

Mr. KILDEE. Mr. Speaker, H.R. 1231 directs the Secretary of Agriculture to convey without consideration 2 acres of National Forest land to Elko County, Nevada. The land conveyance would include a historic cemetery and a road and bridge leading to it on the Humboldt-Toiyabe National Forest.

It is our understanding that a private individual had offered to provide for the maintenance of the cemetery as long as the land was conveyed to the county. At the hearing, the Forest Service expressed concerns that this bill was inconsistent with laws that require the Secretary of Agriculture to obtain fair market value for exchange or sale of National Forest Service land.

While we share these agency concerns and generally support a policy of obtaining fair market value for the sake of disposition of public resources, the lands in this case are certainly de minimis. We anticipate that Elko County will be a good steward of the cemetery, and we certainly support this bill.

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Mr. Speaker, I want to commend the gentleman from Nevada (Mr. GIBBONS). His gentlemanliness both in committee and on the floor makes it a pleasure to work in both places.

Mr. Speaker, I yield back the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 1231, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

TERRY PEAK LAND TRANSFER ACT OF 1999

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2079) to provide for the conveyance of certain National Forest System lands in the State of South Dakota.

The Clerk read as follows:

H.R. 2079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terry Peak Land Transfer Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Certain National Forest System land located in the Black Hills National Forest in Lawrence County, South Dakota, is currently permitted to the Terry Peak Ski Area by the Secretary of Agriculture pursuant to section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b).

(2) The National Forest System land comprises only 10 percent of the land at the Ski Area, with the remaining 90 percent located on private land owned by the Ski Area operator.

(3) As the fractional Forest Service land holding at the Ski Area is also encumbered by ski lifts, ski trails, a base lodge parking lot and other privately owned improvements, it serves little purpose in continued public ownership, and can more logically be conveyed to the Ski Area to unify land management and eliminate permitting and other administrative costs to the United States.

(4) The Ski Area is interested in acquiring the land from the United States, but the Secretary does not have administrative authority to convey such land in a nonsimultaneous land exchange absent specific authorization from Congress.

(5) The Black Hills National Forest contains several small inholdings of undeveloped private land with multiple landowners which complicate National Forest land management and which can be acquired by the United States from willing sellers if acquisition funds are made available to the Secretary.

(6) The proceeds from the Terry Peak conveyance can provide a modest, but readily available and flexible, funding source for the Secretary to acquire certain inholdings in the Black Hills National Forest from willing sellers, and given the small and scattered nature of such inholdings, and number of potential sellers involved, can do so more efficiently and quickly than through administrative land exchanges.

(7) It is, therefore, in the public interest to convey the National Forest System land at Terry Peak to the Ski Area at fair market value and to utilize the proceeds to acquire more desirable lands for addition to the Black Hills National Forest for permanent public use and enjoyment.

(b) PURPOSE.—It is the purpose of this Act to require the conveyance of certain National Forest System lands at the Terry Peak Ski Area to the Ski Area and to utilize the proceeds to acquire more desirable lands for the United States for permanent public use and enjoyment.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of Agriculture, unless otherwise specified.

(2) The term "selected land" means land comprising approximately 41.42 acres and generally depicted as government lots 6 and 11, section 2, township 4 north, range 2 east, Black Hills meridian, on a map entitled "Terry Peak Land Conveyance", dated March 1999.

(3) The terms "Terry Peak Ski Area" and "Ski Area" mean the Black Hills Chairlift Company, a South Dakota Corporation, or its successors, heirs and assigns.

SEC. 4. LAND CONVEYANCE AND MISCELLANEOUS PROVISIONS.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey the selected land to the Terry Peak Ski Area at fair market value, as determined by the Secretary.

(b) APPRAISAL.—The value of the selected land shall be determined by the Secretary utilizing nationally recognized appraisal standards, including to the extent appropriate, the Uniform Appraisal Standards For Federal Land Acquisitions (1992), the Uni-

form Standards of Professional Appraisal Practice, and other applicable law. The costs of the appraisal shall be paid for by the Ski Area.

(c) COMPLETION OF CONVEYANCE.—It is the sense of Congress that the conveyance to the Ski Area required by this Act be consummated no later than 6 months after the date of enactment of this Act, unless the Secretary and the Ski Area mutually agree to extend the consummation date. Prior to conveying the selected land to the Ski Area, the Secretary shall complete standard pre-disposal analyses and clearances pertaining to threatened and endangered species, cultural and historic resources, wetlands and floodplains, and hazardous materials.

(d) USE OF PROCEEDS BY THE SECRETARY.—All monies received by the Secretary pursuant to this Act shall be considered monies received and deposited pursuant to Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act) and shall be utilized by the Secretary to acquire replacement land from willing sellers for addition to the Black Hills National Forest in South Dakota. Any lands so acquired shall be added to and administered as part of the Black Hills National Forest and, if any such land lies outside the exterior boundaries of the Forest, the Secretary may modify the boundary of the Forest to include such land. Nothing in this section shall be construed to limit the authority of the Secretary to adjust the boundaries of the Forest pursuant to section 11 of the Act of March 1, 1911 (16 U.S.C. 521; commonly known as the Weeks Act).

(e) CONVEYANCE SUBJECT TO VALID EXISTING RIGHTS, EASEMENTS.—The conveyance to the Ski Area required by this Act shall be subject to valid existing rights and to existing easements, rights-of-way, utility lines and any other right, title or interest of record on the selected land as of the date of transfer of the selected land to the Terry Peak Ski Area.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SHERWOOD asked and was given permission to revise and extend his remarks.)

Mr. SHERWOOD. Mr. Speaker, H.R. 2079, the Terry Peak Land Transfer Act of 1999, was introduced by the gentleman from South Dakota (Mr. THUNE), our esteemed colleague.

H.R. 2079 is a non-simultaneous land transfer bill that would require the Secretary of Agriculture to convey certain lands in the Black Hills National Forest in South Dakota to the Terry Peak Ski Area at fair market value. All monies for the transaction would later be used to purchase replacement land from willing sellers for the Black Hills National Forests.

Not only does the Forest Service support the bill, but the bill shares tremendous local support among such groups as the Lawrence County Commissioners, the Deadwood Area Chamber of Commerce, the Terry Peak Lodge Homeowners Association, the Terry Valley Landowners Association, and the Black Hills Group of the Sierra Club.

I urge my colleagues to support the passage of the Terry Peak Land Transfer Act under suspension of the rules.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. KILDEE asked and was given permission to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, H.R. 2079 directs the Secretary of Agriculture to convey for fair market value approximately 41 acres of land in the Black Hills National Forest to the Black Hill Chairlift Company, a local ski operator.

The tract is encumbered by ski lifts, ski trails, a parking lot, and other privately owned improvements so that transfer to private ownership would improve land management and eliminate administrative costs.

Furthermore, proceeds from the sale would be used to acquire small and scattered parcels around the National Forest.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding to me.

Let me say, Mr. Speaker, that H.R. 2079, the Terry Peak Land Transfer Act of 1999, is a responsible common sense and straightforward bill that will allow the Federal Government and a private interest to manage precious land resources in a very thoughtful and effective manner.

Terry Peak is a popular ski resort in the Black Hills of South Dakota. For years, Terry Peak has been a winter-time destination enjoyed by individuals and families in South Dakota and out-of-state visitors. The resort is situated in Lawrence County, South Dakota, and is near the communities of Deadwood and Lead. Today, 90 percent of the resort's land is privately owned. Ten percent of the land is federally owned and administered by the Black Hills National Forest.

The land administered by the Black Hills National Forest comprises of approximately 41 acres and has been permitted to Terry Peak pursuant to section 3 of the National Forest Ski Area Permit Act of 1986. Substantial improvements unique to Terry Peak's operation, such as parking lots, chair lifts, and a ski lodge have also been made to the land.

These improvements, the relatively small size of the parcel of land, and the land's isolation make this exchange a sensible action. As it stands, the land is no longer useful for the mission of the Black Hills National Forest and results in significant administrative cost to the Forest Service.

As a result of these factors, the Forest Service in the Black Hills National

Forest engaged in conversations with officials of Terry Peak to consider the latter's acquisition of the 41-acre parcel administered by the Black Hills National Forest. These parties have spent a great deal of time and effort to construct the proposed transaction, ensure broad public support, and draft legislation agreeable to both parties to the transaction. The result of that hard work is found in the bill before the House today.

H.R. 2079 would require Terry Peak to pay full market value, as determined by the Secretary of Agriculture for the land. According to the report accompanying the bill, the sale of the land would generate approximately \$125,000 in offsetting receipts. The Black Hills National Forest could then use those receipts to acquire more useful lands from willing sellers and add those lands to the forest system.

The legislation, therefore, recognizes the benefits of the private interest, Terry Peak, and to the public interest, the Black Hills National Forest. Terry Peak and Black Hills National Forest would both be able to acquire land that is most useful and consistent with each entity's mission.

As the gentleman from Pennsylvania (Mr. SHERWOOD) indicated, the transaction does enjoy broad support from outside parties. The Black Hills Group of the Sierra Club, the Deadwood Area Chamber of Commerce, the Lawrence County Commissioners, the Lead Area Chamber of Commerce, the Terry Peak Lodge Homeowners Association, and the Terry Valley Landowners Association all support the transaction and have encouraged its completion.

Additionally, the Senate has before it a companion bill, S. 953, the Terry Peak Land Conveyance Act of 1999, which would achieve the same end.

Because the Forest Service does not have the administrative authority to convey the land to Terry Peak in the manner both parties wish, Congress must grant authority for the change. It is for that reason that I introduced the Terry Peak Land Transfer Act of 1999 and ask for my colleagues' support of the bill today.

Mr. Speaker, I would like to thank the gentlewoman from Idaho (Mrs. CHENOWETH), chairman of the Subcommittee on Forests and Forest Health; the gentleman from Washington (Mr. SMITH), the ranking member; as well as the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources; and the gentleman from California (Mr. GEORGE MILLER), ranking member, for taking quick action on this bill.

I again thank the gentleman from Pennsylvania (Mr. SHERWOOD) for yielding me this time today and the gentleman from Michigan (Mr. KILDEE) for working with us on this legislation.

Mr. KILDEE. Mr. Speaker, I yield back the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 2079.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SAINT HELENA ISLAND NATIONAL SCENIC AREA ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 468) to establish the Saint Helena Island National Scenic Area, as amended.

The Clerk read as follows:

H.R. 468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saint Helena Island National Scenic Area Act".

SEC. 2. ESTABLISHMENT OF SAINT HELENA ISLAND NATIONAL SCENIC AREA, MICHIGAN.

(a) *PURPOSE.*—The purposes of this Act are—

(1) to preserve and protect for present and future generations the outstanding resources and values of Saint Helena Island in Lake Michigan, Michigan, and

(2) to provide for the conservation, protection, and enhancement of primitive recreation opportunities, fish and wildlife habitat, vegetation, and historical and cultural resources of the island.

(b) *ESTABLISHMENT.*—For the purposes described in subsection (a), there shall be established the Saint Helena Island National Scenic Area (in this Act referred to as the "scenic area").

(c) *EFFECTIVE UPON CONVEYANCE.*—Subsection (b) shall be effective upon conveyance of satisfactory title to the United States of the whole of Saint Helena Island, except that portion conveyed to the Great Lakes Lighthouse Keepers Association pursuant to section 1001 of the Coast Guard Authorization Act of 1996 (Public Law 104-324; 110 Stat. 3948).

SEC. 3. BOUNDARIES.

(a) *SAINT HELENA ISLAND.*—The scenic area shall comprise all of Saint Helena Island, in Lake Michigan, Michigan, and all associated rocks, pinnacles, islands, and islets within one-eighth mile of the shore of Saint Helena Island.

(b) *BOUNDARIES OF HIAWATHA NATIONAL FOREST EXTENDED.*—Upon establishment of the scenic area, the boundaries of the Hiawatha National Forest shall be extended to include all of the lands within the scenic area. All such extended boundaries shall be deemed boundaries in existence as of January 1, 1965, for the purposes of section 8 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9).

(c) *PAYMENTS TO LOCAL GOVERNMENTS.*—Solely for purposes of payments to local governments pursuant to section 6902 of title 31, United States Code, lands acquired by the United States under this Act shall be treated as entitlement lands.

SEC. 4. ADMINISTRATION AND MANAGEMENT.

(a) *ADMINISTRATION.*—Subject to valid existing rights, the Secretary of Agriculture (in this Act referred to as the "Secretary") shall administer the scenic area in accordance with the laws, rules, and regulations applicable to the National Forest System in furtherance of the purposes of this Act.

(b) *SPECIAL MANAGEMENT REQUIREMENTS.*—Within 3 years of the date of enactment of this Act, the Secretary shall seek to develop a management plan for the scenic area as an amendment to the land and resources management