

## Calendar No. 573

105TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 105-330

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### ARCHES NATIONAL PARK EXPANSION ACT OF 1998

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SEPTEMBER 14, 1998.—Ordered to be printed

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Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

### REPORT

[To accompany S. 2106]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2106) to expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw owned by the State of Utah, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 5, strike lines 8 through 13 and insert:

“(1) by striking subsection (a) and inserting the following:

“(A) IN GENERAL.—The Secretary shall administer, protect and develop the park in accordance with the provisions of the law generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes,” approved August 25, 1916 (39 Stat. 535).; and”

#### PURPOSE OF THE MEASURE

The purpose of S. 2106; as ordered reported, is to expand the boundaries of Arches National Park in Utah by approximately 3,140 acres.

#### BACKGROUND AND NEED

Arches National Monument located in Grand County, Utah, was designated by presidential proclamation in 1929 and enlarged by proclamation three more times until 1971, when Congress designated the Monument as a National Park. The 73,379 acre National Park contains one of the Nation’s largest concentrations of natural stone pinnacles, pedestals, and balanced rocks.

S. 2106 would expand the boundaries of Arches National Park by approximately 3,140 acres. The Bureau of Land Management (BLM) administers 3,108 acres and the remaining 32 acres are owned by the State of Utah's School and Institutional Trust Land Administration (Trust Lands). This legislation provides for the exchange of the Trust Lands for lands under the jurisdiction of the BLM. The boundaries of Arches National Park would be adjusted to incorporate the 3,140 acres.

The area known as the Lost Spring Canyon addition is adjacent to the park's northeast corner and shares a common boundary with the park. The proposed new park boundary would follow canyon rims and natural forms instead of section lines and man-made features. The addition contains areas commonly known as Upper Salt Wash, Lost Spring Canyon, Fish Seep Draw, Clover Canyon, Cordova Canyon, Mine Draw, and Cottonwood Wash. The upper and lower canyons are of the same quality and form a geographic unit, and a natural extension of the park. Most of the proposed addition is currently managed by the BLM as a Wilderness Study Area.

Under this legislation, the operation and management of Northwest Corporation's natural gas pipeline which crosses the addition would not be affected and existing grazing practices would be protected within the addition for the lifetime of the one permittee and his direct descendants.

#### LEGISLATIVE HISTORY

S. 2106 was introduced by Senators Bennett and Hatch on May 21, 1998 and referred to the Committee on Energy and Natural Resources. The Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on S. 2106 on July 9, 1998.

At its business meeting on July 29, 1998, the Committee on Energy and Natural Resources ordered S. 2106, as amended, favorably reported.

#### COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on July 29, 1998, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 2106, if amended as described herein.

#### COMMITTEE AMENDMENTS

During the consideration of S. 2106, the Committee adopted three clarifying amendments. Amendment #1 deleted a requirement in the newly-added section 8(d) which would have mandated deadlines for completion of a land exchange between the United States and the State of Utah. Deletion of this provision avoids inconsistent references with other time frame referenced in the bill. Amendment #2 corrects the legal description of Federal lands to be conveyed to the State of Utah. Amendment #3 clarifies that all law applicable to units of the National Park System apply to Arches National Park, not just the National Park Service Organic Act. The amendment also standardizes the language to conform it to that used for units of the National Park System that have been established over the past two decades.

## SECTION BY SECTION ANALYSIS

*Section 1* designates the bill's short title as the "Arches National Park Expansion Act of 1998".

*Section 2* amends Public Law 92-155, the enabling Act for Arches National Park, and directs the Secretary of the Interior (Secretary) to transfer jurisdiction of approximately 3,140 acres in Lost Spring Canyon from the Bureau of Land Management to the National Park Service. The lands are depicted on a map entitled 138/60,000-B, and dated April 1997.

*Section 3* amends Public Law 92-155 to allow existing grazing leases, permits, or licenses in Lost Spring Canyon for the lifetime of the holder and their direct descendants. This section allows leases, permits, or licenses to be sold on the condition that upon acquisition, the new holder would retire the lease, permit, or license.

*Section 5* amends Public Law 92-155 to withdraw from entry, location, selection, leasing, or other disposition, under the public land laws, all Federal lands within Lost Spring Canyon subject to valid existing rights. In addition, this section contains a provision which provides that the inclusion of Lost Spring Canyon as part of Arches National Park will not affect the operation or management of the natural gas pipeline located in the area by the Northwest Pipeline Corporation.

The section adds a new subsection (e) which describes a parcel of State School Trust Lands within the Canyon and notes that it is the best interest for the State of Utah to exchange State School Trust Land located in Lost Spring Canyon for Federal land of equal value outside the Canyon.

*Section 8* authorizes the transfer of State school trust land for 639 acres of Federal land described in the bill. The land exchange would be subject to existing rights of both parties regarding any lease, right-of-way, or permit. Section 8 directs the State to consider impacts on resources before disturbing the ground of acquired lands. Consistent with State school trust land laws, the State shall preserve existing grazing, recreational and wildlife uses of the acquired lands in existence on the date of enactment of this section.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 1, 1998.*

Hon. FRANK H. MURKOWSKI,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2106, the Arches National Park Expansion Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria V. Heid (for federal costs), and Majorie Miller (for the state and local impact).

Sincerely,

JUNE E. O'NEILL, *Director*.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*S. 2106—Arches National Park Expansion Act of 1998*

CBO estimates that enacting this bill would have no significant impact on the federal budget. Because S. 2106 would likely affect direct spending, pay-as-you-go procedures would apply; however, CBO estimates that such effects would total less than \$100,000 each year. S.2106 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments. The exchange authorized by this bill would be voluntary on the part of the state of Utah, and any impact on state receipts would be insignificant.

S. 2106 would expand Arches National Park in Utah to include an additional 3,140 acres. Most of that land is currently managed by the Bureau of Land Management (BLM), but about 32 acres is owned by the state of Utah as school trust land. To implement the expansion, the bill provides that if Utah offers to convey about 640 acres of state school trust land, including the 32 acres within the proposed addition, to the United States, then the Secretary of the Interior must accept the offer and, in exchange, transfer to the state 639 acres of federal land elsewhere in the same county. Once the exchange between BLM and the state is completed, the bill would direct the Secretary to transfer jurisdiction over the 3,140 acres from BLM to the National Park Service (NPS). BLM would manage the 608 acres of land conveyed by the state that is not part of the proposed addition to Arches National Park. The Department of the Interior (DOI) estimates that the lands to be exchanged are of approximately equal value.

Because the federal budget is on a cash basis, the budgetary impact of the land exchange is measured by its effect on the government's cash flow, such as changes in offsetting receipts from grazing or oil and gas development. S. 2106 would direct the Secretary to continue any current grazing permits in the proposed addition for the life of the permittee and his or her direct descendants. The bill would allow permittees to sell such grazing permits only if the purchaser permanently retires the permit. Those provisions could affect grazing fee receipts from land in the proposed addition, but according to DOI, current receipts from grazing on the land total less than \$1,000 annually. Therefore CBO estimates that any changes in grazing fee receipts, which are categorized as direct spending, would be insignificant.

S. 2106 could also affect offsetting receipts from oil and gas leases. According to DOI, the federal government currently receives less than \$2,000 in rental fees each year from oil and gas leases on the 639 acres of BLM land to be conveyed to Utah under the bill. The 640 acres of state land to be conveyed to the United States

in the exchange also include leases generating receipts from rental fees each year. None of the affected leases in the proposed exchange is currently producing oil or gas, but there is a much higher probability of development on the federal land that would be conveyed to the state than there is on the state land that would be acquired by the federal government. Based on information from BLM and NPS, CBO estimates that any forgone federal receipts from oil and gas leases resulting from the exchange between Utah and the federal government under this bill would total less than \$100,000 each year over the 1999–2003 period.

On November 5, 1997, CBO prepared a cost estimate for H.R. 2283, the Arches National Park Expansion Act of 1997, as ordered reported by the House Committee on Resources on October 22, 1997. S. 2106 is similar to that bill. Because drilling permits have been approved recently on federal land adjacent to the federal land that would be conveyed to the state in this exchange, it now appears more likely that implementing the proposed exchange will result in forgone receipts to the Treasury, but CBO estimates that the bills would affect direct spending by less than \$100,000 each year. Neither bill would have a significant impact on discretionary outlays.

The CBO staff contacts for this estimate are Victoria V. Heid (for federal costs), and Marjorie Miller (for the state and local impact). This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2106. The bill is not a regulatory measure in the sense of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of S. 2106, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

The testimony of the Department of the Interior at the Subcommittee hearing follows:

**STATEMENT BY WILLIAM D. SHADDOX, ACTING ASSOCIATE DIRECTOR, PROFESSIONAL SERVICES, THE NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you to address S. 2106, a bill to expand the boundaries of Arches National Park by adding an area known as the Lost Spring Canyon Addition. This legislation builds on legislation introduced in the House, H.R. 2283. That legislation has been amended and referred to the Senate. We support this bill, as we

did the House bill, if it is amended to address our concerns as outlined below.

Arches National Monument was designated by presidential proclamation in 1929, enlarged by proclamation three times, and established by Congress as Arches National Park in 1971. The park's purpose is to protect one of the largest concentrations of natural stone arches in the world. The arches and numerous extraordinary geologic features, such as spires, pinnacles, pedestals and balanced rocks, are highlighted in striking foreground and background views created by contrasting colors, landforms and textures. The park encompasses 73,379 acres, of which 63,581 acres are recommended for wilderness designation.

If enacted, S. 2106 would expand the boundaries of Arches National Park, located in Grand County, Utah by approximately 3,140 acres. With the exception of a 31-acre parcel of Utah School and Institutional Trust Lands, the land is owned by the Bureau of Land Management (BLM). An exchange agreement will need to be reached between the state of Utah and BLM to transfer the state school section now located within the addition. The state would receive another BLM section of approximate equal value located elsewhere in the county. With this completed, all of the land within the addition would be in Federal ownership, and those BLM lands could then be transferred to the National Park Service.

Where permits currently exist, existing grazing practices would be protected within the Addition for the lifetime of the permittees and their direct descendants. However, the bill provides for grazing permits in the addition to be purchased and retired prior to expiration and we hope that a conservation buyer will be located to complete this transaction after the bill becomes law. The operation and management of the natural gas pipeline within the addition would not be affected and would continue uninterrupted under National Park Service guidelines.

The area known as the Lost Spring Canyon addition has been discussed periodically since the 1980s. The National Park Service completed a resource assessment for the area in 1984 as part of a statewide BLM wilderness study. The area contains the upstream sections of the canyon system known as Upper Salt Wash, its tributary Lost Spring Canyon and several side canyons. The lower portion of the canyon system is already within present park boundaries. The proposed addition is a logical extension of the park since the upper and lower canyons are of the same outstanding quality and comprise an obvious geographic unit. It is an intricately eroded system of multicolored Entrada sandstone canyons with high walls, arches, domes, alcoves, and amphitheaters. It contains seven documented arches, including Covert Arch. There are nearly vertical, narrow slickrock canyon walls, several hundred feet high. Some of the canyon bottoms contain lush riparian areas. Freshwater springs and seeps are also present.

The Lost Spring Canyon addition is contiguous with the park's northeast corner, and shares a common boundary with the park. The proposed boundary, identified in the legislation, would follow canyon rims and natural forms instead of section lines and other manmade features. This geographic boundary is a natural extension of the park and encompasses most of the incised canyon system. Using canyon rims as boundaries will make it easier for park visitors and public land-users to determine their location, and will provide a logical separation between park activities and values and adjacent multiple-use activities.

The Lost Spring Canyon addition is accessible by foot from existing park trailheads and parking areas. Many visitors to this area already access it from National Park Service facilities. Much of the canyon system is visible from several high-use areas of the park, including the Delicate Arch Trail, Devils Garden Campground and the park road. The proximity of the Lost Spring Canyon addition to the park allows for cost-effective management. Park staff and facilities are already in place.

Remote and unroaded, the Lost Spring Canyon addition will provide a backcountry experience currently uncommon in Arches National Park. Most of the proposed addition is managed by BLM as a Wilderness Study Area (WSA). The National Park Service intends to protect the area's wilderness values, and actions such as road or campground construction will not occur. Most of the addition, with the exception of the pipeline corridor, would be incorporated into the wilderness recommendations for Arches National Park. We do not plan, nor do we anticipate the need for, road construction in the area. It is expected that additional trails may be necessary to provide access.

Representatives of the community and local government support the proposal, as have editorials in several local and state newspapers. With the provision for the State School Lands exchange, the State of Utah has also expressed its support.

The additions of these lands to Arches National Park would enhance the experiences of visitors and provide expanded protection of these unique geologic resources that tell the powerful story of the forces and impact of time and weather on the face of the earth.

In reviewing the legislation, the BLM has provided comments to us on sections of the bill which require clarification or correction. They have requested that a new section be added to the bill that states that the National Park Service will manage the portion of the acquired lands that are currently within the Lost Spring Canyon Wilderness Study Area to protect its wilderness values, and that this protection will remain in place unless the area is released from the requirements of Section 603(c) of the Federal Land Policy and Management Act of 1976 by an act of Congress. They have also requested that section 2(c) be reworded to state that the National Park Service will admin-

ister the portion of the grazing permit transferred to the park, and that section 8(a) of the bill be revised to clarify whether the title transfer of State lands occurs when the Secretary accepts the State's offer, or if the title transfer occurs at the time of conveyance of Federal lands to the State after all administrative actions have been completed.

There are three technical corrections which will need to be made in the bill. Two of the corrections were identified in our testimony on H.R. 2283. The third is a result of one of the differences between the House and Senate versions of the legislation. The recommended amendments are: Section 8(d) references deadlines for completion of the exchange that duplicates previous subsections, and the legal description of the Federal parcel to be conveyed to the state in section 8(b)(2) is incorrect and should be rewritten. We also believe the revision of Section 5(a) should be taken a step further so that it identifies, and is more inclusive of the legal authorities under which the National Park Service presently operates. We recommend Section 5(a) be amended to read as follows: The Director of the National Park Service under the direction of the Secretary shall administer, protect and develop the park in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a national Park Service, and for other purposes," approved August 25, 1916.

We would be like pleased to work with the Subcommittee to provide specific language to address all of these issues. That completes my remarks Mr. Chairman I would be happy to answer any questions that you may have.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 2106, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

(PUBLIC LAW 92-155, NOVEMBER 12, 1971)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **[That (a) subject to]**

#### **SECTION 1. ESTABLISHMENT OF PARK.**

(a) *IN GENERAL.*—

(1) *INITIAL BOUNDARIES.*—*Subject to* valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Arches National Park, Utah," Numbered RPSSC 138 20, 001E and dated September 1969, are hereby established as the Arches National Park (hereinafter referred to as the "park"). **[Such map]**

(2) *EXPANDED BOUNDARIES.*—Effective on the date of the enactment of this paragraph, the boundary of the park shall include the area consisting of approximately 3,140 acres and known as the “Lost Spring Canyon Addition”, as depicted on the map entitled “Boundary Map, Arches National Park, Lost Spring Canyon Addition”, numbered 138/60,000 B, and dated April 1997.

(3) *MAPS.*—The maps described in paragraphs (1) and (2) shall be on file and available for public inspections in the offices of the National Park Service, Department of the Interior.

\* \* \* \* \*

## **[SEC. 2. The Secretary]**

### *SEC. 2. ACQUISITION OF PROPERTY.*

(a) *IN GENERAL.*—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 the first section of this Act, 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.

(b) *LOST SPRING CANYON ADDITION.*—As soon as practicable after the date of enactment of this subsection, the Secretary shall transfer jurisdiction over the Federal land contained in the Lost Spring Canyon Addition from the Bureau of Land Management to the National Park Service.

### *SEC. 3. (a) Where*

### **[SEC. 3. LIVESTOCK GRAZING.**

(a) *IN GENERAL.*—In a case in which any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act 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.

(b) *LOST SPRING CANYON ADDITION.*—

(1) *CONTINUATION OF GRAZING LEASES, PERMITS, AND LICENSES.*—In the case of any grazing lease, permit, or license with respect to land in the Lost Spring Canyon Addition that was issued before the date of the enactment of this subsection, the Secretary of the Interior shall, subject to periodic renewal, continue such lease, permit, or license for a period of time equal to the lifetime of the holder of the grazing lease, permit, or license as of that date plus the lifetime of any direct descendants of the holder born before that date.

(2) *RETIREMENT.*—A grazing lease, permit, or license described in paragraph (1), shall be permanently retired at the end of such period described in paragraph (1).

(3) *PERIODIC RENEWAL.*—Until the expiration of the period described in paragraph (1), the holder (or descendant of the holder) of a grazing lease, permit, or license shall be entitled to renew the lease, permit, or license periodically, subject to such

*limitations, conditions, or regulations as the Secretary may prescribe.*

(4) *SALE.*—A grazing lease, permit, or license described in paragraph (1) may be sold during the period described in paragraph (1) only on the condition that the purchaser shall, immediately upon such acquisition, permanently retire the lease, permit, or license.

(5) *TAYLOR GRAZING ACT.*—Nothing in this subsection affects other provisions concerning leases, permits, or licenses under the Act of June 28, 1934 (commonly known as the “Taylor Grazing Act”) (48 Stat. 1269, chapter 865; 43 U.S.C. 315 et seq.).

(6) *ADMINISTRATION.*—Any portion of any grazing lease, permit, or license with respect to land in the Lost Spring Canyon Addition shall be administered by the National Park Service.

\* \* \* \* \*

SEC. 5. [(a) the National Park Service under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535).]

(a) *IN GENERAL.*—The Secretary shall administer, protect, and develop the park, in accordance with the provisions of the law generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes,” approved August 15, 1916 (39 Stat. 535).; and

[(b) Within three years from the date of enactment of this Act, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d), 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.]

(b) *LOST SPRING CANYON ADDITION.*—

(1) *WITHDRAWAL.*—Subject to valid existing rights, Federal lands in the Lost Spring Canyon Addition is appropriated and withdrawn from entry, location, selection, leasing, or other disposition under the public land laws (including the mineral leasing laws).

(2) *EFFECT.*—The inclusion of the Lost Spring Canyon Addition in the park shall not affect the operation or maintenance by the Northwest Pipeline Corporation (or its successors or assigns) of the natural gas pipeline and related facilities located in the Lost Spring Canyon Addition on the date of enactment of this paragraph.

(c) *EFFECT ON SCHOOL TRUST LAND.*—

(1) *FINDINGS.*—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);

(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.

\* \* \* \* \*

**SEC. 8. LAND EXCHANGE INVOLVING SCHOOL TRUST LAND.**

**(a) EXCHANGE REQUIREMENT.—**

(1) If, not later than one year after the date of enactment of this section, 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) 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).

(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 lands.

**(b) DESCRIPTION OF PARCELS.—**

(1) **STATE CONVEYANCE.**—The school trust land to be conveyed by the State of Utah under subsection (a) 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, described as lots 1 through 12 and the  $S^{1/2}N^{1/2}$  and the  $N^{1/2}N^{1/2}N^{1/2}S^{1/2}$  of section 1, Township 25 South, Range 18 East, Salt Lake base and meridian.

(3) **EQUIVALENT VALUE.**—The Federal land described in paragraph (2) shall be considered to be 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 lands and resources and conduct, in a manner consistent with Federal laws, 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 the date of enactment of this section.*

(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.*

