

110TH CONGRESS
2D SESSION

H. R. 6944

To transfer administrative jurisdiction over the Joliet Training Area in Will County, Illinois, to the Secretary of Agriculture for inclusion in the Midewin National Tallgrass Prairie, to provide for the conveyance of several parcels of the Joliet Training Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2008

Mr. WELLER of Illinois introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Agriculture, Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To transfer administrative jurisdiction over the Joliet Training Area in Will County, Illinois, to the Secretary of Agriculture for inclusion in the Midewin National Tallgrass Prairie, to provide for the conveyance of several parcels of the Joliet Training Area, 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 “Midewin National
3 Tallgrass Prairie Expansion Act of 2008”.

4 **SEC. 2. TRANSFER OF ADMINISTRATIVE JURISDICTION**
5 **AND LAND CONVEYANCES INVOLVING JOLIET**
6 **TRAINING AREA, ILLINOIS.**

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

8 (1) The Midewin National Tallgrass Prairie in
9 Will County, State of Illinois, constitutes some of
10 the last vestiges of natural prairie ecosystems in the
11 United States, and its administration by the Sec-
12 retary of Agriculture pursuant to the Illinois Land
13 Conservation Act of 1995 (title XXIX of Public Law
14 104–106; 110 Stat. 594) provides significant public
15 benefits in resource conservation and protection,
16 wildlife habitat, and public recreation.

17 (2) The Joliet Training Area presently adminis-
18 tered by the Secretary of the Army (in this section
19 referred to as the “JTA”) is adjacent to the
20 Midewin National Tallgrass Prairie, but the JTA is
21 no longer needed for military purposes.

22 (3) The Illinois Land Conservation Act of 1995
23 requires the eventual incorporation of JTA into the
24 Midewin National Tallgrass Prairie subject to meet-
25 ing local land use needs as provided in such Act.

1 (b) MAP.—For purposes of this section, the JTA
2 comprises those federally owned lands and interests in
3 lands depicted on a map entitled “Joliet Training Area
4 Lands, April 2008” (in this section referred to as the
5 “map”). The map shall be on file and available for public
6 inspection in the Office of the Chief of the Forest Service.

7 (c) TRANSFER OF JURISDICTION.—Administrative
8 jurisdiction over the JTA is hereby transferred, without
9 consideration, from the Secretary of the Army to the Sec-
10 retary of Agriculture. This transfer of administrative ju-
11 risdiction does not eliminate or reduce any obligation of
12 the Secretary of the Army under the Illinois Land Con-
13 servation Act of 1995 (title XXIX of Public Law 104–
14 106) or this section.

15 (d) MANAGEMENT.—

16 (1) INCLUSION IN MIDEWIN NATIONAL
17 TALLGRASS PRAIRIE.—The JTA lands transferred
18 by subsection (c) shall be administered by the Sec-
19 retary of Agriculture as part of the Midewin Na-
20 tional Tallgrass Prairie in accordance with the Illi-
21 nois Land Conservation Act of 1995 (title XXIX of
22 Public Law 104–106) and the laws and regulations
23 pertaining to the National Forest System.

24 (2) MANAGEMENT PLAN.—The Secretary of Ag-
25 riculture shall manage the transferred lands con-

1 sistent with the land and resource management plan
2 for the Midewin National Tallgrass Prairie and in-
3 clude consideration of the transferred lands in the
4 next regular update of such management plan.

5 (3) EFFECT ON EXISTING RIGHTS.—The Sec-
6 retary of Agriculture shall administer any valid per-
7 mit, lease, or other authorization on the JTA lands
8 transferred by subsection (c) under its existing
9 terms, except that any renewal or modification shall
10 be at the option of the Secretary of Agriculture on
11 such terms and conditions as the Secretary may pre-
12 scribe.

13 (e) CONVEYANCE TO WILL COUNTY.—

14 (1) CONVEYANCE REQUIRED.—Subject to valid
15 existing rights, within 180 days after the date of the
16 enactment of this Act, the Secretary of Agriculture
17 shall convey by quitclaim deed, without cash consid-
18 eration, to Will County, Illinois, all right, title, and
19 interest of the United States in and to the parcel of
20 land consisting of approximately 351 acres and de-
21 picted on the map as the “Will County Conveyance
22 Parcel”.

23 (2) RESTRICTIVE COVENANT.—The quitclaim
24 deed shall contain restrictive covenants enforceable
25 by the Secretary of Agriculture for the benefit of the

1 appurtenant Federal lands and the Midewin Na-
2 tional Tallgrass Prairie. The covenants shall require
3 that the lands conveyed to Will County, Illinois, shall
4 be used only for the following governmental pur-
5 poses:

6 (A) Parks and recreation.

7 (B) Firing ranges for small arms.

8 (C) Office and training facilities for fire
9 fighters, police, and emergency personnel.

10 (D) Public safety facilities (but not facili-
11 ties for incarceration).

12 (E) Offices for county and municipal gov-
13 ernments.

14 (3) PROHIBITED USES.—The lands conveyed
15 under this subsection shall not be used for industrial
16 or commercial purposes, including landfills, parking
17 and transportation facilities, power generation facili-
18 ties, or waste water treatment (except for wastes
19 generated on site).

20 (4) RESERVED RIGHTS.—The quitclaim deed
21 shall reserve in the United States—

22 (A) rights or easements for public and ad-
23 ministrative access and utilities over Arsenal
24 Road and such other rights-of-way as the Sec-
25 retary of Agriculture shall designate;

1 (B) mineral rights;

2 (C) surface and underground waters, sub-
3 ject to reasonable use on site by the County;
4 and

5 (D) rights to permit Federal, State, and
6 local law enforcement, public safety, and land
7 management agencies to have access to and use
8 of training facilities located on the property as
9 of the date of the enactment of this Act or con-
10 structed after that date, subject to the right of
11 Will County to manage such uses and to charge
12 reasonable fees commensurate with use as nec-
13 essary to cover its operating and maintenance
14 costs.

15 (5) ENVIRONMENTAL CLEANUP.—With respect
16 to the lands conveyed to Will County pursuant to
17 this subsection, the Secretary of the Army shall
18 comply with the requirements of section 120 of the
19 Comprehensive Environmental Response, Compensa-
20 tion, and Liability Act of 1980 (42 U.S.C. 9620).

21 (6) ADMINISTRATIVE COSTS.—Will County shall
22 cover the cost of the conveyance under this sub-
23 section, including survey and similar expenses.

24 (f) CONVEYANCE TO CENTERPOINT PROPERTIES.—

1 (1) CONVEYANCE REQUIRED.—The Secretary of
2 Agriculture shall convey by quitclaim deed to
3 CenterPoint Properties, LLC (in this section re-
4 ferred to as “CenterPoint”), an easement to the
5 lands depicted on the map as the “CenterPoint Con-
6 veyance Parcel”.

7 (2) PURPOSE OF EASEMENT.—The easement
8 shall permit the holder to construct roads and rail-
9 roads for access to appurtenant properties, subject
10 to terms and conditions prescribed by the Army
11 Corps of Engineers pursuant to section 404 of the
12 Clean Water Act (33 U.S.C. 1344) and any other
13 applicable law and regulation.

14 (3) RESERVED RIGHTS.—The easement shall
15 reserve in the United States public access over any
16 roads, and may prescribe remedies for failure to
17 meet any of the consideration obligations of para-
18 graph (4).

19 (4) CONSIDERATION.—Consideration for the
20 easement provided by this subsection shall be as fol-
21 lows:

22 (A) A cash payment equal to the market
23 value of the easement based on an appraisal
24 prepared in conformity with the Uniform Ap-

1 praisal Standards for Federal Land Acquisi-
2 tions and approved by the Forest Service.

3 (B) An agreement or cash payment by
4 CenterPoint to fund a wetland mitigation
5 project prescribed by the Secretary of Agri-
6 culture and the Army Corps of Engineers that
7 effects the permanent enhancement, restoration,
8 and creation of wetlands and other rare flora
9 and fauna community types on the JTA and
10 adjacent lands.

11 (C) An agreement by CenterPoint to pay
12 the Secretary of Agriculture a reasonable an-
13 nual fee, the amount to be established annually
14 by the Forest Service, for the purpose of con-
15 trolling invasive and exotic species and for con-
16 ducting other environmental measures deemed
17 necessary by the Forest Service on the ease-
18 ment areas.

19 (D) A cash payment of \$1,000,000 by
20 CenterPoint to a nonprofit corporation estab-
21 lished under the laws of the State of Illinois,
22 with such corporation to be designated at the
23 sole discretion of the Secretary of Agriculture,
24 for purposes of establishing a charitable foun-

1 dation to fund habitat restoration at the
2 Midewin National Tallgrass Prairie.

3 (5) ADMINISTRATIVE COSTS.—CenterPoint shall
4 cover all costs associated with the conveyance of the
5 easement under this subsection, including costs of
6 survey, appraisal, and document preparation, and
7 reasonable administrative costs of the Department of
8 Agriculture, including legal expenses.

9 (g) DISPOSITION OF CERTAIN RECEIPTS.—

10 (1) PAYMENT TO SECRETARY OF THE ARMY.—
11 The cash payment required by subsection (f)(4)(A)
12 shall be paid to the Secretary of the Army, and shall
13 be availability to the Secretary of the Army, without
14 further appropriation and until expended, for any
15 purposes authorized under existing law.

16 (2) PAYMENT TO SECRETARY OF AGRICULTURE.—The cash payments required by sub-
17 sections (f)(4)(B) and (f)(4)(C) shall be deposited
18 into the MNP Rental Fee Account established under
19 section 2915(e) of the Illinois Land Conservation
20 Act of 1995 (title XXIX of Public Law 104–106;
21 110 Stat. 601), to be merged with other funds in the
22 MNP Rental Fee Account and availability to the
23 same extent and for the same purposes as other
24 funds in the MNP Rental Fee Account. Monies so
25

1 deposited into the MNP Rental Fee Account shall
2 not be subject to transfer or reprogramming for
3 wildland fire management or any other purpose

4 (h) ENVIRONMENTAL CLEANUP.—

5 (1) OBLIGATIONS AND LIABILITIES.—With re-
6 spect to the lands comprising the JTA, the Sec-
7 retary of the Army shall have the same obligations
8 and liabilities for environmental clean up as enumer-
9 ated in sections 2912(c), 2912(d), and 2913 of the
10 Illinois Land Conservation Act of 1995 (title XXIX
11 of Public Law 104–106; 110 Stat. 597, 598).

12 (2) PRELIMINARY ASSESSMENT/SITE INSPEC-
13 TION.—Within 180 days after the date of the enact-
14 ment of this Act, the Secretary of the Army shall
15 provide a Preliminary Assessment/Site Inspection to
16 the Secretary of Agriculture for the lands com-
17 prising the JTA.

18 (3) REMEDIATION PLANS.—Within 1 year after
19 the date of the enactment of this Act, the Secretary
20 of the Army shall develop and provide to the Sec-
21 retary of Agriculture plans to remediate the Recog-
22 nized Environmental Conditions identified by the
23 Preliminary Assessment/Site Inspection.

24 (4) COMPLETION OF REMEDIATION.—Within 2
25 years after the date of the enactment of this Act, the

1 Secretary of the Army shall certify to the Secretary
2 of Agriculture that all remediation activities have
3 been completed.

4 (i) RECORDS.—Within 1 year after the date of the
5 enactment of this Act, the Secretary of the Army shall
6 transfer to the Secretary of Agriculture all original records
7 pertaining to land titles, surveys, utilities, and other
8 records pertaining to the JTA.

9 (j) PRAIRIE RESTORATION FUND AMENDMENT.—
10 Section 2915(f) of the Illinois Land Conservation Act of
11 1995 (title XXIX of Public Law 104–106; 110 Stat. 602)
12 is amended by striking the first two sentences and insert-
13 ing the following new sentences: “Monies collected pursu-
14 ant to subsections (d) and (e), as well as any other monies
15 collected or received with regard to the MNP as may be
16 provided by law, shall be covered into the Treasury and
17 constitute a special fund known as the ‘Midewin National
18 Tallgrass Prairie Restoration Fund’ which funds shall be
19 available until expended, without further appropriation,
20 for purposes of or related to the Midewin National
21 Tallgrass Prairie as provided in section subsections (c),
22 (d), and (e) of section 2914. Monies deposited into the
23 Fund shall not be subject to transfer or reprogramming

- 1 for wildland fire management or any other emergency pur-
- 2 pose unless specifically authorized by Congress.”.

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