

Calendar No. 573

105TH CONGRESS
2^D SESSION

S. 2106

[Report No. 105-330]

To expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw owned by the State of Utah, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 1998

Mr. BENNETT (for himself and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 14, 1998

Reported by Mr. MURKOWSKI, with an amendment

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw owned by the State of Utah, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Arches National Park
3 Expansion Act of 1998”.

4 **SEC. 2. EXPANSION OF ARCHES NATIONAL PARK, UTAH.**

5 (a) BOUNDARY EXPANSION.—The first section of
6 Public Law 92–155 (16 U.S.C. 272) is amended—

7 (1) by striking “That (a) subject to” and in-
8 serting the following:

9 **“SECTION 1. ESTABLISHMENT OF PARK.**

10 “(a) IN GENERAL.—

11 “(1) INITIAL BOUNDARIES.—Subject to”; and

12 (2) by striking “Such map” and inserting the
13 following:

14 “(2) EXPANDED BOUNDARIES.—Effective on
15 the date of enactment of this paragraph, the bound-
16 ary of the park shall include the area consisting of
17 approximately 3,140 acres and known as the ‘Lost
18 Spring Canyon Addition’, as depicted on the map
19 entitled ‘Boundary Map, Arches National Park, Lost
20 Spring Canyon Addition’, numbered 138/60,000–B,
21 and dated April 1997.

22 “(3) MAPS.—The maps described in paragraphs
23 (1) and (2)”.

24 (b) INCLUSION OF LAND IN PARK.—Section 2 of
25 Public Law 92–155 (16 U.S.C. 272a) is amended—

1 (1) by striking “SEC. 2. The Secretary” and in-
2 serting the following:

3 **“SEC. 2. ACQUISITION OF PROPERTY.**

4 “(a) IN GENERAL.—The Secretary”; and

5 (2) by adding at the end the following:

6 “(b) LOST SPRING CANYON ADDITION.—As soon as
7 practicable after the date of enactment of this subsection,
8 the Secretary shall transfer jurisdiction over the Federal
9 land contained in the Lost Spring Canyon Addition from
10 the Bureau of Land Management to the National Park
11 Service.”.

12 (c) LIVESTOCK GRAZING.—Section 3 of Public Law
13 92–155 (16 U.S.C. 272b) is amended—

14 (1) by striking “SEC. 3. Where” and inserting
15 the following:

16 **“SEC. 3. LIVESTOCK GRAZING.**

17 “(a) IN GENERAL.—In a case in which”; and

18 (2) by adding at the end the following:

19 “(b) LOST SPRING CANYON ADDITION.—

20 “(1) CONTINUATION OF GRAZING LEASES, PER-
21 MITS, AND LICENSES.—In the case of any grazing
22 lease, permit, or license with respect to land in the
23 Lost Spring Canyon Addition that was issued before
24 the date of enactment of this subsection, the Sec-
25 retary shall, subject to periodic renewal, continue the

1 grazing lease, permit, or license for a period equal
2 to the lifetime of the holder of the grazing lease,
3 permit, or license as of that date plus the lifetime
4 of any direct descendants of the holder born before
5 that date.

6 “(2) RETIREMENT.—A grazing lease, permit, or
7 license described in paragraph (1) shall be perma-
8 nently retired at the end of the period described in
9 paragraph (1).

10 “(3) PERIODIC RENEWAL.—Until the expiration
11 of the period described in paragraph (1), the holder
12 (or descendant of the holder) of a grazing lease, per-
13 mit, or license shall be entitled to renew the lease,
14 permit, or license periodically, subject to such limita-
15 tions, conditions, or regulations as the Secretary
16 may prescribe.

17 “(4) SALE.—A grazing lease, permit, or license
18 described in paragraph (1) may be sold during the
19 period described in paragraph (1) only on the condi-
20 tion that the purchaser shall, immediately upon ac-
21 quisition, permanently retire the lease, permit, or li-
22 cense.

23 “(5) TAYLOR GRAZING ACT.—Nothing in this
24 subsection affects other provisions concerning leases,
25 permits, or licenses under the Act of June 28, 1934

1 (commonly known as the ‘Taylor Grazing Act’) (48
2 Stat. 1269, chapter 865; 43 U.S.C. 315 et seq.).

3 “(6) ADMINISTRATION.—Any portion of a graz-
4 ing lease, permit, or license with respect to land in
5 the Lost Spring Canyon Addition shall be adminis-
6 tered by the National Park Service.”.

7 (d) WITHDRAWAL FROM MINERAL ENTRY AND
8 LEASING; PIPELINE MANAGEMENT.—Section 5 of Public
9 Law 92–155 (16 U.S.C. 272d) is amended—

10 (1) by striking “SEC. 5. (a) The National Park
11 Service” and inserting the following:

12 **“SEC. 5. ADMINISTRATION, PROTECTION, AND DEVELOP-**
13 **MENT.**

14 ~~“(a) IN GENERAL.—The Director of the National~~
15 ~~Park Service”;~~ and

16 (1) *by striking subsection (a) and inserting the*
17 *following:*

18 *“(a) IN GENERAL.—The Secretary shall administer,*
19 *protect and develop the park in accordance with the provi-*
20 *sions of the law generally applicable to units of the National*
21 *Park System, including the Act entitled ‘An Act to establish*
22 *a National Park Service, and for other purposes’, approved*
23 *August 25, 1916 (39 Stat. 535)”;* and

24 (2) by striking subsection (b) and inserting the
25 following:

1 “(b) LOST SPRING CANYON ADDITION.—

2 “(1) WITHDRAWAL.—Subject to valid existing
3 rights, all Federal land in the Lost Spring Canyon
4 Addition is appropriated and withdrawn from entry,
5 location, selection, leasing, or other disposition under
6 the public land laws (including the mineral leasing
7 laws).

8 “(2) EFFECT.—The inclusion of the Lost
9 Spring Canyon Addition in the park shall not affect
10 the operation or maintenance by the Northwest
11 Pipeline Corporation (or its successors or assigns) of
12 the natural gas pipeline and related facilities located
13 in the Lost Spring Canyon Addition on the date of
14 enactment of this paragraph.”.

15 (e) EFFECT ON SCHOOL TRUST LAND.—

16 (1) FINDINGS.—Congress finds that—

17 (A) a parcel of State school trust land,
18 more specifically described as section 16, town-
19 ship 23 south, range 22 east, of the Salt Lake
20 base and meridian, is partially contained within
21 the Lost Spring Canyon Addition included with-
22 in the boundaries of Arches National Park by
23 the amendment by subsection (a);

24 (B) the parcel was originally granted to
25 the State of Utah for the purpose of generating

1 revenue for the public schools through the de-
 2 velopment of natural and other resources lo-
 3 cated on the parcel; and

4 (C) it is in the interest of the State of
 5 Utah and the United States for the parcel to be
 6 exchanged for Federal land of equivalent value
 7 outside the Lost Spring Canyon Addition to
 8 permit Federal management of all lands within
 9 the Lost Spring Canyon Addition.

10 (2) LAND EXCHANGE.—Public Law 92–155 (16
 11 U.S.C. 272 et seq.) is amended by adding at the end
 12 the following:

13 **“SEC. 8. LAND EXCHANGE INVOLVING SCHOOL TRUST**
 14 **LAND.**

15 “(a) EXCHANGE REQUIREMENT.—

16 “(1) IN GENERAL.—If, not later than 1 year
 17 after the date of enactment of this section, and in
 18 accordance with this section, the State of Utah of-
 19 fers to transfer all right, title, and interest of the
 20 State in and to the school trust land described in
 21 subsection (b)(1) to the United States, the Sec-
 22 retary—

23 “(A) shall accept the offer on behalf of the
 24 United States; and

1 “(B) not later than 180 days after the
2 date of acceptance, shall convey to the State of
3 Utah all right, title, and interest of the United
4 States in and to the land described in sub-
5 section (b)(2).

6 “(2) SIMULTANEOUS CONVEYANCES.—Title to
7 the school trust land shall be conveyed at the same
8 time as conveyance of title to the Federal lands by
9 the Secretary.

10 “(3) VALID EXISTING RIGHTS.—The land ex-
11 change under this section shall be subject to valid
12 existing rights, and each party shall succeed to the
13 rights and obligations of the other party with respect
14 to any lease, right-of-way, or permit encumbering
15 the exchanged land.

16 “(b) DESCRIPTION OF PARCELS.—

17 “(1) STATE CONVEYANCE.—The school trust
18 land to be conveyed by the State of Utah under sub-
19 section (a) is section 16, Township 23 South, Range
20 22 East of the Salt Lake base and meridian.

21 “(2) FEDERAL CONVEYANCE.—The Federal
22 land to be conveyed by the Secretary consists of ap-
23 proximately 639 acres, described as lots 1 through
24 12 located in the S¹/₂N¹/₂ and the N¹/₂N¹/₂N¹/₂S¹/₂

1 of section 1, Township 25 South, Range 18 East,
2 Salt Lake base and meridian.

3 “(3) EQUIVALENT VALUE.—The Federal land
4 described in paragraph (2) shall be considered to be
5 of equivalent value to that of the school trust land
6 described in paragraph (1).

7 “(c) MANAGEMENT BY STATE.—

8 “(1) IN GENERAL.—At least 60 days before un-
9 dertaking or permitting any surface disturbing ac-
10 tivities to occur on land acquired by the State of
11 Utah under this section, the State shall consult with
12 the Utah State Office of the Bureau of Land Man-
13 agement concerning the extent and impact of such
14 activities on Federal land and resources and con-
15 duct, in a manner consistent with Federal law, in-
16 ventory, mitigation, and management activities in
17 connection with any archaeological, paleontological,
18 and cultural resources located on the acquired lands.

19 “(2) PRESERVATION OF EXISTING USES.—To
20 the extent that it is consistent with applicable law
21 governing the use and disposition of State school
22 trust land, the State shall preserve existing grazing,
23 recreational, and wildlife uses of the acquired lands
24 in existence on the date of enactment of this section.

1 “(3) ACTIVITIES AUTHORIZED BY MANAGEMENT
2 PLAN.—Nothing in this subsection precludes the
3 State of Utah from authorizing or undertaking a
4 surface or mineral activity that is authorized by a
5 land management plan for the acquired land.

6 “(d) IMPLEMENTATION.—Administrative actions nec-
7 essary to implement the land exchange under this section
8 shall be completed not later than 180 days after the date
9 of enactment of this section.”.

Calendar No. 573

105TH CONGRESS
2^D SESSION

S. 2106

[Report No. 105-330]

A BILL

To expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw owned by the State of Utah, and for other purposes.

SEPTEMBER 14, 1998

Reported with an amendment