

section 2(4), the Secretary shall identify other Federal lands or interests therein in the State of Wyoming for possible exchange and shall identify such lands or interests together with their estimated value in a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources [now Committee on Natural Resources] of the House of Representatives. Such lands or interests shall not be available for exchange unless authorized by an Act of Congress enacted after the date of submission of the report.

“SEC. 4. VALUATION OF STATE AND FEDERAL INTERESTS.

“(a) AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the value of any Federal lands eligible for exchange under section 3(a)(3) or State lands, then the Secretary and the Governor may select a qualified appraiser to conduct an appraisal of those lands. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

“(b) NO AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the selection of a qualified appraiser under subsection (a), then the Secretary and the Governor shall each designate a qualified appraiser. The two designated appraisers shall select a qualified third appraiser to conduct the appraisal with the advice and assistance of the two designated appraisers. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

“(c) APPRAISAL COSTS.—The Secretary and the State of Wyoming shall each pay one-half of the appraisal costs under subsections (a) and (b).

“SEC. 5. ADMINISTRATION OF STATE LANDS ACQUIRED BY THE UNITED STATES.

“The State lands conveyed to the United States under section 3(a) shall become part of Grand Teton National Park. The Secretary shall manage such lands under the Act of August 25, 1916 (commonly known as the ‘National Park Service Organic Act’) [16 U.S.C. 1 et seq.], and other laws, rules, and regulations applicable to Grand Teton National Park.

“SEC. 6. AUTHORIZATION FOR APPROPRIATIONS.

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

CONSTRUCTION OF ALTERNATE HIGHWAY

Act Aug. 9, 1955, ch. 635, 69 Stat. 555, provided: “That in order to facilitate public use and enjoyment of the Grand Teton National Park and to make possible an appropriate relocation and use of highways through the park, the Secretary of the Interior is authorized to construct within the park, upon a location to be agreed upon between the Secretary and the Governor of Wyoming, a highway which shall replace the present U.S. Highway 89, also numbered U.S. 187 and U.S. 26. Upon completion of the said highway, the Secretary is authorized to enter into an agreement with the State of Wyoming, upon such terms and conditions as he deems in the interest of the United States, for the conveyance of the highway to the State in exchange for State and county roads in the park area.”

AVAILABILITY OF UNEXPENDED APPROPRIATED FUNDS

The third sentence of section 9 of act Sept. 14, 1950, provided that: “The remaining unexpended balance of any funds appropriated for the present Grand Teton National Park and the Jackson Hole National Monument shall be available for expenditure in connection with the administration of the Grand Teton National Park established by this Act [this subchapter and sections 431a, 451a, 482m, 673b, and 673c of this title]”.

REVOCATION OF TEMPORARY WITHDRAWALS OF PUBLIC LANDS

Section 8 of act Sept. 14, 1950, provided that: “All temporary withdrawals of public lands made by Execu-

tive order in aid of legislation pertaining to parks, monuments, or recreational areas, adjacent to the Grand Teton National Park as established by this Act [this subchapter and sections 431a, 451a, 482m, 673b, and 673c of this title] are hereby revoked.”

REPEAL OF INCONSISTENT LAWS

The second sentence of section 9 of act Sept. 14, 1950, provided: “All provisions of law inconsistent with the provisions of this act [this subchapter and sections 431a, 451a, 482m, 673b, and 673c of this title] are hereby repealed to the extent of such inconsistency”.

§ 406d-2. Rights-of-way; continuation of leases, permits, and licenses; renewal; grazing privileges

With respect to those lands that are included by this subchapter and sections 431a, 451a, 482m, 673b, and 673c of this title within the Grand Teton National Park—

(a) the Secretary of the Interior shall designate and open rights-of-way, including stock driveways, over and across Federal lands within the exterior boundary of the park for the movement of persons and property to or from State and private lands within the exterior boundary of the park and to or from national forest, State, and private lands adjacent to the park. The location and use of such rights-of-way shall be subject to such regulations as may be prescribed by the Secretary of the Interior;

(b) all leases, permits, and licenses issued or authorized by any department, establishment, or agency of the United States with respect to the Federal lands within the exterior boundary of the park which are in effect on September 14, 1950, shall continue in effect, subject to compliance with the terms and conditions therein set forth, until terminated in accordance with the provisions thereof;

(c) where any Federal lands included within the park by this subchapter and sections 431a, 451a, 482m, 673b, and 673c of this title were legally occupied or utilized on September 14, 1950 for residence or grazing purposes, or for other purposes not inconsistent with sections 1, 2, 3, and 4 of this title, pursuant to a lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the person so occupying or utilizing such lands, and the heirs, successors, or assigns of such person, shall, upon the termination of such lease, permit, or license, be entitled to have the privileges so possessed or enjoyed by him renewed from time to time, subject to such terms and conditions as the Secretary of the Interior shall prescribe, for a period of twenty-five years from September 14, 1950 and thereafter during the lifetime of such person and the lifetime of his heirs, successors, or assigns but only if they were members of his immediate family on such date, as determined by the Secretary of the Interior: *Provided*, That grazing privileges appurtenant to privately owned lands located within the Grand Teton National Park established by this subchapter and said sections shall not be withdrawn until title to lands to which such privileges are appurtenant shall have vested in the United States, except for failure to comply with the regulations applicable thereto after

reasonable notice of default: *Provided further*, That nothing in this subsection shall apply to any lease, permit, or license for mining purposes or for public accommodations and services or to any occupancy or utilization of lands for purely temporary purposes. Nothing contained in this subchapter and said sections shall be construed as creating any vested right, title, interest, or estate in or to any Federal lands.

(Sept. 14, 1950, ch. 950, § 4, 64 Stat. 850.)

#### REPEAL OF INCONSISTENT LAWS

Repeal of laws inconsistent with act Sept. 14, 1950, see note set out under section 406d-1 of this title.

#### GRAZING STUDY OF GRAND TETON NATIONAL PARK

Pub. L. 105-81, Nov. 13, 1997, 111 Stat. 1537, provided that:

#### “SECTION 1. FINDINGS.

“Congress finds that—

“(1) open space near Grand Teton National Park continues to decline;

“(2) as the population continues to grow in Teton County, Wyoming, undeveloped land near the Park becomes more scarce;

“(3) the loss of open space around Teton Park has negative impacts on wildlife migration routes in the area and on visitors to the Park, and its repercussions can be felt throughout the entire region;

“(4) a few ranches make up Teton Valley’s remaining open space, and the ranches depend on grazing in Grand Teton National Park for summer range to maintain operations;

“(5) the Act that created Grand Teton National Park [act Feb. 26, 1929, ch. 331, 45 Stat. 1314, 16 U.S.C. former 406 to 406d] allowed several permittees to continue livestock grazing in the Park for the life of a designated heir in the family;

“(6) some of the last remaining heirs have died, and as a result the open space around the Park will most likely be subdivided and developed;

“(7) in order to develop the best solution to protect open space immediately adjacent to Grand Teton National Park, the Park Service should conduct a study of open space in the region; and

“(8) the study should develop workable solutions that are fiscally responsible and acceptable to the National Park Service, the public, local government, and landowners in the area.

#### “SEC. 2. STUDY OF GRAZING USE AND OPEN SPACE.

“(a) IN GENERAL.—The Secretary of the Interior shall conduct a study concerning grazing use and open space in Grand Teton National Park, Wyoming, and associated use of certain agricultural and ranch lands within and adjacent to the Park, including—

“(1) base land having appurtenant grazing privileges within Grand Teton National Park, Wyoming, remaining after January 1, 1990, under the Act entitled ‘An Act to establish a new Grand Teton National Park in the State of Wyoming, and for other purposes’, approved September 14, 1950 (16 U.S.C. 406d-1 et seq.); and

“(2) any ranch and agricultural land adjacent to the Park, the use and disposition of which may affect accomplishment of the purposes of the Act.

“(b) PURPOSE.—The study shall—

“(1) assess the significance of the ranching use and pastoral character of the land (including open vistas, wildlife habitat, and other public benefits);

“(2) assess the significance of that use and character to the purposes for which the Park was established and identify any need for preservation of, and practicable means of, preserving the land that is necessary to protect that use and character;

“(3) recommend a variety of economically feasible and viable tools and techniques to retain the pastoral qualities of the land; and

“(4) estimate the costs of implementing any recommendations made for the preservation of the land.

“(c) PARTICIPATION.—In conducting the study, the Secretary of the Interior shall seek participation from the Governor of the State of Wyoming, the Teton County Commissioners, the Secretary of Agriculture, affected land owners, and other interested members of the public.

“(d) REPORT.—Not later than 3 years from the date funding is available for the purposes of this Act, the Secretary of the Interior shall submit a report to Congress that contains the findings of the study under subsection (a) and makes recommendations to Congress regarding action that may be taken with respect to the land described in subsection (a).

#### “SEC. 3. EXTENSION OF GRAZING PRIVILEGES.

“(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Interior shall reinstate and extend for the duration of the study described in section 2(a) and until such time as the recommendations of the study are implemented, the grazing privileges described in section 2(a)(1), under the same terms and conditions as were in effect prior to the expiration of the privileges.

“(b) EFFECT OF CHANGE IN LAND USE.—If, during the period of the study or until such time as the recommendations of the study are implemented, any portion of the land described in section 2(a)(1) is disposed of in a manner that would result in the land no longer being used for ranching or other agricultural purposes, the Secretary of the Interior shall cancel the extension described in subsection (a).”

#### § 406d-3. Compensation for tax losses; limitation on annual amount

(a) In order to provide compensation for tax losses sustained as a result of any acquisition by the United States, subsequent to March 15, 1943, of privately owned lands, together with any improvements thereon, located within the exterior boundary of the Grand Teton National Park established by this subchapter and sections 431a, 451a, 482m, 673b, and 673c of this title, payments shall be made to the State of Wyoming for distribution to the county in which such lands are located in accordance with the following schedule of payments: For the fiscal year in which the land has been or may be acquired and nine years thereafter there shall be paid an amount equal to the full amount of annual taxes last assessed and levied on the land, together with any improvements thereon, by public taxing units in such county, less any amount, to be determined by the Secretary of the Interior, which may have been paid on account of taxes for any period falling within such fiscal year. For each succeeding fiscal year, until twenty years elapse, there shall be paid on account of such land an amount equal to the full amount of taxes referred to in the preceding sentence, less 5 per centum of such full amount for each fiscal year, including the year for which the payment is to be made: *Provided*, That the amount payable under the foregoing schedule for any fiscal year preceding the first full fiscal year following September 14, 1950, shall not become payable until the end of such first full fiscal year.

(b) As soon as practicable after the end of each fiscal year, the amount then due for such fiscal year shall be computed and certified by the Secretary of the Interior, and shall be paid by the Secretary of the Treasury: *Provided*, That such