

410ii-1, 410ii-3, and 410ii-5 of this title] may be cited as the 'Chacoan Outliers Protection Act of 1995'."

#### § 410ii-1. Establishment

##### (a) Abolition of Chaco Canyon National Monument

There is hereby established in the State of New Mexico, the Chaco Culture National Historical Park comprising approximately thirty three thousand nine hundred and eighty nine acres as generally depicted on the map entitled "Chaco Culture National Historical Park", numbered 310/80,032-A and dated August 1979. The Chaco Canyon National Monument is hereby abolished, as such, and any funds available for the purpose of the monument shall be available for the purpose of the Chaco Culture National Historical Park.

##### (b) Designation of Chaco Culture Archeological Protection Sites

(1) Thirty-nine outlying sites as generally depicted on a map entitled "Chaco Culture Archeological Protection Sites", numbered 310/80,033-B and dated September 1991, are hereby designated as "Chaco Culture Archeological Protection Sites". The thirty-nine archeological protection sites totaling approximately 14,372 acres<sup>1</sup> identified as follows:

Name:	Acres
Allentown .....	380
Andrews Ranch .....	950
Bee Burrow .....	480
Bisa'ani .....	131
Casa del Rio .....	40
Casamero .....	160
Chimney Rock .....	3,160
Coolidge .....	450
Dalton Pass .....	135
Dittert .....	480
Great Bend .....	26
Greenlee Ruin .....	60
Grey Hill Spring .....	23
Guadalupe .....	115
Halfway House .....	40
Haystack .....	565
Hogback .....	453
Indian Creek .....	100
Jaquez .....	66
Kin Nizhoni .....	726
Lake Valley .....	30
Manuelito-Atsee Nitsaa .....	60
Manuelito-Kin Hochoi .....	116
Morris 41 .....	85
Muddy Water .....	1,090
Navajo Springs .....	260
Newcomb .....	50
Peach Springs .....	1,046
Pierre's Site .....	440
Raton Well .....	23
Salmon Ruin .....	5
San Mateo .....	61
Sanostee .....	1,565
Section 8 .....	10
Skunk Springs/Crumbled House .....	533
Standing Rock .....	348
Toh-la-kai .....	10
Twin Angeles .....	40
Upper Kin Klizhin .....	60.

(2) The map referred to in paragraph (1) shall be kept on file and available for public inspection in the appropriate offices of the National

Park Service, the office of the State Director of the Bureau of Land Management located in Santa Fe, New Mexico, the office of the Area Director of the Bureau of Indian Affairs located in Window Rock, Arizona, and the offices of the Arizona and New Mexico State Historic Preservation Officers.

(Pub. L. 96-550, title V, §502, Dec. 19, 1980, 94 Stat. 3227; Pub. L. 104-11, §3, May 18, 1995, 109 Stat. 158.)

#### AMENDMENTS

1995—Subsec. (b). Pub. L. 104-11 designated existing provisions as par. (1), increased number of outlying protection sites from 33 to 39, updated number designation and date on site designation maps, increased total acreage from 8,771 to 14,372 acres, and added par. (2).

#### § 410ii-2. Repealed. Pub. L. 104-333, div. I, title VIII, §814(d)(1)(B), Nov. 12, 1996, 110 Stat. 4196

Section, Pub. L. 96-550, title V, §503, Dec. 19, 1980, 94 Stat. 3228, related to additions and deletions to Chaco Culture Archeological Protection Sites.

#### § 410ii-3. Acquisition of properties

##### (a) Methods of acquisition

The Secretary is authorized to acquire lands, waters, and interests therein within the boundaries of the Chaco Culture National Historical Park (hereinafter referred to as the "park") and the archeological protection sites as identified in section 410ii-1 of this title by donation, purchase with donated or appropriated funds, or exchange. Property owned by the State of New Mexico or any political subdivision thereof, may be acquired by exchange or donation only. Property held in trust for the benefit of any Indian tribe or for the benefit of any individual member thereof may be acquired only with the consent of such owner or beneficial owner as the case may be.

##### (b) Conveyance by tribal authorities

The respective tribal authorities are authorized to convey by exchange, purchase, on<sup>1</sup> donation the beneficial interest in any lands designated by section 410ii-1 of this title and held in trust by the United States for the respective tribes, to the Secretary, subject to such terms and conditions as the tribal authority deems necessary and which the Secretary deems are consistent with the purposes of this subchapter.

##### (c) Private properties; acquisition by exchange and cooperative agreements

(1) The Secretary shall attempt to acquire private lands or interests therein by exchange prior to acquiring lands by any other method authorized pursuant to this section.

(2) The Secretary shall seek to use a combination of land acquisition authority under this section and cooperative agreements (pursuant to section 410ii-4 of this title) to accomplish the purposes of archeological resource protection at those sites described in section 410ii-1(b) of this title that remain in private ownership.

<sup>1</sup> So in original. Probably should be "acres are".

<sup>1</sup> So in original. Probably should be "or".

**(d) Exchange of Federal property; pool, acreage designation**

(1) For purposes of completing an exchange pursuant to subsections (a) and (b), the Secretary shall designate a pool of at least three times the private acreage described in subsections (a) and (b), comprised of Federal property interests of a similar resource character to property to be exchanged. Federal property shall, whenever possible, be designated in blocks of at least one section in size, but in no event shall the blocks designated be less than one-quarter of a section in size.

(2) The Secretary may include within the pool any Federal property under his jurisdiction except units of the National Park System, National Forest System, or the National Wildlife Refuge System that are nominated by the owner of the private property to be exchanged. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchange, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchange may be made for other than equal values.

**(e) Federal lands exchanged for non-Federal property**

All Federal lands, waters, and interests therein excluded from the boundaries of Chaco Canyon National Monument by this subchapter may be exchanged for non-Federal property to be acquired pursuant to this subchapter. Any lands so excluded shall be managed by the Secretary under the provisions of the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.]. Transfer of administration of such lands to the Bureau of Land Management shall not be considered a withdrawal as that term is defined in section 103(j) of the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1702(j)].

(Pub. L. 96-550, title V, §504, Dec. 19, 1980, 94 Stat. 3228; Pub. L. 104-11, §4, May 18, 1995, 109 Stat. 159.)

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (e), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

AMENDMENTS

1995—Subsec. (c)(2). Pub. L. 104-11 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Secretary shall attempt to enter into cooperative agreements pursuant to section 410ii-4 of this title with owners of private property for those archeological protection sites described in section 410ii-1(b) of this title. The Secretary shall acquire fee title to any such private property only if it is necessary to prevent direct and material damage to, or destruction of, Chaco cultural resources and no cooperative agreement with the owner of the private property interest can be affected.”

**§ 410ii-4. Cooperative agreements for the protection, preservation, and maintenance of archeological resources**

The Secretary shall seek to enter into cooperative agreements with the owners, including the

beneficial owners, of the properties located in whole in or in part within the park or the archeological protection sites. The purposes of such agreements shall be to protect, preserve, maintain, and administer the archeological resources and associated site regardless of whether title to the property or site is vested in the United States. Any such agreement shall contain provisions to assure that (1) the Secretary, or his representative, shall have a right of access at all reasonable times to appropriate portions of the property for the purpose of cultural resource protection and conducting research, and (2) no changes or alterations shall be permitted with respect to the cultural resources without the written consent of the Secretary. Nothing in this subchapter shall be deemed to prevent the continuation of traditional Native American religious uses of properties which are the subject of cooperative agreements.

(Pub. L. 96-550, title V, §505, Dec. 19, 1980, 94 Stat. 3229.)

**§ 410ii-5. Administration**

**(a) Laws governing**

The Secretary shall administer the park in accordance with the provisions of this subchapter and the provisions of law generally applicable to the administration of units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4),<sup>1</sup> and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-7).<sup>1</sup>

**(b) Protection, preservation, and maintenance of cultural resources**

The Secretary shall protect, preserve, maintain, and administer the Chaco Culture Archeological Protection Sites, in a manner that will preserve the Chaco cultural resource and provide for its interpretation and research. Such sites shall be managed by the Secretary in accordance with the provisions of this subchapter and the provisions of law generally applicable to public lands as defined in section 1702(e) of title 43: *Provided, however*, That lands held in trust by the Secretary for an Indian tribe or any individual member thereof, or held in restricted fee status shall continue to be so managed or held by the Secretary.

**(c) Activities endangering cultural values prohibited**

No activities shall be permitted upon the upper surface of the archeological protection sites which shall endanger their cultural values. For the purposes of this subchapter, upper surface shall be considered to extend to a depth of twenty meters below ground level. Nothing in this subchapter shall be deemed to prevent exploration and development of subsurface oil and gas, mineral, and coal resources from without the sites which does not infringe upon the upper surface of the sites.

**(d) Livestock grazing permitted**

Nothing in this subchapter shall be deemed to prevent the continuation of livestock grazing on properties which are the subject of cooperative agreements.

<sup>1</sup> See References in Text note below.