

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-329, §2(d)(1), inserted heading and amended text generally. Prior to amendment, text read as follows: “The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of sections 1, 2, 3, and 4 of this title.”

Subsec. (b). Pub. L. 105-329, §2(d)(2), inserted heading and amended text generally. Prior to amendment, text read as follows: “Within three years from November 12, 1971, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act, his recommendations as the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be in accordance with said Wilderness Act.”

§ 272e. Omitted

CODIFICATION

Section, Pub. L. 92-155, §6, Nov. 12, 1971, 85 Stat. 423, authorized the Secretary to conduct a study of proposed road alignments within and adjacent to the park and to submit a report on the findings and conclusions of the study to the Congress within two years of Nov. 12, 1971.

§ 272f. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter, not to exceed, however, \$275,000 for the acquisition of lands and interests in lands and not to exceed \$1,031,800 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to November 12, 1971.

(Pub. L. 92-155, §7, Nov. 12, 1971, 85 Stat. 423; Pub. L. 94-578, title I, §101(1), Oct. 21, 1976, 90 Stat. 2732.)

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1976—Pub. L. 94-578 substituted “\$275,000” for “\$125,000”.

§ 272g. Land exchange involving school trust land**(a) Exchange requirement****(1) In general**

If, not later than 1 year after October 30, 1998, and in accordance with this section, the State of Utah offers to transfer all right, title, and interest of the State in and to the school trust land described in subsection (b)(1) of this section to the United States, the Secretary—

(A) shall accept the offer on behalf of the United States; and

(B) not later than 180 days after the date of acceptance, shall convey to the State of Utah all right, title, and interest of the United States in and to the land described in subsection (b)(2) of this section.

(2) Simultaneous conveyances

Title to the school trust land shall be conveyed at the same time as conveyance of title to the Federal lands by the Secretary.

(3) Valid existing rights

The land exchange under this section shall be subject to valid existing rights, and each party shall succeed to the rights and obligations of the other party with respect to any lease, right-of-way, or permit encumbering the exchanged land.

(b) Description of parcels**(1) State conveyance**

The school trust land to be conveyed by the State of Utah under subsection (a) of this section is section 16, Township 23 South, Range 22 East of the Salt Lake base and meridian.

(2) Federal conveyance

The Federal land to be conveyed by the Secretary consists of approximately 639 acres located in section 1, Township 25 South, Range 18 East, Salt Lake base and meridian, and more fully described as follows:

(A) Lots 1 through 12.

(B) The S $\frac{1}{2}$ N $\frac{1}{2}$ of such section.

(C) The N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ of such section.

(3) Equivalent value

The Federal land described in paragraph (2) shall be considered to be of equivalent value to that of the school trust land described in paragraph (1).

(c) Management by State**(1) In general**

At least 60 days before undertaking or permitting any surface disturbing activities to occur on land acquired by the State of Utah under this section, the State shall consult with the Utah State Office of the Bureau of Land Management concerning the extent and impact of such activities on Federal land and resources and conduct, in a manner consistent with Federal law, inventory, mitigation, and management activities in connection with any archaeological, paleontological, and cultural resources located on the acquired lands.

(2) Preservation of existing uses

To the extent that it is consistent with applicable law governing the use and disposition of State school trust land, the State shall preserve existing grazing, recreational, and wildlife uses of the acquired lands in existence on October 30, 1998.

(3) Activities authorized by management plan

Nothing in this subsection precludes the State of Utah from authorizing or undertaking a surface or mineral activity that is authorized by a land management plan for the acquired land.

(Pub. L. 92-155, §8, as added Pub. L. 105-329, §2(e)(2), Oct. 30, 1998, 112 Stat. 3062; amended Pub. L. 106-176, title III, §302, Mar. 10, 2000, 114 Stat. 32.)

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2000—Subsec. (b)(2). Pub. L. 106-176, §302(1), substituted “located in section 1, Township 25 South, Range 18 East, Salt Lake base and meridian, and more fully described as follows:” and subpars. (A) to (C) for “, described as lots 1 through 12 located in the S $\frac{1}{2}$ N $\frac{1}{2}$ and the N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ of section 1, Township 25 South, Range 18 East, Salt Lake base and meridian.”

Subsec. (d). Pub. L. 106-176, §302(2), struck out heading and text of subsec. (d). Text read as follows: "Administrative actions necessary to implement the land exchange under this section shall be completed not later than 180 days after October 30, 1998."

EFFECT ON SCHOOL TRUST LAND

Pub. L. 105-329, §2(e)(1), Oct. 30, 1998, 112 Stat. 3062, provided that: "Congress finds that—

"(A) a parcel of State school trust land, more specifically described as section 16, township 23 south, range 22 east, of the Salt Lake base and meridian, is partially contained within the Lost Spring Canyon Addition included within the boundaries of Arches National Park by the amendment by subsection (a) [amending section 272 of this title];

"(B) the parcel was originally granted to the State of Utah for the purpose of generating revenue for the public schools through the development of natural and other resources located on the parcel; and

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

SUBCHAPTER XXXI—CAPITOL REEF NATIONAL PARK

§ 273. Establishment

(a) Description of area

Subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Capitol Reef National Park, Utah," numbered 158-91,002, and dated January 1971, are hereby established as the Capitol Reef National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) Abolition of Capitol Reef National Monument; funds of monument available for park; administration of lands excluded from monument

The Capitol Reef National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this subchapter shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

(Pub. L. 92-207, §1, Dec. 18, 1971, 85 Stat. 739.)

§ 273a. Acquisition of property; authority of Secretary; State property

The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or otherwise, the lands and interests in lands described in section 273 of this title, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

(Pub. L. 92-207, §2, Dec. 18, 1971, 85 Stat. 739.)

§ 273b. Grazing privileges; right of occupancy or use for fixed term of years; renewal

Where any Federal lands included within the park are legally occupied or utilized on December 18, 1971, for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

(Pub. L. 92-207, §3, Dec. 18, 1971, 85 Stat. 740.)

RENEWAL OF CAPITOL REEF NATIONAL PARK GRAZING AUTHORIZATIONS

Pub. L. 100-446, title I, Sept. 27, 1988, 102 Stat. 1779, provided: "That where any Federal lands included within the boundary of the Park created by the Act of December 18, 1971 (Public Law 92-207) [16 U.S.C. 273 et seq.], were legally occupied or utilized on the date of approval of that Act [Dec. 18, 1971] for grazing purposes pursuant to a lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the person or persons so occupying or utilizing such lands and the heirs of such person or persons shall at that time be entitled to renew said leases, permits, or licenses under such terms and conditions as the Secretary of the Interior may prescribe, for the lifetime of the permittee or any direct descendants (sons or daughters) born on or before the enactment of Public Law 92-207 (December 18, 1971). Such grazing activities shall be subject to the following conditions:

"(a) Grazing will be based on active preference that exists on the date of this Act [Sept. 27, 1988] and no increase in animal unit months will be allowed on Park lands.

"(b) No physical improvements for stock use will be established on National Park Service lands without the written concurrence of the Park Superintendent.

"(c) Nothing in this section 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.

"(d) Nothing contained in this Act [see Tables for classification] shall be construed as creating any vested right, title interest, or estate in or to any Federal lands.

"(e) The provisions of Public Law 97-341 [formerly set out as a note below] are hereby repealed.

"(f) Grazing will be managed to encourage the protection of the Park's natural and cultural resources values."

STUDY OF GRAZING PHASEOUT AT CAPITOL REEF NATIONAL PARK

Pub. L. 97-341, Oct. 15, 1982, 96 Stat. 1639, provided for retention of Capitol Reef National Park grazing privileges until Dec. 31, 1994, and a study of grazing at the Park, prior to repeal by Pub. L. 100-446, title I, Sept. 27, 1988, 102 Stat. 1780.

§ 273c. Livestock trails, watering rights; driveway regulations

Nothing in this subchapter shall be construed as affecting in any way rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to December 18, 1971, to trail their herds on traditional courses used by them prior to December 18, 1971, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park: *Provided*, That the Secretary may promulgate reasonable regulations providing for the use of such driveways.