

103D CONGRESS  
1ST SESSION

# S. 274

To establish the Casa Malpais National Historic Park, in Springerville, Arizona and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 2 (legislative day, JANUARY 5), 1993

Mr. DECONCINI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To establish the Casa Malpais National Historic Park, in Springerville, Arizona 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,*

3       CASA MALPAIS NATIONAL HISTORIC PARK

4       **SECTION. 1. SHORT TITLE AND CONGRESSIONAL FINDINGS.**

5       (a) This Act may be cited as the “Casa Malpais Na-  
6       tional Historical Park Establishment Act of 1993”.

7       (b) The Congress finds that—

8               (1) the Casa Malpais is historically and cul-  
9       turally significant to the State of Arizona, the Town  
10       of Springerville and the Nation;

1           (2) the Native American population in Arizona  
2 and New Mexico has shown strong and sincere inter-  
3 est in the preservation and interpretation of their  
4 heritage through the protection of the Casa Malpais;

5           (3) the Town of Springerville has played a sig-  
6 nificant role in the preservation of the cultural re-  
7 sources of the Casa Malpais through a program of  
8 interpretation and preservation of the landmark;

9           (4) the Casa Malpais National Historic Land-  
10 mark was occupied by one of the largest and most  
11 sophisticated Mogollon communities in the United  
12 States;

13           (5) the landmark includes a fifty-eight room  
14 masonry pueblo, including stairways, Great Kiva  
15 complex, and fortification walls, a prehistoric trail,  
16 and catacomb chambers where the deceased were  
17 placed; and

18           (6) the Casa Malpais was designated as a na-  
19 tional historic landmark by the Secretary of the In-  
20 terior in 1957.

21 **SEC. 2. ESTABLISHMENT OF CASA MALPAIS NATIONAL HIS-**  
22 **TORICAL PARK.**

23           (a) In order to preserve, for the benefit and enjoy-  
24 ment of present and future generations, that area in Ari-  
25 zona containing the nationally significant Casa Malpais,

1 and other significant natural and cultural resources, there  
2 is hereby established the Casa Malpais National Historical  
3 Park (hereinafter in this Act referred to as the “park”)  
4 as a unit of the National Park System. The park shall  
5 consist of approximately thirty-five acres, a map of which  
6 shall be on file and available for public inspection in the  
7 offices of the National Park Service, Department of the  
8 Interior, and in the office of the mayor of the Town of  
9 Springerville, Arizona.

10 (b) The park shall be administered by the Secretary  
11 of the Interior (hereinafter in this Act referred to as the  
12 “Secretary”) and the Town of Springerville, Arizona  
13 (hereinafter in this Act referred to as the “Town”), in ac-  
14 cordance with section 3.

15 (c) Within six months after the date of enactment  
16 of this Act, the Secretary shall file a legal description of  
17 the park with the Committee on Energy and National Re-  
18 sources of the United States Senate and the Committee  
19 on Interior and Insular Affairs of the United States House  
20 of Representatives. Such legal description shall have the  
21 same force and legal description as if included in this Act,  
22 except that the Secretary may correct clerical and typo-  
23 graphical errors in such legal description. The legal de-  
24 scription shall be on file and available for public inspection  
25 in the offices of the National Park Service, Department

1 of the Interior, in the State of Arizona, and in the office  
2 of the mayor of the Town of Springerville, Arizona: Pro-  
3 vided, That the Secretary may from time to time, after  
4 completion of the general management plan referred to in  
5 section 108(a), may make minor adjustments to the park  
6 boundary by publication of a revised map or other bound-  
7 ary description in the Federal Register.

8 **SEC. 3. ADMINISTRATION AND MANAGEMENT OF THE**  
9 **PARK.**

10 (a) (1) To achieve the purposes of this Act, the Sec-  
11 retary, in cooperation with the Town, shall formulate a  
12 comprehensive plan for the protection, preservation, inter-  
13 pretation, development and maintenance of the site.

14 (2) Within eighteen months following the date of en-  
15 actment of this section, the Secretary shall transmit the  
16 plan to the President of the Senate and the Speaker of  
17 the House of Representatives.

18 (b) The Secretary may, pursuant to cooperative  
19 agreement—

20 (1) provide technical assistance to the Town or  
21 unit of local government in the management, protec-  
22 tion, and interpretation of the site; and

23 (2) make periodic grants, which shall be supple-  
24 mental to any other funds to which the grantee may  
25 be entitled under any other provision of law, to the

1 Town or local unit of government for the annual  
2 costs of operation and maintenance, including but  
3 not limited to, salaries of personnel and the protec-  
4 tion, preservation, and rehabilitation of the site.

5 (c) The Secretary is authorized to enter into coopera-  
6 tive agreements with either the Town under which the Sec-  
7 retary may manage and interpret any lands owned by  
8 Town and the state of Arizona, respectively, within the  
9 boundaries of the Park.

10 (d) In order to encourage a unified and cost effective  
11 interpretive program of the natural, cultural and rec-  
12 reational resources of the Casa Malpais and its environs,  
13 the Secretary is authorized to enter into cooperative agree-  
14 ments with other Federal, State, and local public depart-  
15 ments and agencies, Indian tribes, and nonprofit entities  
16 providing for the interpretation of these resources. Such  
17 cooperative agreements may also provide for financial and  
18 technical assistance for the planning and implementation  
19 of interpretive programs and minimal development related  
20 to these programs.

21 **SEC. 4. LAND USE PLANNING.**

22 The Secretary may participate in land use planning  
23 conducted by appropriate local authorities for lands adja-  
24 cent to the park and may provide technical assistance to

1 such authorities and affected landowners for such plan-  
2 ning.

3 **SEC. 5. EXISTING TRANSMISSION OR DISTRIBUTION FA-**  
4 **CILITIES.**

5 Nothing in this Act shall be construed as authorizing  
6 or requiring revocation of any interest or easement for ex-  
7 isting transmission or distribution facilities or prohibiting  
8 the operation and maintenance of such facilities within or  
9 adjacent to the park boundary.

10 **SEC. 6. GENERAL MANAGEMENT PLAN.**

11 (a) Within three years from the date of enactment  
12 of this Act, the Secretary, in cooperation with the Town  
13 and the State, shall develop and transmit to the Commit-  
14 tee on Energy and Natural Resources of the United States  
15 Senate and the Committee on Interior and Insular Affairs  
16 of the United States House of Representatives, a general  
17 management plan for the park consistent with the pur-  
18 poses of this Act, including, but not limited to—

19 (1) a statement of the number of visitors and  
20 types of public use within the park which can be ac-  
21 commodated in accordance with the protection and  
22 preservation of its resources;

23 (2) a resource protection program;

24 (3) a general interpretive program;

1 (4) a general development plan for the park, in-  
2 cluding proposals for a visitor's center and recre-  
3 ation facilities, and the estimated cost thereof; and

4 (b) The general management plan shall be prepared  
5 in consultation with the Casa Malpais National Historical  
6 Park Advisory Commission established pursuant to section  
7 7, appropriate Indian tribes and their civil officials, the  
8 Arizona Historical Preservation Office, and other inter-  
9 ested parties.

10 **SEC. 7. CASA MALPAIS NATIONAL HISTORICAL PARK ADVI-**  
11 **SORY COMMISSION.**

12 (a) There is hereby established the Casa Malpais Na-  
13 tional Historical Park Advisory Commission (hereinafter  
14 in this Act referred to as the "Commission"). The Com-  
15 mission shall be composed of members appointed by the  
16 Secretary on the recommendation of the mayor of  
17 Springerville for terms of 5 years as follows:

18 (1) one member, who shall have professional ex-  
19 pertise in history and/or archeology, appointed from  
20 recommendations submitted by the Governor of the  
21 State of Arizona;

22 (2) one member, who shall have professional ex-  
23 pertise in history, appointed from recommendations  
24 submitted by the mayor of the Town of  
25 Springerville, Arizona;

1           (3) one member, who shall have professional ex-  
2           pertise in Indian history or ceremonial activities, ap-  
3           pointed from recommendations submitted by the  
4           Inter-Tribal Council of Arizona;

5           (4) one member, who shall have professional ex-  
6           pertise in outdoor recreation;

7           (5) one member, who shall be an affected land-  
8           owner;

9           (6) one member, who shall have professional ex-  
10          pertise in cultural anthropology;

11          (7) one member from the general public;

12          (8) the Mayor of the Town of Springerville or  
13          his or her designee, ex officio; and

14          (9) the Director of the National Park Service,  
15          or his or her designee, ex officio.

16          (b) Any member of the Commission may serve after  
17          the expiration of his or her term until a successor is ap-  
18          pointed. A vacancy in the Commission shall be filled in  
19          the same manner in which the original appointment was  
20          made.

21          (c) Members of the Commission shall serve without  
22          pay. While away from their homes or regular places of  
23          business in the performance of services for the Commis-  
24          sion, members of the Commission shall be allowed travel  
25          expenses, including per diem in lieu of subsistence, in the

1 same manner as persons employed intermittently in Gov-  
2 ernment service are allowed expenses under section 5703  
3 of title 5, United States Code.

4 (d) The Chair and other officers of the Commission  
5 shall be elected by a majority of the members of the Com-  
6 mission to serve for terms established by the Commission.

7 (e) The Commission shall meet at the call of the  
8 Chair or a majority of its members, but not less than twice  
9 annually. Six members of the Commission shall constitute  
10 a quorum. Consistent with the public meeting require-  
11 ments of section 10 of the Federal Advisory Committee  
12 Act (5 U.S.C. App.), the Commission shall, from time to  
13 time, meet with persons concerned with Indian history and  
14 historic preservation, and with other interested persons.

15 (f) The Commission may make such bylaws, rules,  
16 and regulations as it considers necessary to carry out its  
17 functions under this Act. Section 14(b) of the Federal Ad-  
18 visory Committee Act (5 U.S.C. App.) shall not apply to  
19 the Commission.

20 (g) The Commission shall advise the Secretary and  
21 the Town on the management and development of the  
22 park, and on the preparation of the general management  
23 plan referred to in section 6(a). The Secretary, or his or  
24 her designee, shall from time to time, but at least semi-  
25 annually, meet and consult with the Commission on mat-

1 ters relating to the management and development of the  
2 park.

3 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

4       There are authorized to be appropriated such sums  
5 as may be necessary for the purposes of this Act.

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