

***In the Senate of the United States,***

*December 7, 2004.*

*Resolved*, That the bill from the House of Representatives (H.R. 620) entitled “An Act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park. ”, do pass with the following

**AMENDMENTS:**

Strike out all after the enacting clause and insert:

1    ***TITLE I—YOSEMITE NATIONAL***  
2    ***PARK AUTHORIZED PAYMENTS.***

3    ***SEC. 101. PAYMENTS FOR EDUCATIONAL SERVICES.***

4        (a) *IN GENERAL.*—(1) *For fiscal years 2005 through*  
5 *2008, the Secretary of the Interior may provide funds to*  
6 *the Bass Lake Joint Union Elementary School District and*  
7 *the Mariposa Unified School District in the State of Cali-*  
8 *fornia for educational services to students—*

1           (A) *who are dependents of persons engaged in the*  
 2           *administration, operation, and maintenance of Yo-*  
 3           *osemite National Park; or*

4           (B) *who live within or near the park upon real*  
 5           *property owned by the United States.*

6           (2) *The Secretary's authority to make payments under*  
 7           *this section shall terminate if the State of California or*  
 8           *local education agencies do not continue to provide funding*  
 9           *to the schools referred to in subsection (a) at per student*  
 10           *levels that are no less than the amount provided in fiscal*  
 11           *year 2004.*

12           (b) *LIMITATION ON USE OF FUNDS.—Payments made*  
 13           *under this section shall only be used to pay public employ-*  
 14           *ees for educational services provided in accordance with*  
 15           *subsection (a). Payments may not be used for construction,*  
 16           *construction contracts, or major capital improvements.*

17           (c) *LIMITATION ON AMOUNT OF FUNDS.—Payments*  
 18           *made under this section shall not exceed the lesser of—*

19                   (1) *\$400,000 in any fiscal year; or*

20                   (2) *the amount necessary to provide students de-*  
 21           *scribed in subsection (a) with educational services*  
 22           *that are normally provided and generally available to*  
 23           *students who attend public schools elsewhere in the*  
 24           *State of California.*

1       (d) *SOURCE OF PAYMENTS.*—(1) *Except as otherwise*  
 2 *provided in this subsection, the Secretary may use funds*  
 3 *available to the National Park Service from appropriations,*  
 4 *donations, or fees.*

5       (2) *Funds from the following sources shall not be used*  
 6 *to make payments under this section:*

7           (A) *Any law authorizing the collection or ex-*  
 8 *penditure of entrance or use fees at units of the Na-*  
 9 *tional Park System, including the Land and Water*  
 10 *Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et*  
 11 *seq.); the recreational fee demonstration program es-*  
 12 *tablished under section 315 of the Department of the*  
 13 *Interior and Related Agencies Appropriations Act,*  
 14 *1996 (16 U.S.C. 460l–6a note); and the National*  
 15 *Park Passport Program established under section 602*  
 16 *of the National Parks Omnibus Management Act of*  
 17 *1998 (16 U.S.C. 5992).*

18           (B) *Emergency appropriations for flood recovery*  
 19 *at Yosemite National Park.*

20       (3)(A) *The Secretary may use an authorized funding*  
 21 *source to make payments under this section only if the*  
 22 *funding available to Yosemite National Park from such*  
 23 *source (after subtracting any payments to the school dis-*  
 24 *tricts authorized under this section) is greater than or equal*

1 *to the amount made available to the park for the prior fiscal*  
 2 *year, or in fiscal year 2004, whichever is greater.*

3 *(B) It is the sense of Congress that any payments made*  
 4 *under this section should not result in a reduction of funds*  
 5 *to Yosemite National Park from any specific funding*  
 6 *source, and that with respect to appropriated funds, fund-*  
 7 *ing levels should reflect annual increases in the park's oper-*  
 8 *ating base funds that are generally made to units of the*  
 9 *National Park System.*

10 **SEC. 102. AUTHORIZATION FOR PARK FACILITIES TO BE LO-**  
 11 **CATED OUTSIDE THE BOUNDARIES OF YO-**  
 12 **SEMITE NATIONAL PARK.**

13 *(a) FUNDING AUTHORITY FOR TRANSPORTATION SYS-*  
 14 *TEMS AND EXTERNAL FACILITIES.—Section 814(c) of the*  
 15 *Omnibus Parks and Public Lands Management Act of 1996*  
 16 *(16 U.S.C. 346e) is amended—*

17 *(1) in the heading by inserting “AND YOSEMITE*  
 18 *NATIONAL PARK” after “ZION NATIONAL PARK”;*

19 *(2) in the first sentence—*

20 *(A) by inserting “and Yosemite National*  
 21 *Park” after “Zion National Park”; and*

22 *(B) by inserting “for transportation systems*  
 23 *or” after “appropriated funds”; and*

24 *(3) in the second sentence by striking “facilities”*  
 25 *and inserting “systems or facilities”.*

1       (b) *CLARIFYING AMENDMENT FOR TRANSPORTATION*  
 2 *FEE AUTHORITY.*—Section 501 of the National Parks Om-  
 3 nibus Management Act of 1998 (16 U.S.C. 5981) is amend-  
 4 ed in the first sentence by striking “service contract” and  
 5 inserting “service contract, cooperative agreement, or other  
 6 contractual arrangement”.

7 ***TITLE II—RANCHO CORRAL DE***  
 8 ***TIERRA GOLDEN GATE NA-***  
 9 ***TIONAL RECREATION AREA***  
 10 ***BOUNDARY ADJUSTMENT***

11 ***SEC. 201. SHORT TITLE.***

12       This title may be cited as the “Rancho Corral de Tier-  
 13 ra Golden Gate National Recreation Area Boundary Ad-  
 14 justment Act”.

15 ***SEC. 202. GOLDEN GATE NATIONAL RECREATION AREA,***  
 16 ***CALIFORNIA.***

17       (a) *BOUNDARY ADJUSTMENT.*—Section 2(a) of Public  
 18 Law 92–589 (16 U.S.C. 460bb–1(a)) is amended—

19               (1) by striking “The recreation area shall com-  
 20 prise” and inserting the following:

21               “(1) *INITIAL LANDS.*—The recreation area shall  
 22 comprise”; and

23               (2) by striking “The following additional lands  
 24 are also” and all that follows through the period at

1       *the end of the subsection and inserting the following*  
 2       *new paragraphs:*

3               “(2) *ADDITIONAL LANDS.—In addition to the*  
 4       *lands described in paragraph (1), the recreation area*  
 5       *shall include the following:*

6               “(A) *The parcels numbered by the Assessor*  
 7       *of Marin County, California, 119-040-04, 119-*  
 8       *040-05, 119-040-18, 166-202-03, 166-010-06,*  
 9       *166-010-07, 166-010-24, 166-010-25, 119-*  
 10       *240-19, 166-010-10, 166-010-22, 119-240-03,*  
 11       *119-240-51, 119-240-52, 119-240-54, 166-*  
 12       *010-12, 166-010-13, and 119-235-10.*

13              “(B) *Lands and waters in San Mateo*  
 14       *County generally depicted on the map entitled*  
 15       *‘Sweeney Ridge Addition, Golden Gate National*  
 16       *Recreation Area’, numbered NRA GG-80,000-A,*  
 17       *and dated May 1980.*

18              “(C) *Lands acquired under the Golden Gate*  
 19       *National Recreation Area Addition Act of 1992*  
 20       *(16 U.S.C. 460bb-1 note; Public Law 102-299).*

21              “(D) *Lands generally depicted on the map*  
 22       *entitled ‘Additions to Golden Gate National*  
 23       *Recreation Area’, numbered NPS-80-076, and*  
 24       *dated July 2000/PWR-PLRPC.*

1           “(E) Lands generally depicted on the map  
 2           entitled ‘Rancho Corral de Tierra Additions to  
 3           the Golden Gate National Recreation Area’,  
 4           numbered NPS–80,079E, and dated March 2004.

5           “(3) ACQUISITION LIMITATION.—The Secretary  
 6           may acquire land described in paragraph (2)(E) only  
 7           from a willing seller.”.

8           (b) ADVISORY COMMISSION.—Section 5 of Public Law  
 9           92–589 (16 U.S.C. 460bb–4) is amended—

10           (1) by striking subsection (b) and inserting the  
 11           following new subsection:

12           “(b) MEMBERSHIP.—The Commission shall be com-  
 13           posed of 18 members appointed by the Secretary for terms  
 14           of five years each. In appointing such members, the Sec-  
 15           retary shall ensure that the interests of local, historic rec-  
 16           reational users of the recreation area are represented.”; and

17           (2) in subsection (g), by striking “cease to exist  
 18           thirty years after the enactment of this Act” and in-  
 19           serting “terminate on December 31, 2014”.

20           **SEC. 203. MANZANAR NATIONAL HISTORIC SITE ADVISORY**  
 21           **COMMISSION.**

22           Section 105(h) of Public Law 102–248 (16 U.S.C. 461  
 23           note) is amended by striking “10 years after the date of  
 24           enactment of this title” and inserting “on December 31,  
 25           2013”.

# 1     **TITLE III—OJITO WILDERNESS**

## 2     **SEC. 301. SHORT TITLE.**

3         *This title may be cited as the “Ojito Wilderness Act”.*

## 4     **SEC. 302. DEFINITIONS.**

5         *In this title:*

6             (1) *PUEBLO.*—*The term “Pueblo” means the*  
7         *Pueblo of Zia.*

8             (2) *SECRETARY.*—*The term “Secretary” means*  
9         *the Secretary of the Interior.*

10            (3) *STATE.*—*The term “State” means the State*  
11         *of New Mexico.*

12            (4) *MAP.*—*The term “map” means the map enti-*  
13         *tled “Ojito Wilderness Act” and dated October 1,*  
14         *2004.*

15            (5) *WILDERNESS.*—*The term “Wilderness”*  
16         *means the Ojito Wilderness designated under section*  
17         *303(a).*

## 18    **SEC. 303. DESIGNATION OF THE OJITO WILDERNESS.**

19         (a) *IN GENERAL.*—*In furtherance of the purposes of*  
20         *the Wilderness Act (16 U.S.C. 1131 et seq.), there is hereby*  
21         *designated as wilderness, and, therefore, as a component of*  
22         *the National Wilderness Preservation System, certain land*  
23         *in the Albuquerque District-Bureau of Land Management,*  
24         *New Mexico, which comprise approximately 11,183 acres,*



1 *as generally depicted on the map, and which shall be known*  
 2 *as the “Ojito Wilderness”.*

3 (b) *MAP AND LEGAL DESCRIPTION.*—*The map and a*  
 4 *legal description of the Wilderness shall—*

5 (1) *be filed by the Secretary with the Committee*  
 6 *on Energy and Natural Resources of the Senate and*  
 7 *the Committee on Resources of the House of Rep-*  
 8 *resentatives as soon as practicable after the date of the*  
 9 *enactment of this Act;*

10 (2) *have the same force and effect as if included*  
 11 *in this title, except that the Secretary may correct*  
 12 *clerical and typographical errors in the legal descrip-*  
 13 *tion and map; and*

14 (3) *be on file and available for public inspection*  
 15 *in the appropriate offices of the Bureau of Land*  
 16 *Management.*

17 (c) *MANAGEMENT OF WILDERNESS.*—*Subject to valid*  
 18 *existing rights, the Wilderness shall be managed by the Sec-*  
 19 *retary in accordance with the Wilderness Act (16 U.S.C.*  
 20 *1131 et seq.) and this title, except that, with respect to the*  
 21 *Wilderness, any reference in the Wilderness Act to the effec-*  
 22 *tive date of the Wilderness Act shall be deemed to be a ref-*  
 23 *erence to the date of the enactment of this Act.*

24 (d) *MANAGEMENT OF NEWLY ACQUIRED LAND.*—*If ac-*  
 25 *quired by the United States, the following land shall become*

1 *part of the Wilderness and shall be managed in accordance*  
2 *with this title and other laws applicable to the Wilderness:*

3           (1) *Section 12 of township 15 north, range 01*  
4 *west, New Mexico Principal Meridian.*

5           (2) *Any land within the boundaries of the Wil-*  
6 *derness.*

7           (e) *MANAGEMENT OF LANDS TO BE ADDED.—The*  
8 *lands generally depicted on the map as “Lands to be*  
9 *Added” shall become part of the Wilderness if the United*  
10 *States acquires, or alternative adequate access is available*  
11 *to, section 12 of township 15 north, range 01 west.*

12           (f) *RELEASE.—The Congress hereby finds and directs*  
13 *that the lands generally depicted on the map as “Lands*  
14 *to be Released” have been adequately studied for wilderness*  
15 *designation pursuant to section 603 of the Federal Land*  
16 *Policy and Management Act of 1976 (43 U.S.C. 1782) and*  
17 *no longer are subject to the requirement of section 603(c)*  
18 *of such Act (43 U.S.C. 1782(c)) pertaining to the manage-*  
19 *ment of wilderness study areas in a manner that does not*  
20 *impair the suitability of such areas for preservation as wil-*  
21 *derness.*

22           (g) *GRAZING.—Grazing of livestock in the Wilderness,*  
23 *where established before the date of the enactment of this*  
24 *Act, shall be administered in accordance with the provisions*  
25 *of section 4(d)(4) of the Wilderness Act (16 U.S.C.*

1 1133(d)(4)) and the guidelines set forth in Appendix A of  
 2 the Report of the Committee on Interior and Insular Affairs  
 3 to accompany H.R. 2570 of the One Hundred First Con-  
 4 gress (H. Rept. 101-405).

5 (h) *FISH AND WILDLIFE*.—As provided in section  
 6 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), noth-  
 7 ing in this section shall be construed as affecting the juris-  
 8 diction or responsibilities of the State with respect to fish  
 9 and wildlife in the State.

10 (i) *WATER RIGHTS*.—

11 (1) *FINDINGS*.—Congress finds that—

12 (A) the land designated as Wilderness by  
 13 this title is arid in nature and is generally not  
 14 suitable for use or development of new water re-  
 15 source facilities; and

16 (B) because of the unique nature and hy-  
 17 drology of the desert land designated as wilder-  
 18 ness by this title, it is possible to provide for  
 19 proper management and protection of the wilder-  
 20 ness and other values of lands in ways different  
 21 from those used in other legislation.

22 (2) *STATUTORY CONSTRUCTION*.—Nothing in this  
 23 title—

24 (A) shall constitute or be construed to con-  
 25 stitute either an express or implied reservation

1           *by the United States of any water or water*  
2           *rights with respect to the land designated as wil-*  
3           *derness by this title;*

4           *(B) shall affect any water rights in the*  
5           *State existing on the date of the enactment of*  
6           *this Act, including any water rights held by the*  
7           *United States;*

8           *(C) shall be construed as establishing a*  
9           *precedent with regard to any future wilderness*  
10          *designations;*

11          *(D) shall affect the interpretation of, or any*  
12          *designation made pursuant to, any other Act; or*

13          *(E) shall be construed as limiting, altering,*  
14          *modifying, or amending any of the interstate*  
15          *compacts or equitable apportionment decrees that*  
16          *apportion water among and between the State*  
17          *and other States.*

18          (3) *NEW MEXICO WATER LAW.—The Secretary*  
19          *shall follow the procedural and substantive require-*  
20          *ments of the law of the State in order to obtain and*  
21          *hold any water rights not in existence on the date of*  
22          *enactment of this Act with respect to the wilderness*  
23          *areas designated by this title.*

24          (4) *NEW PROJECTS.—*

1           (A) *WATER RESOURCE FACILITY*.—As used  
 2           in this subsection, the term “water resource  
 3           facility”—

4                   (i) means irrigation and pumping fa-  
 5                   cilities, reservoirs, water conservation  
 6                   works, aqueducts, canals, ditches, pipelines,  
 7                   wells, hydropower projects, and trans-  
 8                   mission and other ancillary facilities, and  
 9                   other water diversion, storage, and carriage  
 10                  structures; and

11                  (ii) does not include wildlife guzzlers.

12           (B) *RESTRICTION ON NEW WATER RE-*  
 13           *SOURCE FACILITIES*.—Except as otherwise pro-  
 14           vided in this Act, on and after the date of the  
 15           enactment of this Act, neither the President nor  
 16           any other officer, employee, or agent of the  
 17           United States shall fund, assist, authorize, or  
 18           issue a license or permit for the development of  
 19           any new water resource facility within the wil-  
 20           derness area designated by this title.

21           (j) *WITHDRAWAL*.—Subject to valid existing rights, the  
 22           Wilderness, the lands to be added under subsection (e), and  
 23           lands identified on the map as the “BLM Lands Authorized  
 24           to be Acquired by the Pueblo of Zia” are withdrawn from—

1           (1) *all forms of entry, appropriation, and dis-*  
 2           *posal under the public land laws;*

3           (2) *location, entry, and patent under the mining*  
 4           *laws; and*

5           (3) *operation of the mineral leasing, mineral*  
 6           *materials, and geothermal leasing laws.*

7           (k) *EXCHANGE*.—*Not later than 3 years after the date*  
 8           *of the enactment of this Act, the Secretary shall seek to com-*  
 9           *plete an exchange for State land within the boundaries of*  
 10          *the Wilderness.*

11   **SEC. 304. LAND HELD IN TRUST.**

12          (a) *IN GENERAL*.—*Subject to valid existing rights and*  
 13          *the conditions under subsection (d), all right, title, and in-*  
 14          *terest of the United States in and to the lands (including*  
 15          *improvements, appurtenances, and mineral rights to the*  
 16          *lands) generally depicted on the map as “BLM Lands Au-*  
 17          *thorized to be Acquired by the Pueblo of Zia” shall, on re-*  
 18          *ceipt of consideration under subsection (c) and adoption*  
 19          *and approval of regulations under subsection (d), be de-*  
 20          *clared by the Secretary to be held in trust by the United*  
 21          *States for the Pueblo and shall be part of the Pueblo’s Res-*  
 22          *ervation.*

23          (b) *DESCRIPTION OF LANDS*.—*The boundary of the*  
 24          *lands authorized by this section for acquisition by the Pueb-*  
 25          *lo where generally depicted on the map as immediately ad-*

1 *adjacent to CR906, CR923, and Cucho Arroyo Road shall be*  
 2 *100 feet from the center line of the road.*

3 *(c) CONSIDERATION.—*

4 *(1) IN GENERAL.—In consideration for the con-*  
 5 *veyance authorized under subsection (a), the Pueblo*  
 6 *shall pay to the Secretary the amount that is equal*  
 7 *to the fair market value of the land conveyed, as sub-*  
 8 *ject to the terms and conditions in subsection (d), as*  
 9 *determined by an independent appraisal.*

10 *(2) APPRAISAL.—To determine the fair market*  
 11 *value, the Secretary shall conduct an appraisal paid*  
 12 *for by the Pueblo that is performed in accordance*  
 13 *with the Uniform Appraisal Standards for Federal*  
 14 *Land Acquisitions and the Uniform Standards of*  
 15 *Professional Appraisal Practice.*

16 *(3) AVAILABILITY.—Any amounts paid under*  
 17 *paragraph (1) shall be available to the Secretary,*  
 18 *without further appropriation and until expended, for*  
 19 *the acquisition from willing sellers of land or interests*  
 20 *in land in the State.*

21 *(d) PUBLIC ACCESS.—*

22 *(1) IN GENERAL.—Subject to paragraph (2), the*  
 23 *declaration of trust and conveyance under subsection*  
 24 *(a) shall be subject to the continuing right of the pub-*  
 25 *lic to access the land for recreational, scenic, sci-*

entific, educational, paleontological, and conservation  
 uses, subject to any regulations for land management  
 and the preservation, protection, and enjoyment of the  
 natural characteristics of the land that are adopted  
 by the Pueblo and approved by the Secretary; Pro-  
 vided that the Secretary shall ensure that the rights  
 provided for in this paragraph are protected and that  
 a process for resolving any complaints by an ag-  
 grievied party is established.

(2) *CONDITIONS.*—*Except as provided in sub-*  
*section (f)—*

(A) *IN GENERAL.*—*The land conveyed under*  
*subsection (a) shall be maintained as open space,*  
*and the natural characteristics of the land shall*  
*be preserved in perpetuity.*

(B) *PROHIBITED USES.*—*The use of motor-*  
*ized vehicles (except on existing roads or as is*  
*necessary for the maintenance and repair of fa-*  
*cilities used in connection with grazing oper-*  
*ations), mineral extraction, housing, gaming,*  
*and other commercial enterprises shall be prohib-*  
*ited within the boundaries of the land conveyed*  
*under subsection (a).*

(e) *RIGHTS OF WAY.*—



1           (1) *EXISTING RIGHTS OF WAY.*—*Nothing in this*  
 2           *section shall affect—*

3                   (A) *any validly issued right-of-way, or the*  
 4                   *renewal thereof; or*

5                   (B) *the access for customary construction,*  
 6                   *operation, maintenance, repair, and replacement*  
 7                   *activities in any right-of-way issued, granted, or*  
 8                   *permitted by the Secretary.*

9           (2) *NEW RIGHTS OF WAY AND RENEWALS.*—

10                   (A) *IN GENERAL.*—*The Pueblo shall grant*  
 11                   *any reasonable requests for rights-of-way for*  
 12                   *utilities and pipelines over land acquired under*  
 13                   *subsection (a) that is designated as the Rights-*  
 14                   *of-Way corridor #1 as established in the Rio*  
 15                   *Puerco Resource Management Plan in effect on*  
 16                   *the date of the grant.*

17                   (B) *ADMINISTRATION.*—*Any right-of-way*  
 18                   *issued or renewed after the date of the enactment*  
 19                   *of this Act over land authorized to be conveyed*  
 20                   *by this section shall be administered in accord-*  
 21                   *ance with the rules, regulations, and fee payment*  
 22                   *schedules of the Department of the Interior, in-*  
 23                   *cluding the Rio Puerco Resources Management*  
 24                   *Plan in effect on the date of issuance or renewal*  
 25                   *of the right-of-way.*

1       (f) *JUDICIAL RELIEF.*—

2               (1) *IN GENERAL.*—*To enforce subsection (d), any*  
 3       *person may bring a civil action in the United States*  
 4       *District Court for the District of New Mexico seeking*  
 5       *declaratory or injunctive relief.*

6               (2) *SOVEREIGN IMMUNITY.*—*The Pueblo shall not*  
 7       *assert sovereign immunity as a defense or bar to a*  
 8       *civil action brought under paragraph (1).*

9               (3) *EFFECT.*—*Nothing in this section—*

10               (A) *authorizes a civil action against the*  
 11       *Pueblo for money damages, costs, or attorneys*  
 12       *fees; or*

13               (B) *except as provided in paragraph (2),*  
 14       *abrogates the sovereign immunity of the Pueblo.*

15       ***TITLE IV—WIND CAVE NATIONAL***  
 16       ***PARK BOUNDARY REVISION***

17       ***SEC. 401. SHORT TITLE.***

18       *This title may be cited as the “Wind Cave National*  
 19       *Park Boundary Revision Act of 2004”.*

20       ***SEC. 402. DEFINITIONS.***

21       *In this title:*

22               (1) *MAP.*—*The term “map” means the map enti-*  
 23       *tled “Wind Cave National Park Boundary Revision”,*  
 24       *numbered 108/80,030, and dated June 2002.*

1           (2) *PARK*.—*The term “Park” means the Wind*  
 2           *Cave National Park in the State.*

3           (3) *SECRETARY*.—*The term “Secretary” means*  
 4           *the Secretary of the Interior.*

5           (4) *STATE*.—*The term “State” means the State*  
 6           *of South Dakota.*

7   **SEC. 403. LAND ACQUISITION.**

8           (a) *AUTHORITY*.—

9           (1) *IN GENERAL*.—*The Secretary may acquire*  
 10          *the land or interest in land described in subsection*  
 11          *(b)(1) for addition to the Park.*

12          (2) *MEANS*.—*An acquisition of land under para-*  
 13          *graph (1) may be made by donation, purchase from*  
 14          *a willing seller with donated or appropriated funds,*  
 15          *or exchange.*

16          (b) *BOUNDARY*.—

17          (1) *MAP AND ACREAGE*.—*The land referred to in*  
 18          *subsection (a)(1) shall consist of approximately 5,675*  
 19          *acres, as generally depicted on the map.*

20          (2) *AVAILABILITY OF MAP*.—*The map shall be on*  
 21          *file and available for public inspection in the appro-*  
 22          *priate offices of the National Park Service.*

23          (3) *REVISION*.—*The boundary of the Park shall*  
 24          *be adjusted to reflect the acquisition of land under*  
 25          *subsection (a)(1).*

1 **SEC. 404. ADMINISTRATION.**

2       (a) *IN GENERAL.*—*The Secretary shall administer any*  
 3 *land acquired under section 403(a)(1) as part of the Park*  
 4 *in accordance with laws (including regulations) applicable*  
 5 *to the Park.*

6       (b) *TRANSFER OF ADMINISTRATIVE JURISDICTION.*—

7           (1) *IN GENERAL.*—*The Secretary shall transfer*  
 8 *from the Director of the Bureau of Land Management*  
 9 *to the Director of the National Park Service adminis-*  
 10 *trative jurisdiction over the land described in para-*  
 11 *graph (2).*

12           (2) *MAP AND ACREAGE.*—*The land referred to in*  
 13 *paragraph (1) consists of the approximately 80 acres*  
 14 *of land identified on the map as “Bureau of Land*  
 15 *Management land”.*

16 **SEC. 405. GRAZING.**

17       (a) *GRAZING PERMITTED.*—*Subject to any permits or*  
 18 *leases in existence as of the date of acquisition, the Sec-*  
 19 *retary may permit the continuation of livestock grazing on*  
 20 *land acquired under section 403(a)(1).*

21       (b) *LIMITATION.*—*Grazing under subsection (a) shall*  
 22 *be at not more than the level existing on the date on which*  
 23 *the land is acquired under section 403(a)(1).*

24       (c) *PURCHASE OF PERMIT OR LEASE.*—*The Secretary*  
 25 *may purchase the outstanding portion of a grazing permit*  
 26 *or lease on any land acquired under section 403(a)(1).*

1       (d) *TERMINATION OF LEASES OR PERMITS.*—*The Sec-*  
 2       *retary may accept the voluntary termination of a permit*  
 3       *or lease for grazing on any acquired land.*

4       ***TITLE     V—BLUNT     RESERVOIR***  
 5       ***AND   PIERRE   CANAL   LAND***  
 6       ***CONVEYANCE***

7       ***SEC. 501. SHORT TITLE.***

8       *This title may be cited as the “Blunt Reservoir and*  
 9       *Pierre Canal Land Conveyance Act of 2004”.*

10      ***SEC. 502. BLUNT RESERVOIR AND PIERRE CANAL.***

11      (a) *DEFINITIONS.*—*In this section:*

12           (1) *BLUNT RESERVOIR FEATURE.*—*The term*  
 13           *“Blunt Reservoir feature” means the Blunt Reservoir*  
 14           *feature of the Oahe Unit, James Division, authorized*  
 15           *by the Act of August 3, 1968 (82 Stat. 624), as part*  
 16           *of the Pick-Sloan Missouri River Basin program.*

17           (2) *COMMISSION.*—*The term “Commission”*  
 18           *means the Commission of Schools and Public Lands*  
 19           *of the State.*

20           (3) *NONPREFERENTIAL LEASE PARCEL.*—*The*  
 21           *term “nonpreferential lease parcel” means a parcel of*  
 22           *land that—*

23                   (A) *was purchased by the Secretary for use*  
 24                   *in connection with the Blunt Reservoir feature or*  
 25                   *the Pierre Canal feature; and*

1                   (B) was considered to be a nonpreferential  
 2                   lease parcel by the Secretary as of January 1,  
 3                   2001, and is reflected as such on the roster of  
 4                   leases of the Bureau of Reclamation for 2001.

5                   (4) *PIERRE CANAL FEATURE*.—The term “Pierre  
 6                   Canal feature” means the Pierre Canal feature of the  
 7                   Oahe Unit, James Division, authorized by the Act of  
 8                   August 3, 1968 (82 Stat. 624), as part of the Pick-  
 9                   Sloan Missouri River Basin program.

10                  (5) *PREFERENTIAL LEASEHOLDER*.—The term  
 11                  “preferential leaseholder” means a person or descend-  
 12                  ant of a person that held a lease on a preferential  
 13                  lease parcel as of January 1, 2001, and is reflected  
 14                  as such on the roster of leases of the Bureau of Rec-  
 15                  lamation for 2001.

16                  (6) *PREFERENTIAL LEASE PARCEL*.—The term  
 17                  “preferential lease parcel” means a parcel of land  
 18                  that—

19                         (A) was purchased by the Secretary for use  
 20                         in connection with the Blunt Reservoir feature or  
 21                         the Pierre Canal feature; and

22                         (B) was considered to be a preferential lease  
 23                         parcel by the Secretary as of January 1, 2001,  
 24                         and is reflected as such on the roster of leases of  
 25                         the Bureau of Reclamation for 2001.

1           (7) *SECRETARY*.—*The term “Secretary” means*  
 2           *the Secretary of the Interior, acting through the Com-*  
 3           *missioner of Reclamation.*

4           (8) *STATE*.—*The term “State” means the State*  
 5           *of South Dakota, including a successor in interest of*  
 6           *the State.*

7           (9) *UNLEASED PARCEL*.—*The term “unleased*  
 8           *parcel” means a parcel of land that—*

9                     *(A) was purchased by the Secretary for use*  
 10                    *in connection with the Blunt Reservoir feature or*  
 11                    *the Pierre Canal feature; and*

12                    *(B) is not under lease as of the date of en-*  
 13                    *actment of this Act.*

14           (b) *DEAUTHORIZATION*.—*The Blunt Reservoir feature*  
 15           *is deauthorized.*

16           (c) *ACCEPTANCE OF LAND AND OBLIGATIONS*.—

17                    (1) *IN GENERAL*.—*As a condition of each convey-*  
 18                    *ance under subsections (d)(5) and (e), respectively, the*  
 19                    *State shall agree to accept—*

20                             *(A) in “as is” condition, the portions of the*  
 21                             *Blunt Reservoir Feature and the Pierre Canal*  
 22                             *Feature that pass into State ownership;*

23                             *(B) any liability accruing after the date of*  
 24                             *conveyance as a result of the ownership, oper-*  
 25                             *ation, or maintenance of the features referred to*

1           *in subparagraph (A), including liability associ-*  
 2           *ated with certain outstanding obligations associ-*  
 3           *ated with expired easements, or any other right*  
 4           *granted in, on, over, or across either feature; and*

5           *(C) the responsibility that the Commission*  
 6           *will act as the agent for the Secretary in admin-*  
 7           *istering the purchase option extended to pref-*  
 8           *erential leaseholders under subsection (d).*

9           (2) *RESPONSIBILITIES OF THE STATE.—An out-*  
 10          *standing obligation described in paragraph (1)(B)*  
 11          *shall inure to the benefit of, and be binding upon, the*  
 12          *State.*

13          (3) *OIL, GAS, MINERAL AND OTHER OUT-*  
 14          *STANDING RIGHTS.—A conveyance to the State under*  
 15          *subsection (d)(5) or (e) or a sale to a preferential*  
 16          *leaseholder under subsection (d) shall be made subject*  
 17          *to—*

18               *(A) oil, gas, and other mineral rights re-*  
 19               *served of record, as of the date of enactment of*  
 20               *this Act, by or in favor of a third party; and*

21               *(B) any permit, license, lease, right-of-use,*  
 22               *or right-of-way of record in, on, over, or across*  
 23               *a feature referred to in paragraph (1)(A) that is*  
 24               *outstanding as to a third party as of the date of*  
 25               *enactment of this Act.*



(4) *ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.*—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) *PURCHASE OPTION.*—

(1) *IN GENERAL.*—A preferential leaseholder shall have an option to purchase from the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) *TERMS.*—

(A) *IN GENERAL.*—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined

under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) *VALUE UNDER \$10,000.*—If the value of the parcel is under \$10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) *OPTION EXERCISE PERIOD.*—

(A) *IN GENERAL.*—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) *CONTINUATION OF LEASES.*—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) *VALUATION.*—

(A) *IN GENERAL.*—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal, exclusive of the value of

1        *private improvements made by the leaseholders*  
 2        *while the land was federally owned before the*  
 3        *date of the enactment of this Act, in conformance*  
 4        *with the Uniform Appraisal Standards for Fed-*  
 5        *eral Land Acquisition.*

6                (B) *FAIR MARKET VALUE.*—*Any dispute*  
 7        *over the fair market value of a property under*  
 8        *subparagraph (A) shall be resolved in accordance*  
 9        *with section 2201.4 of title 43, Code of Federal*  
 10        *Regulations.*

11        (5) *CONVEYANCE TO THE STATE.*—

12                (A) *IN GENERAL.*—*If a preferential lease-*  
 13        *holder fails to purchase a parcel within the pe-*  
 14        *riod specified in paragraph (3)(A), the Secretary*  
 15        *shall convey the parcel to the State of South Da-*  
 16        *kota Department of Game, Fish, and Parks.*

17                (B) *WILDLIFE HABITAT MITIGATION.*—*Land*  
 18        *conveyed under subparagraph (A) shall be used*  
 19        *by the South Dakota Department of Game, Fish,*  
 20        *and Parks for the purpose of mitigating the*  
 21        *wildlife habitat that was lost as a result of the*  
 22        *development of the Pick-Sloan project.*

23                (6) *USE OF PROCEEDS.*—*Proceeds of sales of*  
 24        *land under this title shall be deposited as miscella-*  
 25        *neous funds in the Treasury and such funds shall be*

1       *made available, subject to appropriations, to the State*  
 2       *for the establishment of a trust fund to pay the coun-*  
 3       *ty taxes on the lands received by the State Depart-*  
 4       *ment of Game, Fish, and Parks under the bill.*

5       (e) *CONVEYANCE OF NONPREFERENTIAL LEASE PAR-*  
 6       *CELS AND UNLEASED PARCELS.—*

7               (1) *CONVEYANCE BY SECRETARY TO STATE.—*

8                       (A) *IN GENERAL.—Not later than 1 year*  
 9                       *after the date of enactment of this Act, the Sec-*  
 10                      *retary shall convey to the South Dakota Depart-*  
 11                      *ment of Game, Fish, and Parks the nonpref-*  
 12                      *erential lease parcels and unleased parcels of the*  
 13                      *Blunt Reservoir and Pierre Canal.*

14                    (B) *WILDLIFE HABITAT MITIGATION.—Land*  
 15                    *conveyed under subparagraph (A) shall be used*  
 16                    *by the South Dakota Department of Game, Fish,*  
 17                    *and Parks for the purpose of mitigating the*  
 18                    *wildlife habitat that was lost as a result of the*  
 19                    *development of the Pick-Sloan project.*

20               (2) *LAND EXCHANGES FOR NONPREFERENTIAL*  
 21       *LEASE PARCELS AND UNLEASED PARCELS.—*

22                       (A) *IN GENERAL.—With the concurrence of*  
 23                       *the South Dakota Department of Game, Fish,*  
 24                       *and Parks, the South Dakota Commission of*  
 25                       *Schools and Public Lands may allow a person to*

1        *exchange land that the person owns elsewhere in*  
 2        *the State for a nonpreferential lease parcel or*  
 3        *unleased parcel at Blunt Reservoir or Pierre*  
 4        *Canal, as the case may be.*

5                *(B) PRIORITY.—The right to exchange non-*  
 6        *preferential lease parcels or unleased parcels*  
 7        *shall be granted in the following order or pri-*  
 8        *ority:*

9                    *(i) Exchanges with current lessees for*  
 10        *nonpreferential lease parcels.*

11                  *(ii) Exchanges with adjoining and ad-*  
 12        *jacent landowners for unleased parcels and*  
 13        *nonpreferential lease parcels not exchanged*  
 14        *by current lessees.*

15                *(C) EASEMENT FOR WATER CONVEYANCE*  
 16        *STRUCTURE.—As a condition of the exchange of*  
 17        *land of the Pierre Canal Feature under this*  
 18        *paragraph, the United States reserves a per-*  
 19        *petual easement to the land to allow for the right*  
 20        *to design, construct, operate, maintain, repair,*  
 21        *and replace a pipeline or other water conveyance*  
 22        *structure over, under, across, or through the*  
 23        *Pierre Canal feature.*

24        *(f) RELEASE FROM LIABILITY.—*

1           (1) *IN GENERAL.*—*Effective on the date of con-*  
 2           *veyance of any parcel under this title, the United*  
 3           *States shall not be held liable by any court for dam-*  
 4           *ages of any kind arising out of any act, omission, or*  
 5           *occurrence relating to the parcel, except for damages*  
 6           *for acts of negligence committed by the United States*  
 7           *or by an employee, agent, or contractor of the United*  
 8           *States, before the date of conveyance.*

9           (2) *NO ADDITIONAL LIABILITY.*—*Nothing in this*  
 10          *section adds to any liability that the United States*  
 11          *may have under chapter 171 of title 28, United States*  
 12          *Code (commonly known as the “Federal Tort Claims*  
 13          *Act”).*

14          (g) *REQUIREMENTS CONCERNING CONVEYANCE OF*  
 15          *LEASE PARCELS.*—

16           (1) *INTERIM REQUIREMENTS.*—*During the pe-*  
 17           *riod beginning on the date of enactment of this Act*  
 18           *and ending on the date of conveyance of the parcel,*  
 19           *the Secretary shall continue to lease each preferential*  
 20           *lease parcel or nonpreferential lease parcel to be con-*  
 21           *veyed under this section under the terms and condi-*  
 22           *tions applicable to the parcel on the date of enactment*  
 23           *of this Act.*

24           (2) *PROVISION OF PARCEL DESCRIPTIONS.*—*Not*  
 25           *later than 180 days after the date of enactment of this*

1       *Act, the Secretary shall provide the State a full legal*  
 2       *description of all preferential lease parcels and non-*  
 3       *preferential lease parcels that may be conveyed under*  
 4       *this section.*

5       (h) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
 6       *authorized to be appropriated to carry out this title*  
 7       *\$750,000 to reimburse the Secretary for expenses incurred*  
 8       *in implementing this title, and such sums as are necessary*  
 9       *to reimburse the Commission for expenses incurred imple-*  
 10       *menting this title, not to exceed 10 percent of the cost of*  
 11       *each transaction conducted under this title.*

12               ***TITLE VI—HOLLOMAN AIR***  
 13               ***FORCE BASE LAND EXCHANGE***

14       ***SEC. 601. LAND EXCHANGE, PRIVATE AND PUBLIC LAND IN***  
 15                       ***VICINITY OF HOLLOMAN AIR FORCE BASE,***  
 16                       ***NEW MEXICO.***

17       (a) *CONVEYANCE OF PUBLIC LAND.—In exchange for*  
 18       *the land described in subsection (b), the Secretary of the*  
 19       *Interior shall convey to Randal, Jeffrey, and Timothy*  
 20       *Rabon of Otero County, New Mexico (in this section referred*  
 21       *to as the “Rabons”), all right, title, and interest of the*  
 22       *United States in and to certain public land administered*  
 23       *by the Secretary through the Bureau of Land Management*  
 24       *consisting of a total of approximately 320 acres, as depicted*  
 25       *on the map entitled “Alamogordo Rabon Land Exchange”*

1 *and dated September 24, 2004, and more specifically de-*  
2 *scribed as follows:*

3           (1) *SE1/4 of section 6, township 17 south, range*  
4           *10 east, New Mexico principal meridian.*

5           (2) *N1/2N1/2 of section 7, township 17 south,*  
6           *range 10 east, New Mexico principal meridian.*

7           (b) *CONSIDERATION.—As consideration for the convey-*  
8 *ance of the real property under subsection (a), the Rabons*  
9 *shall convey to the United States all right, title, and interest*  
10 *held by the Rabons in and to three parcels of land depicted*  
11 *on the map referred to in subsection (a), which consists of*  
12 *approximately 241 acres, is contiguous to Holloman Air*  
13 *Force Base, New Mexico, and is located within the required*  
14 *safety zone surrounding munitions storage bunkers at the*  
15 *installation. The Secretary shall assume jurisdiction over*  
16 *the land acquired under this subsection. The three parcels*  
17 *are more specifically described as follows:*

18           (1) *Lot 4 in the S1/2 of section 30, township 16*  
19           *south, range 9 east, New Mexico principal meridian,*  
20           *consisting of approximately 17.6 acres.*

21           (2) *E1/2SW1/4 of section 31, township 16 south,*  
22           *range 9 east, New Mexico principal meridian, con-*  
23           *sisting of approximately 80 acres.*



1           (3) *Lots 1, 2, 3, and 4 of section 31, township*  
 2           *16 south, range 9 east, New Mexico principal merid-*  
 3           *ian, consisting of approximately 143 acres.*

4           (c) *INTERESTS INCLUDED IN EXCHANGE.*—*Subject to*  
 5           *valid existing rights, the land exchange under this section*  
 6           *shall include conveyance of all surface, subsurface, mineral,*  
 7           *and water rights in the lands.*

8           (d) *COMPLIANCE WITH EXISTING LAW.*—(1) *The Sec-*  
 9           *retary shall carry out the land exchange under this section*  
 10           *in the manner provided in section 206 of the Federal Land*  
 11           *Policy Management Act of 1976 (43 U.S.C. 1716). Notwith-*  
 12           *standing subsection (b) of such section, if necessary, a cash*  
 13           *equalization payment may be made in excess of 25 percent*  
 14           *of the appraised value the public land to be conveyed under*  
 15           *subsection (a).*

16           (2) *The cost of the appraisals performed as part of the*  
 17           *land exchange shall be borne by the Secretary.*

18           (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*  
 19           *retary may require such additional terms and conditions*  
 20           *in connection with the land exchange under this section as*  
 21           *the Secretary considers appropriate to protect the interests*  
 22           *of the United States.*

1 **TITLE VII—COMMONWEALTH OF**  
 2 **THE NORTHERN MARIANA IS-**  
 3 **LANDS**

4 **SEC. 701. COMMONWEALTH OF THE NORTHERN MARIANA**  
 5 **ISLANDS.**

6 (a) *IN GENERAL.*—Section 19(b) of Public Law 99-  
 7 396 (48 U.S.C. 1469a–1) is amended by adding at the end  
 8 the following: “Amounts to be covered over pursuant to sec-  
 9 tion 703(b) of the Covenant to establish the Commonwealth  
 10 of the Northern Mariana Islands shall include the proceeds  
 11 of all taxes, fees, and other collections, including on estates  
 12 and gifts, derived from the Commonwealth or activities  
 13 therein or its inhabitants and residents, with the sole excep-  
 14 tion of taxes imposed under chapters 2 and 21 of the Inter-  
 15 nal Revenue Code of 1986, as specifically excluded under  
 16 703(b) of the Covenant, together with interest on any  
 17 amounts not covered over within 1 year of the date of re-  
 18 ceipt.”.

19 (b) *SETTLEMENT.*—The Secretary of the Interior shall  
 20 review the analysis and methodology submitted by the Com-  
 21 monwealth of the Northern Mariana Islands for amounts  
 22 due under section 703(b) of the Covenant to Establish a  
 23 Commonwealth of the Northern Mariana Islands in Polit-  
 24 ical Union with the United States of America (90 Stat.  
 25 263) and shall negotiate with the Governor of the Common-

1 *wealth to reach a settlement for all past due sums set forth*  
 2 *in the analysis as well as other sums, such as excise taxes*  
 3 *and other collections applicable in or to the Commonwealth.*  
 4 *Any settlement shall be conditioned on the Commonwealth*  
 5 *executing a full and final release of any and all claims*  
 6 *under section 703(b) of the Covenant and submission of a*  
 7 *plan for the expenditure of all funds for essential infrastruc-*  
 8 *ture for education and water.*

9 ***TITLE VIII—UNITED STATES-***  
 10 ***MEXICO TRANSBOUNDARY***  
 11 ***AQUIFER ASSESSMENT***

12 ***SEC. 801. SHORT TITLE.***

13 *This title may be cited as the “United States-Mexico*  
 14 *Transboundary Aquifer Assessment Act”.*

15 ***SEC. 802. PURPOSE.***

16 *The purpose of this title is to direct the Secretary of*  
 17 *the Interior to establish a United States-Mexico*  
 18 *transboundary aquifer assessment program to—*

19 *(1) systematically assess priority transboundary*  
 20 *aquifers; and*

21 *(2) provide the scientific foundation necessary*  
 22 *for State and local officials to address pressing water*  
 23 *resource challenges in the United States-Mexico border*  
 24 *region.*

1 **SEC. 803. DEFINITIONS.**

2 *In this title:*

3 (1) *AQUIFER.*—*The term “aquifer” means a sub-*  
 4 *surface water-bearing geologic formation from which*  
 5 *significant quantities of water may be extracted.*

6 (2) *BORDER STATE.*—*The term “Border State”*  
 7 *means each of the States of Arizona, California, New*  
 8 *Mexico, and Texas.*

9 (3) *INDIAN TRIBE.*—*The term “Indian tribe”*  
 10 *means an Indian tribe, band, nation, or other orga-*  
 11 *nized group or community—*

12 *(A) that is recognized as eligible for the spe-*  
 13 *cial programs and services provided by the*  
 14 *United States to Indians because of their status*  
 15 *as Indians; and*

16 *(B) the reservation of which includes a*  
 17 *transboundary aquifer within the exterior bound-*  
 18 *aries of the reservation.*

19 (4) *PRIORITY TRANSBOUNDARY AQUIFER.*—*The*  
 20 *term “priority transboundary aquifer” means a*  
 21 *transboundary aquifer that has been designated for*  
 22 *study and analysis under the program.*

23 (5) *PROGRAM.*—*The term “program” means the*  
 24 *United States-Mexico transboundary aquifer assess-*  
 25 *ment program established under section 804(a).*

1           (6) *RESERVATION.*—*The term “reservation”*  
 2           *means land that has been set aside or that has been*  
 3           *acknowledged as having been set aside by the United*  
 4           *States for the use of an Indian tribe, the exterior*  
 5           *boundaries of which are more particularly defined in*  
 6           *a final tribal treaty, agreement, executive order, Fed-*  
 7           *eral statute, secretarial order, or judicial determina-*  
 8           *tion.*

9           (7) *SECRETARY.*—*The term “Secretary” means*  
 10          *the Secretary of the Interior, acting through the Di-*  
 11          *rector of the United States Geological Survey.*

12          (8) *TRANSBOUNDARY AQUIFER.*—*The term*  
 13          *“transboundary aquifer” means an aquifer that*  
 14          *underlies the boundary between the United States and*  
 15          *Mexico.*

16          (9) *TRI-REGIONAL PLANNING GROUP.*—*The term*  
 17          *“Tri-Regional Planning Group” means the binational*  
 18          *planning group comprised of—*

19                 (A) *the Junta Municipal de Agua y*  
 20                 *Saneamiento de Ciudad Juarez;*

21                 (B) *the El Paso Water Utilities Public*  
 22                 *Service Board; and*

23                 (C) *the Lower Rio Grande Water Users Or-*  
 24                 *ganization.*

1           (10) *WATER RESOURCES RESEARCH INSTI-*  
 2           *TUTES.—The term “water resources research insti-*  
 3           *tutes” means the institutes within the Border States*  
 4           *established under section 104 of the Water Resources*  
 5           *Research Act of 1984 (42 U.S.C. 10303).*

6 **SEC. 804. ESTABLISHMENT OF PROGRAM.**

7           (a) *IN GENERAL.—The Secretary, in consultation and*  
 8           *cooperation with the Border States, the water resources re-*  
 9           *search institutes, Sandia National Laboratories, and other*  
 10          *appropriate entities in the United States and Mexico, shall*  
 11          *carry out the United States-Mexico transboundary aquifer*  
 12          *assessment program to characterize, map, and model*  
 13          *transboundary groundwater resources along the United*  
 14          *States-Mexico border at a level of detail determined to be*  
 15          *appropriate for the particular aquifer.*

16          (b) *OBJECTIVES.—The objectives of the program are*  
 17          *to—*

18               (1) *develop and implement an integrated sci-*  
 19               *entific approach to assess transboundary groundwater*  
 20               *resources, including—*

21                       (A)(i) *identifying fresh and saline*  
 22                       *transboundary aquifers; and*

23                       (ii) *prioritizing the transboundary aquifers*  
 24                       *for further analysis by assessing—*

- 1                   (I) the proximity of the transboundary
- 2                   aquifer to areas of high population density;
- 3                   (II) the extent to which the
- 4                   transboundary aquifer is used;
- 5                   (III) the susceptibility of the
- 6                   transboundary aquifer to contamination;
- 7                   and
- 8                   (IV) any other relevant criteria;
- 9                   (B) evaluating all available data and publi-
- 10                  cations as part of the development of study plans
- 11                  for each priority transboundary aquifer;
- 12                  (C) creating a new, or enhancing an exist-
- 13                  ing, geographic information system database to
- 14                  characterize the spatial and temporal aspects of
- 15                  each priority transboundary aquifer; and
- 16                  (D) using field studies, including support
- 17                  for and expansion of ongoing monitoring and
- 18                  metering efforts, to develop—
- 19                   (i) the additional data necessary to
- 20                   adequately define aquifer characteristics;
- 21                   and
- 22                   (ii) scientifically sound groundwater
- 23                   flow models to assist with State and local
- 24                   water management and administration, in-

1                   cluding modeling of relevant groundwater  
2                   and surface water interactions;

3                   (2) expand existing agreements, as appropriate,  
4                   between the United States Geological Survey, the Bor-  
5                   der States, the water resources research institutes, and  
6                   appropriate authorities in the United States and  
7                   Mexico, to—

8                   (A) conduct joint scientific investigations;

9                   (B) archive and share relevant data; and

10                  (C) carry out any other activities consistent  
11                  with the program; and

12                  (3) produce scientific products for each priority  
13                  transboundary aquifer that—

14                  (A) are capable of being broadly distributed;

15                  and

16                  (B) provide the scientific information need-  
17                  ed by water managers and natural resource  
18                  agencies on both sides of the United States-Mex-  
19                  ico border to effectively accomplish the missions  
20                  of the managers and agencies.

21                  (c) *DESIGNATION OF PRIORITY TRANSBOUNDARY*  
22                  *AQUIFERS.*—

23                  (1) *IN GENERAL.*—For purposes of the program,  
24                  the Secretary shall designate as priority  
25                  transboundary aquifers—



1                   (A) the Hueco Bolson and Mesilla aquifers  
 2                   underlying parts of Texas, New Mexico, and  
 3                   Mexico; and

4                   (B) the Santa Cruz River Valley aquifers  
 5                   underlying Arizona and Sonora, Mexico.

6                   (2) *ADDITIONAL AQUIFERS.*—The Secretary  
 7                   shall, using the criteria under subsection (b)(1)(A)(ii),  
 8                   evaluate and designate additional priority  
 9                   transboundary aquifers.

10                  (d) *COOPERATION WITH MEXICO.*—To ensure a com-  
 11                  prehensive assessment of transboundary aquifers, the Sec-  
 12                  retary shall, to the maximum extent practicable, work with  
 13                  appropriate Federal agencies and other organizations to de-  
 14                  velop partnerships with, and receive input from, relevant  
 15                  organizations in Mexico to carry out the program.

16                  (e) *GRANTS AND COOPERATIVE AGREEMENTS.*—The  
 17                  Secretary may provide grants or enter into cooperative  
 18                  agreements and other agreements with the water resources  
 19                  research institutes and other Border State entities to carry  
 20                  out the program.

21 **SEC. 805. IMPLEMENTATION OF PROGRAM.**

22                  (a) *COORDINATION WITH STATES, TRIBES, AND*  
 23                  *OTHER ENTITIES.*—The Secretary shall coordinate the ac-  
 24                  tivities carried out under the program with—

1           (1) *the appropriate water resource agencies in*  
 2       *the Border States;*

3           (2) *any affected Indian tribes; and*

4           (3) *any other appropriate entities that are con-*  
 5       *ducting monitoring and metering activity with re-*  
 6       *spect to a priority transboundary aquifer.*

7       (b) *NEW ACTIVITY.*—*After the date of enactment of this*  
 8       *Act, the Secretary shall not initiate any new field studies*  
 9       *or analyses under the program before consulting with, and*  
 10       *coordinating the activity with, any Border State water re-*  
 11       *source agencies that have jurisdiction over the aquifer.*

12       (c) *STUDY PLANS; COST ESTIMATES.*—

13           (1) *IN GENERAL.*—*The Secretary shall work*  
 14       *closely with appropriate Border State water resource*  
 15       *agencies, water resources research institutes, and*  
 16       *other relevant entities to develop a study plan,*  
 17       *timeline, and cost estimate for each priority*  
 18       *transboundary aquifer to be studied under the pro-*  
 19       *gram.*

20           (2) *REQUIREMENTS.*—*A study plan developed*  
 21       *under paragraph (1) shall, to the maximum extent*  
 22       *practicable—*

23                (A) *integrate existing data collection and*  
 24                *analyses conducted with respect to the priority*  
 25                *transboundary aquifer;*

1                   (B) if applicable, improve and strengthen  
 2                   existing groundwater flow models developed for  
 3                   the priority transboundary aquifer; and

4                   (C) be consistent with appropriate State  
 5                   guidelines and goals.

6 **SEC. 806. EFFECT.**

7           Nothing in this title affects—

8                   (1) the jurisdiction or responsibility of a Border  
 9                   State with respect to managing surface or ground-  
 10                  water resources in the Border State; or

11                  (2) the water rights of any person or entity  
 12                  using water from a transboundary aquifer.

13 **SEC. 807. REPORTS.**

14           Not later than 5 years after the date of enactment of  
 15           this Act, and on completion of the program in fiscal year  
 16           2014, the Secretary shall submit to the appropriate water  
 17           resource agency in the Border States, an interim and final  
 18           report, respectively, that describes—

19                   (1) any activities carried out under the program;

20                   (2) any conclusions of the Secretary relating to  
 21                   the status of transboundary aquifers; and

22                   (3) the level of participation in the program of  
 23                   entities in Mexico.

1 **SEC. 808. AUTHORIZATION OF APPROPRIATIONS.**

2       (a) *IN GENERAL.*—There are authorized to be appro-  
3 priated to carry out this title \$50,000,000 for the period  
4 of fiscal years 2005 through 2014.

5       (b) *DISTRIBUTION OF FUNDS.*—Of the amounts made  
6 available under subsection (a), 50 percent shall be made  
7 available to the water resources research institutes to pro-  
8 vide funding to appropriate entities in the Border States  
9 (including Sandia National Laboratories, State agencies,  
10 universities, the Tri-Regional Planning Group, and other  
11 relevant organizations) and Mexico to conduct activities  
12 under the program, including the binational collection and  
13 exchange of scientific data.

14       **TITLE IX—CASTILLO DE SAN**  
15       **MARCOS NATIONAL MONUMENT**  
16       **Subtitle A—Castillo de San Marcos**  
17       **National Monument Preserva-**  
18       **tion Act**

19 **SEC. 901. SHORT TITLE.**

20       This subtitle may be cited as the “Castillo de San  
21 Marcos National Monument Preservation and Education  
22 Act”.

23 **SEC. 902. VISITOR CENTER.**

24       (a) *AUTHORIZATION.*—Subject to the availability of  
25 appropriations and the project being prioritized in the Na-  
26 tional Park Services 5-year, line-item construction pro-

1 gram, the Secretary of the Interior (referred to in this sec-  
 2 tion as the “Secretary”) may design and construct a Visitor  
 3 Center for the Castillo de San Marcos National Monument  
 4 (referred to in this section as the “Monument”).

5 (b) *PREFERRED ALTERNATIVE.*—The Visitor Center  
 6 authorized in subsection (a) shall be located and constructed  
 7 in accordance with the Preferred Alternative identified in  
 8 the Record of Decision for the General Management Plan  
 9 for the Monument, expected to be signed in 2005.

10 **SEC. 903. COOPERATIVE AGREEMENT.**

11 The Secretary may enter into cooperative agreements  
 12 with the City of St. Augustine, Florida, the Colonial St.  
 13 Augustine Preservation Foundation, other Federal, State,  
 14 and local departments or agencies, academic institutions,  
 15 and non-profit entities for the planning and design, con-  
 16 struction, management, and operation of the Visitor Center.

17 **SEC. 904. BOUNDARY EXPANSION.**

18 (a) *PROPERTY ACQUISITION.*—If the Preferred Alter-  
 19 native for the Visitor Center authorized by section 902 is  
 20 located outside the boundary of the Monument, the Sec-  
 21 retary is authorized to acquire the site for the Visitor Cen-  
 22 ter, from willing sellers, by donation, purchase with do-  
 23 nated or appropriated funds, or by exchange.

24 (b) *ADMINISTRATION OF NEWLY ACQUIRED LAND.*—  
 25 Land added to the Monument pursuant to subsection (a)

1 *shall be administered by the Secretary in accordance with*  
 2 *applicable laws and regulations.*

3 *(c) BOUNDARY MODIFICATION.—The boundary of the*  
 4 *Monument shall be modified to reflect the acquisition of*  
 5 *land authorized in subsection (a) after completion of the*  
 6 *acquisition.*

7 **SEC. 905. PROJECT APPROVAL.**

8 *Prior to initiating any planning, design, or construc-*  
 9 *tion on the Visitor Center authorized by section 902, the*  
 10 *project must be reviewed and approved by the National*  
 11 *Park Service consistent with partnership construction*  
 12 *guidelines established by that agency.*

13 ***Subtitle B—Castillo de San Marcos***  
 14 ***National Monument Boundary***  
 15 ***Modification***

16 **SEC. 911. SHORT TITLE.**

17 *This subtitle may be cited as the “Castillo de San*  
 18 *Marcos National Monument Boundary Adjustment Act of*  
 19 *2004”.*

20 **SEC. 912. FINDINGS.**

21 *Congress finds the following:*

22 *(1) The early defense lines for Fort Marion,*  
 23 *Florida, today known as the Castillo de San Marcos*  
 24 *National Monument, included defenses extending in a*

1       *line due west to the Sebastian River, a distance of*  
2       *about one half mile.*

3               *(2) In the 1830's, during the Seminole Wars in*  
4       *Florida, these defensive lines were maintained, but as*  
5       *Florida became more settled they fell into disrepair*  
6       *and/or became obsolete.*

7               *(3) In 1908 the War Department deeded much of*  
8       *the property running west to the Sebastian River to*  
9       *the St. Johns County Board of Public Instruction.*  
10       *The portion of this property remaining in federal*  
11       *ownership today is occupied by Orange Street, a City*  
12       *of St. Augustine, Florida street.*

13               *(4) For nearly a century, the City of St. Augus-*  
14       *tine has maintained and managed Orange Street, a*  
15       *modern city street, and associated utilities in the Or-*  
16       *ange Street corridor.*

17               *(5) Any archeological remains that are still*  
18       *present on the property overlaid by Orange Street are*  
19       *adequately protected by the City's archeological ordi-*  
20       *nances, and by the City having an archeologist on*  
21       *staff.*

22               *(6) Although the city currently operates Orange*  
23       *Street under a right-of-way from the National Park*  
24       *Service, from a management perspective it is appro-*

1        *priate for the City of St. Augustine to own Orange*  
 2        *Street.*

3    **SEC. 913. BOUNDARY ADJUSTMENT.**

4        *(a) CONVEYANCE OF LAND.—The Secretary of the Inte-*  
 5        *rior shall convey, without consideration, to the City of St.*  
 6        *Augustine, Florida, all right, title, and interest of the*  
 7        *United States in and to the lands known as Orange Street,*  
 8        *a portion of the Castillo de San Marcos National Monument*  
 9        *(Monument), consisting of approximately 3.1 acres, as*  
 10       *shown on the map entitled Castillo de San Marcos National*  
 11       *Monument Boundary Adjustment and Correction, num-*  
 12       *bered 343/80060, and dated April 2003. Upon completion*  
 13       *of the conveyance, the Secretary shall revise the boundary*  
 14       *of the Monument to exclude the land conveyed.*

15       *(b) BOUNDARY REVISION.—Effective on the date of the*  
 16       *enactment of this Act, the boundary of the Monument is*  
 17       *revised to include an area of approximately 0.45 acres, as*  
 18       *shown on the map identified in subsection (a). The Sec-*  
 19       *retary shall administer the lands included in the boundary*  
 20       *as part of the national monument in accordance with ap-*  
 21       *plicable laws and regulations.*



1 **TITLE X—NORTHERN CALI-**  
 2 **FORNIA COASTAL WILD HER-**  
 3 **ITAGE WILDERNESS**

4 **SEC. 1001. SHORT TITLE.**

5 *This title may be cited as the “Northern California*  
 6 *Coastal Wild Heritage Wilderness Act”.*

7 **SEC. 1002. DEFINITION OF SECRETARY.**

8 *In this title, the term “Secretary” means—*

9 *(1) with respect to land under the jurisdiction of*  
 10 *the Secretary of Agriculture, the Secretary of Agri-*  
 11 *culture; and*

12 *(2) with respect to land under the jurisdiction of*  
 13 *the Secretary of the Interior, the Secretary of the Inte-*  
 14 *rior.*

15 **SEC. 1003. DESIGNATION OF WILDERNESS AREAS.**

16 *In accordance with the Wilderness Act (16 U.S.C. 1131*  
 17 *et seq.), the following areas in the State of California are*  
 18 *designated as wilderness areas and as components of the*  
 19 *National Wilderness Preservation System:*

20 *(1) SNOW MOUNTAIN WILDERNESS ADDITION.—*

21 *(A) IN GENERAL.—Certain land in the*  
 22 *Mendocino National Forest, comprising approxi-*  
 23 *mately 23,312 acres, as generally depicted on the*  
 24 *maps described in subparagraph (B), is incor-*  
 25 *porated in and shall considered to be a part of*

the “Snow Mountain Wilderness”, as designated by section 101(a)(31) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425).

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled “Skeleton Glade Unit, Snow Mountain Proposed Wilderness Addition, Mendocino National Forest” and dated September 17, 2004; and

(ii) the map entitled “Bear Creek/Deafy Glade Unit, Snow Mountain Wilderness Addition, Mendocino National Forest” and dated September 17, 2004.

(2) SANHEDRIN WILDERNESS.—Certain land in the Mendocino National Forest, comprising approximately 10,571 acres, as generally depicted on the map entitled “Sanhedrin Proposed Wilderness, Mendocino National Forest” and dated September 17, 2004, which shall be known as the “Sanhedrin Wilderness”.

(3) YUKI WILDERNESS.—Certain land in the Mendocino National Forest and certain land administered by the Bureau of Land Management in Lake and Mendocino Counties, California, together comprising approximately 54,087 acres, as generally de-

1     *pictured on the map entitled “Yuki Proposed Wilder-*  
 2     *ness” and dated October 28, 2004, which shall be*  
 3     *known as the “Yuki Wilderness”.*

4             (4) *YOLLA BOLLY-MIDDLE EEL WILDERNESS AD-*  
 5     *DITION.—Certain land in the Mendocino National*  
 6     *Forest and certain land administered by the Bureau*  
 7     *of Land Management in Mendocino County, Cali-*  
 8     *fornia, together comprising approximately 25,806*  
 9     *acres, as generally depicted on the map entitled “Mid-*  
 10    *dle Fork Eel, Smokehouse and Big Butte Units, Yolla*  
 11    *Bolly-Middle Eel Proposed Wilderness Addition” and*  
 12    *dated October 28, 2004, is incorporated in and shall*  
 13    *considered to be a part of the Yolla Bolly-Middle Eel*  
 14    *Wilderness, as designated by section 3 of the Wilder-*  
 15    *ness Act (16 U.S.C. 1132).*

16            (5) *MAD RIVER BUTTES WILDERNESS.—Certain*  
 17    *land in the Six Rivers National Forest, comprising*  
 18    *approximately 6,494 acres, as generally depicted on*  
 19    *the map entitled “Mad River Buttes, Mad River Pro-*  
 20    *posed Wilderness” and dated September 17, 2004,*  
 21    *which shall be known as the “Mad River Buttes Wil-*  
 22    *derness”.*

23            (6) *SISKIYOU WILDERNESS ADDITION.—*

24                (A) *IN GENERAL.—Certain land in the Six*  
 25    *Rivers National Forest, comprising approxi-*

1 *mately 48,754 acres, as generally depicted on the*  
 2 *maps described in subparagraph (B), is incor-*  
 3 *porated in and shall be considered to be a part*  
 4 *of the Siskiyou Wilderness, as designated by sec-*  
 5 *tion 101(a)(30) of the California Wilderness Act*  
 6 *of 1984 (16 U.S.C. 1132 note; Public Law 98–*  
 7 *425).*

8 *(B) DESCRIPTION OF MAPS.—The maps re-*  
 9 *ferred to in subparagraph (A) are—*

10 *(i) the map entitled “Bear Basin Butte*  
 11 *Unit, Siskiyou Proposed Wilderness Addi-*  
 12 *tions, Six Rivers National Forest” and*  
 13 *dated October 28, 2004;*

14 *(ii) the map entitled “Blue Creek Unit,*  
 15 *Siskiyou Proposed Wilderness Addition, Six*  
 16 *Rivers National Forest” and dated October*  
 17 *28, 2004;*

18 *(iii) the map entitled “Blue Ridge*  
 19 *Unit, Siskiyou Proposed Wilderness Addi-*  
 20 *tion, Six Rivers National Forest” and dated*  
 21 *September 17, 2004;*

22 *(iv) the map entitled “Broken Rib*  
 23 *Unit, Siskiyou Proposed Wilderness Addi-*  
 24 *tion, Six Rivers National Forest” and dated*  
 25 *September 17, 2004; and*

1                   (v) the map entitled “Wooly Bear  
2                   Unit, Siskiyou Proposed Wilderness Addi-  
3                   tion, Six Rivers National Forest” and dated  
4                   September 27, 2004.

5                   (7) MOUNT LASSIC WILDERNESS.—Certain land  
6                   in the Six Rivers National Forest, comprising ap-  
7                   proximately 7,279 acres, as generally depicted on the  
8                   map entitled “Mt. Lassic Proposed Wilderness” and  
9                   dated September 17, 2004, which shall be known as  
10                  the “Mount Lassic Wilderness”.

11                  (8) TRINITY ALPS WILDERNESS ADDITION.—

12                   (A) IN GENERAL.—Certain land in the Six  
13                   Rivers National Forest, comprising approxi-  
14                   mately 28,805 acres, as generally depicted on the  
15                   maps described in subparagraph (B) and which  
16                   is incorporated in and shall be considered to be  
17                   a part of the Trinity Alps Wilderness as des-  
18                   ignated by section 101(a)(34) of the California  
19                   Wilderness Act of 1984 (16 U.S.C. 1132 note;  
20                   Public Law 98–425).

21                   (B) DESCRIPTION OF MAPS.—The maps re-  
22                   ferred to in subparagraph (A) are—

23                   (i) the map entitled “Orleans Moun-  
24                   tain Unit (Boise Creek), Trinity Alps Pro-

posed Wilderness Addition, Six Rivers National Forest”, and dated October 28, 2004;

(ii) the map entitled “East Fork Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest” and dated September 17, 2004;

(iii) the map entitled “Horse Linto Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest” and dated September 17, 2004; and

(iv) the map entitled “Red Cap Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest” and dated September 17, 2004.

(9) UNDERWOOD WILDERNESS.—Certain land in the Six Rivers National Forest, comprising approximately 2,977 acres, as generally depicted on the map entitled “Underwood Proposed Wilderness, Six Rivers National Forest” and dated September 17, 2004, which shall be known as the “Underwood Wilderness”.

(10) CACHE CREEK WILDERNESS.—Certain land administered by the Bureau of Land Management in Lake County, California, comprising approximately 30,870 acres, as generally depicted on the map entitled “Cache Creek Wilderness Area” and dated Sep-

1        *tember 27, 2004, which shall be known as the “Cache*  
2        *Creek Wilderness”.*

3            (11) *CEDAR ROUGHS WILDERNESS.*—*Certain*  
4        *land administered by the Bureau of Land Manage-*  
5        *ment in Napa County, California, comprising ap-*  
6        *proximately 6,350 acres, as generally depicted on the*  
7        *map entitled “Cedar Roughs Wilderness Area” and*  
8        *dated September 27, 2004, which shall be known as*  
9        *the “Cedar Roughs Wilderness”.*

10          (12) *SOUTH FORK EEL RIVER WILDERNESS.*—  
11        *Certain land administered by the Bureau of Land*  
12        *Management in Mendocino County, California, com-*  
13        *prising approximately 12,915 acres, as generally de-*  
14        *picted on the map entitled “South Fork Eel River*  
15        *Wilderness Area and Elkhorn Ridge Potential Wilder-*  
16        *ness” and dated September 27, 2004, which shall be*  
17        *known as the “South Fork Eel River Wilderness”.*

18          (13) *KING RANGE WILDERNESS.*—

19            (A) *IN GENERAL.*—*Certain land adminis-*  
20        *tered by the Bureau of Land Management in*  
21        *Humboldt and Mendocino Counties, California,*  
22        *comprising approximately 42,585 acres, as gen-*  
23        *erally depicted on the map entitled “King Range*  
24        *Wilderness”, and dated November 12, 2004,*

1       *which shall be known as the “King Range Wil-*  
 2       *derness”.*

3               *(B) APPLICABLE LAW.—With respect to the*  
 4       *wilderness designated by subparagraph (A), in*  
 5       *the case of a conflict between this title and Pub-*  
 6       *lic Law 91–476 (16 U.S.C. 460y et seq.), the*  
 7       *more restrictive provision shall control.*

8       *(14) ROCKS AND ISLANDS.—*

9               *(A) IN GENERAL.—All Federally-owned*  
 10       *rocks, islets, and islands (whether named or*  
 11       *unnamed and surveyed or unsurveyed) that are*  
 12       *located—*

13               *(i) not more than 3 geographic miles*  
 14       *off the coast of the King Range National*  
 15       *Conservation Area; and*

16               *(ii) above mean high tide.*

17               *(B) APPLICABLE LAW.—In the case of a*  
 18       *conflict between this title and Proclamation No.*  
 19       *7264 (65 Fed. Reg. 2821), the more restrictive*  
 20       *provision shall control.*

21   **SEC. 1004. ADMINISTRATION OF WILDERNESS AREAS.**

22       *(a) MANAGEMENT.—Subject to valid existing rights,*  
 23       *each area designated as wilderness by this title shall be ad-*  
 24       *ministered by the Secretary in accordance with the Wilder-*  
 25       *ness Act (16 U.S.C. 1131 et seq.), except that—*



1           (1) *any reference in that Act to the effective date*  
 2           *shall be considered to be a reference to the date of en-*  
 3           *actment of this Act; and*

4           (2) *any reference in that Act to the Secretary of*  
 5           *Agriculture shall be considered to be a reference to the*  
 6           *Secretary that has jurisdiction over the wilderness.*

7           (b) *MAP AND DESCRIPTION.*—

8           (1) *IN GENERAL.*—*As soon as practicable after*  
 9           *the date of enactment of this Act, the Secretary shall*  
 10          *file a map and a legal description of each wilderness*  
 11          *area designated by this title with—*

12                   (A) *the Committee on Resources of the*  
 13                   *House of Representatives; and*

14                   (B) *the Committee on Energy and Natural*  
 15                   *Resources of the Senate.*

16          (2) *FORCE OF LAW.*—*A map and legal descrip-*  
 17          *tion filed under paragraph (1) shall have the same*  
 18          *force and effect as if included in this title, except that*  
 19          *the Secretary may correct errors in the map and legal*  
 20          *description.*

21          (3) *PUBLIC AVAILABILITY.*—*Each map and legal*  
 22          *description filed under paragraph (1) shall be filed*  
 23          *and made available for public inspection in the ap-*  
 24          *propriate office of the Secretary.*

1       (c) *INCORPORATION OF ACQUIRED LAND AND INTER-*  
 2 *ESTS.*—*Any land within the boundary of a wilderness area*  
 3 *designated by this title that is acquired by the Federal Gov-*  
 4 *ernment shall—*

5           (1) *become part of the wilderness area in which*  
 6 *the land is located; and*

7           (2) *be managed in accordance with this title, the*  
 8 *Wilderness Act (16 U.S.C. 1131 et seq.), and any*  
 9 *other applicable law.*

10       (d) *WITHDRAWAL.*—*Subject to valid rights in existence*  
 11 *on the date of enactment of this Act, the Federal land des-*  
 12 *ignated as wilderness by this title is withdrawn from all*  
 13 *forms of—*

14           (1) *entry, appropriation, or disposal under the*  
 15 *public land laws;*

16           (2) *location, entry, and patent under the mining*  
 17 *laws; and*

18           (3) *disposition under all laws pertaining to min-*  
 19 *eral and geothermal leasing or mineral materials.*

20       (e) *FIRE, INSECT, AND DISEASE MANAGEMENT ACTIVI-*  
 21 *TIES.*—

22           (1) *IN GENERAL.*—*The Secretary may take such*  
 23 *measures in the wilderness areas designated by this*  
 24 *title as are necessary for the control and prevention*  
 25 *of fire, insects, and diseases, in accordance with—*

1                   (A) *section 4(d)(1) of the Wilderness Act (16*  
 2                   *U.S.C. 1133(d)(1)); and*

3                   (B) *House Report No. 98–40 of the 98th*  
 4                   *Congress.*

5                   (2) *REVIEW.*—*Not later than 1 year after the*  
 6                   *date of enactment of this Act, the Secretary shall re-*  
 7                   *view existing policies applicable to the wilderness*  
 8                   *areas designated by this title to ensure that author-*  
 9                   *ized approval procedures for any fire management*  
 10                   *measures allow a timely and efficient response to fire*  
 11                   *emergencies in the wilderness areas.*

12                   (f) *ACCESS TO PRIVATE PROPERTY.*—

13                   (1) *IN GENERAL.*—*The Secretary shall provide*  
 14                   *any owner of private property within the boundary*  
 15                   *of a wilderness area designated by this title adequate*  
 16                   *access to such property to ensure the reasonable use*  
 17                   *and enjoyment of the property by the owner.*

18                   (2) *KING RANGE WILDERNESS.*—

19                   (A) *IN GENERAL.*—*Subject to subparagraph*  
 20                   *(B), within the wilderness designated by section*  
 21                   *1003(13), the access route depicted on the map*  
 22                   *for private landowners shall also be available for*  
 23                   *invitees of the private landowners.*

24                   (B) *LIMITATION.*—*Nothing in subparagraph*  
 25                   (A) *requires the Secretary to provide any access*

1           to the landowners or invitees beyond the access  
 2           that would be available if the wilderness had not  
 3           been designated.

4           (g) *SNOW SENSORS AND STREAM GAUGES.*—If the  
 5   Secretary determines that hydrologic, meteorologic, or cli-  
 6   matological instrumentation is appropriate to further the  
 7   scientific, educational, and conservation purposes of the  
 8   wilderness areas designated by this title, nothing in this  
 9   title prevents the installation and maintenance of the in-  
 10   strumentation within the wilderness areas.

11          (h) *MILITARY ACTIVITIES.*—Nothing in this title pre-  
 12   cludes low-level overflights of military aircraft, the designa-  
 13   tion of new units of special airspace, or the use or establish-  
 14   ment of military flight training routes over wilderness  
 15   areas designated by this title.

16          (i) *LIVESTOCK.*—Grazing of livestock and the mainte-  
 17   nance of existing facilities related to grazing in wilderness  
 18   areas designated by this title, where established before the  
 19   date of enactment of this Act, shall be permitted to continue  
 20   in accordance with—

21               (1) section 4(d)(4) of the Wilderness Act (16  
 22   U.S.C. 1133(d)(4)); and

23               (2) the guidelines set forth in Appendix A of the  
 24   report of the Committee on Interior and Insular Af-

1      *fairs of the House of Representatives accompanying*  
 2      *H.R. 2570 of the 101st Congress (H. Rept. 101–405).*

3      *(j) FISH AND WILDLIFE MANAGEMENT.—*

4            *(1) IN GENERAL.—In furtherance of the purposes*  
 5      *of the Wilderness Act (16 U.S.C. 1131 et seq.), the*  
 6      *Secretary may carry out management activities to*  
 7      *maintain or restore fish and wildlife populations and*  
 8      *fish and wildlife habitats in wilderness areas des-*  
 9      *ignated by this title if such activities are—*

10            *(A) consistent with applicable wilderness*  
 11            *management plans; and*

12            *(B) carried out in accordance with applica-*  
 13            *ble guidelines and policies.*

14            *(2) STATE JURISDICTION.—Nothing in this title*  
 15      *affects the jurisdiction of the State of California with*  
 16      *respect to fish and wildlife on the public land located*  
 17      *in the State.*

18      *(k) USE BY MEMBERS OF INDIAN TRIBES.—*

19            *(1) ACCESS.—In recognition of the past use of*  
 20      *wilderness areas designated by this title by members*  
 21      *of Indian tribes for traditional cultural and religious*  
 22      *purposes, the Secretary shall ensure that Indian tribes*  
 23      *have access to the wilderness areas for traditional cul-*  
 24      *tural and religious purposes.*

25            *(2) TEMPORARY CLOSURES.—*

(A) *IN GENERAL.*—*In carrying out this section, the Secretary, on request of an Indian tribe, may temporarily close to the general public 1 or more specific portions of a wilderness area to protect the privacy of the members of the Indian tribe in the conduct of the traditional cultural and religious activities in the wilderness area.*

(B) *REQUIREMENT.*—*Any closure under subparagraph (A) shall be made in such a manner as to affect the smallest practicable area for the minimum period of time necessary for the activity to be carried out.*

(3) *APPLICABLE LAW.*—*Access to the wilderness areas under this subsection shall be in accordance with—*

(A) *Public Law 95–341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996 et seq.); and*

(B) *the Wilderness Act (16 U.S.C. 1131 et seq.).*

(l) *ADJACENT MANAGEMENT.*—

(1) *IN GENERAL.*—*Nothing in this title creates protective perimeters or buffer zones around any wilderness area designated by this title.*

1           (2) *NONWILDERNESS ACTIVITIES.*—*The fact that*  
 2           *nonwilderness activities or uses can be seen or heard*  
 3           *from areas within a wilderness area designated by*  
 4           *this title shall not preclude the conduct of those activi-*  
 5           *ties or uses outside the boundary of the wilderness*  
 6           *area.*

7   **SEC. 1005. RELEASE OF WILDERNESS STUDY AREAS.**

8           (a) *FINDING.*—*Congress finds that, for the purposes of*  
 9           *section 603 of the Federal Land Policy and Management*  
 10          *Act of 1976 (43 U.S.C. 1782), any portion of a wilderness*  
 11          *study area described in subsection (b) that is not designated*  
 12          *as wilderness by this title or any previous Act has been ade-*  
 13          *quately studied for wilderness.*

14          (b) *DESCRIPTION OF STUDY AREAS.*—*The study areas*  
 15          *referred to in subsection (a) are—*

- 16               (1) *the King Range Wilderness Study Area;*  
 17               (2) *the Chemise Mountain Instant Study Area;*  
 18               (3) *the Red Mountain Wilderness Study Area;*  
 19               (4) *the Cedar Roughts Wilderness Study Area;*  
 20           *and*  
 21               (5) *those portions of the Rocky Creek/Cache*  
 22           *Creek Wilderness Study Area in Lake County, Cali-*  
 23           *ifornia which are not in R. 5 W., T. 12 N., sec. 22,*  
 24           *Mount Diablo Meridian.*

1       (c) *RELEASE*.—Any portion of a wilderness study area  
 2       described in subsection (b) that is not designated as wilder-  
 3       ness by this title or any other Act enacted before the date  
 4       of enactment of this Act shall not be subject to section 603(c)  
 5       of the Federal Land Policy and Management Act of 1976  
 6       (43 U.S.C. 1782(c)).

7       **SEC. 1006. ELKHORN RIDGE POTENTIAL WILDERNESS AREA.**

8       (a) *DESIGNATION*.—In furtherance of the purposes of  
 9       the Wilderness Act (16 U.S.C. 1131 et seq.), certain public  
 10      land in the State administered by the Bureau of Land Man-  
 11      agement, comprising approximately 9,655 acres, as gen-  
 12      erally depicted on the map entitled South Fork Eel River  
 13      Wilderness Area and Elkhorn Ridge Potential Wilderness”  
 14      and dated September 27, 2004, is designated as a potential  
 15      wilderness area.

16      (b) *MANAGEMENT*.—Except as provided in subsection  
 17      (c) and subject to valid existing rights, the Secretary shall  
 18      manage the potential wilderness area as wilderness until  
 19      the potential wilderness area is designated as wilderness.

20      (c) *ECOLOGICAL RESTORATION*.—

21           (1) *IN GENERAL*.—For purposes of ecological res-  
 22      toration (including the elimination of non-native spe-  
 23      cies, removal of illegal, unused, or decommissioned  
 24      roads, repair of skid tracks, and any other activities  
 25      necessary to restore the natural ecosystems in the po-



1        *tential wilderness area), the Secretary may used mo-*  
 2        *torized equipment and mechanized transport in the*  
 3        *potential wilderness area until the potential wilder-*  
 4        *ness area is designated as wilderness.*

5            (2) *LIMITATION.—To the maximum extent prac-*  
 6        *ticable, the Secretary shall use the minimum tool or*  
 7        *administrative practice necessary to accomplish eco-*  
 8        *logical restoration with the least amount of adverse*  
 9        *impact on wilderness character and resources.*

10        (d) *WILDERNESS DESIGNATION.—*

11            (1) *IN GENERAL.—The potential wilderness area*  
 12        *shall be designated as wilderness and as a component*  
 13        *of the National Wilderness Preservation System on*  
 14        *the earlier of—*

15            (A) *the date on which the Secretary pub-*  
 16        *lishes in the Federal Register notice that the con-*  
 17        *ditions in the potential wilderness area that are*  
 18        *incompatible with the Wilderness Act (16 U.S.C.*  
 19        *1131 et seq.) have been removed; or*

20            (B) *the date that is 5 years after the date*  
 21        *of enactment of this Act.*

22            (2) *ADMINISTRATION.—On designation as wil-*  
 23        *derness under paragraph (1), the potential wilderness*  
 24        *area shall be—*

1                   (A) known as the “Elkhorn Ridge Wilder-  
2                   ness”; and

3                   (B) administered in accordance with this  
4                   title and the Wilderness Act (16 U.S.C. 1131 et  
5                   seq.).

6 **SEC. 1007. WILD AND SCENIC RIVER DESIGNATION.**

7           (a) *DESIGNATION OF BLACK BUTTE RIVER, CALI-  
8           FORNIA.*—Section 3(a) of the Wild and Scenic Rivers Act  
9           (16 U.S.C. 1274(a)) is amended by adding at the end the  
10          following:

11                   “(\_\_\_\_) *BLACK BUTTE RIVER, CALIFORNIA.*—The  
12                   following segments of the Black Butte River in the  
13                   State of California, to be administered by the Sec-  
14                   retary of Agriculture:

15                           “(A) The 16 miles of Black Butte River,  
16                           from the Mendocino County Line to its con-  
17                           fluence with Jumpoff Creek, as a wild river.

18                           “(B) The 3.5 miles of Black Butte River  
19                           from its confluence with Jumpoff Creek to its  
20                           confluence with Middle Eel River, as a scenic  
21                           river.

22                           “(C) The 1.5 miles of Cold Creek from the  
23                           Mendocino County Line to its confluence with  
24                           Black Butte River, as a wild river.”.

25          (b) *PLAN; REPORT.*—

1           (1) *IN GENERAL.*—Not later than 18 months  
 2           after the date of enactment of this Act, the Secretary  
 3           of Agriculture shall submit to Congress—

4                   (A) a fire management plan for the Black  
 5           Butte River segments designated by the amend-  
 6           ment under subsection (a); and

7                   (B) a report on the cultural and historic re-  
 8           sources within those segments.

9           (2) *TRANSMITTAL TO COUNTY.*—The Secretary of  
 10          Agriculture shall transmit to the Board of Super-  
 11          visors of Mendocino County, California, a copy of the  
 12          plan and report submitted under paragraph (1).

13 **SEC. 1008. KING RANGE NATIONAL CONSERVATION AREA**  
 14                   **BOUNDARY ADJUSTMENT.**

15          Section 9 of Public Law 91–476 (16 U.S.C. 460y–8)  
 16          is amended by adding at the end the following:

17           “(d) In addition to the land described in subsections  
 18          (a) and (c), the land identified as the King Range National  
 19          Conservation Area Additions on the map entitled ‘King  
 20          Range Wilderness’ and dated November 12, 2004, is in-  
 21          cluded in the Area.”.

22           **TITLE XI—TRIBAL PARITY ACT**

23          **SEC. 1101. SHORT TITLE.**

24          This title may be cited as the “Tribal Parity Act”.

1 **SEC. 1102. FINDINGS.**

2 *Congress finds that—*

3 *(1) the Pick-Sloan Missouri River Basin Pro-*  
 4 *gram (authorized by section 9 of the Act of December*  
 5 *22, 1944 (commonly known as the “Flood Control Act*  
 6 *of 1944”)) (58 Stat. 891)), was approved to promote*  
 7 *the general economic development of the United*  
 8 *States;*

9 *(2) the Fort Randall and Big Bend dam and*  
 10 *reservoir projects in South Dakota—*

11 *(A) are major components of the Pick-Sloan*  
 12 *Missouri River Basin Program; and*

13 *(B) contribute to the national economy;*

14 *(3) the Fort Randall and Big Bend projects in-*  
 15 *undated the fertile bottom land of the Lower Brule*  
 16 *and Crow Creek Sioux Tribes, which greatly damaged*  
 17 *the economy and cultural resources of the Tribes;*

18 *(4) Congress has provided compensation to sev-*  
 19 *eral Indian tribes, including the Lower Brule and*  
 20 *Crow Creek Sioux Tribes, that border the Missouri*  
 21 *River and suffered injury as a result of 1 or more*  
 22 *Pick-Sloan Projects;*

23 *(5) the compensation provided to those Indian*  
 24 *tribes has not been consistent;*

25 *(6) Missouri River Indian tribes that suffered*  
 26 *injury as a result of 1 or more Pick-Sloan Projects*

1        *should be adequately compensated for those injuries,*  
 2        *and that compensation should be consistent among the*  
 3        *Tribes; and*

4            *(7) the Lower Brule Sioux Tribe and the Crow*  
 5        *Creek Sioux Tribe, based on methodology determined*  
 6        *appropriate by the General Accounting Office, are en-*  
 7        *titled to receive additional compensation for injuries*  
 8        *described in paragraph (6), so as to provide parity*  
 9        *among compensation received by all Missouri River*  
 10       *Indian tribes.*

11 **SEC. 1103. LOWER BRULE SIOUX TRIBE.**

12        *Section 4(b) of the Lower Brule Sioux Tribe Infra-*  
 13       *structure Development Trust Fund Act (Public Law 105–*  
 14       *132; 111 Stat. 2565) is amended by striking “\$39,300,000”*  
 15       *and inserting “\$186,822,140”.*

16 **SEC. 1104. CROW CREEK SIOUX TRIBE.**

17        *Section 4(b) of the Crow Creek Sioux Tribe Infrastruc-*  
 18       *ture Development Trust Fund Act of 1996 (Public Law*  
 19       *104–223; 110 Stat. 3027) is amended by striking*  
 20       *“\$27,500,000” and inserting “\$105,917,853”.*

21 **TITLE XII—REDWOOD NATIONAL**  
 22 **PARK BOUNDARY ADJUSTMENT**

23 **SEC. 1201. SHORT TITLE.**

24        *This title may be cited as the “Redwood National Park*  
 25       *Boundary Adjustment Act of 2004”.*

1 **SEC. 1202. REDWOOD NATIONAL PARK BOUNDARY ADJUST-**  
2 **MENT.**

3 *Section 2(a) of the Act of Public Law 90–545 (16*  
4 *U.S.C. 79b(a)) is amended—*

5 *(1) in the first sentence, by striking “(a) The*  
6 *area” and all that follows through the period at the*  
7 *end and inserting the following: “(a)(1) The Redwood*  
8 *National Park consists of the land generally depicted*  
9 *on the map entitled ‘Redwood National Park, Revised*  
10 *Boundary’, numbered 167/60502, and dated Feb-*  
11 *ruary, 2003.”;*

12 *(2) by inserting after paragraph (1) (as des-*  
13 *ignated by paragraph (1)) the following:*

14 *“(2) The map referred to in paragraph (1) shall be—*

15 *“(A) on file and available for public inspection*  
16 *in the appropriate offices of the National Park Serv-*  
17 *ice; and*

18 *“(B) provided by the Secretary of the Interior to*  
19 *the appropriate officers of Del Norte and Humboldt*  
20 *Counties, California.”; and*

21 *(3) in the second sentence—*

22 *(A) by striking “The Secretary” and insert-*  
23 *ing the following:*

24 *“(3) The Secretary”; and*

25 *(B) by striking “one hundred and six thou-*  
26 *sand acres” and inserting “133,000 acres”.*

1     **TITLE XIII—VALLES CALDERA**  
 2             **PRESERVATION**

3     **SEC. 1301. SHORT TITLE.**

4             *This title may be cited as the “Valles Caldera Preser-*  
 5     *vation Act of 2004”.*

6     **SEC. 1302. AMENDMENTS TO THE VALLES CALDERA PRES-**  
 7             **ERVATION ACT.**

8             (a) *ACQUISITION OF OUTSTANDING MINERAL INTER-*  
 9     *ESTS.—Section 104(e) of the Valles Caldera Preservation*  
 10    *Act (16 U.S.C. 698v–2(e)) is amended—*

11             (1) *by striking “The acquisition” and inserting*  
 12     *the following:*

13             “(1) *IN GENERAL.—The acquisition*”;

14             (2) *by striking “The Secretary” and inserting*  
 15     *the following:*

16             “(2) *ACQUISITION.—The Secretary*”;

17             (3) *by striking “on a willing seller basis”;*

18             (4) *by striking “Any such” and inserting the fol-*  
 19     *lowing:*

20             “(3) *ADMINISTRATION.—Any such*”; and

21             (5) *by adding at the end the following:*

22             “(4) *AVAILABLE FUNDS.—Any such interests*  
 23     *shall be acquired with available funds.*

24             “(5) *DECLARATION OF TAKING.—*

1           “(A) *IN GENERAL.*—If negotiations to ac-  
 2           quire the interests are unsuccessful by the date  
 3           that is 60 days after the date of enactment of  
 4           this paragraph, the Secretary shall acquire the  
 5           interests pursuant to section 3114 of title 40,  
 6           United States Code.

7           “(B) *SOURCE OF FUNDS.*—Any difference  
 8           between the sum of money estimated to be just  
 9           compensation by the Secretary and the amount  
 10          awarded shall be paid from the permanent judg-  
 11          ment appropriation under section 1304 of title  
 12          31, United States Code.”.

13          (b) *OBLIGATIONS AND EXPENDITURES.*—Section  
 14          106(e) of the Valles Caldera Preservation Act (16 U.S.C.  
 15          698v-4(e)) is amended by adding at the end the following:

16               “(4) *OBLIGATIONS AND EXPENDITURES.*—Subject  
 17          to the laws applicable to Government corporations,  
 18          the Trust shall determine—

19               “(A) the character of, and the necessity for,  
 20          any obligations and expenditures of the Trust;  
 21          and

22               “(B) the manner in which obligations and  
 23          expenditures shall be incurred, allowed, and  
 24          paid.”.



1       (c) *SOLICITATION OF DONATIONS*.—Section 106(g) of  
 2   the Valles Caldera Preservation Act (16 U.S.C. 698v–4(g))  
 3   is amended by striking “The Trust may solicit” and insert-  
 4   ing “The members of the Board of Trustees, the executive  
 5   director, and 1 additional employee of the Trust in an exec-  
 6   utive position designated by the Board of Trustees or the  
 7   executive director may solicit”.

8       (d) *USE OF PROCEEDS*.—Section 106(h)(1) of the  
 9   Valles Caldera Preservation Act (16 U.S.C. 698v–4(h)(1))  
 10   is amended by striking “subsection (g)” and inserting “sub-  
 11   section (g), from claims, judgments, or settlements arising  
 12   from activities occurring on the Baca Ranch or the Preserve  
 13   after October 27, 1999,”.

14   **SEC. 1303. BOARD OF TRUSTEES.**

15       Section 107(e) of the Valles Caldera Preservation Act  
 16   (U.S.C. 698v–5(e)) is amended—

17           (1) in paragraph (2), by striking “Trustees” and  
 18       inserting “Except as provided in paragraph (3),  
 19       trustees”; and

20           (2) in paragraph (3)—

21               (A) by striking “Trustees” and inserting the  
 22       following:

23                   “(A) *SELECTION*.—Trustees”; and

24               (B) by adding at the end the following:

1           “(B) *COMPENSATION.*—On request of the  
 2           *chair, the chair may be compensated at a rate*  
 3           *determined by the Board of Trustees, but not to*  
 4           *exceed the daily equivalent of the annual rate of*  
 5           *pay for level IV of the Executive Schedule under*  
 6           *section 5315 of title 5, United States Code, for*  
 7           *each day (including travel time) in which the*  
 8           *chair is engaged in the performance of duties of*  
 9           *the Board of Trustees.*

10           “(C) *MAXIMUM RATE OF PAY.*—The total  
 11           *amount of compensation paid to the chair for a*  
 12           *fiscal year under subparagraph (B) shall not ex-*  
 13           *ceed 25 percent of the annual rate of pay for*  
 14           *level IV of the Executive Schedule under section*  
 15           *5315 of title 5, United States Code.”.*

16 **SEC. 1304. RESOURCE MANAGEMENT.**

17           (a) *PROPERTY DISPOSAL LIMITATIONS.*—Section  
 18           *108(c)(3) of the Valles Caldera Preservation Act (16 U.S.C.*  
 19           *698v–6(c)(3)) is amended—*

20                     (1) *in the first sentence, by striking “The Trust*  
 21                     *may not dispose” and inserting the following:*

22                             “(A) *IN GENERAL.*—The Trust may not dis-  
 23                             *pose”;*

24                     (2) *in the second sentence, by striking “The*  
 25                     *Trust” and inserting the following:*

1 “(B) *MAXIMUM DURATION.—The Trust*”;

2 (3) *in the last sentence, by striking “Any such”*  
3 *and inserting the following:*

4 “(C) *TERMINATION.—The*”; and

5 (4) *by adding at the end the following:*

6 “(D) *EXCLUSIONS.—For the purposes of*  
7 *this paragraph, the disposal of real property does*  
8 *not include the sale or other disposal of forage,*  
9 *forest products, or marketable renewable re-*  
10 *sources.”.*

11 (b) *LAW ENFORCEMENT AND FIRE MANAGEMENT.—*  
12 *Section 108(g) of the Valles Caldera Preservation Act (16*  
13 *U.S.C. 698v–6(g)) is amended—*

14 (1) *in the first sentence, by striking “The Sec-*  
15 *retary” and inserting the following:*

16 “(1) *LAW ENFORCEMENT.—*

17 “(A) *IN GENERAL.—The Secretary*”;

18 (2) *in the second sentence, by striking “The*  
19 *Trust” and inserting the following:*

20 “(B) *FEDERAL AGENCY.—The Trust*”; and

21 (3) *by striking “At the request of the Trust” and*  
22 *all that follows through the end of the paragraph and*  
23 *inserting the following:*

24 “(2) *FIRE MANAGEMENT.—*

25 “(A) *NON-REIMBURSABLE SERVICES.—*

1                   “(i) *DEVELOPMENT OF PLAN.*—The  
 2                   Secretary shall, in consultation with the  
 3                   Trust, develop a plan to carry out fire pre-  
 4                   paredness, suppression, and emergency re-  
 5                   habilitation services on the Preserve.

6                   “(ii) *CONSISTENCY WITH MANAGEMENT*  
 7                   *PROGRAM.*—The plan shall be consistent  
 8                   with the management program developed  
 9                   pursuant to subsection (d).

10                  “(iii) *COOPERATIVE AGREEMENT.*—To  
 11                  the extent generally authorized at other  
 12                  units of the National Forest System, the  
 13                  Secretary shall provide the services to be  
 14                  carried out pursuant to the plan under a  
 15                  cooperative agreement entered into between  
 16                  the Secretary and the Trust.

17                  “(B) *REIMBURSABLE SERVICES.*—To the ex-  
 18                  tent generally authorized at other units of the  
 19                  National Forest System, the Secretary may pro-  
 20                  vide presuppression and nonemergency rehabili-  
 21                  tation and restoration services for the Trust at  
 22                  any time on a reimbursable basis.”.

# **TITLE XIV—CENTRAL NEVADA**

## **RURAL CEMETERIES**

### **SEC. 1401. SHORT TITLE.**

*This title may be cited as the “Central Nevada Rural Cemeteries Act”.*

### **SEC. 1402. CONVEYANCE TO LANDER COUNTY, NEVADA.**

*(a) FINDINGS.—Congress finds that—*

*(1) the historical use by settlers and travelers since the late 1800’s of the cemetery known as “Kingston Cemetery” in Kingston, Nevada, predates incorporation of the land within the jurisdiction of the Forest Service on which the cemetery is situated;*

*(2) it is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency;*

*(3) in accordance with Public Law 85–569 (commonly known as the “Townsite Act”) (16 U.S.C. 478a), the Forest Service has conveyed to the Town of Kingston 1.25 acres of the land on which historic gravesites have been identified; and*

*(4) to ensure that all areas that may have unmarked gravesites are included, and to ensure the availability of adequate gravesite space in future years, an additional parcel consisting of approxi-*

1        *mately 8.75 acres should be conveyed to the county so*  
 2        *as to include the total amount of the acreage included*  
 3        *in the original permit issued by the Forest Service for*  
 4        *the cemetery.*

5        *(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Sub-*  
 6        *ject to valid existing rights and the condition stated in sub-*  
 7        *section (e), the Secretary of Agriculture, acting through the*  
 8        *Chief of the Forest Service (referred to in this section as*  
 9        *the “Secretary”), not later than 90 days after the date of*  
 10       *enactment of this Act, shall convey to Lander County, Ne-*  
 11       *vada (referred to in this section as the “county”), for no*  
 12       *consideration, all right, title, and interest of the United*  
 13       *States in and to the parcel of land described in subsection*  
 14       *(c).*

15       *(c) DESCRIPTION OF LAND.—The parcel of land re-*  
 16       *ferred to in subsection (b) is the parcel of National Forest*  
 17       *System land (including any improvements on the land)*  
 18       *known as “Kingston Cemetery”, consisting of approxi-*  
 19       *mately 10 acres and more particularly described as*  
 20       *SW<sup>1/4</sup>SE<sup>1/4</sup>SE<sup>1/4</sup> of section 36, T. 16N., R. 43E., Mount*  
 21       *Diablo Meridian.*

22       *(d) EASEMENT.—At the time of the conveyance under*  
 23       *subsection (b), subject to subsection (e)(2), the Secretary*  
 24       *shall grant the county an easement allowing access for per-*  
 25       *sons desiring to visit the cemetery and other cemetery pur-*

1 poses over Forest Development Road #20307B, notwith-  
 2 standing any future closing of the road for other use.

3 (e) *CONDITION ON USE OF LAND.*—

4 (1) *IN GENERAL.*—The county (including its suc-  
 5 cessors) shall continue the use of the parcel conveyed  
 6 under subsection (b) as a cemetery.

7 (2) *REVERSION.*—If the Secretary, after notice to  
 8 the county and an opportunity for a hearing, makes  
 9 a finding that the county has used or permitted the  
 10 use of the parcel for any purpose other than the pur-  
 11 pose specified in paragraph (1), and the county fails  
 12 to discontinue that use—

13 (A) title to the parcel shall revert to the Sec-  
 14 retary, to be administered by the Secretary; and

15 (B) the easement granted to the county  
 16 under subsection (d) shall be revoked.

17 (3) *WAIVER.*—The Secretary may waive the ap-  
 18 plication of subparagraph (A) or (B) of paragraph  
 19 (2) if the Secretary determines that a waiver would  
 20 be in the best interests of the United States.

21 **SEC. 1403. CONVEYANCE TO EUREKA COUNTY, NEVADA.**

22 (a) *FINDINGS.*—Congress finds that—

23 (1) the historical use by settlers and travelers  
 24 since the late 1800’s of the cemetery known as “Maid-  
 25 en’s Grave Cemetery” in Beowawe, Nevada, predates

1        *incorporation of the land within the jurisdiction of*  
 2        *the Bureau of Land Management on which the ceme-*  
 3        *tery is situated; and*

4            *(2) it is appropriate that that use be continued*  
 5        *through local public ownership of the parcel rather*  
 6        *than through the permitting process of the Federal*  
 7        *agency.*

8        *(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Sub-*  
 9        *ject to valid existing rights and the condition stated in sub-*  
 10       *section (e), the Secretary of the Interior, acting through the*  
 11       *Director of the Bureau of Land Management (referred to*  
 12       *in this section as the “Secretary”), not later than 90 days*  
 13       *after the date of enactment of this Act, shall convey to Eureka*  
 14       *County, Nevada (referred to in this section as the “count-*  
 15       *ty”), for no consideration, all right, title, and interest of*  
 16       *the United States in and to the parcel of land described*  
 17       *in subsection (c).*

18       *(c) DESCRIPTION OF LAND.—The parcel of land re-*  
 19       *ferred to in subsection (b) is the parcel of public land (in-*  
 20       *cluding any improvements on the land) known as “Maid-*  
 21       *en’s Grave Cemetery”, consisting of approximately 10 acres*  
 22       *and more particularly described as  $S^{1/2}NE^{1/4}SW^{1/4}SW^{1/4}$ ,*  
 23        *$N^{1/2}SE^{1/4}SW^{1/4}SW^{1/4}$  of section 10, T.31N., R.49E., Mount*  
 24       *Diablo Meridian.*



1       (d) *EASEMENT.*—*At the time of the conveyance under*  
 2 *subsection (b), subject to subsection (e)(2), the Secretary*  
 3 *shall grant the county an easement allowing access for per-*  
 4 *sons desiring to visit the cemetery and other cemetery pur-*  
 5 *poses over an appropriate access route consistent with cur-*  
 6 *rent access.*

7       (e) *CONDITION ON USE OF LAND.*—

8           (1) *IN GENERAL.*—*The county (including its suc-*  
 9 *cessors) shall continue the use of the parcel conveyed*  
 10 *under subsection (b) as a cemetery.*

11          (2) *REVERSION.*—*If the Secretary, after notice to*  
 12 *the county and an opportunity for a hearing, makes*  
 13 *a finding that the county has used or permitted the*  
 14 *use of the parcel for any purpose other than the pur-*  
 15 *pose specified in paragraph (1), and the county fails*  
 16 *to discontinue that use—*

17           (A) *title to the parcel shall revert to the Sec-*  
 18 *retary, to be administered by the Secretary; and*

19           (B) *the easement granted to the county*  
 20 *under subsection (d) shall be revoked.*

21          (3) *WAIVER.*—*The Secretary may waive the ap-*  
 22 *plication of subparagraph (A) or (B) of paragraph*  
 23 *(2) if the Secretary determines that a waiver would*  
 24 *be in the best interests of the United States.*

1     ***TITLE XV—DANDINI RESEARCH***  
 2                 ***PARK CONVEYANCE***

3     ***SEC. 1501. SHORT TITLE.***

4             *This title may be cited as the “Dandini Research Park*  
 5 *Conveyance Act”.*

6     ***SEC. 1502. DEFINITIONS.***

7             *In this title:*

8                 (1) *BOARD OF REGENTS.*—*The term “Board of*  
 9 *Regents” means the Board of Regents of the Univer-*  
 10 *sity and Community College System of Nevada.*

11                (2) *SECRETARY.*—*The term “Secretary” means*  
 12 *the Secretary of the Interior.*

13     ***SEC. 1503. CONVEYANCE TO THE UNIVERSITY AND COMMU-***  
 14                 ***NITY COLLEGE SYSTEM OF NEVADA.***

15             (1) *CONVEYANCE.*—

16                (1) *IN GENERAL.*—*The Secretary shall convey to*  
 17 *the Board of Regents, without consideration, all right,*  
 18 *title, and interest of the United States in and to the*  
 19 *approximately 467 acres of land located in Washoe*  
 20 *County, Nevada, patented to the University of Nevada*  
 21 *under the Act of June 14, 1926 (commonly known as*  
 22 *the “Recreation and Public Purposes Act”) (43*  
 23 *U.S.C. 869 et seq.), and described in paragraph (2).*

24                (2) *DESCRIPTION OF LAND.*—*The land referred*  
 25 *to in paragraph (1) is—*

1           (A) the parcel of land consisting of approxi-  
 2           mately 309.11 acres and more particularly de-  
 3           scribed as T. 20 N., R. 19 E., Sec. 25, lots 1, 2,  
 4           3, 4, 5, and 11, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Mount  
 5           Diablo Meridian, Nevada; and

6           (B) the parcel of land consisting of approxi-  
 7           mately 158.22 acres and more particularly de-  
 8           scribed as T. 20 N., R. 19 E., Sec. 25, lots 6 and  
 9           7, SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Mount Diablo Merid-  
 10          ian, Nevada.

11          (b) COSTS.—The Board of Regents shall pay to the  
 12          United States an amount equal to the costs of the Secretary  
 13          associated with the conveyance under subsection (a)(1).

14          (c) CONDITIONS.—If the Board of Regents sells any  
 15          portion of the land conveyed to the Board of Regents under  
 16          subsection (a)(1)—

17               (1) the amount of consideration for the sale shall  
 18               reflect fair market value, as determined by an ap-  
 19               praisal; and

20               (2) the Board of Regents shall pay to the Sec-  
 21               retary an amount equal to the net proceeds of the  
 22               sale, for use by the Director of the Bureau of Land  
 23               Management in the State of Nevada, without further  
 24               appropriation.

1 **TITLE XVI—ACQUISITION OF**  
 2 **CERTAIN PROPERTY IN WASH-**  
 3 **INGTON COUNTY, UTAH**

4 **SEC. 1601. ACQUISITION OF CERTAIN PROPERTY IN WASH-**  
 5 **INGTON COUNTY, UTAH.**

6 (a) *DEFINITION OF OWNER.*—In this section, the term  
 7 “owner” means an owner that is able to convey to the  
 8 United States clear title to property taken under this sec-  
 9 tion.

10 (b) *TAKING OF PROPERTY.*—Notwithstanding any  
 11 other provision of law, effective 30 days after the date of  
 12 enactment of this Act, there is vested in the United States  
 13 all right, title, and interest in and to, and the right to im-  
 14 mediate possession of certain land located in a master  
 15 planned community development in Washington County,  
 16 Utah, known as “PAHO”, owned by Environmental Land  
 17 Technology, Ltd., Rocky Mountain Ventures, and James  
 18 Doyle, within the Red Cliffs Reserve in Washington County,  
 19 Utah, consisting of—

20 (A) the fee simple interest in approximately  
 21 1,516 acres of real property; and

22 (B) the fee simple interest in 34 acres of  
 23 real property adjacent to the Red Cliffs Reserve  
 24 owned by Environmental Land Technology, Ltd.

25 (c) *JUST COMPENSATION.*—

1           (1) *IN GENERAL.*—*The United States shall pay*  
2           *the owner just compensation determined as of the date*  
3           *of enactment of this Act.*

4           (2) *AMOUNT.*—*Payment of just compensation*  
5           *shall be in the amount of—*

6                     *(A) the valuation of the property deter-*  
7                     *mined by judgment awarded by a United States*  
8                     *Court of competent jurisdiction;*

9                     *(B) interest from the date of enactment of*  
10                    *this Act; and*

11                    *(C) any other costs and expenses, if any, as*  
12                    *determined by the court.*

13           (3) *INTEREST.*—*Interest under this subsection*  
14           *shall be compounded in the same manner as under*  
15           *subsection (b)(2)(B) of the first section of the Act of*  
16           *April 17, 1954 (16 U.S.C. 429b(b)(2)(B)), except that*  
17           *the reference in that provision to the date of enact-*  
18           *ment of the Manassas National Battlefield Park*  
19           *Amendments of 1988 shall be deemed to be a reference*  
20           *to the date of enactment of this Act.*

21           (4) *SOURCE OF PAYMENT.*—*Payment of the*  
22           *amount pursuant to this section shall be made from*  
23           *the permanent judgment appropriation under section*  
24           *1304 of title 31, United States Code.*

1           (5) *FULL FAITH AND CREDIT.*—*The full faith*  
 2           *and credit of the United States is pledged to the pay-*  
 3           *ment of any judgment entered against the United*  
 4           *States with respect to the taking of property under*  
 5           *this section.*

6   **TITLE XVII—NORTHERN ARI-**  
 7   **ZONA LAND EXCHANGE AND**  
 8   **VERDE RIVER BASIN PART-**  
 9   **nership**

10 **SEC. 1701. SHORT TITLE.**

11           *This title may be cited as the “Northern Arizona Land*  
 12           *Exchange and Verde River Basin Partnership Act of 2004”.*

13   **Subtitle A—Northern Arizona Land**  
 14           **Exchange**

15 **SEC. 1711. DEFINITIONS.**

16           *In this subtitle:*

17           (1) *CAMP.*—*The term “camp” means Camp*  
 18           *Pearlstein, Friendly Pines, Patterdale Pines, Pine*  
 19           *Summit, Sky Y, and Young Life Lost Canyon camps*  
 20           *in the State of Arizona.*

21           (2) *CITIES.*—*The term “cities” means the cities*  
 22           *of Flagstaff, Williams, and Camp Verde, Arizona.*

23           (3) *FEDERAL LAND.*—*The term “Federal land”*  
 24           *means the land described in section 1714.*

1           (4) *NON-FEDERAL LAND.*—*The term “non-Federal land” means the land described in section 1713.*

3           (5) *SECRETARY.*—*The term “Secretary” means the Secretary of Agriculture.*

5           (6) *YAVAPAI RANCH.*—*The term “Yavapai Ranch” means the Yavapai Ranch Limited Partnership, an Arizona Limited Partnership, and the Northern Yavapai, L.L.C., an Arizona Limited Liability Company.*

10 **SEC. 1712. LAND EXCHANGE.**

11       (a) *IN GENERAL.*—(1) *Upon the conveyance by*  
 12 *Yavapai Ranch of title to the non-Federal land identified*  
 13 *in section 1713, the Secretary shall simultaneously convey*  
 14 *to Yavapai Ranch title to the Federal land identified in*  
 15 *section 1714.*

16       (2) *Title to the lands to be exchanged shall be in a*  
 17 *form acceptable to the Secretary and Yavapai Ranch.*

18       (3) *The Federal and non-Federal lands to be exchanged*  
 19 *under this subtitle may be modified prior to the exchange*  
 20 *as provided in this subtitle.*

21       (4)(A) *By mutual agreement, the Secretary and*  
 22 *Yavapai Ranch may make minor and technical corrections*  
 23 *to the maps and legal descriptions of the lands and interests*  
 24 *therein exchanged or retained under this subtitle, including*

1 *changes, if necessary to conform to surveys approved by the*  
2 *Bureau of Land Management.*

3 *(B) In the case of any discrepancy between a map and*  
4 *legal description, the map shall prevail unless the Secretary*  
5 *and Yavapai Ranch agree otherwise.*

6 *(b) EXCHANGE PROCESS.—(1) Except as otherwise*  
7 *provided in this subtitle, the land exchange under subsection*  
8 *(a) shall be undertaken in accordance with section 206 of*  
9 *the Federal Land Policy and Management Act (43 U.S.C.*  
10 *1716).*

11 *(2) Before completing the land exchange under this*  
12 *subtitle, the Secretary shall perform any necessary land*  
13 *surveys and pre-exchange inventories, clearances, reviews,*  
14 *and approvals, including those relating to hazardous mate-*  
15 *rials, threatened and endangered species, cultural and his-*  
16 *toric resources, and wetlands and flood plains.*

17 *(c) EQUAL VALUE EXCHANGE.—(1) The value of the*  
18 *Federal land and the non-Federal land shall be equal, or*  
19 *equalized by the Secretary by adjusting the acreage of the*  
20 *Federal land in accordance with paragraph (2).*

21 *(2) If the final appraised value of the Federal land*  
22 *exceeds the final appraised value of the non-Federal land,*  
23 *prior to making other adjustments, the Federal lands shall*  
24 *be adjusted by deleting all or part of the parcels or portions*  
25 *of the parcels in the following order:*



1           (A) A portion of the Camp Verde parcel de-  
 2       scribed in section 1714(a)(4), comprising approxi-  
 3       mately 316 acres, located in the Prescott National  
 4       Forest, and more particularly described as lots 1, 5,  
 5       and 6 of section 26, the  $NE^{1/4}NE^{1/4}$  portion of section  
 6       26 and the  $N^{1/2}N^{1/2}$  portion of section 27, Township  
 7       14 North, Range 4 East, Gila and Salt River Base  
 8       and Meridian, Yavapai County, Arizona.

9           (B) A portion of the Camp Verde parcel de-  
 10      scribed in section 1714(a)(4), comprising approxi-  
 11      mately 314 acres, located in the Prescott National  
 12      Forest, and more particularly described as lots 2, 7,  
 13      8, and 9 of section 26, the  $SE^{1/4}NE^{1/4}$  portion of sec-  
 14      tion 26, and the  $S^{1/2}N^{1/2}$  of section 27, Township 14  
 15      North, Range 4 East, Gila and Salt River Base and  
 16      Meridian, Yavapai County, Arizona.

17          (C) Beginning at the south boundary of section  
 18      31, Township 20 North, Range 5 West, Gila and Salt  
 19      River Base and Meridian, Yavapai County, Arizona,  
 20      and sections 33 and 35, Township 20 North, Range  
 21      6 West, Gila and Salt River Base and Meridian,  
 22      Yavapai County, Arizona, by adding to the non-Fed-  
 23      eral land to be conveyed to the United States in  $1/8$ -  
 24      section increments (E-W 64th line) while deleting  
 25      from the conveyance to Yavapai Ranch Federal land

1        *in the same incremental portions of section 32, Town-*  
2        *ship 20 North, Range 5 West, Gila and Salt River*  
3        *Base and Meridian, Yavapai County, Arizona, and*  
4        *sections 32, 34, and 36 in Township 20 North, Range*  
5        *6 West, Gila and Salt River Base and Meridian,*  
6        *Yavapai County, Arizona, to establish a linear and*  
7        *continuous boundary that runs east-to-west across the*  
8        *sections.*

9            *(D) Any other parcels, or portions thereof, agreed*  
10        *to by the Secretary and Yavapai Ranch.*

11        *(3) If any parcel of Federal land or non-Federal land*  
12        *is not conveyed because of any reason, that parcel of land,*  
13        *or portion thereof, shall be excluded from the exchange and*  
14        *the remaining lands shall be adjusted as provided in this*  
15        *subsection.*

16        *(4) If the value of the Federal land exceeds the value*  
17        *of the non-Federal land by more than \$50,000, the Sec-*  
18        *retary and Yavapai Ranch shall, by mutual agreement, de-*  
19        *lete additional Federal land from the exchange until the*  
20        *value of the Federal land and non-Federal land is, to the*  
21        *maximum extent practicable, equal.*

22        *(d) APPRAISALS.—(1) The value of the Federal land*  
23        *and non-Federal land shall be determined by appraisals*  
24        *prepared in accordance with the Uniform Appraisal Stand-*

ards for Federal Land Acquisitions and the Uniform  
Standards of Professional Appraisal Practice.

(2)(A) After the Secretary has reviewed and approved  
the final appraised values of the Federal land and non-Fed-  
eral land to be exchanged, the Secretary shall not be re-  
quired to reappraise or update the final appraised values  
before the completion of the land exchange.

(B) This paragraph shall apply during the three-year  
period following the approval by the Secretary of the final  
appraised values of the Federal land and non-Federal land  
unless the Secretary and Yavapai Ranch have entered into  
an agreement to implement the exchange.

(3) During the appraisal process, the appraiser shall  
determine the value of each parcel of Federal land and non-  
Federal land (including the contributory value of each indi-  
vidual section of the intermingled Federal and non-Federal  
land of the property described in sections 103(a) and  
104(a)(1)) as an assembled transaction.

(4)(A) To ensure the timely and full disclosure to the  
public of the final appraised values of the Federal land and  
non-Federal land, the Secretary shall provide public notice  
of any appraisals approved by the Secretary and copies of  
such appraisals shall be available for public inspection in  
appropriate offices of the Prescott, Coconino, and Kaibab  
National Forests.

1       (B) *The Secretary shall also provide copies of any ap-*  
 2 *proved appraisals to the cities and the owners of the camps*  
 3 *described in section 1711(1).*

4       (e) *CONTRACTING.—(1) If the Secretary lacks adequate*  
 5 *staff or resources to complete the exchange by the date speci-*  
 6 *fied in section 1716(c), Yavapai Ranch, subject to the agree-*  
 7 *ment of the Secretary, may contract with independent*  
 8 *third-party contractors to carry out any work necessary to*  
 9 *complete the exchange by that date.*

10       (2) *If, in accordance with this subsection, Yavapai*  
 11 *Ranch contracts with an independent third-party con-*  
 12 *tractor to carry out any work that would otherwise be per-*  
 13 *formed by the Secretary, the Secretary shall reimburse*  
 14 *Yavapai Ranch for the costs for the third-party contractors.*

15       (f) *EASEMENTS.—(1) The exchange of non-Federal and*  
 16 *Federal land under this subtitle shall be subject to any ease-*  
 17 *ments, rights-of-way, utility lines, and any other valid en-*  
 18 *cumbrances in existence on the date of enactment of this*  
 19 *subtitle, including acquired easements for water pipelines*  
 20 *as generally depicted on the map entitled “Yavapai Ranch*  
 21 *Land Exchange, YRLP Acquired Easements for Water*  
 22 *Lines” dated April 2002, and any other reservations that*  
 23 *may be agreed to by the Secretary and Yavapai Ranch.*

24       (2) *Upon completion of the land exchange under this*  
 25 *subtitle, the Secretary and Yavapai Ranch shall grant each*

1 *other at no charge reciprocal easements for access and utili-*  
 2 *ties across, over, and through—*

3 *(A) the routes depicted on the map entitled*  
 4 *“Yavapai Ranch Land Exchange, Road and Trail*  
 5 *Easements, Yavapai Ranch Area” dated April 2002;*  
 6 *and*

7 *(B) any relocated routes that are agreed to by*  
 8 *the Secretary and Yavapai Ranch.*

9 *(3) An easement described in paragraph (2) shall be*  
 10 *unrestricted and non-exclusive in nature and shall run with*  
 11 *and benefit the land.*

12 *(g) CONVEYANCE OF FEDERAL LAND TO CITIES AND*  
 13 *CAMPS.—(1) Prior to the completion of the land exchange*  
 14 *between Yavapai Ranch and the Secretary, the cities and*  
 15 *the owners of the camps may enter into agreements with*  
 16 *Yavapai Ranch whereby Yavapai Ranch, upon completion*  
 17 *of the land exchange, will convey to the cities or the owners*  
 18 *of the camps the applicable parcel of Federal land or por-*  
 19 *tion thereof.*

20 *(2) If Yavapai Ranch and the cities or camp owners*  
 21 *have not entered into agreements in accordance with para-*  
 22 *graph (1), the Secretary shall, on notification by the cities*  
 23 *or owners of the camps no later than 30 days after the date*  
 24 *the relevant approved appraisal is made publicly available,*  
 25 *delete the applicable parcel or portion thereof from the land*

1 *exchange between Yavapai Ranch and the United States as*  
 2 *follows:*

3           (A) *Upon request of the City of Flagstaff, Ari-*  
 4 *zona, the parcels, or portion thereof, described in sec-*  
 5 *tion 1714(a)(2).*

6           (B) *Upon request of the City of Williams, Ari-*  
 7 *zona, the parcels, or portion thereof, described in sec-*  
 8 *tion 1714(a)(3).*

9           (C) *Upon request of the City of Camp Verde, Ar-*  
 10 *izona, a portion of the parcel described in section*  
 11 *1714(a)(4), comprising approximately 514 acres lo-*  
 12 *cated southeast of the southeastern boundary of the I-*  
 13 *17 right-of-way, and more particularly described as*  
 14 *the SE<sup>1/4</sup> portion of the southeast quarter of section*  
 15 *26, the E<sup>1/2</sup> and the E<sup>1/2</sup>W<sup>1/2</sup> portions of section 35,*  
 16 *and lots 5 through 7 of section 36, Township 14*  
 17 *North, Range 4 East, Gila and Salt River Base and*  
 18 *Meridian, Yavapai County, Arizona.*

19           (D) *Upon request of the owners of the Younglife*  
 20 *Lost Canyon camp, the parcel described in section*  
 21 *1714(a)(5).*

22           (E) *Upon request of the owner of Friendly Pines*  
 23 *Camp, Patterdale Pines Camp, Camp Pearlstein,*  
 24 *Pine Summit, or Sky Y Camp, as applicable, the cor-*  
 25 *responding parcel described in section 1714(a)(6).*

1       (3)(A) *Upon request of the specific city or camp ref-*  
 2 *erenced in paragraph (2), the Secretary shall convey to such*  
 3 *city or camp all right, title, and interest of the United*  
 4 *States in and to the applicable parcel of Federal land or*  
 5 *portion thereof, upon payment of the fair market value of*  
 6 *the parcel and subject to any terms and conditions the Sec-*  
 7 *retary may require.*

8       (B) *A conveyance under this paragraph shall not re-*  
 9 *quire new administrative or environmental analyses or ap-*  
 10 *praisals beyond those prepared for the land exchange.*

11       (4) *A city or owner of a camp purchasing land under*  
 12 *this subsection shall reimburse Yavapai Ranch for any costs*  
 13 *incurred which are directly associated with surveys and ap-*  
 14 *praisals of the specific property conveyed.*

15       (5) *A conveyance of land under this subsection shall*  
 16 *not affect the timing of the land exchange.*

17       (6) *Nothing in this subsection limits the authority of*  
 18 *the Secretary or Yavapai Ranch to delete any of the parcels*  
 19 *referenced in this subsection from the land exchange.*

20       (7)(A) *The Secretary shall deposit the proceeds of any*  
 21 *sale under paragraph (2) in a special account in the fund*  
 22 *established under Public Law 90–171 (commonly known as*  
 23 *the “Sisk Act”) (16 U.S.C. 484a).*

24       (B) *Amounts deposited under subparagraph (A) shall*  
 25 *be available to the Secretary, without further appropria-*

tion, to be used for the acquisition of land in the State of Arizona for addition to the National Forest System, including the land to be exchanged under this subtitle.

**SEC. 1713. DESCRIPTION OF NON-FEDERAL LAND.**

(a) *IN GENERAL.*—The non-Federal land referred to in this subtitle consists of approximately 35,000 acres of privately-owned land within the boundaries of the Prescott National Forest, as generally depicted on the map entitled “Yavapai Ranch Land Exchange, Non-Federal Lands”, dated April 2002.

(b) *EASEMENTS.*—(1) The conveyance of non-Federal land to the United States under section 1712 shall be subject to the reservation of—

(A) water rights and perpetual easements that run with and benefit the land retained by Yavapai Ranch for—

(i) the operation, maintenance, repair, improvement, development, and replacement of not more than 3 wells in existence on the date of enactment of this Act;

(ii) related storage tanks, valves, pumps, and hardware; and

(iii) pipelines to point of use; and



1           (B) easements for reasonable access to accomplish  
2       the purposes of the easements described in subpara-  
3       graph (A).

4       (2) Each easement for an existing well referred to in  
5       paragraph (1) shall be 40 acres in area, and to the max-  
6       imum extent practicable, centered on the existing well.

7       (3) The United States shall be entitled to one-half the  
8       production of each existing or replacement well, not to ex-  
9       ceed a total of 3,100,000 gallons of water annually for Na-  
10      tional Forest System purposes.

11      (4) The locations of the easements and wells shall be  
12      as generally depicted on the map entitled “Yavapai Ranch  
13      Land Exchange, Reserved Easements for Water Lines and  
14      Wells”, dated April 2002.

15   **SEC. 1714. DESCRIPTION OF FEDERAL LAND.**

16      (a) *IN GENERAL.*—The Federal land referred to in this  
17      subtitle consists of the following:

18           (1) Certain land comprising approximately  
19           15,300 acres located in the Prescott National Forest,  
20           as generally depicted on the map entitled “Yavapai  
21           Ranch Land Exchange, Yavapai Ranch Area Federal  
22           Lands”, dated April 2002.

23           (2) Certain land located in the Coconino Na-  
24           tional Forest—

1           (A) comprising approximately 1,500 acres  
2           as generally depicted on the map entitled  
3           “Yavapai Ranch Land Exchange, Flagstaff Fed-  
4           eral Lands Airport Parcel”, dated April, 2002;  
5           and

6           (B) comprising approximately 28.26 acres  
7           in two separate parcels, as generally depicted on  
8           the map entitled “Yavapai Ranch Land Ex-  
9           change, Flagstaff Federal Lands Wetzel School  
10          and Mt. Elden Parcels”, dated September 2002.

11          (3) Certain land located in the Kaibab National  
12          Forest, and referred to as the Williams Airport, Wil-  
13          liams golf course, Williams Sewer, Buckskinner Park,  
14          Williams Railroad, and Well parcels number 2, 3,  
15          and 4, cumulatively comprising approximately 950  
16          acres, as generally depicted on the map entitled  
17          “Yavapai Ranch Land Exchange, Williams Federal  
18          Lands”, dated April 2002.

19          (4) Certain land located in the Prescott National  
20          Forest, comprising approximately 2,200 acres, as gen-  
21          erally depicted on the map entitled “Yavapai Ranch  
22          Land Exchange, Camp Verde Federal Land General  
23          Crook Parcel”, dated April 2002.

24          (5) Certain land located in the Kaibab National  
25          Forest, comprising approximately 237.5 acres, as gen-

1 *erally depicted on the map entitled “Yavapai Ranch*  
 2 *Land Exchange, Younglife Lost Canyon”, dated April*  
 3 *2002.*

4 *(6) Certain land located in the Prescott National*  
 5 *Forest, including the “Friendly Pines”, “Patterdale*  
 6 *Pines”, “Camp Pearlstein”, “Pine Summit”, and*  
 7 *“Sky Y” camps, cumulatively comprising approxi-*  
 8 *mately 200 acres, as generally depicted on the map*  
 9 *entitled “Yavapai Ranch Land Exchange, Prescott*  
 10 *Federal Lands, Summer Youth Camp Parcels”, dated*  
 11 *April 2002.*

12 *(b) CONDITION OF CONVEYANCE OF CAMP VERDE PAR-*  
 13 *CEL.—(1) To conserve water in the Verde Valley, Arizona,*  
 14 *and to minimize the adverse impacts from future develop-*  
 15 *ment of the Camp Verde General Crook parcel described in*  
 16 *subsection (a)(4) on current and future holders of water*  
 17 *rights in existence of the date of enactment of this subtitle*  
 18 *and the Verde River and National Forest System lands re-*  
 19 *tained by the United States, the United States shall limit*  
 20 *in perpetuity the use of water on the parcel by reserving*  
 21 *conservation easements that—*

22 *(A) run with the land;*

23 *(B) prohibit golf course development on the par-*  
 24 *cel;*

1           (C) *require that any public park or greenbelt on*  
2           *the parcel be watered with treated wastewater;*

3           (D) *limit total post-exchange water use on the*  
4           *parcel to not more than 300 acre-feet of water per*  
5           *year;*

6           (E) *provide that any water supplied by municipi-*  
7           *palities or private water companies shall count to-*  
8           *wards the post-exchange water use limitation de-*  
9           *scribed in subparagraph (D); and*

10          (F) *except for water supplied to the parcel by*  
11          *municipal water service providers or private water*  
12          *companies, require that any water used for the parcel*  
13          *not be withdrawn from wells perforated in the satu-*  
14          *rated Holocene alluvium of the Verde River.*

15          (2) *If Yavapai Ranch conveys the Camp Verde parcel*  
16          *described in subsection (a)(4), or any portion thereof, the*  
17          *terms of conveyance shall include a recorded and binding*  
18          *agreement of the quantity of water available for use on the*  
19          *land conveyed, as determined by Yavapai Ranch, except*  
20          *that total water use on the Camp Verde parcel may not*  
21          *exceed the amount specified in paragraph (1)(D).*

22          (3) *The Secretary may enter into a memorandum of*  
23          *understanding with the State or political subdivision of the*  
24          *State to enforce the terms of the conservation easement.*

1 **SEC. 1715. STATUS AND MANAGEMENT OF LAND AFTER EX-**  
 2 **CHANGE.**

3 (a) *IN GENERAL.*—Land acquired by the United  
 4 States under this subtitle shall become part of the Prescott  
 5 National Forest and shall be administered by the Secretary  
 6 in accordance with this subtitle and the laws applicable to  
 7 the National Forest System.

8 (b) *GRAZING.*—Where grazing on non-Federal land ac-  
 9 quired by the Secretary under this subtitle occurs prior to  
 10 the date of enactment of this Act, the Secretary may manage  
 11 the land to allow for continued grazing use, in accordance  
 12 with the laws generally applicable to domestic livestock  
 13 grazing on National Forest System land.

14 (c) *TIMBER HARVESTING.*—(1) After completion of the  
 15 land exchange under this subtitle, except as provided in  
 16 paragraph (2), commercial timber harvesting shall be pro-  
 17 hibited on the non-Federal land acquired by the United  
 18 States.

19 (2) Timber harvesting may be conducted on the non-  
 20 Federal land acquired under this subtitle if the Secretary  
 21 determines that such harvesting is necessary—

22 (A) to prevent or control fires, insects, and dis-  
 23 ease through forest thinning or other forest manage-  
 24 ment techniques;

25 (B) to protect or enhance grassland habitat, wa-  
 26 tershed values, native plants and wildlife species; or

1           (C) to improve forest health.

2   **SEC. 1716. MISCELLANEOUS PROVISIONS.**

3           (a) *REVOCATION OF ORDERS.*—Any public orders  
4   *withdrawing any of the Federal land from appropriation*  
5   *or disposal under the public land laws are revoked to the*  
6   *extent necessary to permit disposal of the Federal land.*

7           (b) *WITHDRAWAL OF FEDERAL LAND.*—Subject to  
8   *valid existing rights, the Federal land is withdrawn from*  
9   *all forms of entry and appropriation under the public land*  
10   *laws; location, entry, and patent under the mining laws;*  
11   *and operation of the mineral leasing and geothermal leasing*  
12   *laws, until the date on which the land exchange is com-*  
13   *pleted.*

14          (c) *COMPLETION OF EXCHANGE.*—It is the intent of  
15   *Congress that the land exchange authorized and directed*  
16   *under this subtitle be completed not later than 18 months*  
17   *after the date of enactment of this Act.*

18   **SEC. 1717. CONVEYANCE OF ADDITIONAL LAND.**

19          (a) *IN GENERAL*—The Secretary shall convey to a per-  
20   *son that represents the majority of landowners with en-*  
21   *croachments on the lot by quitclaim deed the parcel of land*  
22   *described in subsection (b).*

23          (b) *DESCRIPTION OF LAND.*—The parcel of land re-  
24   *ferred to in subsection (a) is lot 8 in section 11, T. 21 N.,*

1 *R. 7 E., Gila and Salt River Base and Meridian, Coconino*  
 2 *County, Arizona.*

3 (c) *AMOUNT OF CONSIDERATION.*—*In exchange for the*  
 4 *land described in subsection (b), the person acquiring the*  
 5 *land shall pay to the Secretary consideration in the amount*  
 6 *of—*

7 (1) *\$2500; plus*

8 (2) *any costs of re-monumenting the boundary of*  
 9 *land.*

10 (d) *TIMING.*—(1) *Not later than 90 days after the date*  
 11 *on which the Secretary receives a power of attorney executed*  
 12 *by the person acquiring the land, the Secretary shall convey*  
 13 *to the person the land described in subsection (b).*

14 (2) *If, by the date that is 270 days after the date of*  
 15 *enactment of this Act, the Secretary does not receive the*  
 16 *power of attorney described in paragraph (1)—*

17 (A) *the authority provided under this section*  
 18 *shall terminate; and*

19 (B) *any conveyance of the land shall be made*  
 20 *under Public Law 97–465 (16 U.S.C. 521c et seq.).*

21 ***Subtitle B—Verde River Basin***  
 22 ***Partnership***

23 ***SEC. 1721. PURPOSE.***

24 *The purpose of this subtitle is to authorize assistance*  
 25 *for a collaborative and science-based water resource plan-*

1 *ning and management partnership for the Verde River*  
 2 *Basin in the State of Arizona, consisting of members that*  
 3 *represent—*

4           (1) *Federal, State, and local agencies; and*  
 5           (2) *economic, environmental, and community*  
 6 *water interests in the Verde River Basin.*

7 **SEC. 1722. DEFINITIONS.**

8 *In this subtitle:*

9           (1) *DIRECTOR.*—*The term “Director” means the*  
 10 *Director of the Arizona Department of Water Re-*  
 11 *sources.*

12           (2) *PARTNERSHIP.*—*The term “Partnership”*  
 13 *means the Verde River Basin Partnership.*

14           (3) *PLAN.*—*The term “plan” means the plan for*  
 15 *the Verde River Basin required by section 1724(a)(1).*

16           (4) *SECRETARY.*—*The term “Secretary” means*  
 17 *the Secretary of Agriculture.*

18           (5) *STATE.*—*The term “State” means the State*  
 19 *of Arizona.*

20           (6) *VERDE RIVER BASIN.*—*The term “Verde*  
 21 *River Basin” means the land area designated by the*  
 22 *Arizona Department of Water Resources as encom-*  
 23 *passing surface water and groundwater resources, in-*  
 24 *cluding drainage and recharge areas with a hydro-*  
 25 *logic connection to the Verde River.*



1           (7) *WATER BUDGET.*—*The term “water budget”*  
 2       *means the accounting of—*

3                   *(A) the quantities of water leaving the*  
 4       *Verde River Basin—*

5                           *(i) as discharge to the Verde River and*  
 6       *tributaries;*

7                           *(ii) as subsurface outflow;*

8                           *(iii) as evapotranspiration by riparian*  
 9       *vegetation;*

10                          *(iv) as surface evaporation;*

11                          *(v) for agricultural use; and*

12                          *(vi) for human consumption; and*

13                   *(B) the quantities of water replenishing the*  
 14       *Verde River Basin by precipitation, infiltration,*  
 15       *and subsurface inflows.*

16   **SEC. 1723. VERDE RIVER BASIN PARTNERSHIP.**

17       *(a) IN GENERAL.*—*The Secretary may participate in*  
 18       *the establishment of a partnership, to be known as the*  
 19       *“Verde River Basin Partnership”, made up of Federal,*  
 20       *State, local governments, and other entities with respon-*  
 21       *sibilities and expertise in water to coordinate and cooperate*  
 22       *in the identification and implementation of comprehensive*  
 23       *science-based policies, projects, and management activities*  
 24       *relating to the Verde River Basin.*

1       (b) *AUTHORIZATION OF APPROPRIATIONS.*—On estab-  
 2       lishment of the Partnership, there are authorized to be ap-  
 3       propriated to the Secretary and the Secretary of the Interior  
 4       such sums as are necessary to carry out the activities of  
 5       the Partnership for each of fiscal years 2005 through 2009.

6       **SEC. 1724. VERDE RIVER BASIN STUDIES.**

7       (a) *STUDIES.*—

8               (1) *IN GENERAL.*—The Partnership shall prepare  
 9       a plan for conducting water resource studies in the  
 10      Verde River Basin that identifies—

11               (A) the primary study objectives to fulfill  
 12      water resource planning and management needs  
 13      for the Verde River Basin; and

14               (B) the water resource studies, hydrologic  
 15      models, surface and groundwater monitoring net-  
 16      works, and other analytical tools helpful in the  
 17      identification of long-term water supply manage-  
 18      ment options within the Verde River Basin.

19       (2) *REQUIREMENTS.*—At a minimum, the plan  
 20      shall—

21               (A) include a list of specific studies and  
 22      analyses that are needed to support Partnership  
 23      planning and management decisions;

24               (B) identify any ongoing or completed  
 25      water resource or riparian studies that are rel-

1        *evant to water resource planning and manage-*  
 2        *ment for the Verde River Basin;*

3                *(C) describe the estimated cost and duration*  
 4        *of the proposed studies and analyses; and*

5                *(D) designate as a study priority the com-*  
 6        *pilation of a water budget analysis for the Verde*  
 7        *Valley.*

8        *(b) VERDE VALLEY WATER BUDGET ANALYSIS.—*

9                *(1) IN GENERAL.—Subject to the availability of*  
 10        *appropriations, not later than 14 months after the*  
 11        *date of enactment of this Act, the Director of the U.S.*  
 12        *Geological Survey, in cooperation with the Director,*  
 13        *shall prepare and submit to the Partnership a report*  
 14        *that provides a water budget analysis of the portion*  
 15        *of the Verde River Basin within the Verde Valley.*

16                *(2) COMPONENTS.—The report submitted under*  
 17        *paragraph (1) shall include—*

18                *(A) a summary of the information available*  
 19        *on the hydrologic flow regime for the portion of*  
 20        *the Middle Verde River from the Clarkdale*  
 21        *streamgauging station to the city of Camp Verde*  
 22        *at United States Geological Survey Stream*  
 23        *Gauge 09506000;*

1                   *(B) with respect to the portion of the Middle*  
 2                   *Verde River described in subparagraph (A), esti-*  
 3                   *mates of—*

4                   *(i) the inflow and outflow of surface*  
 5                   *water and groundwater;*

6                   *(ii) annual consumptive water use;*  
 7                   *and*

8                   *(iii) changes in groundwater storage;*  
 9                   *and*

10                  *(C) an analysis of the potential long-term*  
 11                  *consequences of various water use scenarios on*  
 12                  *groundwater levels and Verde River flows.*

13                  *(c) PRELIMINARY REPORT AND RECOMMENDATIONS.—*

14 .

15                  *(1) IN GENERAL.—Not later than 16 months*  
 16                  *after the date of enactment of this Act, using the in-*  
 17                  *formation provided in the report submitted under*  
 18                  *subsection (b) and any other relevant information, the*  
 19                  *Partnership shall submit to the Secretary, the Gov-*  
 20                  *ernor of Arizona, and representatives of the Verde*  
 21                  *Valley communities, a preliminary report that sets*  
 22                  *forth the findings and recommendations of the Part-*  
 23                  *nership regarding the long-term available water sup-*  
 24                  *ply within the Verde Valley.*

1           (2) *CONSIDERATION OF RECOMMENDATIONS.*—

2           *The Secretary may take into account the rec-*  
 3           *ommendations included in the report submitted under*  
 4           *paragraph (1) with respect to decisions affecting land*  
 5           *under the jurisdiction of the Secretary, including any*  
 6           *future sales or exchanges of Federal land in the Verde*  
 7           *River Basin after the date of enactment of this Act.*

8           (3) *EFFECT.*—*Any recommendations included in*  
 9           *the report submitted under paragraph (1) shall not*  
 10          *affect the land exchange process or the appraisals of*  
 11          *the Federal land and non-Federal land conducted*  
 12          *under sections 103 and 104.*

13 **SEC. 1725. VERDE RIVER BASIN PARTNERSHIP FINAL RE-**  
 14                                   **PORT.**

15          *Not later than 4 years after the date of enactment of*  
 16          *this Act, the Partnership shall submit to the Secretary and*  
 17          *the Governor of Arizona a final report that—*

18                 (1) *includes a summary of the results of any*  
 19                 *water resource assessments conducted under this sub-*  
 20                 *title in the Verde River Basin;*

21                 (2) *identifies any areas in the Verde River Basin*  
 22                 *that are determined to have groundwater deficits or*  
 23                 *other current or potential water supply problems;*

1           (3) identifies long-term water supply manage-  
 2           ment options for communities and water resources  
 3           within the Verde River Basin; and

4           (4) identifies water resource analyses and moni-  
 5           toring needed to support the implementation of man-  
 6           agement options.

7 **SEC. 1726. MEMORANDUM OF UNDERSTANDING.**

8           *The Secretary (acting through the Chief of the Forest*  
 9           *Service) and the Secretary of the Interior, shall enter into*  
 10           *a memorandum of understanding authorizing the United*  
 11           *States Geological Survey to access Forest Service land (in-*  
 12           *cluding stream gauges, weather stations, wells, or other*  
 13           *points of data collection on the Forest Service land) to carry*  
 14           *out this subtitle.*

15 **SEC. 1727. EFFECT.**

16           *Nothing in this title diminishes or expands State or*  
 17           *local jurisdiction, responsibilities, or rights with respect to*  
 18           *water resource management or control.*

19 **TITLE XVIII—PACTOLA RES-**  
 20 **ERVOIR REALLOCATION AU-**  
 21 **THORIZATION ACT OF 2004**

22 **SEC. 1801. SHORT TITLE.**

23           *This title may be cited as the “Pactola Reservoir Re-*  
 24           *allocation Authorization Act of 2004”.*

1 **SEC. 1802. FINDINGS.**

2 *Congress finds that—*

3 *(1) it is appropriate to reallocate the costs of the*  
 4 *Pactola Dam and Reservoir, South Dakota, to reflect*  
 5 *increased demands for municipal, industrial, and fish*  
 6 *and wildlife purposes; and*

7 *(2) section 302 of the Department of Energy Or-*  
 8 *ganization Act (42 U.S.C. 7152) prohibits such a re-*  
 9 *allocation of costs without congressional approval.*

10 **SEC. 1803. REALLOCATION OF COSTS OF PACTOLA DAM AND**  
 11 **RESERVOIR, SOUTH DAKOTA.**

12 *The Secretary of the Interior may, as provided in the*  
 13 *contract of August 2001 entered into between Rapid City,*  
 14 *South Dakota, and the Rapid Valley Conservancy District,*  
 15 *reallocate, in a manner consistent with Federal reclamation*  
 16 *law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093),*  
 17 *and Acts supplemental to and amendatory of that Act (43*  
 18 *U.S.C. 371 et seq.)), the construction costs of Pactola Dam*  
 19 *and Reservoir, Rapid Valley Unit, Pick-Sloan Missouri*  
 20 *Basin Program, South Dakota, from irrigation purposes to*  
 21 *municipal, industrial, and fish and wildlife purposes.*

Amend the title so as to read: “An Act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending

schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, and for other purposes.”.

Attest:

*Secretary.*



108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 620

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## AMENDMENTS