

Public Law 105-329
105th Congress

An Act

Oct. 30, 1998
[S. 2106]

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.

Arches National
Park Expansion
Act of 1998.
16 USC 272 note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arches National Park Expansion Act of 1998".

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

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

(1) by striking "That (a) subject to" and inserting the following:

"SECTION 1. ESTABLISHMENT OF PARK.

"(a) IN GENERAL.—

"(1) INITIAL BOUNDARIES.—Subject to"; and

(2) by striking "Such map" and inserting the following:

"(2) EXPANDED BOUNDARIES.—Effective on the date of enactment of this paragraph, the boundary of the park shall include the area consisting of approximately 3,140 acres and known as the 'Lost Spring Canyon Addition', as depicted on the map entitled 'Boundary Map, Arches National Park, Lost Spring Canyon Addition', numbered 138/60,000-B, and dated April 1997.

"(3) MAPS.—The maps described in paragraphs (1) and (2)".

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

(1) by striking "SEC. 2. The Secretary" and inserting the following:

"SEC. 2. ACQUISITION OF PROPERTY.

"(a) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

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

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

Effective date.

(1) by striking "SEC. 3. Where" and inserting the following:

"SEC. 3. LIVESTOCK GRAZING.

"(a) **IN GENERAL.**—In a case in which"; and

(2) by adding at the end the following:

"(b) **LOST SPRING CANYON ADDITION.**—

"(1) **CONTINUATION OF GRAZING LEASES, PERMITS, AND LICENSES.**—In the case of any grazing lease, permit, or license with respect to land in the Lost Spring Canyon Addition that was issued before the date of enactment of this subsection, the Secretary shall, subject to periodic renewal, continue the grazing lease, permit, or license for a period equal to the lifetime of the holder of the grazing lease, permit, or license as of that date plus the lifetime of any direct descendants of the holder born before that date.

"(2) **RETIREMENT.**—A grazing lease, permit, or license described in paragraph (1) shall be permanently retired at the end of the period described in paragraph (1).

"(3) **PERIODIC RENEWAL.**—Until the expiration of the period described in paragraph (1), the holder (or descendant of the holder) of a grazing lease, permit, or license shall be entitled to renew the lease, permit, or license periodically, subject to such limitations, conditions, or regulations as the Secretary may prescribe.

"(4) **SALE.**—A grazing lease, permit, or license described in paragraph (1) may be sold during the period described in paragraph (1) only on the condition that the purchaser shall, immediately upon acquisition, permanently retire the lease, permit, or license.

"(5) **TAYLOR GRAZING ACT.**—Nothing in this subsection affects other provisions concerning leases, permits, or licenses under the Act of June 28, 1934 (commonly known as the 'Taylor Grazing Act') (48 Stat. 1269, chapter 865; 43 U.S.C. 315 et seq.).

"(6) **ADMINISTRATION.**—Any portion of a grazing lease, permit, or license with respect to land in the Lost Spring Canyon Addition shall be administered by the National Park Service."

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

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

"(a) **IN GENERAL.**—The Secretary shall administer, protect and develop the park in accordance with the provisions of the law generally applicable to units of the National Park System, including the Act entitled 'An Act to establish a National Park Service, and for other purposes', approved August 25, 1916 (39 Stat. 535)."; and

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

"(b) **LOST SPRING CANYON ADDITION.**—

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

"(2) **EFFECT.**—The inclusion of the Lost Spring Canyon Addition in the park shall not affect the operation or maintenance by the Northwest Pipeline Corporation (or its successors

or assigns) of the natural gas pipeline and related facilities located in the Lost Spring Canyon Addition on the date of enactment of this paragraph.”

16 USC 272g
note.

(e) EFFECT ON SCHOOL TRUST LAND.—

(1) FINDINGS.—Congress finds that—

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

(B) the parcel was originally granted to the State of Utah for the purpose of generating revenue for the public schools through the development of natural and other resources located on the parcel; and

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

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

16 USC 272g.

“SEC. 8. LAND EXCHANGE INVOLVING SCHOOL TRUST LAND.

“(a) EXCHANGE REQUIREMENT.—

“(1) IN GENERAL.—If, not later than 1 year after the date of enactment of this section, and in accordance with this section, the State of Utah offers to transfer all right, title, and interest of the State in and to the school trust land described in subsection (b)(1) to the United States, the Secretary—

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

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

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

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

“(b) DESCRIPTION OF PARCELS.—

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

“(2) FEDERAL CONVEYANCE.—The Federal land to be conveyed by the Secretary consists of approximately 639 acres, described as lots 1 through 12 located in the S $\frac{1}{2}$ N $\frac{1}{2}$ and the N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ of section 1, Township 25 South, Range 18 East, Salt Lake base and meridian.

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

Deadline.

“(c) MANAGEMENT BY STATE.—

“(1) IN GENERAL.—At least 60 days before undertaking or permitting any surface disturbing activities to occur on land acquired by the State of Utah under this section, the State shall consult with the Utah State Office of the Bureau of Land Management concerning the extent and impact of such activities on Federal land and resources and conduct, in a manner consistent with Federal law, inventory, mitigation, and management activities in connection with any archaeological, paleontological, and cultural resources located on the acquired lands.

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

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

“(d) IMPLEMENTATION.—Administrative actions necessary to implement the land exchange under this section shall be completed not later than 180 days after the date of enactment of this section.”

Approved October 30, 1998.

LEGISLATIVE HISTORY—S. 2106 (H.R. 2283):

HOUSE REPORTS: No. 105-385 accompanying H.R. 2283 (Comm. on Resources).

SENATE REPORTS: No. 105-330 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

Oct. 2, considered and passed Senate.

Oct. 10, considered and passed House.