

ARCHES NATIONAL PARK EXPANSION ACT OF 1997

NOVEMBER 6, 1997.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 2283]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2283) to expand the boundaries of Arches National Park in the State of Utah to include portions of the following drainages, Salt Wash, Lost Spring Canyon, Fish Sheep Draw, Clover Canyon, Cordova Canyon, Mine Draw, and Cottonwood Wash, which are currently under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Sheep Draw, which is currently owned by the State of Utah, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Arches National Park Expansion Act of 1997”.

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

(a) **BOUNDARY EXPANSION.**—Subsection (a) of the first section of Public Law 92–155 (16 U.S.C. 272; 85 Stat. 422) is amended as follows:

(1) By inserting after the first sentence the following new sentence: “Effective on the date of the enactment of the Arches National Park Expansion Act of 1997, the boundary of the park shall also 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.”

(2) In the last sentence, by striking “Such map” and inserting “Such maps”.

(b) **INCLUSION OF LAND IN PARK.**—Section 2 of Public Law 92–155 (16 U.S.C. 272a) is amended by adding at the end the following new sentences: “As soon as possible after the date of the enactment of the Arches National Park Expansion Act

of 1997, the Secretary of the Interior shall transfer jurisdiction over the Federal lands contained in the Lost Spring Canyon Addition from the Bureau of Land Management to the National Park Service. The lands included in the park pursuant to the Arches National Park Expansion Act of 1997 shall be administered in accordance with the laws and regulations applicable to the park.”

(c) PROTECTION OF EXISTING GRAZING PERMIT.—Section 3 of Public Law 92–155 (16 U.S.C. 272b) is amended as follows:

(1) By inserting “(a)” before “Where”.

(2) By adding at the end the following new subsection:

“(b)(1) In the case of any grazing lease, permit, or license with respect to lands within the Lost Spring Canyon Addition that was issued before the date of the enactment of the Arches National Park Expansion Act of 1997, the Secretary of the Interior shall, subject to periodic renewal, continue such lease, permit, or license for a period of time equal to the lifetime of the permittee as of that date and any direct descendants of the permittee born before that date. Any such grazing lease, permit, or license shall be permanently retired at the end of such period. Pending the expiration of such period, the permittee (or a descendant of the permittee who holds the lease, permit, or license) shall be entitled to periodically renew the lease, permit, or license, subject to such limitations, conditions, or regulations as the Secretary may prescribe.

“(2) Any such grazing lease, permit, or license may be sold during the period specified in paragraph (1) only on the condition that the purchaser shall, immediately upon such acquisition, permanently retire such lease, permit, or license. Nothing in this subsection shall affect other provisions concerning leases, permits, or licenses under the Taylor Grazing Act.

“(3) Any portion of any grazing lease, permit, or license with respect to lands within 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 by adding at the end the following new subsection:

“(c)(1) Subject to valid existing rights, Federal lands within the Lost Spring Canyon Addition are hereby appropriated and withdrawn from entry, location, selection, leasing, or other disposition under the public land laws, including the mineral leasing laws.

“(2) The inclusion of the Lost Spring Canyon Addition in the park shall not affect the right of Northwest Pipeline Corporation (or its successors or assigns) to operate the natural gas pipeline located within the park and the Addition on the date of enactment of this Act and to maintain the pipeline and related facilities in a manner consistent with the requirements of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 60201 et seq.).”

(e) EFFECT ON SCHOOL TRUST LANDS.—

(1) FINDINGS.—The Congress finds the following:

(A) A parcel of State school trust lands, 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.

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

(2) LAND EXCHANGE.—Public Law 92–155 is amended by adding at the end the following new section:

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

“(a) EXCHANGE REQUIREMENT.—If, not later than one year after the date of the enactment of the Arches National Park Expansion Act of 1997, 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 parcel of school trust lands described in subsection (b)(1) to the United States, the Secretary of the Interior shall accept the offer on behalf of the United States and, within 180 days after the date of such acceptance, transfer to the State of Utah all right, title and interest of the United States in and to the parcel of land described in subsection (b)(2). Title to the State lands shall be transferred at the same time as conveyance of title to the Federal lands by the Secretary

of the Interior. The exchange of lands 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 lands.

“(b) DESCRIPTION OF PARCELS.—

“(1) STATE CONVEYANCE.—The parcel of school trust lands 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 parcel of Federal lands to be conveyed by the Secretary of the Interior consists of approximately 639 acres and is identified 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 lands described in paragraph (2) are of equivalent value to the State school trust lands described in paragraph (1).

“(c) MANAGEMENT BY STATE.—At least 60 days before undertaking or permitting any surface disturbing activities to occur on the lands acquired by the State 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 lands and resources and conduct, in a manner consistent with Federal laws, inventory, mitigation, and management activities in connection with any archaeological, paleontological, and cultural resources located on the acquired lands. To the extent consistent with applicable law governing the use and disposition of State school trust lands, the State shall preserve existing grazing, recreational, and wildlife uses of the acquired lands. Nothing in this subsection shall be construed to preclude the State from authorizing or undertaking surface or mineral activities authorized by existing or future land management plans for the acquired lands.

“(d) IMPLEMENTATION.—Administrative actions necessary to implement the land exchange described in this section shall be completed within 180 days after the date of the enactment of the Arches National Park Expansion Act of 1997.”.

Amend the title so as to read:

A bill to expand the boundaries of Arches National Park in the State of Utah to include portions of the following drainages: Salt Wash, Lost Spring Canyon, Fish Sheep Draw, Clover Canyon, Cordova Canyon, Mine Draw, and Cottonwood Wash, which are currently under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Sheep Draw, which is currently owned by the State of Utah.

PURPOSE OF THE BILL

The purpose of H.R. 2283 is to expand the boundary of Arches National Park in the State of Utah to include portions of the following drainages, Salt Wash, Lost Spring Canyon, Fish Sheep Draw, Clover Canyon, Cordova Canyon, Mine Draw and Cottonwood Wash, which are currently under the jurisdiction of the Bureau of Land Management, and to include a portion of the Fish Sheep Draw, which is currently owned by the State of Utah.

BACKGROUND AND NEED FOR LEGISLATION

Arches National Monument was designated by Presidential Proclamation in 1929, enlarged by Presidential Proclamations in 1938, 1960 and 1969, and established as Arches National Park by Congress in 1971 (Public Law 92–155). The park consists of 73,379 acres to protect one of the largest concentrations of natural stone arches in the world, and numerous geologic features such as spires, pinnacles, pedestals, and balanced rocks.

H.R. 2283 would expand the existing boundaries of the park, located in Grand County, Utah, by approximately 3,140 acres, consisting of 3,112 acres of public lands managed by the Bureau of Land Management (BLM), and one 32 acre parcel of Utah School and Institutional Trust Lands (Trust lands). The bill provides for

the exchange of the Trust lands for equal value BLM land, and then the transfer of all BLM land to the National Park Service (NPS) for addition to the park.

This addition, known as the Lost Spring Canyon Addition, is contiguous with the park's northeast corner, and shares a common boundary with the park. The proposed boundary, identified in this legislation, would follow canyon rims and natural forms instead of section lines and other man-made features. This geographic boundary is a natural extension of the park and encompasses most of the incised canyon system. This area consists of the following drainages: Salt Wash, Lost Spring Canyon, Fish Sheep Draw, Clover Canyon, Cordova Canyon, Mine Draw, and Cottonwood Wash.

The Lost Spring Canyon Addition is accessible by foot from existing park trail heads and parking areas. Many visitors to this area already access it from the NPS facilities. Much of the canyon system is visible from several high-use areas of the park, including the Delicate Arch Trail, Devils Garden Campground and the Park Road. This acreage is currently within a BLM Wilderness Study Area.

COMMITTEE ACTION

H.R. 2283 was introduced on July 29, 1997, by Congressman Chris Cannon (R-UT). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands. On September 16, 1997, the Subcommittee held a hearing on H.R. 2283, where there was support expressed for the bill. The Administration testified in support of H.R. 2283 with several recommended amendments. On October 7, 1997, the Subcommittee met to mark up H.R. 2283. Congressman James V. Hansen offered amendments en bloc, to clarify the existing grazing permit status and potential retirement; to address the ongoing operation and maintenance of a natural gas pipeline through the park and proposed addition; and regarding the transfer of Trust lands at the time of conveyance of title to Federal lands within the park addition. The amendment was adopted by voice vote. The bill was then ordered favorably reported to the Full Committee by voice vote. On October 22, 1997, the Full Resources Committee met to consider H.R. 2283. An amendment was offered by Congressman Hansen to clarify the existing grazing permit status. The amendment was adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact H.R. 2283.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 2283. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 2283 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of H.R. 2283 could affect direct spending with regard to grazing fee receipts from land in the proposed addition to the park, but these would be insignificant.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2283.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2283 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 5, 1997.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2283, the Arches National Park Expansion Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria V. Heid (for Federal costs), and Marjorie Miller (for the impact on State, local and tribal governments).

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 2283—Arches National Park Expansion Act of 1997

CBO estimates that enacting this bill would have no significant impact on the federal budget. Because H.R. 2283 could affect direct spending, pay-as-you-go procedures would apply; however, CBO estimates that any such effects would be insignificant. H.R. 2283 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would have no significant impact on the budgets of state, local, or tribal governments. The exchange authorized by this bill would be voluntary on the part of the state of Utah, and any impact on state receipts would be insignificant.

H.R. 2283 would expand Arches National Park in Utah to include an additional 3,140 acres. Most of that land is currently managed by the Bureau of Land Management (BLM), but about 32 acres is owned by the state of Utah as school trust land. To implement the expansion, the bill provides that if Utah offers to convey about 640 acres of state school trust land, including the 32 acres within the proposed addition, to the United States, then the Secretary of the Interior must accept the offer and, in exchange, transfer to the state 639 acres of federal land elsewhere in the same county. The Department of the Interior (DOI) estimates that the lands to be exchanged are of approximately equal value. Once the exchange between BLM and the state is completed, the bill would direct the Secretary to transfer jurisdiction over the 3,140 acres from BLM to the National Park Service (NPS). BLM would manage the 608 acres of land conveyed by the state that is not part of the proposed addition to Arches National Park.

H.R. 2283 would direct the Secretary to continue any current grazing permits in the proposed addition for the life of the permittee and his or her direct descendants. The bill would allow permittees to sell such grazing permits if the purchaser permanently retires the permit. Those provisions could affect direct spending with regard to grazing fee receipts from land in the proposed addition, but according to DOI, current receipts from grazing on the land total less than \$1,000 annually. Therefore CBO estimates that any changes in grazing fee receipts, which are direct spending, would be insignificant.

Because oil and gas leases exist on both the BLM land and the state land proposed for exchange under H.R. 2283, enacting the bill also could affect offsetting receipts from BLM leases, but we estimate that any such changes would be small. According to DOI, the federal government currently receives less than \$2,000 in rental fees each year from oil and gas leases on the 639 acres of BLM land to be conveyed to Utah under the bill. The 640 acres of state land to be conveyed to the United States in exchange for that federal land also include leases generating a similar amount of receipts from rental fees each year. None of the affected leases in the proposed exchange are currently producing or under development for oil or gas production, and the department does not expect development in the next few years. Therefore, CBO estimates that any net effect on receipts from oil and gas leases resulting from the exchange between Utah and the federal government under this bill would be insignificant—at least over the 1998–2002 period.

The CBO staff contacts for this estimate are Victoria V. Heid (for Federal costs), and Marjorie Miller (for the impact on State, local, and tribal governments). This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 2283 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

THE ACT OF NOVEMBER 12, 1971

AN ACT To establish the Arches National Park in the State of Utah

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Arches National Park, Utah," Numbered RPSSC-138-20, 001E and dated September 1969, are hereby established as the Arches National Park (hereinafter referred to as the "park"). *Effective on the date of the enactment of the Arches National Park Expansion Act of 1997, the boundary of the park shall also 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. [Such map] Such maps shall be on file and available for public inspections in the offices of the National Park Service, Department of the Interior.*

* * * * *

SEC. 2. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange or otherwise, the lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision. *As soon as possible after the date of the enactment of the Arches National Park Expansion Act of 1997, the Secretary of the Interior shall transfer jurisdiction over the Federal lands contained in the Lost Spring Canyon Addition from the Bureau of Land Management to the National Park Service. The lands included in the park pursuant to the Arches National Park Expansion Act of 1997 shall be administered in accordance with the laws and regulations applicable to the park.*

SEC. 3. (a) Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establish-

ment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

(b)(1) In the case of any grazing lease, permit, or license with respect to lands within the Lost Spring Canyon Addition that was issued before the date of the enactment of the Arches National Park Expansion Act of 1997, the Secretary of the Interior shall, subject to periodic renewal, continue such lease, permit, or license for a period of time equal to the lifetime of the permittee as of that date and any direct descendants of the permittee born before that date. Any such grazing lease, permit, or license shall be permanently retired at the end of such period. Pending the expiration of such period, the permittee (or a descendant of the permittee who holds the lease, permit, or license) shall be entitled to periodically renew the lease, permit, or license, subject to such limitations, conditions, or regulations as the Secretary may prescribe.

(2) Any such grazing lease, permit, or license may be sold during the period specified in paragraph (1) only on the condition that the purchaser shall, immediately upon such acquisition, permanently retire such lease, permit, or license. Nothing in this subsection shall affect other provisions concerning leases, permits, or licenses under the Taylor Grazing Act.

(3) Any portion of any grazing lease, permit, or license with respect to lands within the Lost Spring Canyon Addition shall be administered by the National Park Service.

* * * * *

SEC. 5. (a) * * *

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(c)(1) Subject to valid existing rights, Federal lands within the Lost Spring Canyon Addition are hereby appropriated and withdrawn from entry, location, selection, leasing, or other disposition under the public land laws, including the mineral leasing laws.

(2) The inclusion of the Lost Spring Canyon Addition in the park shall not affect the right of Northwest Pipeline Corporation (or its successors or assigns) to operate the natural gas pipeline located within the park and the Addition on the date of enactment of this Act and to maintain the pipeline and related facilities in a manner consistent with the requirements of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 60201 et seq.).

* * * * *

SEC. 8. LAND EXCHANGE INVOLVING SCHOOL TRUST LANDS.

(a) EXCHANGE REQUIREMENT.—If, not later than one year after the date of the enactment of the Arches National Park Expansion Act of 1997, 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 parcel of school trust lands described in subsection (b)(1) to the United States, the Secretary of the Interior shall accept the offer on behalf of the United States and, within 180 days after the date of such acceptance, transfer to the State of Utah all right, title and interest of the United States in and to the parcel of land described in subsection (b)(2). Title to the State lands shall be transferred at the

same time as conveyance of title to the Federal lands by the Secretary of the Interior. The exchange of lands 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 lands.

(b) *DESCRIPTION OF PARCELS.*—

(1) *STATE CONVEYANCE.*—The parcel of school trust lands 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 parcel of Federal lands to be conveyed by the Secretary of the Interior consists of approximately 639 acres and is identified as lots 1 through 12 located in the $S^{1/2}N^{1/2}$ and the $N^{1/2}N^{1/2}N^{1/2}S^{1/2}$ of section 1, township 25 south, range 18 east, Salt Lake base and meridian.

(3) *EQUIVALENT VALUE.*—The Federal lands described in paragraph (2) are of equivalent value to the State school trust lands described in paragraph (1).

(c) *MANAGEMENT BY STATE.*—At least 60 days before undertaking or permitting any surface disturbing activities to occur on the lands acquired by the State 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 lands and resources and conduct, in a manner consistent with Federal laws, inventory, mitigation, and management activities in connection with any archaeological, paleontological, and cultural resources located on the acquired lands. To the extent consistent with applicable law governing the use and disposition of State school trust lands, the State shall preserve existing grazing, recreational, and wildlife uses of the acquired lands. Nothing in this subsection shall be construed to preclude the State from authorizing or undertaking surface or mineral activities authorized by existing or future land management plans for the acquired lands.

(d) *IMPLEMENTATION.*—Administrative actions necessary to implement the land exchange described in this section shall be completed within 180 days after the date of the enactment of the Arches National Park Expansion Act of 1997.