  
21 retary concerned may use appropriated funds to as-  
22 sist the purchaser to undertake a forest management  
23 project required as a condition of a contract author-  
24 ized by subsection (a) if such funds are provided  
25 from the resource function or functions that directly

1 benefit from the performance of the project and are  
2 available from the annual appropriation for such  
3 function or functions during the fiscal year in which  
4 the sale is offered. The amount of assistance to be  
5 provided for each forest management project shall be  
6 included in the prospectus, and published in the ad-  
7 vertisement, for the sale.

8 (c) DETERMINATION OF FOREST MANAGEMENT  
9 CREDITS.—Prior to the advertisement of a sale authorized  
10 by subsection (a), the Secretary concerned shall determine  
11 the amount of forest management credits to be allocated  
12 to each forest management project to be required as a con-  
13 dition of the sale contract. A description of the forest man-  
14 agement project, and the amount of the forest manage-  
15 ment credits allocated to the project, shall be included in  
16 the prospectus, and published in the advertisement, for the  
17 sale.

18 (d) TRANSFER OF FOREST MANAGEMENT CRED-  
19 ITS.—The Secretary concerned may permit a purchaser  
20 that holds forest management credits earned by the pur-  
21 chaser as part of a sale authorized by subsection (a), but  
22 not used in connection with that sale, to transfer the forest  
23 management credits to another sale authorized by sub-  
24 section (a) if—



1           (1) the subsequent sale is also purchased by  
2           that purchaser; and

3           (2) the sale parcel is located on Federal lands  
4           under that Secretary's jurisdiction.

5           (e) TREATMENT OF FOREST MANAGEMENT CREDITS  
6 AS MONEYS RECEIVED.—

7           (1) BUREAU OF LAND MANAGEMENT LANDS.—

8           In the case of Federal lands described in section  
9           903(1)(A), all amounts earned by or allowed to any  
10          purchaser of a sale authorized by subsection (a) in  
11          the form of forest management credits shall be con-  
12          sidered to be money received for purposes of title II  
13          of the Act of August 28, 1937 (50 Stat. 875; 43  
14          U.S.C. 1181f), the first section of the Act of May  
15          24, 1939 (53 Stat. 753; 43 U.S.C. 1181f-1), or  
16          other applicable law concerning the distribution of  
17          receipts from the sale of forest products on such  
18          lands.

19          (2) FOREST SYSTEM LANDS.—In the case of  
20          Federal lands described in section 903(1)(B), all  
21          amounts earned by or allowed to any purchaser of  
22          a sale authorized by subsection (a) in the form of  
23          forest management credits shall be considered to be  
24          money received for purposes of the sixth paragraph  
25          under the heading “FOREST SERVICE” in the Act

1 of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and  
2 section 13 of the Act of March 1, 1911 (36 Stat.  
3 963; commonly known as the Weeks Act; 16 U.S.C.  
4 500).

5 (f) COST CONSIDERATIONS.—Because of the strong  
6 concern for the safety of human life and property and the  
7 protection of water quality, air quality, and wildlife habi-  
8 tat, a sale authorized by subsection (a) shall not be pre-  
9 cluded because the costs of the sale may exceed the reve-  
10 nues derived from the sale, nor shall such sales be consid-  
11 ered in any calculations concerning the revenue effects of  
12 the forest products sales program for the Federal lands  
13 or units of the Federal lands.

14 (g) LIMITATION ON CREDITS.—Each Secretary con-  
15 cerned may utilize the authority in this section for up to  
16 \$75,000,000 per fiscal year.

17 **SEC. 913. MONITORING REQUIREMENTS.**

18 The Secretary concerned shall monitor the prepara-  
19 tion and offering of contracts, and the performance of for-  
20 est management projects, pursuant to section 912 to de-  
21 termine the effectiveness of such contracts and forest  
22 management projects in achieving the purpose of this title.

23 **SEC. 914. REPORTING REQUIREMENTS.**

24 (a) ANNUAL REPORT.—Not later than 90 days after  
25 the end of each full fiscal year in which contracts are en-

1 tered into under section 912, the Secretary concerned shall  
2 submit to the congressional committees a report, which  
3 shall provide for the Federal lands within the jurisdiction  
4 of the Secretary concerned the following:

5 (1) A list of the wildland/urban interface areas  
6 identified on or before September 30 of the previous  
7 fiscal year pursuant to section 911.

8 (2) A summary of all contracts entered into,  
9 and all forest management projects performed, pur-  
10 suant to section 912 during the preceding fiscal  
11 year;

12 (3) A discussion of any delays in excess of three  
13 months encountered during the preceding fiscal year,  
14 and likely to occur in the fiscal year in which the re-  
15 port is submitted, in preparing and offering the  
16 sales, and in performing the forest management  
17 projects, pursuant to section 912.

18 (4) The results of the monitoring required by  
19 section 913 of the contracts authorized, and the for-  
20 est management projects performed, pursuant to  
21 section 912.

22 (5) Any anticipated problems in the implemen-  
23 tation of this subtitle.

24 (b) FOUR YEAR REPORT.—The fourth report pre-  
25 pared by the Secretary concerned under subsection (a)

1 shall contain, in addition to the matters required by sub-  
2 section (a), the following:

3 (1) An assessment by the Secretary concerned  
4 regarding whether the contracting authority pro-  
5 vided in section 912 should be reauthorized beyond  
6 the period specified in section 915(a).

7 (2) If reauthorization is warranted, such rec-  
8 ommendations as the Secretary concerned considers  
9 appropriate regarding changes in such authority to  
10 better achieve the purpose of this title.

11 **SEC. 915. TERMINATION OF AUTHORITY.**

12 (a) **TERMINATION DATE.**—The authority of the Sec-  
13 retary concerned to offer sales of forest products pursuant  
14 to section 912, and to require the purchasers of such prod-  
15 ucts to undertake forest management projects as a condi-  
16 tion of such sales, shall terminate at the end of the five-  
17 fiscal year beginning on the first October 1st occurring  
18 after the date of the enactment of this Act.

19 (b) **EFFECT ON EXISTING SALES.**—Any contract for  
20 a sale of forest products pursuant to section 912 entered  
21 into before the end of the period specified in subsection  
22 (a), and still in effect at the end of such period, shall re-  
23 main in effect after the end of such period pursuant to  
24 the terms of the contract.

1       (c) EFFECT ON EXISTING FOREST MANAGEMENT  
2 CREDITS.—If any forest management credits from a sale  
3 of forest products pursuant to section 912 are not used  
4 before the end of the period specified in subsection (a),  
5 and no law providing authority to offer sales pursuant to  
6 section 912 after such period is enacted by Congress, such  
7 credits may be used after such period in any sale of forest  
8 products that is authorized by another law, is purchased  
9 by the purchaser of the sale in which the credits were  
10 earned, and is conducted by the Secretary concerned who  
11 had jurisdiction over the sale in which the credits were  
12 earned.

13                   **Subtitle B—Miscellaneous**  
14                   **Provisions**

15 **SEC. 921. REGULATIONS.**

16       Not later than 180 days after the date of the enact-  
17 ment of this Act, the Secretary concerned shall prescribe  
18 such regulations as are necessary and appropriate to im-  
19 plement this title.

20 **SEC. 922. AUTHORIZATION OF APPROPRIATIONS.**

21       There are authorized to be appropriated for each of  
22 the first five fiscal years beginning after the date of the  
23 enactment of this Act such sums as may be necessary to  
24 carry out this title.

1           **TITLE X—MISCELLANEOUS**  
2                           **PROVISIONS**

3   **SEC. 1001. AUTHORITY TO ESTABLISH MAHATMA GANDHI**  
4                           **MEMORIAL.**

5           (a) IN GENERAL.—The Government of India may es-  
6   tablish a memorial to honor Mahatma Gandhi on the Fed-  
7   eral land in the District of Columbia.

8           (b) COOPERATIVE AGREEMENTS.—The Secretary of  
9   the Interior or any other head of a Federal agency may  
10   enter into cooperative agreements with the Government of  
11   India to maintain features associated with the memorial.

12          (c) COMPLIANCE WITH STANDARDS FOR COMMEMO-  
13   RATIVE WORKS.—The establishment of the memorial shall  
14   be in accordance with the Commemorative Works Act (40  
15   U.S.C. 1001 et seq.), except that sections 2(c) and 6(b)  
16   of that Act shall not apply with respect to the memorial.

17          (d) LIMITATION ON PAYMENT OF EXPENSES.—The  
18   Government of the United States shall not pay any ex-  
19   pense of the establishment of the memorial or its mainte-  
20   nance.

21   **SEC. 1002. ESTABLISHMENT OF THE NATIONAL CAVE AND**  
22                           **KARST RESEARCH INSTITUTE IN NEW MEX-**  
23                           **ICO.**

24          (a) PURPOSES.—The purposes of this section are—  
25                  (1) to further the science of speleology;

1           (2) to centralize and standardize speleological  
2 information;

3           (3) to foster interdisciplinary cooperation in  
4 cave and karst research programs;

5           (4) to promote public education;

6           (5) to promote national and international co-  
7 operation in protecting the environment for the ben-  
8 efit of cave and karst landforms; and

9           (6) to promote and develop environmentally  
10 sound and sustainable resource management prac-  
11 tices.

12       (b) ESTABLISHMENT OF THE INSTITUTE.—

13           (1) IN GENERAL.—The Secretary of the Inte-  
14 rior (referred to in this section as the “Secretary”),  
15 acting through the Director of the National Park  
16 Service, shall establish the National Cave and Karst  
17 Research Institute (referred to in this section as the  
18 “Institute”).

19           (2) PURPOSES.—The Institute shall, to the ex-  
20 tent practicable, further the purposes of this section.

21           (3) LOCATION.—The Institute shall be located  
22 in the vicinity of Carlsbad Caverns National Park,  
23 in the State of New Mexico. The Institute shall not  
24 be located inside the boundaries of Carlsbad Caverns  
25 National Park.

1 (c) ADMINISTRATION OF THE INSTITUTE.—

2 (1) MANAGEMENT.—The Institute shall be  
3 jointly administered by the National Park Service  
4 and a public or private agency, organization, or in-  
5 stitution, as determined by the Secretary.

6 (2) GUIDELINES.—The Institute shall be oper-  
7 ated and managed in accordance with the study pre-  
8 pared by the National Park Service pursuant to sec-  
9 tion 203 of Public Law 101–578 (16 U.S.C. 4310  
10 note).

11 (3) CONTRACTS AND COOPERATIVE AGREE-  
12 MENTS.—The Secretary may enter into a contract or  
13 cooperative agreement with a public or private agen-  
14 cy, organization, or institution to carry out this sec-  
15 tion.

16 (4) FACILITY.—

17 (A) LEASING OR ACQUIRING A FACILITY.—

18 The Secretary may lease or acquire a facility  
19 for the Institute.

20 (B) CONSTRUCTION OF A FACILITY.—If

21 the Secretary determines that a suitable facility  
22 is not available for a lease or acquisition under  
23 subparagraph (A), the Secretary may construct  
24 a facility for the Institute.



1           (5) ACCEPTANCE OF GRANTS AND TRANS-  
 2       FERS.—To carry out this section, the Secretary may  
 3       accept—

4                   (A) a grant or donation from a private  
 5       person; or

6                   (B) a transfer of funds from another Fed-  
 7       eral agency.

8       (d) FUNDING.—

9           (1) MATCHING FUNDS.—The Secretary may  
 10       spend only such amount of Federal funds to carry  
 11       out this section as is matched by an equal amount  
 12       of funds from non-Federal sources.

13           (2) AUTHORIZATION OF APPROPRIATIONS.—  
 14       There are authorized to be appropriated such sums  
 15       as may be necessary to carry out this section.

16 **SEC. 1003. GUADALUPE-HIDALGO TREATY LAND CLAIMS.**

17       (a) DEFINITIONS AND FINDINGS.—

18           (1) DEFINITIONS.—For purposes of this sec-  
 19       tion:

20                   (A) COMMISSION.—The term “Commis-  
 21       sion” means the Guadalupe-Hidalgo Treaty  
 22       Land Claims Commission established under  
 23       subsection (b).

24                   (B) TREATY OF GUADALUPE-HIDALGO.—  
 25       The term “Treaty of Guadalupe-Hidalgo”

1 means the Treaty of Peace, Friendship, Limits,  
2 and Settlement (Treaty of Guadalupe Hidalgo),  
3 between the United States and the Republic of  
4 Mexico, signed February 2, 1848 (TS 207; 9  
5 Bevans 791).

6 (C) ELIGIBLE DESCENDANT.—The term  
7 “eligible descendant” means a descendant of a  
8 person who—

9 (i) was a Mexican citizen before the  
10 Treaty of Guadalupe-Hidalgo;

11 (ii) was a member of a community  
12 land grant; and

13 (iii) became a United States citizen  
14 within ten years after the effective date of  
15 the Treaty of Guadalupe-Hidalgo, May 30,  
16 1848, pursuant to the terms of the Treaty.

17 (D) COMMUNITY LAND GRANT.—The term  
18 “community land grant” means a village, town,  
19 settlement, or pueblo consisting of land held in  
20 common (accompanied by lesser private allot-  
21 ments) by three or more families under a grant  
22 from the King of Spain (or his representative)  
23 before the effective date of the Treaty of Cor-  
24 dova, August 24, 1821, or from the authorities  
25 of the Republic of Mexico before May 30, 1848,

1 in what became the State of New Mexico, re-  
2 gardless of the original character of the grant.

3 (E) RECONSTITUTED.—The term “recon-  
4 stituted”, with regard to a valid community  
5 land grant, means restoration to full status as  
6 a municipality with rights properly belonging to  
7 a municipality under State law and the right of  
8 local self-government.

9 (2) FINDINGS.—Congress finds the following:

10 (A) New Mexico has a unique history re-  
11 garding the acquisition of ownership of land as  
12 a result of the substantial number of Spanish  
13 and Mexican land grants that were an integral  
14 part of the colonization and growth of New  
15 Mexico before the United States acquired the  
16 area in the Treaty of Guadalupe-  
17 Hidalgo.

18 (B) Various provisions of the Treaty of  
19 Guadalupe-Hidalgo have not yet been fully im-  
20 plemented in the spirit of Article VI, section 2,  
21 of the Constitution of the United States.

22 (C) Serious questions regarding the prior  
23 ownership of lands in the State of New Mexico,  
24 particularly certain public lands, still exist.

1 (D) Congressionally established land claim  
2 commissions have been used in the past to suc-  
3 cessfully examine disputed land possession  
4 questions.

5 (b) ESTABLISHMENT AND MEMBERSHIP OF COMMIS-  
6 SION.—

7 (1) ESTABLISHMENT.—There is established a  
8 commission to be known as the “Guadalupe-Hidalgo  
9 Treaty Land Claims Commission”.

10 (2) NUMBER AND APPOINTMENT OF MEM-  
11 BERS.—The Commission shall be composed of 5  
12 members appointed by the President by and with the  
13 advice and consent of the Senate. At least 2 of the  
14 members of the Commission shall be selected from  
15 among persons who are eligible descendants.

16 (3) TERMS.—Each member shall be appointed  
17 for the life of the Commission. A vacancy in the  
18 Commission shall be filled in the manner in which  
19 the original appointment was made.

20 (4) COMPENSATION.—Members shall each be  
21 entitled to receive the daily equivalent of level V of  
22 the Executive Schedule for each day (including trav-  
23 el time) during which they are engaged in the actual  
24 performance of duties vested in the Commission.

25 (c) EXAMINATION OF LAND CLAIMS.—

1           (1) SUBMISSION OF LAND CLAIMS PETITIONS.—

2           Any 3 (or more) eligible descendants who are also  
3           descendants of the same community land grant may  
4           file with the Commission a petition on behalf of  
5           themselves and all other descendants of that commu-  
6           nity land grant seeking a determination of the valid-  
7           ity of the land claim that is the basis for the peti-  
8           tion.

9           (2) DEADLINE FOR SUBMISSION.—To be con-  
10          sidered by the Commission, a petition under para-  
11          graph (1) must be received by the Commission not  
12          later than 5 years after the date of the enactment  
13          of this Act.

14          (3) ELEMENTS OF PETITION.—A petition under  
15          paragraph (1) shall be made under oath and shall  
16          contain the following:

17                 (A) The names and addresses of the eligi-  
18                 ble descendants who are petitioners.

19                 (B) The fact that the land involved in the  
20                 petition was a community land grant at the  
21                 time of the effective date of the Guadalupe-Hi-  
22                 dalgo Treaty.

23                 (C) The extent of the community land  
24                 grant, to the best of the knowledge of the peti-  
25                 tioners, accompanied with a survey or, if a sur-

1           vey is not feasible to them, a sketch map there-  
2           of.

3           (D) The fact that the petitioners reside, or  
4           intend to settle upon, the community land  
5           grant.

6           (E) All facts known to petitioners concern-  
7           ing the community land grant, together with  
8           copies of all papers in regard thereto available  
9           to petitioners.

10          (4) PETITION HEARING.—At one or more des-  
11        ignated locations in the State of New Mexico, the  
12        Commission shall hold a hearing upon each petition  
13        timely submitted under paragraph (1), at which  
14        hearing all persons having an interest in the land in-  
15        volved in the petition shall have the right, upon no-  
16        tice, to appear as a party.

17          (5) SUBPOENA POWER.—

18                (A) IN GENERAL.—The Commission may  
19        issue subpoenas requiring the attendance and  
20        testimony of witnesses and the production of  
21        any evidence relating to any petition submitted  
22        under paragraph (1). The attendance of wit-  
23        nesses and the production of evidence may be  
24        required from any place within the United

1 States at any designated place of hearing within  
2 the State of New Mexico.

3 (B) FAILURE TO OBEY A SUBPOENA.—If a  
4 person refuses to obey a subpoena issued under  
5 this paragraph, the Commission may apply to a  
6 United States district court for an order requir-  
7 ing that person to appear before the Commis-  
8 sion to give testimony, produce evidence, or  
9 both, relating to the matter under investigation.  
10 The application may be made within the judicial  
11 district where the hearing is conducted or where  
12 that person is found, resides, or transacts busi-  
13 ness. Any failure to obey the order of the court  
14 may be punished by the court as civil contempt.

15 (C) SERVICE OF SUBPOENAS.—The sub-  
16 poenas of the Commission shall be served in the  
17 manner provided for subpoenas issued by a  
18 United States district court under the Federal  
19 Rules of Civil Procedure for the United States  
20 district courts.

21 (D) SERVICE OF PROCESS.—All process of  
22 any court to which application is to be made  
23 under subparagraph (B) may be served in the  
24 judicial district in which the person required to  
25 be served resides or may be found.

1           (6) DECISION.—On the basis of the facts con-  
2           tained in a petition submitted under paragraph (1),  
3           and the hearing held with regard to the petition, the  
4           Commission shall determine the validity of the com-  
5           munity land grant described in the petition. The de-  
6           cision shall include a recommendation of the Com-  
7           mission regarding whether the community land  
8           grant should be reconstituted and its lands restored.

9           (7) PROTECTION OF NON-FEDERAL PROP-  
10          ERTY.—The decision of the Commission regarding  
11          the validity of a petition submitted under paragraph  
12          (1) shall not affect the ownership, title, or rights of  
13          owners of any non-Federal lands covered by the peti-  
14          tion. Any recommendation of the Commission under  
15          paragraph (6) regarding whether a community land  
16          grant should be reconstituted and its lands restored  
17          may not address non-Federal lands. In the case of  
18          a valid petition covering lands held in non-Federal  
19          ownership, the Commission shall modify the rec-  
20          ommendation under paragraph (6) to recommend  
21          the substitution of comparable Federal lands in the  
22          State of New Mexico for the lands held in non-Fed-  
23          eral ownership.

24          (d) COMMUNITY LAND GRANT STUDY CENTER.—To  
25          assist the Commission in the performance of its activities



1 under subsection (c), the Commission shall establish a  
2 Community Land Grant Study Center at the Onate Cen-  
3 ter in Alcalde, New Mexico. The Commission shall be  
4 charged with the responsibility of directing the research,  
5 study, and investigations necessary for the Commission to  
6 perform its duties under this section.

7 (e) MISCELLANEOUS POWERS OF COMMISSION.—

8 (1) HEARINGS AND SESSIONS.—The Commis-  
9 sion may, for the purpose of carrying out this sec-  
10 tion, hold hearings, sit and act at times and places,  
11 take testimony, and receive evidence as the Commis-  
12 sion considers appropriate. The Commission may ad-  
13 minister oaths or affirmations to witnesses appear-  
14 ing before it.

15 (2) POWERS OF MEMBERS AND AGENTS.—Any  
16 member or agent of the Commission may, if author-  
17 ized by the Commission, take any action which the  
18 Commission is authorized to take by this subsection.

19 (3) GIFTS, BEQUESTS, AND DEVISES.—The  
20 Commission may accept, use, and dispose of gifts,  
21 bequests, or devises of services or property, both real  
22 and personal, for the purpose of aiding or facilitat-  
23 ing the work of the Commission.

24 (4) MAILS.—The Commission may use the  
25 United States mails in the same manner and under

1 the same conditions as other departments and agen-  
2 cies of the United States.

3 (5) ADMINISTRATIVE SUPPORT SERVICES.—

4 Upon the request of the Commission, the Adminis-  
5 trator of General Services shall provide to the Com-  
6 mission, on a reimbursable basis, the administrative  
7 support services necessary for the Commission to  
8 carry out its responsibilities under this section.

9 (6) IMMUNITY.—The Commission is an agency  
10 of the United States for the purpose of part V of  
11 title 18, United States Code (relating to immunity  
12 of witnesses).

13 (f) REPORT.—As soon as practicable after reaching  
14 its last decision under subsection (c), the Commission  
15 shall submit to the President and the Congress a report  
16 containing each decision, including the recommendation of  
17 the Commission regarding whether certain community  
18 land grants should be reconstituted, so that the Congress  
19 may act upon the recommendations.

20 (g) TERMINATION.—The Commission shall terminate  
21 on 180 days after submitting its final report under sub-  
22 section (f).

23 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
24 authorized to be appropriated \$1,000,000 for each of the  
25 fiscal years 1999 through 2007 for the purpose of carrying

1 out the activities of the Commission and to establish and  
2 operate the Community Land Grant Study Center under  
3 subsection (d).

4 **SEC. 1004. OTAY MOUNTAIN WILDERNESS.**

5 (a) FINDINGS.—The Congress finds and declares the  
6 following:

7 (1) The public lands within the Otay Mountain  
8 region of California are one of the last remaining  
9 pristine locations in western San Diego County,  
10 California.

11 (2) This rugged mountain adjacent to the  
12 United States-Mexico border is internationally  
13 known for its diversity of unique and sensitive  
14 plants.

15 (3) This area plays a critical role in San  
16 Diego's multi-species conservation plan, a national  
17 model made for maintaining biodiversity.

18 (4) Due to its proximity to the international  
19 border, this area is the focus of important law en-  
20 forcement and border interdiction efforts necessary  
21 to curtail illegal immigration and protect the area's  
22 wilderness values.

23 (5) The illegal immigration traffic, combined  
24 with the rugged topography, also presents unique

1 fire management challenges for protecting lives and  
2 resources.

3 (b) DESIGNATION.—In furtherance of the purposes  
4 of the Wilderness Act (16 U.S.C. 1131 et seq.), certain  
5 public lands in the California Desert District of the Bu-  
6 reau of Land Management, California, comprising ap-  
7 proximately 18,500 acres as generally depicted on a map  
8 entitled “Otay Mountain Wilderness” and dated May 7,  
9 1998, are hereby designated as wilderness and therefore  
10 as a component of the National Wilderness Preservation  
11 System, which shall be known as the Otay Mountain Wil-  
12 derness.

13 (c) MAP AND LEGAL DESCRIPTION.—

14 (1) IN GENERAL.—As soon as practicable after  
15 the date of enactment of this Act, a map and a legal  
16 description for the Wilderness Area shall be filed by  
17 the Secretary with the Committee on Energy and  
18 Natural Resources of the Senate and the Committee  
19 on Resources of the House of Representatives. Such  
20 map and legal description shall have the same force  
21 and effect as if included in this Act, except that the  
22 Secretary, as appropriate, may correct clerical and  
23 typographical errors in such legal description and  
24 map. Such map and legal description for the Wilder-  
25 ness Area shall be on file and available for public in-

1       spection in the offices of the Director and California  
2       State Director, Bureau of Land Management, De-  
3       partment of the Interior.

4           (2) UNITED STATES-MEXICO BORDER.—In car-  
5       rying out this subsection, the Secretary shall ensure  
6       that the southern boundary of the Wilderness Area  
7       is 100 feet north of the trail depicted on the map  
8       referred to in paragraph (1) and is at least 100 feet  
9       from the United States-Mexico international border.

10       (e) WILDERNESS REVIEW.—The Congress hereby  
11       finds and directs that all the public lands not designated  
12       wilderness within the boundaries of the Southern Otago  
13       Mountain Wilderness Study Area (CA-060-029) and the  
14       Western Otago Mountain Wilderness Study Area (CA-060-  
15       028) managed by the Bureau of Land Management and  
16       reported to the Congress in 1991, have been adequately  
17       studied for wilderness designation pursuant to section 603  
18       of the Federal Land Policy and Management Act of 1976  
19       (43 U.S.C. 1782), and are no longer subject to the re-  
20       quirements contained in section 603(c) of that Act per-  
21       taining to the management of wilderness study areas in  
22       a manner that does not impair the suitability of such areas  
23       for preservation as wilderness.

24       (f) ADMINISTRATION OF WILDERNESS AREA.—

1           (1) IN GENERAL.—Subject to valid existing  
2           rights and to paragraph (2), the Wilderness Area  
3           shall be administered by the Secretary in accordance  
4           with the provisions of the Wilderness Act (16 U.S.C.  
5           1131 et seq.), except that—

6                     (A) any reference in such provisions to the  
7                     effective date of the Wilderness Act is deemed  
8                     to be a reference to the effective date of this  
9                     Act; and

10                    (B) any reference in such provisions to the  
11                    Secretary of Agriculture is deemed to be a ref-  
12                    erence to the Secretary of the Interior.

13           (2) BORDER ENFORCEMENT, DRUG INTERDIC-  
14           TION, AND WILDLAND FIRE PROTECTION.—Because  
15           of the proximity of the Wilderness Area to the  
16           United States-Mexico international border, drug  
17           interdiction, border operations, and wildland fire  
18           management operations are common management  
19           actions throughout the area encompassing the Wil-  
20           derness Area. This section recognizes the need to  
21           continue such management actions so long as such  
22           management actions are conducted in accordance  
23           with the Wilderness Act (16 U.S.C. 1131 et seq.)  
24           and are subject to such conditions as the Secretary  
25           considers appropriate.

1       (g) FURTHER ACQUISITIONS.—Any lands within the  
2 boundaries of the Wilderness Area that are acquired by  
3 the United States after the date of enactment of this Act  
4 shall become part of the Wilderness Area and shall be  
5 managed in accordance with all the provisions of this sec-  
6 tion and other laws applicable to such a wilderness.

7       (h) NO BUFFER ZONES.—The Congress does not in-  
8 tend for the designation of the Wilderness Area by this  
9 section to lead to the creation of protective perimeters or  
10 buffer zones around the Wilderness Area. The fact that  
11 nonwilderness activities or uses can be seen or heard from  
12 areas within the Wilderness Area shall not, of itself, pre-  
13 clude such activities or uses up to the boundary of the  
14 Wilderness Area.

15       (i) DEFINITIONS.—As used in this section:

16           (1) PUBLIC LANDS.—The term “public lands”  
17 has the same meaning as that term has in section  
18 103(e) of the Federal Land Policy and Management  
19 Act of 1976.

20           (2) SECRETARY.—The term “Secretary” means  
21 the Secretary of the Interior.

22           (3) WILDERNESS AREA.—The term “Wilderness  
23 Area” means the Otay Mountain Wilderness des-  
24 ignated by subsection (b).

1 **SEC. 1005. ACQUISITION AND MANAGEMENT OF WILCOX**  
2 **RANCH, UTAH, FOR WILDLIFE HABITAT.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) The lands within the Wilcox Ranch in east-  
5 ern Utah are prime habitat for wild turkeys, eagles,  
6 hawks, bears, cougars, elk, deer, bighorn sheep, and  
7 many other important species, and Range Creek  
8 within the Wilcox Ranch could become a blue ribbon  
9 trout stream.

10 (2) These lands also contain a great deal of un-  
11 disturbed cultural and archeological resources, in-  
12 cluding ancient pottery, arrowheads, and rock homes  
13 constructed centuries ago.

14 (3) These lands, while comprising only approxi-  
15 mately 3,800 acres, control access to over 75,000  
16 acres of Federal lands under the jurisdiction of the  
17 Bureau of Land Management.

18 (4) Acquisition of the Wilcox Ranch would ben-  
19 efit the people of the United States by preserving  
20 and enhancing important wildlife habitat, ensuring  
21 access to lands of the Bureau of Land Management,  
22 and protecting priceless archeological and cultural  
23 resources.

24 (5) These lands, if acquired by the United  
25 States, can be managed by the Utah Division of



1 Wildlife Resources at no additional expense to the  
2 Federal Government.

3 (b) ACQUISITION OF LANDS.—As soon as practicable,  
4 after the date of the enactment of this Act, the Secretary  
5 of the Interior shall acquire, through purchase, the Wilcox  
6 Ranch located in Emery County, in eastern Utah.

7 (c) FUNDS FOR PURCHASE.—The Secretary of the  
8 Interior is authorized to use not more than \$5,000,000  
9 from the land and water conservation fund established  
10 under section 2 of the Land and Water Conservation Fund  
11 Act of 1965 (16 U.S.C. 460l–5) for the purchase of the  
12 Wilcox Ranch under subsection (b).

13 (d) MANAGEMENT OF LANDS.—Upon payment by the  
14 State of Utah of one-half of the purchase price of the  
15 Wilcox Ranch to the United States, or transfer by the  
16 State of Utah of lands of the same such value to the  
17 United States, the Secretary of the Interior shall transfer  
18 to the State of Utah all right, title, and interest of the  
19 United States in and to those Wilcox Ranch lands ac-  
20 quired under subsection (b) for management by the State  
21 Division of Wildlife Resources for wildlife habitat and pub-  
22 lic access.

1 **SEC. 1006. ACQUISITION OF MINERAL AND GEOTHERMAL**  
2 **INTERESTS WITHIN MOUNT ST. HELENS NA-**  
3 **TIONAL VOLCANIC MONUMENT.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) The Act entitled “An Act to designate the  
6 Mount St. Helens National Volcanic Monument in  
7 the State of Washington, and for other purposes”,  
8 approved August 26, 1982 (96 Stat. 301; 16 U.S.C.  
9 431 note), required the United States to acquire all  
10 land and interests in land in the Mount St. Helens  
11 National Volcanic Monument.

12 (2) The Act directed the Secretary of Agri-  
13 culture to acquire the surface interests and the min-  
14 eral and geothermal interests by separate exchanges  
15 and expressed the sense of Congress that the ex-  
16 changes be completed by November 24, 1982, and  
17 August 26, 1983, respectively.

18 (3) The surface interests exchange was con-  
19 summated timely, but the exchange of all mineral  
20 and geothermal interests has not yet been completed  
21 a decade and a half after the enactment of the Act.

22 (b) PURPOSE.—The purpose of this section is to pro-  
23 vide for the expeditious completion of the previously man-  
24 dated Federal acquisition of certain private mineral and  
25 geothermal interests within the Mount St. Helens Na-  
26 tional Volcanic Monument.

1       (c) ACQUISITION.—Section 3 of the Act entitled “An  
2 Act to designate the Mount St. Helens National Volcanic  
3 Monument in the State of Washington, and for other pur-  
4 poses”, approved August 26, 1982 (Public Law 97–243;  
5 96 Stat. 302; 16 U.S.C. 431 note), is amended—

6           (1) in subsection (a), by striking “and except  
7 that the Secretary may acquire mineral and geo-  
8 thermal interests only by exchange. It is the sense  
9 of the Congress that in the case of mineral and geo-  
10 thermal interests such exchanges should be com-  
11 pleted within one year after the date of enactment  
12 of the Act”; and

13           (2) by adding at the end the following new sub-  
14 sections:

15       “(g) EXPEDITIOUS COMPLETION OF EXCHANGES  
16 FOR MINERAL AND GEOTHERMAL INTERESTS.—

17           “(1) DEFINITION OF HOLDER.—In this sub-  
18 section, the term ‘holder’ means a company referred  
19 to in subsection (c) or its assigns or successors.

20           “(2) EXCHANGE REQUIRED.—Within 60 days  
21 after the date of enactment of this subsection, the  
22 Secretary of the Interior shall acquire by exchange  
23 the mineral and geothermal interests in the Monu-  
24 ment of each holder.

25           “(3) MONETARY CREDITS.—

1           “(A) ISSUANCE.—In exchange for all min-  
2           eral and geothermal interests acquired by the  
3           Secretary of the Interior from each holder  
4           under paragraph (2), the Secretary of the Inte-  
5           rior shall issue to each such holder monetary  
6           credits with a value of \$2,100,000 that may be  
7           used for the payment of—

8                   “(i) not more than 50 percent of the  
9                   bonus or other payments made by success-  
10                  ful bidders in any sales of mineral, oil, gas,  
11                  or geothermal leases under the Mineral  
12                  Leasing Act (30 U.S.C. 181 et seq.), the  
13                  Outer Continental Shelf Lands Act (43  
14                  U.S.C. 1331 et seq.), or the Geothermal  
15                  Steam Act of 1970 (30 U.S.C. 1001 et  
16                  seq.) in the contiguous 48 States;

17                  “(ii) not more than 10 percent of the  
18                  bonus or other payments made by success-  
19                  ful bidders in any sales of mineral, oil, gas,  
20                  or geothermal leases in Alaska under the  
21                  laws specified in clause (i);

22                  “(iii) not more than 50 percent of any  
23                  royalty, rental, or advance royalty payment  
24                  made to the United States to maintain any  
25                  mineral, oil or gas, or geothermal lease in

1 the contiguous 48 States issued under the  
2 laws specified in clause (i); or

3 “(iv) not more than 10 percent of any  
4 royalty, rental, or advance royalty payment  
5 made to the United States to maintain any  
6 mineral, oil or gas, or geothermal lease in  
7 Alaska issued under the laws specified in  
8 clause (i).

9 “(B) VALUE OF CREDITS.—The total cred-  
10 its of \$4,200,000 in value issued under sub-  
11 paragraph (A) are deemed to equal the fair  
12 market value of all mineral and geothermal in-  
13 terests to be conveyed by exchange under para-  
14 graph (2).

15 “(4) ACCEPTANCE OF CREDITS.—The Secretary  
16 of the Interior shall accept credits issued under  
17 paragraph (3)(A) in the same manner as cash for  
18 the payments described in such paragraph. The use  
19 of the credits shall be subject to the laws (including  
20 regulations) governing such payments, to the extent  
21 the laws are consistent with this subsection.

22 “(5) TREATMENT OF CREDITS FOR DISTRIBUTION TO STATES.—All amounts in the form of cred-  
23 its accepted by the Secretary of the Interior under  
24 paragraph (4) for the payments described in para-  
25

graph (3)(A) shall be considered to be money received for the purpose of section 35 of the Mineral Leasing Act (30 U.S.C. 191) and section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019).

“(6) EXCHANGE ACCOUNT.—

“(A) ESTABLISHMENT.—Notwithstanding any other provision of law, not later than 30 days after the completion of the exchange with a holder required by paragraph (2), the Secretary of the Interior shall establish an exchange account for that holder for the monetary credits issued to that holder under paragraph (3). The account for a holder shall be established with the Minerals Management Service of the Department of the Interior and have an initial balance of credits equal to \$2,100,000.

“(B) USE OF CREDITS.—The credits in a holder’s account shall be available to the holder for the purposes specified in paragraph (3)(A). The Secretary of the Interior shall adjust the balance of credits in the account to reflect credits accepted by the Secretary of the Interior pursuant to paragraph (4).

“(C) TRANSFER OR SALE OF CREDITS.—

1           “(i) TRANSFER OR SALE AUTHOR-  
2           IZED.—A holder may transfer or sell any  
3           credits in the holder’s account to another  
4           person.

5           “(ii) USE OF TRANSFERRED CRED-  
6           ITS.—Credits transferred or sold under  
7           clause (i) may be used in accordance with  
8           this subsection only by a person that is  
9           qualified to bid on, or that holds, a min-  
10          eral, oil, or gas lease under the Mineral  
11          Leasing Act (30 U.S.C. 181 et seq.), the  
12          Outer Continental Shelf Lands Act (43  
13          U.S.C. 1331 et seq.), or the Geothermal  
14          Steam Act of 1970 (30 U.S.C. 1001 et  
15          seq.).

16          “(iii) NOTIFICATION.—Within 30 days  
17          after the transfer or sale of any credits by  
18          a holder, that holder shall notify the Sec-  
19          retary of the Interior of the transfer or  
20          sale. The transfer or sale of any credit  
21          shall not be considered valid until the Sec-  
22          retary of the Interior has received the noti-  
23          fication required under this clause.

24          “(D) TIME LIMIT ON USE OF CREDITS.—  
25          On the date that is 5 years after the date on

1           which an account is created under subpara-  
2           graph (A) for a holder, the Secretary of the In-  
3           terior shall terminate that holder's account.  
4           Any credits that originated in the terminated  
5           account and have not been used as of the termi-  
6           nation date, including any credits transferred or  
7           sold under subparagraph (C), shall become un-  
8           usable.

9           “(7) TITLE TO INTERESTS.—On the date of the  
10          establishment of an exchange account for a holder  
11          under paragraph (6)(A), title to any mineral and  
12          geothermal interests that are held by the holder and  
13          are to be acquired by the Secretary of the Interior  
14          under paragraph (2) shall transfer to the United  
15          States.

16          “(h) IDENTIFICATION OF OTHER INTERESTS.—With-  
17          in 180 days after the date of the enactment of this sub-  
18          section, the Secretary shall submit to the Committee on  
19          Resources of the House of Representatives and the Com-  
20          mittee on Energy and Natural Resources of the Senate  
21          a report—

22                 “(1) identifying any other non-Federal property  
23          interests within the boundaries of the Monument;  
24          and



1           “(2) containing the recommendations of the  
2       Secretary regarding whether acquisition of any such  
3       interests may be warranted to avoid future manage-  
4       ment problems in connection with the Monument.”.

5   **SEC. 1007. OPERATION AND MAINTENANCE OF EXISTING**  
6                   **DAMS AND WEIRS, EMIGRANT WILDERNESS,**  
7                   **STANISLAUS NATIONAL FOREST, CALIFOR-**  
8                   **NIA.**

9       The Secretary of Agriculture shall enter into an  
10   agreement with a non-Federal entity, under which the en-  
11   tity will retain, maintain, and operate at private expense  
12   the 18 concrete dams and weirs located within the bound-  
13   aries of the Emigrant Wilderness in the Stanislaus Na-  
14   tional Forest, California, as designated by section 2(b) of  
15   Public Law 93–632 (88 Stat. 2154; 16 U.S.C. 1132 note).  
16   The Secretary shall require the entity to operate and  
17   maintain the dams and weirs at the level of operation and  
18   maintenance that applied to such dams and weirs before  
19   January 3, 1975.

20   **SEC. 1008. DEMONSTRATION RESOURCE MANAGEMENT**  
21                   **PROJECT, STANISLAUS NATIONAL FOREST,**  
22                   **CALIFORNIA, TO ENHANCE AND PROTECT**  
23                   **THE GRANITE WATERSHED.**

24       (a) RESOURCE MANAGEMENT CONTRACT AUTHOR-  
25   IZED.—The Secretary of Agriculture may enter into a con-

1 tract with a single private contractor to perform multiple  
2 resource management activities on Federal lands within  
3 the Stanislaus National Forest in the State of California  
4 for the purpose of demonstrating enhanced ecosystem  
5 health and water quality, and significantly reducing the  
6 risk of catastrophic wildfire, in the Granite watershed at  
7 a reduced cost to the Government. The contract shall be  
8 for a term of five years.

9 (b) AUTHORIZED MANAGEMENT ACTIVITIES.—The  
10 types of resource management activities performed under  
11 the contract shall include the following:

12 (1) Reduction of forest fuel loads through the  
13 use of precommercial and commercial thinning and  
14 prescribed burns in the Granite watershed.

15 (2) Monitoring of ecosystem health and water  
16 quality in the Granite watershed.

17 (3) Monitoring of the presence of wildlife in the  
18 area in which management activities are performed  
19 and the effect of the activities on wildlife presence.

20 (4) Such other resource management activities  
21 as the Secretary considers appropriate to dem-  
22 onstrate enhanced ecosystem health and water qual-  
23 ity in the Granite watershed.

24 (c) COMPLIANCE WITH FEDERAL LAW AND SPOT-  
25 TED OWL GUIDELINES.—All resource management activi-

1 ties performed under the contract shall be performed in  
2 a manner consistent with applicable Federal law and the  
3 standards and guidelines for the conservation of the Cali-  
4 fornia spotted owl (as set forth in the California Spotted  
5 Owl Sierran Province Interim Guidelines or the subse-  
6 quently issued final guidelines, whichever is in effect).

7 (d) FUNDING.—

8 (1) SOURCES OF FUNDS.—To provide funds for  
9 the resource management activities to be performed  
10 under the contract, the Secretary may use—

11 (A) funds appropriated to carry out this  
12 section;

13 (B) funds specifically provided to the For-  
14 est Service to implement projects to dem-  
15 onstrate enhanced water quality and protect  
16 aquatic and upland resources;

17 (C) excess funds that are allocated for the  
18 administration and management of the  
19 Stanislaus National Forest, California;

20 (D) hazardous fuels reduction funds allo-  
21 cated for Region 5 of the Forest Service; and

22 (E) a contract provision allowing the cost  
23 of performing authorized management activities  
24 described in subsection (b) to be offset by the

1 values owed to the United States for any forest  
2 products removed by the contractor.

3 (2) PROHIBITION ON USE OF CERTAIN  
4 FUNDS.—Except as provided in paragraph (1), the  
5 Secretary may not carry out the contract using  
6 funds appropriated for any other unit of the Na-  
7 tional Forest System.

8 (3) CONDITIONS ON FUNDS TRANSFERS.—Any  
9 transfer of funds under paragraph (1) may be made  
10 only in accordance with the procedures concerning  
11 notice to, and review by, the Committee on Appro-  
12 priations of the House of Representatives and the  
13 Committee on Appropriations of the Senate that are  
14 applied by the Secretary in the case of a transfer of  
15 funds between appropriations.

16 (e) ACCEPTANCE AND USE OF STATE FUNDS.—The  
17 Secretary may accept and use funds provided by the State  
18 of California to assist in the implementation of the con-  
19 tract under this section.

20 (f) REPORTING REQUIREMENTS.—Not later than  
21 February 28 of each year during the term of the contract,  
22 the Secretary shall submit to Congress a report describ-  
23 ing—

1           (1) the resource management activities per-  
2           formed under the contract during the period covered  
3           by the report;

4           (2) the source and amount of funds used under  
5           subsection (d) to carry out the contract; and

6           (3) the resource management activities to be  
7           performed under the contract during the calendar  
8           year in which the report is submitted.

9           (g) RELATIONSHIP TO OTHER LAWS.—Nothing in  
10          this section exempts the contract, or resource management  
11          activities to be performed under the contract, from any  
12          Federal environmental law.

13       **SEC. 1009. EAST TEXAS BLOWDOWN-NEPA PARITY.**

14          (a) IN GENERAL.—The Secretary of Agriculture may  
15          remove dead, downed, or severely root-sprung trees in  
16          areas described in subsection (b) in accordance with the  
17          alternative arrangements approved by the Council on En-  
18          vironmental Quality for National Forests and Grasslands  
19          in Texas, as set forth in a letter from the Chairman of  
20          the Council on Environmental Quality to the Deputy Chief  
21          of the National Forest System dated March 10, 1998.

22          (b) AREAS DESCRIBED.—The areas referred to in  
23          subsection (a) are the following:

24               (1) Approximately 20,000 acres of blowdown  
25               forest in the Routt National Forest, Colorado.

1           (2) Approximately 700 acres of blowdown forest  
2           in the Rio Grande National Forest, Colorado.

3           (3) Approximately 50,000 acres of bark beetle  
4           infested forest in the Dixie National Forest, Utah.

5           (4) Approximately 25,000 acres of insect and  
6           fuel-loading conditions on National Forest System  
7           lands in the Tahoe Basin, California.

8           (5) Approximately 28,000 acres of fire-dam-  
9           aged, dead, and dying trees in the Malheur National  
10          Forest, Oregon.

11          (6) Approximately 10,000 acres of gypsy moth  
12          infestation in the Allegheny National Forest, Penn-  
13          sylvania.

14          (7) Approximately 5,000 acres of severely ice  
15          damaged forests in the White Mountain National  
16          Forest, New Hampshire, and the Green Mountain  
17          National Forest, Vermont.

18          (8) Approximately 10,000 acres of severe  
19          Mountain pine beetle damaged forests in the Pan-  
20          handle National Forest, Nezperce National Forest,  
21          and Boise National Forest, Idaho.

22          (9) Approximately 10,000 acres of severely ice  
23          damaged forests in the Daniel Boone National For-  
24          est, Kentucky.

1           (10) Approximately 15,000 acres of fire-dam-  
2           aged, dead, and dying trees in the Osceola National  
3           Forest and Apalachica National Forest, Florida.

4           (c) OTHER FORESTS.—

5           (1) REQUIREMENT TO REQUEST ALTERNATIVE  
6           ARRANGEMENTS.—The Secretary of Agriculture or  
7           the Secretary of the Interior, respectively, shall  
8           promptly request the Council on Environmental  
9           Quality to approve alternative arrangements under  
10          part 1506.11 of title 40, Code of Federal Regula-  
11          tions, authorizing removal of dead, downed, or se-  
12          verely root-sprung trees on any national forest or  
13          public domain lands where premature mortality is  
14          expected as a result of catastrophic forest conditions.

15          (2) CONSIDERATION OF REQUESTS.—Upon re-  
16          ceipt of a request under paragraph (1), the Council  
17          on Environmental Quality shall promptly consider  
18          and approve or disapprove the request.

19          (3) REGULATIONS.—The Chairman of the  
20          Council on Environmental Quality shall, by not later  
21          than 180 days after the date of the enactment of  
22          this Act, issue regulations—

23                  (A) governing the approval of alternative  
24                  arrangements under part 1506.11 of title 40,

1 Code of Federal Regulations, pursuant to re-  
2 quests under paragraph (1); and

3 (B) establishing criteria under which those  
4 requests will be considered and approved or dis-  
5 approved.

6 **SEC. 1010. EXEMPTION FOR NOT-FOR-PROFIT ENTITIES**  
7 **FROM STRICT LIABILITY FOR RECOVERY OF**  
8 **FIRE SUPPRESSION COSTS.**

9 Section 504(h) of the Federal Land Policy and Man-  
10 agement Act of 1976 (43 U.S.C. 1764(h)) is amended by  
11 adding at the end the following new paragraph:

12 “(3) In the regulations required under this sub-  
13 section, the Secretary concerned may not impose liability  
14 without fault for fire suppression costs incurred by the  
15 United States with respect to a right-of-way under this  
16 title if the holder of the right-of-way is a not-for-profit  
17 entity, including a not-for-profit entity that uses the right-  
18 of-way for the delivery of electricity to parties having an  
19 equity interest in the not-for-profit entity.”.

20 **SEC. 1011. STUDY OF IMPROVED OUTDOOR RECREATIONAL**  
21 **ACCESS FOR PERSONS WITH DISABILITIES.**

22 (a) STUDY REQUIRED.—The Secretary of Agriculture  
23 and the Secretary of the Interior shall jointly provide for  
24 the conduct of a study to consider ways to improve the  
25 access of persons with disabilities to outdoor recreational



1 opportunities (such as fishing, hunting, shooting, trap-  
2 ping, wildlife viewing, hiking, boating, and camping) that  
3 are made available to the public on the Federal lands de-  
4 scribed in subsection (b).

5 (b) COVERED FEDERAL LANDS.—The Federal lands  
6 referred to in subsection (a) are the following:

7 (1) National Forest System lands.

8 (2) Units of the National Park System.

9 (3) Areas in the National Wildlife Refuge Sys-  
10 tem.

11 (4) Lands administered by the Bureau of Land  
12 Management.

13 (c) PERFORMANCE BY INDEPENDENT ENTITY.—To  
14 conduct the study under this section, the Secretaries shall  
15 select an independent entity in the private sector that has  
16 demonstrated expertise in issues regarding improved ac-  
17 cess for persons with disabilities. The Secretaries shall  
18 consult with the National Council on Disability regarding  
19 the selection of the independent entity.

20 (d) REPORT ON STUDY.—Not later than 18 months  
21 after the date of the enactment of this Act, the entity con-  
22 ducting the study shall submit to the Secretaries and the  
23 Congress a report that sets forth the results of the study.

1 **SEC. 1012. COMMUNICATION SITE.**

2 (a) IN GENERAL.—The site located directly below In-  
3 spiration Point within the San Jacinto Ranger District of  
4 the San Bernardino National Forest, California, on which  
5 communications facilities are located on August 1, 1998,  
6 is hereby designated to be used for communication pur-  
7 poses by the persons who operate such communications  
8 facilities on such date and their successors or assigns until  
9 such time as such persons, successors, or assigns no longer  
10 require the use of such site and provide written notice to  
11 that effect to the Forest Service.

12 (b) LIMITATION.—Nothing in this subsection (a)  
13 shall be construed to—

14 (1) excuse such persons, successors, or assigns  
15 from complying with requirements of law or regula-  
16 tion that do not unreasonably or unduly restrict the  
17 continued use of such site;

18 (2) require the site to be made available to  
19 other persons for communications use or other pur-  
20 poses; and

21 (3) require dedication of the site for continued  
22 use for communications purposes after the notice re-  
23 ferred to in subsection (a).

1 **SEC. 1013. AMENDMENT OF THE OUTER CONTINENTAL**  
2 **SHELF LANDS ACT.**

3 Section 8(k)(2)(B) of the Outer Continental Shelf  
4 Lands Act (43 U.S.C. 1337(k)(2)(B)) is amended by  
5 striking “an agency of the Federal Government” and in-  
6 serting “a Federal, State, or local government agency”.

7 **SEC. 1014. LEASING OF CERTAIN RESERVED MINERAL IN-**  
8 **TERESTS.**

9 (a) APPLICATION OF MINERAL LEASING ACT.—Not-  
10 withstanding the provisions of section 4 of the 1964 Public  
11 Land Sale Act (P.L. 88–608, 78 Stat. 988), the Federal  
12 reserved mineral interests in lands conveyed under that  
13 Act by United States land patents No. 49–71–0059 and  
14 No. 49–71–0065 shall be subject to the operation of the  
15 Mineral Leasing Act (30 U.S.C. 181 et seq.).

16 (b) ENTRY.—Any person who acquires any lease  
17 under the Mineral Leasing Act for the interests referred  
18 to in subsection (a) may exercise the right to enter re-  
19 served to the United States and persons authorized by the  
20 United States in the patents conveying the lands described  
21 in subsection (a) by occupying so much of the surface  
22 thereof as may be required for all purposes reasonably in-  
23 cident to the exploration for, and extraction and removal  
24 of, the leased minerals by either of the following means:

25 (1) By securing the written consent or waiver  
26 of the patentee.

1           (2) In the absence of such consent or waiver, by  
2       posting a bond or other financial guarantee with the  
3       Secretary of the Interior in an amount sufficient to  
4       insure—

5           (A) the completion of reclamation pursuant  
6       to the Secretary's requirements under the Min-  
7       eral Leasing Act, and

8           (B) the payment to the surface owner  
9       for—

10           (i) any damages to crops and tangible  
11       improvements of the surface owner that re-  
12       sult from activities under the mineral  
13       lease, and

14           (ii) any permanent loss of income to  
15       the surface owner due to loss or impair-  
16       ment of grazing use, or of other uses of  
17       the land by the surface owner at the time  
18       of commencement of activities under the  
19       mineral lease.

20       (c) LANDS COVERED BY PATENT NO. 49-71-  
21   0065.—In the case of the lands in United States patent  
22   No. 49-71-0065, the preceding provisions of this section  
23   take effect January 1, 1997.

1   **SEC. 1015. OIL AND GAS WELLS IN WAYNE NATIONAL FOR-**  
2                   **EST, OHIO.**

3           (a) **AUTHORITY.**—The Secretary of the Interior may  
4 enter into noncompetitive oil and gas production and rec-  
5 lamation contracts in accordance with this section with op-  
6 erators of wells in the Wayne National Forest in the State  
7 of Ohio who meet the criteria of section 17(b)(3)(A) of  
8 the Act of February 25, 1920 (30 U.S.C. 226(b)(3)(A))  
9 pursuant to private land mineral leases which were in ef-  
10 fect on and after the date of the enactment of this section,  
11 subject to the same laws and regulations that applied to  
12 those private land mineral leases.

13          (b) **ADDITIONAL DRILLING.**—No contract under this  
14 section may authorize deeper completions or additional  
15 drilling.

16          (c) **BONDING.**—

17               (1) **WAIVER OF FEDERAL BONDING.**—Each  
18 contract under this section shall require the contrac-  
19 tor to provide a Federal oil and gas bond to ensure  
20 complete and timely reclamation of the former lease  
21 tract in accordance with the regulations of the Bu-  
22 reau of Land Management and the Forest Service,  
23 unless the Secretary of the Interior accepts in lieu  
24 thereof assurances from the Ohio Department of  
25 Natural Resources, Division of Oil and Gas, that—

1 (A) the contractor has duly satisfied the  
2 bonding requirements of the State of Ohio; and  
3 following inspection of operator performance,  
4 the Ohio Department of Natural Resources is  
5 not opposed to such waiver of Federal bonding  
6 requirements;

7 (B) the United States of America is enti-  
8 tled to apply for and receive funding under the  
9 provision of section 1509.071 of the Ohio Re-  
10 vised Code so as to properly plug and restore  
11 oil and gas sites and lease tracts; and

12 (C) during the 2 years prior to the date on  
13 which the contract is entered into no less than  
14 20 percent of Ohio State severance tax revenues  
15 has been allocated to the State of Ohio Orphan  
16 Well Fund.

17 (2) CONTINUED COMPLIANCE WITH 20 PERCENT  
18 REQUIREMENT.—In entering into any contract under  
19 this section, the Secretary of the Interior shall re-  
20 serve the right to require the contractor to comply  
21 with all Federal oil and gas bonding requirements  
22 applicable to Federal oil and gas leases under the  
23 regulations of the Bureau of Land Management and  
24 the Forest Service whenever the Secretary finds that  
25 less than 20 percent of Ohio State severance tax rev-

1 enues has been allocated to the State of Ohio Or-  
2 phan Well Fund.

3 **SEC. 1016. MEMORIAL TO MR. BENJAMIN BANNEKER IN**  
4 **THE DISTRICT OF COLUMBIA.**

5 (a) MEMORIAL AUTHORIZED.—The Washington  
6 Interdependence Council of the District of Columbia is au-  
7 thorized to establish a memorial in the District of Colum-  
8 bia to honor and commemorate the accomplishments of  
9 Mr. Benjamin Banneker.

10 (b) COMPLIANCE WITH STANDARDS FOR COMMEMO-  
11 RATIVE WORKS.—The establishment of the memorial shall  
12 be in accordance with the Commemorative Works Act (40  
13 U.S.C. 1001 et seq.).

14 (c) PAYMENT OF EXPENSES.—The Washington  
15 Interdependence Council shall be solely responsible for ac-  
16 ceptance of contributions for, and payment of the expenses  
17 of, the establishment of the memorial. No Federal funds  
18 may be used to pay any expense of the establishment of  
19 the memorial.

20 (d) DEPOSIT OF EXCESS FUNDS.—If, upon payment  
21 of all expenses of the establishment of the memorial (in-  
22 cluding the maintenance and preservation amount re-  
23 quired under section 8(b) of the Commemorative Works  
24 Act (40 U.S.C. 1008(b))), or upon expiration of the au-  
25 thority for the memorial under section 10(b) of such Act

1 (40 U.S.C. 1010(b)), there remains a balance of funds re-  
2 ceived for the establishment of the memorial, the Washing-  
3 ton Interdependence Council shall transmit the amount of  
4 the balance to the Secretary of the Treasury for deposit  
5 in the account provided for in section 8(b)(1) of such Act  
6 (40 U.S.C. 1008(b)(1)).



1 **TITLE XI—AMENDMENTS AND**  
2 **TECHNICAL CORRECTIONS**  
3 **TO 1996 OMNIBUS PARKS ACT**

4 **SEC. 1100. REFERENCE TO OMNIBUS PARKS AND PUBLIC**  
5 **LANDS MANAGEMENT ACT OF 1996.**

6 In this title, the term “Omnibus Parks Act” means  
7 the Omnibus Parks and Public Lands Management Act  
8 of 1996 (Public Law 104–333; 110 Stat. 4093).

9 **Subtitle A—Technical Corrections**  
10 **to the Omnibus Parks Act**

11 **SEC. 1101. PRESIDIO OF SAN FRANCISCO.**

12 Title I of division I of the Omnibus Parks Act (16  
13 U.S.C. 460bb note) is amended as follows:

14 (1) In section 101(2) (110 Stat. 4097), by  
15 striking “the Presidio is” and inserting “the Pre-  
16 sidio was”.

17 (2) In section 103(b)(1) (110 Stat. 4099), by  
18 striking “other lands administrated by the Sec-  
19 retary.” in the last sentence and inserting “other  
20 lands administered by the Secretary.”.

21 (3) In section 105(a)(2) (110 Stat. 4104), by  
22 striking “in accordance with section 104(h) of this  
23 title.” and inserting “in accordance with section  
24 104(i) of this title.”.

1 **SEC. 1102. COLONIAL NATIONAL HISTORICAL PARK.**

2 Section 211(d) of division I of the Omnibus Parks  
3 Act (110 Stat. 4110; 16 U.S.C. 81p) is amended by strik-  
4 ing “depicted on the map dated August 1993, numbered  
5 333/80031A,” and inserting “depicted on the map dated  
6 August 1996, numbered 333/80331B,”.

7 **SEC. 1103. MERCED IRRIGATION DISTRICT.**

8 Section 218(a) of division I of the Omnibus Parks  
9 Act (110 Stat. 4113) is amended by striking “this Act”  
10 and inserting “this section”.

11 **SEC. 1104. BIG THICKET NATIONAL PRESERVE.**

12 Section 306 of division I of the Omnibus Parks Act  
13 (110 Stat. 4132; 16 U.S.C. 698 note) is amended as fol-  
14 lows:

15 (1) In subsection (d), by striking “until the ear-  
16 lier of the consummation of the exchange of July 1,  
17 1998,” and inserting “until the earlier of the con-  
18 summation of the exchange or July 1, 1998,”.

19 (2) In subsection (f)(2), by striking “Menard  
20 Creek” and inserting “the Mendard Creek”.

21 (3) In subsection (g), by striking “Menard  
22 Creek” and inserting “Mendard Creek”.

23 **SEC. 1105. KENAI NATIVES ASSOCIATION LAND EXCHANGE.**

24 Section 311 of division I of the Omnibus Parks Act  
25 (110 Stat. 4139) is amended as follows:

1           (1) In subsection (d)(2)(B)(ii), by striking “W,  
2       Seward Meridian” and inserting “W., Seward Merid-  
3       ian”.

4           (2) In subsection (f)(1), by striking “to be  
5       know” and inserting “to be known”.

6       **SEC. 1106. LAMPREY WILD AND SCENIC RIVER.**

7       (a) TECHNICAL CORRECTION.—Section 3(a) of the  
8       Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as  
9       amended by section 405(a) of division I of the Omnibus  
10      Parks Act (110 Stat. 4149), is amended in the second sen-  
11      tence of the unnumbered paragraph relating to the Lam-  
12      prey River, New Hampshire, by striking “through co-  
13      operation agreements” and inserting “through cooperative  
14      agreements”.

15      (b) CROSS REFERENCE.—Section 405(b)(1) of divi-  
16      sion I of the Omnibus Parks Act (110 Stat. 4149; 16  
17      U.S.C. 1274 note) is amended by striking “this Act” and  
18      inserting “the Wild and Scenic Rivers Act”.

19      **SEC. 1107. VANCOUVER NATIONAL HISTORIC RESERVE.**

20      Section 502(a) of division I of the Omnibus Parks  
21      Act (110 Stat. 4154; 16 U.S.C. 461 note) is amended by  
22      striking “by the Vancouver Historical Assessment’ pub-  
23      lished”.

1 **SEC. 1108. MEMORIAL TO MARTIN LUTHER KING, JR.**

2 Section 508 of division I of the Omnibus Parks Act  
3 (110 Stat. 4157, 40 U.S.C. 1003 note) is amended as fol-  
4 lows:

5 (1) In subsection (a), by striking “of 1986” and  
6 inserting “(40 U.S.C. 1001 et seq.)”;

7 (2) In subsection (b), by striking “the Act” and  
8 all that follows through “1986” and inserting “the  
9 Commemorative Works Act”.

10 (3) In subsection (d), by striking “the Act re-  
11 ferred to in section 4401(b))” and inserting “the  
12 Commemorative Works Act)”.

13 **SEC. 1109. ADVISORY COUNCIL ON HISTORIC PRESERVA-**  
14 **TION.**

15 The first sentence of section 205(g) of the National  
16 Historic Preservation Act (16 U.S.C. 470m(g)), as amend-  
17 ed by section 509(c) of division I of the Omnibus Parks  
18 Act (110 Stat. 4157), is amended by striking “for the pur-  
19 pose.” and inserting “for that purpose.”.

20 **SEC. 1110. GREAT FALLS HISTORIC DISTRICT, NEW JERSEY.**

21 Section 510(a)(1) of division I of the Omnibus Parks  
22 Act (110 Stat. 4158; 16 U.S.C. 461 note) is amended by  
23 striking “the contribution of our national heritage” and  
24 inserting “the contribution to our national heritage”.

1 **SEC. 1111. NEW BEDFORD WHALING NATIONAL HISTORICAL**  
2 **PARK.**

3 (a) Section 511 of division I of the Omnibus Parks  
4 Act (110 Stat. 4159; 16 U.S.C. 410ddd) is amended as  
5 follows:

6 (1) In the section heading, by striking “**NA-**  
7 **TIONAL HISTORIC LANDMARK DISTRICT**” and  
8 inserting “**WHALING NATIONAL HISTORICAL**  
9 **PARK**”.

10 (2) In subsection (c)—

11 (A) in paragraph (1), by striking “certain  
12 districts structures, and relics” and inserting  
13 “certain districts, structures, and relics”; and

14 (B) in paragraph (2)(A)(i), by striking  
15 “The area included with the New Bedford Na-  
16 tional Historic Landmark District, known as  
17 the” and inserting “The area included within  
18 the New Bedford Historic District (a National  
19 Landmark District), also known as the”.

20 (3) In subsection (d)(2), by striking “to pro-  
21 vide”.

22 (4) By redesignating the second subsection (e)  
23 and subsection (f) as subsections (f) and (g), respec-  
24 tively.

25 (5) In subsection (g), as so redesignated—

1 (A) in paragraph (1), by striking “section  
2 3(D).” and inserting “subsection (d).”; and

3 (B) in paragraph (2)(C), by striking “co-  
4 operative grants under subsection (d)(2).” and  
5 inserting “cooperative agreements under sub-  
6 section (e)(2).”.

7 **SEC. 1112. NICODEMUS NATIONAL HISTORIC SITE.**

8 Section 512(a)(1)(B) of division I of the Omnibus  
9 Parks Act (110 Stat. 4163; 16 U.S.C. 461 note) is amend-  
10 ed by striking “African-Americans” and inserting “Afri-  
11 can-Americans”.

12 **SEC. 1113. UNALASKA.**

13 Section 513(c) of division I of the Omnibus Parks  
14 Act (110 Stat. 4165; 16 U.S.C. 461 note) is amended by  
15 striking “whall be comprised” and inserting “shall be com-  
16 prised”.

17 **SEC. 1114. REVOLUTIONARY WAR AND WAR OF 1812 HIS-**  
18 **TORIC PRESERVATION STUDY.**

19 Section 603(d)(2) of division I of the Omnibus Parks  
20 Act (110 Stat. 4172; 16 U.S.C. 1a–5 note) is amended  
21 by striking “subsection (b) shall—” and inserting “para-  
22 graph (1) shall—”.

1 **SEC. 1115. SHENANDOAH VALLEY BATTLEFIELDS.**

2 Section 606 of division I of the Omnibus Parks Act  
3 (110 Stat. 4175; 16 U.S.C. 461 note) is amended as fol-  
4 lows:

5 (1) In subsection (d)—

6 (A) in paragraph (1), by striking “section  
7 5.” and inserting “subsection (e).”;

8 (B) in paragraph (2), by striking “section  
9 9.” and inserting “subsection (h).”; and

10 (C) in paragraph (3), by striking “Com-  
11 mission plan approved by the Secretary under  
12 section 6.” and inserting “plan developed and  
13 approved under subsection (f).”.

14 (2) In subsection (f)(1), by striking “this Act”  
15 and inserting “this section”.

16 (3) In subsection (g)—

17 (A) in paragraph (3), by striking “pur-  
18 poses of this Act” and inserting “purposes of  
19 this section”; and

20 (B) in paragraph (5), by striking “section  
21 9.” and inserting “subsection (i).”.

22 (4) In subsection (h)(12), by striking “this  
23 Act” and inserting “this section”.

24 **SEC. 1116. WASHITA BATTLEFIELD.**

25 Section 607 of division I of the Omnibus Parks Act  
26 (110 Stat. 4181; 16 U.S.C. 461 note) is amended—

1           (1) in subsection (c)(3), by striking “this Act”  
2           and inserting “this section”; and

3           (2) in subsection (d)(2), by striking “local land  
4           owners” and inserting “local landowners”.

5 **SEC. 1117. SKI AREA PERMIT RENTAL CHARGE.**

6           Section 701 of division I of the Omnibus Parks Act  
7 (110 Stat 4182; 16 U.S.C. 497c) is amended as follows:

8           (1) In subsection (b)(3), by striking “legislated  
9           by this Act” and inserting “required by this sec-  
10          tion”.

11          (2) In subsection (d)—

12                (A) in the matter preceding paragraph (1),  
13                by striking “formula of this Act” and inserting  
14                “formula of this section”;

15                (B) in paragraphs (1), (2), and (3), by  
16                striking “this Act” each place it appears and  
17                inserting “this section”; and

18                (C) in the sentence below paragraph (3)—

19                      (i) by inserting “adjusted gross reve-  
20                      nue for the” before “1994–1995 base  
21                      year”; and

22                      (ii) by striking “this Act” and insert-  
23                      ing “this section”.

24          (3) In subsection (f)—



1 (A) by striking “sublessees” and inserting  
2 “subpermittees”; and

3 (B) by inserting inside the parenthesis “of-  
4 fered for commercial or other promotional pur-  
5 poses” after “complimentary lift tickets”.

6 (4) In subsection (i), by striking “this Act” and  
7 inserting “this section”.

8 **SEC. 1118. GLACIER BAY NATIONAL PARK.**

9 Section 3 of Public Law 91–383 (16 U.S.C. 1a–2),  
10 as amended by section 703 of division I of the Omnibus  
11 Parks Act (110 Stat. 4185), is amended as follows:

12 (1) In subsection (g), by striking “bearing the  
13 cost of such exhibits and demonstrations;” and in-  
14 serting “bearing the cost of such exhibits and dem-  
15 onstrations.”.

16 (2) By capitalizing the first letter of the first  
17 word in each of the subsections (a) through (i).

18 (3) By striking the semicolon at the end of each  
19 of the subsections (a) through (f) and at the end of  
20 subsection (h) and inserting a period.

21 (4) In subsection (i), by striking “; and” and  
22 inserting a period.

23 (5) By conforming the margins of subsection (j)  
24 with the margins of the preceding subsections.

1 **SEC. 1119. ROBERT J. LAGOMARSINO VISITOR CENTER.**

2 Section 809(b) of division I of the Omnibus Parks  
3 Act (110 Stat. 4189; 16 U.S.C. 410ff note) is amended  
4 by striking “section 301” and inserting “subsection (a)”.

5 **SEC. 1120. NATIONAL PARK SERVICE ADMINISTRATIVE RE-**  
6 **FORM.**

7 (a) **TECHNICAL CORRECTIONS.**—Section 814 of divi-  
8 sion I of the Omnibus Parks Act (110 Stat. 4190) is  
9 amended as follows:

10 (1) In subsection (a) (16 U.S.C. 170 note)—

11 (A) in paragraph (6), by striking “this  
12 Act” and inserting “this section”;

13 (B) in paragraph (7)(B), by striking  
14 “COMPETITIVE LEASING.—” and inserting  
15 “COMPETITIVE LEASING.—”;

16 (C) in paragraph (9), by striking “granted  
17 by statue” and inserting “granted by statute”;

18 (D) in paragraph (11)(B)(ii), by striking  
19 “more cost effective” and inserting “more cost-  
20 effective”;

21 (E) in paragraph (13), by striking “para-  
22 graph (13),” and inserting “paragraph (12),”;  
23 and

24 (F) in paragraph (18), by striking “under  
25 paragraph (7)(A)(i)(I), any lease under para-  
26 graph (11)(B), and any lease of seasonal quar-

1           ters under subsection (l),” and inserting “under  
2           paragraph (7)(A) and any lease under para-  
3           graph (11)”.

4           (2) In subsection (d)(2)(E), by striking “is  
5           amended”.

6           (b) CHANGE TO PLURAL.—Section 7(c)(2) of the  
7           Land and Water Conservation Fund Act of 1965 (16  
8           U.S.C. 460l–9(c)(2)), as added by section 814(b) of the  
9           Omnibus Parks Act (110 Stat. 4194), is amended as fol-  
10          lows:

11           (1) In subparagraph (C), by striking “lands,  
12           water, and interest therein” and inserting “lands,  
13           waters, and interests therein”.

14           (2) In subparagraph (F), by striking “lands,  
15           water, or interests therein, or a portion of whose  
16           lands, water, or interests therein,” and inserting  
17           “lands, waters, or interests therein, or a portion of  
18           whose lands, waters, or interests therein,”.

19   **SEC. 1121. BLACKSTONE RIVER VALLEY NATIONAL HERIT-**  
20                   **AGE CORRIDOR.**

21           Section 6(d)(2) of the Act entitled “An Act to estab-  
22           lish the Blackstone River Valley National Heritage Cor-  
23           ridor in Massachusetts and Rhode Island”, approved No-  
24           vember 10, 1986 (Public Law 99–647; 16 U.S.C. 461  
25           note), as added by section 901(c) of division I of the Om-

1 nibus Parks Act (110 Stat. 4202), is amended by striking  
 2 “may be made in the approval plan” and inserting “may  
 3 be made in the approved plan”.

4 **SEC. 1122. TALLGRASS PRAIRIE NATIONAL PRESERVE.**

5 Subtitle A of title X of division I of the Omnibus  
 6 Parks Act is amended as follows:

7 (1) In section 1002(a)(4)(A) (110 Stat. 4204;  
 8 16 U.S.C. 689u(a)(4)(A)), by striking “to purchase”  
 9 and inserting “to acquire”.

10 (2) In section 1004(b) (110 Stat. 4205; 16  
 11 U.S.C. 689u–2(b)), by striking “of June 3, 1994,”  
 12 and inserting “on June 3, 1994,”.

13 (3) In section 1005 (110 Stat. 4205; 16 U.S.C.  
 14 689u–3)—

15 (A) in subsection (d)(1), by striking “this  
 16 Act” and inserting “this subtitle”; and

17 (B) in subsection (g)(3)(A), by striking  
 18 “the tall grass prairie” and inserting “the  
 19 tallgrass prairie”.

20 **SEC. 1123. RECREATION LAKES.**

21 (a) TECHNICAL CORRECTIONS.—Section 1021(a) of  
 22 division I of the Omnibus Parks Act (110 Stat. 4210; 16  
 23 U.S.C. 460l–10e note) is amended as follows:

24 (1) By striking “manmade lakes” both places it  
 25 appears and inserting “man-made lakes”.

1           (2) By striking “for recreational opportunities  
2       at federally-managed” and inserting “for rec-  
3       reational opportunities at federally managed”.

4       (b) ADVISORY COMMISSION.—Section 13 of the Land  
5       and Water Conservation Fund Act of 1965 (16 U.S.C.  
6       460l–10e), as added by section 1021(b) of the Omnibus  
7       Parks Act (110 Stat. 4210), is amended as follows:

8           (1) In subsection (b)(6), by striking “recreation  
9       related infrastructure.” and inserting “recreation-re-  
10      lated infrastructure.”.

11          (2) In subsection (e)—

12               (A) by striking “water related recreation”  
13       in the first sentence and inserting “water-relat-  
14       ed recreation”;

15               (B) in paragraph (2), by striking “at fed-  
16       erally-managed lakes” and inserting “at feder-  
17       ally managed lakes”; and

18               (C) by striking “manmade lakes” each  
19       place it appears and inserting “man-made  
20       lakes”.

21   **SEC. 1124. FOSSIL FOREST PROTECTION.**

22       Section 103 of the San Juan Basin Wilderness Pro-  
23       tection Act of 1984 (43 U.S.C. 178), as amended by sec-  
24       tion 1022(e) of the Omnibus Parks Act (110 Stat. 4213),  
25       is amended as follows:

1           (1) In subsections (b)(1) and (e)(1), by striking  
2           “Committee on Natural Resources” and inserting  
3           “Committee on Resources”.

4           (2) In subsection (e)(1), by striking “this Act”  
5           and inserting “this subsection”.

6 **SEC. 1125. OPAL CREEK WILDERNESS AND SCENIC RECRE-**  
7 **ATION AREA.**

8           Section 1023(c)(1)(A) of division I of the Omnibus  
9 Parks Act (110 Stat. 4215; 16 U.S.C. 545b(c)(1)(A)) is  
10 amended by striking “of 1964”.

11 **SEC. 1126. BOSTON HARBOR ISLANDS NATIONAL RECRE-**  
12 **ATION AREA.**

13           Section 1029 of division I of the Omnibus Parks Act  
14 (110 Stat. 4232; 16 U.S.C. 460kkk) is amended as fol-  
15 lows:

16           (1) In the section heading, by striking  
17           “**RECREATION AREA**” and inserting “**NATIONAL**  
18           **RECREATION AREA**”.

19           (2) In subsection (e)(3)(B), by striking “sub-  
20           sections (b) (3), (4), (5), (6), (7), (8), (9), and  
21           (10).” and inserting “subparagraphs (C), (D), (E),  
22           (F), (G), (H), (I), and (J) of paragraph (2).”.

23           (3) In subsection (f)(2)(A)(i), by striking “prof-  
24           it sector roles” and inserting “private-sector roles”.

1           (4) In subsection (g)(1), by striking “and reve-  
2       nue raising activities.” and inserting “and revenue-  
3       raising activities.”.

4   **SEC. 1127. NATCHEZ NATIONAL HISTORICAL PARK.**

5       Section 3(b)(1) of Public Law 100–479 (16 U.S.C.  
6   410oo–2(b)(1)), as added by section 1030 of the Omnibus  
7   Parks Act (110 Stat. 4238), is amended by striking “and  
8   visitors’ center” and inserting “and visitor center”.

9   **SEC. 1128. REGULATION OF FISHING IN CERTAIN WATERS**  
10           **OF ALASKA.**

11       Section 1035 of division I of the Omnibus Parks Act  
12   (110 Stat. 2240) is amended as follows:

13           (1) In the section heading, by striking “**REGU-**  
14       **LATIONS**” and inserting “**REGULATION**”.

15           (2) In subsection (c), by striking “this Act” and  
16       inserting “this section”.

17   **SEC. 1129. NATIONAL COAL HERITAGE AREA.**

18       Title I of division II of the Omnibus Parks Act (16  
19   U.S.C. 461 note) is amended as follows:

20           (1) In section 104(4) (110 Stat. 4244), by  
21       striking “history preservation” and inserting “his-  
22       toric preservation”.

23           (2) In section 105 (110 Stat. 4244), by striking  
24       “paragraphs (2) and (5) of section 104” and insert-  
25       ing “paragraph (2) of section 104”.

1           (3) In section 106(a)(3) (110 Stat. 4244), by  
2       striking “or Secretary” and inserting “or the Sec-  
3       retary”.

4   **SEC. 1130. TENNESSEE CIVIL WAR HERITAGE AREA.**

5       Title II of division II of the Omnibus Parks Act (16  
6   U.S.C. 461 note) is amended as follows:

7           (1) In section 201(b)(4) (110 Stat. 4245), by  
8       striking “and associated sites associated” and insert  
9       “and sites associated”.

10          (2) In section 207(a) (110 Stat. 4248), by  
11       striking “as provide for” and inserting “as provided  
12       for”.

13   **SEC. 1131. AUGUSTA CANAL NATIONAL HERITAGE AREA.**

14       Section 301(1) of division II of the Omnibus Parks  
15   Act (110 Stat. 4249; 16 U.S.C. 461 note) is amended by  
16   striking “National Historic Register of Historic Places,”  
17   and inserting “National Register of Historic Places,”.

18   **SEC. 1132. ESSEX NATIONAL HERITAGE AREA.**

19       Section 501(8) of division II of the Omnibus Parks  
20   Act (110 Stat. 4257; 16 U.S.C. 461 note) is amended by  
21   striking “a visitors’ center” and inserting “a visitor cen-  
22   ter”.



1 **SEC. 1133. OHIO & ERIE CANAL NATIONAL HERITAGE COR-**  
2 **RIDOR.**

3 Title VIII of division II of the Omnibus Parks Act  
4 (16 U.S.C. 461 note) is amended as follows:

5 (1) In section 805(b)(2) (110 Stat. 4269), by  
6 striking “One individuals,” and inserting “One indi-  
7 vidual,”.

8 (2) In section 808(a)(3)(A) (110 Stat. 4279),  
9 by striking “from the Committee.” and inserting  
10 “from the Committee,”.

11 **Subtitle B—Other Amendments to**  
12 **Omnibus Parks Act**

13 **SEC. 1151. BLACK REVOLUTIONARY WAR PATRIOTS MEMO-**  
14 **RIAL EXTENSION.**

15 Section 506 of division I of the Omnibus Parks Act  
16 (40 U.S.C. 1003 note; 110 Stat. 4155) is amended by  
17 striking “October 27, 1998” and inserting “October 27,  
18 2003”.

1 **TITLE XII—DUTCH JOHN FED-**  
2 **ERAL PROPERTY DISPOSI-**  
3 **TION AND ASSISTANCE**

4 **SEC. 1201. SHORT TITLE.**

5 This title may be cited as the “Dutch John Federal  
6 Property Disposition and Assistance Act of 1998”.

7 **SEC. 1202. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—Congress finds that—

9 (1)(A) Dutch John, Utah, was founded by the  
10 Secretary of the Interior in 1958 on Bureau of Rec-  
11 lamation land as a community to house personnel,  
12 administrative offices, and equipment for project  
13 construction and operation of the Flaming Gorge  
14 Dam and Reservoir as authorized by the Act of  
15 April 11, 1956 (70 Stat. 105, chapter 203; 43  
16 U.S.C. 620 et seq.); and

17 (B) permanent structures (including houses, ad-  
18 ministrative offices, equipment storage and mainte-  
19 nance buildings, and other public buildings and fa-  
20 cilities) were constructed and continue to be owned  
21 and maintained by the Secretary of the Interior;

22 (2)(A) Bureau of Reclamation land surrounding  
23 the Flaming Gorge Reservoir (including the Dutch  
24 John community) was included within the bound-  
25 aries of the Flaming Gorge National Recreation

1 Area in 1968 under Public Law 90–540 (16 U.S.C.  
2 460v et seq.);

3 (B) Public Law 90–540 assigned responsibility  
4 for administration, protection, and development of  
5 the Flaming Gorge National Recreation Area to the  
6 Secretary of Agriculture and provided that lands and  
7 waters needed or used for the Colorado River Stor-  
8 age Project would continue to be administered by  
9 the Secretary of the Interior; and

10 (C) most structures within the Dutch John  
11 community (including the schools and public build-  
12 ings within the community) occupy lands adminis-  
13 tered by the Secretary of Agriculture;

14 (3)(A) the Secretary of Agriculture and the  
15 Secretary of the Interior are unnecessarily burdened  
16 with the cost of continuing to provide basic services  
17 and facilities and building maintenance and with the  
18 administrative costs of operating the Dutch John  
19 community; and

20 (B) certain structures and lands are no longer  
21 essential to management of the Colorado River Stor-  
22 age Project or to management of the Flaming Gorge  
23 National Recreation Area;

24 (4)(A) residents of the community are inter-  
25 ested in purchasing the homes they currently rent

1 from the Secretary of the Interior and the land on  
2 which the homes are located;

3 (B) Daggett County, Utah, is interested in re-  
4 ducing the financial burden the County experiences  
5 in providing local government support services to a  
6 community that produces little direct tax revenue be-  
7 cause of Federal ownership; and

8 (C) a withdrawal of the role of the Federal Gov-  
9 ernment in providing basic direct community serv-  
10 ices to Dutch John would require local government  
11 to provide the services at a substantial cost;

12 (5)(A) residents of the Dutch John community  
13 are interested in self-government of the community;  
14 and

15 (B) with growing demands for additional com-  
16 mercial recreation services for visitors to the Flam-  
17 ing Gorge National Recreation Area and Ashley Na-  
18 tional Forest, there are opportunities for private eco-  
19 nomic development, but few private lands are avail-  
20 able for the services; and

21 (6) the privatization and disposal to local gov-  
22 ernment of certain lands in and surrounding Dutch  
23 John would be in the public interest.

24 (b) PURPOSES.—The purposes of this title are—

1           (1) to privatize certain lands in and surround-  
2       ing Dutch John, Utah;

3           (2) to transfer jurisdiction of certain Federal  
4       property between the Secretary of Agriculture and  
5       the Secretary of the Interior;

6           (3) to improve the Flaming Gorge National  
7       Recreation Area;

8           (4) to dispose of certain residential units, public  
9       buildings, and facilities;

10          (5) to provide interim financial assistance to  
11       local government to defray the cost of providing  
12       basic governmental services;

13          (6) to achieve efficiencies in operation of the  
14       Flaming Gorge Dam and Reservoir and the Flaming  
15       Gorge National Recreation Area;

16          (7) to reduce long-term Federal outlays; and

17          (8) to serve the interests of the residents of  
18       Dutch John and Daggett County, Utah, and the  
19       general public.

20   **SEC. 1203. DEFINITIONS.**

21       In this title:

22           (1) SECRETARY OF AGRICULTURE.—The term  
23       “Secretary of Agriculture” means the Secretary of  
24       Agriculture, acting through the Chief of the Forest  
25       Service.

1           (2) SECRETARY OF THE INTERIOR.—The term  
2       “Secretary of the Interior” means the Secretary of  
3       the Interior, acting through the Commissioner of the  
4       Bureau of Reclamation.

5   **SEC. 1204. DISPOSITION OF CERTAIN LANDS AND PROP-**  
6                           **ERTIES.**

7       (a) IN GENERAL.—Lands, structures, and commu-  
8       nity infrastructure facilities within or associated with  
9       Dutch John, Utah, that have been identified by the Sec-  
10      retary of Agriculture or the Secretary of the Interior as  
11      unnecessary for support of the agency of the respective  
12      Secretary shall be transferred or disposed of in accordance  
13      with this title.

14      (b) LAND DESCRIPTION.—Except as provided in sub-  
15      section (e), the Secretary of Agriculture and the Secretary  
16      of the Interior shall dispose of (in accordance with this  
17      title) approximately 2,450 acres within or associated with  
18      the Dutch John, Utah, community in the NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>,  
19      S<sup>1</sup>/<sub>2</sub> NW<sup>1</sup>/<sub>4</sub>, and S<sup>1</sup>/<sub>2</sub> of Section 1, the S<sup>1</sup>/<sub>2</sub> of Section 2,  
20      10 acres more or less within the NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of Section  
21      3, Sections 11 and 12, the N<sup>1</sup>/<sub>2</sub> of Section 13, and the  
22      E<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>4</sub> of Section 14 of Township 2 North, Range 22  
23      East, Salt Lake Base and Meridian, that have been deter-  
24      mined to be available for transfer by the Secretary of Agri-  
25      culture and the Secretary of the Interior, respectively.

1       (c) INFRASTRUCTURE FACILITIES AND LAND.—Ex-  
2 cept as provided in subsection (e), the Secretary of the  
3 Interior shall dispose of (in accordance with this title)  
4 community infrastructure facilities and land that have  
5 been determined to be available for transfer by the Sec-  
6 retary of the Interior, including the following:

7           (1) The fire station, sewer systems, sewage la-  
8 goons, water systems (except as provided in sub-  
9 section (e)(3)), old post office, electrical and natural  
10 gas distribution systems, hospital building, streets,  
11 street lighting, alleys, sidewalks, parks, and commu-  
12 nity buildings located within or serving Dutch John,  
13 including fixtures, equipment, land, easements,  
14 rights-of-way, or other property primarily used for  
15 the operation, maintenance, replacement, or repair  
16 of a facility referred to in this paragraph.

17           (2) The Dutch John Airport, comprising ap-  
18 proximately 25 acres, including runways, roads,  
19 rights-of-way, and appurtenances to the Airport,  
20 subject to such monitoring and remedial action by  
21 the United States as is necessary.

22           (3) The lands on which are located the Dutch  
23 John public schools, which comprise approximately  
24 10 acres.

1       (d) OTHER PROPERTIES AND FACILITIES.—The Sec-  
2       retary of Agriculture and the Secretary of the Interior  
3       shall dispose of (in accordance with this title) the other  
4       properties and facilities that have been determined to be  
5       available for transfer or disposal by the Secretary of Agri-  
6       culture and the Secretary of the Interior, respectively, in-  
7       cluding the following:

8               (1) Certain residential units occupied on the  
9               date of enactment of this Act, as determined by the  
10              Secretary of the Interior.

11             (2) Certain residential units unoccupied on the  
12             date of enactment of this Act, as determined by the  
13             Secretary of the Interior.

14             (3) Lots within the Dutch John community  
15             that are occupied on the date of enactment of this  
16             Act by privately owned modular homes under lease  
17             agreements with the Secretary of the Interior.

18             (4) Unoccupied platted lots within the Dutch  
19             John community.

20             (5) The land, comprising approximately 3.8  
21             acres, on which is located the Church of Jesus  
22             Christ of Latter Day Saints, within Block 9, of the  
23             Dutch John community.



1           (6) The lands for which special use permits,  
2           easements, or rights-of-way for commercial uses  
3           have been issued by the Forest Service.

4           (7) The lands on which are located the offices,  
5           3 employee residences, warehouses, and facilities of  
6           the Utah Division of Wildlife Resources, as de-  
7           scribed in the survey required under section 1207,  
8           including yards and land defined by fences in exist-  
9           ence on the date of enactment of this Act.

10          (8) The Dutch John landfill site, subject to  
11          such monitoring and remedial action by the United  
12          States as is necessary, with responsibility for mon-  
13          itoring and remediation being shared by the Sec-  
14          retary of Agriculture and the Secretary of the Inte-  
15          rior proportionate to their historical use of the site.

16          (9) Such fixtures and furnishing in existence  
17          and in place on the date of enactment of this Act  
18          as are mutually determined by Daggett County, the  
19          Secretary of Agriculture, and the Secretary of the  
20          Interior to be necessary for the full use of properties  
21          or facilities disposed of under this title.

22          (10) Such other properties or facilities at Dutch  
23          John that the Secretary of Agriculture or the Sec-  
24          retary of the Interior determines are not necessary  
25          to achieve the mission of the respective Secretary

1       and the disposal of which would be consistent with  
2       this title.

3       (e) RETAINED PROPERTIES.—Except to the extent  
4       the following properties are determined by the Secretary  
5       of Agriculture or the Secretary of the Interior to be avail-  
6       able for disposal, the Secretary of Agriculture and the Sec-  
7       retary of the Interior shall retain for their respective use  
8       the following:

9               (1) All buildings and improvements located  
10       within the industrial complex of the Bureau of Rec-  
11       lamation, including the maintenance shop, 40 indus-  
12       trial garages, 2 warehouses, the equipment storage  
13       building, the flammable equipment storage building,  
14       the hazardous waste storage facility, and the prop-  
15       erty on which the buildings and improvements are  
16       located.

17              (2) 17 residences under the jurisdiction of the  
18       Secretary of the Interior and the Secretary of Agri-  
19       culture, of which—

20                   (A) 15 residences shall remain under the  
21       jurisdiction of the Secretary of the Interior; and

22                   (B) 2 residences shall remain under the ju-  
23       risdiction of the Secretary of Agriculture.

24              (3) The Dutch John water system raw water  
25       supply line and return line between the power plant

1 and the water treatment plant, pumps and pumping  
2 equipment, and any appurtenances and rights-of-way  
3 to the line and other facilities, with the retained fa-  
4 cilities to be operated and maintained by the United  
5 States with pumping costs and operation and main-  
6 tenance costs of the pumps to be included as a cost  
7 to Daggett County in a water service contract.

8 (4) The heliport and associated real estate, con-  
9 sisting of approximately 20 acres, which shall re-  
10 main under the jurisdiction of the Secretary of Agri-  
11 culture.

12 (5) The Forest Service warehouse complex and  
13 associated real estate, consisting of approximately 2  
14 acres, which shall remain under the jurisdiction of  
15 the Secretary of Agriculture.

16 (6) The Forest Service office complex and asso-  
17 ciated real estate, which shall remain under the ju-  
18 risdiction of the Secretary of Agriculture.

19 (7) The United States Post Office, pursuant to  
20 Forest Service Special Use Permit No. 1073, which  
21 shall be transferred to the jurisdiction of the United  
22 States Postal Service pursuant to section 1206(d).

23 **SEC. 1205. REVOCATION OF WITHDRAWALS.**

24 In the case of lands and properties transferred under  
25 section 1204, effective on the date of transfer to the Sec-

1   retary of the Interior (if applicable) or conveyance by quit-  
2   claim deed out of Federal ownership, authorization for  
3   each of the following withdrawals is revoked:

4           (1) The Public Water Reserve No. 16, Utah  
5       No. 7, dated March 9, 1914.

6           (2) The Secretary of the Interior Order dated  
7       October 20, 1952.

8           (3) The Secretary of the Interior Order dated  
9       July 2, 1956, No. 71676.

10          (4) The Flaming Gorge National Recreation  
11       Area, dated October 1, 1968, established under Pub-  
12       lic Law 90-540 (16 U.S.C. 460v et seq.), as to  
13       lands described in section 1204(b).

14          (5) The Dutch John Administrative Site, dated  
15       December 12, 1951 (PLO 769, U-0611).

16   **SEC. 1206. TRANSFERS OF JURISDICTION.**

17       (a) TRANSFERS FROM THE SECRETARY OF AGRI-  
18   CULTURE.—Except for properties retained under section  
19   1204(e), all lands designated under section 1204 for dis-  
20   posal shall be—

21           (1) transferred from the jurisdiction of the Sec-  
22       retary of Agriculture to the Secretary of the Interior  
23       and, if appropriate, the United States Postal Serv-  
24       ice; and

1           (2) removed from inclusion in the Ashley Na-  
2           tional Forest and the Flaming Gorge National  
3           Recreation Area.

4           (b) EXCHANGE OF JURISDICTION BETWEEN INTE-  
5           RIOR AND AGRICULTURE.—

6           (1) TRANSFER TO SECRETARY OF AGRI-  
7           CULTURE.—The Secretary of the Interior shall  
8           transfer to the Secretary of Agriculture administra-  
9           tive jurisdiction over certain lands and interests in  
10          lands, consisting of approximately 2,167 acres in  
11          Duchesne and Wasatch Counties, Utah, which were  
12          acquired by the Secretary of the Interior for the  
13          Central Utah Project, as depicted on the following  
14          maps:

15                (A) The map entitled “The Dutch John  
16                Townsite, Ashley National Forest, Lower Still-  
17                water”, dated February 1997.

18                (B) The map entitled “The Dutch John  
19                Townsite, Ashley National Forest, Red Hollow  
20                (Diamond Properties)”, dated February 1997.

21                (C) The map entitled “The Dutch John  
22                Townsite, Ashley National Forest, Coal Hollow  
23                (Current Creek Reservoir)”, dated February  
24                1997.

1           (2) TRANSFER TO SECRETARY OF THE INTE-  
2           RIOR.—The Secretary of Agriculture shall transfer  
3           to the Secretary of the Interior administrative juris-  
4           diction over certain lands and interests in lands,  
5           consisting of approximately 2,450 acres in the Ash-  
6           ley National Forest, as depicted on the map entitled  
7           “Ashley National Forest, Lands to be Transferred  
8           to the Bureau of Reclamation (BOR) from the For-  
9           est Service”, dated February 1997.

10          (3) EFFECT OF EXCHANGE.—

11                (A) NATIONAL FORESTS.—The lands and  
12                interests in land transferred to the Secretary of  
13                Agriculture under paragraph (1) shall become  
14                part of the Ashley or Uinta National Forest, as  
15                appropriate. The boundaries of each of the Na-  
16                tional Forests are hereby adjusted as appro-  
17                priate to reflect the transfers of administrative  
18                jurisdiction.

19                (B) MANAGEMENT.—The Secretary of Ag-  
20                riculture shall manage the lands and interests  
21                in land transferred to the Secretary of Agri-  
22                culture under paragraph (1) in accordance with  
23                the Act of March 1, 1911 (commonly known as  
24                the “Weeks Law”) (36 Stat. 962, chapter 186;  
25                16 U.S.C. 515 et seq.), and other laws (includ-

1 ing rules and regulations) applicable to the Na-  
2 tional Forest System.

3 (C) WILDLIFE MITIGATION.—As of the  
4 date of the transfer under paragraph (1), the  
5 wildlife mitigation requirements of section 8 of  
6 the Act of April 11, 1956 (43 U.S.C. 620g),  
7 shall be deemed to be met.

8 (D) ADJUSTMENT OF BOUNDARIES.—This  
9 paragraph does not limit the authority of the  
10 Secretary of Agriculture to adjust the bound-  
11 aries of the Ashley or Uinta National Forest  
12 pursuant to section 11 of the Act of March 1,  
13 1911 (commonly known as the “Weeks Law”)  
14 (36 Stat. 963, chapter 186; 16 U.S.C. 521).

15 (4) LAND AND WATER CONSERVATION FUND.—  
16 For the purposes of section 7 of the Land and  
17 Water Conservation Fund Act of 1965 (16 U.S.C.  
18 460l–9), the boundaries of the Ashley and Uinta  
19 National Forests, as adjusted under this section,  
20 shall be considered to be the boundaries of the For-  
21 ests as of January 1, 1965.

22 (c) FEDERAL IMPROVEMENTS.—The Secretary of the  
23 Interior shall transfer to the Secretary of Agriculture ju-  
24 risdiction over Federal improvements on the lands trans-  
25 ferred to the Secretary of Agriculture under this section.

1 (d) TRANSFER TO UNITED STATES POSTAL SERV-  
2 ICE.—The Secretary of Agriculture shall transfer to the  
3 United States Postal Service administrative jurisdiction  
4 over certain lands and interests in land subject to Forest  
5 Service Special Use Permit No. 1073, containing approxi-  
6 mately 0.34 acres.

7 (e) WITHDRAWALS.—Notwithstanding subsection  
8 (a), lands retained by the Federal Government under this  
9 title shall continue to be withdrawn from mineral entry  
10 under the United States mining laws.

11 **SEC. 1207. SURVEYS.**

12 The Secretary of the Interior shall survey or resurvey  
13 all or portions of the Dutch John community as nec-  
14 essary—

15 (1) to accurately describe parcels identified  
16 under this title for transfer among agencies, for  
17 Federal disposal, or for retention by the United  
18 States; and

19 (2) to facilitate future recordation of title.

20 **SEC. 1208. PLANNING.**

21 (a) RESPONSIBILITY.—In cooperation with the resi-  
22 dents of Dutch John, the Secretary of Agriculture, and  
23 the Secretary of the Interior, Daggett County, Utah, shall  
24 be responsible for developing a land use plan that is con-  
25 sistent with maintenance of the values of the land that



1 is adjacent to land that remains under the jurisdiction of  
2 the Secretary of Agriculture or Secretary of the Interior  
3 under this title.

4 (b) COOPERATION.—The Secretary of Agriculture  
5 and the Secretary of the Interior shall cooperate with  
6 Daggett County in ensuring that disposal processes are  
7 consistent with the land use plan developed under sub-  
8 section (a) and with this title.

9 **SEC. 1209. APPRAISALS.**

10 (a) REQUIREMENTS.—

11 (1) IN GENERAL.—Not later than 180 days  
12 after the date of enactment of this Act, the Sec-  
13 retary of the Interior shall conduct appraisals to de-  
14 termine the fair market value of properties des-  
15 ignated for disposal under paragraphs (1), (2), (3),  
16 (5), and (7) of section 1204(d).

17 (2) UNOCCUPIED PLATTED LOTS.—Not later  
18 than 90 days after the date of receipt by the Sec-  
19 retary of the Interior from an eligible purchaser of  
20 a written notice of intent to purchase an unoccupied  
21 platted lot referred to in section 1204(d)(4), the  
22 Secretary of the Interior shall conduct an appraisal  
23 of the lot.

24 (3) SPECIAL USE PERMITS.—

1           (A) IN GENERAL.—Not later than 90 days  
2           after the date of receipt by the Secretary of the  
3           Interior from a permit holder of a written no-  
4           tice of intent to purchase a property described  
5           in section 1210(g), the Secretary of the Interior  
6           shall conduct an appraisal of the property.

7           (B) IMPROVEMENTS AND ALTERNATIVE  
8           LAND.—An appraisal to carry out subparagraph  
9           (A) may include an appraisal of the value of  
10          permit holder improvements and alternative  
11          land in order to conduct an in-lieu land sale.

12          (4) OCCUPIED PARCELS.—In the case of an oc-  
13          cupied parcel, an appraisal under this subsection  
14          shall include an appraisal of the full fee value of the  
15          occupied lot or land parcel and the value of resi-  
16          dences, structures, facilities, and existing, in-place  
17          federally owned fixtures and furnishings necessary  
18          for full use of the property.

19          (5) UNOCCUPIED PARCELS.—In the case of an  
20          unoccupied parcel, an appraisal under this sub-  
21          section shall consider potential future uses of the  
22          parcel that are consistent with the land use plan de-  
23          veloped under section 1208(a) (including the land  
24          use map of the plan) and with subsection (c).

1           (6) FUNDING.—Funds for appraisals conducted  
2           under this section shall be derived from the Upper  
3           Colorado River Basin Fund authorized by section 5  
4           of the Act of April 11, 1956 (70 Stat. 107, chapter  
5           203; 43 U.S.C. 620d).

6           (b) REDUCTIONS FOR IMPROVEMENTS.—An ap-  
7           praisal of a residence or a structure or facility leased for  
8           private use under this section shall deduct the contribu-  
9           tory value of improvements made by the current occupant  
10          or lessee if the occupant or lessee provides reasonable evi-  
11          dence of expenditure of money or materials in making the  
12          improvements.

13          (c) CURRENT USE.—An appraisal under this section  
14          shall consider the current use of a property (including the  
15          use of housing as a community residence) and avoid uncer-  
16          tain speculation as to potential future use.

17          (d) REVIEW.—

18                (1) IN GENERAL.—The Secretary of the Inte-  
19                rior shall make an appraisal under this section avail-  
20                able for review by a current occupant or lessee.

21                (2) ADDITIONAL INFORMATION OR APPEAL.—

22                    (A) IN GENERAL.—The current occupant  
23                    or lessee may provide additional information, or  
24                    appeal the findings of the appraisal in writing,

1 to the Upper Colorado Regional Director of the  
2 Bureau of Reclamation.

3 (B) ACTION BY SECRETARY OF THE INTE-  
4 RIOR.—The Secretary of the Interior—

5 (i) shall consider the additional infor-  
6 mation or appeal; and

7 (ii) may conduct a second appraisal if  
8 the Secretary determines that a second ap-  
9 praisal is necessary.

10 (e) INSPECTION.—The Secretary of the Interior shall  
11 provide opportunities for other qualified, interested pur-  
12 chasers to inspect completed appraisals under this section.

13 **SEC. 1210. DISPOSAL OF PROPERTIES.**

14 (a) CONVEYANCES.—

15 (1) PATENTS.—The Secretary of the Interior  
16 shall dispose of properties identified for disposal  
17 under section 1204, other than properties retained  
18 under section 1204(e), without regard to law govern-  
19 ing patents.

20 (2) CONDITION AND LAND.—Except as other-  
21 wise provided in this title, conveyance of a building,  
22 structure, or facility under this title shall be in its  
23 current condition and shall include the land parcel  
24 on which the building, structure, or facility is situ-  
25 ated.

1           (3) FIXTURES AND FURNISHINGS.—An existing  
2           and in-place fixture or furnishing necessary for the  
3           full use of a property or facility under this title shall  
4           be conveyed along with the property.

5           (4) MAINTENANCE.—

6                 (A) BEFORE CONVEYANCE.—Before prop-  
7                 erty is conveyed under this title, the Secretary  
8                 of the Interior shall ensure reasonable and pru-  
9                 dent maintenance and proper care of the prop-  
10                erty.

11               (B) AFTER CONVEYANCE.—After property  
12               is conveyed to a recipient under this title, the  
13               recipient shall be responsible for—

14                         (i) maintenance and proper care of  
15                         the property; and

16                         (ii) any contamination of the property.

17           (b) INFRASTRUCTURE FACILITIES AND LAND.—In-  
18           frastructure facilities and land described in paragraphs  
19           (1) and (2) of section 1204(c) shall be conveyed, without  
20           consideration, to Daggett County, Utah.

21           (c) SCHOOL.—The lands on which are located the  
22           Dutch John public schools described in section 1204(c)(3)  
23           shall be conveyed, without consideration, to the Daggett  
24           County School District.

1 (d) UTAH DIVISION OF WILDLIFE RESOURCES.—  
2 Lands on which are located the offices, 3 employee resi-  
3 dences, warehouses, and facilities of the Utah Division of  
4 Wildlife Resources described in section 1204(d)(7) shall  
5 be conveyed, without consideration, to the Division.

6 (e) RESIDENCES AND LOTS.—

7 (1) IN GENERAL.—

8 (A) FAIR MARKET VALUE.—A residence  
9 and occupied residential lot to be disposed of  
10 under this title shall be sold for the appraised  
11 fair market value.

12 (B) NOTICE.—The Secretary of the Inte-  
13 rior shall provide local general public notice,  
14 and written notice to lessees and to current oc-  
15 cupants of residences and of occupied residen-  
16 tial lots for disposal, of the intent to sell prop-  
17 erties under this title.

18 (2) PURCHASE OF RESIDENCES OR LOTS BY  
19 LESSEES.—

20 (A) IN GENERAL.—Subject to subpara-  
21 graph (B), the Secretary of the Interior shall  
22 provide a holder of a current lease from the  
23 Secretary for a residence to be sold under para-  
24 graph (1) or (2) of section 1204(d) or for a res-  
25 idential lot occupied by a privately owned dwell-

1 ing described in section 1204(d)(3) a period of  
2 180 days beginning on the date of the written  
3 notice of the Secretary of intent of the Sec-  
4 retary to sell the residence or lot, to execute a  
5 contract with the Secretary of the Interior to  
6 purchase the residence or lot for the appraised  
7 fair market value.

8 (B) NOTICE OF INTENT TO PURCHASE.—

9 To obtain the protection of subparagraph (A),  
10 the lessee shall, during the 30-day period begin-  
11 ning on the date of receipt of the notice re-  
12 ferred to in subparagraph (A), notify the Sec-  
13 retary in writing of the intent of the lessee to  
14 purchase the residence or lot.

15 (C) NO NOTICE OR PURCHASE CON-

16 TRACT.—If no written notification of intent to  
17 purchase is received by the Secretary in accord-  
18 ance with subparagraph (B) or if a purchase  
19 contract has not been executed in accordance  
20 with subparagraph (A), the residence or lot  
21 shall become available for purchase by other  
22 persons under paragraph (3).

23 (3) PURCHASE OF RESIDENCES OR LOTS BY  
24 OTHER PERSONS.—

1 (A) ELIGIBILITY.—If a residence or lot be-  
2 comes available for purchase under paragraph  
3 (2)(C), the Secretary of the Interior shall make  
4 the residence or lot available for purchase by—

5 (i) a current authorized occupant of  
6 the residence to be sold;

7 (ii) a holder of a current reclamation  
8 lease for a residence within Dutch John;

9 (iii) an employee of the Bureau of  
10 Reclamation or the Forest Service who re-  
11 sides in Dutch John; or

12 (iv) a Federal or non-Federal em-  
13 ployee in support of a Federal agency who  
14 resides in Dutch John.

15 (B) PRIORITY.—

16 (i) SENIORITY.—Priority for purchase  
17 of properties available for purchase under  
18 this paragraph shall be by seniority of rec-  
19 lamation lease or residency in Dutch John.

20 (ii) PRIORITY LIST.—The Secretary of  
21 the Interior shall compile a priority list of  
22 eligible potential purchasers that is based  
23 on the length of continuous residency in  
24 Dutch John or the length of a continuous  
25 residence lease issued by the Bureau of



1 Reclamation in Dutch John, with the high-  
2 est priority provided for purchasers with  
3 the longest continuous residency or lease.

4 (iii) INTERRUPTIONS.—If a continu-  
5 ous residency or lease was interrupted, the  
6 Secretary shall consider only that most re-  
7 cent continuous residency or lease.

8 (iv) OTHER FACTORS.—In preparing  
9 the priority list, the Secretary shall not  
10 consider a factor (including agency employ-  
11 ment or position) other than the length of  
12 the current residency or lease.

13 (v) DISPUTES.—A potential purchaser  
14 may file a written appeal over a dispute in-  
15 volving eligibility or ranking on the priority  
16 list with the Secretary of the Interior, act-  
17 ing through the Upper Colorado Regional  
18 Director of the Bureau of Reclamation.  
19 The Secretary, acting through the Regional  
20 Director, shall consider the appeal and re-  
21 solve the dispute.

22 (C) NOTICE.—The Secretary of the Inte-  
23 rior shall provide general public notice and writ-  
24 ten notice by certified mail to eligible pur-  
25 chasers that specifies—

- 1 (i) properties available for purchase  
2 under this paragraph;  
3 (ii) the appraised fair market value of  
4 the properties;  
5 (iii) instructions for potential eligible  
6 purchasers; and  
7 (iv) any purchase contract require-  
8 ments.

9 (D) NOTICE OF INTENT TO PURCHASE.—  
10 An eligible purchaser under this paragraph  
11 shall have a period of 90 days after receipt of  
12 written notification to submit to the Secretary  
13 of the Interior a written notice of intent to pur-  
14 chase a specific available property at the listed  
15 appraised fair market value.

16 (E) NOTICE OF ELIGIBILITY OF HIGHEST  
17 ELIGIBLE PURCHASER TO PURCHASE PROP-  
18 erty.—The Secretary of the Interior shall pro-  
19 vide notice to the potential purchaser with the  
20 highest eligible purchaser priority for each  
21 property that the purchaser will have the first  
22 opportunity to execute a sales contract and pur-  
23 chase the property.

24 (F) AVAILABILITY TO OTHER PURCHASERS  
25 ON PRIORITY LIST.—If no purchase contract is

1           executed for a property by the highest priority  
2           purchaser within the 180 days after receipt of  
3           notice under subparagraph (E), the Secretary  
4           of the Interior shall make the property available  
5           to other purchasers listed on the priority list.

6           (G) LIMITATION ON NUMBER OF PROP-  
7           ERTIES.—No household may purchase more  
8           than 1 residential property under this para-  
9           graph.

10          (4) RESIDUAL PROPERTY TO COUNTY.—If a  
11          residence or lot to be disposed of under this title is  
12          not purchased in accordance with paragraph (2) or  
13          (3) within 2 years after providing the first notice of  
14          intent to sell under paragraph (1)(B), the Secretary  
15          of the Interior shall convey the residence or lot to  
16          Daggett County without consideration.

17          (5) ADVISORY COMMITTEE.—The Secretary of  
18          the Interior, acting through the Upper Colorado Re-  
19          gional Director of the Bureau of Reclamation, may  
20          appoint a nonfunded Advisory Committee comprised  
21          of 1 representative from each of the Bureau of Rec-  
22          lamation, Daggett County, and the Dutch John com-  
23          munity to review and provide advice to the Secretary  
24          on the resolution of disputes arising under this sub-  
25          section and subsection (f).

1           (6) FINANCING.—The Secretary of the Interior  
2       shall provide advice to potential purchasers under  
3       this subsection and subsection (f) in obtaining ap-  
4       propriate and reasonable financing for the purchase  
5       of a residence or lot.

6       (f) UNOCCUPIED PLATTED LOTS.—

7           (1) IN GENERAL.—Except as provided in para-  
8       graph (2), the Secretary of the Interior shall make  
9       an unoccupied platted lot described in section  
10      1204(d)(4) available for sale to eligible purchasers  
11      for the appraised fair market value of the lot.

12          (2) CONVEYANCE FOR PUBLIC PURPOSE.—On  
13      request from Daggett County, the Secretary of the  
14      Interior may convey directly to the County without  
15      consideration a lot referred to in paragraph (1) that  
16      will be used for a public use purpose that is consist-  
17      ent with the land use plan developed under section  
18      1208(a).

19          (3) ADMINISTRATION.—The procedures estab-  
20      lished under subsection (e) shall apply to this sub-  
21      section to the maximum extent practicable, as deter-  
22      mined by the Secretary of the Interior.

23          (4) LAND-USE DESIGNATION.—For each lot  
24      sold under this subsection, the Secretary of the Inte-  
25      rior shall include in the notice of intent to sell the

1 lot provided under this subsection the land-use des-  
2 ignation of the lot established under the land use  
3 plan developed under section 1208(a).

4 (5) LIMITATION ON NUMBER OF LOTS.—No  
5 household may purchase more than 1 residential lot  
6 under this subsection.

7 (6) LIMITATION ON PURCHASE OF ADDITIONAL  
8 LOTS.—No household purchasing an existing resi-  
9 dence under this section may purchase an additional  
10 single home, residential lot.

11 (7) RESIDUAL LOTS TO COUNTY.—If a lot de-  
12 scribed in paragraph (1) is not purchased in accord-  
13 ance with paragraphs (1) through (6) within 2 years  
14 after providing the first notice of intent to sell under  
15 this subsection, the Secretary of the Interior shall  
16 convey the lot to Daggett County without consider-  
17 ation.

18 (g) SPECIAL USE PERMITS.—

19 (1) SALE.—Lands on which Forest Service spe-  
20 cial use permits are issued to holders numbered  
21 4054 and 9303, Ashley National Forest, comprising  
22 approximately 15.3 acres and 1 acre, respectively,  
23 may be sold at appraised fair market value to the  
24 holder of the permit.

1           (2) ADMINISTRATION OF PERMITS.—On trans-  
2       fer of jurisdiction of the land to the Secretary of the  
3       Interior pursuant to section 1206, the Secretary of  
4       the Interior shall administer the permits under the  
5       terms and conditions of the permits.

6           (3) NOTICE OF AVAILABILITY FOR PUR-  
7       CHASE.—The Secretary of the Interior shall notify  
8       the respective permit holders in writing of the avail-  
9       ability of the land for purchase.

10          (4) APPRAISALS.—The Secretary of the Interior  
11       shall not conduct an appraisal of the land unless the  
12       Secretary receives a written notice of intent to pur-  
13       chase the land within 2 years after providing notice  
14       under paragraph (3).

15          (5) ALTERNATIVE PARCELS.—On request by  
16       permit holder number 9303, the Secretary of the In-  
17       terior, in consultation with Daggett County, may—

18                (A) consider sale of a parcel within the  
19       Daggett County community of similar size and  
20       appraised value in lieu of the land under permit  
21       on the date of enactment of this Act; and

22                (B) provide the holder credit toward the  
23       purchase or other negotiated compensation for  
24       the appraised value of improvements of the per-

1           mittee to land under permit on the date of en-  
2           actment of this Act.

3           (6) RESIDUAL LAND TO COUNTY.—If land de-  
4           scribed in paragraph (1) is not purchased in accord-  
5           ance with paragraphs (1) through (5) within 2 years  
6           after providing the first notice of intent to sell under  
7           this subsection, the Secretary of the Interior shall  
8           convey the land to Daggett County without consider-  
9           ation.

10          (h) TRANSFERS TO COUNTY.—Other land occupied  
11       by authorization of a special use permit, easement, or  
12       right-of-way to be disposed of under this title shall be  
13       transferred to Daggett County if the holder of the author-  
14       ization and the County, prior to transfer of the lands to  
15       the County—

16               (1) agree to and execute a legal document that  
17               grants the holder the rights and privileges provided  
18               in the existing authorization; or

19               (2) enter into another arrangement that is mu-  
20               tually satisfactory to the holder and the County.

21          (i) CHURCH LAND.—

22               (1) IN GENERAL.—The Secretary of the Inte-  
23               rior shall offer to sell land to be disposed of under  
24               this title on which is located an established church

1 to the parent entity of the church at the appraised  
2 fair market value.

3 (2) NOTICE.—The Secretary of the Interior  
4 shall notify the church in writing of the availability  
5 of the land for purchase.

6 (3) RESIDUAL LAND TO COUNTY.—If land de-  
7 scribed in paragraph (1) is not purchased in accord-  
8 ance with paragraphs (1) and (2) within 2 years  
9 after providing the first notice of intent to sell under  
10 this subsection, the Secretary of the Interior shall  
11 convey the land to Daggett County without consider-  
12 ation.

13 (j) RESIDUAL PROPERTIES TO COUNTY.—The Sec-  
14 retary of the Interior shall convey all lands, buildings, or  
15 facilities designated for disposal under this title that are  
16 not conveyed in accordance with subsections (a) through  
17 (i) to Daggett County without consideration.

18 (k) WATER RIGHTS.—

19 (1) IN GENERAL.—Subject to the other provi-  
20 sions of this subsection, the Secretary of the Interior  
21 shall transfer all water rights the Secretary holds  
22 that are applicable to the Dutch John municipal  
23 water system to Daggett County.

24 (2) WATER SERVICE CONTRACT.—



1           (A) IN GENERAL.—Transfer of rights  
2           under paragraph (1) is contingent on Daggett  
3           County entering into a water service contract  
4           with the Secretary of the Interior covering pay-  
5           ment for and delivery of untreated water to  
6           Daggett County pursuant to the Act of April  
7           11, 1956 (70 Stat. 105, chapter 203; 43 U.S.C.  
8           620 et seq.).

9           (B) DELIVERED WATER.—The contract  
10          shall require payment only for water actually  
11          delivered.

12          (3) EXISTING RIGHTS.—Existing rights for  
13          transfer to Daggett County under this subsection in-  
14          clude—

15               (A) Utah Water Right 41–2942 (A30557,  
16               Cert. No. 5903) for 0.08 cubic feet per second  
17               from a water well; and

18               (B) Utah Water Right 41–3470  
19               (A30414b), an unapproved application to seg-  
20               regate 12,000 acre-feet per year of water from  
21               the original approved Flaming Gorge water  
22               right (41–2963) for municipal use in the town  
23               of Dutch John and surrounding areas.

24          (4) CULINARY WATER SUPPLIES.—The transfer  
25          of water rights under this subsection is conditioned

1 on the agreement of Daggett County to provide cul-  
2 inary water supplies to Forest Service campgrounds  
3 served (on the date of enactment of this Act) by the  
4 water supply system and to Forest Service and Bu-  
5 reau of Reclamation facilities, at a rate equivalent to  
6 other similar uses.

7 (5) MAINTENANCE.—The Secretary of Agri-  
8 culture and the Secretary of the Interior shall be re-  
9 sponsible for maintenance of their respective water  
10 systems from the point of the distribution lines of  
11 the systems.

12 (l) SHORELINE ACCESS.—On receipt of an acceptable  
13 application, the Secretary of Agriculture shall consider  
14 issuance of a special use permit affording Flaming Gorge  
15 Reservoir public shoreline access and use within the vicin-  
16 ity of Dutch John in conjunction with commercial visitor  
17 facilities provided and maintained under such a permit.

18 (m) REVENUES.—

19 (1) IN GENERAL.—Except as provided in para-  
20 graph (2), all revenues derived from the sale of  
21 properties as authorized by this title shall tempo-  
22 rarily be deposited in a segregated interest-bearing  
23 trust account in the Treasury with the moneys on  
24 hand in the account paid to Daggett County semi-  
25 annually to be used by the County for purposes as-

1       sociated with the provision of governmental and  
2       community services to the Dutch John community.

3           (2) DEPOSIT IN THE GENERAL FUND.—Of the  
4       revenues described in paragraph (1), 15.1 percent  
5       shall be deposited in the general fund of the Treas-  
6       ury.

7   **SEC. 1211. VALID EXISTING RIGHTS.**

8       (a) AGREEMENTS.—

9           (1) IN GENERAL.—If any lease, permit, right-  
10      of-way, easement, or other valid existing right is ap-  
11      purtenant to land conveyed to Daggett County,  
12      Utah, under this title, the County shall honor and  
13      enforce the right through a legal agreement entered  
14      into by the County and the holder before the date  
15      of conveyance.

16          (2) EXTENSION OR TERMINATION.—The Coun-  
17      ty may extend or terminate an agreement under  
18      paragraph (1) at the end of the term of the agree-  
19      ment.

20          (b) USE OF REVENUES.—During such period as the  
21      County is enforcing a right described in subsection (a)(1)  
22      through a legal agreement between the County and the  
23      holder of the right under subsection (a), the County shall  
24      collect and retain any revenues due the Federal Govern-  
25      ment under the terms of the right.

1       (c) EXTINGUISHMENT OF RIGHTS.—If a right de-  
2 scribed in subsection (a)(1) with respect to certain land  
3 has been extinguished or otherwise protected, the County  
4 may dispose of the land.

5 **SEC. 1212. CULTURAL RESOURCES.**

6       (a) MEMORANDA OF AGREEMENT.—Before transfer  
7 and disposal under this title of any land that contains cul-  
8 tural resources and that may be eligible for listing on the  
9 National Register of Historic Places, the Secretary of Ag-  
10 riculture, in consultation with the Secretary of the Inte-  
11 rior, the Utah Historic Preservation Office, and Daggett  
12 County, Utah, shall prepare a memorandum of agreement,  
13 for review and approval by the Utah Office of Historical  
14 Preservation and the Advisory Council on Historic Preser-  
15 vation established by title II of the National Historic Pres-  
16 ervation Act (16 U.S.C. 470i et seq.), that contains a  
17 strategy for protecting or mitigating adverse effects on  
18 cultural resources on the land.

19       (b) INTERIM PROTECTION.—Until such time as a  
20 memorandum of agreement has been approved, or until  
21 lands are disposed of under this title, the Secretary of Ag-  
22 riculture shall provide clearance or protection for the re-  
23 sources.

24       (c) TRANSFER SUBJECT TO AGREEMENT.—On com-  
25 pletion of actions required under the memorandum of

1 agreement for certain land, the Secretary of the Interior  
2 shall provide for the conveyance of the land to Daggett  
3 County, Utah, subject to the memorandum of agreement.

4 **SEC. 1213. TRANSITION OF SERVICES TO LOCAL GOVERN-**  
5 **MENT CONTROL.**

6 (a) ASSISTANCE.—

7 (1) IN GENERAL.—The Secretary of the Inte-  
8 rior shall provide training and transitional operating  
9 assistance to personnel designated by Daggett Coun-  
10 ty, Utah, as successors to the operators for the Sec-  
11 retary of the infrastructure facilities described in  
12 section 1204(c).

13 (2) DURATION OF TRAINING.—With respect to  
14 an infrastructure facility, training under paragraph  
15 (1) shall continue for such period as is necessary for  
16 the designated personnel to demonstrate reasonable  
17 capability to safely and efficiently operate the facil-  
18 ity, but not to exceed 2 years.

19 (3) CONTINUING ASSISTANCE.—The Secretary  
20 shall remain available to assist with resolving ques-  
21 tions about the original design and installation, op-  
22 erating and maintenance needs, or other aspects of  
23 the infrastructure facilities.

24 (b) TRANSITION COSTS.—For the purpose of defray-  
25 ing costs of transition in administration and provision of

1 basic community services, an annual payment of \$300,000  
2 (as adjusted by the Secretary for changes in the Consumer  
3 Price Index for all-urban consumers published by the De-  
4 partment of Labor) shall be provided from the Upper Col-  
5 orado River Basin Fund authorized by section 5 of the  
6 Act of April 11, 1956 (70 Stat. 107, chapter 203; 43  
7 U.S.C. 620d), to Daggett County, Utah, or, in accordance  
8 with subsection (c), to Dutch John, Utah, for a period  
9 not to exceed 15 years beginning the first January 1 that  
10 occurs after the date of enactment of this Act.

11 (c) DIVISION OF PAYMENT.—If Dutch John becomes  
12 incorporated and become responsible for operating any of  
13 the infrastructure facilities referred to in subsection (a)(1)  
14 or for providing other basic local governmental services,  
15 the payment amount for the year of incorporation and  
16 each following year shall be proportionately divided be-  
17 tween Daggett County and Dutch John based on the re-  
18 spective costs paid by each government for the previous  
19 year to provide the services.

20 (d) ELECTRIC POWER.—

21 (1) AVAILABILITY.—The United States shall  
22 make available electric power and associated energy  
23 from the Colorado River Storage Project for the  
24 Dutch John community.

1           (2) AMOUNT.—The amount of electric power  
2           and associated energy made available under para-  
3           graph (1) shall not exceed 1,000,000 kilowatt-hours  
4           per year.

5           (3) RATES.—The rates for power and associ-  
6           ated energy shall be the firm capacity and energy  
7           rates of the Salt Lake City Area/Integrated Projects.

8   **SEC. 1214. AUTHORIZATION OF APPROPRIATIONS.**

9           (a) RESOURCE RECOVERY AND MITIGATION.—There  
10          are authorized to be appropriated to the Secretary of Agri-  
11          culture, out of nonpower revenues to the Federal Govern-  
12          ment from land transferred under this title, such sums  
13          as are necessary to implement such habitat, sensitive re-  
14          source, or cultural resource recovery, mitigation, or re-  
15          placement strategies as are developed with respect to land  
16          transferred under this title, except that the strategies may  
17          not include acquisition of privately owned lands in Daggett  
18          County.

19          (b) OTHER SUMS.—In addition to sums made avail-  
20          able under subsection (a), there are authorized to be ap-  
21          propriated such sums as are necessary to carry out this  
22          title.

1 **TITLE** **XIII—RECLAMATION**  
2 **PROJECT CONVEYANCES AND**  
3 **MISCELLANEOUS** **PROVI-**  
4 **SIONS**  
5 **Subtitle A—Sly Park Dam and**  
6 **Reservoir, California**

7 **SEC. 1311. SHORT TITLE.**

8 This subtitle may be cited as the “Sly Park Unit Con-  
9 veyance Act”.

10 **SEC. 1312. DEFINITIONS.**

11 For purposes of this subtitle:

12 (1) The term “District” means the El Dorado  
13 Irrigation District, a political subdivision of the  
14 State of California that has its principal place of  
15 business in the city of Placerville, El Dorado Coun-  
16 ty, California.

17 (2) The term “Secretary” means the Secretary  
18 of the Interior.

19 (3) The term “Project” means all of the right,  
20 title, and interest in and to the Sly Park Dam and  
21 Reservoir, Camp Creek Diversion Dam and Tunnel,  
22 and conduits and canals held by the United States  
23 pursuant to or related to the authorization in the  
24 Act entitled “An Act to authorize the American  
25 River Basin Development, California, for irrigation



1 and reclamation, and for other purposes”, approved  
2 October 14, 1949 (63 Stat. 852 chapter 690);

3 **SEC. 1313. CONVEYANCE OF PROJECT.**

4 (a) IN GENERAL.—In consideration of the District  
5 accepting the obligations of the Federal Government for  
6 the Project and subject to the payment by the District  
7 of the net present value of the remaining repayment obli-  
8 gation, as determined by Office of Management and Budg-  
9 et Circular A–129 (in effect on the date of enactment of  
10 this Act), the Secretary shall convey the Project to the  
11 District.

12 (b) DEADLINE.—

13 (1) IN GENERAL.—If no changes in Project op-  
14 erations are expected following the conveyance under  
15 subsection (a), the Secretary shall complete the con-  
16 veyance expeditiously, but not later than 180 days  
17 after the date of the enactment of this Act.

18 (2) DEADLINE IF CHANGES IN OPERATIONS IN-  
19 TENDED.—If the District intends to change Project  
20 operations as a result of the conveyance under sub-  
21 section (a), the Secretary—

22 (A) shall take into account those potential  
23 changes for the purpose of completing any re-  
24 quired environmental evaluation associated with  
25 the conveyance; and

1 (B) shall complete the conveyance by not  
2 later than 2 years after the date of the enact-  
3 ment of this Act.

4 (3) ADMINISTRATIVE COSTS OF CONVEY-  
5 ANCE.—If the Secretary fails to complete the con-  
6 veyance under this subtitle before the applicable  
7 deadline under paragraph (1) or (2), the full cost of  
8 administrative action and environmental compliance  
9 for the conveyance shall be borne by the Secretary.  
10 If the Secretary completes the conveyance before  
11 that deadline, 1/2 of such cost shall be paid by the  
12 District.

13 **SEC. 1314. RELATIONSHIP TO EXISTING OPERATIONS.**

14 (a) IN GENERAL.—Nothing in this subtitle shall be  
15 construed as significantly expanding or otherwise chang-  
16 ing the use or operation of the Project from its current  
17 use and operation.

18 (b) FUTURE ALTERATIONS.—If the District alters  
19 the operations or uses of the Project it shall comply with  
20 all applicable laws or regulations governing such changes  
21 at that time (subject to section 1315).

22 **SEC. 1315. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**  
23 **TIONS.**

24 (a) PAYMENT OBLIGATIONS NOT AFFECTED.—The  
25 conveyance of the Project under this subtitle does not af-

1   fect the payment obligations of the District under the con-  
2   tract between the District and the Secretary numbered  
3   14–06–200–7734, as amended by contracts numbered 14–  
4   06–200–4282A and 14–06–200–8536A.

5       (b) PAYMENT OBLIGATIONS EXTINGUISHED.—Provi-  
6   sion of consideration by the District in accordance with  
7   section 1313(b) shall extinguish all payment obligations  
8   under contract numbered 14–06–200–949IR1 between the  
9   District and the Secretary.

10   **SEC. 1316. RELATIONSHIP TO OTHER LAWS.**

11       (a) RECLAMATION LAWS.—Except as provided in  
12   subsection (b), upon conveyance of the Project under this  
13   subtitle, the Reclamation Act of 1902 (82 Stat. 388) and  
14   all Acts amendatory thereof or supplemental thereto shall  
15   not apply to the Project.

16       (b) PAYMENTS INTO THE CENTRAL VALLEY  
17   PROJECT RESTORATION FUND.—The El Dorado Irriga-  
18   tion District shall continue to make payments into the  
19   Central Valley Project Restoration Fund for 31 years  
20   after the date of the enactment of this Act. The District’s  
21   obligation shall be calculated in the same manner as Cen-  
22   tral Valley Project water contractors.

23   **SEC. 1317. LIABILITY.**

24       Except as otherwise provided by law, effective on the  
25   date of conveyance of the Project under this subtitle, the

1 United States shall not be liable for damages of any kind  
2 arising out of any act, omission, or occurrence based on  
3 its prior ownership or operation of the conveyed property.

4       **Subtitle B—Minidoka Project,**  
5                               **Idaho**

6 **SEC. 1321. SHORT TITLE**

7       This subtitle may be cited as the “Burley Irrigation  
8 District Conveyance Act”.

9 **SEC. 1322. DEFINITIONS.**

10       In this subtitle:

11               (1) DISTRICT.—The term “District” means the  
12 Burley Irrigation District, an irrigation district or-  
13 ganized under the law of the State of Idaho.

14               (2) SECRETARY.—The term “Secretary” means  
15 the Secretary of the Interior.

16               (3) PROJECT.—The term “Project” means all  
17 of the right, title, and interest in and to the South-  
18 side Pumping Division of the Minidoka Project,  
19 Idaho, including the water distribution system below  
20 the headworks of the Minidoka Dam held in the  
21 name of the United States for the benefit of, and for  
22 use on land within, the District for which the alloca-  
23 ble construction costs have been fully repaid by the  
24 District.

1 **SEC. 1323. CONVEYANCE.**

2 (a) IN GENERAL.—In consideration of the District  
3 accepting the obligations of the Federal Government for  
4 the Project, and subject to the completion of payments  
5 by the District required under subsection (c)(3), the Sec-  
6 retary shall convey the Project and the water rights de-  
7 scribed in subsection (b) to the District.

8 (b) WATER RIGHTS.—

9 (1) TRANSFER REQUIRED.—The Secretary shall  
10 transfer to the District, through an agreement  
11 among the District, the Minidoka Irrigation District,  
12 and the Secretary and in accordance with and sub-  
13 ject to the law of the State of Idaho, all natural  
14 flow, waste, seepage, return flow, and ground water  
15 rights held in the name of the United States—

16 (A) for the benefit of the South Side  
17 Pumping Division operated and maintained by  
18 the District;

19 (B) for use on lands within the District or  
20 that are return flows for which the District may  
21 receive credit against storage water used.

22 (2) LIMITATION.—The transfer of the property  
23 interest of the United States in Project water rights  
24 directed to be conveyed by this section shall—

25 (A) neither enlarge nor diminish the water  
26 rights of either the Minidoka Irrigation District

1 or the District, as set forth in their respective  
2 contracts with the United States;

3 (B) not be exercised as to impair the inte-  
4 grated operation of the Minidoka Project by the  
5 Secretary pursuant to applicable Federal law;

6 (C) not affect any other water rights; and

7 (D) not result in any adverse impact on  
8 any other project water user.

9 (c) DEADLINE.—

10 (1) IN GENERAL.—If no changes in Project op-  
11 erations are expected following the conveyance under  
12 subsection (a), the Secretary shall complete the con-  
13 veyance expeditiously, but not later than 180 days  
14 after the date of the enactment of this Act.

15 (2) DEADLINE IF CHANGES IN OPERATIONS IN-  
16 TENDED.—If the District intends to change Project  
17 operations as a result of the conveyance under sub-  
18 section (a), the Secretary—

19 (A) shall take into account those potential  
20 changes for the purpose of completing any re-  
21 quired environmental evaluation associated with  
22 the conveyance; and

23 (B) shall complete the conveyance by not  
24 later than 2 years after the date of the enact-  
25 ment of this Act.

1           (3) ADMINISTRATIVE COSTS OF CONVEY-  
2       ANCE.—If the Secretary fails to complete the con-  
3       veyance under this subtitle before the applicable  
4       deadline under paragraph (1) or (2), the full cost of  
5       administrative action and environmental compliance  
6       for the conveyance shall be borne by the Secretary.  
7       If the Secretary completes the conveyance before  
8       that deadline, 1/2 of such cost shall be borne by the  
9       District.

10 **SEC. 1324. RELATIONSHIP TO EXISTING OPERATIONS.**

11       (a) IN GENERAL.—Nothing in this subtitle shall be  
12       construed as significantly expanding or otherwise chang-  
13       ing the use or operation of the Project from its current  
14       use and operation.

15       (b) FUTURE ALTERATIONS.—If the District alters  
16       the operations or uses of the Project it shall comply with  
17       all applicable laws or regulations governing such changes  
18       at that time (subject to section 1325).

19 **SEC. 1325. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**  
20 **TIONS.**

21       (a) SAVINGS.—Nothing in this subtitle or any trans-  
22       fer pursuant thereto shall affect the right of Minidoka Ir-  
23       rigation District to the joint use of the gravity portion of  
24       the Southside Canal, subject to compliance by the  
25       Minidoka Irrigation District with the terms and conditions

1 of a contract between the District and Minidoka Irrigation  
2 District, and any amendments or changes made by agree-  
3 ment of the irrigation districts.

4 (b) ALLOCATION OF STORAGE SPACE.—The Sec-  
5 retary shall provide an allocation to the District of storage  
6 space in Minidoka Reservoir, American Falls Reservoir,  
7 and Palisades Reservoir, as described in Burley Contract  
8 Nos. 14–06–100–2455 and 14–06–W–48, subject to the  
9 obligation of Burley to continue to assume and satisfy its  
10 allocable costs of operation and maintenance associated  
11 with the storage facilities operated by the Bureau of Rec-  
12 lamation.

13 (c) PROJECT RESERVED POWER.—The Secretary  
14 shall continue to provide the District with project reserved  
15 power from the Minidoka Reclamation Power Plant, Pali-  
16 sades Reclamation Power Plant, Black Canyon Reclama-  
17 tion Power Plant, and Anderson Ranch Reclamation  
18 Power Plant in accordance with the terms of the existing  
19 contracts, including any renewals thereof as provided in  
20 such contracts.

21 **SEC. 1326. LIABILITY.**

22 Except as otherwise provided by law, effective on the  
23 date of conveyance of the Project under this subtitle, the  
24 United States shall not be held liable for damages of any  
25 kind arising out of any act, omission, or occurrence based



1 on its prior ownership or operation of the conveyed prop-  
2 erty.

3       **Subtitle C—Carlsbad Irrigation**  
4               **Project, New Mexico**

5       **SEC. 1331. SHORT TITLE.**

6           This subtitle may be cited as the “Carlsbad Irrigation  
7 Project Acquired Land Conveyance Act”.

8       **SEC. 1332. DEFINITIONS.**

9           For purposes of this subtitle:

10           (1) The term “District” means the Carlsbad Ir-  
11 rigation District, a quasimunicipal corporation  
12 formed under the laws of the State of New Mexico  
13 that has its principal place of business in the city of  
14 Carlsbad, Eddy County, New Mexico.

15           (2) The term “Secretary” means the Secretary  
16 of the Interior.

17           (3) The term “Project” means all right, title,  
18 and interest in and to the lands (including the sub-  
19 surface and mineral estate) in Eddy County, New  
20 Mexico, described as the acquired lands in section  
21 (7) of the Status of Lands and Title Report: Carls-  
22 bad Project as reported by the Bureau of Reclama-  
23 tion in 1978 and all interests the United States  
24 holds in the irrigation and drainage system of the  
25 Carlsbad Project and all related ditch rider houses,

1 maintenance shop and buildings, and Pecos River  
2 Flume.

3 **SEC. 1333. CONVEYANCE OF PROJECT.**

4 (a) IN GENERAL.—Except as provided in subsection  
5 (b), in consideration of the District accepting the obliga-  
6 tions of the Federal Government for the Project, and sub-  
7 ject to the completion of payments by the District required  
8 under subsection (c)(3), the Secretary shall convey the  
9 Project to the District

10 (b) RETAINED TITLE.—The Secretary shall retain  
11 title to the surface estate (but not the mineral estate) of  
12 such Project lands which are located under the footprint  
13 of Brantley and Avalon dams or any other Project dam  
14 or reservoir diversion structure. The Secretary shall retain  
15 storage and flow easements for any tracts located under  
16 the maximum spillway elevations of Avalon and Brantley  
17 Reservoirs.

18 (c) DEADLINE.—

19 (1) IN GENERAL.—If no changes in Project op-  
20 erations are expected following the conveyance under  
21 subsection (a), the Secretary shall complete the con-  
22 veyance expeditiously, but not later than 180 days  
23 after the date of the enactment of this Act.

24 (2) DEADLINE IF CHANGES IN OPERATIONS IN-  
25 TENDED.—If the District intends to change Project

1 operations as a result of the conveyance under sub-  
2 section (a), the Secretary—

3 (A) shall take into account those potential  
4 changes for the purpose of completing any re-  
5 quired environmental evaluation associated with  
6 the conveyance; and

7 (B) shall complete the conveyance by not  
8 later than 2 years after the date of the enact-  
9 ment of this Act.

10 (3) ADMINISTRATIVE COSTS OF CONVEY-  
11 ANCE.—If the Secretary fails to complete the con-  
12 veyance under this subtitle before the applicable  
13 deadline under paragraph (1) or (2), the full cost of  
14 administrative action and environmental compliance  
15 for the conveyance shall be borne by the Secretary.  
16 If the Secretary completes the conveyance before  
17 that deadline,  $\frac{1}{2}$  of such cost shall be paid by the  
18 District.

19 **SEC. 1334. RELATIONSHIP TO EXISTING OPERATIONS.**

20 (a) IN GENERAL.—Nothing in this subtitle shall be  
21 construed as significantly expanding or otherwise chang-  
22 ing the use and operation of the Project from its current  
23 use. The Project shall continue to be managed and used  
24 by the District for the purposes for which the Project was

1 authorized, based on historic operations, and consistent  
2 with the management of other adjacent project lands.

3 (b) FUTURE ALTERATIONS.—If the District alters  
4 the operations or uses of the Project, it shall comply with  
5 all applicable laws or regulations governing such changes  
6 at that time (subject to section 1335).

7 **SEC. 1335. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**  
8 **TIONS.**

9 (a) IN GENERAL.—Except as provided in subsection  
10 (b), upon conveyance of the Project under this subtitle the  
11 District shall assume all rights and obligations of the  
12 United States under the agreement dated July 28, 1994,  
13 between the United States and the Director, New Mexico  
14 Department of Game and Fish (Document No. 2–LM–40–  
15 00640), relating to management of certain lands near  
16 Brantley Reservoir for fish and wildlife purposes and the  
17 agreement dated March 9, 1977, between the United  
18 States and the New Mexico Department of Energy, Min-  
19 erals, and Natural Resources (Contract No. 7–07–57–  
20 X0888) for the management and operation of Brantley  
21 Lake State Park.

22 (b) LIMITATION.—The District shall not be obligated  
23 for any financial support agreed to by the Secretary, or  
24 the Secretary’s designee, in either agreement and the Dis-

1 triet shall not be entitled to any receipts or revenues gen-  
2 erated as a result of either agreement.

3 **SEC. 1336. LEASE MANAGEMENT AND PAST REVENUES COL-**  
4 **LECTED FROM THE ACQUIRED LANDS.**

5 (a) NOTIFICATION OF LEASEHOLDERS.—Within 120  
6 days after the date of enactment of this Act, the Secretary  
7 shall provide to the District a written identification of all  
8 mineral and grazing leases in effect on Project lands on  
9 the date of enactment of this Act and notify all lease-  
10 holders of the conveyance authorized by this subtitle.

11 (b) MANAGEMENT OF LEASES, LICENSES, AND PER-  
12 MITS.—The District shall assume all rights and obliga-  
13 tions of the United States for all mineral and grazing  
14 leases, licenses, and permits existing on the Project lands  
15 conveyed under section 1333, and shall be entitled to any  
16 receipts from such leases, licenses, and permits accruing  
17 after the date of conveyance. All such receipts shall be  
18 used for purposes for which the Project was authorized  
19 and for financing the portion of operations, maintenance,  
20 and replacement at the Sumner Dam that, prior to convey-  
21 ance, was the responsibility of the Bureau of Reclamation,  
22 with the exception of major maintenance programs in  
23 progress prior to conveyance. The District shall continue  
24 to adhere to the current Bureau of Reclamation mineral  
25 leasing stipulations for the Project.

1       (c) AVAILABILITY OF AMOUNTS PAID INTO THE REC-  
2   LAMATION FUND.—

3           (1) AMOUNTS IN FUND ON DATE OF ENACT-  
4   MENT.—Amounts in the reclamation fund on the  
5   date of enactment of this Act which exist as con-  
6   struction credits to the Carlsbad Project under the  
7   terms of the Mineral Leasing Act for Acquired  
8   Lands (30 U.S.C. 351–359) shall be deposited into  
9   the general fund of the Treasury and credited to  
10  deficit reduction or retirement of the Federal debt.

11          (2) RECEIPTS AFTER DATE OF ENACTMENT.—  
12  Of the receipts from mineral and grazing leases, li-  
13  censes, and permits on Project lands to be conveyed  
14  under section 1333 that are received by the United  
15  States after the date of enactment of this Act and  
16  before the date of conveyance, up to \$200,000 shall  
17  be applied to pay the cost referred to in section  
18  1333(c)(3) and the remainder shall be deposited into  
19  the general fund of the Treasury of the United  
20  States and credited to deficit reduction or retirement  
21  of the Federal debt.

22 **SEC. 1337. WATER CONSERVATION PRACTICES.**

23       Nothing in this subtitle shall be construed to limit  
24  the ability of the District to voluntarily implement water  
25  conservation practices.

1 **SEC. 1338. LIABILITY.**

2 Except as otherwise provided by law, effective on the  
3 date of conveyance of the Project under this subtitle, the  
4 United States shall not be liable for damages of any kind  
5 arising out of any act, omission, or occurrence based on  
6 its prior ownership or operation of the conveyed property.

7 **SEC. 1339. FUTURE RECLAMATION BENEFITS.**

8 After completion of the conveyance under this sub-  
9 title, the District shall not be eligible for any emergency  
10 loan from the Bureau of Reclamation for maintenance or  
11 replacement of any facility conveyed under this subtitle.

12 **Subtitle D—Palmetto Bend Project,**  
13 **Texas**

14 **SEC. 1341. SHORT TITLE.**

15 This subtitle may be cited as the “Palmetto Bend  
16 Conveyance Act”.

17 **SEC. 1342. DEFINITIONS.**

18 In this subtitle:

19 (1) STATE.—The term “State” means the  
20 Lavaca-Navidad River Authority and the Texas  
21 Water Development Board, jointly.

22 (2) SECRETARY.—The term “Secretary” means  
23 the Secretary of the Interior.

24 (3) PROJECT.—The term “Project” means all  
25 of the right, title, and interest in and to the Pal-

1 metto Bend reclamation project, Texas, authorized  
2 by Public Law 90–562 (82 Stat. 999).

3 **SEC. 1343. CONVEYANCE OF PROJECT.**

4 (a) IN GENERAL.—In consideration of the State ac-  
5 cepting the obligations of the Federal Government for the  
6 Project and subject to the payment by the State of the  
7 net present value of the remaining repayment obligation,  
8 as determined by Office of Management and Budget Cir-  
9 cular A–129 (in effect on the date of enactment of this  
10 Act) and the completion of payments by the State required  
11 under subsection (b)(3), the Secretary shall convey the  
12 Project to the State.

13 (b) DEADLINE.—

14 (1) IN GENERAL.—If no changes in Project op-  
15 erations are expected following the conveyance under  
16 subsection (a), the Secretary shall complete the con-  
17 veyance expeditiously, but not later than 180 days  
18 after the date of the enactment of this Act.

19 (2) DEADLINE IF CHANGES IN OPERATIONS IN-  
20 TENDED.—If the State intends to change Project  
21 operations as a result of the conveyance under sub-  
22 section (a), the Secretary—

23 (A) shall take into account those potential  
24 changes for the purpose of completing any re-



1           quired environmental evaluation associated with  
2           the conveyance; and

3                   (B) shall complete the conveyance by not  
4           later than 2 years after the date of the enact-  
5           ment of this Act.

6           (3) ADMINISTRATIVE COSTS OF CONVEY-  
7           ANCE.—If the Secretary fails to complete the con-  
8           veyance under this title before the applicable dead-  
9           line under paragraph (1) or (2), the full cost of ad-  
10          ministrative action and environmental compliance for  
11          the conveyance shall be borne by the Secretary. If  
12          the Secretary completes the conveyance before that  
13          deadline, 1/2 of such cost shall be paid by the State.

14 **SEC. 1344. RELATIONSHIP TO EXISTING OPERATIONS.**

15          (a) IN GENERAL.—Nothing in this subtitle shall be  
16          construed as significantly expanding or otherwise chang-  
17          ing the use or operation of the Project from its current  
18          use and operation.

19          (b) FUTURE ALTERATIONS.—If the State alters the  
20          operations or uses of the Project it shall comply will all  
21          applicable laws or regulations governing such changes at  
22          that time.

23          (c) CONDITION.—Subject to the laws of the State of  
24          Texas, Lake Texana shall not be used to wheel water origi-  
25          nating from the Texas, Colorado River.

1 **SEC. 1345. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**  
2 **TIONS.**

3 Existing obligations of the United States pertaining  
4 to the Project shall continue in effect and be assumed by  
5 the State.

6 **SEC. 1346. RELATIONSHIP TO OTHER LAWS.**

7 Upon conveyance of the Project under this subtitle,  
8 the Reclamation Act of 1902 (82 Stat. 388) and all Acts  
9 amendatory thereof or supplemental thereto shall not  
10 apply to the Project.

11 **SEC. 1347. LIABILITY.**

12 Except as otherwise provided by law, effective on the  
13 date of conveyance of the Project under this subtitle, the  
14 United States shall not be liable for damages of any kind  
15 arising out of any act, omission, or occurrence based on  
16 its prior ownership or operation of the conveyed property.

17 **Subtitle E—Wellton-Mohawk**  
18 **Division, Gila Project, Arizona**

19 **SEC. 1351. SHORT TITLE.**

20 This subtitle may be cited as the “Wellton-Mohawk  
21 Division Title Transfer Act of 1998”.

22 **SEC. 1352. DEFINITIONS.**

23 For purposes of this subtitle:

24 (1) The term “District” means the Wellton-Mo-  
25 hawk Irrigation and Drainage District, an irrigation  
26 and drainage district created, organized, and exist-

1       ing under and by virtue of the laws of the State of  
2       Arizona.

3           (2) The term “Project” means all of the right,  
4       title, and interest in and to the Wellton-Mohawk Di-  
5       vision, Gila Project, Arizona, held by the United  
6       States pursuant to or related to any authorization in  
7       the Act of July 30, 1947 (chapter 382; 61 Stat.  
8       628).

9           (3) The term “Secretary” means the Secretary  
10      of the Interior.

11          (4) The term “withdrawn lands” means those  
12      lands within and adjacent to the District that have  
13      been withdrawn from public use for reclamation pur-  
14      poses.

15   **SEC. 1353. CONVEYANCE OF PROJECT.**

16      (a) IN GENERAL.—In consideration of the District  
17      accepting the obligations of the Federal Government for  
18      the Project, and subject to the payment of fair market  
19      value by the District for the withdrawn lands and the com-  
20      pletion of payments by the District required under sub-  
21      section (b)(3), the Secretary shall convey the Project and  
22      the withdrawn lands to the District in accordance with the  
23      Memorandum of Agreement between the Secretary and  
24      the District numbered 8-AA-34-WAO14 and dated July  
25      10, 1998.

1 (b) DEADLINE.—

2 (1) IN GENERAL.—The Secretary shall complete  
3 the conveyance expeditiously, but not later than 3  
4 years after the date of enactment of this Act.

5 (2) ADMINISTRATIVE COSTS OF CONVEY-  
6 ANCE.—If the Secretary fails to complete the con-  
7 veyance under this subtitle before the applicable  
8 deadline under paragraph (1), the full cost of admin-  
9 istrative action and environmental compliance for  
10 the conveyance shall be borne by the Secretary. If  
11 the Secretary completes the conveyance before that  
12 deadline, ½ of such cost shall be paid by the Dis-  
13 trict.

14 **SEC. 1354. RELATIONSHIP TO EXISTING OPERATIONS.**

15 (a) IN GENERAL.—Nothing in this subtitle shall be  
16 construed as significantly expanding or otherwise chang-  
17 ing the use or operation of the Project from its current  
18 use or operation.

19 (b) FUTURE ALTERATIONS.—If the District alters  
20 the operations or uses of the Project, it shall comply with  
21 all applicable laws and regulations governing such changes  
22 at that time.

23 **SEC. 1355. LIABILITY.**

24 Except as otherwise provided by law, effective on the  
25 date of conveyance of the Project under this subtitle, the

1 United States shall not be held liable under any law for  
2 damages of any kind arising out of any act, omission, or  
3 occurrence based on its prior ownership or operation of  
4 the conveyed property.

5 **SEC. 1356. LANDS TRANSFER.**

6 Pursuant to the Memorandum of Agreement between  
7 the Secretary and the District numbered 8-AA-34-  
8 WAO14 and dated July 10, 1998, the Secretary may  
9 transfer to the District, by sale or exchange, at fair mar-  
10 ket value, public lands located in or adjacent to the  
11 Project, and lands held by the Federal Government on the  
12 date of the enactment of this Act pursuant to Public Law  
13 93-320 and Public Law 100-512 and located in or adja-  
14 cent to the District, other than lands in the Gila River  
15 channel.

16 **SEC. 1357. WATER AND POWER CONTRACTS.**

17 Notwithstanding any conveyance or transfer under  
18 this subtitle, the Secretary and the Secretary of Energy  
19 shall provide for and deliver Colorado River water and  
20 Parker-Davis Project Priority Use Power to the District  
21 in accordance with the terms of existing contracts with  
22 the District, including any amendments and supplements  
23 thereto or extensions thereof and as provided under sec-  
24 tion 2 of the Memorandum of Agreement between the Sec-

1 retary and the District numbered 8-AA-34-WAO14 and  
2 dated July 10, 1998.

3           **Subtitle F—Canadian River**  
4                           **Project, Texas**

5 **SEC. 1361. SHORT TITLE.**

6           This subtitle may be cited as the “Canadian River  
7 Project Prepayment Act”.

8 **SEC. 1362. DEFINITIONS.**

9           For the purposes of this subtitle:

10                   (1) The term “Authority” means the Canadian  
11           River Municipal Water Authority, a conservation  
12           and reclamation district of the State of Texas.

13                   (2) The term “Canadian River Project Author-  
14           ization Act” means the Act entitled ‘An Act to au-  
15           thorize the construction, operation, and maintenance  
16           by the Secretary of the Interior of the Canadian  
17           River reclamation project, Texas’, approved Decem-  
18           ber 29, 1950 (chapter 1183; 64 Stat. 1124).

19                   (3) The term “Project” means all of the right,  
20           title, and interest in and to all land and improve-  
21           ments comprising the pipeline and related facilities  
22           of the Canadian River Project authorized by the Ca-  
23           nadian River Project Authorization Act.

24                   (4) The term “Secretary” means the Secretary  
25           of the Interior.

1 **SEC. 1363. PREPAYMENT AND CONVEYANCE OF PROJECT.**

2 (a) IN GENERAL.—(1) In consideration of the Au-  
3 thority accepting the obligation of the Federal Govern-  
4 ment for the Project and subject to the payment by the  
5 Authority of the applicable amount under paragraph (2)  
6 within the 360-day period beginning on the date of the  
7 enactment of this subtitle, the Secretary shall convey the  
8 Project to the Authority, as provided in section 2(c)(3)  
9 of the Canadian River Project Authorization Act (64 Stat.  
10 1124).

11 (2) For purposes of paragraph (1), the applicable  
12 amount shall be—

13 (A) \$34,806,731, if payment is made by the  
14 Authority within the 270-day period beginning on  
15 the date of enactment of this title; or

16 (B) the amount specified in subparagraph (A)  
17 adjusted to include interest on that amount since the  
18 date of the enactment of this subtitle at the appro-  
19 priate Treasury bill rate for an equivalent term, if  
20 payment is made by the Authority after the period  
21 referred to in subparagraph (A).

22 (3) If payment under paragraph (1) is not made by  
23 the Authority within the period specified in paragraph (1),  
24 this subtitle shall have no force or effect.

1 (b) FINANCING.—Nothing in this subtitle shall be  
2 construed to affect the right of the Authority to use a par-  
3 ticular type of financing.

4 **SEC. 1364. RELATIONSHIP TO EXISTING OPERATIONS.**

5 (a) IN GENERAL.—Nothing in this subtitle shall be  
6 construed as significantly expanding or otherwise chang-  
7 ing the use or operation of the Project from its current  
8 use and operation.

9 (b) FUTURE ALTERATIONS.—If the Authority alters  
10 the operations or uses of the Project it shall comply with  
11 all applicable laws or regulations governing such alteration  
12 at that time.

13 (c) RECREATION.—The Secretary of the Interior, act-  
14 ing through the National Park Service, shall continue to  
15 operate the Lake Meredith National Recreation Area at  
16 Lake Meredith.

17 (d) FLOOD CONTROL.—The Secretary of the Army,  
18 acting through the Corps of Engineers, shall continue to  
19 prescribe regulations for the use of storage allocated to  
20 flood control at Lake Meredith as prescribed in the Letter  
21 of Understanding entered into between the Corps, the Bu-  
22 reau of Reclamation, and the Authority in March and May  
23 1980.

24 (e) SANFORD DAM PROPERTY.—The Authority shall  
25 have the right to occupy and use without payment of lease



1 or rental charges or license or use fees the property re-  
2 tained by the Bureau of Reclamation at Sanford Dam and  
3 all buildings constructed by the United States thereon for  
4 use as the Authority's headquarters and maintenance fa-  
5 cility. Buildings constructed by the Authority on such  
6 property, or past and future additions to Government con-  
7 structed buildings, shall be allowed to remain on the prop-  
8 erty. The Authority shall operate and maintain such prop-  
9 erty and facilities without cost to the United States.

10 **SEC. 1365. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**  
11 **TIONS.**

12 (a) PAYMENT OBLIGATIONS EXTINGUISHED.—Provi-  
13 sion of consideration by the Authority in accordance with  
14 section 603(a) shall extinguish all payment obligations  
15 under contract numbered 14–06–500–485 between the  
16 Authority and the Secretary.

17 (b) OPERATION AND MAINTENANCE COSTS.—After  
18 completion of the conveyance provided for in section 1363,  
19 the Authority shall have full responsibility for the cost of  
20 operation and maintenance of Sanford Dam, and shall  
21 continue to have full responsibility for operation and main-  
22 tenance of the Project pipeline and related facilities.

23 (c) GENERAL.—Rights and obligations under the ex-  
24 isting contract No. 14–06–500–485 between the Authority  
25 and the United States, other than provisions regarding re-

1 payment of construction charge obligation by the Author-  
 2 ity and provisions relating to the Project aqueduct, shall  
 3 remain in full force and effect for the remaining term of  
 4 the contract.

5 **SEC. 1366. RELATIONSHIP TO OTHER LAWS.**

6       Upon conveyance of the Project under this subtitle,  
 7 the Reclamation Act of 1902 (82 Stat. 388) and all Acts  
 8 amendatory thereof or supplemental thereto shall not  
 9 apply to the Project.

10 **SEC. 1367. LIABILITY.**

11       Except as otherwise provided by law, effective on the  
 12 date of conveyance of the Project under this subtitle, the  
 13 United States shall not be liable under any law for dam-  
 14 ages of any kind arising out of any act, omission, or occur-  
 15 rence relating to the conveyed property.

16                   **Subtitle G—Clear Creek**  
 17       **Distribution System, California**

18 **SEC. 1371. SHORT TITLE.**

19       This subtitle may be cited as the “Clear Creek Dis-  
 20 tribution System Conveyance Act”.

21 **SEC. 1372. DEFINITIONS.**

22       For purposes of this subtitle:

23               (1) SECRETARY.—The term “Secretary” means  
 24       the Secretary of the Interior.

1           (2) DISTRICT.—The term “District” means the  
2       Clear Creek Community Services District, a Califor-  
3       nia community services district located in Shasta  
4       County, California.

5           (3) DISTRIBUTION SYSTEM.—The term “Dis-  
6       tribution System” means all the right title and inter-  
7       est in and to the Clear Creek distribution system as  
8       defined in the agreement entitled “Agreement Be-  
9       tween the United States and the Clear Creek Com-  
10      munity Services District to Transfer Title to the  
11      Clear Creek Distribution System to the Clear Creek  
12      Community Services District” (Agreement No. 8–  
13      07–20–L6975).

14   **SEC. 1373. CONVEYANCE OF PROJECT.**

15       (a) IN GENERAL.—In consideration of the District  
16      accepting the obligations of the Federal Government for  
17      the Distribution System and subject to the completion of  
18      payments by the District required under subsection (b)(3),  
19      the Secretary shall convey the Distribution System to the  
20      District.

21       (b) DEADLINE.—

22           (1) IN GENERAL.—If no changes in Project op-  
23      erations are expected following the conveyance under  
24      subsection (a), the Secretary shall complete the con-

1 conveyance expeditiously, but not later than 180 days  
2 after the date of the enactment of this Act.

3 (2) DEADLINE IF CHANGES IN OPERATIONS IN-  
4 TENDED.—If the District intends to change Project  
5 operations as a result of the conveyance under sub-  
6 section (a), the Secretary—

7 (A) shall take into account those potential  
8 changes for the purpose of completing any re-  
9 quired environmental evaluation associated with  
10 the conveyance; and

11 (B) shall complete the conveyance by not  
12 later than 2 years after the date of the enact-  
13 ment of this Act.

14 (3) ADMINISTRATIVE COSTS OF CONVEY-  
15 ANCE.—If the Secretary fails to complete the con-  
16 veyance under this subtitle before the applicable  
17 deadline under paragraph (1) or (2), the full cost of  
18 administrative action and environmental compliance  
19 for the conveyance shall be borne by the Secretary.  
20 If the Secretary completes the conveyance before  
21 that deadline, 1/2 of such cost shall be paid by the  
22 District.

23 **SEC. 1374. RELATIONSHIP TO EXISTING OPERATIONS.**

24 (a) IN GENERAL.—Nothing in this subtitle shall be  
25 construed as significantly expanding or otherwise chang-

1 ing the use or operation of the Distribution System from  
2 its current use and operation.

3 (b) FUTURE ALTERATIONS.—If the District alters  
4 the operations or uses of the Distribution System it shall  
5 comply with all applicable laws or regulations governing  
6 such changes at that time (subject to section 1375).

7 **SEC. 1375. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**  
8 **TIONS.**

9 (a) NATIVE AMERICAN TRUST RESPONSIBILITY.—  
10 The Secretary shall ensure that any trust responsibilities  
11 to any Native American Tribes that may be affected by  
12 the conveyance under this title are protected and fulfilled.

13 (b) CONTRACT OBLIGATIONS.—Conveyance of the  
14 Distribution System under this subtitle—

15 (1) shall not affect any of the provisions of the  
16 District's existing water service contract with the  
17 United States (contract number 14–06–200–489–  
18 IR3), as it may be amended or supplemented; and

19 (2) shall not deprive the District of any existing  
20 contractual or statutory entitlement to subsequent  
21 interim renewals of such contract or to renewal by  
22 entering into a long-term water service contract.

23 **SEC. 1376. LIABILITY.**

24 Effective on the date of conveyance of the Distribu-  
25 tion System under this subtitle, the United States shall

1 not be liable under any law for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

## 4       **Subtitle H—Pine River Project,** 5                               **Colorado**

### 6   **SEC. 1381. SHORT TITLE.**

7       This subtitle may be cited as the “Vallecito Dam and Reservoir Conveyance Act”.

### 9   **SEC. 1382. DEFINITIONS.**

10      For purposes of this subtitle:

11           (1) The term “District” means the Pine River  
12      Irrigation District, a political division of the State of  
13      Colorado duly organized, existing, and acting pursuant to the laws thereof with its principal place of  
14      business in the city of Bayfield, La Plata County,  
15      Colorado.

17           (2) The term “Secretary” means the Secretary  
18      of the Interior.

19           (3) The term the “Project” means Vallecito  
20      Dam and Reservoir, and associated interests, owned  
21      by the United States and authorized in 1937 under  
22      the provisions of the Department of the Interior Appropriation Act of June 25, 1910 (36 Stat. 835).

24           (4) The term “Repayment Contract” means Repayment Contract #I1r-1204, between Reclamation

1 and the Pine River Irrigation District, dated April  
2 15, 1940, and amended November 30, 1953, all  
3 amendments thereto, and changes pursuant to the  
4 Act of July 27, 1954 (68 Stat. 534).

5 (5) The term “Tribe” means the Southern Ute  
6 Indian Tribe, a federally recognized Indian tribe lo-  
7 cated on the Southern Ute Indian Reservation, La  
8 Plata County, Colorado.

9 (6) The term “Jurisdictional Map” means the  
10 map entitled “Transfer of Jurisdiction—Vallecito  
11 Reservoir, United States Department of Agriculture,  
12 Forest Service and United States Department of the  
13 Interior, Bureau of Reclamation and the Bureau of  
14 Indian Affairs” dated March, 1998.

15 **SEC. 1383. CONVEYANCE OF PROJECT.**

16 (a) CONVEYANCE TO DISTRICT.—

17 (1) IN GENERAL.—In consideration of the Dis-  
18 trict accepting the obligations of the Federal Gov-  
19 ernment for the Project and subject to the comple-  
20 tion of payments by the District required under sub-  
21 section (b)(3) and occurrence of the events described  
22 in paragraphs (2) and (3) of this subsection, the  
23 Secretary shall convey an undivided  $\frac{5}{6}$  interest in  
24 the Project to the District.

1           (2) SUBMISSION OF MANAGEMENT PLAN.—

2           Prior to any conveyance under paragraph (1), the  
3           District shall submit to the Secretary a plan to man-  
4           age the Project in a manner substantially similar to  
5           the manner in which it was managed prior to the  
6           transfer and in accordance with applicable Federal  
7           and State laws, including provisions—

8                   (A) protecting the interests in the Project  
9                   held by the Bureau of Indian Affairs for the  
10                  Tribe;

11                  (B) preserving public access and rec-  
12                  reational values and preventing growth on cer-  
13                  tain lands to be conveyed hereunder, as set  
14                  forth in an Agreement dated March 20, 1998,  
15                  between the District and residents of Vallecito  
16                  Reservoir; and

17                  (C) ensuring that any future change in the  
18                  use of the water supplied by Vallecito Reservoir  
19                  shall comply with applicable law.

20           (3) LIMITATION.—No interest in the Project  
21           shall convey under this subsection before the date on  
22           which the Secretary receives a copy of a resolution  
23           adopted by the Tribe declaring that the terms of the  
24           conveyance protects the Indian trust assets of the  
25           Tribe.



1 (b) DEADLINE.—

2 (1) IN GENERAL.—If no changes in Project op-  
3 erations are expected following the conveyance under  
4 subsection (a), the Secretary shall complete the con-  
5 veyance under subsection (a) expeditiously, but not  
6 later than 180 days after the date of the enactment  
7 of this Act.

8 (2) DEADLINE IF CHANGES IN OPERATIONS IN-  
9 TENDED.—If the District intends to change Project  
10 operations as a result of the conveyance under sub-  
11 section (a), the Secretary—

12 (A) shall take into account those potential  
13 changes for the purpose of completing any re-  
14 quired environmental evaluation associated with  
15 the conveyance; and

16 (B) shall complete the conveyance by not  
17 later than 2 years after the date of the enact-  
18 ment of this Act.

19 (3) ADMINISTRATIVE COSTS OF CONVEY-  
20 ANCE.—If the District submits a plan in accordance  
21 with subsection (a)(2) and the Secretary receives a  
22 copy of a resolution described in subsection (a)(3),  
23 and the Secretary fails to complete the conveyance  
24 under subsection (a) before the applicable deadline  
25 under paragraph (1) or (2), the full cost of adminis-

1 trative action and environmental compliance for the  
2 conveyance shall be borne by the Secretary. If the  
3 Secretary completes the conveyance before that  
4 deadline,  $\frac{1}{2}$  of such cost shall be paid by the Dis-  
5 trict.

6 (c) TRIBAL INTERESTS.—At the option of the Tribe,  
7 the Secretary shall convey to the Tribe an undivided  $\frac{1}{6}$   
8 interest in the Project, all interests in lands over which  
9 the Bureau of Indian Affairs holds administrative jurisdic-  
10 tion under section 1384(e)(1)(A), and water rights associ-  
11 ated with those interests. No consideration or compensa-  
12 tion shall be required to be paid to the United States for  
13 such conveyance.

14 (d) RESTRICTION ON PARTITION.—Any conveyance  
15 of interests in lands under this subtitle shall be subject  
16 to the prohibition that those interests in those lands may  
17 not be partitioned. Any quit claim deed or patent evidenc-  
18 ing such a conveyance shall expressly prohibit partitioning.

19 **SEC. 1384. RELATIONSHIP TO EXISTING OPERATIONS.**

20 (a) IN GENERAL.—Nothing in this subtitle shall be  
21 construed as significantly expanding or otherwise chang-  
22 ing the use or operation of the Project from its current  
23 use and operation.

24 (b) DESCRIPTION OF EXISTING CONDITION.—The  
25 Secretary shall submit to the District, the Bureau of In-

1 dian Affairs, and the State of Colorado a description of  
2 the existing condition of Vallecito Dam based on Bureau  
3 of Reclamation's current knowledge and understanding.

4 (c) FUTURE ALTERATIONS.—If the District alters  
5 the operations or uses of the Project it shall comply with  
6 all applicable laws or regulations governing such changes  
7 at that time.

8 (d) FLOOD CONTROL PLAN.—The District shall work  
9 with Corps of Engineers to develop a flood control plan  
10 for the operation of Vallecito Dam for flood control pur-  
11 poses.

12 (e) JURISDICTIONAL TRANSFER OF LANDS.—

13 (1) INUNDATED LANDS.—To provide for the  
14 consolidation of lands associated with the Project to  
15 be retained by the Forest Service and the consolida-  
16 tion of lands to be transferred to the District, the  
17 administrative jurisdiction of lands inundated by and  
18 along the shoreline of Vallecito Reservoir, as shown  
19 on the Jurisdictional Map, shall be transferred, as  
20 set forth in this subsection, concurrently with any  
21 conveyance under section 1383. Except as otherwise  
22 shown on the Jurisdictional Map—

23 (A) for withdrawn lands (approximately  
24 260 acres) lying below the 7,665-foot reservoir  
25 water surface elevation level, the Forest Service

1           shall transfer an undivided  $\frac{5}{6}$  interest to the  
2           Bureau of Reclamation and an undivided  $\frac{1}{6}$  in-  
3           terest to the Bureau of Indian Affairs in trust  
4           for the Tribe; and

5                 (B) for Project acquired lands (approx-  
6           imately 230 acres) above the 7,665-foot res-  
7           ervoir water surface elevation level, the Bureau  
8           of Reclamation and the Bureau of Indian Af-  
9           fairs shall transfer their interests to the Forest  
10          Service.

11          (2) MAP.—The Jurisdictional Map and legal  
12          descriptions of the lands transferred pursuant to  
13          paragraph (1) shall be on file and available for pub-  
14          lic inspection in the offices of the Chief of the Forest  
15          Service, the Commissioner of Reclamation, appro-  
16          priate field offices of those agencies, and the Com-  
17          mittee on Resources of the House of Representatives  
18          and the Committee on Energy and Natural Re-  
19          sources of the Senate.

20          (3) ADMINISTRATION.—Following the transfer  
21          of administrative jurisdiction under paragraph (1):

22                 (A) All lands that, by reason of the trans-  
23           fer of administrative jurisdiction under para-  
24           graph (1), become National Forest System  
25           lands within the boundaries of the San Juan

1 National Forest, shall be administered in ac-  
2 cordance with the laws, rules, and regulations  
3 applicable to the National Forest System.

4 (B) Bureau of Reclamation withdrawals of  
5 land from the San Juan National Forest estab-  
6 lished by Secretarial Orders on November 9,  
7 1936, October 14, 1937, and June 20, 1945,  
8 together designated as Serial No. C-28259,  
9 shall be revoked.

10 (C) The Forest Service shall issue perpet-  
11 ual easements to the District and the Bureau of  
12 Indian Affairs, at no cost to the District or the  
13 Bureau of Indian Affairs, providing adequate  
14 access across all lands subject to Forest Service  
15 jurisdiction to insure the District and the Bu-  
16 reau of Indian Affairs the ability to continue to  
17 operate and maintain the Project.

18 (D) The undivided  $\frac{5}{6}$  interest in National  
19 Forest System lands that, by reason of the  
20 transfer of administrative jurisdiction under  
21 paragraph (1) is to be administered by Bureau  
22 of Reclamation, shall be conveyed to the Dis-  
23 trict pursuant to section 1383.

24 (E) The District and the Bureau of Indian  
25 Affairs shall issue perpetual easements to the

1 Forest Service, at no cost to the Forest Service,  
2 from National Forest System lands to Vallecito  
3 Reservoir to assure continued public access to  
4 Vallecito Reservoir when the Reservoir level  
5 drops below the 7,665-foot water surface ele-  
6 vation.

7 (F) The District and the Bureau of Indian  
8 Affairs shall issue a perpetual easement to the  
9 Forest Service, at no cost to the Forest Service,  
10 for the reconstruction, maintenance, and oper-  
11 ation of a road from La Plata County Road No.  
12 501 to National Forest System lands east of  
13 the Reservoir.

14 (4) VALID EXISTING RIGHTS.—Nothing in this  
15 subsection shall affect any valid existing rights or in-  
16 terests in any existing land use authorization, except  
17 that any such land use authorization shall be admin-  
18 istered by the agency having jurisdiction over the  
19 land after the transfer of administrative jurisdiction  
20 under paragraph (1) in accordance with paragraph  
21 (3) and other applicable law. Renewal or reissuance  
22 of any such authorization shall be in accordance  
23 with applicable law and the regulations of the agen-  
24 cy having jurisdiction, except that the change of ad-  
25 ministrative jurisdiction shall not in itself constitute

1       a ground to deny the renewal or reissuance of any  
2       such authorization.

3       (f) **FEDERAL DAM CHARGE.**—Nothing in this sub-  
4 title shall relieve the holder of the Federal Energy Regu-  
5 latory Commission license for Vallecito Dam in effect on  
6 the date of the enactment of this Act from the obligation  
7 to make payments under section 10(e)(2) of the Federal  
8 Power Act during the term of the license.

9       **SEC. 1385. RELATIONSHIP TO OTHER LAWS.**

10       Upon conveyance of the Project under this subtitle,  
11 the Reclamation Act of 1902 (82 Stat. 388) and all Acts  
12 amendatory thereof or supplemental thereto shall not  
13 apply to the Project.

14       **SEC. 1386. LIABILITY.**

15       Except as otherwise provided by law, effective on the  
16 date of conveyance of the Project under this subtitle, the  
17 liability of the United States under any law for damages  
18 of any kind arising out of any act, omission, or occurrence  
19 based on its prior ownership or operation of property in  
20 which an interest is conveyed by the United States pursu-  
21 ant to this subtitle shall be limited to the portion of the  
22 total damages that bears the same proportion to the total  
23 damages as the interest in the property retained by the  
24 United States bears to the total interest in the property.

1     **Subtitle I—Technical Corrections**  
2             **and Miscellaneous Provisions**

3     **SEC. 1391. TECHNICAL CORRECTIONS.**

4             (a) REDUCTION OF WAITING PERIOD FOR OBLIGA-  
5     TION OF FUNDS PROVIDED UNDER RECLAMATION SAFE-  
6     TY OF DAMS ACT OF 1978.—Section 5 of the Reclamation  
7     Safety of Dams Act of 1978 (92 Stat. 2471; 43 U.S.C.  
8     509) is amended by striking “sixty days” and all that fol-  
9     lows through “day certain)” and inserting “30 calendar  
10    days”.

11            (b) ALBUQUERQUE METROPOLITAN AREA RECLAMA-  
12    TION AND REUSE PROJECT.—Section 1621 of the Rec-  
13    lamation Projects Authorization and Adjustment Act of  
14    1992, as added by section 2(a)(2) of the Reclamation Re-  
15    cycling and Water Conservation Act of 1996 (110 Stat.  
16    3292; 43 U.S.C. 390h–12g), is amended—

17                (1) in the heading by striking “**STUDY**” and in-  
18                serting “**PROJECT**”; and

19                (2) in subsection (a)—

20                        (A) by inserting “the planning, design, and  
21                        construction of” after “participate in”;

22                        (B) by striking “Study” and inserting  
23                        “Project”; and

24                        (C) by inserting “and nonpotable surface  
25                        water” after “impaired groundwater”.



1       (c) PHOENIX METROPOLITAN WATER RECLAMATION  
2 AND REUSE PROJECT.—Section 1608 of the Reclamation  
3 Projects Authorization and Adjustment Act of 1992 (106  
4 Stat. 4666; 43 U.S.C. 390h–6) is amended—

5           (1) by amending subsection (a) to read as fol-  
6 lows:

7       “(a) The Secretary, in cooperation with the city of  
8 Phoenix, Arizona, shall participate in the planning, design,  
9 and construction of the Phoenix Metropolitan Water Rec-  
10 lamation and Reuse Project to utilize fully wastewater  
11 from the regional wastewater treatment plant for direct  
12 municipal, industrial, agricultural, and environmental pur-  
13 poses, groundwater recharge, and indirect potable reuse  
14 in the Phoenix metropolitan area.”;

15           (2) in subsection (b) by striking the first sen-  
16 tence; and

17           (3) by striking subsection (c).

18       (d) REFUND OF CERTAIN AMOUNTS RECEIVED  
19 UNDER RECLAMATION REFORM ACT OF 1982.—

20           (1) REFUND REQUIRED.—Subject to paragraph

21       (2) and the availability of appropriations, the Sec-  
22 retary of the Interior shall refund fully amounts re-  
23 ceived by the United States as collections under sec-  
24 tion 224(i) of the Reclamation Reform Act of 1982  
25       (101 Stat. 1330–268; 43 U.S.C. 390ww(i)) for paid

1 bills (including interest collected) issued by the Sec-  
 2 retary of the Interior before January 1, 1994, for  
 3 full-cost charges that were assessed for failure to file  
 4 certain certification forms under sections 206 and  
 5 224(c) of such Act (96 Stat. 1266, 1272; 43 U.S.C.  
 6 390ff, 390ww(c)).

7 (2) ADMINISTRATIVE FEE.—In the case of a re-  
 8 fund of amounts collected in connection with sec-  
 9 tions 206 and 224(c) of the Reclamation Reform Act  
 10 of 1982 (96 Stat. 1266, 1272; 43 U.S.C. 390ff,  
 11 390ww(c)) with respect to any water year after the  
 12 1987 water year, the amount refunded shall be re-  
 13 duced by an administrative fee of \$260 for each oc-  
 14 currence.

15 (3) AUTHORIZATION OF APPROPRIATIONS.—  
 16 There are authorized to be appropriated to carry out  
 17 this subsection \$3,000,000.

18 (e) EXTENSION OF PERIODS FOR REPAYMENTS FOR  
 19 NUECES RIVER RECLAMATION PROJECT AND CANADIAN  
 20 RIVER RECLAMATION PROJECT, TEXAS.—Section 2 of the  
 21 Emergency Drought Relief Act of 1996 (Public Law 104–  
 22 318; 110 Stat. 3862) is amended by adding at the end  
 23 the following new subsection:

24 “(c) EXTENSION OF PERIODS FOR REPAYMENT.—  
 25 Notwithstanding any provision of the Reclamation Project

1 Act of 1939 (43 U.S.C. 485 et seq.), the Secretary of the  
2 Interior—

3 “(1) shall extend the period for repayment by  
4 the city of Corpus Christi, Texas, and the Nueces  
5 River Authority under contract No. 6-07-01-  
6 X0675, relating to the Nueces River reclamation  
7 project, Texas, until—

8 “(A) August 1, 2029, for repayment pur-  
9 suant to the municipal and industrial water  
10 supply benefits portion of the contract; and

11 “(B) until August 1, 2044, for repayment  
12 pursuant to the fish and wildlife and recreation  
13 benefits portion of the contract; and

14 “(2) shall extend the period for repayment by  
15 the Canadian River Municipal Water Authority  
16 under contract No. 14-06-500-485, relating to the  
17 Canadian River reclamation project, Texas, until Oc-  
18 tober 1, 2021.”.

19 (f) SOLANO PROJECT WATER.—

20 (1) AUTHORIZATION.—The Secretary of the In-  
21 terior is authorized to enter into contracts with the  
22 Solano County Water Agency, or any of its member  
23 unit contractors for water from the Solano Project,  
24 California, pursuant to the Act of February 21,  
25 1911 (43 U.S.C. 523), for—

1 (A) the impounding, storage, and carriage  
2 of nonproject water for domestic, municipal, in-  
3 dustrial, and other beneficial purposes, using  
4 any facilities associated with the Solano  
5 Project, California, and

6 (B) the exchange of water among Solano  
7 Project contractors, for the purposes set forth  
8 in subparagraph (A), using facilities associated  
9 with the Solano Project, California.

10 (2) LIMITATION.—The authorization under  
11 paragraph (1) shall be limited to the use of that por-  
12 tion of the Solano Project facilities downstream of  
13 Mile 26 of the Putah South Canal (as that canal is  
14 depicted on the official maps of the Bureau of Rec-  
15 lamation), which is below the diversion points on the  
16 Putah South Canal utilized by the city of Fairfield  
17 for delivery of Solano Project water.

18 (g) FISH PASSAGE AND PROTECTIVE FACILITIES,  
19 ROGUE RIVER BASIN, OREGON.—The Secretary of the In-  
20 terior is authorized to use otherwise available amounts to  
21 provide up to \$2,000,000 in financial assistance to the  
22 Medford Irrigation District and the Rogue River Valley  
23 Irrigation District for the design and construction of fish  
24 passage and protective facilities at North Fork Little  
25 Butte Creek Diversion Dam and South Fork Little Butte

1 Creek Diversion Dam in the Rogue River basin, Oregon,  
2 if the Secretary determines in writing that these facilities  
3 will enhance the fish recovery efforts currently underway  
4 at the Rogue River Basin Project, Oregon.

5 **SEC. 1392. AUTHORIZATION TO CONSTRUCT TEMPERATURE**  
6 **CONTROL DEVICES.**

7 (a) FOLSOM DAM.—The Secretary of the Interior is  
8 hereby authorized to construct in accordance with the  
9 draft environmental impact statement/environmental im-  
10 pact report for the Central Valley Supply contracts under  
11 Public Law 101–514 (section 206) and the report entitled  
12 “Assessment of the Beneficial and Adverse Impacts of Op-  
13 erating a Temperature Control Device (TCD) at the  
14 Water Supply Intakes of Folsom Dam”, a temperature  
15 control device on Folsom Dam and necessary associated  
16 temperature monitoring facilities. The temperature control  
17 device and said associated temperature monitoring facili-  
18 ties shall be operated as an integral part of the Central  
19 Valley Project for the benefit and propagation of fall-run  
20 chinook salmon and steelhead trout in the American River,  
21 California.

22 (b) DEVICE ON NON-CVP FACILITIES.—The Sec-  
23 retary of the Interior is hereby authorized to construct or  
24 assist in the construction of 1 or more temperature control  
25 devices on existing non-Federal facilities delivering Cen-

1 tral Valley Project water supplies from Folsom Reservoir  
2 and necessary associated temperature monitoring facili-  
3 ties. These costs of construction of temperature control  
4 device and associated temperature monitoring facilities  
5 shall be nonreimbursable and operated by the non-Federal  
6 facility owner at its expense, in coordination with the Cen-  
7 tral Valley Project for the benefit and propagation of chi-  
8 nook salmon and steelhead trout in the American River,  
9 California.

10 (c) AUTHORIZATION.—There is hereby authorized to  
11 be appropriated for the construction of a temperature con-  
12 trol device on Folsom Dam and necessary associated tem-  
13 perature monitoring facilities the sum of \$5,000,000 (ad-  
14 justed for inflation based on October 1997 prices). There  
15 is also authorized to be appropriated for the construction  
16 of a temperature control device on existing non-Federal  
17 facilities and necessary associated temperature monitoring  
18 facilities the sum of \$2,000,000 (October 1997 prices).  
19 There is also authorized to be appropriated, in addition  
20 thereto, such amounts as are required for operation, main-  
21 tenance, and replacement of the temperature control de-  
22 vices on Folsom Dam and associated temperature mon-  
23 itoring facilities.

1 **SEC. 1393. COLUSA BASIN WATERSHED INTEGRATED RE-**  
2 **SOURCES MANAGEMENT.**

3 (a) **SHORT TITLE.**—This section may be cited as the  
4 “Colusa Basin Watershed Integrated Resources Manage-  
5 ment Act”.

6 (b) **AUTHORIZATION OF ASSISTANCE.**—The Sec-  
7 retary of the Interior (in this section referred to as the  
8 “Secretary”) may provide financial assistance to the  
9 Colusa Basin Drainage District, California (in this section  
10 referred to as the “District”), for use by the District or  
11 by local agencies acting pursuant to section 413 of the  
12 State of California statute known as the Colusa Basin  
13 Drainage Act (California Stats. 1987, ch. 1399), as in ef-  
14 fect on the date of the enactment of this Act (in this sec-  
15 tion referred to as the “State statute”), for planning, de-  
16 sign, environmental compliance, and construction required  
17 in carrying out eligible projects in the Colusa Basin Wa-  
18 tershed to—

19 (1)(A) reduce the risk of damage to urban and  
20 agricultural areas from flooding or the discharge of  
21 drainage water or tailwater;

22 (B) assist in groundwater recharge efforts to al-  
23 leviate overdraft and land subsidence; or

24 (C) construct, restore, or preserve wetland and  
25 riparian habitat; and

1           (2) capture, as an incidental purpose of any of  
2           the purposes referred to in paragraph (1), surface or  
3           stormwater for conservation, conjunctive use, and in-  
4           creased water supplies.

5           (c) PROJECT SELECTION.—

6           (1) ELIGIBLE PROJECTS.—A project shall be an  
7           eligible project for purposes of subsection (b) only if  
8           it is—

9                   (A) identified in the document entitled  
10           “Colusa Basin Water Management Program”,  
11           dated February 1995; and

12                   (B) carried out in accordance with that  
13           document and all environmental documentation  
14           requirements that apply to the project under  
15           the laws of the United States and the State of  
16           California.

17           (2) COMPATIBILITY REQUIREMENT.—The Sec-  
18           retary shall ensure that projects for which assistance  
19           is provided under this section are not inconsistent  
20           with watershed protection and environmental res-  
21           toration efforts being carried out under the author-  
22           ity of the Central Valley Project Improvement Act  
23           (Public Law 102–575; 106 Stat. 4706 et seq.) or  
24           the CALFED Bay-Delta Program.

25           (d) COST SHARING.—



1           (1) NON-FEDERAL SHARE.—The Secretary  
2           shall require that the District and cooperating non-  
3           Federal agencies or organizations pay—

4                   (A) 25 percent of the costs associated with  
5                   construction of any project carried out with as-  
6                   sistance provided under this section; and

7                   (B) 100 percent of any operation, mainte-  
8                   nance, and replacement and rehabilitation costs  
9                   with respect to such a project.

10          (2) PLANNING, DESIGN, AND COMPLIANCE AS-  
11          SISTANCE.—Funds appropriated pursuant to this  
12          section may be made available to fund all costs in-  
13          curred for planning, design, and environmental com-  
14          pliance activities by the District or by local agencies  
15          acting pursuant to the State statute, in accordance  
16          with agreements with the Secretary.

17          (3) TREATMENT OF CONTRIBUTIONS.—For  
18          purposes of this subsection, the Secretary shall treat  
19          the value of lands, interests in lands (including  
20          rights-of-way and other easements), and necessary  
21          relocations contributed by the District to a project  
22          as a payment by the District of the costs of the  
23          project.

24          (e) COSTS NONREIMBURSABLE.—Amounts expended  
25          pursuant to this section shall be considered nonreimburs-

1 able for purposes of the Act of June 17, 1902 (32 Stat.  
2 388; 43 U.S.C. 371 et seq.), and Acts amendatory thereof  
3 and supplemental thereto.

4 (f) AGREEMENTS.—Funds appropriated pursuant to  
5 this section may be made available to the District or a  
6 local agency only if the District or local agency, as applica-  
7 ble, has entered into a binding agreement with the Sec-  
8 retary—

9 (1) under which the District or the local agency  
10 is required to pay the non-Federal share of the costs  
11 of construction required by subsection (d)(1); and

12 (2) governing the funding of planning, design,  
13 and compliance activities costs under subsection  
14 (d)(2).

15 (g) REIMBURSEMENT.—For project work (including  
16 work associated with studies, planning, design, and con-  
17 struction) carried out by the District or by a local agency  
18 acting pursuant to the State statute referred to in sub-  
19 section (b) before the date amounts are provided for the  
20 project under this section, the Secretary shall, subject to  
21 amounts being made available in advance in appropria-  
22 tions Acts, reimburse the District or the local agency,  
23 without interest, an amount equal to the estimated Fed-  
24 eral share of the cost of such work under subsection (d).

25 (h) COOPERATIVE AGREEMENTS.—

1           (1) IN GENERAL.—The Secretary may enter  
2       into cooperative agreements and contracts with the  
3       District to assist the Secretary in carrying out the  
4       purposes of this section.

5           (2) SUBCONTRACTING.—Under such coopera-  
6       tive agreements and contracts, the Secretary may  
7       authorize the District to manage and let contracts  
8       and receive reimbursements, subject to amounts  
9       being made available in advance in appropriations  
10      Acts, for work carried out under such contracts or  
11      subcontracts.

12       (i) RELATIONSHIP TO RECLAMATION REFORM ACT  
13      OF 1982.—Activities carried out, and financial assistance  
14      provided, under this section shall not be considered a sup-  
15      plemental or additional benefit for purposes of the Rec-  
16      lamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C.  
17      390aa et seq.).

18       (j) APPROPRIATIONS AUTHORIZED.—There are au-  
19      thorized to be appropriated to the Secretary to carry out  
20      this section \$25,000,000, plus such additional amount, if  
21      any, as may be required by reason of changes in costs of  
22      services of the types involved in the District's projects as  
23      shown by engineering and other relevant indexes. Sums  
24      appropriated under this subsection shall remain available  
25      until expended.

1           **TITLE XIV—PROVISIONS**  
2           **SPECIFIC TO ALASKA**  
3       **Subtitle A—Land Exchange Near**  
4       **Gustavus and Related Provisions**

5       **SEC. 1401. SHORT TITLE.**

6           This subtitle may be cited as the “Glacier Bay Na-  
7       tional Park Boundary Adjustment Act of 1998”.

8       **SEC. 1402. LAND EXCHANGE AND WILDERNESS DESIGNA-**  
9           **TION.**

10          (a) IN GENERAL.—(1) Subject to conditions set forth  
11       in subsection (c), if the State of Alaska, in a manner con-  
12       sistent with this subtitle, offers to transfer to the United  
13       States the lands identified in paragraph (4) in exchange  
14       for the lands identified in paragraph (3), selected from  
15       the area described in section 1403(b)(1), the Secretary of  
16       the Interior (in this subtitle referred to as the “Sec-  
17       retary”) shall complete such exchange no later than 6  
18       months after the issuance of a license to Gustavus Electric  
19       Company by the Federal Energy Regulatory Commission  
20       (in this subtitle referred to as “FERC”), in accordance  
21       with this subtitle. This land exchange shall be subject to  
22       the laws applicable to exchanges involving lands managed  
23       by the Secretary as part of the National Park System in  
24       Alaska and the appropriate process for the exchange of  
25       State lands required by State law.

1       (2) The lands to be conveyed to the United States  
2 by the State of Alaska shall be determined by mutual  
3 agreement of the Secretary and the State of Alaska.  
4 Lands that will be considered for conveyance to the United  
5 States pursuant to the process required by State law are  
6 lands owned by the State of Alaska in the Long Lake area  
7 within Wrangell-St. Elias National Park and Preserve, or  
8 other lands owned by the State of Alaska.

9       (3) If the Secretary and the State of Alaska have not  
10 agreed on which lands the State of Alaska will convey by  
11 a date not later than 6 months after a license is issued  
12 pursuant to this subtitle, the United States shall accept,  
13 within 1 year after a license is issued, title to land having  
14 a sufficiently equal value to satisfy State and Federal law,  
15 subject to clear title and valid existing rights, and absence  
16 of environmental contamination, and as provided by the  
17 laws applicable to exchanges involving lands managed by  
18 the Secretary as part of the National Park System in Alas-  
19 ka and the appropriate process for the exchange of State  
20 lands required by State law. Such land shall be accepted  
21 by the United States, subject to the other provisions of  
22 this subtitle, from among the following State lands in the  
23 priority listed:

24                               COPPER RIVER MERIDIAN

25               (A) T.6 S., R. 12 E., partially surveyed, Sec. 5,  
26       lots 1, 2, and 3, NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ . Con-

1       taining 617.68 acres, as shown on the plat of survey  
2       accepted June 9, 1922.

3           (B) T.6 S., R. 11 E., partially surveyed, Sec.  
4       11, lots 1 and 2, NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , and  
5       N $\frac{1}{2}$ SE $\frac{1}{4}$ ; Sec. 12; Sec. 14, lots 1 and 2,  
6       NW $\frac{1}{4}$ NW $\frac{1}{4}$ . Containing 838.66 acres, as shown on  
7       the plat of survey accepted June 9, 1922.

8           (C) T.6 S., R. 11 E., partially surveyed, Sec. 2,  
9       NW $\frac{1}{4}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$ . Containing 200.00 acres, as  
10      shown on the plat of survey accepted June 9, 1922.

11          (D) T.6 S., R. 12 E., partially surveyed, Sec.  
12      6, lots 1 through 10, E $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ . Contain-  
13      ing approximately 529.94 acres, as shown on the  
14      plat of survey accepted June 9, 1922.

15      (4) The lands to be conveyed to the State of Alaska  
16      by the United States under paragraph (1) are lands to  
17      be designated by the Secretary and the State of Alaska,  
18      consistent with sound land management principles, based  
19      on those lands determined by FERC with the concurrence  
20      of the Secretary and the State of Alaska, in accordance  
21      with section 1403(b), to be the minimum amount of land  
22      necessary for the construction and operation of a hydro-  
23      electric project.

24      (5) The time periods set forth for the completion of  
25      the land exchanges described in this subtitle may be ex-

1 tended as necessary by the Secretary should the processes  
2 of State law or Federal law delay completion of an ex-  
3 change.

4 (6) For purposes of this subtitle, the term “land”  
5 means lands, waters, and interests therein.

6 (b) WILDERNESS.—(1) To ensure that this trans-  
7 action maintains, within the National Wilderness Preser-  
8 vation System, approximately the same amount of area of  
9 designated wilderness as currently exists, the following  
10 lands in Alaska shall be designated as wilderness in the  
11 priority listed, upon consummation of the land exchange  
12 authorized by this subtitle and shall be administered ac-  
13 cording to the laws governing national wilderness areas  
14 in Alaska:

15 (A) An unnamed island in Glacier Bay National  
16 Park lying southeasterly of Blue Mouse Cove in sec-  
17 tions 5, 6, 7, and 8, T. 36 S., R. 54 E., CRM, and  
18 shown on United States Geological Survey quad-  
19 rangle Mt. Fairweather (D-2), Alaska, containing  
20 approximately 789 acres.

21 (B) Cenotaph Island of Glacier Bay National  
22 Park lying within Lituya Bay in sections 23, 24, 25,  
23 and 26, T. 37 S., R. 47 E., CRM, and shown on  
24 United States Geological Survey quadrangle Mt.

1 Fairweather (C-5), Alaska, containing approxi-  
2 mately 280 acres.

3 (C) An area of Glacier Bay National Park lying  
4 in T. 31. S., R. 43 E and T. 32 S., R. 43 E., CRM,  
5 that is not currently designated wilderness, contain-  
6 ing approximately 2,270 acres.

7 (2) The specific boundaries and acreage of these wil-  
8 derness designations may be reasonably adjusted by the  
9 Secretary, consistent with sound land management prin-  
10 ciples, to approximately equal, in sum, the total wilderness  
11 acreage deleted from Glacier Bay National Park and Pre-  
12 serve pursuant to the land exchange authorized by this  
13 subtitle.

14 (c) CONDITIONS.—Any exchange of lands under this  
15 subtitle may occur only if—

16 (1) following the submission of a complete li-  
17 cense application, FERC has conducted economic  
18 and environmental analyses under the Federal  
19 Power Act (16 U.S.C. 791–828) (notwithstanding  
20 provisions of that Act and the Federal regulations  
21 that otherwise exempt this project from economic  
22 analyses), the National Environmental Policy Act of  
23 1969 (42 U.S.C. 4321–4370), and the Fish and  
24 Wildlife Coordination Act (16 U.S.C. 661–666), that  
25 conclude, with the concurrence of the Secretary of



1 the Interior with respect to subparagraphs (A) and  
2 (B), that the construction and operation of a hydro-  
3 electric power project on the lands described in sec-  
4 tion 1403(b)—

5 (A) will not adversely impact the purposes  
6 and values of Glacier Bay National Park and  
7 Preserve (as constituted after the consumma-  
8 tion of the land exchange authorized by this  
9 section);

10 (B) will comply with the requirements of  
11 the National Historic Preservation Act (16  
12 U.S.C. 470–470w); and

13 (C) can be accomplished in an economically  
14 feasible manner;

15 (2) FERC held at least one public meeting in  
16 Gustavus, Alaska, allowing the citizens of Gustavus  
17 to express their views on the proposed project;

18 (3) FERC has determined, with the concur-  
19 rence of the Secretary and the State of Alaska, the  
20 minimum amount of land necessary to construct and  
21 operate this hydroelectric power project; and

22 (4) Gustavus Electric Company has been grant-  
23 ed a license by FERC that requires Gustavus Elec-  
24 tric Company to submit an acceptable financing plan

1 to FERC before project construction may commence,  
 2 and the FERC has approved such plan.

3 **SEC. 1403. ROLE OF FERC.**

4 (a) LICENSE APPLICATION.—(1) The FERC licens-  
 5 ing process shall apply to any application submitted by  
 6 Gustavus Electric Company to the FERC for the right  
 7 to construct and operate a hydropower project on the  
 8 lands described in subsection (b).

9 (2) FERC is authorized to accept and consider an  
 10 application filed by Gustavus Electric Company for the  
 11 construction and operation of a hydropower plant to be  
 12 located on lands within the area described in subsection  
 13 (b), notwithstanding section 3(2) of the Federal Power  
 14 Act (16 U.S.C. 796(2)). Such application must be submit-  
 15 ted within 3 years after the date of the enactment of this  
 16 Act.

17 (3) FERC will retain jurisdiction over any hydro-  
 18 power project constructed on this site.

19 (b) ANALYSES.—(1) The lands referred to in sub-  
 20 section (a) of this section are lands in the State of Alaska  
 21 described as follows:

22 **COPPER RIVER MERIDIAN**

23 Township 39 South, Range 59 East, partially sur-  
 24 veyed, Section 36 (unsurveyed), SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>,  
 25 S<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, and  
 26 S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>. Containing approximately 130 acres.

1       Township 40 South, Range 59 East, partially sur-  
2       veyed, Section 1 (unsurveyed), NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>,  
3       and SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, excluding U.S. Survey 944 and  
4       Native allotment A-442; Section 2 (unsurveyed), frac-  
5       tional, that portion lying above the mean high tide line  
6       of Icy Passage, excluding U.S. Survey 944 and U.S. Sur-  
7       vey 945; Section 11 (unsurveyed), fractional, that portion  
8       lying above the mean high tide line of Icy Passage, exclud-  
9       ing U.S. Survey 944; Section 12 (unsurveyed), fractional,  
10      NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, and those portions  
11      of NW<sup>1</sup>/<sub>4</sub> and SW<sup>1</sup>/<sub>4</sub> lying above the mean high tide line  
12      of Icy Passage, excluding U.S. Survey 944 and Native al-  
13      lotment A-442. Containing approximately 1,015 acres.

14      (2) Additional lands and acreage will be included as  
15      needed in the study area described in paragraph (1) to  
16      account for accretion to these lands from natural forces.

17      (3) With the concurrence of the Secretary and the  
18      State of Alaska, the FERC shall determine the minimum  
19      amount of lands necessary for construction and operation  
20      of such project.

21      (4) The National Park Service shall participate as a  
22      joint lead agency in the development of any environmental  
23      document under the National Environmental Policy Act  
24      of 1969 in the licensing of such project. Such environ-  
25      mental document shall consider both the impacts resulting

1 from licensing and any land exchange necessary to author-  
2 ize such project.

3 (c) ISSUANCE OF LICENSE.—(1) A condition of the  
4 license to construct and operate any portion of the hydro-  
5 electric power project shall be FERC's approval, prior to  
6 any commencement of construction, of a finance plan sub-  
7 mitted by Gustavus Electric Company.

8 (2) The National Park Service, as the existing super-  
9 visor of potential project lands ultimately to be deleted  
10 from the Federal reservation in accordance with this sub-  
11 title, waives its right to impose mandatory conditions on  
12 such project lands pursuant to section 4(e) of the Federal  
13 Power Act (16 U.S.C. 797(e)).

14 (3) FERC shall not license or relicense the project,  
15 or amend the project license unless it determines, with the  
16 Secretary's concurrence, that the project will not adversely  
17 impact the purposes and values of Glacier Bay National  
18 Park and Preserve (as constituted after the consummation  
19 of the land exchange authorized by this subtitle). Addi-  
20 tionally, a condition of the license, or any succeeding li-  
21 cense, to construct and operate any portion of the hydro-  
22 electric power project shall require the licensee to mitigate  
23 any adverse effects of the project on the purposes and val-  
24 ues of Glacier Bay National Park and Preserve identified  
25 by the Secretary after the initial licensing.

1       (4) A condition of the license to construct and operate  
2 any portion of the hydroelectric power project shall be the  
3 completion, prior to any commencement of construction,  
4 of the land exchange described in this subtitle.

5 **SEC. 1404. ROLE OF SECRETARY OF THE INTERIOR.**

6       (a) SPECIAL USE PERMIT.—Notwithstanding the  
7 provisions of the Wilderness Act (16 U.S.C. 1133–1136),  
8 the Secretary shall issue a special use permit to Gustavus  
9 Electric Company to allow the completion of the analyses  
10 referred to in section 1403. The Secretary shall impose  
11 conditions in the permit as needed to protect the purposes  
12 and values of Glacier Bay National Park and Preserve.

13       (b) PARK SYSTEM.—The lands acquired from the  
14 State of Alaska under this subtitle shall be added to and  
15 administered as part of the National Park System, subject  
16 to valid existing rights. Upon completion of the exchange  
17 of lands under this subtitle, the Secretary shall adjust, as  
18 necessary, the boundaries of the affected National Park  
19 System units to include the lands acquired from the State  
20 of Alaska; and adjust the boundary of Glacier Bay Na-  
21 tional Park and Preserve to exclude the lands transferred  
22 to the State of Alaska under this subtitle. Any such ad-  
23 justment to the boundaries of National Park System units  
24 shall not be considered in applying any acreage limitations  
25 under section 103(b) of Public Law 96–487.

1       (c) WILDERNESS AREA BOUNDARIES.—The Sec-  
2 retary shall make any necessary modifications or adjust-  
3 ments of boundaries of wilderness areas as a result of the  
4 additions and deletions caused by the land exchange ref-  
5 erenced in section 1402. Any such adjustment to the  
6 boundaries of National Park System units shall not be  
7 considered in applying any acreage limitations under sec-  
8 tion 103(b) of Public Law 96–487.

9       (d) CONCURRENCE OF THE SECRETARY.—Whenever  
10 in this subtitle the concurrence of the Secretary is re-  
11 quired, it shall not be unlawfully withheld or unreasonably  
12 delayed.

13 **SEC. 1405. APPLICABLE LAW.**

14       The authorities and jurisdiction provided in this sub-  
15 title shall continue in effect until such time as this subtitle  
16 is expressly modified or repealed by Congress.

17 **Subtitle B—Amendments to Alaska**  
18 **Native Claims Settlement Act**  
19 **and Related Provisions**

20 **SEC. 1411. AUTOMATIC LAND BANK PROTECTION.**

21       (a) LANDS RECEIVED IN EXCHANGE FROM CERTAIN  
22 FEDERAL AGENCIES.—The matter preceding clause (i) of  
23 section 907(d)(1)(A) of the Alaska National Interest  
24 Lands Conservation Act (43 U.S.C. 1636(d)(1)(A)) is  
25 amended by inserting “or conveyed to a Native Corpora-

1 tion pursuant to an exchange authorized by section 22(f)  
2 of Alaska Native Claims Settlement Act or section  
3 1302(h) of this Act or other applicable law” after “Settle-  
4 ment Trust”.

5 (b) LANDS EXCHANGED AMONG NATIVE CORPORA-  
6 TIONS.—Section 907(d)(2)(B) of such Act (43 U.S.C.  
7 1636(d)(2)(B)) is amended—

8 (1) by striking “and” at the end of clause (ii);

9 (2) by striking the period at the end of clause  
10 (iii) and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(iv) lands or interest in lands shall not be con-  
13 sidered developed or leased or sold to a third party  
14 as a result of an exchange or conveyance of such  
15 land or interest in land between or among Native  
16 Corporations and trusts, partnerships, corporations,  
17 or joint ventures, whose beneficiaries, partners,  
18 shareholders, or joint venturers are Native Corpora-  
19 tions.”.

20 (c) ACTIONS BY TRUSTEE SERVING PURSUANT TO  
21 AGREEMENT OF NATIVE CORPORATIONS.—Section  
22 907(d)(3)(B) of such Act (43 U.S.C. 1636(d)(3)(B)) is  
23 amended—

24 (1) by striking “or” at the end of clause (i);

1           (2) by striking the period at the end of clause  
2           (ii) and inserting “; or”; and

3           (3) by adding at the end the following:

4           “(iii) to actions by any trustee whose right,  
5           title, or interest in land or interests in land arises  
6           pursuant to an agreement between or among Native  
7           Corporations and trusts, partnerships, or joint ven-  
8           tures whose beneficiaries, partners, shareholders, or  
9           joint venturers are Native Corporations.”.

10 **SEC. 1412. DEVELOPMENT BY THIRD-PARTY TRESPASSERS.**

11           Section 907(d)(2)(A)(i) of the Alaska National Inter-  
12           est Lands Conservation Act (43 U.S.C. 1636(d)(2)(A)(i))  
13           is amended—

14           (1) by inserting “Any such modification shall be  
15           performed by the Native individual or Native Cor-  
16           poration.” after “substantial modification.”;

17           (2) by inserting a period after “developed  
18           state” the second place it appears; and

19           (3) by adding “Any lands previously developed  
20           by third-party trespassers shall not be considered to  
21           have been developed.”.

22 **SEC. 1413. RETAINED MINERAL ESTATE.**

23           (a) IN GENERAL.—Section 12(c)(4) of the Alaska  
24           Native Claims Settlement Act (43 U.S.C. 1611(c)(4)) is  
25           amended—



1           (1) by redesignating subparagraphs (C) and  
2           (D) as subparagraphs (E) and (F), respectively, and  
3           by inserting after subparagraph (B) the following  
4           new subparagraphs:

5           “(C) Where such public lands are surrounded  
6           by or contiguous to subsurface lands obtained by a  
7           Regional Corporation under subsections (a) or (b),  
8           the Corporation may, upon request, have such public  
9           land conveyed to it.

10          “(D)(i) A Regional Corporation which elects to  
11          obtain public lands under subparagraph (C) shall be  
12          limited to a total of not more than 12,000 acres. Se-  
13          lection by a Regional Corporation of in lieu surface  
14          acres under subparagraph (E) pursuant to an elec-  
15          tion under subparagraph (C) shall not be made from  
16          any lands within a conservation system unit (as that  
17          term is defined by section 102(4) of the Alaska Na-  
18          tional Interest Lands Conservation Act (16 U.S.C.  
19          3102(4)).

20          “(ii) An election to obtain the public lands de-  
21          scribed in subparagraph (A), (B), or (C) shall in-  
22          clude all available parcels within the township in  
23          which the public lands are located.

1           “(iii) For purposes of this subparagraph and  
2           subparagraph (C), the term ‘Regional Corporation’  
3           shall refer only to Doyon, Limited.”; and

4           (2) in subparagraph (E) (as so redesignated),  
5           by striking “(A) or (B)” and inserting “(A), (B), or  
6           (C)”.

7           (b) FAILURE TO APPEAL NOT PROHIBITIVE.—Sec-  
8           tion 12(c) of the Alaska Native Claims Settlement Act (43  
9           U.S.C. 1611(c)) is amended by adding at the end the fol-  
10          lowing:

11           “(5) Subparagraphs (A), (B), and (C) of para-  
12          graph (4) shall apply, notwithstanding the failure of  
13          the Regional Corporation to have appealed the rejec-  
14          tion of a selection during the conveyance of the rel-  
15          evant surface estate.”.

16   **SEC. 1414. AMENDMENT TO PUBLIC LAW 102-415.**

17          Section 20 of the Alaska Land Status Technical Cor-  
18          rections Act of 1992 (106 Stat. 2129), is amended by add-  
19          ing at the end the following new subsection:

20          “(h) Establishment of the account under subsection  
21          (b) and conveyance of land under subsection (c), if any,  
22          shall be treated as though 3,520 acres of land had been  
23          conveyed to Gold Creek under section 14(h)(2) of the  
24          Alaska Native Claims Settlement Act for which rights to  
25          subsurface estate are hereby provided to CIRI. Within 1

1 year from the date of the enactment of this subsection,  
 2 CIRC shall select 3,520 acres of land from the area des-  
 3 ignated for selection by paragraph I.B.(2)(b) of the docu-  
 4 ment identified in section 12(b) (referring to the  
 5 Talkeetna Mountains) of the Act of January 2, 1976 (43  
 6 U.S.C. 1611 note). Not more than five selections shall be  
 7 made under this subsection, each of which shall be reason-  
 8 ably compact and in whole sections, except when separated  
 9 by unavailable land or when the remaining entitlement is  
 10 less than a whole section.”.

11 **SEC. 1415. CLARIFICATION ON TREATMENT OF BONDS**  
 12 **FROM A NATIVE CORPORATION.**

13 Section 29(c) of the Alaska Native Claims Settlement  
 14 Act (43 U.S.C. 1626(c)) is amended—

15 (1) in paragraph (3)(A), by inserting “and on  
 16 bonds received from a Native Corporation” after  
 17 “from a Native Corporation”; and

18 (2) in paragraph (3)(B), by inserting “or bonds  
 19 issued by a Native Corporation which bonds shall be  
 20 subject to the protection of section 7(h) until volun-  
 21 tarily and expressly sold or pledged by the share-  
 22 holder subsequent to the date of distribution” before  
 23 the semicolon.

1 **SEC. 1416. MINING CLAIMS.**

2 Paragraph (3) of section 22(c) of the Alaska Native  
3 Claims Settlement Act (43 U.S.C. 1621(c)) is amended—

4 (1) by striking out “regional corporation” each  
5 place it appears and inserting in lieu thereof “Re-  
6 gional Corporation”; and

7 (2) by adding at the end the following: “The  
8 provisions of this section shall apply to Haida Cor-  
9 poration and the Haida Traditional Use Sites, which  
10 shall be treated as a Regional Corporation for the  
11 purposes of this paragraph, except that any revenues  
12 remitted to Haida Corporation under this section  
13 shall not be subject to distribution pursuant to sec-  
14 tion 7(i) of this Act.”.

15 **SEC. 1417. SALE, DISPOSITION, OR OTHER USE OF COMMON**  
16 **VARIETIES OF SAND, GRAVEL, STONE, PUM-**  
17 **ICE, PEAT, CLAY, OR CINDER RESOURCES.**

18 Subsection (i) of section 7 of the Alaska Native  
19 Claims Settlement Act (43 U.S.C. 1606(i)) is amended—

20 (1) by striking “Seventy per centum” and in-  
21 serting “(A) Except as provided by subparagraph  
22 (B), seventy percent”; and

23 (2) by adding at the end the following:

24 “(B) In the case of the sale, disposition, or other use  
25 of common varieties of sand, gravel, stone, pumice, peat,  
26 clay, or cinder resources made during a fiscal year ending

1 after the date of enactment of this subparagraph, the reve-  
2 nues received by a Regional Corporation shall not be sub-  
3 ject to division under subparagraph (A). Nothing in this  
4 subparagraph is intended to or shall be construed to alter  
5 the ownership of such sand, gravel, stone, pumice, peat,  
6 clay, or cinder resources.”.

7 **SEC. 1418. ALASKA NATIVE ALLOTMENT APPLICATIONS.**

8 Section 905(a) of the Alaska National Interest Lands  
9 Conservation Act (43 U.S.C. 1634(a)) is amended by add-  
10 ing at the end the following:

11 “(7) Paragraph (1) of this subsection and subsection  
12 (d) shall apply, and paragraph (5) of this subsection shall  
13 cease to apply, to an application—

14 “(A) that is open and pending on the date of  
15 enactment of this paragraph,

16 “(B) if the lands described in the application  
17 are in Federal ownership other than as a result of  
18 reacquisition by the United States after January 3,  
19 1959, and

20 “(C) if any protest which is filed by the State  
21 of Alaska pursuant to paragraph (5)(B) with respect  
22 to the application is withdrawn or dismissed either  
23 before, on, or after the date of the enactment of this  
24 paragraph.

1       “(8)(A) Any allotment application which is open and  
 2 pending and which is legislatively approved by enactment  
 3 of paragraph (7) shall, when allotted, be made subject to  
 4 any easement, trail, or right-of-way in existence on the  
 5 date of the Native allotment applicant’s commencement of  
 6 use and occupancy.

7       “(B) The jurisdiction of the Secretary is extended to  
 8 make any factual determinations required to carry out this  
 9 paragraph.”.

10 **SEC. 1419. VISITOR SERVICES.**

11       Paragraph (1) of section 1307(b) of the Alaska Na-  
 12 tional Interest Lands Conservation Act (16 U.S.C.  
 13 3197(b)) is amended—

14               (1) by striking “Native Corporation” and in-  
 15 serting “Native Corporations”; and

16               (2) by striking “is most directly affected” and  
 17 inserting “are most directly affected”.

18 **SEC. 1420. LOCAL HIRE REPORT.**

19       (a) IN GENERAL.—Not later than 18 months after  
 20 the date of enactment of this Act, the Secretary of the  
 21 Interior shall transmit to Congress a report.

22       (b) LOCAL HIRE.—The report required by subsection  
 23 (a) shall—

24               (1) indicate the actions taken in carrying out  
 25 subsection (b) of section 1308 of the Alaska Na-

1 tional Interest Lands Conservation Act (16 U.S.C.  
2 3198);

3 (2) address the recruitment processes that may  
4 restrict employees hired under subsection (a) of such  
5 section from successfully obtaining positions in the  
6 competitive service; and

7 (3) describe the actions of the Secretary of the  
8 Interior in contracting with Alaska Native Corpora-  
9 tions to provide services with respect to public lands  
10 in Alaska.

11 (c) COOPERATION.—The Secretary of Agriculture  
12 shall cooperate with the Secretary of the Interior in carry-  
13 ing out this section with respect to the Forest Service.

14 **SEC. 1421. SHAREHOLDER BENEFITS.**

15 Section 7 of the Alaskan Native Claims Settlement  
16 Act (43 U.S.C. 1606) is amended by adding at the end  
17 the following:

18 “(r) BENEFITS FOR SHAREHOLDERS OR IMMEDIATE  
19 FAMILIES.—The authority of a Native Corporation to pro-  
20 vide benefits to its shareholders who are Natives or de-  
21 scendants of Natives or to its shareholders’ immediate  
22 family members who are Natives or descendants of Na-  
23 tives to promote the health, education, or welfare of such  
24 shareholders or family members is expressly authorized  
25 and confirmed. Eligibility for such benefits need not be

1 based on share ownership in the Native Corporation and  
2 such benefits may be provided on a basis other than pro  
3 rata based on share ownership.”.

## 4                   **Subtitle C—Miscellaneous** 5                   **Provisions**

### 6   **SEC. 1431. MORATORIUM ON FEDERAL MANAGEMENT.**

7           Prior to December 31, 1999, neither the Secretary  
8 of the Interior nor the Secretary of Agriculture may issue  
9 or implement final regulations, rules, or policies pursuant  
10 to title VIII of the Alaska National Interest Lands Con-  
11 servation Act (16 U.S.C. 3111 et seq.) to assert jurisdic-  
12 tion, management, or control over the navigable waters  
13 transferred to the State of Alaska pursuant to the Sub-  
14 merged Lands Act (43 U.S.C. 1301 et seq.) or the Act  
15 entitled “An Act to provide for the admission of the State  
16 of Alaska into the Union”, approved July 7, 1958 (Public  
17 Law 85–508; 72 Stat. 339).

### 18   **SEC. 1432. EASEMENT FOR CHUGACH ALASKA CORPORA-** 19                   **TION.**

20           (a) IN GENERAL.—Notwithstanding any other provi-  
21 sion of law, not later than December 11, 1998, the Sec-  
22 retary of Agriculture shall convey to Chugach Alaska Cor-  
23 poration an easement for the construction, use, and main-  
24 tenance of forest roads and related facilities necessary for  
25 access to and economic development of the land interests



1 in the Carbon Mountain and Katalla vicinity that were  
2 conveyed to Chugach Alaska Corporation pursuant to the  
3 Alaska Native Claims Settlement Act. The public shall be  
4 permitted use of the roads pursuant to the terms and con-  
5 ditions contained in the 1982 Chugach Natives, Inc. Set-  
6 tlement Agreement. The location of the easement is de-  
7 picted on the map entitled “Carbon Mountain Access  
8 Easement” and dated November 4, 1997. Nothing in this  
9 section waives any legal environmental requirement with  
10 respect to the actual road construction.

11 (b) CONSTRUCTION AND MAINTENANCE.—Construc-  
12 tion and maintenance of any roads pursuant to subsection  
13 (a) shall be in accordance with the best management prac-  
14 tices of the Forest Service as promulgated in the Forest  
15 Service Handbook.

16 (c) SETTLEMENT AGREEMENT TO REMAIN IN  
17 FORCE.—Nothing in this section shall be construed as im-  
18 pairing or diminishing any right granted Chugach Alaska  
19 Corporation under the 1982 Chugach Natives, Inc. Settle-  
20 ment Agreement.

