

XI. NATIONAL MONUMENTS

1. African Burial Ground

PROCLAMATION 7984—FEB. 27, 2006

120 STAT. 3763

Proclamation 7984 of February 27, 2006

Establishment of the African American Burial Ground National Monument

By the President of the United States of America

A Proclamation

In Lower Manhattan, at the corners of Duane and Elk Streets, lies an undeveloped parcel of approximately 15,000 square feet that constitutes a remaining portion of New York City's early African Burial Ground. The site is part of an approximately 7-acre National Historic Landmark established on April 19, 1993. From the 1690s to the 1790s, the African Burial Ground served as the final resting place of enslaved and free Africans in New York City, New York. It contains the remains of those interred, as well as the archeological resources and artifacts associated with their burials. Prior to the date of this proclamation, the site was administered by the General Services Administration (GSA), and it will be the location of a memorial, to be constructed soon according to a design selected on April 29, 2005, through a competition conducted by the GSA with the participation of the National Park Service (NPS) and other interested parties.

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Whereas the African Burial Ground National Monument will promote understanding of related resources, encourage continuing research, and present interpretive opportunities and programs for visitors to better understand and honor the culture and vital contributions of generations of Africans and Americans of African descent to our Nation;

Whereas section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) (the "Antiquities Act") authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

Whereas it would be in the public interest to preserve the portion of the African Burial Ground at the corner of Duane and Elk Streets in New York City, and certain lands as necessary for the care and management of the historic and scientific objects therein, as the African Burial Ground National Monument;

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the African Burial Ground National Monument for the purpose of protecting the objects described above, all lands and interests in lands owned or controlled by the Government of the United States with the boundaries described on the accompanying land description, which is attached and forms a part of this proclamation. The Federal land and interests in land reserved consist of approximately 15,000 square feet, which is the smallest area

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compatible with the proper care and management of the objects to be protected.

All Federal lands and interests of lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including, but not limited to, withdrawal from location, entry, and patent under mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The Secretary of the Interior (Secretary), acting through the NPS, shall administer the national monument consistent with the purposes and provisions of this proclamation and applicable laws and regulations governing management of units of the national park system. For the purposes of preserving, interpreting, and enhancing public understanding and appreciation of the national monument and its meaning to society, the Secretary, acting through the NPS, shall develop an interagency agreement with the Administrator of General Services and, within 3 years of the date of this proclamation, prepare a management plan for the national monument. The management plan shall, among other provisions, set forth the desired relationship of the national monument to other related resources, programs, and organizations in New York City and other locations, provide for maximum public involvement in its development, and identify steps to be taken to provide interpretive opportunities for the entirety of the National Historic Landmark and related sites in New York City. Further, to the extent authorized by law, the Secretary, acting through the NPS, shall promulgate any additional regulations needed for the proper care and management of the objects identified above.

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The establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of February, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirtieth.

GEORGE W. BUSH

PROCLAMATION 7984—FEB. 27, 2006

120 STAT. 3766

DESCRIPTION OF LANDS CONSTITUTING THE
AFRICAN BURIAL GROUND NATIONAL MONUMENT

This document describes the lands that are set apart and reserved as the African Burial Ground National Monument pursuant to the accompanying proclamation. A legal description of the tract is set out below. The tract also appears on the map entitled "African Burial Ground National Monument," dated December 2005, Map Number 762/80,000, which is attached to this document for reference purposes. The United States owns this tract in fee simple.

The national monument will also include all rights, hereditaments, easements, and appurtenances to property owned by the United States, belonging or otherwise appertaining, as well as any associated Federally owned property of historical interest.

All that certain tract or parcel of land lying and being situated in the Borough of Manhattan, City of New York, State of New York, and being more particularly described as follows:

BEGINNING at a point of intersection of the southerly line of Duane Street with the westerly line of Elk Street, said point having coordinates based on Sheet 5 of the Borough of Manhattan, Borough Survey of N 6,782.392, W 8,295.507, said point of beginning being South 03° 29' 30" West, 5.00 feet from an X-cut set in the concrete sidewalk and North 87° 14' 32" West, 5.00 feet from a cap set in the concrete sidewalk, running, thence;

1. Along the westerly line of Elk Street, South 03° 29' 30" West, 97.09 feet to a point where the same is intersected by the southerly right-of-way line of Republican Alley, thence;
2. Along said southerly line of Republican Alley, North 87° 32' 52" West, 151.90 feet to a point where the same is intersected by the northerly prolongation of the westerly wall of an existing five story block and brick building, thence;
3. Continuing along the southerly line of Republican Alley, same bearing, 2.61 feet to a point, thence;
4. Along a line severing the lands of the subject owner, North 02° 46' East, 97 feet, more or less to a point on the southerly line of Duane Street, thence;
5. Along the southerly line of Duane Street, South 87° 14' 32" East, 155.75 feet to the point or place of BEGINNING.

Containing 0.35 of an acre, more or less.

Being a portion of a parcel called "Government Office Building Site" acquired by the United States of America included in a Final Judgment of Condemnation, 90 Civ. (HGM), dated December 13, 1990.

2. Aztec Ruins

PUBLIC LAW 108–413—OCT. 30, 2004

118 STAT. 2325

Public Law 108–413
108th Congress

An Act

To authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes.

Oct. 30, 2004
[S. 643]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hibben Center Act”.

Hibben Center
Act.
16 USC 410ii
note.

SEC. 2. LEASE AGREEMENT.

(a) **AUTHORIZATION.**—The Secretary of the Interior may enter into an agreement with the University of New Mexico to lease space in the Hibben Center for Archaeological Research at the University of New Mexico for research on, and curation of, the archaeological research collections of the National Park Service relating to the Chaco Culture National Historical Park and Aztec Ruins National Monument.

(b) **TERM; RENT.**—The lease shall provide for a term not exceeding 40 years and a nominal annual lease payment.

(c) **IMPROVEMENTS.**—The lease shall permit the Secretary to make improvements and install furnishings and fixtures related to the use and curation of the collections.

SEC. 3. GRANT.

Upon execution of the lease, the Secretary may contribute to the University of New Mexico:

(1) up to 37 percent of the cost of construction of the Hibben Center, not to exceed \$1,750,000; and

(2) the cost of improvements, not to exceed \$2,488,000.

SEC. 4. COOPERATIVE AGREEMENT.

The Secretary may enter into cooperative agreements with the University of New Mexico, Federal agencies, and Indian tribes for the curation of and conduct of research on artifacts, and to encourage collaborative management of the Chacoan archaeological artifacts associated with northwestern New Mexico.

16 USC 410ii
note.

118 STAT. 2326

PUBLIC LAW 108-413—OCT. 30, 2004

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

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

Approved October 30, 2004.

LEGISLATIVE HISTORY—S. 643 (H.R. 3258):

HOUSE REPORTS: No. 108-743 accompanying H.R. 3258 (Comm. on Resources).

SENATE REPORTS: No. 108-94 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 149 (2003): July 17, considered and passed Senate.

Vol. 150 (2004): Sept. 28, considered and passed House, amended.

Oct. 10, Senate concurred in House amendment.

3. Cape Krusenstern

PUBLIC LAW 108-7—FEB. 20, 2003

117 STAT. 11

Public Law 108-7
108th Congress

Joint Resolution

Making consolidated appropriations for the fiscal year ending September 30, 2003,
and for other purposes.

Feb. 20, 2003
[H.J. Res. 2]

*Resolved by the Senate and House of Representatives of the
United States of America in Congress assembled,*

Consolidated
Appropriations
Resolution, 2003.

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the “Consolidated Approp-
riations Resolution, 2003”.

* * * * *

SEC. 3. REFERENCES.

117 STAT. 12
1 USC 1 note.

Except as expressly provided otherwise, any reference to “this
Act” contained in any division of this joint resolution shall be
treated as referring only to the provisions of that division.

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**DIVISION F—INTERIOR AND RELATED AGENCIES
APPROPRIATIONS, 2003**

117 STAT. 216
Department of
the Interior and
Related Agencies
Appropriations
Act, 2003.

JOINT RESOLUTION

Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in
the Treasury not otherwise appropriated, for the Department of
the Interior and related agencies for the fiscal year ending Sep-
tember 30, 2003, and for other purposes, namely:

* * * * *

TITLE III—GENERAL PROVISIONS

117 STAT. 270

* * * * *

**SEC. 337. CLARIFICATION OF ALASKA NATIVE SETTLEMENT
TRUSTS.** (a) Section 1629b of title 43, United States Code, is
amended—

117 STAT. 278

(1) at subsection (d)(1) by striking “An” and inserting in
its place “Except as otherwise set forth in subsection (d)(3)
of this section, an”;

(2) by creating the following new subsection:

“(d)(3) A resolution described in subsection (a)(3) of this section
shall be considered to be approved by the shareholders of a Native
Corporation if it receives the affirmative vote of shares
representing—

“(A) a majority of the shares present or represented by
proxy at the meeting relating to such resolution, or

“(B) an amount of shares greater than a majority of the shares present or represented by proxy at the meeting relating to such resolution (but not greater than two-thirds of the total voting power of the corporation) if the corporation establishes such a level by an amendment to its articles of incorporation.”; and

(3) by creating the following new subsection:

“(f) SUBSTANTIALLY ALL OF THE ASSETS.—For purposes of this section and section 1629e of this title, a Native Corporation shall be considered to be transferring all or substantially all of its assets to a Settlement Trust only if such assets represent two-thirds or more of the fair market value of the Native Corporation’s total assets.”.

(b) Section 1629e(a)(3) of title 43, United States Code, is amended by striking subparagraph (B) and inserting in its place the following:

“(B) shall give rise to dissenters rights to the extent provided under the laws of the State only if—

“(i) the rights of beneficiaries in the Settlement Trust receiving a conveyance are inalienable; and

“(ii) a shareholder vote on such transfer is required by (a)(4) of section 1629b of this title.”.

* * * * *

LEGISLATIVE HISTORY—H.J. Res. 2:

HOUSE REPORTS: No. 108-10 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

Feb. 13, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.

4. Castillo de San Marcos

PUBLIC LAW 108–480—DEC. 23, 2004

118 STAT. 3907

Public Law 108–480
108th Congress**An Act**

To authorize funds for an educational center for the Castillo de San Marcos National Monument, and for other purposes.

Dec. 23, 2004
[H.R. 2457]*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*Florida.
16 USC 431 note.**TITLE I—CASTILLO DE SAN MARCOS NATIONAL MONUMENT PRESERVATION ACT**

Castillo de San Marcos National Monument Preservation and Education Act.

SEC. 101. SHORT TITLE.

This title may be cited as the “Castillo de San Marcos National Monument Preservation and Education Act”.

SEC. 102. VISITOR CENTER.

(a) **AUTHORIZATION.**—Subject to the availability of appropriations and the project being prioritized in the National Park Services 5-year, line-item construction program, the Secretary of the Interior (referred to in this section as the “Secretary”) may design and construct a Visitor Center for the Castillo de San Marcos National Monument (referred to in this section as the “Monument”).

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

SEC. 103. COOPERATIVE AGREEMENT.

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

SEC. 104. BOUNDARY EXPANSION.

(a) **PROPERTY ACQUISITION.**—If the Preferred Alternative for the Visitor Center authorized by section 102 is located outside the boundary of the Monument, the Secretary is authorized to acquire the site for the Visitor Center, from willing sellers, by donation, purchase with donated or appropriated funds, or by exchange.

118 STAT. 3908

PUBLIC LAW 108-480—DEC. 23, 2004

(b) ADMINISTRATION OF NEWLY ACQUIRED LAND.—Land added to the Monument pursuant to subsection (a) shall be administered by the Secretary in accordance with applicable laws and regulations.

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

SEC. 105. PROJECT APPROVAL.

Prior to initiating any planning, design, or construction on the Visitor Center authorized by section 102, the project must be reviewed and approved by the National Park Service consistent with partnership construction guidelines established by that agency.

Castillo de San
Marcos National
Monument
Boundary
Adjustment Act
of 2004.

**TITLE II—CASTILLO DE SAN MARCOS
NATIONAL MONUMENT BOUNDARY
MODIFICATION**

SEC. 201. SHORT TITLE.

This title may be cited as the “Castillo de San Marcos National Monument Boundary Adjustment Act of 2004”.

SEC. 202. FINDINGS.

Congress finds the following:

(1) The early defense lines for Fort Marion, Florida, today known as the Castillo de San Marcos National Monument, included defenses extending in a line due west to the Sebastian River, a distance of about one half mile.

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

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

(4) For nearly a century, the City of St. Augustine has maintained and managed Orange Street, a modern city street, and associated utilities in the Orange Street corridor.

(5) Any archeological remains that are still present on the property overlaid by Orange Street are adequately protected by the City’s archeological ordinances, and by the City having an archeologist on staff.

(6) Although the city currently operates Orange Street under a right-of-way from the National Park Service, from a management perspective it is appropriate for the City of St. Augustine to own Orange Street.

SEC. 203. BOUNDARY ADJUSTMENT.

(a) CONVEYANCE OF LAND.—The Secretary of the Interior shall convey, without consideration, to the City of St. Augustine, Florida, all right, title, and interest of the United States in and to the lands known as Orange Street, a portion of the Castillo de San Marcos National Monument (Monument), consisting of approximately 3.1 acres, as shown on the map entitled Castillo de San Marcos National Monument Boundary Adjustment and Correction, numbered 343/80060, and dated April 2003. Upon completion of

PUBLIC LAW 108–480—DEC. 23, 2004

118 STAT. 3909

the conveyance, the Secretary shall revise the boundary of the Monument to exclude the land conveyed.

(b) BOUNDARY REVISION.—Effective on the date of the enactment of this Act, the boundary of the Monument is revised to include an area of approximately 0.45 acres, as shown on the map identified in subsection (a). The Secretary shall administer the lands included in the boundary as part of the national monument in accordance with applicable laws and regulations.

Effective date.

Approved December 23, 2004.

LEGISLATIVE HISTORY—H.R. 2457:

HOUSE REPORTS: No. 108–639 (Comm. on Resources).
CONGRESSIONAL RECORD, Vol. 150 (2004):
Sept. 13, considered and passed House.
Dec. 8, considered and passed Senate.

5. Fort Frederica

118 STAT. 2339

PUBLIC LAW 108–417—NOV. 30, 2004

Public Law 108–417
108th Congress

An Act

Nov. 30, 2004
[H.R. 1113]

To authorize an exchange of land at Fort Frederica National Monument, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

16 USC 433g
note.

SECTION 1. EXCHANGE OF LANDS.

(a) **IN GENERAL.**—Notwithstanding section 5(b) of Public Law 90–401 (16 U.S.C. 4601–22(b)), the Secretary of the Interior is authorized to convey to Christ Church of St. Simons Island, Georgia, the approximately 6.0 acres of land within the boundary of Fort Frederica National Monument adjacent to Christ Church and depicted as “NPS Lands for Exchange” on the map entitled “Fort Frederica National Monument 2003 Boundary Revision” numbered 369/80016, and dated April 2003, in exchange for approximately 8.7 acres of land to be acquired by Christ Church, which is depicted as “Private Lands for Addition” on the same map.

(b) **MAP AVAILABILITY.**—The map referred to in subsection (a) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

16 USC 433g
note.

SEC. 2. BOUNDARY ADJUSTMENT.

Upon completion of the land exchange under subsection (a) of section 1, the Secretary of the Interior shall revise the boundary of Fort Frederica National Monument to reflect the exchange and shall administer the land acquired through the exchange as part of that monument.

Approved November 30, 2004.

LEGISLATIVE HISTORY—H.R. 1113:

HOUSE REPORTS: No. 108–201 (Comm. on Resources).

SENATE REPORTS: No. 108–374 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 149 (2003): Sept. 23, considered and passed House.

Vol. 150 (2004): Oct. 10, considered and passed Senate, amended.

Nov. 17, House concurred in Senate amendment.

6. Governors Island

PROCLAMATION 7647—FEB. 7, 2003

117 STAT. 2996

Proclamation 7647 of February 7, 2003

Establishment of the Governors Island National Monument

By the President of the United States of America

A Proclamation

On the north tip of Governors Island, at the confluence of the Hudson and East Rivers, stand two fortifications that served as an outpost to protect New York City from sea attack. These two important historic objects, Castle Williams and Fort Jay, are part of a National Historic Landmark District designated in 1985. Between 1806 and 1811, these fortifications were constructed as part of the First and Second American Systems of Coastal Fortification. Castle Williams and Fort Jay represent two of the finest examples of defensive structures in use from the Renaissance to the American Civil War. They also played important roles in the War of 1812, the American Civil War, and World Wars I and II.

These fortifications were built on the most strategic defensive positions on the island. Fort Jay, constructed between 1806 and 1809, is on the highest point of the island from which its glacis originally sloped down to the waterfront on all sides. Castle Williams, constructed between 1807 and 1811, occupies a rocky promontory as close as possible to the harbor channels and served as the most important strategic defensive point in the entrance to the New York Harbor.

117 STAT. 2997

Governors Island was managed by the United States Army and the United States Coast Guard for nearly 200 years, but is no longer required for defense or Coast Guard purposes. It provides an excellent opportunity for the public to observe and understand the harbor history, its defense, and its ecology. Its proximity to lower Manhattan also makes it an appropriate location from which to reflect upon the tragic events of September 11, 2001.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) (the “Antiquities Act”), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

A Governors Island National Monument was established by Proclamation 7402 of January 19, 2001, in order to protect the two fortifications. The monument, however, remained subject to Public Law 105–33, section 9101, 111 Stat. 670 (August 5, 1997), which required the entire island, including the monument lands, to be sold with a right of first offer to the State and City of New York.

WHEREAS the State and City of New York each executed a consent and waiver of the right of first offer regarding Governors Island; and WHEREAS the portion of Governors Island described on the accompanying land description was sold to the National Trust for Historic Preservation (National Trust), on January 31, 2003, and the remainder

117 STAT. 2997

PROCLAMATION 7647—FEB. 7, 2003

of Governors Island was sold to the Governors Island Preservation and Education Corporation (GIPEC) of the State and City of New York, on January 31, 2003; and

WHEREAS the National Trust, on January 31, 2003, relinquished and conveyed to the United States of America all lands owned by the National Trust on Governors Island; and

WHEREAS such relinquishment and conveyance have been accepted by the Secretary of the Interior (Secretary) pursuant to the Antiquities Act; and

WHEREAS it appears that it would be in the public interest to preserve Castle Williams, Fort Jay, and certain lands and buildings necessary for the care and management of the Castle and Fort as the Governors Island National Monument;

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Governors Island National Monument for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the United States within the boundaries described on the accompanying land description, which is attached to and forms a part of this proclamation. The Federal land and interests in land reserved consist of approximately 22 acres, together with appurtenant easements for all necessary purposes and any associated federally owned personal property of historic interest, which is the smallest area compatible with the property care and management of the objects to be protected.

117 STAT. 2998

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The Secretary shall manage the monument consistent with the purposes and provisions of this proclamation. For the purpose of preserving, restoring, and enhancing the public visitation and appreciation of the monument, the Secretary shall prepare a management plan for the monument within 3 years of the date of this proclamation. Further, to the extent authorized by law, the Secretary shall promulgate any additional regulations needed for the proper care and management of the objects identified above.

The establishment of this monument is subject to valid existing rights, if any such rights are present.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of February, in the year of our Lord two thousand three, and of the Independence of the United States of America the two hundred and twenty-seventh.

GEORGE W. BUSH

PROCLAMATION 7647—FEB. 7, 2003

117 STAT. 2998

Description of Lands in Governors Island National Monument

This document describes the lands that are set apart and reserved as the Governors Island National Monument pursuant to the accompanying proclamation. The national monument boundaries include the lands identified as Tract 01–101, Tract 01–102, Tract 01–103, and Tract 01–104. Legal descriptions of these tracts are set out below. These tracts also appear on the map entitled “Governors Island National Monument, Boundary Map,” dated August 20, 2002, map number 019/80,001A, which is attached to this document for reference purposes.

The United States owns Tract 01–101, Tract 01–102, and Tract 01–103 in fee simple. Within Tract 01–104, the United States owns a perpetual and exclusive right and easement consisting of the right, but not the obligation, to utilize, occupy, manage, reconstruct, remodel, maintain, and improve approximately 1,000 square feet on the first (1st) floor in the Building known as “Building 140” located on that portion of the land known and identified as Tract 01–104. As set out in the accompanying proclamation, the National Park Service will manage all property owned by the United States within the national monument boundary.

117 STAT. 2999

The national monument will also include all rights, hereditaments, easements, and appurtenances to property owned by the United States, belonging or otherwise appertaining, as well as any associated federally owned personal property of historic interest.

Tract 01–101

All that certain tract or parcel of land lying and being situated on Governors Island in the City of New York, New York County, State of New York, and being more particularly described as follows:

Beginning at a point at the intersection of the southerly side of Andes Road and the base of a concrete retaining wall on the southerly side of Andes Road, said point of beginning being South 14° 28' 10" West, 141.01 feet from the southeasterly corner of Building 107, said point of beginning being further described as being at North 677,056.72 and East 626,751.86, said coordinates being based upon the New York State Plane Coordinates, East Zone, NAD 1983; thence from said point of beginning, severing the lands of the subject owner, the following forty four (44) courses and distances:

1. South 80° 58' 48" East, along the said intersection of the southerly side of Andes Road and the base of a concrete retaining wall on the southerly side of Andes Road, 55.80 feet to a point;
2. South 45° 14' 55" East, along the intersection of the base of a concrete retaining wall and sidewalk, 4.40 feet to a point;
3. South 24° 46' 24" East, along the said intersection of the base of a concrete retaining wall and sidewalk, 13.37 feet to a point;
4. South 16° 56' 20" East, along the said intersection of the base of a concrete retaining wall and sidewalk, 13.16 feet to a point;
5. South 10° 05' 36" East, along the said intersection of the base of a concrete retaining wall and sidewalk, 15.64 feet to a point on the westerly edge of a brick sidewalk;
6. South 05° 40' 25" West, along the said westerly edge of a brick sidewalk, 274.67 feet to a point;

117 STAT. 2999

PROCLAMATION 7647—FEB. 7, 2003

7. North $84^{\circ} 45' 49''$ West, along the northerly edge of said brick sidewalk, 84.24 feet to a point;

8. South $45^{\circ} 45' 14''$ West, along the northwesterly edge of said brick sidewalk, 24.85 feet to a point on the back of the concrete curb on the northerly side of the cul-de-sac on Evans Road;

9. A non-tangent curve to the left, along the said back of the concrete curb on the northerly side of the cul-de-sac on Evans Road, having a radius of 34.00 feet, a central angle of $132^{\circ} 11' 45''$ and an arc length of 78.45 feet to a point, said curve having a chord bearing and distance of South $69^{\circ} 51' 24''$ West, 62.17 feet;

117 STAT. 3000

10. North $81^{\circ} 25' 23''$ West, leaving the said back of the concrete curb and crossing the Parade Ground, 764.47 feet to a point on the northeasterly face of a concrete curb on the northeasterly side of Comfort Road;

11. North $23^{\circ} 06' 23''$ West, along the said northeasterly face of a concrete curb on the northeasterly side of Comfort Road, 94.46 feet to a point of curve;

12. A curve to the right, along the said northeasterly face of a concrete curb on the northeasterly side of Comfort Road, having a radius of 80.00 feet, a central angle of $41^{\circ} 01' 44''$ and an arc length of 57.29 feet to a point of reverse curve;

13. A curve to the left, along the said northeasterly face of a concrete curb on the northeasterly side of Comfort Road, having a radius of 70.67 feet, a central angle of $41^{\circ} 04' 47''$ and an arc length of 50.67 feet to a point of tangent;

14. North $23^{\circ} 09' 26''$ West, along the intersection of the northeasterly side of Comfort Road and the said face of a concrete curb on the northeasterly side of Comfort Road, 240.84 feet to a point;

15. North $46^{\circ} 15' 33''$ West, along the said intersection of the northeasterly side of Comfort Road and the said face of a concrete curb on the northeasterly side of Comfort Road and its northwesterly projection thereof, 111.36 feet, crossing Tampa Road to a point at the intersection of the northerly side of an access road and the face of a concrete curb on the northerly side of the access road;

16. South $86^{\circ} 21' 32''$ West, along the said intersection of the northerly side of an access road and the face of a concrete curb on the northerly side of the access road and its westerly projection thereof, 133.51 feet to a point;

17. North $85^{\circ} 02' 31''$ West, crossing Hay Road and along the back of a concrete curb on the southerly side of an asphalt parking lot, 139.69 feet to a point at the intersection of the easterly side of an access road and the face of a concrete curb on the easterly side of the access road;

18. North $06^{\circ} 11' 10''$ East, along the said intersection of the easterly side of an access road and the face of a concrete curb on the easterly side of the access road, 8.97 feet;

19. North $84^{\circ} 30' 23''$ West, passing through a brick connecting-wall between Building 513A and Building 515, and along the back of a concrete curb, 200.29 feet to a point at the intersection of the easterly side of Carder Road and the face of a concrete curb on the easterly side of Carder Road;

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20. North 09° 30' 51" East, along the said intersection of the easterly side of Carder Road and the face of a concrete curb on the easterly side of Carder Road and its northerly projection thereof, 35.34 feet to a point;

21. North 16° 40' 16" East, along the said easterly side of Carder Road, 98.56 feet to a point at the intersection of the easterly side of Carder Road and the face of a concrete curb on the easterly side of Carder Road;

22. North 17° 39' 33" East, along the said intersection of the easterly side of Carder Road and the face of a concrete curb on the easterly side of Carder Road, 180.86 feet to a point;

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23. North 23° 48' 41" East, along the said intersection of the easterly side of Carder Road and the face of a concrete curb on the easterly side of Carder Road, 83.68 feet to a point of curve;

24. A curve to the right, along the said intersection of the easterly and southerly side of Carder Road and the face of a concrete curb on the easterly and southerly side of Carder Road, having a radius of 100.46 feet, a central angle of 69° 53' 28" and an arc length of 122.55 feet to a point of tangent;

25. South 86° 17' 52" East, continuing along the said intersection of the southerly side of Carder Road and the face of a concrete curb on the southerly side of Carder Road and its easterly projection thereof, 149.02 feet, crossing Hay Road to a point;

26. South 08° 57' 35" West, along the easterly side of Hay Road, 120.18 feet to a point;

27. South 12° 12' 20" East, 62.43 feet, crossing Andes Road to a point at the intersection of the southerly side of Andes Road and the face of a concrete curb on the southerly side of Andes Road;

28. A non-tangent curve to the right, along the said intersection of the southerly side of Andes Road and the face of a concrete curb on the southerly side of Andes Road, having a radius of 58.00 feet, a central angle of 48° 54' 20" and an arc length of 49.51 feet to a point of tangent, said curve having a chord bearing and distance of North 70° 02' 51" East, 48.02 feet;

29. South 85° 29' 59" East, along the said intersection of the southerly side of Andes Road and the face of a concrete curb on the southerly side of Andes Road and its easterly projection thereof, 123.62 feet to a point;

30. South 85° 29' 44" East, along the said intersection of the southerly side of Andes Road and the face of a concrete curb on the southerly side of Andes Road, 428.81 feet to a point;

31. South 85° 17' 33" East, along the southerly face of a concrete curb on the southerly side of Andes Road, 107.02 feet to a point;

32. South 83° 11' 58" East, along the said southerly face of a concrete curb on the southerly side of Andes Road, 49.20 feet to a point;

33. South 82° 30' 10" East, along the said southerly face of a concrete curb on the southerly side of Andes Road, 49.51 feet to a point;

34. South 81° 33' 52" East, along the said southerly face of a concrete curb on the southerly side of Andes Road, 86.61 feet to a point;

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35. A non-tangent curve to the right, along the said southerly face of a concrete curb on the southerly side of Andes Road, having a radius of 8.50 feet, a central angle of $47^{\circ} 16' 55''$ and an arc length of 7.01 feet to a point, said curve having a chord bearing and distance of North $75^{\circ} 41' 40''$ East, 6.82 feet;

36. South $80^{\circ} 39' 53''$ East, along the said southerly face of a concrete curb on the southerly side of Andes Road, 8.32 feet to a point;

37. A non-tangent curve to the right, along the said southerly face of a concrete curb on the southerly side of Andes Road, having a radius of 8.00 feet, a central angle of $46^{\circ} 10' 15''$ and an arc length of 6.45 feet to a point, said curve having a chord bearing and distance of South $57^{\circ} 34' 45''$ East, 6.27 feet;

38. South $79^{\circ} 00' 27''$ East, along the said southerly face of a concrete curb on the southerly side of Andes Road, 41.54 feet to a point;

39. South $70^{\circ} 49' 07''$ East, along the said southerly face of a concrete curb on the southerly side of Andes Road, 61.48 feet to a point of curve;

40. A curve to the right, along the southwesterly face of a concrete curb on the southwesterly side of Andes Road, having a radius of 257.96 feet, a central angle of $21^{\circ} 12' 48''$ and an arc length of 95.51 feet to a point of compound curve;

41. A curve to the right, along the westerly face of a concrete curb on the westerly side of Andes Road, having a radius of 154.12 feet, a central angle of $48^{\circ} 42' 34''$ and an arc length of 131.02 feet to a point of tangent;

42. South $00^{\circ} 53' 45''$ East, along the intersection of the westerly side of Andes Road and the face of a concrete curb on the westerly side of Andes Road, 83.86 feet to a point of curve;

43. A curve to the left, along the said intersection of the westerly side of Andes Road and the face of a concrete curb on the westerly side of Andes Road, having a radius of 148.98 feet, a central angle of $16^{\circ} 25' 57''$ and an arc length of 42.73 feet to a point of tangent; and,

44. South $17^{\circ} 19' 42''$ East, along the said intersection of the westerly side of Andes Road and the face of a concrete curb on the westerly side of Andes Road and its southerly projection thereof, 155.84 feet to the point of beginning.

The above bearings are based on Grid North, New York State Plane Coordinates, East Zone, NAD 1983.

The above-described parcel is more particularly shown and described on a survey plat by Clough, Harbour & Associates, LLP.

Containing 21.69 acres, more or less.

Tract 01-102

All that certain tract or parcel of land lying and being situated on Governors Island in the City of New York, New York County, State of New York, and being more particularly described as follows:

Beginning at a point on the northerly side of Dock 102 on a line being the westerly projection of the northerly face of the lower concrete seawall, said point of beginning being South $74^{\circ} 39' 57''$ East, 535.78 feet

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from the southeasterly corner of Building 107, said point of beginning being further described as being at North 677,051.57 and East 627,303.76, said coordinates being based upon the New York State Plane Coordinates, East Zone, NAD 1983; thence from said point of beginning, severing the lands of the subject owner, the following eight (8) courses and distances:

1. South 88° 24' 18" East, to and along said northerly face of the lower concrete seawall, 84.29 feet to a point; 117 STAT. 3003
2. South 01° 35' 54" West, continuing along the easterly face of the lower concrete seawall, 22.82 feet to a point;
3. South 87° 30' 04" East, along the wood face of Dock 102, 100.26 feet to a point;
4. South 02° 05' 32" West, continuing along the said wood face of Dock 102, 19.27 feet to a point;
5. North 87° 31' 51" West, continuing along the said wood face of Dock 102, 101.94 feet to a point on the easterly face of a stone or granite seawall;
6. South 00° 14' 20" West, along the said easterly face of the stone or granite seawall, 6.34 feet to a point;
7. South 89° 25' 54" West, to and along the southerly side (back) of the southerly concrete curb, 80.69 feet to a point; and,
8. North 00° 34' 06" West, 51.53 feet to the point of beginning.

The above bearings are based on Grid North, New York State Plane Coordinates, East Zone, NAD 1983.

The above-described parcel is more particularly shown and described on a survey plat by Clough, Harbour & Associates, LLP.

Containing 0.14 of an acre, more or less (6,084 +/- square feet).

Tract 01-103

All that certain tract or parcel of land lying and being situated on Governors Island in the City of New York, New York County, State of New York, and being more particularly described as follows:

Beginning at a point at the intersection of the easterly side of Andes Road and the face of the concrete curb on the easterly side of Andes Road, said point of beginning being South 59° 06' 01" West, 60.15 feet from the southeasterly corner of Building 107, said point of beginning being further described as being at North 677,162.36 and East 626,735.48, said coordinates being based upon the New York State Plane Coordinates, East Zone, NAD 1983; thence from said point of beginning, severing the lands of the subject owner, the following thirteen (13) courses and distances:

1. North 17° 19' 42" West, 50.11 feet along the said intersection of the easterly side of Andes Road and the face of the concrete curb on the easterly side of Andes Road to a point of curve;
2. A curve to the right, along the said intersection of the easterly side of Andes Road and the face of the concrete curb on the easterly side of Andes Road, having a radius of 133.04 feet, a central angle of 16° 26' 45" and an arc length of 38.19 feet to a point of tangent;

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3. North 00° 53' 45" West, along the said intersection of the easterly side of Andes Road and the face of the concrete curb on the easterly side of Andes Road, 83.86 feet to a point of curve;

4. A curve to the left, along the said intersection of the easterly side of Andes Road and the face of the concrete curb on the easterly side of Andes Road, having a radius of 169.95 feet, a central angle of 10° 50' 45" and an arc length of 32.17 feet to a point of reverse curve;

5. A curve to the right, along the said intersection of the easterly side of Andes Road and the face of the concrete curb on the easterly side of Andes Road, having a radius of 20.64 feet, a central angle of 108deg; 22' 59" and an arc length 39.04 feet to a point of tangent;

6. South 83° 21' 31" East, along the intersection of the southerly side of the access road between Building 107 and Building 108 and the face of the concrete curb on the southerly side of said access road, 69.23 feet to a point of curve;

7. A curve to the right, along the said intersection of the southerly side of the access road between Building 107 and Building 108 and the face of the concrete curb on the southerly side of said access road, having a radius of 16.08 feet, a central angle of 78° 17' 48" and an arc length of 21.97 feet to a point of tangent;

8. South 05° 03' 43" East, along the intersection of the westerly side of the access road between Building 107 and Building 135A, B & C and the face of the concrete curb on the westerly side of the access road, 10.73 feet to a point;

9. South 06° 11' 02" West, 106.20 feet to a point;

10. South 08° 26' 06" West, 37.63 feet to a point;

11. South 06° 06' 28" West, 39.06 feet to a point;

12. North 85° 53' 21" West, along the southerly side of the retaining wall and steps/banister, 20.09 feet to a point; and,

13. South 72° 31' 49" West, through the sidewalk adjacent to Building 106, 41.42 feet to the point of beginning.

The above bearings are based on Grid North, New York State Plane Coordinates, East Zone, NAD 1983.

The above-described parcel is more particularly shown and described on a survey plat by Clough, Harbour & Associates, LLP.

Containing 0.44 of an acre, more or less (19,354 +/- square feet).

Tract 01-104

All that certain tract or parcel of land lying and being situated on Governors Island in the City of New York, New York County, State of New York, and being more particularly described as follows:

Beginning at a point on the northerly side of Carder Road on the southerly projection of the easterly face (back) of the concrete curb at the east end of the parking lot immediately adjacent to Building 140, said point of beginning being South 80° 04' 13" East, 115.55 feet from the southeasterly corner of Building 140, said point of beginning being further described as being at North 677,594.25 and East 626,794.40, said coordinates being based upon the New York State Plane Coordinates, East Zone, NAD 1983; thence from said point of beginning, severing

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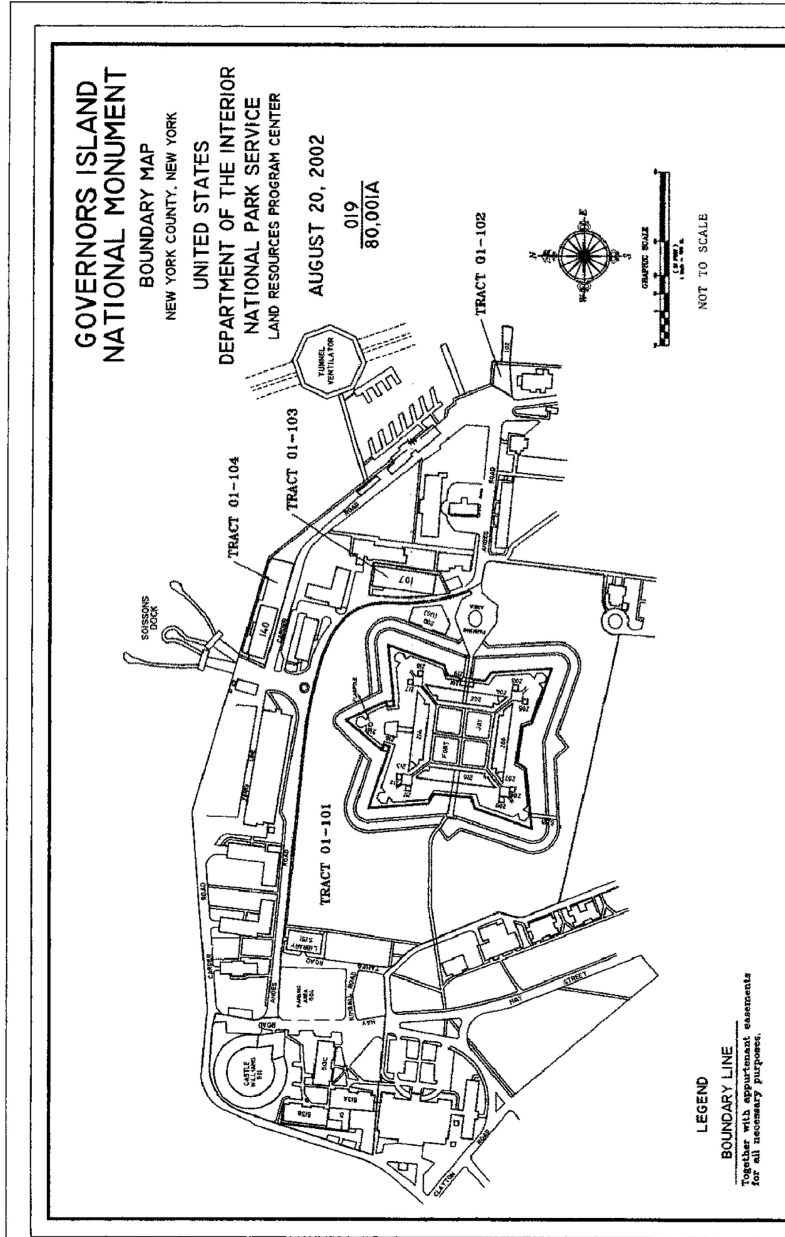
the lands of the subject owner, the following ten (10) courses and distances:

1. North 83° 26' 43" West, 87.06 feet to a point in said Carder Road;
2. North 75° 34' 32" West, 181.16 feet to a point in said Carder Road;
3. North 14° 25' 29" East, 4.94 feet to a point at the intersection of the northerly side of Carder Road and the face of the concrete curb on the northerly side of Carder Road;
4. North 75° 50'11" West, along the said intersection of the northerly side of Carder Road and the face of the concrete curb on the northerly side of Carder Road, 12.81 feet to a point;
5. A non-tangent curve to the right, along the said intersection of the northerly side of Carder Road and the face of the concrete curb on the northerly side of Carder Road, having a radius of 12.88 feet, a central angle of 75° 32' 13" and an arc length of 16.98 feet to a point, said curve having a chord bearing and distance of North 19° 31' 30" West, 15.78 feet to a point;
6. North 35° 19' 06" East, along the intersection of the easterly side of the Soissons Docks access road and the face of the concrete sidewalk on the easterly side of the Soissons Docks access road, 57.05 feet to a point;
7. South 50° 30' 54" East, 7.92 feet to a point on the eastern side of a brick retaining wall;
8. North 35° 17' 38" East, along and parallel to the said eastern side of a brick retaining wall, 15.36 feet to a point on the southerly side of the granite seawall;
9. South 75° 38' 30" East, along the southerly side of the granite seawall, 255.90 feet to a point; and,
10. South 14° 18' 59" West, 70.64 feet to the point of beginning.

The above bearings are based on Grid North, New York State Plane Coordinates, East Zone, NAD 1983.

The above-described parcel is more particularly shown and described on a survey plat by Clough, Harbour & Associates, LLP.

Containing 0.51 of an acre, more or less (22,265 +/- square feet).



7. Montezuma Castle

PUBLIC LAW 108–190—DEC. 19, 2003

117 STAT. 2867

Public Law 108–190
108th Congress**An Act**To provide for the exchange of certain lands in the Coconino and Tonto National
Forests in Arizona, and for other purposes.

Dec. 19, 2003

[H.R. 622]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

16 USC 431 note.

SECTION 1. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Certain private lands adjacent to the Montezuma Castle National Monument in Yavapai County, Arizona, are desirable for Federal acquisition to protect important riparian values along Beaver Creek and the scenic backdrop for the National Monument.

(2) Certain other inholdings in the Coconino National Forest are desirable for Federal acquisition to protect important public values near Double Cabin Park.

(3) Approximately 108 acres of land within the Tonto National Forest, northeast of Payson, Arizona, are currently occupied by 45 residential cabins under special use permits from the Secretary of Agriculture, and have been so occupied since the mid-1950s, rendering such lands of limited use and enjoyment potential for the general public. Such lands are, therefore, appropriate for transfer to the cabin owners in exchange for lands that will have higher public use values.

(4) In return for the privatization of such encumbered lands the Secretary of Agriculture has been offered approximately 495 acres of non-Federal land (known as the Q Ranch) within the Tonto National Forest, east of Young, Arizona, in an area where the Secretary has completed previous land exchanges to consolidate public ownership of National Forest lands.

(5) The acquisition of the Q Ranch non-Federal lands by the Secretary will greatly increase National Forest management efficiency and promote public access, use, and enjoyment of the area and surrounding National Forest System lands.

(b) PURPOSE.—The purpose of this Act is to authorize, direct, facilitate, and expedite the consummation of the land exchanges set forth herein in accordance with the terms and conditions of this Act.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) DPSHA.—The term “DPSHA” means the Diamond Point Summer Homes Association, a nonprofit corporation in the State of Arizona.

(2) **FEDERAL LAND.**—The term “Federal land” means land to be conveyed into non-Federal ownership under this Act.

(3) **FLPMA.**—The term “FLPMA” means the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.).

(4) **MCJV.**—The term “MCJV” means the Montezuma Castle Land Exchange Joint Venture Partnership, an Arizona Partnership.

(5) **NON-FEDERAL LAND.**—The term “non-Federal land” means land to be conveyed to the Secretary of Agriculture under this Act.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, unless otherwise specified.

SEC. 3. MONTEZUMA CASTLE LAND EXCHANGE.

(a) **LAND EXCHANGE.**—Upon receipt of a binding offer from MCJV to convey title acceptable to the Secretary to the land described in subsection (b), the Secretary shall convey to MCJV all right, title, and interest of the United States in and to the Federal land described in subsection (c).

(b) **NON-FEDERAL LAND.**—The land described in this subsection is the following:

(1) The approximately 157 acres of land adjacent to the Montezuma Castle National Monument, as generally depicted on the map entitled “Montezuma Castle Contiguous Lands”, dated May 2002.

(2) Certain private land within the Coconino National Forest, Arizona, comprising approximately 108 acres, as generally depicted on the map entitled “Double Cabin Park Lands”, dated September 2002.

(c) **FEDERAL LAND.**—The Federal land described in this subsection is the approximately 222 acres in the Tonto National Forest, Arizona, and surveyed as Lots 3, 4, 8, 9, 10, 11, 16, and 17, and Tract 40 in section 32, Township 11 North, Range 10 East, Gila and Salt River Meridian, Arizona.

(d) **EQUAL VALUE EXCHANGE.**—The values of the non-Federal and Federal land directed to be exchanged under this section shall be equal or equalized as determined by the Secretary through an appraisal performed by a qualified appraiser mutually agreed to by the Secretary and MCJV and performed in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (U.S. Department of Justice, December 2000), and section 206(d) of FLPMA (43 U.S.C. 1716(d)). If the values are not equal, the Secretary shall delete Federal lots from the conveyance to MCJV in the following order and priority, as necessary, until the values of Federal and non-Federal land are within the 25 percent cash equalization limit of section 206(b) of FLPMA (43 U.S.C. 1716(b)):

- (1) Lot 3.
- (2) Lot 4.
- (3) Lot 9.
- (4) Lot 10.
- (5) Lot 11.
- (6) Lot 8.

Applicability.

(e) **CASH EQUALIZATION.**—Any difference in value remaining after compliance with subsection (d) shall be equalized by the payment of cash to the Secretary or MCJV, as the circumstances dictate, in accordance with section 206(b) of FLPMA (43 U.S.C.

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1716(b)). Public Law 90-171 (16 U.S.C. 484a; commonly known as the “Sisk Act”) shall, without further appropriation, apply to any cash equalization payment received by the United States under this section.

SEC. 4. DIAMOND POINT—Q RANCH LAND EXCHANGE.

(a) **IN GENERAL.**—Upon receipt of a binding offer from DPSHA to convey title acceptable to the Secretary to the land described in subsection (b), the Secretary shall convey to DPSHA all right, title, and interest of the United States in and to the land described in subsection (c).

(b) **NON-FEDERAL LAND.**—The land described in this subsection is the approximately 495 acres of non-Federal land generally depicted on the map entitled “Diamond Point Exchange—Q Ranch Non-Federal Lands”, dated May 2002.

(c) **FEDERAL LAND.**—The Federal land described in this subsection is the approximately 108 acres northeast of Payson, Arizona, as generally depicted on the map entitled “Diamond Point Exchange—Federal Land”, dated May 2002.

(d) **EQUAL VALUE EXCHANGE.**—The values of the non-Federal and Federal land directed to be exchanged under this section shall be equal or equalized as determined by the Secretary through an appraisal performed by a qualified appraiser mutually agreed to by the Secretary and DPSHA and in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (U.S. Department of Justice, December 2000), and section 206(d) of FLPMA (43 U.S.C. 1716(d)). If the values are not equal, they shall be equalized by the payment of cash to the Secretary or DPSHA pursuant to section 206(b) of FLPMA (43 U.S.C. 1716(b)). Public Law 90-171 (16 U.S.C. 484a; commonly known as the “Sisk Act”) shall, without further appropriation, apply to any cash equalization payment received by the United States under this section.

Applicability.

(e) **SPECIAL USE PERMIT TERMINATION.**—Upon execution of the land exchange authorized by this section, all special use cabin permits on the Federal land shall be terminated.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) **EXCHANGE TIMETABLE.**—Not later than 6 months after the Secretary receives an offer under section 3 or 4, the Secretary shall execute the exchange under section 3 or 4, respectively, unless the Secretary and MCJV or DPSHA, respectively, mutually agree to extend such deadline.

Deadline.

(b) **EXCHANGE PROCESSING.**—Prior to executing the land exchanges authorized by this Act, the Secretary shall perform any necessary land surveys and required preexchange clearances, reviews, and approvals relating to threatened and endangered species, cultural and historic resources, wetlands and floodplains and hazardous materials. If 1 or more of the Federal land parcels or lots, or portions thereof, cannot be transferred to MCJV or DPSHA due to hazardous materials, threatened or endangered species, cultural or historic resources, or wetland and flood plain problems, the parcel or lot, or portion thereof, shall be deleted from the exchange, and the values of the lands to be exchanged adjusted in accordance with subsections (d) and (e) of section 3 or section 4(d), as appropriate. In order to save administrative costs to the United States, the costs of performing such work, including the appraisals required pursuant to this Act, shall be paid by MCJV or DPSHA for the relevant property, except for the costs of any

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such work (including appraisal reviews and approvals) that the Secretary is required or elects to have performed by employees of the Department of Agriculture.

(c) FEDERAL LAND RESERVATIONS AND ENCUMBRANCES.—The Secretary shall convey the Federal land under this Act subject to valid existing rights, including easements, rights-of-way, utility lines and any other valid encumbrances on the Federal land as of the date of the conveyance under this Act. If applicable to the land conveyed, the Secretary shall also retain any right of access as may be required by section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9620(h)) for remedial or corrective action relating to hazardous substances as may be necessary in the future.

(d) ADMINISTRATION OF ACQUIRED LAND.—The land acquired by the Secretary pursuant to this Act shall become part of the Tonto or Coconino National Forest, as appropriate, and be administered as such in accordance with the laws, rules, and regulations generally applicable to the National Forest System. Such land may be made available for domestic livestock grazing if determined appropriate by the Secretary in accordance with the laws, rules, and regulations applicable thereto on National Forest System land.

(e) TRANSFER OF LAND TO NATIONAL PARK SERVICE.—Upon their acquisition by the United States, the “Montezuma Castle Contiguous Lands” identified in section 3(b)(1) shall be transferred to the administrative jurisdiction of the National Park Service, and shall thereafter be permanently incorporated in, and administered by the Secretary of the Interior as part of, the Montezuma Castle National Monument.

Approved December 19, 2003.

LEGISLATIVE HISTORY—H.R. 622:

SENATE REPORTS: No. 108–137 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Apr. 1, considered and passed House.

Nov. 24, considered and passed Senate, amended.

Dec. 8, House concurred in Senate amendments.

8. Organ Pipe Cactus

PUBLIC LAW 108–64—JULY 29, 2003

117 STAT. 874

Public Law 108–64
108th Congress**An Act**

To designate the visitor center in Organ Pipe Cactus National Monument in Arizona as the “Kris Eggle Visitor Center”, and for other purposes.

July 29, 2003
[H.R. 1577]*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

16 USC 431 note.

SECTION 1. REDESIGNATION.

(a) **FINDING.**—Congress finds that in August 2002, Kris Eggle, a 28-year-old park ranger in Organ Pipe Cactus National Monument, was murdered in the line of duty along the border between the United States and Mexico.

(b) **DEDICATION.**—Congress dedicates the visitor center in Organ Pipe Cactus National Monument to Kris Eggle and to promoting awareness of the risks taken each day by all public land management law enforcement officers.

(c) **REDESIGNATION.**—The visitor center in Organ Pipe Cactus National Monument in Arizona is hereby designated as the “Kris Eggle Visitor Center”.

(d) **REFERENCE.**—Any reference to the visitor center in Organ Pipe Cactus National Monument in Arizona, in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the “Kris Eggle Visitor Center”.

(e) **SIGNAGE.**—The Secretary of the Interior shall post interpretive signs at the visitor center and at the trailhead of the Baker Mine-Milton Mine Loop that—

- (1) describe the important role of public law enforcement officers in protecting park visitors;
- (2) refer to the tragic loss of Kris Eggle in underscoring the importance of these officers;
- (3) refer to the dedication of the trail and the visitor center by Congress; and
- (4) include a copy of this Act and an image of Kris Eggle.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved July 29, 2003.

LEGISLATIVE HISTORY—H.R. 1577:

SENATE REPORTS: No. 108–100 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 149 (2003):
May 14, considered and passed House.
July 17, considered and passed Senate.

