

## Calendar No. 348

105TH CONGRESS }  
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SENATE

{ REPORT  
105-176

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### PETROGLYPH NATIONAL MONUMENT BOUNDARY ADJUSTMENT ACT

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APRIL 29, 1998.—Ordered to be printed

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Mr. MURKOWSKI, from the Committee on Energy and Natural  
Resources, submitted the following

### REPORT

[To accompany S. 633]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 633) to amend the Petroglyph National Monument Establishment Act of 1990 to adjust the boundary of the monument, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is 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 “Petroglyph National Monument Boundary Adjustment Act”.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the purposes for which Petroglyph National Monument (hereinafter “the monument”) was established continue to be valid;

(2) it is of mutual benefit to the trustee institutions of the New Mexico State Trust lands and the National Park Service for land exchange negotiations to be completed with all due diligence, resulting in the transfer of all State Trust lands within the boundaries of the monument to the United States in accordance with State and Federal law;

(3) because the city of Albuquerque has acquired substantial acreage within the monument boundaries, purchased with State and municipal funds, the consolidation of land ownership and jurisdiction under the National Park Service will require the consent of the city of Albuquerque, and options for National Park Service acquisition that are not currently available;

(4) corridors for the development of Paseo del Norte and Unser Boulevard are depicted on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431

note), and the alignment of the roadways was anticipated by Congress before the date of enactment of the Act;

(5) it was the expectation of the principal proponents of Petroglyph National Monument, including the cities of Albuquerque and Rio Rancho, New Mexico, and the National Park Service, that passage of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note) would allow the city of Albuquerque—

(A) to utilize the Paseo del Norte and Unser Boulevard corridors through the monument; and

(B) to design and construct infrastructure within the corridors with the cultural and natural resources of the monument in mind;

(6) the city of Albuquerque has not provided for the establishment of rights-of-way for the Paseo del Norte and Unser Boulevard corridors under the Joint Powers Agreement (PANO 78-521.81-277A), which expanded the boundary of the monument to include the Piedras Marcadas and Boca Negra units, pursuant to section 104 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note);

(7) adequate planning and cooperation between the city of Albuquerque and the National Park Service is essential to avoid resource degradation within the monument resulting from storm water runoff, and that drainage conveyances through the monument should be designed and located to provide sufficient capacity for effective runoff management; and

(8) Petroglyph National Monument will be best managed for the benefit and enjoyment of present and future generations with cooperation between the city of Albuquerque, the State of New Mexico, and the National Park Service.

#### **SEC. 3. STORM WATER DRAINAGE AND TECHNICAL ASSISTANCE.**

(a) **STORM WATER DRAINAGE.**—Within 180 days of enactment of this section, the Secretary of the Interior, acting through the Director of the National Park Service, or a designee thereof, and the city of Albuquerque, New Mexico, shall enter into negotiations to provide for the management of storm water runoff and drainage within the monument, including the design and construction of any storm water corridors, conveyances, and easements within the monument boundaries.

(b) **TECHNICAL ASSISTANCE.**—At least 120 days before the initiation of any construction within the corridor described in Exhibit B of the document referred to in subsection (c), the city of Albuquerque, New Mexico, shall provide to the Secretary of the Interior, acting through the Director of the National Park Service, design specifications of the construction project. Prior to, or upon receipt of such specifications, the Secretary, or a designee thereof, may provide the city with technical assistance in the design of any construction project within such corridor. Technical assistance provided by the Secretary shall be solely to advise the city on design.

(c) **DOCUMENT.**—The document described in this section is the document entitled “Petroglyph National Monument Roadway/Utility Corridors”, on file with the Secretary of the Interior and the mayor of the city of Albuquerque, New Mexico.

#### **SEC. 4. ACQUISITION AUTHORITY; BOUNDARY ADJUSTMENT; ADMINISTRATION AND MANAGEMENT OF THE MONUMENT.**

(a) **ACQUISITION AUTHORITY.**—Section 103(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313, 16 U.S.C. 431 note) is amended by striking “, except that lands or interests therein owned by the State or a political subdivision thereof may be acquired only by donation or exchange”, and inserting in lieu thereof: *Provided*, That no lands or interests therein owned by the State or a political subdivision thereof may be acquired by, purchase prior to—

“(1) the State or political subdivision thereof holding title to such land identifying it for disposal; and

“(2) either—

“(A) the acquisition of all private land within the monument boundary for which there is a willing seller; or

“(B) two years after a final offer (for which funds are available) is made by the Secretary to acquire all remaining private land, at fair market value.”.

(b) **BOUNDARY ADJUSTMENT.**—Section 104(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by striking “(a) Upon” and inserting the following:  
“(a)(1) Upon”; and

(3) by adding at the end the following:

“(2)(A) Notwithstanding paragraph (1), effective as of the date of enactment of this subparagraph—

“(i) the boundary of the monument is adjusted to exclude the Paseo Del Norte corridor in the Piedras Marcadas Unit described in Exhibit B of the document described in subparagraph (B); and

“(ii) the prior inclusion of the Paseo Del Norte corridor within the boundary of the monument shall have no effect on any future ownership, use, management of such corridor.

“(B) The document described in this subparagraph is the document entitled “Petroglyph National Monument Roadway/Utility Corridors,” on file with the Secretary of the Interior and the mayor of the city of Albuquerque, New Mexico.”.

(c) ADMINISTRATION AND MANAGEMENT OF THE MONUMENT.—Section 105 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313, 16 U.S.C. 431 note) is amended by adding the following new subsection—

“(f) In the event that the binding agreement providing for the expansion of the monument pursuant to section 104 is amended, in accordance with the terms of the agreement, such that responsibility for operation, maintenance and repair of any or all property within the Boca Negra or Piedras Marcadas units of the monument if transferred to the National Park Service, the Secretary may employ, at a comparable grade and salary within the National Park Service, any willing employees of the city assigned to those units.”

**SEC. 5. DOUBLE EAGLE II AIRPORT ACCESS ROAD.**

The Administrator of the Federal Aviation Administration shall allow the use of the existing access road to the Double Eagle II Airport for visitor access to the monument.

**PURPOSE OF THE MEASURE**

The purpose of S. 633 is to amend the Petroglyph National Monument Establishment Act of 1990 to exclude the 8½-acre Paseo del Norte road corridor from the monument boundaries.

**BACKGROUND AND NEED**

Petroglyph National Monument (Monument) is located west of Albuquerque, New Mexico and was established by Public Law 101–313 on June 27, 1990. The Monument contains more than 15,000 prehistoric and historic Native American and Hispanic petroglyphs (which are images carved on rocks). These artifacts date back as far as 12,000 years and are situated generally along a 17 mile escarpment on Albuquerque’s West Mesa. The Monument is comprised of 671 federal and 4,517 non-federal acres and is managed jointly between the National Park Service (NPS), the State of New Mexico (State) and the City of Albuquerque (city).

In accordance with the Monument’s enabling legislation the NPS, city and State entered into a joint powers agreement under which the NPS managed the Atrisco Unit in the southern end of the Monument, while the State-owned Boca Negra Unit and the city-owned Piedras Marcada Unit would be managed by the city pursuant to the Joint Powers Agreement. The Atrisco Unit is still directly managed by the NPS.

Over the years, residential development has grown at the north end of the Monument, but some believe development has been hampered because the Monument imposes a barrier to vehicular traffic between Albuquerque and proposed western suburbs. Proponents of S. 633 contend that Petroglyph National Monument was intended to be an urban park and that a transportation corridor known as Paseo Del Norte was always intended to transect the

Monument to link Albuquerque with any future western neighborhood growth. Opponents of the legislation are concerned that the Paseo Del Norte, if developed, would damage artifacts and sever the continuity of the Monument. Certain Native American groups maintain that development of the road corridor would degrade the importance of a culturally significant area.

In the Spring of 1992, the city issued the draft Unser Middle Transportation Corridor Study Environmental Impact Statement, with a public hearing in April of 1992. The final EIS was released November, 1992. Among its contents were provisions for realignment of Unser Boulevard (which currently runs through the Monument), and for development of Paseo Del Norte road corridor, which would transect the Monument for about 1270 feet at a narrow point in the Monument, north of the Unser Boulevard Crossing.

In June 1992, the Albuquerque City Council approved the final EIS with a provision that road construction through the Monument could not begin until the City Attorney indicated "no credible legal barriers" prevented such construction.

During the public review stage of the EIS, the NPS had recommended three alternative routes for Paseo Del Norte that would not transect the Monument, but would contour the route around the north boundary. The NPS did not oppose the realignment of Unser Boulevard.

The NPS has opposed the Paseo Del Norte route because it does not facilitate "park purposes." Conversely, the NPS has taken the position that the Unser Boulevard route (and its proposed realignment route) does promote park purposes. One of the NPS alternative routes to Paseo Del Norte, called the Calabacillas alternative, accomplished the same transportation purposes as Paseo Del Norte from the NPS perspective, but is considered economically impracticable by the city. The northern routes are also resisted by many who live in neighborhoods north of the Monument, who feel the increased traffic will have negative effects on their neighborhoods.

S. 366 would also allow the City of Albuquerque to either construct Paseo del Norte through the Monument or not, depending on local preference and would withdraw the corridor from Monument boundaries. According to the Middle Unser Transportation Corridor Study, Final Environmental Impact Statement, the Paseo Del Norte Middle Alignment will directly impact no petroglyphs within the right of way. The study notes "potential impacts" of up to 330, with the majority of those (over 260), outside of the right of way.

#### LEGISLATIVE HISTORY

S. 633 was introduced by Senator Domenici on April 23, 1997 and referred to the Committee on Energy and Natural Resources. The Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on S. 633 on October 23, 1997.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on March 12, 1998, by voice vote of a quorum present,

recommends that the Senate pass S. 633, if amended as described herein.

#### COMMITTEE AMENDMENT

During the consideration of S. 633, the Committee adopted an amendment in the nature of substitute, which added provisions affecting storm water damage, technical assistance, acquisition authority, boundary adjustment, management and the Double Eagle II Airport Access Road.

Specifically, the amendment directs the NPS and the city of begin negotiations on the management of storm water drainage through the Monument; directs the city of submit design specifications for projects in the Paseo del Norte corridor to the National Park service, and allows the NPS to provide technical assistance, in an advisory capacity, in the design of the projects; authorizes the Park Service to purchase land acquired by the city, if the city agrees, and the NPS first acquires the remaining private land within the Monument; amends section 104(a) of the Petroglyph National Monument Established Act of 1990, adjusting the boundary of the Monument to exclude the corridor for the possible extension of Paseo del Norte; provides that if the Park Service assumes management for additional units in the monument, that city employees could be hired by the Park Service; and provides for the use of the FAA road to Double Eagle II Airport to be used to improve access to the west side of the monument.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* designates the short title as the “Petroglyph National Monument Boundary Adjustment Act”.

*Section 2* presents Congressional findings as noted in the six following paragraphs:

Paragraph (1) reaffirming that the purposes for which the Monument was established continue to be valid;

Paragraph (2) states that the Monument will best be managed under a cooperative relationship between the city, the State and the NPS;

Paragraph (3) states that the consolidation of land ownership under the jurisdiction of the National Park Service will require the consent of the city. However, options for the acquisition of City and State owned lands are not currently available.

Paragraph (4) states that the corridors for Under Boulevard and Paseo del Norte were anticipated by Congress before enactment of the Monument;

Paragraph (5) states that it was the intent of the principal proponents of the Monument to allow the city to utilize the Paseo del Norte and Under Boulevard corridors through the Monument and to coordinate construction with protection of natural and cultural resources of the Monument;

Paragraph (6) finds that the city has not provided for the establishment of rights-of-way for Paseo del Norte and Under Boulevard under the Joint Powers Agreement which expanded Petroglyph National Monument.

*Section 3* directs the NPS and the city, within 180 days of enactment of this section, to enter into negotiations to provide for the management of storm water runoff and drainage within the Monument. Directs the city to provide the NPS design specifications of the construction project at least 120 days before beginning construction. The NPS may provide the city technical assistance in the design of the construction project. The section further describes the document described in this section as the "Petroglyph National Monument Roadway/Utility Corridors".

*Section 4* amends section 103(a) of the Petroglyph National Monument Act to authorize the NPS to purchase lands owned by the State or the city, but not prior to such lands being identified for disposal, and not until either the acquisition of all private land from willing sellers takes place or until two years after a final offer is made by the NPS to acquire the remaining private lands at fair market value, whichever occurs first.

The section also adjusts the boundary of the Monument to exclude the Paseo Del Norte corridor in the Piedras Macadam Unit and directs that the corridor be managed as if it had never been within the boundary of the Monument.

Finally, in the event that the Boca Negra or Piedras Marcadas units are transferred to the NPS, the Service may employ any willing employees of the city, assigned to those sites, at a comparable grade and salary.

*Section 5* directs the Federal Aviation Administration to allow the use of the existing access road to the Double Eagle II Airport for visitor access to the monument.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, April 2, 1998.*

Hon. FRANK H. MURKOWSKI,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN. The Congressional Budget Office has prepared the enclosed cost estimate for S. 633, the Petroglyph National Monument Boundary Adjustment Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts for this estimate are Deborah Reis (for federal costs) and Marjorie Miller (for the state and local impact).

Sincerely,

JAMES L. BLUM,  
(for June E. O'Neill, Director).

Enclosure.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*S. 633—Petroglyph National Monument Boundary Adjustment Act*

S. 633 would authorize the National Park Service (NPS) to purchase state- and city-owned land within the boundaries of Petroglyph National Monument in New Mexico. Under existing law, land within the monument that is owned by state or local governments may only be acquired by donation or exchange. The bill also would remove from the monument's boundaries about 8.5 acres of land owned by the city of Albuquerque. Finally, the bill would give the NPS 180 days to begin negotiations with the city to address problems involving storm water runoff within the monument.

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 633 would cost the federal government between \$40 million and \$90 million over the next three or four years. Most of the potential costs would be for acquiring up to nearly 4,300 acres of land. The land acquisition costs are very uncertain because they depend on the future decisions of the NPS, the state of New Mexico, and the city of Albuquerque. Assuming that the NPS decides—under S. 633—that it must acquire all land owned by the city and state, and that those governments are not willing to donate any of the property, the federal government would likely spend between \$30 million and \$70 million to buy up to 4,000 acres of public land. (CBO expects that another 640 acres of state trust lands and several tracts of city property would probably be exchanged for federal land under existing authority.) In addition, the NPS would probably buy about 300 acres of private land within the two units of the monument that the city and state currently manage, at a cost of \$10 million to \$20 million. The city and state were planning to purchase this acreage, but it is unlikely that they would do so if the NPS assumes their management responsibilities.

The wide range of possible costs reflects the difficulty of valuing public recreational land and of predicting future negotiations between the sellers and buyer. On the one hand, it is possible that the city and state would be willing to sell their land for what they have spent to date (about \$30 million) or donate some holdings. On the other hand, it is possible that the sellers would insist on a price that reflects their property's current market value, which would be difficult to establish for public park land. This estimate is based on information provided by the NPS, state and city officials, and other affected parties. Other provisions of the bill would have no impact on the federal budget.

Enacting S. 633 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 633 contains no intergovernmental or private-sector mandates as defined in Unfunded Mandates Reform Act of 1995 and would impose no costs on state, local, or tribal governments. As explained above, CBO estimates that the state of New Mexico and the city of Albuquerque together would receive between \$30 million and \$70 million for the sale of lands to the National Park Service, if the parties can agree on the terms of a sale and if the necessary funds are appropriated. State and local governments would also be affected by the provision removing the Paseo del Norte corridor from the

monument. This provision would facilitate the construction of a new roadway through this corridor, but the decision to build such a roadway would be left to state and local authorities.

The CBO staff contacts for this estimate are Deborah Reis (for federal costs), and Marjorie Miller (for the state and local impact). This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 633. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of S. 633, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

On March 11, 1998, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 633. These reports had not been received at the time the report on S. 633 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony of the Department of the Interior at the Subcommittee hearing follows:

#### STATEMENT BY DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you to address S. 633, the "Petroglyph National Monument Boundary Adjustment Act." S. 633, if enacted, would remove approximately 8.5 acres of land from within the present boundary of Petroglyph National Monument in order to facilitate the construction of a four to six-lane extension of an arterial roadway, known as the Paseo del Norte. We are strongly opposed to the passage of this legislation. Should the bill, as currently written, be passed by Congress, the Secretary will recommend a Presidential veto.

Petroglyph National Monument was established by Congress in 1990 to preserve and protect over 15,000 historic and prehistoric petroglyphs (rock drawings) and other significant natural and cultural resources. It was the first National Park System area specifically established to protect and interpret petroglyphs and their setting. The monument, which encompasses approximately 7,000 acres on the west side of Albuquerque, New Mexico, is dominated by the West Mesa. The West Mesa was created by

volcanic eruptions and lava flows 110,000 years ago and serves as a backdrop or canvas for the monument's cultural resources. Nearly 400 archaeological sites on the mesa top and along the base of the black volcanic escarpment preserve the story of prehistoric and historic habitation of the Rio Grande Valley. The lands within the monument remain culturally significant to the Pueblo community. Petroglyph National Monument was established to help protect these vulnerable cultural and natural resources from vandalism and urbanization, and to provide for their interpretation and enjoyment for present and future generations.

Any use, including construction, within a unit of the National Park system must be consistent with and serve park purposes according to the National Park Service Organic Act. Furthermore, any such use cannot be in derogation of the resources for which the monument was established, except as may have been or shall be directly and specifically provided by Congress. Although section 2 of S. 633 states that it was the intent of Congress to utilize the Paseo del Norte corridor through the monument, the official hearing transcripts, committee reports and public law establishing the monument make no reference to the construction of any roadway along the Paseo del Norte corridor. No legitimate park purpose exists for the 50 m.p.h. freeway-type extension route of Paseo del Norte across Petroglyph National Monument.

The proposed route for the Paseo del Norte extension would cross a portion of culturally significant land designated as a National Register district, and would disturb lands that have not been previously disturbed, and would intrude on the quality of the visitor experience to portions of the Piedras Marcadas Canyon by affecting the natural quiet of the inner canyon.

The stated purpose for Paseo del Norte is to provide improved transportation service on the west side of Albuquerque and to relieve existing and future traffic congestion on present roads. Based on this rationale, the National Park Service has consistently opposed the road as presently planned. The current proposed extension route of Paseo del Norte across the monument serves no monument or visitor-related purpose and will damage the monument's overall integrity. As is noted in the monument's general management plan, the National Park Service, the state historic preservation officer, the state attorney general, and numerous other national and local groups have recognized the monument's resources would be significantly impacted.

No Federal funds are proposed for construction of the Paseo del Norte, however, we note that section 4(f) of the Department of Transportation Act of 1966 states a policy that "special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands; wildlife and waterfowl refuges, and historic sites." If Federal funds are requested for this project, section 4(f)

would require the Department of Transportation to determine whether there is no feasible and prudent alternative and that the program includes all possible planning to minimize harm to the resources protected by the statute. This protection applies to properties of historic significance, which is a technical determination based on the historic attributes of the sites and the historic structures.

Removing land from an area that has been recognized as important to this nation's heritage for construction of a freeway or other use to accommodate strictly local needs creates a precedent that could become costly within the context of our National Park System. It sets us at odds with the original intent for establishing these areas—the determination that these resources are nationally significant.

That completes my remarks Mr. Chairman. I would be happy to answer any questions that you may have.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 633, as ordered 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);

(Public Law 101-313—June 27, 1990)

#### SEC. 103. LAND ACQUISITION AUTHORITY.

(a) The Secretary is authorized to acquire lands and interests therein within the monument boundary by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency[, except that lands or interests therein owned by the State or a political subdivision thereof may be acquired only by donation or exchange] *Provided, that no lands or interests therein owned by the State or a political subdivision thereof may be acquired by purchase prior to—*

(1) *the State or political subdivision thereof holding title to such land identifying it for disposal: and,*

(2) *either—*

(A) *the acquisition of all private land within the monument boundary for which there is a willing seller: or*

(B) *two years after a final offer (for which funds are available) is made by the Secretary to acquire all remaining private land, at fair market value.*

#### SEC. 104. EXPANSION OF THE MONUMENT.

[(a) Upon](a)(1) *Upon* the execution of a binding agreement between the Secretary, the State, and the city that the lands identified in this subsection shall be perpetually managed in accordance with section 105, the Secretary shall include such lands, totaling approximately 1,994 acres, within the monument boundary. The lands referred to in this subsection are:

[(1)](A) the approximately 1,779 acres generally known as the Piedras Macadam Unit, as depicted on the map referred to in section 102(a); and

[(2)](B) the approximately 215 acres generally known as the Boca Negro Unit, as depicted on the map referred to in section 102(a).

(2)(A) *Notwithstanding paragraph (1), effective as of the date of enactment of this subparagraph—*

*(i) the boundary of the monument is adjusted to exclude the Paseo del Norte corridor in the Piedras Macadam Unit described in Exhibit B of the document described in subparagraph (B); and*

*(ii) the prior inclusion of the Paseo del Norte corridor within the boundary of the monument shall have no effect on any future ownership, use, or management of such corridor.*

*(B) The document described in this subparagraph is the document entitled ‘Petroglyph National Monument Roadway/Utility Corridors’, on file with the Secretary of the Interior and the mayor of the City of Albuquerque, New Mexico.*

\* \* \* \* \*

**SEC. 105. ADMINISTRATION AND MANAGEMENT OF THE MONUMENT**

\* \* \* \* \*

*(f) In the event that the binding agreement providing for the expansion of the monument pursuant to section 104 is amended, in accordance with the terms of the agreement, such that responsibility for operation, maintenance and repair of any or all property within the Boca Negro or Piedras Macadam units of the monument is transferred to the National Park Service, the Secretary may employ, at a comparable grade and salary within the National Park service, any willing employees of the City assigned to those units.*

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