

Public Law 100-699
100th Congress

An Act

Nov. 19, 1988
[H.R. 3680]

To revoke certain public land orders, transfer certain public lands, and for other purposes.

Omnibus Public
Lands and
National Forests
Adjustments Act
of 1988.

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 "Omnibus Public Lands and National Forests Adjustments Act of 1988".

TITLE I—PHILLIPS COUNTY, MONTANA

SEC. 101. AUTHORIZATION OF EXCHANGE.

Notwithstanding the order of the United States District Court for the District of Columbia dated February 10, 1985, in Civil Action Numbered 85-2238, the Secretary of the Interior (hereafter in this title referred to as "the Secretary") is hereby authorized to revoke applicable public land orders, to revoke withdrawals, to terminate classifications, and to take such other actions as the Secretary determines necessary in order to consummate, in accordance with applicable law, an exchange of lands with Phillips County, Montana, as described in Bureau of Land Management Land Report Serial Number M-66965, dated May 8, 1986, if the Secretary determines such exchange to be in the public interest.

SEC. 102. CONDITIONS OF EXCHANGE.

(a) **MANAGEMENT.**—Nothing in this title shall be construed as enlarging or diminishing the extent to which the United States or any other party may be responsible, under applicable laws of the United States or the State of Montana, for proper management of lands involved in the exchange described in section 101 (including control of public access to such lands) or for management, control, removal, or other actions related to any hazardous substances or other materials located on such lands.

(b) **HAZARDOUS SUBSTANCES.**—Prior to consummating the exchange described in section 101, the Secretary shall advise the county and appropriate officials of the United States and the State of Montana concerning any information, from inspection or otherwise, the Secretary has concerning hazardous substances or other materials (including, but not limited to, industrial solvents or wastes) located on such lands.

TITLE II—VETERAN, WYOMING TOWNSITE

SEC. 201. SURVEY AND PLAT.

As soon as possible after the date of enactment of this Act, the Secretary of the Interior (hereafter in this title referred to as "the Secretary") shall resurvey and prepare a new plat for the townsite

of Veteran, Wyoming, to take into account the actual and common use of streets and alleys on such lands for designation as public reservations in accordance with the Act of April 16, 1906 (34 Stat. 116).

SEC. 202. PATENT AND SALES.

(a) PATENT.—

(1) After completion of the work required to complete the survey and plat required under section 201, the Secretary shall patent the title of the United States in and to the public reservation lands referred to in subsection (a) to Goshen County, Wyoming.

(2) Title of the United States in and to a 90 feet by 75 feet lot of approximately 0.15 acres which is described in the records of the Goshen County, Wyoming, clerk's office as "a tract in southwest corner of town of Veteran, Block 40 in the original town of Veteran," shall be patented to Goshen County United School District Number One.

(b) DISPOSAL, ETC.—The Secretary, acting through the Commissioner of Reclamation, is authorized to dispose of Federal lands within the townsite area for fair market value, by negotiated or public sale, and to revoke withdrawals, terminate classifications, and take other steps necessary to implement this title, notwithstanding the order of the United States District Court for the District of Columbia dated February 10, 1985, in Civil Action Numbered 85-2238.

TITLE III—MATTERS INVOLVING LANDS IN THE STATE OF UTAH

SEC. 301. FARMINGTON CITY EXCHANGE.

(a) EXCHANGE.—

(1) Subject to valid existing rights, if Farmington City, Utah (hereafter in this section referred to as the "city"), transfers to the United States all right, title, and interest of the city in and to the land described in paragraph (2)(A), the Secretary of Agriculture (hereafter in this section referred to as the "Secretary") shall transfer to the city all right, title, and interest of the United States in and to the land described in paragraph (2)(B). Any land acquired by the United States under this section shall be added to and managed as part of the Wasatch National Forest.

(2)(A) The land referred to in paragraph (1) to be transferred by the city is that land depicted as parcels Ai, Aii, and Aiii on the map entitled "Farmington Exchange" and dated May 1988, on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(B) The land referred to in paragraph (1) to be transferred by the United States is that land depicted as parcel Bi on the map referred to in subparagraph (A).

(3) Before transferring land to the city pursuant to this subsection, the Secretary shall appraise the values of the lands described in subparagraphs (A) and (B) of paragraph (2). If, based on such appraisal, the fair market value of the lands being transferred to the city is not equal to the fair market value of the lands to be transferred to the United States, the

Secretary shall require the city to pay, or shall pay to the city, an amount sufficient to equalize such values.

(b) CITY OR STATE LANDS WHICH MAY BE EXCHANGED.—

(1)(A) Within the 3-year period beginning on the date of enactment of this Act, the Secretary, in conjunction with the city and the State of Utah (hereafter in this section referred to as the "State"), shall identify city or State lands which are suitable for transfer to the United States for national forest purposes in exchange for the Federal lands depicted as parcels Bii, Biii, Biv, Bv, and Bvi on the map referred to in subsection (a)(2)(A).

(B) Subject to valid existing rights, if within such period the city or the State (as the case may be) transfers to the United States the city or State lands identified pursuant to subparagraph (A), the Secretary shall transfer the appropriate Federal lands depicted as parcels Bii, Biii, Biv, Bv, and Bvi on the map referred to in subsection (a)(2)(A) to the city or the State, as appropriate. The values of lands exchanged under this section shall be of equal value as determined by the Secretary, or, if they are not of equal value, the values shall be equalized by payment to or by the Secretary so long as the payment does not exceed 25 percent of the total value of the lands transferred out of Federal ownership.

(2) In lieu of an exchange under paragraph (1), the Secretary may transfer by sale for fair market value the Federal lands depicted as parcels Bii, Biii, Biv, Bv, and Bvi on the map referred to in subsection (a)(2)(A) to the city or the State of Utah, as appropriate.

SEC. 302. KANAB CITY TRANSFER.

(a) WITHDRAWAL.—Subject to valid existing rights, all public lands located within the city limits of Kanab City, Utah (as such limits stood on April 1, 1988) are hereby withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws. The withdrawal under this subsection shall terminate on the date which is five years after the date of enactment of this Act.

(b) RIGHT OF KANAB CITY TO PURCHASE CERTAIN WITHDRAWN LANDS.—As soon as possible after the date of enactment of this Act, the Secretary of the Interior (hereafter in this section referred to as the "Secretary") shall determine which public lands withdrawn by subsection (a) meet the disposal criteria specified in section 203(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(a)) and shall notify the city of Kanab City concerning such determination. For the four-year period beginning on the date of enactment of this Act, the city of Kanab City, Utah, shall have the exclusive right to purchase any public lands withdrawn by subsection (a) that the Secretary has determined to be suitable for disposal.

(c) PUBLIC SALE.—After the expiration of the period of exclusive right specified in subsection (b), the Secretary may offer any lands covered by such exclusive right for sale under appropriate provisions of the Federal Land Policy and Management Act of 1976, but the city of Kanab City, Utah, shall be given the opportunity to meet the high bid offered by any other party and if such city matches such high bid, the city shall be declared the highest bidder and allowed to purchase the property offered for sale.

Minerals and
mining.
Energy.

(d) **TERMS AND CONDITIONS.**—All sales of public lands under this section shall be for fair market value and subject to valid existing rights, and the Secretary may attach such conditions to any sale under this section, and any patent issued in consequence of such sale, as the Secretary determines necessary or appropriate.

Patents and
trademarks.

SEC. 303. RIVERDALE.

(a) **AUTHORIZATION FOR SALE.**—If not later than one year after the date of enactment of this Act the city of Riverdale, Utah, submits to the Secretary of the Interior a request to release and quitclaim to the city all right, title, and interest of the United States in and to the property described in subsection (b), the Secretary is authorized to release and quitclaim such right, title, and interest, in accordance with this section.

(b) **PROPERTY DESCRIPTION.**—The property referred to in subsection (a) is that certain parcel of land, comprising approximately 13.6 acres transferred to the city of Riverdale, Utah, by the United States by a deed dated April 30, 1975, as generally depicted on the map entitled "Riverdale City Parcel" dated May 1988.

(c) **CONSIDERATION.**—A release and quitclaim under this section shall be in consideration for payment by the city of Riverdale, Utah, to the United States of the fair market value of the right, title, and interest of the United States in the property described in subsection (b) and shall have the effect of releasing any restrictions imposed on the use of such property by the deed referenced in such subsection. Such fair market value shall not include the value of improvements on such property.

(d) **DISPOSITION OF FUNDS.**—All funds received by the United States from the city of Riverdale, Utah, in consideration for a release and quitclaim under this section shall be covered into the land and water conservation fund in the Treasury of the United States and shall be available for expenditure in accordance with the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.).

SEC. 304. BRIGHAM CITY: REMOVAL OF RESTRICTIONS.

Real property.

(a) 1959 CONVEYANCE.—

(1) The Secretary of the Interior shall execute such instruments as may be necessary to remove the restrictions on the property described in paragraph (2) that the property be used for public school purposes and that the property be available to Indians and non-Indians on the same terms, unless otherwise approved by the Secretary of the Interior.

Schools and
colleges.
Indians.

(2) The property referred to in paragraph (1) is approximately 9.39 acres of property conveyed by the United States by quitclaim deed on February 12, 1959, to the Board of Education for the Box Elder County School District, Box Elder County, Utah, recorded March 5, 1959, in Box Elder County Deed Book numbered 123 at page 450.

(b) 1977 CONVEYANCE.—

(1) The Secretary of the Interior shall execute such instruments as may be necessary to remove the restrictions of the property described in paragraph (2) that—

(A) the property not be sold, leased, assigned, or otherwise disposed of except to another eligible governmental agency that the Secretary of the Interior agrees in writing can assure the continued use and maintenance of the prop-

Contracts.

erty for public park or public recreational purposes subject to the same terms and conditions in the original instrument of conveyance; but

(B) nothing in subparagraph (A) shall preclude the grantee from providing related recreational facilities and services compatible with the approved application, through concession agreements entered into with third parties, provided prior concurrence to such agreements is obtained in writing from the Secretary of the Interior.

(2) The property referred to in paragraph (1) is approximately 16.619 acres of property conveyed by deed without warranty dated May 11, 1977, from the United States of America to the city of Brigham City and recorded on May 23, 1977, in county records of Box Elder County, State of Utah, book numbered 292, pages 503 through 507.

(c) 1983 CONVEYANCE.—

(1) The Secretary of the Interior shall execute such instruments as may be necessary to remove the restriction on the property described in paragraph (2) that—

(A) the property not be sold, leased, assigned, or otherwise disposed of except to another eligible governmental agency that the Secretary of the Interior agrees in writing can assure the continued use and maintenance of the property for public park or public recreational purposes subject to the same terms and conditions in the original instrument of conveyance; but

Contracts.

(B) nothing in subparagraph (A) shall preclude the grantee from providing related recreational facilities and services compatible with the approved application, through concession agreements entered into with third parties, provided prior concurrence to such agreements is obtained in writing from the Secretary of the Interior.

(2) The property referred to in paragraph (1) is approximately 81.2 acres of property conveyed by the United States by deed without warranty on March 29, 1983, recorded April 11, 1983, in Box Elder County, Utah, Deed Book numbered 369 at page 578.

Conservation.
Historic
preservation.

TITLE IV—OREGON TRAIL

SEC. 401. END OF THE OREGON TRAIL STUDY.

(a) STUDY.—In furtherance of the interpretation and commemoration of the Oregon National Historic Trail, the Secretary of the Interior (hereafter in this title referred to as the “Secretary”) is authorized and directed to conduct a study to determine the feasibility and desirability of protecting and preserving those lands and resources associated with the western terminus of the Oregon Trail in Oregon City, Oregon.

(b) CONSULTATION AND COORDINATION.—As part of such study, the Secretary shall consult with other interested Federal agencies and State and local bodies, and the study shall be coordinated with applicable outdoor recreation plans and related plans for the preservation of historic and natural resources in the area.

(c) REPORT.—Within one year after the date of enactment of this section, the Secretary shall make a report of the Secretary’s findings and recommendations to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on

Energy and Natural Resources of the Senate. The report of the Secretary shall include, but not be limited to, findings with respect to the historical and natural values of the lands and resources involved, and recommendations as to the historic preservation and markings of the area.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

TITLE V—CLARK COUNTY, NEVADA

SEC. 501. CATHOLIC DIOCESE OF RENO/LAS VEGAS, NEVADA.

Real property.

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

(1) In 1949 Marie D. Lawton purchased from Clark County in a tax sale 40 acres of land in Clark County, Nevada.

(2) She paid taxes on this property until her death in 1975, at which time the property was bequeathed to the Roman Catholic Diocese of Reno/Las Vegas to be used to benefit the Home of the Good Shepherd, which works with troubled young women in the western States.

(3) Since 1975 the Diocese has paid taxes on the property.

(4) It has recently been discovered that Clark County erred in selling the property in 1949 since the land at that time was actually in the public domain.

(b) **PURPOSE.**—The purpose of this section is to convey this property to the Diocese of Reno/Las Vegas so it may be sold to benefit the Home of the Good Shepherd.

(c) **CONVEYANCE.**—Subject to valid existing rights and notwithstanding any other provision of law, the Secretary of the Interior shall convey without consideration to the Catholic Diocese of Reno/Las Vegas, Nevada, the lands described as follows: one 40-acre parcel comprising the northwest one-quarter of southwest one-quarter of section 13 township 19 south range 61 east Mount Diablo base line and meridian, subject to the limitations of subsection (d) of this section. The administrative costs of such conveyance shall be borne by the Catholic Diocese of Reno/Las Vegas, Nevada.

(d) **RESERVATION OF RIGHT-OF-WAY.**—A right-of-way and construction easement shall be reserved to the United States to accommodate flood control facilities of the Clark County Regional Flood Control District. Said right-of-way shall be no more than 75 feet in width and 1,320 feet in length, and shall be located in accordance with the Clark County Flood Control District Master Plan.

TITLE VI—COAL MINING HERITAGE

Conservation.
Historic
preservation.

SEC. 601. COAL MINING HERITAGE STUDY.

(a) **STUDY.**—The Secretary of the Interior, acting through the Director of the National Park Service, is authorized and directed to conduct a study to determine the feasibility of protecting and preserving certain significant cultural, historic, and natural resources associated with the coal mining heritage of southern West Virginia. The study shall include, but not be limited to, the identification of—

(1) Specific sites and points of interest associated with the coal mining heritage of West Virginia, the Appalachian Region and the Nation.

(2) The historic and cultural values of such sites and points of interest.

(3) The relationship between such sites and points of interest with the natural, scenic, recreational, cultural and historic resources in the region managed by State or Federal agencies, including State and national park system units, recreational lakes, State forest system units, and historic landmarks.

(4) A vehicular tour route along existing public roads linking such sites, points of interest and such other resources managed by State or Federal agencies.

(b) **CONSULTATION AND COORDINATION.**—As part of such study, the Secretary shall consult with other interested Federal agencies, State and local government authorities, and nonprofit organizations.

West Virginia.

(c) **AREA TO BE STUDIED.**—The study shall focus on the eleven county areas consisting of Cabell, Wayne, Mingo, Logan, McDowell, Wyoming, Raleigh, Mercer, Boone, Fayette and Summers Counties, West Virginia.

(d) **REPORT.**—Within one year after the date of enactment of this Act, the Secretary shall make a report of his findings to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

Approved November 19, 1988.

LEGISLATIVE HISTORY—H.R. 3680:

HOUSE REPORTS: No. 100-717, Pt. 1 (Comm. on Interior and Insular Affairs) and Pt. 2 (Comm. on Agriculture).

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Sept. 13, considered and passed House.
Oct. 21, considered and passed Senate.