

To: Matthew Kurchinski[mkurchin@blm.gov]; Gregg Ostergaard[gosterga@blm.gov]
Cc: Brian Mueller[bmueller@blm.gov]
From: Webb, Daniel
Sent: 2017-11-17T17:46:17-05:00
Importance: Normal
Subject: Fwd: New CRS Inquiry (DUE NOV 21), and checking in on other data requests)
Received: 2017-11-17T17:46:28-05:00
[105th Congress Exchange Agreement.pdf](#)
[PLAW-105publ335.pdf](#)
[PLAW-105publ355.pdf](#)

FYI,

Matt & Gregg do you know about this issue?

I do not recall any "Land Exchange maps from 1998 in the GSENM."

Daniel W. Webb

BLM, Utah State Office (UT925)
Division of Lands & Minerals
Chief, Branch of Geographic Sciences
Chief Cadastral Surveyor, Utah
801-539-4135
dwebb@blm.gov

----- Forwarded message -----

From: **Mueller, Brian** <bmueller@blm.gov>
Date: Fri, Nov 17, 2017 at 2:44 PM
Subject: Fwd: New CRS Inquiry (DUE NOV 21), and checking in on other data requests)
To: "Webb, Daniel" <dwebb@blm.gov>, Joy Wehking <jwehking@blm.gov>

Joy, I know this isn't in your contract, but do you or Dan know anything about Land Exchange maps from 1998 in the GSENM? And there is also a Boundary Adjustment map somewhere.

See the attached laws... GSENM is lead on this request, I'm just trying to track down anything that might help them in the SO.

----- Forwarded message -----

From: **Ginn, Allison** <aginn@blm.gov>
Date: Fri, Nov 17, 2017 at 1:59 PM
Subject: Fwd: New CRS Inquiry (DUE NOV 21), and checking in on other data requests)
To: "Mueller, Brian" <bmueller@blm.gov>

Abbie asked me to make sure you were looped in. Technically GSENM is point on this request, but if you have the requested legislative maps, I'm sure they'd love your help.

Regards,

Allison Ginn
External Affairs (Detail)
Bureau of Land Management
Utah State Office
801-539-4
195

----- Forwarded message -----

From: **Ginn, Allison** <aginn@blm.gov>
Date: Fri, Nov 17, 2017 at 11:40 AM
Subject: Fwd: New CRS Inquiry (DUE NOV 21), and checking in on other data requests)
To: Larry Crutchfield <lcrutchf@blm.gov>, "Staszak, Cynthia" <cstaszak@blm.gov>
Cc: "Finch, Kimberly" <kfinch@blm.gov>, "Richardson, Michael" <mjrichardson@blm.gov>, Lynn Roth <lroth@blm.gov>

Larry & Cindy-

Mike is traveling, so he asked me to route in his absence. Please respond to the GSENM request below by Tuesday 11/21.

In your response, please reply all and also include Adrienne Dicerbo and Jill Ralston.

Regards,

Allison Ginn
External Affairs (Detail)
Bureau of Land Management
Utah State Office
801-539-4
195

----- Forwarded message -----

From: **Finch, Kimberly** <kfinch@blm.gov>
Date: Fri, Nov 17, 2017 at 11:22 AM
Subject: Fwd: New CRS Inquiry (DUE NOV 21), and checking in on other data requests)
To: Allison Ginn <aginn@blm.gov>

Kimberly Finch
Legislative Affairs

Bureau of Land Management
Email: kfinch@blm.gov
Office: 202 912 7430
Cell: 385 249 0699

----- Forwarded message -----

From: **Finch, Kimberly** <kfinch@blm.gov>

Date: Fri, Nov 17, 2017 at 11:44 AM
Subject: New CRS Inquiry (DUE NOV 21), and checking in on other data requests)
To: Michael Richardson <mjrichardson@blm.gov>
Cc: Jill Ralston <jralston@blm.gov>, Adrienne Dicerbo <adicerbo@blm.gov>

Hi Mike!

Happy Friday! We've received a new Congressional Research Service request for two maps of GSENM. Let me know if you have any questions - I am out of the office next week, but I'll be checking email. Please copy Adrienne Dicerbo and Jill Ralston (cc'd in this email)

1. GSENM Boundary Adjustment Maps ----NEW----

CRS has requested the maps identifying the lands in two laws: PL 105-335 and PL 105-355, Title II (starts on page 6 of the PDF, and the maps are cited in Sec. 201(c)). These laws provided for boundary adjustments between the State of Utah and the BLM. The map titles and dates are cited in the laws attached.

Please note the PL 105-335 does not refer to a full list of legislative maps showing lands affected; however, the Utah Governor's agreement document does refer to map titles and dates.

1. Please find all of the maps associated with these two laws. If you cannot find the maps, please explain the reason.

----The deadline for response is **Nov. 21, Tuesday.**

-----Follow-ups on prior requests-----

2. Sen. Hatch Lands Potentially Suitable for Disposal

Request sent to Utah, Nov. 6th

An inventory of lands potentially suitable for disposal separated by land use plan
Identify each plan's official name and year finalized, identify the field office associated with the plan
Identify the county or counties associated with each parcel
Identify the acreage per parcel
Provide all data in an Excel spreadsheet

3. Status of Camp Williams Transfer

I replied to your email on 11/15 with:

Since it's been two months since Brandon Johnson wrote that summary and contacted the NGB, do you know if Brandon ever heard back from NGB after his call and follow up email? If you could confirm that, then I will call Bishop's office with the update and then let you know if there is anything to report.

4. Hyde Park Land Conveyance Act COMPLETE

Thank you for the responses from Utah! WO 350 is working through the legislation and has been contacting Utah realty for follow ups. We may have more questions, but for now I think this request is complete.

Kimberly Finch
Legislative Affairs

Bureau of Land Management
Email: kfinch@blm.gov
Office: 202 912 7430
Cell: 385 249 0699

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Brian Mueller
Geospatial Program Manager
Utah State Office/ Bureau of Land Management
801.539.4154

Post-it Fax Note	7671	Date	11/23/98
From	Carol Hardy Vincent	Project	term call
Co. Dept	Agreement	Co.	Acres into
Phone #		Phone	will follow
Fax #	202-707-7287	Fax	tomorrow



Michael O. Leavitt
Governor

AGREEMENT TO EXCHANGE UTAH SCHOOL TRUST LANDS
BETWEEN
THE STATE OF UTAH AND THE UNITED STATES OF AMERICA

PURPOSE: The Purpose is to document an agreement, subject to ratification by Congress, to exchange federal and state lands and interests therein of approximately equal value in the State of Utah.

SECTION 1. DEFINITIONS.

As used in this Agreement:

(A) **MONUMENT.** The term "Monument" means the Grand Staircase-Escalante National Monument, established by Presidential proclamation on September 18, 1996 pursuant to section 2 of the Antiquities Act of 1906 (16 U.S.C. § 431).

(B) **SCHOOL AND INSTITUTIONAL TRUST LANDS.** The term "School and Institutional Trust Lands" means all right, title and interest of the State of Utah on the date this agreement is executed in lands granted by the United States pursuant to section 6 of the Utah Enabling Act, ch. 138, 28 Stat. 107 (1894) to the State of Utah in trust, and in other lands owned by the State of Utah on the date of this agreement which under State law must be managed for the benefit of the public school system or the institutions of the State which are designated by the Utah Enabling Act, provided that to the extent the estate in said lands is less than fee simple absolute, it is found acceptable to the United States under the title regulations of the Attorney General of the United States.

(C) **MINERAL INTEREST.** The term "mineral interest" means all right, title and interest in the mineral estate, as of the date of this agreement, in metals, ores, oil and gas, carbon dioxide, helium, coal, lignite, peat, gas contained in or taken from coal seams (coalbed methane), geothermal steam and heat, rock, stone, gravel, sand and quartz, subject to valid existing rights in third parties as of the date of this Agreement.

(D) **SECRETARY.** The term "Secretary" means the Secretary of the Interior.

SECTION 2. LANDS AND INTERESTS TO BE CONVEYED TO THE UNITED STATES

The State of Utah shall convey to the United States the School and Institutional Trust Lands and mineral interests therein in the following properties, described generally as:

(A) Lands within the Navajo Indian Reservation in the State of Utah, comprising approximately 38,500 acres and the mineral interest in approximately an additional 9,500 acres, designated as tracts 322 through 338, 363 through 392, and 394 through 407, and generally depicted on the map entitled "Utah-Navajo Land Exchange" dated May 7, 1998. Parcel 339 is subject to deletion after consultation with the Navajo Nation. The legal description for tracts 322 through 337,

22339 through 340, 342, 344 through 358, 362 through 392, 394 through 407 is contained in the document entitled "Public Law 103-93 Utah Schools and Lands Improvement Act of 1993" (1993). The legal description of tract 338 is T40S, R24E, SLB&M, Section 16; all [mineral]. The legal description of tract 341 is T40S, R25E, SLB&M, Section 32; SE1/4NW1/4SW1/4SE1/4. The legal description of tract 343 is T40S, R25E, SLB&M, Section 16; all [mineral].

(B) Lands within the Goshute Indian Reservation in the State of Utah, comprising approximately 8,980 acres and the mineral interest in approximately an additional 480 acres, designated as tracts 408 through 410 and 800-818, and, generally depicted on the map entitled "Utah- Goshute Land Exchange," dated May 7, 1998.

(C) Four tracts, consisting of approximately 2,560 acres, as generally depicted on the map entitled "Alton Tracts," dated May 7, 1998.

(D) Lands within the exterior boundaries of the National Forest System comprising approximately 70,000 acres, designated as tracts 145 through 177, 184, 194 through 196, 198, 200 through 241, 247 through 321, 413 through 451, 453 through 497, 499 through 513, 515 through 519, 521 through 572, and as generally depicted on a map entitled "Utah Forest Land Exchange," dated May 7, 1998. The legal descriptions for these tracts are contained in the document entitled "Public Law 103-93 Utah Schools and Lands Improvement Act of 1993" (1993).

(E) All lands within the exterior boundaries of the Monument, comprising approximately 176,698.63 acres of land and the mineral interest in approximately an additional 24,000 acres.

(F) All lands within the exterior boundaries of all units of the National Park System, comprising approximately 80,000 acres.

SECTION 3. LANDS AND INTERESTS OF THE UNITED STATES TO BE CONVEYED TO THE STATE OF UTAH

The United States shall convey to the State of Utah all right, title and interest of the United States to the following properties described generally as:

(A) Blue Mountain Telecommunications Site, comprising approximately 640 acres, as generally depicted on the map entitled "Blue Mountain Telecommunications Site," dated May 7, 1998.

(B) Beaver Mountain Ski Resort site, comprising approximately 3,000 acres, as generally depicted on the map entitled "Beaver Mountain Ski Resort," dated May 7, 1998.

(C) Warner Valley Tract, comprising approximately 1,920 acres, as generally depicted on the map entitled "Warner Valley Tract," dated May 7, 1998.

(D) Hatch Tract, comprising approximately 12,677.5 acres, as generally depicted on the map entitled "Hatch Tract," dated May 7, 1998.

(E) Big Water Tract, comprising approximately 33,208 acres, as generally depicted on the map entitled "Big Water Tract," dated May 7, 1998.

(F) The United States' mineral interest in the coal located in the Cottonwood Tract, as generally depicted on the map entitled "Cottonwood Tract," dated May 7, 1998, subject to reversion as provided in this paragraph. If the State disposes of all or part of the coal mineral interest conveyed as provided by subparagraph (F) (i) hereof, the entire coal mineral interest conveyed to the State under this paragraph shall revert to the United States when the State has received the sum of \$13,006,105 in royalty and rental income. Valuation of royalty and rental income and interest to the extent applicable shall be calculated pursuant to the language contained in Public Law 102-93, section 8 (c) and (d).

(G) Approximately 881 acres of the Westridge Coal Tract, as generally depicted on the map entitled "Westridge Coal Tract" dated May 7, 1998.

(H) Approximately 2,600 acres of the Uintah County Tract, as generally depicted on the maps entitled "Uintah County Tract No. 1" and "Uintah County Tract No. 2" dated May 7, 1998.

(I) Approximately 2,000 acres of the Millard County Tract, as generally depicted on the map entitled "Millard County Tract" dated May 7, 1998.

(J) Approximately 58,000 acres of the Ferron Field, as generally depicted on the map entitled "Ferron Field" dated May 7, 1998.

(K) The United States' mineral interest in the coal located in the Mill Fork Tract, as generally depicted on the map entitled "Mill Fork Tract," dated May 7, 1998, subject to reversion as provided in this paragraph. If the State disposes of all or part of the coal mineral interest conveyed as provided by subparagraph (P)(i) hereof, the entire coal mineral interest shall revert to the United States when 22.5 million tons of coal have been produced from the Tract.

(L) Approximately 2,560 acres of the Dugout Canyon Tract, as generally depicted on the map entitled "Dugout Canyon Tract" dated May 7, 1998, and the United States' mineral interest in the coal in approximately 2,560 acres located in the Muddy Tract, as generally depicted on the map entitled "Muddy Tract" dated May 7, 1998, subject to reversion as provided in this paragraph. If the State disposes of all or part of the coal mineral interest in either or both Tracts as provided by subparagraph (P)(i) hereof, the entire coal mineral interest in both Tracts shall revert to the United States when a total of 34 million tons of coal have been produced from either or both Tracts.

(M) The United States' mineral interest in the coal underlying approximately 9,600 acres located in the North Horn Coal Tract, as generally depicted on the map entitled "North Horn Coal Tract" dated May 7, 1998, subject to reversion as provided in this paragraph. If the State disposes of all or part of the coal mineral interest conveyed as provided by subparagraph (P)(i) hereof, the entire coal mineral interest shall revert to the United States when 100 million tons of coal have been produced from the Tract.

(N) Duchesne County Tract comprising approximately 4,000 acres, as generally depicted on the map entitled "Duchesne County Tract," dated May 7, 1998.

(O) \$50,000,000 in cash.

(F) GENERAL PROVISIONS

(i) If the State disposes of all or any part of the mineral interest in coal, oil and gas, or coalbed methane, including interests subsumed within fee interests, conveyed under paragraphs (F), (G), (H), (K), (L), or (M) of this section, the State agrees to do so only by offering the mineral interest for lease on a competitive basis (or a substantially equivalent non-competitive basis) for a bonus bid and a reserved royalty of not more than 8 percent (for coal) or 12 1/4 percent (for oil and gas and coalbed methane) (or the prevailing Federal royalty rates at the time the lease is issued) of the value of the production removed or sold from the lease.

(ii) The State agrees to pay to the United States 50 percent of the bonus bid it receives when it issues each lease under subparagraph (i), reduced by 50 percent of those administrative costs the State incurs in issuing the lease that are of the same type that the United States includes in calculating the administrative cost deduction under 30 U.S.C. 191 (b). The amount paid to the United States shall be deposited 80 percent to the Reclamation Fund and 20 percent to miscellaneous receipts.

(iii) All mineral interests that revert to the United States under this section shall be restored to the public domain and the United States shall succeed the State as lessor for any lease issued by the State. Upon reversion, all revenues which the United States receives from any lease issued by the State to which fee reversion is subject shall be distributed in the same manner as other revenues derived from mineral leases on the public domain under section 25 of the Mineral Leasing Act, as amended, 30 U.S.C. 191.

SECTION 4. TRANSFER OF TITLE

(A) All conveyances described herein by the United States to the State of Utah shall be subject to valid existing rights and interests outstanding in third parties. Where the United States is conveying only the mineral interest or other interest less than fee simple, the Secretary shall reserve to the United States all remaining right, title and interest.

(B) All conveyances herein by the State of Utah to the United States shall be subject only to those valid existing surface and mineral leases, grazing permits and leases, easements, rights of way, and other interests outstanding in third parties found acceptable under the Attorney General's title regulations.

(C) Conveyance of all lands and interests in lands described shall take place within 90 days following enactment of the legislation authorizing and ratifying this Agreement.

(D) DEED. — The conveyance of the lands and interests therein by the State of Utah to the United States under this section shall be in the form of a conveyance acceptable to the Secretary and in conformity with applicable title standards of the Attorney General of the United States.

(E) ACCEPTABILITY OF TITLE. — The United States shall not carry out the exchange described in sections 2 and 3 unless the title to the lands and interests described in section 2 to be conveyed to the United States, and the form and procedures of conveyance are acceptable under the Attorney General's title regulations.

(F) Upon completion of all conveyances described in sections 2 and 3(A)-(N), the \$50,000,000 identified in section 3(O) is immediately available for expenditure and payment from the General Fund of the Treasury to the State of Utah without fiscal year limitations.

SECTION 5. MANAGEMENT OF FEDERALLY ACQUIRED LANDS.

(A) GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT. — Any lands and interests therein acquired by the United States within the exterior boundaries of the Monument pursuant to section 2(B) shall become a part of the Grand Staircase-Escalante National Monument, and shall be subject to all the laws and regulations applicable to the Monument.

(B) NATIONAL FOREST SYSTEM. — Any lands and interests therein acquired by the United States within the exterior boundaries of the National Forest System pursuant to section 2(D) shall become a part of the national forest within which such lands are located and shall be subject to all the laws and regulations applicable to the National Forest System.

(C) NATIONAL PARK SYSTEM. — Any lands and interests therein acquired by the United States within the exterior boundaries of the National Park System pursuant to section 2(F) shall become a part of the appropriate unit of the National Park System within which such lands are located, and shall be subject to all laws and regulations applicable to that unit of the National Park System.

(D) NAVAJO INDIAN RESERVATION. — Any lands and interests acquired by the United States within the exterior boundaries of the Navajo Indian Reservation pursuant to section 2(A) are taken into trust and held for the benefit of the Navajo Nation, and are hereby declared to be part of the Navajo Indian Reservation in the State of Utah.

(E) GOSHUTE INDIAN RESERVATION. — Any lands and interests acquired by the United States within the exterior boundaries of the Goshute Indian Reservation pursuant to section 2(B) are taken into trust and held for the benefit of the Goshute Indian Tribe and are hereby declared to be part of the Goshute Indian Reservation in the State of Utah.

(F) ALL OTHER LANDS. — Any other lands or interests therein acquired by the United States pursuant to section 2 and not otherwise described in this section shall be administered by the Bureau of Land Management and subject to all applicable laws and regulations.

SECTION 6. WATER RIGHTS

In connection with water rights appurtenant to the lands to be exchanged under this agreement:

(A) All water rights, if any, held by the transferor that are appurtenant to the lands exchanged pursuant to this agreement shall be conveyed with the land. Nothing contained in this agreement shall impair valid existing water rights owned by private parties.

(B) Nothing in this agreement shall expand or diminish Federal or State jurisdiction, responsibilities, interests, or rights, in water resource adjudication, allocation, development, or control.

SECTION 7. GRAZING PERMITS.

(A) On all lands acquired by the United States under section 2, the Secretary shall honor, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on School and Institutional Trust Lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Upon expiration of any lease or permit, the holder shall be entitled to a preference right to renew such lease or permit to the extent provided by Federal law.

(B) In any instance where lands conveyed by the State of Utah under section 2 are used by a grazing permittee or lessee to meet the base property requirements for a federal grazing permit or lease, such lands shall continue to qualify as base properties for the remaining term of the lease or permit and any renewal or extension thereof.

(C) Title to, or any interest in, any range improvement held by the United States or the State on any lands exchanged under this agreement shall be transferred with such lands. Nothing in this Act shall operate to divest title to, or any interest in, any range improvement held by any person on such lands.

(D) On all lands to be acquired by the State of Utah under section 3, the State shall continue, for a period of time equal to the lifetime of the permittee as of the date of this agreement and any direct descendants of the permittee born before that date, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Federal lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Such leases, permits and contracts shall be subject to periodic renewal and to compliance with the terms and conditions of the leases, permits or contracts, together with such reasonable regulations as the State may prescribe concerning range conditions. This provision shall not prevent the state from canceling any grazing permit when the underlying land is sold or leased for non-grazing purposes by the state.

SECTION 8. HAZARDOUS WASTE.

(A) Notwithstanding the transfer to the United States of the lands and interests therein described in section 2, the State of Utah shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

(B) Notwithstanding the transfer to the State of Utah of the lands and interests therein described in section 3, the United States shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from the ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

SECTION 9. SURFACE USE AND RIGHTS OF WAY

(A) The State shall assume all rights and duties of the United States under all Federal rights-of-way, surface use permits and agreements on lands conveyed to the State pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way, permits and agreements shall be managed and enforced by the State. The rents, fees, and other payments formerly due to the United States under the terms of such rights-of-way, permits and agreements shall be payable by the holder to the State.

(B) The United States shall assume all rights and duties of the State under all State rights-of-way and special use agreements on lands conveyed to the United States pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way and agreements shall be managed and enforced by the United States. The rents, fees, and other payments formerly due to the United States under the terms of such rights-of-way and agreements shall be payable by the holder to the United States.

(C) Nothing in this Act shall expand or diminish the rights of any person or entity in any pre-existing rights-of-way established under State or Federal law, and the conveyances to be made under this Agreement shall be subject to such pre-existing rights-of-way, if any, as valid existing rights.

SECTION 10. SPECIAL PROVISIONS**(A) MINERAL DEVELOPMENT IN GENERAL.**

(i) Development of any mineral interests transferred to the State of Utah pursuant to this agreement while the United States retains ownership interests in the land shall be subject to all laws, rules, and regulations applicable to development of non-Federal mineral interests underlying Federally-owned surface, including, where appropriate, laws, rules and regulations applicable to such development within the National Forest System.

(ii) Extraction of any coal resources transferred to the State of Utah pursuant to this Agreement shall occur only through underground coal mining operations.

(B) PRICE COALBED METHANE. --The Bureau of Land Management has prepared an Environmental Impact Statement for the River Gas portion of the Price Coalbed Methane area and a Record of Decision has been issued with respect to certain actions considered in the Environmental Impact Statement. The State of Utah shall adopt all conditions, mitigation measures and restrictions imposed on lessees by the Record of Decision in the State's administration of Federal Mineral Leases acquired in Townships 14, 15, and 16 South and Ranges 8 and 9 East, SLBM.

(C) MILL FORK. -- The Bureau of Land Management and the Monticello National Forest have prepared an Environmental Assessment for the proposed leasing of coal within the Mill Fork tract. The State of Utah shall adopt the mitigation measures imposed on lessees by the Record of Decision in the State's administration of the Mill Fork tract.

(D) MINERAL LEASES IN LAND CONVEYED TO THE UNITED STATES. -- Notwithstanding any other provision of law, including 30 U.S.C. 185, any rentals and royalties or bonus bids derived from existing or future mineral leases on lands and interests therein conveyed by the State of Utah to the United States shall be deposited in the Treasury as miscellaneous receipts, except that any rentals and royalties or bonus bids from existing or future mineral leases on lands and interests acquired under sections 2(A) and 2(B) in trust for the Navajo Nation and the Goshute Indian Tribe shall be distributed in accordance with the terms of any Federal law specifically directing distribution of such moneys.

(E) RENTS AND ROYALTIES ON LAND CONVEYED TO THE STATE OF UTAH. Any rentals and royalties derived from existing or future mineral leases on lands and interests conveyed by the United States to the State of Utah under section 3 shall be shared equally by the State and the School and Institutional Trust Lands Administration.

SECTION 11. MAPS AND LEGAL DESCRIPTIONS

The State of Utah and the Secretary shall each provide to the other the legal descriptions and maps of the lands under their respective jurisdictions which are to be exchanged under this agreement.

SECTION 12. LITIGATION

(A) Upon execution of this agreement, the parties to the civil action captioned *State of Utah v. United States*, Civil No. 2-97-CV-0589C (D. Utah), will immediately jointly seek a stay, without prejudice to either party, of all proceedings in that action. Upon enactment of legislation authorizing and ratifying this agreement, the parties will jointly seek dismissal of that action with prejudice. If Congress fails to enact legislation authorizing and ratifying this agreement before adjournment of the 105th Congress *sine die*, the parties agree to jointly move to lift the stay of proceedings in that action within 60 days after adjournment and to seek rescheduling of the previously established trial schedule as necessary.

(B) The State of Utah shall voluntarily dismiss with prejudice the civil action captioned *Utah School and Institutional Trust Lands Administration v. Clinton, et al.*, Civil No. 2-97-CV-492C (D. Utah), within 20 days after all conveyances under this agreement have been completed.

SECTION 13. TECHNICAL CORRECTIONS

Nothing in this Agreement shall prevent the parties from mutually agreeing to the correction of technical errors and omissions in maps and legal descriptions contained herein.

IN TESTIMONY, WHEREOF, we have hereunto set our hands and caused to be affixed the Great Seal of the State of Utah this 8th day of May 1998.

Michael O. Leavitt
Governor
State of Utah

Bruce Babbitt
Secretary of the Interior
United States of America

ATTEST:

Olene S. Walker
LL Governor
State of Utah



PUBLIC LAW 105–355—NOV. 6, 1998

112 STAT. 3247

Public Law 105–355
105th Congress

An Act

To authorize the Automobile National Heritage Area in the State of Michigan,
and for other purposes.

Nov. 6, 1998
[H.R. 3910]

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

**TITLE I—AUTOMOBILE NATIONAL
HERITAGE AREA OF MICHIGAN**

Automobile
National
Heritage Area
Act.
16 USC 461 note
[table].

SEC. 101. SHORT TITLE.

This title may be cited as the “Automobile National Heritage Area Act”.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the industrial, cultural, and natural heritage legacies of Michigan’s automobile industry are nationally significant;

(2) in the areas of Michigan including and in proximity to Detroit, Dearborn, Pontiac, Flint, and Lansing, the design and manufacture of the automobile helped establish and expand the United States industrial power;

(3) the industrial strength of automobile manufacturing was vital to defending freedom and democracy in 2 world wars and played a defining role in American victories;

(4) the economic strength of our Nation is connected integrally to the vitality of the automobile industry, which employs millions of workers and upon which 1 out of 7 United States jobs depends;

(5) the industrial and cultural heritage of the automobile industry in Michigan includes the social history and living cultural traditions of several generations;

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

(7) the Department of the Interior is responsible for protecting and interpreting the Nation’s cultural and historic resources, and there are significant examples of these resources within Michigan to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Automobile National Heritage Area Partnership, Incorporated, the State of Michigan, and other local and governmental bodies, to adequately conserve, protect, and interpret

this heritage for the educational and recreational benefit of this and future generations of Americans;

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

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

(b) **PURPOSE.**—The purpose of this title is to establish the Automobile National Heritage Area to—

(1) foster a close working relationship with all levels of government, the private sector, and the local communities in Michigan and empower communities in Michigan to conserve their automotive heritage while strengthening future economic opportunities; and

(2) conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Automobile National Heritage Area.

SEC. 103. DEFINITIONS.

For purposes of this title:

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

(2) **HERITAGE AREA.**—The term “Heritage Area” means the Automobile National Heritage Area established by section 104.

(3) **PARTNERSHIP.**—The term “Partnership” means the Automobile National Heritage Area Partnership, Incorporated (a nonprofit corporation established under the laws of the State of Michigan).

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

SEC. 104. AUTOMOBILE NATIONAL HERITAGE AREA.

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

(b) **BOUNDARIES.**—

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

(A) The Rouge River Corridor.

(B) The Detroit River Corridor.

(C) The Woodward Avenue Corridor.

(D) The Lansing Corridor.

(E) The Flint Corridor.

(F) The Sauk Trail/Chicago Road Corridor.

(2) **SPECIFIC BOUNDARIES.**—The specific boundaries of the Heritage Area shall be those specified in the management plan approved under section 106.

(3) **MAP.**—The Secretary shall prepare a map of the Heritage Area which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) **NOTICE TO LOCAL GOVERNMENTS.**—The Partnership shall provide to the government of each city, village, and township that has jurisdiction over property proposed to be included in the Heritage Area written notice of that proposal.

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

SEC. 105. DESIGNATION OF PARTNERSHIP AS MANAGEMENT ENTITY.

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

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The Partnership may receive amounts appropriated to carry out this title.

(2) DISQUALIFICATION.—If a management plan for the Heritage Area is not submitted to the Secretary as required under section 106 within the time specified in that section, the Partnership shall cease to be authorized to receive Federal funding under this title until such a plan is submitted to the Secretary.

(c) AUTHORITIES OF PARTNERSHIP.—The Partnership may, for purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available under this title—

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

(2) to enter into cooperative agreements with or provide technical assistance to the State of Michigan, its political subdivisions, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

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

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The Partnership may not use Federal funds received under this title to acquire real property or any interest in real property.

SEC. 106. MANAGEMENT DUTIES OF THE AUTOMOBILE NATIONAL HERITAGE AREA PARTNERSHIP.

(a) HERITAGE AREA MANAGEMENT PLAN.—

(1) SUBMISSION FOR REVIEW BY SECRETARY.—The Board of Directors of the Partnership shall, within 3 years after the date of the enactment of this title, develop and submit for review to the Secretary a management plan for the Heritage Area.

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

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) be prepared with public participation;

(C) take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area; and

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

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

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Records.

(A) An inventory of resources contained in the Heritage Area, including a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the Heritage Area. The inventory may not include any property that is privately owned unless the owner of the property consents in writing to that inclusion.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan, including plans for restoration and construction and a description of any commitments that have been made by persons interested in management of the Heritage Area.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for the Heritage Area.

Deadlines.

(4) APPROVAL AND DISAPPROVAL OF THE MANAGEMENT PLAN.—

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

(B) DISAPPROVAL AND REVISIONS.—If the Secretary disapproves the management plan, the Secretary shall advise the Board, in writing, of the reasons for the disapproval and shall make recommendations for revision of the plan. The Secretary shall approve or disapprove proposed revisions to the plan not later than 60 days after receipt of such revisions from the Board. If the Secretary has taken no action for 60 days after receipt, the plan and revisions shall be considered approved.

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

(1) assisting units of government, regional planning organizations, and nonprofit organizations—

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

(B) in establishing and maintaining interpretive exhibits in the Heritage Area;

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

(D) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the Heritage Area;

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

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

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The Partnership shall, in preparing and implementing the management plan for the Heritage Area, consider the interest of diverse units of government, businesses, private property owners, and nonprofit groups within the Heritage Area.

(d) PUBLIC MEETINGS.—The Partnership shall conduct public meetings at least annually regarding the implementation of the Heritage Area management plan.

(e) ANNUAL REPORTS.—The Partnership shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the Partnership with Federal funds under section 105(c)(1) is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which it made any loans and grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—The Partnership shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the Partnership with Federal funds under section 105(c)(1) is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds.

(g) DELEGATION.—The Partnership may delegate the responsibilities and actions under this section for each corridor identified in section 104(b)(1). All delegated actions are subject to review and approval by the Partnership.

SEC. 107. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to units of government, nonprofit organizations, and other persons upon request of the Partnership, and to the Partnership, regarding the management plan and its implementation.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of such technical assistance or a grant to enact or modify land use restrictions.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall decide if a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of that assistance. Such decisions shall be based on the relative degree to which the assistance effectively fulfills the objectives contained in the Heritage Area

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management plan and achieves the purposes of this title. Such decisions shall give consideration to projects which provide a greater leverage of Federal funds.

(b) **PROVISION OF INFORMATION.**—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of the Heritage Area.

(c) **OTHER ASSISTANCE.**—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subsection.

(d) **DUTIES OF OTHER FEDERAL AGENCIES.**—Any Federal entity conducting any activity directly affecting the Heritage Area shall consider the potential effect of the activity on the Heritage Area management plan and shall consult with the Partnership with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 108. LACK OF EFFECT ON LAND USE REGULATION AND PRIVATE PROPERTY.

(a) **LACK OF EFFECT ON AUTHORITY OF LOCAL GOVERNMENT.**—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of land under any other law or regulation.

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

(c) **LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.**—Nothing in this title shall be construed to affect or to authorize the Partnership to interfere with—

(1) the rights of any person with respect to private property;

or

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

SEC. 109. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2014.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Area under this title.

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

TITLE II—GRAND STAIRCASE- ESCALANTE NATIONAL MONUMENT

16 USC 431 note
[table].

SEC. 201. BOUNDARY ADJUSTMENTS AND CONVEYANCES, GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT, UTAH.

(a) **EXCLUSION OF CERTAIN LANDS.**—The boundaries of the Grand Staircase-Escalante National Monument in the State of Utah are hereby modified to exclude the following lands:

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

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

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

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

(b) INCLUSION OF CERTAIN ADDITIONAL LANDS.—The boundaries of the Grand Staircase-Escalante National Monument are hereby modified to include the parcel known as East Clark Bench, as generally depicted on the map entitled “East Clark Bench Inclusion, Kane County, Utah”, dated March 25, 1998.

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

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

(e) LAND CONVEYANCE, KODACHROME BASIN STATE PARK, UTAH.—The Secretary shall transfer to the State of Utah all right, title, and interest of the United States in and to the lands shown on the map entitled “Kodachrome Basin Conveyance No. 1 and No. 2” and dated July 21, 1998, in accordance with section 1 of the Act of June 14, 1926 (43 U.S.C. 869; commonly known as the Recreation and Public Purposes Act), for inclusion of the lands in Kodachrome Basin State Park.

SEC. 202. UTILITY CORRIDOR DESIGNATION, U.S. ROUTE 89, KANE COUNTY, UTAH.

There is hereby designated a utility corridor with regard to U.S. Route 89, in Kane County, Utah. The utility corridor shall run from the boundary of Glen Canyon Recreation Area westerly to Mount Carmel Jct. and shall consist of the following:

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

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

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16 USC 461 note
[table].

TITLE III—TUSKEGEE AIRMEN NATIONAL HISTORIC SITE, ALABAMA

SEC. 301. DEFINITIONS.

As used in this title:

(1) **HISTORIC SITE.**—The term “historic site” means the Tuskegee Airmen National Historic Site as established by section 303.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **TUSKEGEE AIRMEN.**—The term “Tuskegee Airmen” means the thousands of men and women who were trained at Tuskegee University’s Moton Field to serve in America’s African-American Air Force units during World War II and those men and women who participate in the Tuskegee Experience today, who are represented by Tuskegee Airmen, Inc.

(4) **TUSKEGEE UNIVERSITY.**—The term “Tuskegee University” means the institution of higher education by that name located in the State of Alabama and founded by Booker T. Washington in 1881, formerly named Tuskegee Institute.

SEC. 302. FINDINGS AND PURPOSES.

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

(1) The struggle of African-Americans for greater roles in North American military conflicts spans the 17th, 18th, 19th, and 20th centuries. Opportunities for African-American participation in the United States military were always very limited and controversial. Quotas, exclusion, and racial discrimination were based on the prevailing attitude in the United States, particularly on the part of the United States military, that African-Americans did not possess the intellectual capacity, aptitude, and skills to be successful fighters.

(2) As late as the 1940’s these perceptions continued within the United States military. Key leaders within the United States Army Air Corps did not believe that African-Americans possessed the capacity to become successful military pilots. After succumbing to pressure exerted by civil rights groups and the black press, the Army decided to train a small number of African-American pilot cadets under special conditions. Although prejudice and discrimination against African-Americans was a national phenomenon, not just a southern trait, it was more intense in the South where it had hardened into rigidly enforced patterns of segregation. Such was the environment where the military chose to locate the training of the Tuskegee Airmen.

(3) The military selected Tuskegee Institute (now known as Tuskegee University) as a civilian contractor for a variety of reasons. These included the school’s existing facilities, engineering and technical instructors, and a climate with ideal flying conditions year round. Tuskegee Institute’s strong interest in providing aeronautical training for African-American youths was also an important factor. Students from the school’s civilian pilot training program had some of the best test scores when compared to other students from programs across the Southeast.

(4) In 1941 the United States Army Air Corps awarded a contract to Tuskegee Institute to operate a primary flight school at Moton Field. Tuskegee Institute (now known as Tuskegee University) chose an African-American contractor who designed and constructed Moton Field, with the assistance of its faculty and students, as the site for its military pilot training program. The field was named for the school's second president, Robert Russa Moton. Consequently, Tuskegee Institute was one of a very few American institutions (and the only African-American institution) to own, develop, and control facilities for military flight instruction.

Robert Russa
Moton.

(5) Moton Field, also known as the Primary Flying Field or Airport Number 2, was the only primary flight training facility for African-American pilot candidates in the United States Army Air Corps during World War II. The facility symbolizes the entrance of African-American pilots into the United States Army Air Corps, although on the basis of a policy of segregation that was mandated by the military and institutionalized in the South. The facility also symbolizes the singular role of Tuskegee Institute (Tuskegee University) in providing leadership as well as economic and educational resources to make that entry possible.

(6) The Tuskegee Airmen were the first African-American soldiers to complete their training successfully and to enter the United States Army Air Corps. Almost 1,000 aviators were trained as America's first African-American military pilots. In addition, more than 10,000 military and civilian African-American men and women served as flight instructors, officers, bombardiers, navigators, radio technicians, mechanics, air traffic controllers, parachute riggers, electrical and communications specialists, medical professionals, laboratory assistants, cooks, musicians, supply, firefighting, and transportation personnel.

(7) Although military leaders were hesitant to use the Tuskegee Airmen in combat, the Airmen eventually saw considerable action in North Africa and Europe. Acceptance from United States Army Air Corps units came slowly, but their courageous and, in many cases, heroic performance earned them increased combat opportunities and respect.

(8) The successes of the Tuskegee Airmen proved to the American public that African-Americans, when given the opportunity, could become effective military leaders and pilots. This helped pave the way for desegregation of the military, beginning with President Harry S. Truman's Executive Order 9981 in 1948. The Tuskegee Airmen's success also helped set the stage for civil rights advocates to continue the struggle to end racial discrimination during the civil rights movement of the 1950's and 1960's.

Harry S.
Truman.

(9) The story of the Tuskegee Airmen also reflects the struggle of African-Americans to achieve equal rights, not only through legal attacks on the system of segregation, but also through the techniques of nonviolent direct action. The members of the 477th Bombardment Group, who staged a nonviolent demonstration to desegregate the officer's club at Freeman Field, Indiana, helped set the pattern for direct action protests popularized by civil rights activists in later decades.

(b) PURPOSES.—The purposes of this title are the following:

(1) To inspire present and future generations to strive for excellence by understanding and appreciating the heroic legacy of the Tuskegee Airmen, through interpretation and education, and the preservation of cultural resources at Moton Field, which was the site of primary flight training.

(2) To commemorate and interpret—

(A) the impact of the Tuskegee Airmen during World War II;

(B) the training process for the Tuskegee Airmen, including the roles played by Moton Field, other training facilities, and related sites;

(C) the African-American struggle for greater participation in the United States Armed Forces and more significant roles in defending their country;

(D) the significance of successes of the Tuskegee Airmen in leading to desegregation of the United States Armed Forces shortly after World War II; and

(E) the impacts of Tuskegee Airmen accomplishments on subsequent civil rights advances of the 1950's and 1960's.

(3) To recognize the strategic role of Tuskegee Institute (now Tuskegee University) in training the airmen and commemorating them at this historic site.

SEC. 303. ESTABLISHMENT OF TUSKEGEE AIRMEN NATIONAL HISTORIC SITE.

(a) **ESTABLISHMENT.**—In order to commemorate and interpret, in association with Tuskegee University, the heroic actions of the Tuskegee Airmen during World War II, there is hereby established as a unit of the National Park System the Tuskegee Airmen National Historic Site in the State of Alabama.

(b) **DESCRIPTION OF HISTORIC SITE.**—

(1) **INITIAL PARCEL.**—The historic site shall consist of approximately 44 acres, including approximately 35 acres owned by Tuskegee University and approximately 9 acres owned by the City of Tuskegee, known as Moton Field, in Macon County, Alabama, as generally depicted on a map entitled “Tuskegee Airmen National Historic Site Boundary Map”, numbered NHS-TA-80,000, and dated September 1998. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) **SUBSEQUENT EXPANSION.**—Upon completion of agreements regarding the development and operation of the Tuskegee Airmen National Center as described in subsection 304, the Secretary is authorized to acquire approximately 46 additional acres owned by Tuskegee University as generally depicted on the map referenced in paragraph (1). Lands acquired by the Secretary pursuant to this paragraph shall be administered by the Secretary as part of the historic site.

(c) **PROPERTY ACQUISITION.**—The Secretary may acquire by donation, exchange, or purchase with donated or appropriated funds the real property described in subsection (b), except that any property owned by the State of Alabama, any political subdivision thereof, or Tuskegee University may be acquired only by donation. Property donated by Tuskegee University shall be used only for purposes consistent with the purposes of this title. The Secretary

may also acquire by the same methods personal property associated with, and appropriate for, the interpretation of the historic site.

(d) ADMINISTRATION OF HISTORIC SITE.—

(1) IN GENERAL.—The Secretary shall administer the historic site in accordance with this title and the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (commonly known as the Historic Sites, Buildings, and Antiquities Act; 16 U.S.C. 461 et seq.).

(2) ROLE OF TUSKEGEE UNIVERSITY.—The Secretary shall consult with Tuskegee University as its principal partner in determining the organizational structure, developing the ongoing interpretive themes, and establishing policies for the wise management, use and development of the historic site. With the agreement of Tuskegee University, the Secretary shall engage appropriate departments, and individual members of the University's staff, faculty, and students in the continuing work of helping to identify, research, explicate, interpret, and format materials for the historic site. Through the President of the University, or with the approval of the President of the University, the Secretary shall seek to engage Tuskegee alumni in the task of providing artifacts and historical information for the historic site.

(3) ROLE OF TUSKEGEE AIRMEN.—The Secretary, in cooperation with Tuskegee University, shall work with the Tuskegee Airmen to facilitate the acquisition of artifacts, memorabilia, and historical research for interpretive exhibits, and to support their efforts to raise funds for the development of visitor facilities and programs at the historic site.

(4) DEVELOPMENT.—Operation and development of the historic site shall reflect Alternative C, Living History: The Tuskegee Airmen Experience, as expressed in the final special resource study entitled "Moton Field/Tuskegee Airmen Special Resource Study", dated September 1998. Subsequent development of the historic site shall reflect Alternative D after an agreement is reached with Tuskegee University on the development of the Tuskegee Airmen National Center as described in section 304.

(e) COOPERATIVE AGREEMENTS GENERALLY.—The Secretary may enter into cooperative agreements with Tuskegee University, other educational institutions, the Tuskegee Airmen, individuals, private and public organizations, and other Federal agencies in furtherance of the purposes of this title. The Secretary shall consult with Tuskegee University in the formulation of any major cooperative agreements with other universities or Federal agencies that may affect Tuskegee University's interests in the historic site. To every extent possible, the Secretary shall seek to complete cooperative agreements requiring the use of higher educational institutions with and through Tuskegee University.

SEC. 304. TUSKEGEE AIRMEN NATIONAL CENTER.

(a) COOPERATIVE AGREEMENT FOR DEVELOPMENT.—The Secretary shall enter into a cooperative agreement with Tuskegee University to define the partnership needed to develop the Tuskegee Airmen National Center on the grounds of the historic site.

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(b) **PURPOSE OF CENTER.**—The purpose of the Tuskegee Airmen National Center shall be to extend the ability to relate more fully the story of the Tuskegee Airmen at Moton Field. The center shall provide for a Tuskegee Airmen Memorial, shall provide large exhibit space for the display of period aircraft and equipment used by the Tuskegee Airmen, and shall house a Tuskegee University Department of Aviation Science. The Secretary shall insure that interpretive programs for visitors benefit from the University's active pilot training instruction program, and the historical continuum of flight training in the tradition of the Tuskegee Airmen. The Secretary is authorized to permit the Tuskegee University Department of Aviation Science to occupy historic buildings within the Moton Field complex until the Tuskegee Airmen National Center has been completed.

Deadline.

(c) **REPORT.**—Within 1 year after the date of the enactment of this Act, the Secretary, in consultation with Tuskegee University and the Tuskegee Airmen, shall prepare a report on the partnership needed to develop the Tuskegee Airmen National Center, and submit the report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(d) **TIME FOR AGREEMENT.**—Sixty days after the report required by subsection (c) is submitted to Congress, the Secretary may enter into the cooperative agreement under this section with Tuskegee University, and other interested partners, to implement the development and operation of the Tuskegee Airmen National Center.

Deadline.

SEC. 305. GENERAL MANAGEMENT PLAN.

Within 2 complete fiscal years after funds are first made available to carry out this title, the Secretary shall prepare, in consultation with Tuskegee University, a general management plan for the historic site and shall submit the plan to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this title, \$29,114,000.

16 USC 461 note
[table].

TITLE IV—DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR OF PENNSYLVANIA

SEC. 401. CHANGE IN NAME OF HERITAGE CORRIDOR.

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

SEC. 402. PURPOSE.

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

(1) By inserting after “subdivisions” the following: “in enhancing economic development within the context of preservation and”.

(2) By striking “and surrounding the Delaware and Lehigh Navigation Canal in the Commonwealth” and inserting “the Corridor”.

SEC. 403. CORRIDOR COMMISSION.

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

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

(2) By striking paragraph (2) and inserting the following: “(2) three individuals appointed by the Secretary upon consideration of individuals recommended by the Governor, of whom—

“(A) one shall represent the Pennsylvania Department of Conservation and Natural Resources;

“(B) one shall represent the Pennsylvania Department of Community and Economic Development; and

“(C) one shall represent the Pennsylvania Historical and Museum Commission.”.

(3) In paragraph (3), by striking “the Secretary, after receiving recommendations from the Governor, of whom” and all that follows through “Delaware Canal region” and inserting the following: “the Secretary upon consideration of individuals recommended by the Governor, of whom—

“(A) one shall represent a city, one shall represent a borough, and one shall represent a township; and

“(B) one shall represent each of the 5 counties of Luzerne, Carbon, Lehigh, Northampton, and Bucks in Pennsylvania”.

(4) In paragraph (4)—

(A) By striking “8 individuals” and inserting “nine individuals”.

(B) By striking “the Secretary, after receiving recommendations from the Governor, who shall have” and all that follows through “Canal region. A vacancy” and inserting the following: “the Secretary upon consideration of individuals recommended by the Governor, of whom—

“(A) three shall represent the northern region of the Corridor;

“(B) three shall represent the middle region of the Corridor; and

“(C) three shall represent the southern region of the Corridor.

A vacancy”.

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

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

“(1) **LENGTH OF TERM.**—The member shall be appointed for a term of 3 years.

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

“(3) **REPLACEMENT.**—If the member resigns or is unable to serve due to incapacity or death, the Secretary shall appoint, not later than 60 days after receiving a nomination of the

Deadline.

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appointment from the Governor, a new member to serve for the remainder of the term.

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

SEC. 404. POWERS OF CORRIDOR COMMISSION.

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

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

(1) In the first sentence, by inserting “any nonprofit organization,” after “subdivision of the Commonwealth,”.

(2) In the second sentence, by inserting “such nonprofit organization,” after “such political subdivision,”.

SEC. 405. DUTIES OF CORRIDOR COMMISSION.

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

SEC. 406. TERMINATION OF CORRIDOR COMMISSION.

Section 9(a) of such Act (102 Stat. 4556) is amended by striking “on the day occurring 5 years after the date of the enactment of this Act” and inserting “on November 18, 2003”.

SEC. 407. DUTIES OF OTHER FEDERAL ENTITIES.

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

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—Section 12(a) of such Act (102 Stat. 4558) is amended by striking “\$350,000” and inserting “\$1,000,000”.

(b) MANAGEMENT ACTION PLAN.—Section 12 of such Act (102 Stat. 4558) is amended by adding at the end the following:

“(c) MANAGEMENT ACTION PLAN.—

“(1) IN GENERAL.—To implement the management action plan created by the Commission, there is authorized to be appropriated \$1,000,000 for each of fiscal years 2000 through 2007.

“(2) LIMITATION ON EXPENDITURES.—Amounts made available under paragraph (1) shall not exceed 50 percent of the costs of implementing the management action plan.”.

SEC. 409. LOCAL AUTHORITY AND PRIVATE PROPERTY.

Such Act is further amended—

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

(2) by inserting after section 12 the following:

“SEC. 13. LOCAL AUTHORITY AND PRIVATE PROPERTY.

“The Commission shall not interfere with—

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

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

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SEC. 410. DUTIES OF THE SECRETARY.

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

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

TITLE V—OTHER MATTERS**SEC. 501. 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. 502. 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).

SEC. 503. WASATCH-CACHE NATIONAL FOREST AND MOUNT NAOMI WILDERNESS, UTAH.

16 USC 1132
note [table].

(a) BOUNDARY ADJUSTMENT.—To correct a faulty land survey, the boundaries of the Wasatch-Cache National Forest in the State of Utah and the boundaries of the Mount Naomi Wilderness, which is located within the Wasatch-Cache National Forest and was established as a component of the National Wilderness Preservation System in section 102(a)(1) of the Utah Wilderness Act of 1984 (Public Law 98-428; 98 Stat. 1657), are hereby modified to exclude the parcel of land known as the D. Hyde property, which encompasses an area of cultivation and private use, as generally depicted on the map entitled “D. Hyde Property Section 7 Township 12 North Range 2 East SLB & M”, dated July 23, 1998.

(b) LAND CONVEYANCE.—The Secretary of Agriculture shall convey to Darrell Edward Hyde of Cache County, Utah, all right, title, and interest of the United States in and to the parcel of land identified in subsection (a). As part of the conveyance, the Secretary shall release, on behalf of the United States, any claims of the United States against Darrell Edward Hyde for trespass or unauthorized use of the parcel before its conveyance.

Darrell Edward
Hyde.

(c) WILDERNESS ADDITION.—To prevent any net loss of wilderness within the State of Utah, the boundaries of the Mount Naomi Wilderness are hereby modified to include a parcel of land comprising approximately 7.25 acres, identified as the “Mount Naomi

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Wilderness Boundary Realignment Consideration” on the map entitled “Mount Naomi Wilderness Addition”, dated September 25, 1998.

SEC. 504. 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 between such county and the Secretary of the Interior or any other officer or agent of the United States, the land described in subsection (b) may be used for the purpose specified in subsection (c).

(b) LAND AFFECTED.—The land referred to in subsection (a) is the north 25 acres of the 40 acres located in the northwest quarter of the southwest quarter of section 20, township 7 south, range 13 east, Mount Diablo base line and Meridian in Merced County, California, conveyed to such county by deed recorded in volume 1941 at page 441 of the official records in Merced County, California.

(c) AUTHORIZED USES.—Merced County, California, may authorize the use of the land described in subsection (b) for an elementary school serving children without regard to their race, creed, color, national origin, physical or mental disability, or sex, operated by a nonsectarian organization on a nonprofit basis and in compliance with all applicable requirements of the laws of the United States and the State of California. If Merced County permits such lands to be used for such purposes, the county shall include information concerning such use in the periodic reports to the Secretary of the Interior required under the terms of the conveyance of such lands to the county by the United States. Any violation of the provisions of this subsection shall be deemed to be a breach of the conditions and covenants under which such lands were conveyed to Merced County by the United States, and shall have the same effect as provided by deed whereby the United States conveyed the lands to the county. Except as specified in this subsection, nothing in this section shall increase or diminish the authority or responsibility of the county with respect to the land.

California.

SEC. 505. ROSIE THE RIVETER NATIONAL PARK SERVICE AFFILIATED SITE.

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

(1) The City of Richmond, California, is located on the northeastern shore of San Francisco Bay and consists of several miles of waterfront which have been used for shipping and industry since the beginning of the 20th century. During the years of World War II, the population of Richmond grew from 220 to over 100,000.

(2) An area of Richmond, California, now known as Marina Park and Marina Green, was the location in the 1940's of the Richmond Kaiser Shipyards, which produced Liberty and Victory ships during World War II.

(3) Thousands of women of all ages and ethnicities moved from across the United States to Richmond, California, in search of high paying jobs and skills never before available to women in the shipyards.

(4) Kaiser Corporation supported women workers by installing child care centers at the shipyards so mothers could work while their children were well cared for nearby.

(5) These women, referred to as “Rosie the Riveter” and “Wendy the Welder”, built hundreds of Liberty and Victory ships in record time for use by the United States Navy. Their labor played a crucial role in increasing American productivity during the war years and in meeting the demand for naval ships.

(6) In part the Japanese plan to defeat the United States Navy was predicated on victory occurring before United States shipyards could build up its fleet of ships.

(7) The City of Richmond, California, has dedicated the former site of Kaiser Shipyard #2 as Rosie the Riveter Memorial Park and will construct a memorial honoring American women’s labor during World War II. The memorial will be representative of one of the Liberty ships built on the site during the war effort.

(8) The City of Richmond, California, is committed to collective interpretative oral histories for the public to learn of the stories of the “Rosies” and “Wendys” who worked in the shipyards.

(9) The Rosie the Riveter Park is a nationally significant site because there tens of thousands of women entered the workforce for the first time, working in heavy industry to support their families and the War effort. This was a turning point for the Richmond, California, area and the Nation as a whole, when women joined the workforce and successfully completed jobs for which previously it was believed they were incapable.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior shall conduct a feasibility study to determine whether—

(A) the Rosie the Riveter Park located in Richmond, California, is suitable for designation as an affiliated site to the National Park Service; and

(B) the Rosie the Riveter Memorial Committee established by the City of Richmond, California, with respect to that park is eligible for technical assistance for interpretative functions relating to the park, including preservation of oral histories from former workers at the Richmond Kaiser Shipyards.

(2) REPORTS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall complete the study under paragraph (1) and submit a report containing findings, conclusions, and recommendations from the study to the Committee on Resources of the House of Representatives and the Committee on Energy and Environment of the Senate. Deadline.

SEC. 506. FORT DAVIS HISTORIC SITE, FORT DAVIS, TEXAS.

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

112 STAT. 3264

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SEC. 507. REAUTHORIZATION OF DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION.

Section 5 of Public Law 101–573 (16 U.S.C. 460o note) is amended by striking “10” and inserting “20”.

New Jersey.

SEC. 508. ACQUISITION OF WARREN PROPERTY FOR MORRISTOWN NATIONAL HISTORICAL PARK.

The Act entitled “An Act to provide for the establishment of the Morristown National Historical Park in the State of New Jersey, and for other purposes”, approved March 2, 1933 (chapter 182; 16 U.S.C. 409 et seq.), is amended by adding at the end the following new section:

16 USC 409i.

“SEC. 8. (a) In addition to any other lands or interest authorized to be acquired for inclusion in Morristown National Historical Park, and notwithstanding the first proviso of the first section of this Act, the Secretary of the Interior may acquire by purchase, donation, purchase with appropriated funds, or otherwise, not to exceed 15 acres of land and interests therein comprising the property known as the Warren Property or Mount Kimble. The Secretary may expend such sums as may be necessary for such acquisition.

“(b) Any lands or interests acquired under this section shall be included in and administered as part of the Morristown National Historical Park.”.

16 USC 442 note.

SEC. 509. GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT, VIRGINIA.

(a) ACQUISITION OF EASEMENT.—The Secretary of the Interior may acquire no more than a less than fee interest in the property generally known as George Washington’s Boyhood Home, Ferry Farm, located in Stafford County, Virginia, across the Rappahannock River from Fredericksburg, Virginia, comprising approximately 85 acres as generally depicted on the map entitled “George Washington Birthplace National Monument Boundary Map”, numbered 322/80,020, and dated April 1998, to ensure the preservation of the important cultural and natural resources associated with Ferry Farm. The Secretary of the Interior shall keep the map on file and available for public inspection in appropriate offices of the National Park Service.

Contracts.

(b) MANAGEMENT OF EASEMENT.—The Secretary shall enter into a cooperative agreement with Kenmore Association, Inc., for the management of Ferry Farm pending completion of the study referred to in subsection (c).

Deadline.

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

(1) identify the full range of resources and historic themes associated with Ferry Farm, including those associated with George Washington’s tenure at the property and those associated with the Civil War period;

(2) identify alternatives for further National Park Service involvement at the property beyond those that may be provided for in the acquisition authorized under subsection (a); and

(3) include cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives identified.

(d) AGREEMENTS.—Upon completion of the resource study under subsection (c), the Secretary of the Interior may enter into an agreement with the owner of the property described in subsection (a) or other entities for the purpose of providing programs, services, facilities, or technical assistance that further the preservation and public use of the property.

SEC. 510. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORIC SITE, KENTUCKY. 16 USC 218a.

(a) IN GENERAL.—Upon acquisition of the land known as Knob Creek Farm pursuant to subsection (b), the boundary of the Abraham Lincoln Birthplace National Historic Site, established by the Act of July 17, 1916 (39 Stat. 385, chapter 247; 16 U.S.C. 211 et seq.), is revised to include such land. Lands acquired pursuant to this section shall be administered by the Secretary of the Interior as part of the historic site.

(b) ACQUISITION OF KNOB CREEK FARM.—The Secretary of the Interior may acquire, by donation only, the approximately 228 acres of land known as Knob Creek Farm in Larue County, Kentucky, as generally depicted on a map entitled “Knob Creek Farm Unit, Abraham Lincoln National Historic Site”, numbered 338/80,077, and dated October 1998. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) STUDY AND REPORT.—The Secretary of the Interior shall study the Knob Creek Farm in Larue County, Kentucky, and not later than 1 year after the date of the enactment of this Act, submit a report to the Congress containing the results of the study. The purpose of the study shall be to: Deadline.

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

(2) Evaluate the threats to the long-term protection of the Knob Creek Farm’s cultural, recreational, and natural resources.

(3) Examine the incorporation of the Knob Creek Farm into the operations of the Abraham Lincoln Birthplace National Historic Site and establish a strategic management plan for implementing such incorporation. In developing the plan, the Secretary shall—

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

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

(C) project costs and potential revenues associated with acquisition, development, and operation of Knob Creek Farm.

(d) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (c).

SEC. 511. STUDIES OF POTENTIAL NATIONAL PARK SYSTEM UNITS IN HAWAII.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service, shall undertake feasibility

studies regarding the establishment of National Park System units in the following areas in the State of Hawaii:

(1) Island of Maui: The shoreline area known as “North Beach”, immediately north of the present resort hotels at Kaanapali Beach, in the Lahaina district in the area extending from the beach inland to the main highway.

(2) Island of Lanai: The mountaintop area known as “Hale” a the central part of the island.

(3) Island of Kauai: The shoreline area from “Anini Beach” to “Makua Tunnels” on the north coast of this island.

(4) Island of Molokai: The “Halawa Valley” on the eastern end of the island, including its shoreline, cove and lookout/ access roadway.

(b) KALAUPAPA SETTLEMENT BOUNDARIES.—The studies conducted under this section shall include a study of the feasibility of extending the present National Historic Park boundaries at Kalaupapa Settlement eastward to Halawa Valley along the island’s north shore.

(c) REPORT.—A report containing the results of the studies under this section shall be submitted to the Congress promptly upon completion.

40 USC 1003
note [table].

SEC. 512. MEMORIAL TO MR. BENJAMIN BANNEKER IN THE DISTRICT OF COLUMBIA.

(a) MEMORIAL AUTHORIZED.—The Washington Interdependence Council of the District of Columbia is authorized to establish a memorial in the District of Columbia to honor and commemorate the accomplishments of Mr. Benjamin Banneker.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(c) PAYMENT OF EXPENSES.—The Washington Interdependence Council shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

(d) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount required under section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b))), or upon expiration of the authority for the memorial under section 10(b) of such Act (40 U.S.C. 1010(b)), there remains a balance of funds received for the establishment of the memorial, the Washington Interdependence Council shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act (40 U.S.C. 1008(b)(1)).

SEC. 513. LAND ACQUISITION, BOSTON HARBOR ISLANDS RECREATION AREA.

Section 1029(c) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4233; 16 U.S.C. 460kkk(c)) is amended by adding at the end the following new paragraph:

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“(3) LAND ACQUISITION.—Notwithstanding subsection (h), the Secretary is authorized to acquire, in partnership with other entities, a less than fee interest in lands at Thompson Island within the recreation area. The Secretary may acquire the lands only by donation, purchase with donated or appropriated funds, or by exchange.”.

Approved November 6, 1998.

LEGISLATIVE HISTORY—H.R. 3910:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 10, considered and passed House.

Oct. 14, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Nov. 6, Presidential statement.





PUBLIC LAW 105–335—OCT. 31, 1998

112 STAT. 3139

Public Law 105–335
105th Congress

An Act

To provide for the exchange of certain lands within the State of Utah.

Oct. 31, 1998
[H.R. 3830]

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

Utah Schools and
Lands Exchange
Act of 1998.
16 USC 431 note
[table].

SECTION 1. SHORT TITLE.

This Act may be cited as the “Utah Schools and Lands Exchange Act of 1998”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The State of Utah owns approximately 176,600 acres of land, as well as approximately 24,165 acres of mineral interests, administered by the Utah School and Institutional Trust Lands Administration, within the exterior boundaries of the Grand Staircase-Escalante National Monument, established by Presidential proclamation on September 18, 1996, pursuant to section 2 of the Antiquities Act of 1906 (16 U.S.C. 431). The State of Utah also owns approximately 200,000 acres of land, and 76,000 acres of mineral interests, administered by the Utah School and Institutional Trust Lands Administration, within the exterior boundaries of several units of the National Park System and the National Forest System, and within certain Indian reservations in Utah. These lands were granted by Congress to the State of Utah pursuant to the Utah Enabling Act (chap. 138, 28 Stat. 107 (1894)), to be held in trust for the benefit of the State’s public school system and other public institutions.

(2) Many of the State school trust lands within the monument may contain significant economic quantities of mineral resources, including coal, oil, and gas, tar sands, coalbed methane, titanium, uranium, and other energy and metalliferous minerals. Certain State school trust lands within the Monument, like the Federal lands comprising the Monument, have substantial noneconomic scientific, historic, cultural, scenic, recreational, and natural resources, including ancient Native American archeological sites and rare plant and animal communities.

(3) Development of surface and mineral resources on State school trust lands within the Monument could be incompatible with the preservation of these scientific and historic resources for which the Monument was established. Federal acquisition of State school trust lands within the Monument would eliminate this potential incompatibility, and would enhance management of the Grand Staircase-Escalante National Monument.

(4) The United States owns lands and interest in lands outside of the Monument that can be transferred to the State of Utah in exchange for the Monument inholdings without jeopardizing Federal management objectives or needs.

(5) In 1993, Congress passed and the President signed Public Law 103-93, which contained a process for exchanging State of Utah school trust inholdings in the National Park System, the National Forest System, and certain Indian reservations in Utah. Among other things, it identified various Federal lands and interests in land that were available to exchange for these State inholdings.

(6) Although Public Law 103-93 offered the hope of a prompt, orderly exchange of State inholdings for Federal lands elsewhere, implementation of the legislation has been very slow. Completion of this process is realistically estimated to be many years away, at great expense to both the State and the United States in the form of expert witnesses, lawyers, appraisers, and other litigation costs.

(7) The State also owns approximately 2,560 acres of land in or near the Alton coal field which has been declared an area unsuitable for coal mining under the terms of the Surface Mining Control and Reclamation Act. This land is also administered by the Utah School and Institutional Trust Lands Administration, but its use is limited given this declaration.

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

(9) It is in the public interest to reach agreement on exchange of inholdings, on terms fair to both the State and the United States. Agreement saves much time and delay in meeting the expectations of the State school and institutional trusts, in simplifying management of Federal and Indian lands and resources, and in avoiding expensive, protracted litigation under Public Law 103-93.

(10) The State of Utah and the United States have reached an agreement under which the State would exchange all its State school trust lands within the Monument, and specified inholdings in national parks, forests, and Indian reservations that are subject to Public Law 103-93, for various Federal lands and interests in lands located outside the Monument, including Federal lands and interests identified as available for exchange in Public Law 103-93 and additional Federal lands and interests in lands.

(11) The State school trust lands to be conveyed to the Federal Government include properties within units of the National Park System, the National Forest System, and the Grand Staircase-Escalante National Monument. The Federal assets made available for exchange with the State were selected with a great sensitivity to environmental concerns and a belief and expectation by both parties that Federal assets to be conveyed to the State would be unlikely to trigger significant environmental controversy.

(12) The parties agreed at the outset of negotiations to avoid identifying Federal assets for conveyance to the State where any of the following was known to exist or likely to

be an issue as a result of foreseeable future uses of the land: significant wildlife resources, endangered species habitat, significant archaeological resources, areas of critical environmental concern, coal resources requiring surface mining to extract the mineral deposits, wilderness study areas, significant recreational areas, or any other lands known to raise significant environmental concerns of any kind.

(13) The parties further agreed that the use of any mineral interests obtained by the State of Utah where the Federal Government retains surface and other interest, will not conflict with established Federal land and environmental management objectives, and shall be fully subject to all environmental regulations applicable to development of non-Federal mineral interest on Federal lands.

(14) Because the inholdings to be acquired by the Federal Government include properties within the boundaries of some of the most renowned conservation land units in the United States, and because a mission of the Utah School and Institutional Trust Lands Administration is to produce economic benefits for Utah's public schools and other beneficiary institutions, the exchange of lands called for in this agreement will resolve many longstanding environmental conflicts and further the interest of the State trust lands, the school children of Utah, and these conservation resources.

(15) The Congress finds that, under this Agreement taken as a whole, the State interests to be conveyed to the United States by the State of Utah, and the Federal interests and payments to be conveyed to the State of Utah by the United States, are approximately equal in value.

(16) The purpose of this legislation is to enact into law and direct prompt implementation of this historic agreement.

SEC. 3. RATIFICATION OF AGREED EXCHANGE BETWEEN THE STATE OF UTAH AND THE DEPARTMENT OF THE INTERIOR.

(a) **AGREEMENT.**—The State of Utah and the Department of the Interior have agreed to exchange certain Federal lands, Federal mineral interests, and payment of money for lands and mineral interests managed by the Utah School and Institutional Trust Lands Administration, lands and mineral interests of approximately equal value inheld within the Grand Staircase-Escalante National Monument the Goshute and Navajo Indian Reservations, units of the National Park System, the National Forest System, and the Alton coal fields.

(b) **RATIFICATION.**—All terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled “Agreement to Exchange Utah School Trust Lands Between the State of Utah and the United States of America” (herein referred to as “the Agreement”) are hereby incorporated in this title, are ratified and confirmed, and set forth the obligations and commitments of the United States, the State of Utah, and Utah School and Institutional Trust Lands Administration (herein referred to as “SITLA”), as a matter of Federal law.

SEC. 4. LEGAL DESCRIPTIONS.

(a) **IN GENERAL.**—The maps and legal descriptions referred to in the Agreement depict the lands subject to the conveyances.

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(b) **PUBLIC AVAILABILITY.**—The maps and descriptions referred to in the Agreement shall be on file and available for public inspection in the offices of the Secretary of the Interior and the Utah State Director of the Bureau of Land Management.

(c) **CONFLICT.**—In case of conflict between the maps and the legal descriptions, the legal descriptions shall control.

SEC. 5. COSTS.

The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

SEC. 6. REPEAL OF PUBLIC LAW 103–93 AND PUBLIC LAW 104–211.

The provisions of Public Law 103–93 (107 Stat. 995), other than section 7(b)(1), section 7(b)(3), and section 10(b) thereof, are hereby repealed. Public Law 104–211 (110 Stat. 3013) is hereby repealed.

SEC. 7. CASH PAYMENT PREVIOUSLY AUTHORIZED.

As previously authorized and made available by section 7(b)(1) and (b)(3) of Public Law 103–93, upon completion of all conveyances described in the Agreement, the United States shall pay \$50,000,000 to the State of Utah from funds not otherwise appropriated from the Treasury.

SEC. 8. SCHEDULE FOR CONVEYANCES.

All conveyances under sections 2 and 3 of the agreement shall be completed within 70 days after the enactment of this Act.

Approved October 31, 1998.

LEGISLATIVE HISTORY H.R. 3830:

HOUSE REPORTS: No. 105 598 (Comm. on Resources).

SENATE REPORTS: No. 105 331 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 24, considered and passed House.

Oct. 9, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Oct. 31, Presidential statement.

