

UNITED STATES DEPARTMENT OF THE INTERIOR
GALE A. NORTON, *Secretary*

NATIONAL PARK SERVICE
FRAN P. MAINELLA, *Director*

**PROCLAMATIONS AND ORDERS
RELATING TO
THE NATIONAL PARK SERVICE**

January 1, 1945 to January 20, 2001



WASHINGTON: 2004

FOREWORD

This volume of Presidential Proclamations and Executive Orders supplements a volume issued in 1946. It includes proclamations, Secretarial orders, and Executive Orders affecting the National Park Service issued from January 1, 1945 to January 20, 2001 from the Administrations of President Harry S Truman through President William J. Clinton. These two volumes, along with the compilations of National Park Service laws, provide a source for laws that govern the establishment and administration of units and affiliated areas of the National Park System as well as executive orders that guide their operations.

The *U.S. Code Congressional and Administrative News* was the source for the text of the proclamations and executive orders issued prior to 1993 that are found in this volume. Some of the text had previously been provided to us in electronic format after having been typed into a computer, while the rest was scanned into a computer. The text was reformatted to fit the size requirements for the page and to exclude extraneous material. A line of stars in the text denotes omitted material. Since these processes are technologically imperfect, we have made every effort to have as complete and accurate a text as possible. We encourage you to check the *United States Statutes at Large (Statutes at Large)* if you have any doubt about the official text of the law.

The text of proclamations and executive orders issued since 1993 was taken from the electronic version available on web sites provided by the White House, the National Archives and Records Administration, and the Government Printing Office. We have found this text to be complete and accurate, as it does not have the technological problems faced with the scanned material.

The text for the Secretarial Orders found under the National Historic Sites section of the volume was taken from the *Federal Register (Register)*, or in the case of a couple of orders that were not printed in the *Register*, we used the language found in a copy of the actual order. The source text of the laws found in Appendix I is the *Statutes at Large*.

In order to insure that another 50 years does not pass before additional proclamations are made available for use, the Office of Legislative and Congressional Affairs has included proclamations and executive orders from the first two years of the Administration of President George W. Bush in the National Park Laws compilation for the 107th Congress. We will continue to print recent proclamations and orders in these compilation volumes, which are issued every two years for the preceding Congress.

We express our thanks to several people who helped to make this volume a reality. Frank Buono, a former National Park Service employee, provided us with an electronic version of the text of several proclamations and orders issued prior to January 20, 1993, which he had typed into his computer. His willingness to share this text saved us much time and effort in preparing this volume. We appreciate and recognize the contribution he has made to his colleagues in the National Park Service and those who will benefit from this volume in the future.

We also appreciate the help we have received during the last four years from several Park Service employees who served details in the Office of Legislative and

Congressional Affairs as well as the assistance of our summer interns. Frank Dean, Anna Von Lunz, Don Burrell, Jayne Schaeffer, Candace Jackson and Amy Gartner all provided invaluable assistance in compiling, researching, and arranging the material in this volume.

Molly Ross from the Department of the Interior Office of the Solicitor suggested including the material in Appendix I as an additional aid to those researching national park laws and proclamations and was generous with her time in discussing the various complexities of the law that we encountered when compiling this volume. We express our thanks to Molly, as well as Mike Tiernan and Barry Roth from the solicitor's office, for providing their guidance and suggestions.

Janet McDonnell from the Park Service's history division provided some excellent background on the history of national cemeteries in the National Park System as found in Appendix I and the history of several Secretarial Orders found in the National Historic Sites section. We appreciate her input to this project. We also thank Michael Walsh and Howard Miller from the Park Service's Lands Office for providing information about the creation of National Historic Sites by Secretarial Orders.

We need to recognize the efforts of the staff of the Office of Legislative and Congressional Affairs. Donnise Hancock, Melissa Kuckro, Alma Ripps, Elaine Hackett, Craig Sheldon, Nancie Ames, and Nathan Souder helped to proof-read the text and we appreciate their excellent eye for catching the smallest of errors. We particularly thank LaTonya Ward who assisted with the final details in preparing the book for publication. We also provide special recognition to Beverly Davenport who put in long hours arranging most of the executive orders in the book and in compiling and formatting several proclamations. Without her efforts, we would not have had this volume or the three previous volumes of National Park laws that were completed because of her devotion to her work.

Finally, we thank the National Park Foundation for providing us with the resources to print this volume and past volumes of park laws. Their continued support will benefit many Park Service employees and all others who use these books in future years.

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1. Hawaii

June 14, 1950. 15 F.R. 4290

HAWAII NATIONAL PARK*

REVOKING WITHDRAWAL OF CERTAIN LANDS FOR USE OF DEPARTMENT OF ARMY AND RETURNING SAME TO JURISDICTION OF SECRETARY OF INTERIOR FOR ADMINISTRATION

The order of December 3, 1940, issued pursuant to the act of July 16, 1940 (54 Stat. 761; 16 U.S.C., 1946ed., sec. 391c), and published in the FEDERAL REGISTER of December 21, 1940 (5 F.R. 5219), withdrew the following-described lands, situated within the boundaries of Hawaii National Park, from the control and jurisdiction of the Secretary of the Interior and transferred the same to the jurisdiction and control of the Secretary of the Army for use as an Air Corps bombing target range and other military purposes:

Beginning at a place called Na Puu O Na Elemakule located at the southeast corner of the Hawaii National Park, said point being marked by a triangle on a large flat stone; thence by azimuth (Measured clockwise from true south) and distances as follows: 89° 27' 30"; 3,300 feet along the south boundary Hawaii National Park; thence 179° 27' 30"; 10,500 feet to a point on the lower slope of Hilina Pali; thence 240° 56' 04"; 11,419.3 feet along the bottom of Hilina Pali to a spike in the pahoehoe lavea; thence 352° 51' 30"; 11,092 feet to a spike pahoehoe lava at the shore-line; thence in a southwesterly direction along the high-water line to the point of the beginning; direction azimuth and distance being 57° 49' 00"; 9,406.5 feet; containing an area of 3052.0 acres more or less.

The aforesaid order is hereby revoked and the lands described above are hereby returned to the jurisdiction of the Secretary of the Interior for administration as a part of Hawaii National Park.

Dated: June 14, 1950.

[SEAL]

OSCAR L. CHAPMAN
Secretary of the Interior
FRANK PACE, JR.
Secretary of the Army

* redesignated as Hawaii Volcanoes National Park on September 22, 1961 and the portion of the park on the island of Maui was redesignated as Haleakala National Park on September 13, 1960.

2. Olympic**No. 3003**

January 6, 1953, 67 Stat. c27, 16 U.S.C. 255

18 F.R. 169

ENLARGING THE OLYMPIC NATIONAL PARK WASHINGTON**BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION**

WHEREAS section 1 of the act of June 29, 1938, 52 Stat. 1241,⁴ established the Olympic National Park in the State of Washington;

WHEREAS section 5 of the said act⁵ provides in part as follows:

“The President may after eight months from the approval of this Act by proclamation add to the Olympic National Park any lands within the boundaries of the Olympic National Forest, and any lands which may be acquired by the Government by gift or purchase, which he may deem it advisable to add to such park; and any lands so added to such park shall, upon their addition thereto, become subject to all laws and regulations applicable to other lands within such park: Provided, that the total area of the said park shall not exceed eight hundred and ninety-eight thousand two hundred and ninety-two acres: Provided further, That before issuing any such proclamation, the President shall consult with the Governor of the State of Washington, the Secretary of the Interior, and the Secretary of Agriculture and advise them of the lands which he proposes to add to such park, and shall afford them a reasonable opportunity to consult with and communicate to him their views and recommendations with respect to the addition of such lands to such park.”;

WHEREAS it is deemed advisable and in the public interest that certain lands, hereinafter described, be added to the said park; and

WHEREAS it appears that the terms and conditions of the said act of June 29, 1938, have been fully complied with as to such lands:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the above-quoted provisions of section 5 of the act of June 29, 1938, do proclaim as follows:

1. Subject to all valid existing rights, the following-described lands within the boundaries of the Olympic National Forest are hereby added to and reserved as a part of the Olympic National Park:

WILLAMETTE MERIDIAN, WASHINGTON

T. 30 N., R. 10 W.,

secs. 23, 26, 27, and 28, those tracts lying between the Olympic Highway and Soleduck Road as described in Proclamation No. 2380 of January 2, 1940 (54 Stat. 2678), and a line parallel to and 25 feet northerly or westerly from the Olympic Highway and the Soleduck Road as now improved, containing 10.96 acres, more or less.

⁴ 16 U.S.C.A. § 251.

⁵ 16 U.S.C.A. § 255.

- T. 29 N., R. 5 W.,
sec. 17, NE1/4 NW1/4 and NW1/4 NE1/4.
- T. 29 N., R. 6 W.,
sec. 3,
Tract A, described as follows: Beginning at a point on the north section line which is south 89°09' west, a distance of 450 feet from the northeast corner of sec. 3, T. 29 N., R. 6 W.; Thence south 1°11' west, a distance of 640 feet to the north property line formerly of Oscar Nelson; South 89°21' west, 180.96 feet to corner No. 13 of Homestead Entry Survey No. 231; North 1°11' east, 639.54 feet along the east property line formerly of Oscar Nelson to the north section line of said sec. 3; North 89°09' east to point of beginning, containing 2.66 acres, more or less;
- Tract B, described as follows: Beginning at a point which is south 0°56' west, a distance of 642.84 feet from the northeast corner of sec. 3, T. 29 N., R. 6 W.; Thence south 89°21' west, 220 feet to true point of beginning; South 0°56' west, 280 feet to the north line of the County road; South 85°44' west, along the north line of the County road, 110 feet to the property line formerly of Oscar Nelson; North 0°56' east, 280 feet, along the property line formerly of Oscar Nelson, to a point on the line between corners No. 13 and No. 14 of Homestead Entry Survey No. 231; North 89°21' east, 110 feet to point of beginning, containing 0.71 acre, more or less.
- T. 27 N., R. 11 W.,
secs. 1 and 2;
sec. 3, lots 1, 3, and 5, SE1/4 NE1/4, SW1/4 NW1/4, and S1/2, including the bed of the Bogachiel River;
secs. 4 to 6, inclusive, including the bed of the Bogachiel River.
- T. 27 N., R. 12 W.,
secs. 1 and 2, including the bed of the Bogachiel River;
sec.3, lots 1, 2, 3, 4, 6, 7, and 8, S1/2, and S1/2 N1/2, including the bed of the Bogachiel River.
- T. 25 N., R. 10 W.,
sec. 31, SE1/4 SE1/4;
sec. 32, lots 1 to 8, inclusive, N1/2 NE1/4, SE1/4 NW1/4, and NW1/4 SW1/4, including the bed of the Queets River;
sec. 33, that part of lot 9 south of the north bank of Sams River.
- T. 24 N., R. 10 1/2 W.,
sec. 1, that part of lot 1 south of the north bank of Sams River; lots 2 to 9, inclusive; lots 11 to 16, inclusive; N1/2 lot 19; N1/2 lot 20; N1/2 lot 21, including the bed of the Queets River;
sec. 2, lots 1 to 3, inclusive; lots 6 to 16, inclusive; former lots 4 and 5, now lots 22 to 27, inclusive, including the bed of the Queets River.
2. Subject to all valid existing rights, the lands owned by the United States within the following-described areas are hereby added to and reserved as a part of the Olympic National Park; and the lands within such areas which are not now owned by the United States shall become a part of such park upon acquisition of title thereto by the United States:

WILLAMETTE MERIDIAN, WASHINGTON

T. 30 N., R. 6 W.,
sec. 15,

Tract A, described as follows: NE1/4 NE1/4, EXCEPT all that portion thereof lying easterly of the Mount Angeles Road as now established and north of the north line of Grant Avenue produced westward, said Grant Avenue being shown on the plat of Highland View Acre Tracts, recorded in Volume 4 of Plats, page 15, records of Clallam County, Washington; and EXCEPT the north 30 feet;

Tract B, described as follows: Beginning at the northwest corner of the NW1/4 NE1/4; Thence south along the west line of said NW1/4 NE1/4, a distance of 30 feet to the true point of beginning; South along the west line of said NW1/4 NE1/4, a distance of 178.7 feet; East on a parallel line to the north line of said NW1/4 NE1/4, a distance of 208.7 feet; North on a line parallel to the west line of said NW1/4 NE1/4, a distance of 178.7 feet to the south line of the County road right-of-way; West on a line parallel to the north line of said NW1/4 NE1/4, 208.7 feet to the true point of beginning.

T. 28 N., R. 13 W.,

sec. 16, That portion of the NW1/4 NW1/4 lying south of State Highway No. 9, containing 11.75 acres, more or less.

T. 24 N., R. 11 W.,

sec. 1, lots 5 to 12, inclusive, and S1/2 N1/2;

sec. 2, lots 5 to 8, inclusive, N1/2 SE1/4, and SW1/4 SW1/4;

sec. 9, SE1/4;

sec. 10, lots 1 to 9, inclusive, N1/2NE1/4, SW1/4NW1/4, and S1/2 SE1/4;

sec. 11;

sec. 12, N1/2 and NW1/4 SW1/4;

sec. 15, N1/2, SW1/4, N1/2 SE1/4, and SW1/4 SE1/4;

sec. 16, NE1/4 and S1/2;

sec. 17, SE1/4, E1/2 SW1/4, and SW1/4 SW1/4;

sec. 18, SE1/4 SE1/4;

sec. 19, lots 2 to 11, inclusive, N1/2 NE1/4, NE1/4 NW1/4, SE1/4 SW1/4, and S1/2 SE1/4;

sec. 20, N1/2 and N1/2 S1/2;

sec. 21, N1/2;

sec. 22, NW1/4 and W1/2 NE1/4;

sec. 30, NW1/4.

Including the bed of the Queets River.

T. 24 N., R. 12 W.,

sec. 24, lots 1, 2, 3, and SW1/4 SE1/4;

sec. 25, lots 1 to 10, inclusive, SE1/4 NE1/4, N1/2 SE1/4, NE1/4 SW1/4, and S1/2 SW1/4;

sec. 26, S1/2 N1/2 and S1/2;

sec. 27, lots 1 to 9, inclusive, SW1/4 NW1/4, and S1/2;

sec. 28, lots 1 to 10, inclusive, SE1/4 NW1/4, NE1/4 SE1/4, S1/2 SE1/4, and SE1/4 NW1/4 NE1/4;

sec. 29, lots 1, 2, 3, 8 to 12, inclusive;

sec. 33, lots 1 and 2;

sec. 34, lots 1, 2, 3, 4, and N1/2 NE1/4;

sec. 35, N1/2 NW1/4 and NW1/4 NE1/4.

Including the bed of the Queets River.

- T. 24 N., R. 13 W.,
sec. 3, NW1/4 SW1/4 and S1/2 S1/2;
secs. 4, 9, 10, 15, 16, and 22;
sec. 27, lots 1 and 2.
- T. 25 N., R. 13 W.,
secs. 5 and 8;
sec. 9, SW1/4 and S1/2 NW1/4;
sec. 16, W1/2 and W1/2 SE1/4;
sec. 17;
sec. 21, lots 1, 2, 3, 4, W1/2 NE1/4, N1/2 SE1/4, and SE1/4 SE1/4;
secs. 28 and 33;
sec. 34, W1/2 NW1/4 and SW1/4.
- T. 26 N., R. 13 W.,
sec. 20, lots 4, 8, and 9;
sec. 28, SW1/4;
sec. 29, lots 1, 2, 3, S1/2, S1/2 NE1/4, and NW1/4 NE1/4;
sec. 30, lots 1 and 2;
sec. 32;
sec. 33, W1/2.
- T. 26 N., R. 13 W.,
sec. 17, SW1/4 SW1/4;
sec. 18, lots 3, 4, S1/2 SW1/4 NE1/4 SW1/4, SE1/4 SW1/4, and S1/2 SE1/4;
sec. 19, lots 1, 2, and 3;
sec. 20, lot 3.
Including the bed of the Hoh River.
- T. 26 N., R. 14 W.,
sec. 1, lot 4, SW1/4 NW1/4, and SW1/4;
secs. 2 and 11;
sec. 12, W1/2, W1/2 SE1/4, and SW1/4 NE1/4;
sec. 13, lots 1 to 5, inclusive, and SE1/4 NE1/4;
sec. 14, lot 1.
- T. 27 N., R. 14 W.,
sec. 6, lots 4 to 10, inclusive, and NE1/4 SW1/4;
sec. 7;
sec. 8, W1/2 W1/2;
sec. 16, S1/2 SW1/4;
secs. 17, 18, 20, 21, and 22;
sec. 23, SW1/4 SW1/4;
sec. 26, W1/2 NW1/4 and SW1/4;
secs. 27, 28, 34, and 35.
- T. 27 N., R. 15 W.,
secs. 1, 2, 3, and 12.
- T. 28 N., R. 15 W.,
sec. 4, W1/2 NW1/4 and SW1/4;
secs. 5 and 8;
sec. 9, W1/2 NE1/4, NW1/4, and S1/2;
sec. 15, W1/2 SW1/4;
sec. 16, 21, and 22; excluding the Quillayute Indian Reservation;
sec. 23, lots 1 to 8, inclusive, NW1/4 NW1/4, SE1/4 NW1/4, S1/2 NE1/4, and SW1/4 SW1/4;
secs. 26, 27, 28, 34, and 35; excluding Quillayute Indian Res.;

sec. 36, SW1/4 NW1/4 and S1/2

Including the bed of the Quillayute River.

T. 29 N., R. 15 W.,

sec. 5, W1/2;

secs. 6 and 7;

sec. 8, W1/2;

sec. 17, W1/2;

secs. 18 and 19;

sec. 20, W1/2;

sec. 29, W1/2 NE1/4, NW1/4, and S1/2;

secs. 30 and 32.

T. 30 N., R. 15 W.,

secs. 5, 6, 7, and 8;

sec. 9, lots 1, 2, and 3;

secs. 17, 18, 19, 20, 29, 30, and 31;

sec. 32, lots 1, 2, and W1/2 SW1/4.

T. 31 N., R. 15 W.,

sec. 30, S1/2 N1/2 and S1/2;

sec. 31;

sec. 32, lots 3, 7, and 8.

T. 30 N., R. 16 W.

T. 31 N., R. 16 W.,

sec. 13, lot 4;

sec. 23, lot 1;

sec. 24, lots 1 to 10, inclusive;

sec. 25, lots 1 to 9, inclusive, SW1/4 NE1/4, SW1/4, W1/2 SE1/4, and SE1/4 SE1/4;

secs. 26, 35, and 36.

The areas described aggregate 47,753.67 acres, more or less, of land and water.

The administration, protection, and development of the lands within this area shall be exercised under the direction of the Secretary of the Interior by the National Park Service, 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 (16 U.S.C. 1-3), and acts supplementary thereto or amendatory thereof, and to all other laws, rules, and regulations applicable to the said park.

Nothing herein contained shall affect any valid existing claim, location, or entry made under the land laws of the United States, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land, or the rights reserved by treaty to the Indians of any tribe.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 6th day of January, in the year of our Lord nineteen hundred and fifty-three, and of the Independence of the United States of America the one hundred and seventy-seventh.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,

Secretary of State.

3. Redwood (Lady Bird Johnson Grove)

No. 3925

August 27, 1969, 83 Stat. 956

34 F.R. 13903

LADY BIRD JOHNSON GROVE REDWOOD NATIONAL PARK

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

It is fitting that a magnificent redwood grove in Redwood National Park be dedicated in honor of Lady Bird Johnson, who has done so much to stir in the American conscience a deepened sense of unity with our national environment. Mrs. Johnson has given generously of her time and talents on behalf of the natural beauty of the land she loves so well. That beauty is uniquely expressed in the Redwood National Park established by the Act of Congress of October 2, 1968,¹ while Mrs. Johnson was First Lady of the land.

NOW, THEREFORE, I, Richard Nixon, President of the United States of America, do proclaim that the following described land within the boundaries of the Redwood National Park is hereby designated as the Lady Bird Johnson Grove:

HUMBOLDT MERIDIAN

That parcel of land situated in sec. 26, T. 11 N., R. 1 E., more particularly described as follows:

Beginning at the northeast corner of sec. 26, T. 11 N., R. 1 E;

thence southerly along the east line of said sec. 26 to the southeast corner thereof;

thence westerly along the south line of said sec. 26 to the south quarter corner thereof;

thence northerly along the north-south centerline approximately 2,200 feet through forest types 004/R, 002/R, 01/R, 002/R as depicted on National Park Service Map, NPS-RED-7114-B of Redwood National Park as referred to in Section 2 of Public Law 90-545, October 2, 1968,² to its intersection with the northerly line of forest type 002/R;

thence easterly and northerly along the northerly line of forest type 002/R and northerly along the westerly line of forest types 03/RD, 002/RD and R3/R to its intersection with the north-south centerline of said sec. 26;

thence northerly along the north-south centerline to its intersection with the north line of said sec. 26;

thence easterly along the north line of said sec. 26 to the northeast corner, the Point of Beginning.

¹ 82 Stat. 931, 16 U.S.C. 79a

² 82 Stat. 931, 16 U.S.C. 79b

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of August, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

RICHARD NIXON

4. Rocky Mountain National Park

No. 3144

June 27, 1956, 70 Stat. c45, 16 U.S.C. 192b

21 F.R. 4783

ENLARGING THE ROCKY MOUNTAIN NATIONAL PARK—COLORADO

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the act of June 21, 1930, 46 Stat. 791 (16 U.S.C. 192b),¹ authorizes the President of the United States, upon the recommendation of the Secretary of the Interior, to add to the Rocky Mountain National Park, in the State of Colorado, by Executive proclamation, certain lands described in such act; and

WHEREAS the Secretary of the Interior has recommended the addition to such park of certain lands described in such act; and

WHEREAS it appears to be in the public interest that such lands be included in the park for future preservation and administration as a part of the park:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do proclaim that the lands hereinafter described are hereby added to the Rocky Mountain National Park, in the State of Colorado, and shall, upon acquisition of title thereto by the United States, become 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 (16 U.S.C. 1-3),² and all acts supplementary thereto and amendatory thereof, and all other laws and rules and regulations applicable to such park:

SIXTH PRINCIPAL MERIDIAN

T. 5N., R. 73 W.,

Sec. 33, S1/2 NE1/4, SE1/4 SE1/4, and N1/2 SE1/4;

Sec. 34, N1/2 SW1/4 NE1/4, N1/2 SE1/4 NW1/4, SW1/4 NW1/4, and NW1/4 SW1/4.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of June in the year of our Lord
nineteen hundred and fifty-six, and of the Independence of the
[SEAL] United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,

Secretary of State.

¹ 16 U.S.C.A. § 192b.

² 16 U.S.C.A. §§ 1-3.

No. 3374

September 23, 1960, 75 Stat. 982, 16 U.S.C. 192b
25 F.R. 9284

**ENLARGING THE ROCKY MOUNTAIN
NATIONAL PARK—COLORADO**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the act of June 21, 1930, 46 Stat. 791 (16 U.S.C. 192b),¹ authorizes the President, upon the recommendation of the Secretary of the Interior, with respect to lands not in a national forest, to add to the Rocky Mountain National Park, in the State of Colorado, by Executive proclamation, certain lands described in that act; and

WHEREAS the Secretary of the Interior has recommended the addition to such park of certain of the lands described in that act not in a national forest; and

WHEREAS it appears that it would be in the public interest to add such lands to the park for future preservation and administration as a part of the park:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by the said act of June 21, 1930, do proclaim that the lands hereinafter described shall be, and they are hereby, added to and reserved as a part of the Rocky Mountain National Park, in the State of Colorado; and such lands shall be 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 (16 U.S.C. 1-3), and all acts supplementary thereto and amendatory thereof, and all other laws and rules and regulations applicable to such park:

SIXTH PRINCIPAL MERIDIAN

T. 4 N., R. 73 W., sec. 9, northwest quarter southwest quarter.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-third day of September in the year of our Lord nineteen hundred and sixty, and of the Independence of
[SEAL] the United States of America the one hundred and eighty-fifth.

DWIGHT D. EISENHOWER

By the President:
DOUGLAS DILLON,
Acting Secretary of State

¹ 16 U.S.C.A. § 192b.

1. Adams

November 26, 1952, 17 F.R. 11177

ADAMS NATIONAL HISTORIC SITE,* QUINCY MASS., FORMERLY KNOWN AS ADAMS MANSION NATIONAL HISTORIC SITE

ORDER ADDING CERTAIN LANDS

Whereas, a certain parcel of land with the buildings thereon, situated in Quincy, in the County of Norfolk, and Commonwealth of Massachusetts, associated with members of the Adams family of Massachusetts, distinguished in public service and in literature, was designated as the Adams Mansion National Historic Site by Secretarial Order of December 9, 1946 (11 F. R. 14634), pursuant to the provisions of section 2 of the act of August 21, 1935 (49 Stat. 666; 16 U.S.C., 1946 ed., sec. 462); and

Whereas, a certain parcel of land adjoining the aforesaid parcel of land has been donated to the United States as an addition to, and for use in administering, developing, protecting and interpreting, the said national historic site;

Now, therefore, I, Vernon D. Northrop, Acting Secretary of the Interior, by virtue of and pursuant to the authority contained in section 2 of the act of August 21, 1935, supra, do hereby designate as a part of said national historic site, the following described parcel of land:

All that certain lot or parcel of land lying in Quincy, in the County of Norfolk, and Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the Southwesterly side of Newport Avenue at the junction of land owned by the said Commission and land owned by the said United States as the Adams Mansion National Historic Site;

Thence running Southwesterly by a line curving to the right with a radius of three hundred ninety-six and 71/100 (396.71) feet, one hundred eighty and 02/100 (180.02) feet to a stone bound;

Thence running more westerly by a line curving to the right with a radius of five hundred sixty-seven and 32/100 (567.32) feet, one hundred forty-eight and 35/100 (148.35) feet.

Thence running north 80°16'23" west twenty-eight and 73/100 (28.73) feet;

Thence running still westerly by a line curving to the left with a radius of four hundred eighty-three and 01/100 (488.01) feet, thirty-five and 59/100 (35.99) feet to an iron pipe;

Thence turning to the right and running northwesterly by an extension of the property line between land of the said Adams Mansion National Historic Site and land now or formerly of Fred B. Rice, ninety (90) feet more or less to the top of the southerly bank of Furnace Brook;

Thence turning sharply to the right and running easterly by the top of the southerly bank of Furnace Brook three hundred sixty-five (365) feet more or less to the Southwesterly side line of Newport Avenue;

Thence turning to the right and running Southwesterly by the Southwesterly side line of Newport Avenue sixty (60) feet more or less to the point of beginning; containing

* redesignated as Adams National Historical Park on November 2, 1998.

thirty-one thousand four hundred (31,400) square feet more or less and being shown on a plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Parks Division, Furnace Brook Parkway, Plan of Land in Quincy Mass., * * * September 22, 1950, Benjamin W. Fink, Director of Park Engineering," being plan accession No. 29364 V. T., a copy of which is recorded in the Norfolk County Registry of Deeds.

The administration, protection, and development of the land hereinabove described as part of the said national historic site shall be exercised in accordance with the provisions of the act of August 21, 1935, supra.

Hereafter, the Adams Mansion National Historic Site, as hereby enlarged, shall be known as Adams National Historic Site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 26th day of November 1952.

[SEAL]

VERNON D. NORTHROP,
Acting Secretary of the Interior.

2. Adams Mansion

December 9, 1946, 11 F.R. 14634

ADAMS MANSION HISTORIC SITE* QUINCY, MASS.; DESIGNATION AS A HISTORIC SITE

Whereas the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States, and

Whereas, the Adams Mansion and grounds at Quincy Massachusetts, home of John Adams and John Quincy Adams, Presidents of the United States, and of Charles Francis Adams, Henry Adams, and Brooks Adams, distinguished in public and private service and distinguished in literature and in intellectual life, has been recognized by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments as of outstanding national significance, and

Whereas title to the above-mentioned lands and the buildings thereon is vested in the United States, having been donated by the Adams Memorial Society, Incorporated, a charitable corporation organized under the laws of the Commonwealth of Massachusetts:

Now, therefore, I, J. A. Krug, Secretary of the Interior, under and by virtue of the authority conferred upon by the Secretary of the Interior by section 2 of the Act of August 21, 1935 (49 Stat. 666; 16 U. S. C. 461-467), do hereby designate the following described lands, with the structures thereon, to be a national historic site, having the name "Adams Mansion National Historic Site":

That certain parcel of land, together with the structures thereon, situated in the town of Quincy, County of Norfolk, and Commonwealth of Massachusetts, conveyed to the United States of America by the Adams Memorial Society, Incorporated, by deed dated September 23, 1946, and recorded in the Norfolk County Registry of Deeds on September 24, 1946, being particularly described in the said deed as follows:

A certain parcel of land with the mansion house, stone library and other buildings thereon, situated on Adams Street, Newport Avenue and Furnace Brook Parkway in Quincy, in the County of Norfolk and said Commonwealth, shown on a "Plan of Land in Quincy, Norfolk County, Massachusetts", dated December 20, 1945, by Ernest W. Branch, Inc., Civil Engineers, recorded with Norfolk Deeds on March 5, 1946, and bounded and described as follows:

Southeasterly on Adams Street four hundred eighty-four 39/100 feet;

Southwesterly on land now or formerly of Merry E. Pittman and others, four hundred eighty-nine and 13/100 feet;

Northerly and Northwesterly on Furnace Brook Parkway by four lines, three hundred ninety-two and 69/100 feet;

Northerly on the junction of Furnace Brook Parkway and Newport Avenue by two lines, one hundred fifty-five and 43/100 feet; and

Northeasterly on Newport Avenue two hundred sixty-nine and 51/100 feet.

Containing 4.05 acres more or less according to said Plan. Together with all that portion of the fee and soil of said Newport Avenue which the grantor may lawfully convey.

Or however otherwise said premises may be bounded or described and be all or any of said measurements or contents more or less.

* redesignated as Adams National Historic Site on November 26, 1952, and later redesignated as Adams National Historical Park on November 2, 1998.

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the act of August 21, 1935, *supra*.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 9th day of December 1946.

[SEAL]

J.A. KRUG,
Secretary of the Interior.

3. Chicago Portage

January 3, 1952, 17 F.R. 236

CHICAGO PORTAGE NATIONAL HISTORIC SITE

DESIGNATION AS A NATIONAL HISTORIC SITE

Whereas, the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas, the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments has recognized the lands hereinafter described as possessing national significance because of their relation to the historic portage which determined the location and growth of the Nation's second largest metropolitan center; and

Whereas, a cooperative agreement has been entered into by the Forest Preserve District of Cook County, Illinois, and the United States of America, providing for the designation, preservation, and use of the remains of the Chicago Portage as a national historic site;

Now, therefore, I, Oscar L. Chapman, Secretary of the Interior, by virtue and of pursuant to the authority contained in section 2 of the act of August 21, 1935 (49 Stat. 666; 16 U.S.C., 1946 ed., sec. 462), do hereby designate the following described lands, together with all historic structures thereon and appurtenances connected therewith, to be a national site, having the name "Chicago Portage National Historic Site":

All those tracts or parcels of land known as the Chicago Portage Area, consisting of the actual portage point at the west end of the Chicago Portage, existing west and abandoned east channel of the Des Plaines River, the westerly end of Portage Creek, and the Laughton and Stony Fords across the west channel of the Des Plaines River, all located within the Forest Preserve District of Cook County and more particularly described as follows:

Lots One Hundred and Three (103) and One Hundred and Five (105) including the sixty (60) foot road common to both, of Sanitary District Trustees Subdivision of Right of Way, from North and South Center line of Section 30, Township 39 North, Range 14 East of the Third Principal Meridian to Will County Line, except that part of said Lot One Hundred and Five (105) lying Northwesterly of a line beginning at a point in the east line of said lot which is sixty-six and ninety-two hundredths (66.92) feet South of the Northwest corner thereof; thence Southwesterly on a line curved to the left, convex to the north, having a radius of two thousand three hundred (2300) feet, to its point of tangency to a line which is sixty-seven (67) feet, Southwesterly of, normally distant from, and parallel to the Northwesterly line of said lot; thence Southwesterly in a line sixty-seven (67) feet Southeasterly of, normally distant from and parallel to said Northwesterly line to the Westerly line of said lot; and except that part of Lot One Hundred and Three (103) lying South of a line beginning in at a point in the east line of said lot which is one thousand, three hundred and eight, and fifty-seven hundredths (1308.57) feet South of the Northeast corner of said Lot One Hundred and Five (105); thence Northwesterly in a line making an angle of eighty-three degrees and thirteen minutes (83° 13') with the East line of said Lot One Hundred and Three (103) measured from North to West, one thousand, six hundred and seventy-six and sixty-five hundredths (1,676.65) feet, more or less, to the Southwesterly line of said lot; containing thirty-seven and six tenths (37.6)

acres, more or less, subject to the dedication of the easterly portion thereof for Harlem Ave.

Also Lot One Hundred and Seven (107), River Lot AR, and River Lot BR of said Subdivision except those parts of Lot One Hundred Seven (107) and River Lot BR lying south of a line parallel to and fifty (50) feet Northwesterly of, measured at right angles, the Northerly Right of Way Line of the Chicago and Illinois Western Railroad as it existed on September 9, 1931, containing fifty-three and six tenths (53.6) acres, more or less, subject to the dedication of parts thereof for 47th Street and U.S. Highway Route 66:

All situated in Sections One (1) and (12) Township 38 North, Range 12 east of the Third Principal Meridian in the County of Cook and State of Illinois.

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the act of August 21, 1935.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed at the City of Washington, this 3^d day of January 1952.

[SEAL]

OSCAR L. CHAPMAN,
Secretary of the Interior.

4. Chimney Rock

August 2, 1956, 21 F.R. 5974

ORDER DESIGNATING THE CHIMNEY ROCK NATIONAL HISTORIC SITE, BAYARD, NEBRASKA

Whereas, the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas, Chimney Rock, located in the vicinity of the City of Bayard in the County of Morrill, and State of Nebraska, is recognized by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, as possessing national significance as a unique and celebrated landmark on the Oregon Trail, the great transcontinental route of the covered wagon migration during the mid-nineteenth century; and

Whereas, the State of Nebraska, through the Nebraska State Historical Society, holds title to the land containing this historical landmark; and

Whereas, a cooperative agreement has been made between the Nebraska State Historical Society, the City of Bayard, and the United States of America, providing for the designation, preservation, and use of Chimney Rock as a national historic site;

Now, therefore, under and by virtue of the authority conferred by section 2 of the act of Congress approved August 21, 1935 (49 Stat. 666), I do hereby designate the following described lands to be a national historic site, having the name "Chimney Rock National Historic Site":

A tract in the land of the Southwest Quarter corner of Section 17, Township 20 North, Range 52 East, of the 6th P. M., Morrill County, Nebraska, more particularly described as follows:

80.2 acres, more or less, in the Southwest Quarter (SW $\frac{1}{4}$) of Section Seventeen (17), Township Twenty (20) North, Range Fifty-two (52) West of the 6th P.M. Morrill County, Nebraska, more particularly described as follows: Beginning at the southwest corner of said Section 17, running thence north on the section line a distance of 34.00 chains, running thence at right angles and east a distance of 23.50 chains, running thence south a distance of 34.14 chains to a point on the south line of said section 17, said point being 16.50 chains west of the south quarter corner of said Section 17, running thence west along the south line of said Section 17 to the southwest corner thereof, the point of beginning; and

A tract of land described as follows:

Beginning at a point which is on the North line of the NW $\frac{1}{4}$ of Section 20 T. 20 N., R. 52 W. and 40 feet West of the North one quarter corner thereof: Thence turning an angle of 60 degrees and 00 minutes to the left from the said North line of the NW $\frac{1}{4}$ of Section 20 and running Southwesterly a distance of 244.00 feet to a point; thence turning an angle of 67 degrees and 50 minutes to the right from the last course and running Northwesterly a distance of 935.00 feet to a point; thence turning an angle of 35 degrees and 40 minutes to the right from the last course and running North and Westerly a distance of 113.00 more or less to intersect the North line of the said NW $\frac{1}{4}$ of Section 20 at a point 1169.00 feet West of the North one quarter corner of the said Section 20; thence running east along the North line of the said NW $\frac{1}{4}$ of Section 20 a distance of 1129.00 feet more or less to the point of beginning of the tract being described. The above-described tract lies wholly within the NW $\frac{1}{4}$ of Section 20 T. 20 N., R. 52 W. and contains 3.50 acres of land more or less, but excepting .34 of an acre, more or less, which was formerly included within the

area of a cemetery surveyed and platted July 31, 1896, by the Chimney Rock Cemetery Association.

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the act of August 21, 1935, *supra*.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 2^d day of August 1956.

FRED A. SEATON,
Secretary of the Interior.

5. Christiansted

January 16, 1961, 26 F.R. 689

CHRISTIANSTED NATIONAL HISTORIC SITE

Designation Order Changing Name Of Virgin Islands National Historic Site and
Superseding Designation Order of March 4, 1952

Whereas, the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas, the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, has declared that the Wharf area and its buildings and the park area known as the D. Hamilton Jackson Park and the Government House and grounds in Christiansted, St. Croix Island, Virgin Islands, are of national historical significance as an excellent example of the old Danish economy and the way of life in the Virgin Islands; and

Whereas, the buildings in this area have effectively resisted the impact of time and man and represent a segment of America's cultural heritage in historic sites and buildings; and

Whereas, a Memorandum of Agreement was entered into on February 11, 1952, by and between the United States of America and the municipality of St. Croix, Virgin Islands, providing for the preservation of these historic structures and grounds in Christiansted, St. Croix Island, Virgin Islands, as shown on Map VI-NHS-7000 (on file in the National Park Service, Washington, D. C.), pursuant to authority contained in the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. secs. 461 et seq.); and

Whereas, the Secretary of the Interior on March 4, 1952, designated these historic structures and grounds in Christiansted, St. Croix Island, Virgin Islands, as the Virgin Islands National Historic Site under authority contained in the said Act of August 21, 1935; and

Whereas, the National Park Service and the Office of Territories, recognizing the need for clarification and interpretation of the aforesaid Memorandum of Agreement of February 11, 1952, have executed a supplemental Memorandum of Agreement concerning the preservation and utilization of these historic properties, which was approved by the Secretary of the Interior on December 24, 1960; and

Whereas, the Memorandum of Agreement approved December 24, 1960, recognizes that confusion might result from the similarity in names of the Virgin Island National Historic Site and the recently established Virgin Islands National Park and recommends that a new Order of Designation be issued changing the name of the Virgin Islands National Historic Site and superseding the Order of March 4, 1952;

Now, therefore, I, Fred A. Seton, Secretary of the Interior, by virtue of and pursuant to authority contained in the Act of August 21, 1935 (49 Stat. 666; U.S.C., secs. 461 et. seq.), do hereby designate the historic structures and grounds in Christiansted, St. Croix Island, Virgin Islands, heretofore known as the Virgin Islands National Historic Site, as the Christiansted National Historic Site. The Designation Order of March 4, 1952, is hereby superseded.

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the said Act of August 21, 1935.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of Interior to be affixed at the City of Washington, this 16th day of January 1961.

[SEAL]

FRED A. SEATON,
Secretary of the Interior.

June 27, 1962, 27 F.R. 6340

CHRISTIANSTED NATIONAL HISTORIC SITE

Order Adding Certain Federally Owned Lands

Whereas the Secretary of the Interior on March 4, 1952, designated as the Virgin Islands National Historic Site, and on January 16, 1961, redesignated as the Christiansted National Historic Site, the wharf area and its buildings, the D. Hamilton Jackson Park, and the Government House and grounds in Christiansted, St. Croix, Virgin Islands, these structures and grounds being excellent historical examples of the old Danish economy and way of life in the Virgin Islands; and

Whereas the following parcel of federally owned land held in the name of the Virgin Islands Corporation, a wholly owned Government corporation, is needed for use in administering, developing, protecting, and interpreting the said National Historic Site:

Now, therefore, by virtue of and pursuant to authority contained in the act of August 21, 1935 (49 Stat. 666; 16 U.S.C., secs. 461, et. seq.), the following described land is hereby added to and made a part of the Christiansted National Historic Site as a detached unit thereof:

All that certain piece of land designated as Parcel No. 6, Estate Sion Farm, St. Croix, Virgin Islands, partitioned from lands of the Virgin Islands Corporation, and delineated on a plat dated 11-10-61 by H.M. Berning, licensed engineer, correlated to P.W.D. Drawing No. 319 of the United States Department of Agriculture, more particularly bounded and described as follows:

Beginning at a found concrete boundpost on the northeasterly corner of Parcel No. 4, Estate Sion Farm,

Thence N. 8°48' W., 722.8 feet along an easterly line of Estate Constitution Hill to a found concrete boundpost;

Thence S. 77°05' W., 1,271.8 feet along a southerly line of Parcel No. 3, Estate Sion Farm, to a set iron boundpost;

Thence S. 8°57' E., 625.6 feet along a partition line, being an easterly line of the parcel of land remaining in the Virgin Islands Corporation, to a set iron boundpost;

Thence N. 81°28' E., 1,267.0 feet along a northerly line of Parcel No. 4, Estate Sion Farm, to the place of beginning.

The tract as described contains approximately 19.6 United States acres.

Together with a 50-foot right-of-way from the Southwesterly corner of Parcel No. 6, Estate Sion Farm, running westward along a northerly line of Parcel No. 4, Sion Farm, over the so-called Remainder Estate Sion Farm to the Public Road.

The administration, protection, and development of the land hereinabove described as a part of the said National Historic Site shall be exercised in accordance with the provisions of the act of August 21, 1935, supra.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this addition to said Site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed at the city of Washington, the 27th day of June 1962.

[SEAL]

STEWART L. UDALL,
Secretary of the Interior.

6. Dorchester Heights

April 12, 1951, 16 F.R. 3410

DORCHESTER HEIGHTS NATIONAL HISTORIC SITE*

DESIGNATION

Whereas, the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas, The Advisory Board on National Parks, Historic Sites, Buildings, and Monuments has declared that Dorchester Heights in the City of Boston, Massachusetts, is of national significance as commemorative of the evacuation of Boston by the British troops under General Howe on March 17, 1776, the first great military success of the Americans in the War of the American Revolution; and

Whereas, a cooperative agreement has been made between the City of Boston of the Commonwealth of Massachusetts and the United States of America, providing for the designation, preservation, and use of Dorchester Heights as a national historic site;

Now, therefore, I, Oscar L. Chapman, Secretary of the Interior, by virtue of and pursuant to the authority contained in the act of August 21, 1935 (49 Stat. 666; 16 U.S.C. sec. 462), do hereby designate the following described lands, together with all historic structures thereon and all appurtenances connected therewith, to be a national historic site, having the name "Dorchester Heights National Historic Site";

All that certain tract of land in the South Boston District of Boston, comprising approximately two hundred thirty-six thousand three hundred fifty-four square feet, and bounded southerly, westerly, and northerly by Thomas Park and easterly by land of Boston now occupied by the South Boston High School, as shown on plate 16 of the Atlas of South Boston published by G. W. Bromley & Co. in the year 1910, together with Memorial Tower at Dorchester Heights.

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the act of August 21, 1935.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, at the City of Washington, this 12 day of April 1951.

[SEAL]

OSCAR L. CHAPMAN,
Secretary of the Interior.

* included in Boston National Historical Park on November 10, 1978.

7. Edison Home

December 6, 1955, 20 F.R. 9347

DESIGNATING THE EDISON HOME NATIONAL HISTORIC SITE,* WEST ORANGE, NEW JERSEY

Whereas the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas the Edison home (Glenmont), located in Llewellyn Park in the Town of West Orange, County of Essex, and State of New Jersey, is recognized by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, as possessing national significance as the home of Thomas A. Edison, noted inventor and scientist, during the years which climaxed his career; and

Whereas a cooperative agreement has been made between Thomas A. Edison, Incorporated, and the United States of America, providing for the designation, preservation, and the use of the Edison home as a national historic site:

Now, therefore, I, Douglas McKay, Secretary of the Interior, under and by virtue of the authority conferred upon the Secretary of the Interior by section 2 of the act of Congress approved August 21, 1935 (49 Stat. 666), do hereby designate the following described lands, together with related structures thereon and all appurtenances connected therewith, to be a national historic site, having the name "Edison Home National Historic Site":

All those two certain tracts or parcels of land and premises, hereinafter particularly described, situate, lying and being in the Town of West Orange, in the County of Essex and State of New Jersey:

First Parcel: Beginning on the South side of a birch tree, and in the line of Llewellyn Park, and on the South side of lands now or formerly owned by Egbert Starr; thence along said Starr's said line, and line of lands formerly owned by Llewellyn S. Haskell, South sixty-one degrees East, Eight hundred and fifty-one feet, to the middle of Glen Avenue; thence along the middle of said Glen Avenue, South, Thirty-two degrees twenty minutes West, One hundred and sixteen feet; thence along the same, South, Thirty-four degrees West, Two hundred and fifty feet; thence along the same, South, Forty degrees West, Two hundred and thirty-six feet; thence along the same, South Forty-six degrees, forty minutes West, One hundred feet: thence along the same, South, Fifty-seven degrees twenty minutes West, Seventy-two feet and six inches, to the line of Park Way; thence, along the line of said Park Way, North, Ten degrees fifty minutes West, One hundred and fifty-one feet; thence, along the same, North, Twenty-nine degrees West, Two hundred and fifty-three feet and five inches; thence along the same, North, Forty-five degrees fifteen minutes West, One hundred and thirty-two feet; thence North, Forty-eight degrees and thirty minutes West, One hundred and twenty-five feet and four inches; thence, North, Thirty-nine degrees five minutes West, One hundred and twenty-four feet and one inch; thence, along the same, North, Seventeen degrees thirty-minutes West, One hundred and thirty-six feet; thence, along the same, North, Twenty degrees and forty minutes East, Eighty-nine feet and nine inches; thence, North, Fifty-four degrees and forty minutes East, One hundred and fifty-nine feet and eight inches, and thence North,

* Edison Home National Historic Site and Edison Laboratory National Monument were combined into Edison National Historic Site on September 5, 1962.

Thirty-two degrees East, Seventy-two feet, to the place of beginning. Containing Ten acres and forty-seven hundredths of an acre of land, more or less.

Second Parcel. Also, that other certain tract, or parcel of land and premises, hereinafter particularly described, situate, lying and being on "Eagle Ridge", on the First Mountain, in the Town of West Orange, beginning in the middle of Glen Avenue, at the Northwesterly corner of land formerly of Charles Harrison; thence along the middle of said Avenue, North Thirty degrees thirty-five minutes East, Seventy-three feet three inches; thence, still along the same North, Twenty-nine degrees ten minutes East, Ninety-nine feet and thirty-three hundredths of a foot; thence, still along the same North, Twenty-seven degrees East, seventy-six feet and seventy-three hundredths of a foot, to the middle of a road, fifty feet wide; thence, along the middle of a said road, North, Sixty-one degrees nine minutes West, Five hundred and thirty feet and ten inches, more or less, to land, now or formerly owned by Egbert Starr; thence along said Starr's line, South, Twenty-seven degrees fifty-seven minutes West, Two hundred and fifty-five feet and seventeen hundredths of a foot, to land formerly of Charles Harrison; thence, along that line South, Sixty-one degrees forty-seven minutes East, Five hundred and twenty-five feet and sixty-six hundredths of a foot, more or less, to the place of beginning. Containing three acres and seven hundredths of an acre of land, more or less.

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the Act of August 21, 1935, supra.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 6th day of December 1955.

[SEAL]

DOUGLAS MCKAY,
Secretary of the Interior.

8. Eisenhower

November 27, 1967, 33 F.R. 16031

EISENHOWER NATIONAL HISTORIC SITE

Order of Designation

Whereas the act of August 21, 1935 (49 Stat. 666; U.S.C. 461 et seq.), declares it to be a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas the farm of General Dwight D. Eisenhower, 34th President of the United States at Gettysburg, PA, is of outstanding historical significance to the people of the United States because of its close association with the life and work of General Eisenhower, and because of its relation to the historic Battle of Gettysburg during the Civil War; and

Whereas the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, at its 55th meeting in April 1966, considered the historical importance of the Eisenhower farm and found that it possesses outstanding national significance; and

Whereas I have determined that the said farm of General Eisenhower possesses exceptional value in commemorating or illustrating the history of the United States within the meaning of the Act of August 21, 1945; and

Whereas General and Mrs. Dwight D. Eisenhower have conveyed to the United States for historic site purposes their historic farm and residence, subject to the retention of a life estate by General Eisenhower and subject to the retention of the right to occupy the property for a certain period upon the expiration of said life estate by Mamie D. Eisenhower; and

Whereas the establishment of the property so conveyed as a national historic site will constitute a fitting and enduring memorial to General Dwight D. Eisenhower and to the events of far-reaching importance which have occurred on the property.

Now, therefore, with the concurrence of Lyndon B. Johnson, President of the United States, I, Stewart L. Udall, Secretary of the Interior, by virtue and pursuant to the authority vested in me under the Act of Congress approved August 21, 1935, do hereby designate the Eisenhower Farm at Gettysburg, PA, which shall be more particularly described by publication of notice in the FEDERAL REGISTER to be a national historic site having the name "The Eisenhower National Historic Site."

Subject to the limitation contained in the second sentence of this paragraph, and upon the termination of the estates reserved by the donors, the administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the Act of August 21, 1935. Unless provided otherwise by Act of Congress, no funds appropriated to the Department of the Interior shall be expended for the development of the Eisenhower National Historic Site.

In witness, whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed in the city of Washington, District of Columbia, this 27th day of November 1967.

STEWART L. UDALL,
Secretary of the Interior.

I concur:

LYNDON B. JOHNSON,
President of the United States.

9. Fort Raleigh

January 3, 1952, 17 F.R. 236

FORT RALEIGH NATIONAL HISTORIC SITE ON ROANOKE ISLAND, DARE COUNTY, N.C.

ADDITION OF CERTAIN LANDS

Whereas, certain lands and historical remains situated on the northern end of Roanoke Island, Dare County, North Carolina, associated with the colonial enterprises of Sir Walter Raleigh were designated as the Fort Raleigh National Historic Site by Secretarial Order of April 5, 1941 (9 F.R. 2441), pursuant to the provisions of section 2 of the act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 1946 ed., sec. 462); and

Whereas, two parcels of land adjoining the aforesaid lands and historical remains have since been acquired by the United States as additions to, and for use in administering, developing, protecting, and interpreting the said national historic site:

Now, therefore, I Oscar L. Chapman, Secretary of the Interior, by virtue of and pursuant to the authority contained in section 2 of the act of August 21, 1935, do hereby designate as part of the Fort Raleigh National Historic Site two additional parcels of land described as follows:

PARCEL 1

All that certain lot or parcel of land lying and being on the North end of Roanoke Island, in Nags Head Township, Dare County, North Carolina, adjoining the lands of the United States of America, the Roanoke Island Historical Association, Fred Meakin and others and bounded as follows:

Beginning at a concrete monument situated in and marking the Southwest corner of the present Fort Raleigh Tract now owned by the United States of America, and running thence along the South boundary of the Fort Raleigh Tract South 67 deg. East 554 feet to a concrete marker marking the Southeast corner of the said Fort Raleigh Tract; thence South 29 deg. West on the course of an extension of the East boundary of the Fort Raleigh Tract 8 feet, more or less, to the North margin of the N.C. State Highway #345 leading from Manteo to the North end of Roanoke Island; thence in a Northwesterly direction along the North margin of said Highway to the Point of intersection of an extension in a straight line of the West boundary of the said Fort Raleigh Tract with the North margin of said Highway; thence North 7 deg. 45 min. West 35 feet, more or less, to the point of beginning.

PARCEL 2

All that certain tract or parcel of land lying and being on the North end of Roanoke Island, Nags Head Township, Dare County, North Carolina, adjoining the lands of the Fort Raleigh tract, W. O. Dough, the North Carolina State Highway and others, and bounded as follows:

Beginning at a stone on the North margin of the N.C. State Highway on the North end of Roanoke Island said stone being in the South corner of and on the Southeast line of the Fort Raleigh tract of land, running thence along the Fort Raleigh tract of land line North 23 deg. 30 min. East 1,095.5 ft. to the Roanoke Sound, thence along the various courses of the Roanoke Sound South 74 deg. E. 70 ft. to the W.O. Dough property; thence along the W.O. Dough line South 23 deg. 30 min. West 1,098 ft. to the North margin of

the N.C. State Highway, thence along the North margin of the N.C. State Highway North 74 deg. West 70 ft. to the point of beginning.

The administration, protection, and development of the lands hereinabove described as part of the Fort Raleigh National Historic Site shall be exercised in accordance with the provisions of the act of August 21, 1935.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 3d day of January 1952.

[SEAL]

OSCAR L. CHAPMAN,
Secretary of the Interior.

10. Golden Spike

April 2, 1957, 22 F.R. 2350

ORDER DESIGNATING THE GOLDEN SPIKE NATIONAL HISTORIC SITE, UTAH

Whereas, the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas, the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments has declared that Promontory Summit, Utah, the place where the Golden Spike was driven, May 10, 1869, to signify completion of the first Transcontinental Railway, is of national significance and warrants establishment as a national historic site in non-Federal ownership; and

Whereas, a cooperative agreement has been entered into by the Golden Spike Association of Box Elder County, Utah, the State of Utah, the Southern Pacific Company, the Central Pacific Railway Company and the United States of America, providing for the designation, preservation and use of the historically significant Golden Spike site as a national historical site;

Now, therefore, I, Fred A. Seaton, Secretary of the Interior, by virtue of and pursuant to the authority contained in section 2 of the act of August 21, 1935 (49 Stat. 666; U.S.C., 1952 ed., sec. 462), do hereby designate the following described lands together with all historic structures thereon and appurtenances connected therewith, to be a national historic site, having the name "Golden Spike National Historic Site";

A tract of land comprising the 400-foot wide right of way for the abandoned Central Pacific Railway Company's trackage (land now leased to the Southern Pacific Company) connecting Ogden, Utah, and Reno, Nevada, lying between Station 221+50.00 and Station 229+15.00, the latter point being located approximately one hundred and seventy-five (175) feet northeasterly along the center line of said right of way from Mile Post 772.9, said mile post having been established at Station 227+39.24 near Promontory Summit, Utah. The said tract, containing 7 acres more or less, has at its approximate center the site at which the original Golden Spike Ceremony took place on May 10, 1869.

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the act of August 21, 1935 *supra*.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, at the city of Washington, D.C., this 2d day of April 1957.

[SEAL]

FRED A. SEATON,
Secretary of the Interior.

11. Grand Portage

September 15, 1951, 16 F.R. 9666

GRAND PORTAGE NATIONAL HISTORIC SITE,* MINNESOTA

DESIGNATION AS A NATIONAL HISTORIC SITE

Whereas, the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas, the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments has declared that the historic Grand Portage Trail between Lake Superior and the Pigeon River in northern Minnesota, is of national significance because of its important association with the fur trade, the exploration and colonization of the Northwest and its location as a historical and geographical link between the United States and Canada; and

Whereas, a cooperative agreement has been entered into by the Minnesota Chippewa Tribe, the Grand Portage Band of Indians and the United States of America, providing for the designation, preservation and use of the Grand Portage Trail between Lake Superior and the Pigeon River and the related trading posts sites as a national historic site:

Now, therefore, I, Oscar L. Chapman, Secretary of the Interior, by virtue of and pursuant to the authority contained in the act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 1946 ed., sec. 462), do hereby designate the following described lands, together with all historic structures thereon and appurtenances connected therewith, to be a national historic site, having the name "Grand Portage National Historic Site":

NORTHWEST COMPANY AREA

The North 500 feet of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of sec. 9; the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of sec. 4; the east 120 feet of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of sec. 4; the south 120 feet of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of sec. 4; the south 120 feet of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of sec. 4; the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of sec. 4; and the W $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of sec. 4; all in T. 63 N., R. 6 E.

FORT CHARLOTTE AREA

The NE $\frac{1}{4}$, Sec. 29, T. 64 N., R. 5 E.

GRAND PORTAGE TRAIL SECTION

A strip of land 100 feet wide centering along the old Portage Trail beginning at the land above described as the "Northwest Company Area", at the point where the trail intersects the present road to Grand Portage School, and continuing to the proposed United States Highway 61 right-of-way relocation in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, sec. 4 T. 63 N., R. 6 E.; a strip of land 600 feet wide centering along the old Portage Trail as delineated on original General Land Office survey maps, from the north side of the proposed right-of-way to lands described at the Fort Charlotte site

* redesignated as Grand Portage National Monument by the Act of September 2, 1958.

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the act of August 21, 1935.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 15th day of September 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

12. Hampton

June 22, 1948, 13 F.R. 3783

DESIGNATION OF HAMPTON NATIONAL HISTORIC SITE NEAR TOWSON, MD

Whereas the Congress of the United States has declared it to be a national policy to preserve for public use historic sites, buildings, and objects of national significance for the benefit of inspiration of the people of the United States, and

Whereas historic "Hampton," near Towson, Maryland, built between 1783 and 1790 and one of the finest Georgian Mansions in America, has been acquired for the people of the United States through a generous private gift to the Nation, and

Whereas the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments has declared that "Hampton" is of national historical significance as a splendid example of a great Georgian Mansion illustrating a major phase of the architectural history of the United States, and

Whereas title to the above mentioned building and appropriate grounds is vested in the United States;

Now, therefore, I, J. A. Krug, Secretary of the Interior, under and by virtue of the authority conferred upon the Secretary of the Interior by section 2 of the act of Congress approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467), do hereby designate the following described lands, with the structures thereon, to be a national historic site, having the name "Hampton National Historic Site:"

That certain parcel of land, together with the structures thereon, situated in the Ninth Election District of Baltimore County, State of Maryland, conveyed to the United States of America by John Ridgely, Jr., and Jean R. Ridgely, his wife, by deed dated January 23, 1948, and recorded in the Baltimore County Registry of Deeds on February 19, 1948, which according to a survey made by Dollenberg Brothers on December 29, 1947, is found to be within the following metes, bounds, courses, and distances, to wit:

Beginning at a stone heretofore set at the beginning of the fifth or south twenty-two and one-half degrees west sixteen feet line of a parcel of land containing one thousand acres allotted to John Ridgely of Hampton in certain partition proceedings in the Circuit Court for Baltimore County and recorded in Judicial Liber W. P. C. No. 209 folio 235 in the case of John Ridgely of Hampton vs. Otho E. Ridgely, et al.; and running thence with and binding on the outline of said parcel of land as the bearings are now referred to true meridian as established on "Plat No. 1 of Hampton" the eight following courses and distance viz: south thirteen degrees thirty-five minutes west sixteen feet to a stone, south seventy-seven degrees thirty-one minutes east one hundred ninety-nine and sixty-five one-hundredths feet, south nineteen degrees thirty-seven minutes west ten feet to a stone, south seventy-five degrees twelve minutes east twenty feet to a stone, north eighteen degrees two minutes east ten and eighteen one-hundredths feet to a stone, south seventy-seven degrees four minutes east one hundred forty-seven and ninety-five one-hundredths feet to a stone, north seventeen degrees fifty-five minutes east forty-two and fifty one-hundredths feet to a stone and south eighty degrees fifteen minutes east three hundred eighty-five and sixty one-hundredths feet to a pipe; thence leaving said outlines and running for lines of division the six following courses and distances viz: north nine degrees eighteen minutes east, running parallel with and distant five feet westerly from the west wall of the Burial Ground there situate, one hundred eighty-four feet to a pipe, north one degree forty-seven minutes west six hundred seventy-four and fifty one-

hundredths feet to a pipe, north twenty degrees eleven minutes west one hundred forty-one and two one-hundredths feet to a pipe, north eleven degrees forty-nine minutes east, binding in the center of a fifty foot road now laid out with the right and use thereof in common with others entitled thereto, four hundred feet, north seventy-one degrees fifty-six minutes west one hundred seventy-six and forty five one-hundredths feet to a pipe and north four degrees twenty-seven minutes east three hundred ninety-three and twenty-five one-hundredths feet to a pipe set on the southeast side of Hampton Lane, fifty feet wide, thence binding on the southeast side of said Lane the two following courses and distances viz: south sixty-nine degrees sixteen minutes west eight hundred fourteen and fifty-five one-hundredths feet and south sixty-one degrees fourteen minutes west seven hundred ninety feet to a pipe, thence leaving said Lane and running for a line of division south thirty-two degrees east eleven hundred eighty-three and five one-hundredths feet to a pipe set in the fourth or south seventy-four degrees east one hundred nine and four-tenths perches line of the above referred to one thousand acres of land allotted to John Ridgely of Hampton; and thence running with and binding on a part said line, south seventy-nine degrees eighteen minutes east one hundred seventy-eight and seventeen one-hundredths feet to the place of beginning. Containing 43.295 acres of land more or less.

The administration, protection and development of this national historical site shall be exercised by the National Park Service in accordance with the provisions of the act of August 21, 1935.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the city of Washington, this 22nd day of June 1948.

[SEAL]

J. A. KRUG,
Secretary of the Interior.

December 23, 1953, 18 F.R. 8874

**HAMPTON NATIONAL HISTORIC SITE,
BALTIMORE COUNTY, MD**

ORDER ADDING CERTAIN LANDS

Whereas, the following parcel of land adjoining Hampton National Historic Site in the Ninth Election District of Baltimore County, State of Maryland, has been purchased by the United States as an addition to, and for use in administering, developing, protecting and interpreting, the said National Historic Site:

Now, therefore, by virtue of and pursuant to the authority contained in the act of August 21, 1935 (49 Stat. 666, 16 U.S.C., 1946 ed., secs. 461, et seq.), the following described land is hereby added to and made a part of the Hampton National Historic Site:

All that parcel of land situate in the Ninth Election District of Baltimore County, in the State of Maryland, and which, according to a survey dated January 27, 1953, prepared by Dollenberg Brothers, Surveyors, is found to be within the following metes, bounds, courses and distances, to wit:

Beginning for the same at a point in the center of a 50-foot road heretofore laid out, and at the beginning of the thirteenth or N. 71° 56' W., 176.45 feet line of a parcel of land which by a deed dated January 23, 1948, and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1618, folio 391, was conveyed by John Ridgely, Jr., and wife to the United States of America, and running thence with and binding on the thirteenth and fourteenth lines of said parcel of land, as the courses are referred to in the true meridian, the two following courses and distances, viz: N. 71° 56' W., 176.45 feet and N. 4° 27' E., 393.25 feet to the south side of Hampton Lane, heretofore laid out 50 feet wide, thence binding on the south side of said Lane as now extended, with the right and use thereof in common with others entitled thereto, N. 76° 0' E., 250.87 feet to the center of the first herein mentioned 50-foot road, as now extended, and thence binding in the center of said 50-foot road, with the right and use thereof in common with others entitled thereto, S. 11° 49' W., 518.50 feet to the place of beginning.

Containing 2.118 acres of land, more or less.

The administration, protection, and development of the land hereinabove described as a part of the said National Historic Site shall be exercised in accordance with the provisions of the act of August 21, 1935, supra.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this addition to said Site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of Interior to be affixed, in the city of Washington, this 23rd day of December 1953.

[SEAL]

FRED G. AANDAHL,
Assistant Secretary of the Interior.

13. Harry S Truman

December 8, 1982, 47 F.R. 57575

Order No. 3088**SUBJECT: DESIGNATION OF HARRY S TRUMAN
NATIONAL HISTORIC SITE**

Sec. 1. *Purpose.* The Congress has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States. The former home of Harry S Truman, thirty-third President of the United States, in Independence, Missouri, was on November 11, 1971, designated a national landmark, in furtherance of that policy, and is listed on the National Register of Historic Places as being nationally significant. The home is left to the United States of America under the will of Bess Wallace Truman. It is, therefore, the purpose of this Order to establish the former home of Harry S Truman as a national historic site, to be administered by the National Park Service.

Sec. 2. *Authority.* This Order is issued under the authority of section 2 of the Act of August 21, 1935 (49 Stat. 666).

Sec. 3. *Designation.* The real property known as 219 North Delaware Street, in the city of Independence, Missouri, including such of the personal property therein as passed to the United States under the will of Bess Wallace Truman, is hereby designated as the Harry S Truman National Historic Site.

Sec. 4. *Administration.* For so long as this national historic site shall remain in private ownership, it shall be administered and protected by the Secretary of the Interior in accordance with the terms of a cooperative agreement to be entered into between the United States of America and the legal representative of the Estate of Bess Wallace Truman under authority of the Act of August 21, 1935 (49 Stat. 666), as amended and supplemented. Upon conveyance of this national historic site to Federal ownership, it shall be administered and protected by the National Park Service in accordance with the Act of August 21, 1939 (49 Stat. 666), as amended and supplemented, and other applicable law, subject to national jurisdictional actions under the terms of the conveyance.

Sec. 5. *Expenditure of Funds for Development.* No funds appropriated to the Department of the Interior may be expended for the development of this national historic site, unless and until such funds are authorized by Act of Congress. All Federal expenditures under the terms of the cooperative agreement described in section 4 of this Order are subject to the availability of appropriated funds.

Sec. 6. *Effective Date.* This Order is effective immediately and will remain in effect until it is amended, superceded, or revoked, whichever occurs first.

Dated: December 8, 1982.

James G. Watt,
Secretary of the Interior.

14. Home of Franklin D. Roosevelt

July 1, 1953, 18 F.R. 3972

HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE, HYDE PARK, DUTCHESS COUNTY, NEW YORK

ORDER ADDING CERTAIN LANDS

Whereas, subject to certain reservations and conditions, the following parcel of land adjoining the Home of Franklin D. Roosevelt National Historic Site in the Town of Hyde Park, Dutchess County, State of New York, has been donated to the United States as an addition to, and for use in administering, developing, protecting, and interpreting, the said National Historic Site:

Now, therefore, by virtue of and pursuant to the authority contained in the act of August 21, 1935 (49 Stat. 666, 16 U.S.C., 1946 ed., secs. 461, et seq.), the following described land is hereby added to and made a part of the Home of Franklin D. Roosevelt National Historic Site:

All that parcel of land situate, lying and being in the Town of Hyde Park, Dutchess County, State of New York, as conveyed to the United States by the Trustees under the Last Will and Testament of Franklin D. Roosevelt by deed of October 23, 1952, recorded in Deed Book 821, page 103, of the records of said County, generally bounded and described as follows:

On the north by the south line of the property formerly owned by Anne C. Rogers, now or formerly owned by the estate of Franklin D. Roosevelt; on the west by the Hudson River; on the south by the north line of the Boreel place which was conveyed to James Roosevelt by Robert Boreel and wife by deed dated February 14, 1868, and recorded in Liber 144 of Deeds at Page 117, in the Dutchess County Clerk's Office; on the east by the west line of the property conveyed by Franklin D. Roosevelt and Anna Eleanor Roosevelt, his wife, to the United States of America by deed dated December 29, 1943, and recorded on the 31st day of December 1943, in the Dutchess County Clerk's Office in Liber 613 of Deeds at Page 209; containing approximately 60.46 acres, more or less, excepting and reserving therefrom so much thereof as is owned by the New York Central and Hudson River Railroad Company.

The administration, protection, and development of the land hereinabove described as a part of the said National Historic Site shall be exercised in accordance with the provisions of the act of August 21, 1935, supra, subject to the reservations and conditions contained in the deed conveying the said land to the United States.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this addition to said Site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington this 1st day of 1953.

[SEAL]

DOUGLAS MCKAY,
Secretary of the Interior.

November 9, 1964, 29 F.R. 15297

**HOME OF FRANKLIN D. ROOSEVELT
NATIONAL HISTORIC SITE**

ORDER ADDING CERTAIN LANDS

Whereas, the home of Franklin D. Roosevelt, Town of Hyde Park, Dutchess County, State of New York, was designated a national historic site by order dated January 15, 1944, and the boundaries thereof extended by order of July 1, 1953; and

Whereas the act of October 7, 1964 (78 Stat. 1028), appropriated funds for the acquisition of a portion of the 144-acre historically significant Boreel tract adjoining this site as an addition thereto and for use in administering, preserving, and further interpreting the historic area:

Now, therefore, by virtue of and pursuant to the authority contained in the act of October 7, 1964, supra, and the act of August 21, 1935 (49 Stat. 666; 16 U.S.C. sec. 461, et seq.), the following described land, subject to valid existing rights, is hereby added to and made a part of the Home of Franklin D. Roosevelt National Historic Site:

All that certain piece or parcel of land situate in the Town of Hyde Park, County of Dutchess and State of New York, bounded and described as follows:

Commencing at the intersection of the westerly boundary of the Albany Post Road, Route 9, with the division line between the properties of The United States of America on the north and Bernard Kessler and Sidney Kessler on the south; thence westerly along said division line, N 75°15'100" W, 1294.63 feet to the point of beginning of the herein described parcel; thence southerly through said property of Bernard Kessler and Sidney Kessler, S 2°25'00" E, 167.14 feet, S 26°10'00" W, 141.00 feet, S 77°30'00" W, 18.50 feet, N 62°00'00" W, 104.00 feet, S 8°35'00" E, 170.00 feet, S 16°50'0" E, 98.00 feet, S 8°37'00" W, 97.00 feet, S 24°35'00" W, 188.00 feet, S 13°00'00" E, 30.00 feet, S 88°05'00" E, 52.00 feet, S 38°35'00" E, 42.00 feet, S 9°45'00" W, 128.00 feet, S 17°45'00" W, 130.00 feet, S 57°20'00" W, 42.00 feet, S 89°30'00" W, 37.00 feet, N 46°55'00" W, 106.00 feet, S 37°15'00" W, 16.00 feet, S 6°00'00" E, 158.00 feet, S 2°35'00" E, 225.00 feet, S 6°05'00" W, 194.00 feet, S 0°40'00" E, 79.00 feet, S 9°30'00" W, 179.00 feet, S 1°30'00" E, 75.00 feet, S 6°20'00" E, 123.00 feet and S 8°05'00" W, 68.57 feet to a point on the division line between the properties of Bernard Kessler and Sidney Kessler on the north and Fred Hertlein and Elsie Hertlein on the south; thence westerly along said division line, N 75°14'55" W, 1098 feet, more or less, to its intersection with the original shore line of the Hudson River; thence northerly along said shore line, 1887 feet, more or less, to its intersection with the easterly boundary of the New York Central Railroad; thence northerly along said boundary, N 18°32'00" W, 633 feet, more or less, to its intersection with the original shore line of the Hudson River; thence northerly along said shore line, 870 feet, more or less, to its intersection with the aforesaid division line between the properties of The United States of America on the north and Bernard Kessler and Sidney Kessler on the south; thence easterly along said division line, S 83°08'20" E, 130 feet, more or less, S 81°33'40" E, 128.56 feet, S 77°18'50" E, 231.68 feet, S 75°44'10" E, 102.32 feet, S 79°55'10" E, 98.13 feet, S 75°31'00" E, 100.09 feet, S 72°51'10" E, 211.69 feet, S 77°03'40" E, 98.97 feet, S 78°25'40" E, 96.92 feet, S 75°31'50" E, 284.31 feet, S 75°03'00" E., 120.97 feet, S 76°37'00" E, 290.78 feet and S 75°15'00" E, 750.05 feet to the point of beginning; being 94.0 acres, more or less.

The administration, protection, and development of the land hereinabove described, as a part of the national historic site, shall be exercised in accordance with the provisions of the act of August 21, 1935, supra.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this addition to said national historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 9th day of November 1964.

[SEAL]

STEWART L. UDALL
Secretary of the Interior.

15. Hopewell Furnace

September 19, 1985, 50 F.R. 52385

ORDER**SUBJECT: NAME CHANGE – HOPEWELL VILLAGE
NATIONAL HISTORIC SITE**

1. Purpose. This order redesignates Hopewell Village National Historic Site as the Hopewell Furnace National Historic Site.
2. Authority. This order is issued pursuant to section 2 of the Act approved August 21, 1935 (49 Stat. 666).
3. Redesignation. The national historic site designated by the Secretarial Order of August 3, 1938 (3 F.R. 2039), is hereby redesignated as the "Hopewell Furnace National Historic Site."
4. Effective date. This order is effective immediately.

Date: Sep. 19, 1985.

Ann McLaughlin,
Acting Secretary of the Interior.

16. Mar-A-Lago

January 16, 1969, 34 F.R. 1195

MAR-A-LAGO NATIONAL HISTORIC SITE,* PALM BEACH, FLA.

Order of Designation

Whereas the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), declares it to be a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas the structures and grounds located 1100 South Ocean Boulevard in Palm Beach, Fla., known as Mar-A-Lago, represent and provide an interesting record of a segment of the architectural, economic, and cultural history of the United States; and

Whereas I have determined that the said Mar-A-Lago properties possess exceptional value in commemorating or illustrating the architectural and cultural history of the United States with in the meaning of the Act of August 21, 1935;

Now, therefore, I, Stewart L. Udall, Secretary of the Interior, by virtue and pursuant to the authority vested in me under the Act of August 21, 1935 (49 Stat 666; 16 U.S.C. 461 et seq.), do hereby designate the following described lands in Palm Beach, Fla., to be a national historic site having the name "The Mar-A-Lago National Historic Site":

Being all that part of the north 610 feet of the south 1170 feet if the Government lot 2 of Sec. 35, T. 43 S., R. 43 E. in the town of Palm Beach, Palm Beach County, Fla., lying West of Ocean Boulevard (S.R. A1A) Right-of-Way and more particularly described as follows, to wit: Beginning at a point in the west face of an existing seawall on the east shore of Lake Worth, which point is 560 feet North of, measured at right angles to, the south line of Government lot 2, of said sec. 35; thence north 6° 09'22" west along the west face of said seawall for a distance of 77.32 feet; thence north 10° 23'23" east along the west face of said seawall for a distance of 539.50 feet to a point in the south line of Bingham-Copp Tract, a subdivision recorded in Plat Book 18, page 6, Palm Beach County Public Records; thence run south 88° 12'07" east along the south line of said Birmingham-Copp Tract for a distance of 1134.10 feet to a point in the westerly R/W Line of Ocean Boulevard (State Road A1A); thence run south 0°09'07" east for a distance of 82.59 feet to a point of curvature; thence run southerly along the arc of a curve concaved to the southwest having a radius of 1412.69 feet and a central angle of 30°3'00" for a distance of 75.20 feet to a point of tangency; thence run south 2°53'53" west for a distance of 176.28 feet to a point of curvature; thence run Southwesterly along the arc of a curve concaved to the northwest having a radius of 2869.03 feet and a central angle of 2°32'30" for a distance of 127.27 feet to a point of compound curvature; thence continue Southwesterly along the arc of a curve, concaved to the northwest having a radius of 158.68 feet and a central angle of 86°26'30" for a distance of 239.38 feet to a point of tangency; thence run north 88°12'07" west along the north line of Southern Boulevard (State Road 80) for a distance of 1040.43 feet to the point of beginning. Containing 16.9793 acres, more or less.

* redesignated as Mar-A-Lago National Historic Landmark on December 23, 1980 and property transferred back to the Marjorie Merriweather Post Foundation.

AND the West one-half (W1/2) of lot 20 and the south 15 feet of the East one-half (E1/2) of Lot 20 and the South 15 feet of the West one-half (W1/2) of lot 21, all in Bingham-Copp Tract, a subdivision in the town of Palm Brach, Palm Beach County, Fla., as recorded in Plat Book 18, Page 6, Palm Beach County Public Records. Containing 0.1894 acres, more or less.

Unless provided otherwise by Act of Congress, no funds appropriated to the Department of the Interior shall be expended for the administration, protection, maintenance, and development of The Mar-A-Lago National Historic Site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed in the city of Washington, District of Columbia, this 16th day of January 1969.

STEWART L. UDALL,
Secretary of the Interior.

17. McLoughlin House

January 16, 1945, 10 FR 1404

MCLOUGHLIN HOME NATIONAL HISTORIC SITE,* OREGON

The order of June 27, 1941 (6 F.R. 3299), designating the McLoughlin Home National Historic Site, Oregon, is hereby amended to change the name of the site to "McLoughlin House National Historic Site." The said order shall in all other respects remain in full force and effect.

Dated: January 16, 1945.

[SEAL]

HAROLD L. ICKES,
Secretary of the Interior.

* redesignated as McLoughlin House, a unit of Ft. Vancouver National Historic Site, on May 28, 2004.

18. Minute Man

April 14, 1959, 24 F.R. 2997

DESIGNATING THE MINUTE MAN NATIONAL HISTORIC SITE* MASSACHUSETTS

Order of Designation

Whereas, the Congress of the United States has declared it to be a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas, the outbreak of the War of the Revolution was essential and prerequisite to the achievement of American independence and the creation of a Federal Government; and

Whereas, the events which relate to the beginning of Revolutionary hostilities on April 19, 1775, along the road and roadsides between Lexington and Concord, Massachusetts, associated with Paul Revere, the Minute Men and the British, are of great importance in American history; and

Whereas, the two parcels of land, described below, along the Lexington-Concord Road contain the original stone walls, boulders, and other features of natural setting where, on April 19, 1775, the opening day of the American Revolution, Colonial Minute Men fired on the British troops retreating along this historic route; and

Whereas, the said Lexington-Concord Road has been declared by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments to be of national historical significance; and

Whereas, the properties described below have been recommended for immediate preservation by the Boston National Historic Sites Commission, which was created by the Congress by Joint Resolution of June 16, 1955 (69 Stat. 136), to investigate the feasibility of establishing a coordinated local, State and Federal program in the city of Boston, Massachusetts, and general vicinity thereof, for the purpose of preserving the historic properties, objects and buildings in that area; and

Now, therefore, under and by virtue of the authority conferred by section 2 of the Act of Congress approved August 21, 1935 (49 Stat. 666; 16 U.S.C., secs. 461-467), I do hereby designate the following described lands to be a national historic site, having the name "Minute Man National Historic Site":

A tract of land along the Lexington-Concord Road in Massachusetts, more particularly described as follows:

Parcel A

A certain parcel of land situated in the Town of Lincoln, County of Middlesex, Commonwealth of Massachusetts, being a portion of Tract No. A-137 of Hanscom Air Force Base and more particularly bounded and described as follows:

Beginning at the corner of a stone wall on the north side of State Highway Route 2A which marks the boundary line between land now or formerly Charles Carruth and land now or formerly J. C. and I. R. Haganian and is located south 11° 39' 20" east 203.65 feet

* redesignated as Minute Man National Historical Park on September 21, 1959.

from a point from a Land Court Disc at the northeasterly corner of land of said Charles Carruth;

Thence running north 80° 51' 50" east by the stone wall and the northerly side of the said State Highway Route No. 2A and Nelson Road 83. 63 feet, and north 83° 08' 10" east 76. 73 feet to the true point of beginning;

Thence running north 11°39' 20" west by land of said Haganian 201 feet, more or less, to a point;

Thence turning and running north 63° 35' 40" east through land of the owner 190 feet, more or less to a point on a curve;

Thence turning and running southeasterly by a curve to the left and whose radius is 1,500 feet, a distance of 153 feet, more or less, to a point of tangency;

Thence continuing south 29° 19" east 122 feet to the stone wall and northerly side of said Nelson Road;

Thence turning and running by the northerly side of said Nelson Road south 76° 16' 20" west and 100 feet, more or less, and south 83° 08' 10" west 165. 64 feet to the point of the beginning;

Containing 1.19 acres more or less.

Parcel B

A certain parcel of land situated in the Town of Lincoln, County of Middlesex, Commonwealth of Massachusetts, being a portion of Tract No. A-137 of Hanscom Air Force Base and more particularly bounded and described as follows:

Beginning at a drill hole in the corner of a stone wall on the northerly side of Nelson Road at land now or formerly James P. & Henry Neville;

Thence running by a stone wall on the north side of Nelson Road south 74° 18' 50" west 203.23 feet to a drill hole, south 85° 39' 30" west 54.00 feet, south 80° 36' 50" west 100.75 feet, south 74° 54' 30" west 142.76 feet, south 51° 30' 08" west 45.59 feet, south 60° 30' 50" west 123.54 feet, south 56° 55' 20" west 197.52 feet, south 55° 57' 30" west 205.13 feet, south 58° 33' 00" west 55.77 feet, more or less, to a point;

Thence turning and running north 29° 19' west through land of the owner 141.43 feet, to a point of curve;

Thence continuing to run northwesterly by a curve to the right whose radius is 1,400 feet, a distance of 143 feet, more or less, to a point on the southeasterly boundary line of Hanscom Field, Family Housing Project, Parcel No. C-2;

Thence turning and running by the southeasterly boundary of the said Family Housing Project, north 64° 41' 37.5" east 150 feet, north 55° 55' 45" east 400 feet, more or less, to a point;

Thence turning and running north 78° 56' east 86.00 feet, north 42° 22' east 36.0 feet, north 57° 38' east 36.0 feet, north 74° 35' 30" east 131.0 feet, north 70° 35' 30" east 138 feet, north 50° 35' 30" east 127 feet, more or less, to a point on stone wall at land now or formerly of James P. and Henry Neville;

Thence turning and running by the stone wall of certain level south 30° 33' 30" east 120 feet, more or less, to a point and south 29° 49' 20" east 236.72 feet to the drill hole and the point of the beginning,

Containing 6.89 acres more or less.

Subject, however, to existing easements for public highways, roads, railroads, pipelines, and public utilities.

The administration, protection, and development of this national historic site shall be exercised in accordance with the Act of August 21, 1935, supra.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 14th day of April, 1959.

[SEAL]

FRED A. SEATON,
Secretary of the Interior.

19. Pennsylvania Avenue

September 30, 1965

THE PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE WASHINGTON, D. C.

ORDER OF DESIGNATION

WHEREAS, the act of August 21, 1935 (49 Stat. 666; 16 U.S.C. Secs. 461 *et seq.*) declares it to be a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

WHEREAS, I have determined that certain lands in the city of Washington, District of Columbia, possess exceptional value in commemorating or illustrating the history of the United States within the meaning of the act of August 21, 1935, since within the area are situated Pennsylvania Avenue and historically related environs and since the area achieves national historical significance in the following manner:

Over a span of the century and a half the segment of Pennsylvania Avenue between the White House and the Capitol has symbolized the majesty and power of the American Republic and the triumphs and tragedies of the American people. Along this truly national thoroughfare travel the Presidents of the United States in the ritual procession following inauguration that marks the assumption of Presidential powers and duties and gives the Nation its first glimpse of the new Chief of State. Along it in death have traveled six Presidents and numerous national leaders in State funeral processions that expressed the Nation's sense of loss. Along it have occurred victory celebrations signaling the close of four major wars. On it occurred public ceremonies celebrating great national achievements. On it the Nation receives foreign heads of state and visiting dignitaries. And on it the Nation accords its acclaim to military, civil, and scientific heroes.

The Nation's great men and women trod the ceremonial way not only in the pageantry of victory and defeat, but also in daily activities reflecting and shaping national life. Along Pennsylvania Avenue and its adjacent streets stood hotels, boarding houses, and restaurants where the statesmen lodged, dined, debated the issues of the day, and perfected courses of action that guided the Nation's destiny. In the theaters and places of amusement of this district they sought release from the cares of office.

In its markets and shops they bought the necessities of life. In its hostelrys they gathered for entertainments and celebrations highlighted by the quadrennial Presidential Inaugural Ball. In this area two Presidents, Lincoln and Garfield, were struck down by the assassin's bullet. And here, as time went on, the commercial center of the capital receded before an eastward advance of the Executive Branch of the Government that ultimately produced the Federal Triangle and thereby introduced the monumental architectural scale characteristic of modern Washington.

The Pennsylvania Avenue district is anchored on each end by historic buildings of transcendent importance to the Nation. It contains structures of varying historical value and antiquity. It is associated with events and people of large consequence in the history of the Republic and its Capital.

An enduring and constantly enlarging symbolism dramatically clothes the district, composed of the Avenue and its environs, with national historical significance; and

WHEREAS, the establishment of the Pennsylvania Avenue National Historic Site will constitute a fitting memorial to the great personages of this Nation who have lived and worked in the area; and to the monumental events of national importance which have occurred therein; and

WHEREAS, a plan has been developed for this great national thoroughfare by the Temporary Commission on Pennsylvania Avenue which presents an initial basis for enhancing these historical values in a fitting manner; and

WHEREAS, the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, as its 53rd meeting in Alaska, July 30-August 11, 1965, has considered the historical significance of Pennsylvania Avenue and its historically related environs in Washington D. C., and found that this district possesses outstanding national historical significance.

NOW, THEREFORE, with the concurrence of Lyndon B. Johnson, President of the United States, I, Stewart L. Udall, Secretary of the Interior, by virtue of and pursuant to the authority vested in me under the act of Congress approved August 21, 1935, do hereby designate the following described lands to be a National Historic Site having the name "The Pennsylvania Avenue National Historic Site":

Beginning at a point on the Southwest corner of the intersection of 15th Street and Constitution Avenue (NW), Easterly along the South side of Constitution Avenue, to the Southwest corner of the intersection of Constitution Avenue and Pennsylvania Avenue; then Easterly along the South side of Pennsylvania Avenue to and including the outer circumference of First Street (NW) which forms an arc around Peace Monument; then Westerly along the North side of Pennsylvania Avenue to the Northeast corner of the intersection of 3rd Street and Pennsylvania Avenue (NW); then Northerly along the East side of 3rd Street to the Northeast corner of the intersection of 3rd Street and E Street (NW); then Westerly along the North side of E Street to the Northeast corner of the intersection of E Street and 4th Street (NW); then Northerly along the East side of 4th Street to the Northeast corner of the intersection of 4th Street and G Street (NW); then Westerly along the North side of G Street (NW) to the Northeast corner of the intersection of G Street and 5th Street (NW); then Southerly along the West side of 5th Street to the Northeast corner of the intersection of 5th Street and E Street (NW); then Westerly along the North side of E Street to the Northeast corner of the intersection of E Street and 7th Street (NW); then Northerly along the East side of 7th Street to the point on 7th Street being the intersection of the North side of G street with the East side of 7th Street (NW); then Westerly from that point along the North side of G Street to the point being the intersection of the North side of G Street with the West side of 9th Street (NW); than Southerly from that point along the West side of 9th Street (NW) to the Northwest corner of the intersection of 9th Street and F Street (NW); then Westerly along the

North side of F Street to the Northeast corner of the intersection of F Street and 11th Street (NW); then Southerly along the East side of 11th Street to the Northeast corner of the intersection of 11th Street and E Street (NW); then Westerly along the North side of E Street to a point approximating what would be the Northeast corner of E Street and 13 ½ Street if the latter were extended North across Pennsylvania Avenue; then Northerly from that point along a line forming a perpendicular to F Street, to the intersection of said line with the North side of F Street; then Westerly along the North side of F Street to the Northeast corner of the intersection of F Street and 15th Street (NW); then Northerly along the East side of 15th Street to the Southeast corner of the intersection of 15th Street, New York Avenue, and Pennsylvania Avenue (NW); then Westerly along the South side of Pennsylvania Avenue to the Southwest corner of Pennsylvania Avenue and East Executive Avenue; then Southerly along the West side of East Executive Avenue to a point which would be the Southwest corner of the intersection of East Executive Avenue and E Street; then Easterly along the South side of E Street to the Southwest corner of the intersection of E Street and 15th Street (NW); then Southerly along the West side of 15th Street to the point or place of beginning.

Subject to the limitation contained in the second sentence of this paragraph, the administration, protection and development of this National Historic Site shall be exercised in accordance with the provisions of the act of August 21, 1935. Unless provided otherwise by Act of Congress, no funds appropriated to the Department of the Interior shall be expended for the administration, protection and development of the Pennsylvania Avenue National Historic Site.

IN WITNESS WHEREOF, I hereunto set my hand and caused the official seal of the Department of the Interior to be affixed in the city of Washington, District of Columbia, this thirtieth day of September 1965.

Stewart Udall,
Secretary of the Interior.

I CONCUR:

Lyndon B. Johnson
PRESIDENT OF THE UNITED STATES

September 30, 1965

20. Saint Thomas

December 24, 1960, 26 F.R. 490

DESIGNATING THE ST. THOMAS NATIONAL HISTORIC SITE,* VIRGIN ISLANDS

Order of Designation

Whereas, the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas, Fort Christian in Charlotte Amalie, St. Thomas, Virgin Islands, dating from 1671, served as the hub of early Danish settlement on the Island of St. Thomas, housing the Governor, the Lutheran ministers, as well as the Fort garrison, and was utilized both as a fortification and a place of worship and, as such, illustrates many phases of the history of Danish settlement in the West Indies; and

Whereas, the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, at its thirty-fifth meeting, December 1-7, 1965, resolved that Fort Christian, because of its antiquity, its historical associations, and its strategic location for visitor use and interpretation, is a landmark of national significance; and

Whereas, Fort Christian was included in the public, government, or crown property ceded to the United States by Denmark by the convention entered into August 4, 1916, and proclaimed by the President January 25, 1917; and

Whereas, all property thus acquired from Denmark, not reserved by the United States for public purposes prior to June 22, 1937, was placed under the control of the Government of the Virgin Islands by the Act of June 22, 1936 (49 Stat. 1807; 48 U.S.C. 1405-1405b), with the legal title remaining in the United States; and

Whereas, Fort Christian was not reserved by the United States for public purposes prior to June 22, 1937, but title thereto has been held by the United States continuously since the convention with Denmark in 1916; and

Whereas, the Government of the Virgin Islands and the National Park Service of the Department of the Interior wish to call public attention to the national significance of Fort Christian and are interested in insuring its preservation for the benefit and inspiration of the American people by providing for its designation as a national historic site:

Now, therefore, I, Fred A. Seaton, Secretary of the Interior, by virtue and pursuant to the authority contained in section 2 in the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 462), and subject to valid existing rights, do hereby designate the following described lands, together with all historic structures thereon and appurtenances connected therewith, to be a national historic site, having the name "St. Thomas National Historic Site":

All those tracts or parcels of land on the harbor on the south side of the Island of St. Thomas in Charlotte Amalie, now known as Fort Christian, and lying between the Emancipation Park on the north and the Marine Barracks and the Coast Guard station on the south, as shown on the diagram hereto attached and made a part hereof.

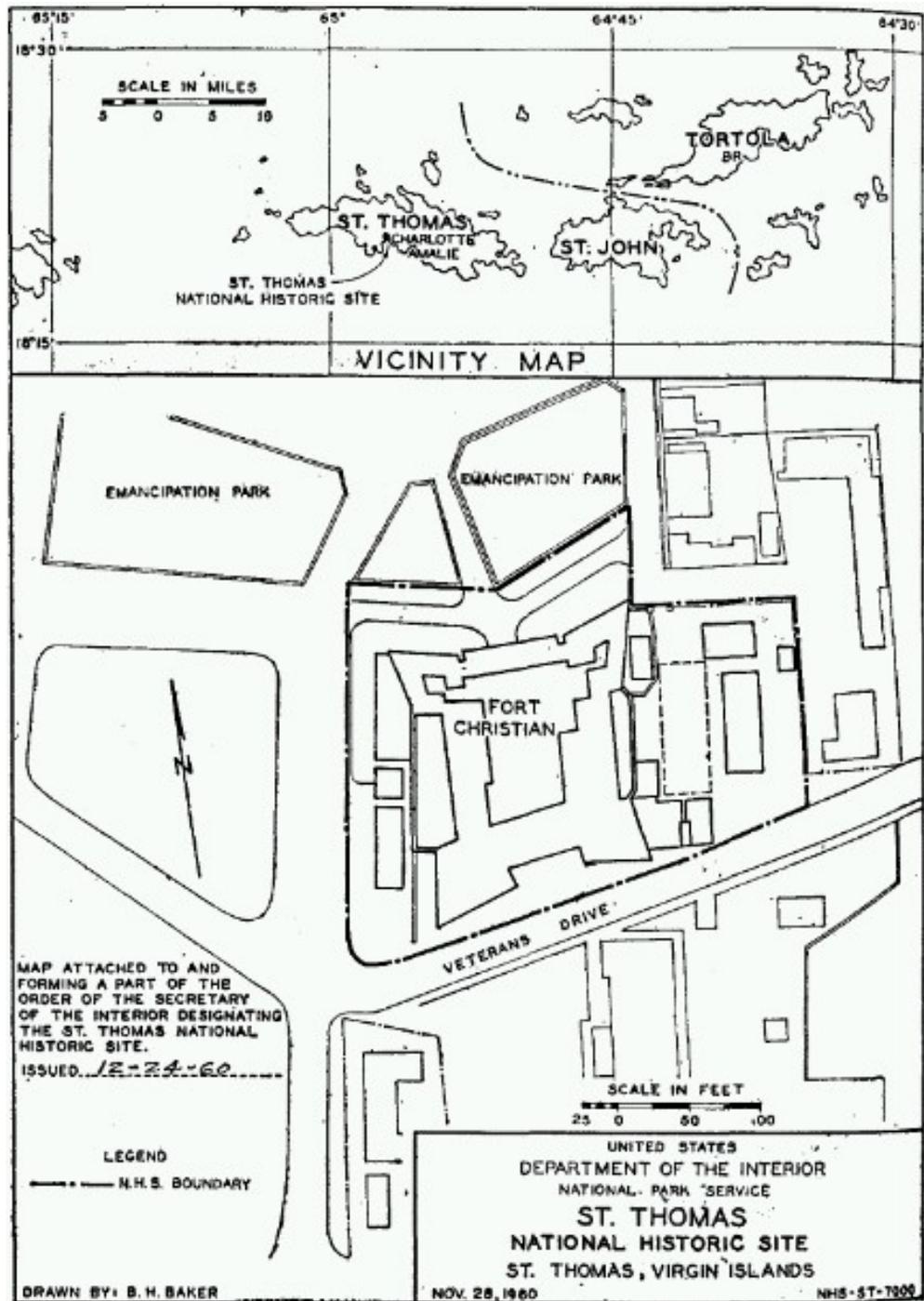
Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

* transferred to the Virgin Islands government on February 5, 1975.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 24th day of December 1960.

[SEAL]

FRED A. SEATON,
Secretary of the Interior.



[F.R. Doc. 61-347; Filed, Jan. 18, 1961; 8:45 a.m.]

21. San Juan

February 14, 1949, 14 F.R. 871

DESIGNATION OF SAN JUAN NATIONAL HISTORIC SITE, PUERTO RICO

Whereas, the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States;

Whereas, the ancient fortifications of San Juan, Puerto Rico, particularly the massive masonry works of El Morro and San Cristobal and their connecting walls, are outstanding monuments of the past, possessing exceptional historical and architectural interest for the Nation, and have been declared by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments to possess exceptional importance as commemorating the history of the United States; and

Whereas, with the approval of the President, a cooperative agreement has been made between the Secretary of the Interior and the Secretary of the Army providing for the preservation of the ancient fortifications of San Juan and their designation as a national historic site:

Now, therefore, I, J. A. Krug, Secretary of the Interior, under and by virtue of the authority conferred by section 2 of the act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 462), do hereby designate the fortresses of El Morro and San Cristobal, Casa Blanca, and El Canuelo on Cabras Island, including the areas shown on the diagram, marked "Exhibit A", annexed hereto and made a part hereof, to be a national historic site, having the name "San Juan National Historic Site."

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the act of August 21, 1935, *supra*.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, at the City of Washington, this 14th day of February 1949.

[SEAL]

J. A. KRUG,
Secretary of the Interior.

22. Touro Synagogue

March 5, 1946, 11 F.R. 2535

**TOURO SYNAGOGUE, NEWPORT, R. I.; DESIGNATION AS
NATIONAL HISTORIC SITE**

Whereas, the Congress of the United States has declared it to be a national policy to preserve for the public historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas, the Touro Synagogue situated in the city of Newport and State of Rhode Island, has been declared by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, to be of national significance as "one of the finest surviving examples of colonial architecture and a building rich in historical associations."

Whereas, a cooperative agreement has been made between the Congregation Shearith Israel, of the city of New York, and the Congregation Jeshuat Israel, of the city of Newport, Rhode Island as a national historic site:

Now, therefore, I, Oscar L. Chapman, Acting Secretary of the Interior, by virtue and of pursuant to the authority contained in the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. sec. 467), do hereby designate the following described lands, together with all historic structures thereon and appurtenances connected therewith, to be a national historic site, having the name "Touro Synagogue National Historical Site".

All that certain tract of land with the buildings thereon situate, lying and being in the city of Newport, in the State of Rhode Island, whereon the Jewish Synagogue now stands, bounded and described as follows: Southerly on Touro Street, ninety-two and forty-six one-hundredths feet; Easterly on land of the Newport Historical Society one hundred and nine and eight tenths feet; Northerly on Barney Street, ninety and sixty-five one hundredths feet; and Westerly on land of George P. Lawton, be said dimensions more or less.

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the Act of August 21, 1935.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, at the City of Washington, this 5th day of March 1946.

[SEAL]

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

23. Virgin Islands

March 4, 1952, 17 F.R. 2200

ORDER DESIGNATING THE VIRGIN ISLANDS NATIONAL HISTORIC SITE* AT CHRISTIANSTED, ST. CROIX, VIRGIN ISLANDS

Whereas the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, has declared that the Wharf area and its buildings and the park area known as the D. Hamilton Jackson Park and the Government House and grounds in Christiansted, St. Croix, Virgin Islands, are of national historical significance as an excellent historical example of the old Danish economy and way of life in the Virgin Islands; and

Whereas the buildings in this area have effectively resisted the impact of time and map and represent a segment of America's cultural heritage in historic sites and buildings; and

Whereas a cooperative agreement has been made between the Municipality of St. Croix and the United States of America providing for the designation, preservation, and use of the area as a national historic site:

Now, therefore, I, Oscar L. Chapman, Secretary of the Interior, by virtue of and pursuant to the authority contained in the act of August 21, 1935 (49 Stat. 666), do hereby designate the said historic structures and grounds as shown upon the diagram hereto attached and made a part hereof, to be a national historic site, having the name "Virgin Islands National Historic Site."

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the act of August 21, 1935.

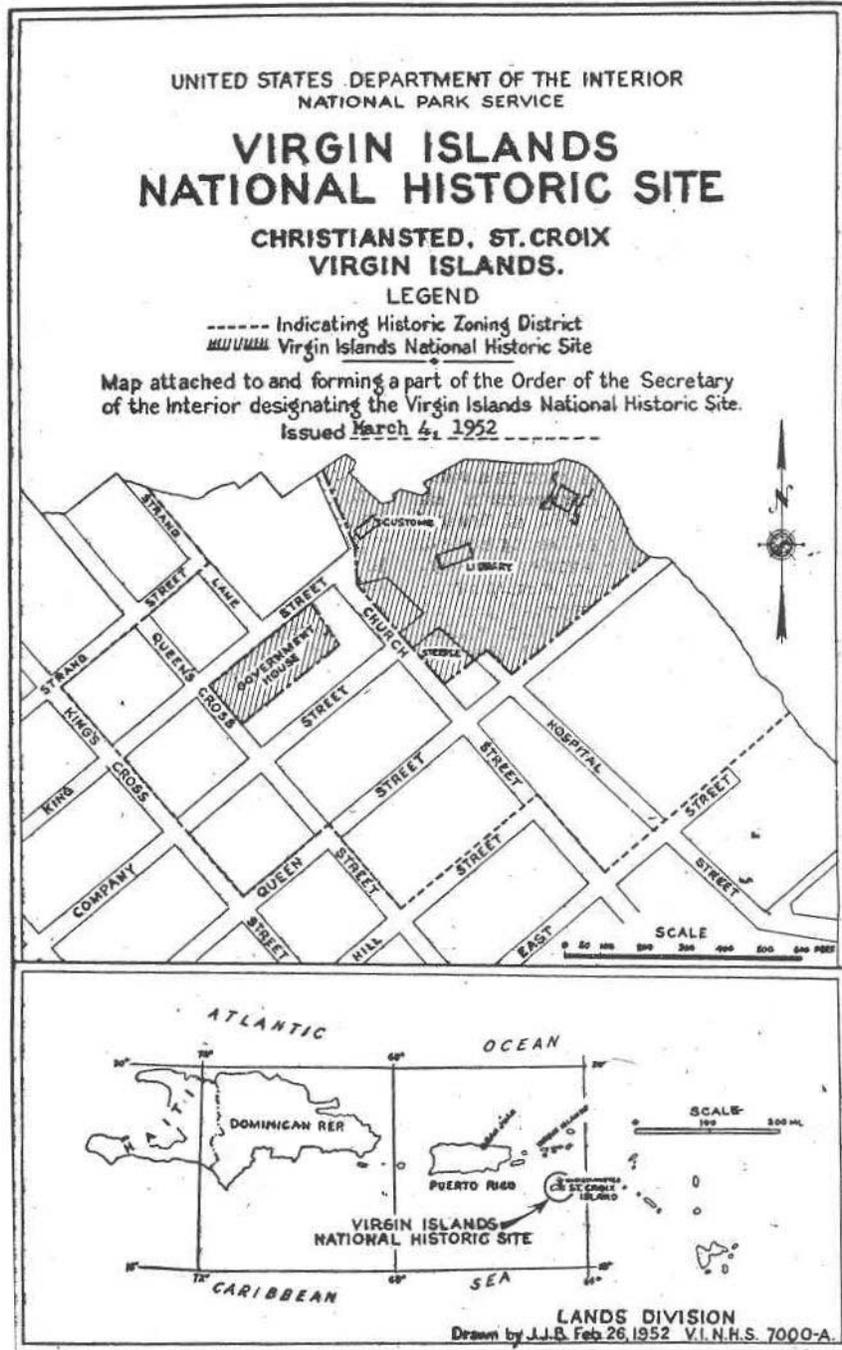
Warning is expressly give to all unauthorized person not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed at the city of Washington, this 4th day of March 1952.

[SEAL]

OSCAR L. CHAPMAN,
Secretary of the Interior.

* redesignated as Christiansted National Historic Site on January 16, 1961.



1. Horseshoe Bend

No. 3308

August 11, 1959, 73 Stat. c72, 16 U.S.C. 430ii
24 F.R. 6607

ESTABLISHING THE HORSESHOE BEND NATIONAL MILITARY PARK

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the battle of Horseshoe Bend, fought on March 27, 1814, on the Tallapoosa River in Alabama, resulted in a decisive victory for the forces of General Andrew Jackson over a strong body of Creek Indians and broke the power of the Creek Confederacy; and

WHEREAS this significant historic event on the Indian border opened the way for settlement in Alabama and other parts of the old Southwest; and

WHEREAS section 1 of an act approved July 25, 1956 (70 Stat. 651),¹ provides that when not less than five hundred acres of non-Federal lands (together with improvements thereon), known as the Horseshoe Bend Battleground, shall have been acquired and transferred free and clear of all encumbrances to the United States without expense to the Federal Government, such area shall be dedicated and set apart as the Horseshoe Bend National Military Park; and

WHEREAS section 2 of that act² authorizes and directs the Secretary of the Interior to make an examination of the Horseshoe Bend Battle Ground with a view to determining the area or areas thereof deemed desirable for inclusion in the Horseshoe Bend National Military Park; and

WHEREAS the Secretary of the Interior on June 11, 1957, approved a map showing an area of 2,040 acres on the Horseshoe Bend Battle Ground as being desirable for inclusion in the Horseshoe Bend National Military Park, and such land was donated to, and accepted on behalf of, the United States of America on April 24, 1959; and

WHEREAS the requirements of sections 1 and 2 of the act of July 25, 1956 (70 Stat. 651) have been fully complied with:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 4 of the above-mentioned act of July 25, 1956, do hereby dedicate and set aside the following-described lands in Tallapoosa County, Alabama, as the Horseshoe Bend National Military Park:

Northeast quarter (NE1/4), northeast quarter of northwest quarter (NE1/4 of NW1/4), northeast quarter of southeast quarter (NE1/4 of SE quarter), fractions A, B, C and E of section 15; fractions B, D, and E of section 22; all in township 23 north, range 23 east; also one-half acre known as the Ferry Landing on the south side of the Tallapoosa River in said section 15, more particularly described as follows: Commence at the southwest corner of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 1968 feet to a point; thence north 1 degree 00 minutes west 1267 feet to a point on the southerly bank of the Tallapoosa River

¹ 16 U.S.C. § 430ff.

² 16 U.S.C. § 430gg.

and the point of beginning of the parcel herein intended to be described; thence south 52 degrees 00 minutes west 147.6 feet to a point; thence north 38 degrees 00 minutes west 147.6 feet to a point; thence north 52 degrees 00 minutes east 147.6 feet to a point on the southerly bank of the said river; thence upstream along the southerly bank of the river south 38 degrees 00 minutes east 147.6 feet to the point of beginning, and being situated in the east half of the southwest quarter of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; also a parcel of land known as Miller's Island in the Tallapoosa River just south of the river bridge more particularly described as follows: Commencing at the southwest corner of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 2605 feet to a point on the west bank of said island, which is the point of beginning; thence north 5 degrees 00 minutes east 220 feet to a point; thence north 8 degrees 00 minutes west 510 feet to a point; thence north 82 degrees 00 minutes east 350 feet to a point; thence north 55 degrees 30 minutes east 75 feet to a point; thence north 82 degrees 00 minutes east 115 feet to a point; thence south 17 degrees 00 minutes east 330 feet to a point; thence south 8 degrees 00 minutes east 270 feet to a point; thence south 77 degrees 45 minutes west 270 feet to a point; thence south 59 degrees 35 minutes west 160 feet to a point; thence south 36 degrees, 06 minutes west 650 feet to a point; thence north 5 degrees 00 minutes east 530 feet to the point of beginning, containing 14.11 acres more or less, and being situated in sections 15 and 22, township 23 north, range 23 east, Tallapoosa County, Alabama. Less and except 5.1 acres in said section 15, township 23 north, range 23 east, previously conveyed by Nora E. Miller to Horseshoe Bend Battle Park Commission, described as follows: Beginning at a point which is 13 chains and 51 links south 75 degrees 30 minutes west of a point on the west line of section 14, township 23 north, range 23 east; which is 69 chains south of the northwest corner of said section 14; thence west 8 chains and 50 links, thence south 6 chains, thence east 8 chains and 50 links, thence north 6 chains to the point of beginning.

The above described lands contain 560.66 acres, more or less.

Section 14, township 23 north, range 23 east; west half of northwest quarter and northeast quarter of northwest quarter of section 23, township 23 north, range 23 east; section 15 and section 22, township 23 north, range 23 east, less and except the following described parts of said sections 15 and 22, township 23 north, range 23 east, known as Alabama Power Company lands, described as follows: Northeast quarter (NE1/4), northeast quarter of northwest quarter (NE1/4 of NW1/4), northeast quarter of southeast quarter (NE1/4 of SE1/4), fractions A, B, C and E of section 15; fractions B, D, and E of section 22; all in township 23 north, range 23 east, also one-half acre known as the Ferry Landing on the south side of the Tallapoosa River in said section 15, more particularly described as follows: Commence at the southwest corner of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 1968 feet to a point; thence north 1 degree 00 minutes west 1267 feet to a point on the southerly bank of the Tallapoosa River and the point of beginning of the parcel herein intended to be described; thence south 52 degrees 00 minutes west 147.6 feet to a point; thence north 38 degrees 00 minutes west 147.6 feet to a point; thence north 52 degrees 00 minutes east 147.6 feet to a point on the southerly bank of said river; thence upstream along the southerly bank of the river south 38 degrees 00 minutes east 147.6 feet to the point of beginning, and being situated in the east half of the southwest quarter of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; also a parcel of land known as Miller's Island in the Tallapoosa River just south of the river bridge more particularly described as follows: Commencing at the southwest corner of said section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 2605 feet to a point on the west bank of said island, which is the point of

beginning; thence north 5 degrees 00 minutes east 220 feet to a point; thence north 8 degrees 00 minutes west 510 feet to a point; thence north 82 degrees 00 minutes east 350 feet to a point; thence north 55 degrees 30 minutes east 75 feet to a point; thence north 82 degrees 00 minutes east 115 feet to a point; thence south 17 degrees 00 minutes east 330 feet to a point; thence south 8 degrees 00 minutes east 270 feet to a point; thence south 77 degrees 45 minutes west 270 feet to a point; thence south 59 degrees 35 minutes west 160 feet to a point; thence south 36 degrees, 06 minutes west 650 feet to a point; thence north 5 degrees 00 minutes east 530 feet to the point of beginning, containing 14.11 acres, more or less, and being situated in sections 15 and 22, township 23 north, range 23 east, Tallapoosa County, Alabama. Less and except 5.1 acres in said section 15, township 23 north, range 23 east, previously conveyed by Nora E. Miller to Horseshoe Bend Battle Park Commission, described as follows: Beginning at a point which is 13 chains and 51 links south 75 degrees 30 minutes west of a point on the west line of section 14, township 23 north, range 23 east which is 69 chains south of the northwest corner of said section 14; thence west 8 chains and 50 links, thence south 6 chains, thence east 8 chains and 50 links thence north 6 chains to the point of beginning. Said 5.1-acre exception in said section 15 has heretofore been conveyed to the United States of America by patent from the State of Alabama.

The above-described lands contain 1,474.24 acres, more or less.

Beginning at a point which is 13 chains and 51 links south 75 degrees 30 minutes west of a point on the west line of section 14 which is 69 chains south of the northwest corner of section 14, thence west 8 chains and 50 links, thence south 6 chains, thence east 8 chains and 50 links, thence north 6 chains to the point of beginning, the said land lying and being in section 15, township 23 north, range 23 east.

The above-described lands contain 5.1 acres, more or less.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of August in the year of our Lord
 [SEAL] nineteen hundred and fifty-nine, and of the Independence of the United
 States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON

Acting Secretary of State.

1. Coronado**No. 2995**

Nov. 5, 1952, 67 Stat. c18, 16 U.S.C. 431 note
17 F.R. 10157

**ESTABLISHMENT OF THE CORONADO NATIONAL
MEMORIAL ARIZONA**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS section 1 of the act of August 18, 1941, 55 Stat. 630 (16 U.S.C. 450y), as amended by Public Law 478, 82nd Congress, approved July 9, 1952,¹ provides that for the purpose of permanently commemorating the explorations of Francisco Vasquez de Coronado the President of the United States may declare, by proclamation, any lands within the area therein described to be established as the Coronado National Memorial; and

WHEREAS it appears that the public interest would be promoted by the establishment of the said Memorial on certain of the said lands as hereinafter provided:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 1 of the said act of August 18, 1941, as amended, do proclaim and declare that, subject to all valid existing rights, the following-described public lands in the State of Arizona are hereby established as the Coronado National Memorial:

GILA AND SALT RIVER MERIDIAN

T. 24 S., R. 20 E.,

- Sec. 10, S1/2 SW1/4, S1/2 SE1/4;
- Sec. 11, S1/2 SW1/4;
- Sec. 13, SW1/4 NW1/4, S1/2;
- Sec. 14, NW1/4, S1/2, NW1/4 NE1/4, S1/2 NE1/4;
- Sec. 15, all;
- Sec. 22, all;
- Sec. 23, all;
- Sec. 24, all;

T. 24 S. R. 21 E.,

- Sec. 17, lots 5 and 6;
- Sec. 18, lots 3, 4, 8, 9, 10 and SE1/4 SW1/4;
- Sec. 19, all;
- Sec. 20, lots 3 and 4;

The areas described aggregate approximately 2,745.33 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this Memorial or to settle upon any of the lands thereof as hereby established.

¹ 16 U.S.C. §450y.

Subject to the provisions of the said act of August 18, 1941, the Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the lands constituting the Coronado National Memorial in accordance with the act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-3),² and acts supplementary thereto or amendatory thereof so far as the provisions of such acts may be applicable.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of November in the year of our Lord
nineteen hundred and fifty-two, and of the Independence of the United
[SEAL] States of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:
DAVID BRUCE,
Acting Secretary of State.

² 16 U.S.C. §§ 1-3.

2. Wright Brothers

December 1, 1953, 18 F.R. 7877

**WRIGHT BROTHERS NATIONAL MEMORIAL
ORDER REDESIGNATING AREA AND MONUMENT
FORMERLY KNOWN AS THE KILL DEVIL HILL NATIONAL
MEMORIAL**

Whereas, on December 17, 1953, the United States will celebrate the fiftieth anniversary of the first successful human attempt in all history at power-driven airplane flight, achieved on December 17, 1903, by an American, Orville Wright, with the assistance of his brother Wilbur Wright;

Whereas, there has been established pursuant to the act of March 2, 1927 (44 Stat. 1264) a memorial area and monument, known as Kill Devil Hill National Memorial, at Kitty Hawk, North Carolina, in commemoration of such airplane flight:

Now, therefore, in furtherance of the object of the aforesaid act of March 2, 1927, in commemorating the historic achievement of the Wright brothers, and in recognition of the fiftieth anniversary of the historic flight achieved by Orville Wright, I, Orme Lewis, Acting Secretary of the Interior, pursuant to my authority and responsibility for the administration, protection, and development of the aforesaid area of the National Park System, do hereby designate as the "Wright Brothers National Memorial" the area heretofore known as the "Kill Devil Hill National Memorial."

Issued this 1st day of December 1953.

ORME LEWIS
Acting Secretary of the Interior.

1. Aniakchak

No. 4612

December 1, 1978, 93 Stat. 1448, 16 U.S.C. 431 note
43 F.R. 57013

ANIAKCHAK NATIONAL MONUMENT*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Aniakchak Caldera is located in the heart of the Alaska Peninsula. It is so unexpected a feature that it remained unknown to all but the Natives of the region until about 1920. With its average diameter of approximately six miles, Aniakchak is one of the world's largest calderas.

In the interior of the caldera are textbook examples of certain volcanic features such as lava flows, cinder cones, and explosion pits. Also lying within the caldera is Surprise Lake which is fed by warm springs and is uniquely charged with chemicals. Surprise Lake is the source of the Aniakchak River, which cascades through a 1500 foot gash in the caldera wall and downward for 27 miles to the Pacific Ocean.

The flanks of the caldera provide a geological and biological continuum by which to make a comparative study of the formation of the caldera and the significant process of biological succession of both plant and animal species occurring in the vicinity of the caldera, an area that was rendered virtually devoid of life forms by a major eruption of the volcano in 1931.

The caldera is also climatologically unique in that, because of its topography and setting, it appears to be able to generate its own weather. A striking phenomenon known as cloud "niagaras" occurs frequently as strong downdrafts form over the caldera walls.

The land withdrawn and reserved by this Proclamation for the protection of the geological, biological, climatological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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 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.

NOW, THEREFORE, I, JIMMY CARTER, 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 Aniakchak National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the

* redesignated as Aniakchak National Monument and National Preserve on December 2, 1980.

Aniakchak National Monument on the map numbered ANIA-90,006 attached to and forming a part of this Proclamation. The area reserved consists of approximately 350,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument, are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, rights confirmed in Section 15 of the Act of January 2, 1976 (89 Stat. 1145), and valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural viability of such population.

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 first day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Note: The maps which formed a part of this proclamation are not reproduced here since the reduction necessary from the original would render them unreadable.

2. Arches**No. 3360**

July 22, 1960, 74 Stat. c79, 16 U.S.C. 431 note
25 F.R. 7145

**MODIFYING THE ARCHES NATIONAL MONUMENT*
UTAH**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the Arches National Monument in Grant County, Utah, established by Proclamation No. 1875 of April 12, 1929, and enlarged by Proclamation No. 2312 of November 25, 1938, was reserved and set apart as an area containing extraordinary examples of wind-eroded sandstone formations and other geologic and prehistoric structures of historic and scientific interest; and

WHEREAS it appears that it would be in the public interest to add to the Arches National Monument certain contiguous lands on which outstanding geologic features of great scientific interest are situated, and certain other lands adjacent to the monument which are essential to the proper care, management, and protection of the objects of scientific interest situated on such lands and on lands now comprising a part of the Monument; and

WHEREAS it appears that it would also be in the public interest to exclude from the monument certain lands in the southeast section thereof, contiguous to the Salt Wash escarpment, which are used for grazing and which have no known scenic or scientific value:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),⁴ and subject to valid existing rights, do proclaim as follows:

The lands now owned by the United States within the exterior boundaries of the following-described tracts of land are hereby added to and reserved as a part of the Arches National Monument; and lands owned by the States of Utah within such boundaries shall become and be reserved as a part of that monument upon acquisition of title thereto by the United States:

SALT LAKE MERIDIAN

T.24 S., R.21 E.

Sec. 2, S1/2;

Sec. 11. NE1/4;

comprising 480 acres, more or less.

The following-described lands in the State of Utah are hereby excluded from the Arches National Monument:

SALT LAKE MERIDIAN

T.24,S., R.22 E.,

* redesignated as Arches National Park on November 12, 1971.

⁴ 16 U.S.C.A. § 431.

Sec. 17, E1/2, E1/2NW1/4;
 Sec. 20, NE1/4, N1/2SE1/4, SE1/4SE1/4;
 Sec. 29, NE1/4NE1/4;
 comprising 720 acres, more or less.

The boundaries of the Arches National Monument are modified accordingly.

The public lands hereby excluded from the monument shall not be subject to application, location, settlement, entry, or other forms of appropriation under the public land-laws until further order of an authorized officer of the Department of the Interior.

Warning is hereby expressly 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 and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of July in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State

No. 3887

January 20, 1969, 83 Stat. 920, 16 U.S.C. 431 note
 34 F.R. 905

ENLARGING THE ARCHES NATIONAL MONUMENT, UTAH

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
 A PROCLAMATION

WHEREAS, the Arches National Monument in Utah was established by Proclamation No. 1875 of April 12, 1929, and enlarged by Proclamation No. 2312 of November 25, 1938, and its boundary adjusted by Proclamation No. 3360 of July 22, 1960,²⁰ to reserve and set apart areas containing extraordinary examples of wind-eroded sandstone formations and other features of geological, historic and scientific interest; and

WHEREAS, it would be in the public interest to add to the Arches National Monument certain adjoining lands which encompass a variety of additional features which constitute objects of geological and scientific interest to complete the geologic story presented at the monument; and

WHEREAS, under Section 2 of the act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431),²¹ the President is authorized "to declare by public proclamation *** 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 may reserve as a part

²⁰ 1960 U.S. Code Cong. & Adm. News. P. 1616.

²¹ 16 U.S.C.A. § 431.

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.”

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States, under the authority vested in me by section 2 of the act of June 8, 1906, *supra*, do proclaim that, subject to valid existing rights, (1) the lands owned or controlled by the United States within the exterior boundaries of the following described area are hereby added to and made a part of the Arches National Monument, and (2) the State-owned and privately owned lands within those boundaries shall become and be reserved as parts of that monument upon acquisition of title thereto by the United States:

SALT LAKE MERIDIAN, UTAH

T. 23S., R.20E.,

Sec. 11;
Sec. 12, N1/2;
Sec. 14;
Sec. 24, S1/2;
Secs. 25 and 26;
Sec. 27, E1/2;
Secs. 35 and 36.

T. 24S., R.20 E.,

Sec. 1.

T. 23S., R.21E.,

Sec. 7, N1/2;
Sec. 8, S1/2;
Sec. 15, S1/2;
Sec. 19, S1/2;
Sec. 20, SW1/4;
Sec. 23, S1/2;
Secs. 25, 29, 30, 31, 32, 33, and 36.

T. 24S., R.21 E.,

Sec. 3, S1/2;
Secs. 4, 5, 6, 8, 9, and 10;
Sec. 11, W1/2 and SE1/4;
Secs. 14, 15, 16, 17, 20, 21, 22, 28, 29, 30, 31, and 32;
Sec. 36, S1/2.

T. 25S., R.21E.,

Secs. 1 and 2;
Sec. 6, E1/2;
Sec. 7, E1/2;
Secs. 11, 12, 13, and 14;
Sec. 18, NE1/4;
Sec. 23;
Secs. 24, 25 and 26--those portions lying north of the right bank of the Colorado River.

T. 23S., R.22E.,

Sec. 31;
Sec. 32, W1/2 and SE1/4;
Sec. 33; S1/2.

T. 24S., R.22E.,

Sec. 4, E1/2;

Sec. 9, E1/2;
 Secs. 10 and 11;
 Sec. 12, S1/2;
 Secs. 13, 14, 15, and 16;
 Sec. 17, E1/2 and E1/2NW1/4;
 Sec. 20, NE1/4, N1/2SE1/4, and SE1/4SE1/4;
 Secs. 21, 22, 23, and 24;
 Secs. 25, 26, 27, and 28--those portions lying north of the right bank of the Colorado River;
 Sec. 29, NE1/4NE1/4;
 Sec. 31, S1/2;
 Sec. 32, that portion of the S1/2 lying west and north of the right bank of the Colorado River;
 Sec. 33, that portion lying west and north of the right bank of the Colorado River.

T. 25S., R22E.,

Sec. 5, that portion lying west of the right bank of the Colorado River;
 Secs. 6 and 7;
 Secs. 8, 9, 10, 15, 16, and 17--those portions adjoining the right bank of the Colorado River;
 Sec. 18;
 Secs 19 and 20--those portions lying north of the right bank of the Colorado River.

T. 24 S., R23 E.,

Sec. 18, SW1/4;
 Sec. 19, W1/2;
 Sec. 30, lots 3 to 7, inclusive and lots 11 and 12;
 Containing 48,943 acres, more or less.

Warning is hereby expressly 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.

Any reservations or withdrawals heretofore made which affect the lands described above are hereby revoked.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

LYNDON B. JOHNSON

3. Aztec Ruins

No. 2787

May 27, 1948, 62 Stat. 1513, 16 U.S.C. 431 note
13 F.R. 2907

ENLARGING THE AZTEC RUINS NATIONAL MONUMENT NEW MEXICO

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS there adjoins the Aztec Ruins National Monument, in the State of New Mexico, a certain 1.255-acre tract of land upon which are located ruin mounds of unusual prehistoric and scientific value of the same period and culture as those now contained in that monument; and

WHEREAS the Southwestern Monuments Association, an organization created for the purpose of fostering the development and preservation of the group of areas known as the Southwestern National Monuments, which include the Aztec Ruins National Monument, has donated the said tract of land to the United States for addition to such monument; and

WHEREAS it appears that it would be in the public interest to reserve such tract of land as an addition to the said Aztec Ruins National Monument:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, c. 3060, 34 Stat. 225 (16 U.S.C. 431),¹ do proclaim that, subject to valid existing rights, the following-described tract of land in New Mexico is hereby added to and reserved as a part of the Aztec Ruins National Monument:

Beginning at a point N. 00°53' E., 521.4 feet from the south-west corner of the southeast quarter (SE1/4) of the southwest quarter (SW1/4) of section 4, T. 30 N., R. 11 W., New Mexico Principal Meridian, the Northwest corner of the present Aztec Ruins National Monument; thence N. 00°53' E., 278.2 feet, thence east 60.0 feet, thence S. 75°08' E., 85.13 feet, thence S. 68°52' E., 236.76 feet, thence S. 70°20' W., 20.33 feet, thence S. 64°46' W., 385.00 feet, along the present northerly boundary of Aztec Ruins National Monument to the point of beginning, containing 1.255 acres, more or less.

Warning is hereby expressly 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.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes", approved August 25, 1916, 39 Stat. 535 (16 U.S.C. 1-3),² and acts supplementary thereto or amendatory thereof.

¹ 16 U.S.C.A. § 431.

² 16 U.S.C.A. §§ 1-3.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of May in the year of our Lord
nineteen hundred and forty-eight, and of the Independence of the United
[SEAL] States of America the one hundred and seventy-second.

HARRY S TRUMAN

By the President:

ROBERT A. LOVETT

Acting Secretary of State

4. Bandelier**No. 3388**

January 9, 1961, 75 Stat. 1014, 16 U.S.C. 431 note
26 F.R. 247

**ENLARGING THE BANDELIER NATIONAL MONUMENT,
NEW MEXICO**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the Bandelier National Monument, New Mexico, was established for the preservation and protection of prehistoric aboriginal ruins by Proclamation No. 1322 of February 11, 1916 (39 Stat. 1764), and was enlarged by Proclamation No. 1991 of February 25, 1932 (47 Stat. 2503); and

WHEREAS certain public lands of the United States comprising approximately 3,600 acres, contiguous to and north of lands set aside for the monument, formerly administered by the Atomic Energy Commission as a portion of a larger tract, were determined to be in excess of the needs of that agency; and

WHEREAS such public lands were transferred to the National Park Service of the Department of the Interior on December 9, 1959, with the approval of the General Services Administration; and

WHEREAS there are situated on such transferred lands pueblo-type archeological ruins germane to those in the monument area, and it appears that it would be in the public interest to add such lands to the monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),¹⁵ do proclaim that the following-described lands are hereby added to and reserved as a part of the Bandelier National Monument; and the boundaries of such monument are extended accordingly.

A certain tract of land in the extreme south-central section of Los Alamos County, New Mexico, totaling approximately 3,600 acres, which, described in general terms, is bounded on the west by a portion of the West Boundary of the Ramon Vigil Grant; on the south by the common boundary between the Ramon Vigil Grant and the Bandelier National Monument; on the east by an existing AEC barbed wire exclusion fence; and on the north by the south right-of-way line for New Mexico State Highway No. 4 between approximate stations 628+59.5 and 974+27.7, such tract being more particularly described as follows:

Beginning at the intersection point of the west boundary line of the Ramon Vigil Grant between AP-4 and AP-5 and a line 66 feet south of and parallel to the center line of New Mexico State Highway No. 4 at approximate station 974+27.7; thence, in a southerly direction along the West Boundary of the Ramon Vigil Grant to the southwest corner of the Grant, as described below and shown in detail on the Plat showing restorative survey of the Ramon Vigil Grant, 1912-1913 by U.S. Surveyor Wm. B. Douglas, approved by the U.S. Surveyor General's Office in Santa Fe on April 9, 1915.

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¹⁵ 16 U.S.C.A. §431.

Land Points	Bearing	Distance
Pt. of beginning (Int. W. BRVG & NMSH No. 4 66 feet from center line to AP-4):	S 12°31' E.....	675.m.o. 1
AP-4 to AP-3.....	S 7°07' E.....	3261.72
AP-3 to AP-2	S 9°02' W	1067.22
AP-2 to AP 1	S 10°22' E.....	442.86
AP-1 to SW Corner	S 11°02' E.....	985.38

Thence along the South Boundary of the Ramon Vigil Grant (which is the existing North Boundary of the Bandelier National Monument) in accordance with the plat showing the resurvey of the South Boundary of the Ramon Vigil Grant, 1934, by U.S. Transitman Samuel L. Gray, and approved by the Commissioner of the General Land Office, March 2, 1934, as follows:

Land Points	Bearing	Distance
SW corner to AP-1.....	S 76°00' E	604.56
AP-1 to AP-2.....	S 60°46' E.....	2302.08
AP-2 to Ap-3	S 71°47' E.....	1888.92
AP-3 to Ap-4.....	S 53°14' E	2565.42
AP-4 to Ap-5	S 77°18' E	1813.68
AP-5 to Ap-6	N 89°42'E.....	2264.46
AP-6 to Ap-7	S 64°48' E	8342.40
AP-7 to Ap-8	S 89°49' E.....	1016.40
AP-8 to AP-9	S 26°37' E	431.64
AP-9 to AP-10	S 67°27' E	4165.26
AP-10 to AP-11.....	S 47°54' E	6685.80
AP-11 to AP-12	S 23°35' E	3118.50
AP-12 to AP-13	S 40° 04'E	778.14
AP-13 to AP-14	S 10°36' E	157.44
AP-14 to AP-15	N 89°42'E.....	594.00

Thence to and along an AEC barbed wire fence located as follows:

Land Points	Bearing	Distance
AP-15 to (1)	N 80°42' E.....	53.67
Point (1) is on the AEC fence east of the entrance road which connects New Mexico State Highway No. 4, and the National Park Service Headquarters near the point where this road begins to descend into Frijoles Canyon.		
(1) to (2)	N 10° 53'20" W.....	298.7
(2) to (3).....	N 42° 51' 50"W.....	275.0
(3) to (4).....	N 54° 03' 30"W.....	419.1
(4) to (5)	N 12° 46'30" W.....	859.6
(5) to (6).....	N 34° 30' 30"W.....	215.85

(6) to (7).....	N 30°05' W.....	588.5
(7) to (8).....	N 31°20' W.....	266.0
(8) to (9).....	N 26°06' W.....	210.8
(9) to (10)	N 33° 04' W.....	175.1
(10 to (11).....	N 17° 30' W.....	427.6
(11) to (12).....	N 33° 46' W.....	338.1
(12) to (13).....	N 36° 26' W.....	398.6
(13) to (14).....	N 48°56' 30" W.....	524.15
(14) to (15).....	N 81°51' W.....	96.8
(15) to (16).....	N 33°54' 30" W.....	748.4
(16) to (17).....	N 35°29' 30" W.....	541.9
(17) to (18).....	N 49° 7' W.....	119.3
(18) to (19).....	N 21°33" W.....	434.35
(19) to (20).....	N 9° 31' W.....	296.0
(20) to (21)	N 10° 4' W.....	227.35
(21) to (22).....	N 29° 46' W.....	340.35
(22) to (23).....	N 3° 07' W.....	300.1
(23) to (24).....	N 37°55' 30" E.....	635.0
(24) to (25).....	N 53°05' E.....	204.9
(25) to (26).....	N 54°27' E.....	238.6

Thence approximately 13.0' on the same bearing as (25) to (26) to a point 66 feet distant from the center line of State Highway No. 4 at approximately Highway Station 628 + 59.5. Thence along a line which is 66 feet distant, south of and parallel to the center line of New Mexico State Highway No. 4, to the point of beginning, a point located 66 feet S 57° 44' W of approximate highway station 974+27.7. Detailed location of the highway center line is shown on the As-Constructed Drawings of a U.S. Bureau of Public Records project entitled: "AEC Access Road-Section B". Pertinent bearings and distances of the highway center line are as follows:

Land Points	Bearing	Distance
PI 628 +77.18 to PI 636+16.18.....	N 39° 53' W.....	743.86
PI 636 +16.18 to PI 655+ 30.00.....	N 52°17' W.....	1916.28
PI 655 + 30.00 to PI 664+75.20.....	N 58°17' W.....	945.20
PI 664 + 75.20 to PI 697+ 21.22.....	N 53°01' W.....	3246.40
PI 697 + 21.22 to PI 714 +07.06.....	N 76° 43' W.....	1703.28
PI 714 + 07.06 to PI 747+ 50.50.....	N 44° 31' W.....	3387.56
PI 747+ 50.50 to PI 758+ 64.72.....	N 52° 01' W.....	1115.22
PI 758+ 64.72 to PI 770+ 25.70.....	N 14° 31' W.....	1190.42
PI 770+ 25.70 to PI 783+ 07.10.....	N 65° 46' W.....	1357.80
PI 783+ 07.10 to PI 797+ 07.55.....	N 21° 34' W.....	1459. 65
PI 797+ 07.55 to PI 820+ 66.13.....	N 57°07' W.....	2398.65
PI 820+ 66.13 to PI 833+ 72.46.....	N 33° 07' W.....	1318.59
PI 833+72.46 to PI 853+ 41.00.....	N 70° 01' W.....	2013.46
PI 853+ 41.00 to PI 874+00.78.....	S 85° 05' W.....	2072.72
PI 874+ 00.78 to PI 881+13.72.....	N 46° 16' W.....	759.60
PI 881+ 13.72 to PI 887+97.8.....	N 61° 16' W.....	686.52

PI 887+ 97.8 to PI 902+ 94.7.....	N 21° 22' W.....	1522.50
PI 902+ 94.7 to PI 912+ 45.35.....	S 49° 44' W.....	1530.05
PI 912+ 45.35 to PI 922+08.53.....	N 61° 52' W.....	1073.88
PI 922+ 08.53 to PI 971+24.00.....	N 84° 16' W.....	4671.83
PI 971+24.00 to POT 974+ 27.7	N 32° 16' W.....	339.00
POT 974+ 27.7 to Pt. of Beginning	S 57° 44' W.....	66.00

The lands described above shall be subject to all laws and regulations applicable to the Bandelier National Monument and subject to the further restriction that the activities conducted thereon shall be confined to those which, in the opinion of the Atomic Energy Commission, will not interfere with the program or operations of the Commission in that area.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of the area herein added to the monument and not to locate or settle upon any of the lands reserved by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of January in the year of our Lord nineteen hundred and sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

No. 3539

May 27, 1963, 77 Stat. 1006, 16 U.S.C. 431 note,
28 F.R. 5407

**REVISING THE BOUNDARIES OF THE BANDELIER
NATIONAL
MONUMENT, NEW MEXICO**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS, the Bandelier National Monument, New Mexico, was established for the preservation and protection of prehistoric, aboriginal ruins by Proclamation No. 1322 of February 11, 1916 (39 Stat. 1764), and was enlarged by Proclamation No. 1991 of February 25, 1932 (47 Stat. 2503), and Proclamation No. 3388 of January 9, 1961 (75 Stat. 1014); and

WHEREAS, certain lands of the United States comprising approximately 2882 acres, contiguous to and west of lands of the monument, formerly administered by the Atomic Energy Commission were determined to be in excess of the needs of that agency, and were

transferred to the National Park Service of the Department of the Interior on March 5, 1963, with the approval of the General Services Administration; and

WHEREAS, it appears that it would be in the public interest to add such transferred lands to the Bandelier National Monument because they possess unusual scenic character together with geologic and topographic features, the preservation of which would implement the purposes of such monument; and

WHEREAS, it appears that it would be in the public interest to exclude from the detached Otowi section of the monument approximately 3,925 acres of lands containing limited archeological values which have been fully researched and are not needed to complete the interpretive story of the Bandelier National Monument:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, by virtue of the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431), and otherwise, do proclaim as follows:

Subject to any valid interests or rights, the following described parcel of land is hereby added to and reserved as a part of the Bandelier National Monument; and the boundaries of such monument are extended accordingly:

NEW MEXICO PRINCIPAL MERIDIAN

Beginning at the southeast corner of Baca location numbered 1, being also a point of the Sandoval-Los Alamos County line; thence westerly along said county line a distance of approximately one mile, said point being at or near M.P. 1; thence southerly and easterly along said county line to its intersection with the west line of Bandelier National Monument; thence northerly along the west boundary of Bandelier National Monument to the northwest corner of said national monument, being a point in the south right-of-way line of New Mexico State Highway No. 4; thence westerly and southerly along the south right-of-way line of State Highway No. 4 to a point on the east boundary of Baca location number 1, being also on the Sandoval-Los Alamos County line; thence southerly along said county line to the point of beginning.

The following described parcel of land, and all interests therein, is hereby excluded from the Bandelier National Monument and restored to the public domain:

NEW MEXICO PRINCIPAL MERIDIAN

T. 19 N., R. 7 E.

Beginning at a point on the north line of the Ramon Vigil Grant which is also the south line of fractional Section 29, such point being 66 feet perpendicular to and easterly from the center line of State Road 4 and further identified as 2,325.54 feet west from the south Section Corner of fractional Sections 28 and 29; thence northerly and easterly along a line 66 feet from and parallel to the center line of State Road 4 a distance of 7,769.5 feet to a point 27.1 feet southeast from the southwest corner of a concrete bridgehead wall on the highway bridge crossing Los Alamos Canyon; thence S. 29°29' E., 57.5 feet to a 11/4" pipe set in a mound of stone identified as Angle Point No. 1; thence along a surveyed line approximating the south basaltic rim of Los Alamos Canyon marked by 11/4" pipes set in mounds of stone and marked AP 2 to AP 11 a total distance of 5,118.04 feet to the aforementioned AP 11 located on the east line of Section 21, from which the quarter corner common to Sections 21 and 22 bears S. 0°02' E. a distance of 773.27 feet; thence N. 0°02' W. along the east lines of Sections 21, 16, and 9 to the quarter corner common to Sections 9 and 10; thence westerly along the east-west quarter section lines of Sections 9, 8, and 7 to the west quarter corner of Section 7; thence southerly along the west section

lines of Section 7, 18, and 19 and fractional Section 30 to the southwest section corner of fractional Section 30; thence easterly along the south section lines of fractional Sections 30 and 29 to the point of beginning, totaling 3,925 acres more or less and more particularly described in part in the metes and bounds description following:

Pertinent bearing and distance for boundary paralleling State Road 4 and surveyed points AP 1 to AP 11 bordering Los Alamos Canyon;

From the point of beginning previously described;

Thence N. 27°57' W. parallel to State Road 4 a distance of 1,184.1 feet;

Thence to the right along a curve having a radius of 3,752.4 feet a distance of 131.0 feet to a point (Chord Bearing and Distance: N. 26°57' W.--131.0 feet);

Thence to the right along a curve having a radius of 2,798.8 feet a distance of 1,880.6 feet to a point (Chord Bearing and Distance: N. 6°42' W.--1,845.5 feet);

Thence N. 12°33' E. a distance of 66.7 feet to a point;

Thence to the right along a curve having a radius of 1,025.6 feet a distance of 125.3 feet to a point (Chord Bearing and Distance: N. 16°03' E.--125.2 feet):

Thence to the right along a curve having a radius of 1,079.9 feet a distance of 1,093.2 feet to a point (Chord Bearing and Distance: N. 48°33' E.--1,047.1 feet);

Thence to the right along a curve having a radius of 1,462.2 feet a distance of 127.5 feet to a point (Chord Bearing and Distance: N. 80°02'15" E.--127.5 feet);

Thence N. 82°31'30" E. a distance of 1,185.6 feet to a point;

Thence to the left along a curve having a radius of 3,885.7 feet a distance of 1,928.9 feet to a point (Chord Bearing and Distance: N. 68°18'15" E.--1,909.1 feet);

Thence N. 54°05' E. a distance of 46.6 feet to a point 66 feet from the center line of State Road 4 from which the southwest corner of a concrete bridgehead wall bears northwesterly a distance of 27.1 feet;

Thence S. 29°29' E. a distance of 57.5 feet to a 1 1/4" pipe, set in a mound of stones, for Angle Point No. 1;

Thence N. 76°11'30" E. a distance of 369.1 feet to a 1 1/4" pipe, set in a mound of stones, for Angle Point No. 2;

Thence N. 68°15' E. a distance of 354.64 feet to a 1 1/4" pipe, set in a mound of stones for Angle Point No. 3;

Thence N. 64°56'30" E. a distance of 244.6 feet to a 1 1/4" pipe, set in a mound of stones, for Angle Point No. 4;

Thence S. 37°56' E. a distance of 729.6 feet to a 1 1/4" pipe, set in a mound of stones, for Angle Point No. 5;

Thence S. 71°09' E. a distance of 322.4 feet to a 1 1/4" pipe, set in a mound of stones, for Angle Point No. 6;

Thence S. 55°23' 30" E. a distance of 357.8 feet to a 1 1/4" pipe, set in a mound of stones, for Angle Point No. 7;

Thence S. 73°25'30" E. a distance of 701.0 feet to a 1 1/4" pipe, set in a mound of stones, for Angle Point No. 8;

Thence N. 84°23' E. a distance of 757.8 feet to a 1 1/4" pipe, set in a mound of stones, for Angle Point No. 9;

Thence N. 75°11' E. a distance of 697.2 feet to a 1 1/4" pipe, set in a mound of stones, for Angle Point No. 10;

Thence S. 42°42'30" E. a distance of 583.9 feet to a 1 1/4" pipe set in a mound of stones at the north end of a fence and on the east line of Section 21, T. 19 N., R. 7 E. for AP No. 11.

Lands hereby added to the Bandelier National Monument shall be subject to all the laws and regulations applicable to such monument and subject to the further restriction that the activities conducted thereon shall be confined to those which in the opinion of the

Atomic Energy Commission, will not interfere with the program or operations of the Commission on its adjoining lands.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, deface or remove any feature of the area herein added to the monument and not to locate or settle upon any of the lands reserved by this proclamation.

The Federal lands, and all interests therein, excluded from the monument and restored to the public domain by this proclamation are hereby transferred to the administrative control of the Atomic Energy Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-seventh day of May in the year of our Lord nineteen hundred and sixty-three and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,

Secretary of State

5. Bering Land Bridge

No. 4614

December 1, 1978, 93 Stat. 1451, 16 U.S.C. 431 note
43 F.R. 57025

BERING LAND BRIDGE NATIONAL MONUMENT*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Bering Land Bridge, now overlain by the Chukchi Sea, the Bering Sea and Bering Strait, was the migration route by which many plants, animals, and humans arrived on the North American continent. The monument hereby created has within it an invaluable record of this migration.

There are found here rich archeological sites giving evidence of human migration during the periods the Bridge was water-free. Also found are paleontological sites providing abundant evidence of the migration of plants and animals onto the continent in the ages before the human migrations. The arctic conditions here are favorable to the preservation of this paleontological record from minute pollen grains and insects to large mammals such as the mammoth.

The monument is also the summering area for a number of Old World bird species, which feed and nest in the area. It is one of the few places in North America where ornithologists are able to study these species.

The diversity of the soils, topography, permafrost action and climate within the monument leads to an excellent representation of varied, yet interrelated tundra plant communities. Their proximity and diversity make the area a prime outdoor laboratory.

The area is also rich in volcanics. Here is an opportunity to study unique Arctic lava flows which erupted through deep permafrost. The tubes and cracks of these flows are now filled with the sheen of permanent ice. In the Devil Mountain area are the uniquely paired maar explosion craters which were formed by violent explosions resulting from the steam pressure released when hot volcanic ejecta contacted the water and ice that covered this wetland area. These craters are now crystal clear lakes bounded by a shoreline of volcanic ash, cinders and scoria.

The land withdrawn and reserved by this Proclamation for the protection of the geological, archeological, paleontological, biological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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 part thereof parcels of land, the limits of which in

* redesignated as Bering Land Bridge National Preserve on December 2, 1980.

all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, 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 Bering Land Bridge National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Bering Land Bridge National Monument on the map numbered BELA-90,006 attached to and forming a part of this Proclamation. The area reserved consists of approximately 2,590,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument, are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

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 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Note: The maps which formed a part of this proclamation are not reproduced here since the reduction necessary from the original would render them unreadable.

6. Black Canyon of the Gunnison

No. 3344

April 8, 1960, 74 Stat. c56, 16 U.S.C. 431 note
25 F.R. 3153

EXCLUDING LANDS FROM THE BLACK CANYON OF THE GUNNISON NATIONAL MONUMENT*- COLORADO

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the Black Canyon of the Gunnison National Monument, in Colorado, was established by Proclamation No. 2033 of March 2, 1933 (47 Stat. 2558), for the preservation of certain spectacular gorges and other features of scenic, scientific, and educational interest, and was enlarged by Proclamation No. 2286 of May 16, 1938 (52 Stat. 1548), and Proclamation No. 2372 of October 28, 1939 (54 Stat. 2669); and

WHEREAS exchanges of private and Federally-owned lands within the boundaries of the Black Canyon National Monument have been accomplished as authorized by the act of May 1, 1958, 72 Stat. 102; and

WHEREAS it appears that certain hereinafter-described lands now in private or Federal ownership within the external boundaries of the Black Canyon of the Gunnison National Monument are no longer required for the proper care, protection, and management of the objects of scientific interest situated on lands within the monument, and it would be in the public interest to exclude such lands from the monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),² do proclaim that the following-described lands are hereby excluded from the Black Canyon of the Gunnison National Monument, and the boundaries of the monument are revised accordingly:

NEW MEXICO PRINCIPAL MERIDIAN

T. 49 N., R. 7 W.,

Sec. 8, N1/2NE1/4;

T. 50 N., R. 7 W.,

Sec. 30, that portion of lot 3 lying south and west of a diagonal line from the northwest corner to the southeast corner;

T. 50 N., R. 8 W.,

sec. 25, that portion of SE1/4NE1/4 lying south and west of a diagonal line from the northwest corner to the southeast corner;

sec. 26, SE1/4SE1/4 except a strip of land 396 feet wide on the western side of such tract;

sec. 29, S1/2;

containing approximately 470 acres.

The public lands excluded from the monument by this proclamation, comprising the E1/2SW1/4 and the W1/2W1/2SE1/4 of section 29, T. 50 N., R. 8 W., shall not be subject to

* redesignated as Black Canyon National Park on October 21, 1999.

² 16 U.S.C.A. § 431.

application, location, settlement, entry, or other form of appropriation under the public-land laws until further order of an authorized officer of the Department of the Interior.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of April in the year of our Lord
nineteen hundred and sixty, and of the Independence of the United States of
[SEAL] America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER
Secretary of State.

7. Buck Island Reef

No. 3443

December 28, 1961, 76 Stat. 1441, 16 U.S.C. 431 note
27 F.R. 31

ESTABLISHING THE BUCK ISLAND REEF NATIONAL MONUMENT IN THE VIRGIN ISLANDS OF THE UNITED STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS Buck Island, situated off the northeast coast of St. Croix Island in the Virgin Islands of the United States, was included in the public, government, or crown lands ceded to the United States by Denmark under the convention entered into August 4, 1916, and proclaimed by the President January 25, 1917 (39 Stat. 1706); and

WHEREAS all property thus acquired by the United States from Denmark, not reserved by the United States for public purposes prior to June 22, 1937, was placed under the control of the Government of the Virgin Islands by the act of June 22, 1936, 49 Stat. 1807 (48 U.S.C. 1405-1405c),¹ with the legal title remaining in the United States; and

WHEREAS Buck Island was not reserved by the United States for public purposes prior to June 22, 1937, but has been owned by the United States continuously since the convention with Denmark in 1916; and

WHEREAS Buck Island and its adjoining shoals, rocks, and undersea coral reef formations possess one of the finest marine gardens in the Caribbean Sea; and

WHEREAS these lands and their related features are of great scientific interest and educational value to students of the sea and to the public; and

WHEREAS this unique natural area and the rare marine life which are dependent upon it are subject to constant threat of commercial exploitation and destruction; and

WHEREAS the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, established pursuant to the act of August 21, 1935, 49 Stat. 666 (16 U.S.C. 463),² impressed by the caliber and scientific importance of the coral reefs of Buck Island, has urged their prompt protection to prevent further despoliation; and

WHEREAS the Governor of the Virgin Islands, under the authority vested in him by the legislative assembly of the Virgin Islands by an act approved December 5, 1961, has relinquished to the United States, for the purposes of facilitating the establishment and administration of a national monument for the protection of the above mentioned areas and objects of historic and scientific interest, such control as is vested in the Government of the Virgin Islands by the said act of Congress dated June 22, 1936, over the area hereinafter described: subject, however, to the condition that the United States, including any agency or instrumentality thereof, shall not adopt or attempt to enforce any rule, regulation or requirement limiting, restricting or reducing the existing fishing (including the landing of boats and the laying of fishpots outside of the marine garden), bathing or recreational privileges by inhabitants of the Virgin Islands, and shall not charge any fees for admission to the area;

¹ 48 U.S.C.A. § 1405 et seq.

² 16 U.S.C.A. § 463.

WHEREAS it is in the public interest to preserve this area of outstanding scientific, aesthetic, and educational importance for the benefit and enjoyment of the people:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431),³ do proclaim that, subject to valid existing rights, there is hereby reserved and set apart, as the Buck Island Reef National Monument, the area embraced within lines drawn between the coordinates of latitude and longitude recited as follows:

Beginning at latitude 17°47'58" N., longitude 64°38'16" W., thence approximately 10,450 feet to latitude 17°47'30" N., longitude 64°36'32" W., thence approximately 1,500 feet to latitude 17°47'15" N., longitude 64°36'32" W., thence approximately 4,500 feet to latitude 17°47'00" N., longitude 64°37'16" W., thence approximately 8,600 feet to latitude 17°47'35" N., longitude 64° 38'37" W., and thence approximately 3,075 feet to latitude 17° 47'58" N., longitude 64°38'16" W., the place of beginning, embracing an area of approximately 850 acres.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this monument and not to locate or settle upon any of the lands reserved for the monument by this proclamation.

The Secretary of the Interior shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535) (16 U.S.C. 1-3), and all acts supplementary thereto and amendatory thereof: PROVIDED, that neither the Department of the Interior, nor any other agency or instrumentality of the United States, shall adopt or attempt to enforce any rule, regulation or requirement limiting, restricting or reducing the existing fishing (including the landing of boats and the laying of fishpots outside of the marine garden), bathing or recreational privileges by inhabitants of the Virgin Islands, or charge any fees for admission to the area.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-eighth day of December in the year of our Lord nineteen hundred and sixty-one and of the Independence of the
[SEAL] United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK

Secretary of State.

³ 16 U.S.C.A. § 431.

No. 4346

February 1, 1975, 89 Stat. 1237, 16 U.S.C. 431 note
40 F.R. 5127

**RESERVING CERTAIN LANDS ADJACENT TO AND
ENLARGING THE BOUNDARIES OF THE BUCK ISLAND
REEF NATIONAL MONUMENT IN THE VIRGIN ISLANDS OF
THE UNITED STATES**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Buck Island Reef National Monument, situated off the northeast coast of Saint Croix Island in the Virgin Islands of the United States, was established by Proclamation No. 3443 of December 28, 1961 (76 Stat. 1441).¹ It has now been determined that approximately thirty acres of submerged land should be added to the monument site in order to insure the proper care and management of the shoals, rocks, undersea coral reef formations and other objects of scientific and historical interest pertaining to this National Monument.

These thirty acres of submerged lands are presently owned in fee by the United States. They will be conveyed to the Government of the Virgin Islands on February 3, 1975, pursuant to Section 1(a) of Public Law 93-435 (88 Stat. 1210),² unless the President, under Section 1(b)(vii) of that Act, designates otherwise.

Under Section 2 of the Act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), the President is authorized to declare by public Proclamation objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of United States to be national monuments, and may 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. The aforementioned thirty acres of submerged lands are contiguous to the site of the Buck Island Reef National Monument, constitute a part of the ecological community of the Buck Island Reef, and will not enlarge the monument boundaries beyond the smallest area compatible with its proper care and management.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States, by virtue of the authority vested in me by Section 1(b)(vii) of Public Law 93-435 (88 Stat. 1210),³ do hereby proclaim that the lands hereinafter described are excepted from the transfer to the Government of the Virgin Islands under Section 1(a) of Public Law 93-435; and, by virtue of the authority vested in me by Section 2 of the Act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do hereby proclaim that, subject to valid existing rights, the lands hereinafter described are hereby added to and made a part of the Buck Island Reef National Monument, and Proclamation No. 3443 of December 28, 1961,⁴ establishing the Buck Island Reef National Monument is amended accordingly.

Beginning at latitude 17°47'30" N, longitude 64°36'32" W; thence approximately 1000 feet to latitude 17°47'27" N, longitude 64° 36'22" W; thence approximately 900 feet to latitude 17°47'18" N, longitude 64°36'22" W; thence approximately 1000 feet to latitude

¹ 16 U.S.C. 431 note.

² 48 U.S.C. 1705.

³ 48 U.S.C. 1705.

⁴ 16 U.S.C. 431 note.

17°47'15" N, longitude 64°36'22" W; thence approximately 1500 feet to latitude 17°47'30" N, longitude 64°36'32" W, the place of beginning, embracing an area of approximately 30 acres.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

No. 4359

March 28, 1975, 89 Stat. 1254, 16 U.S.C. 431 note

40 F.R. 14565

**AMENDING PROCLAMATION NO. 4346 RELATING TO THE
ENLARGEMENT OF THE BUCK ISLAND REEF NATIONAL
MONUMENT**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The boundaries of the Buck Island Reef National Monument were enlarged by Proclamation No. 4346²⁰ of February 1, 1975. The description of those lands contained a typographical error.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by Section 1(b)(vii) of Public Law 93-435 (88 Stat. 1210), and by virtue of the authority vested in me by Section 2 of the Act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), and in order to correct a typographical error, do hereby amend the description of the lands described in Proclamation No. 4346 to read as follows:

Beginning at latitude 17°47'30" N, longitude 64°36'32" W; thence approximately 1000 feet to latitude 17°47'27" N, longitude 64° 36'22" W; thence approximately 900 feet to latitude 17°47'18" N, longitude 64°36'22" W; thence approximately 1000 feet to latitude 17°47'15" N, longitude 64°36'32" W; thence approximately 1500 feet to latitude 17°47'30" N, longitude 64°36'32" W, the place of beginning, embracing an area of approximately 30 acres.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of March, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

²⁰ 48 U.S.C.A. § 1705 note.

No. 7392

January 17, 2001, 115 Stat. 2562, 16 U.S.C. 431 note.
66 F.R. 7335

**BOUNDARY ENLARGEMENT AND MODIFICATIONS OF THE
BUCK ISLAND REEF NATIONAL MONUMENT**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

Buck Island Reef National Monument was established on December 28, 1961 (Presidential Proclamation 3443), just north of St. Croix in the U.S. Virgin Islands, for the purpose of protecting Buck Island and its adjoining shoals, rocks, and undersea coral reef formations. Considered one of the finest marine gardens in the Caribbean Sea, the unique natural area and the rare marine life which are dependent upon it are subject to the constant threat of commercial exploitation and destruction. The monument's vulnerable floral and faunal communities live in a fragile, interdependent relationship and include habitats essential for sustaining the tropical marine ecosystem: coral reefs, sea grass beds, octocoral hardbottom, sand communities, algal plains, shelf edge, and oceanic habitats. The boundary enlargement effected by this proclamation brings into the monument additional objects of scientific and historic interest, and provides necessary further protection for the resources of the existing monument.

The expansion area includes additional coral reefs (patch, pur and groove, and deep and wall), unusual "haystacks" of elkhorn coral, barrier reefs, sea grass beds, and sand communities, as well as algal plains, shelf edge, and other supporting habitats not included within the initial boundary. Oceanic currents carry planktonic larvae of coral reef associated animals to the shallow nearshore coral reef and sea grass habitats, where they transform into their juvenile stage. As they mature over months or years, they move offshore and take up residence in the deeper coral reefs, octocoral hardbottom, and algal plains. Between the monument's nearshore habitats and its shelf edge spawning sites are habitats that play essential roles during specific developmental stages of many reef-associated species, including spawning migrations of many reef fish species and crustaceans. Several threatened and endangered species forage, breed, nest, rest, or calve in the waters included in the enlarged monument, including humpback whales, pilot whales, four species of dolphins, brown pelicans, least terns, and the hawksbill, leatherback, and green sea turtles. Countless species of reef fishes, invertebrates, plants, and over 12 species of sea birds utilize this area.

The ecologically important shelf edge is the spawning site for many reef species, such as most groupers and snappers, and the spiny lobster. Plummeting to abyssal depths, this habitat of vertical walls, honeycombed with holes and caves, is home to deepwater species and a refuge for other species.

The expansion area also contains significant cultural and historical objects. In March 1797, the slave ship *Mary*, captained by James Hunter of Liverpool, sank in this area, and its cargo of 240 slaves was saved and brought to Christiansted. In March 1803, the *General Abercrombie*, captained by James Booth of Liverpool, also wrecked in this area, and its cargo of 339 slaves was brought to Christiansted. Slave shipwrecks in U.S. waters are rare. The monument contains remnants of these wrecks. Other wrecks may also exist in the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as an addition to the Buck Island Reef National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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 an addition to the Buck Island Reef National Monument, for the purpose of care, management, and protection of the objects of historic and scientific interest situated on lands within the said monument, all lands and interests in lands owned or controlled by the United States within the boundaries of the area described on the map entitled "Buck Island Reef National Monument Boundary Enlargement" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 18,135 marine acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

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, other than by exchange that furthers the protective purposes of the monument.

For the purpose of protecting the objects identified above, the Secretary shall prohibit all boat anchoring, provided that the Secretary may permit exceptions for emergency or authorized administrative purposes, and may issue permits for anchoring in deep sand bottom areas, to the extent that it is consistent with the protection of the objects.

For the purposes of protecting the objects identified above, the Secretary shall prohibit all extractive uses. This prohibition supersedes the limited authorization for extractive uses included in Proclamation 3443 of December 28, 1961.

Lands and interests in lands within the monument not owned or controlled by the United States shall be reserved as a part of the monument upon acquisition of title or control thereto by the United States.

The Secretary of the Interior shall manage the monument through the National Park Service, pursuant to applicable legal authorities, to implement the purposes of this proclamation. The National Park Service will manage the monument in a manner consistent with international law.

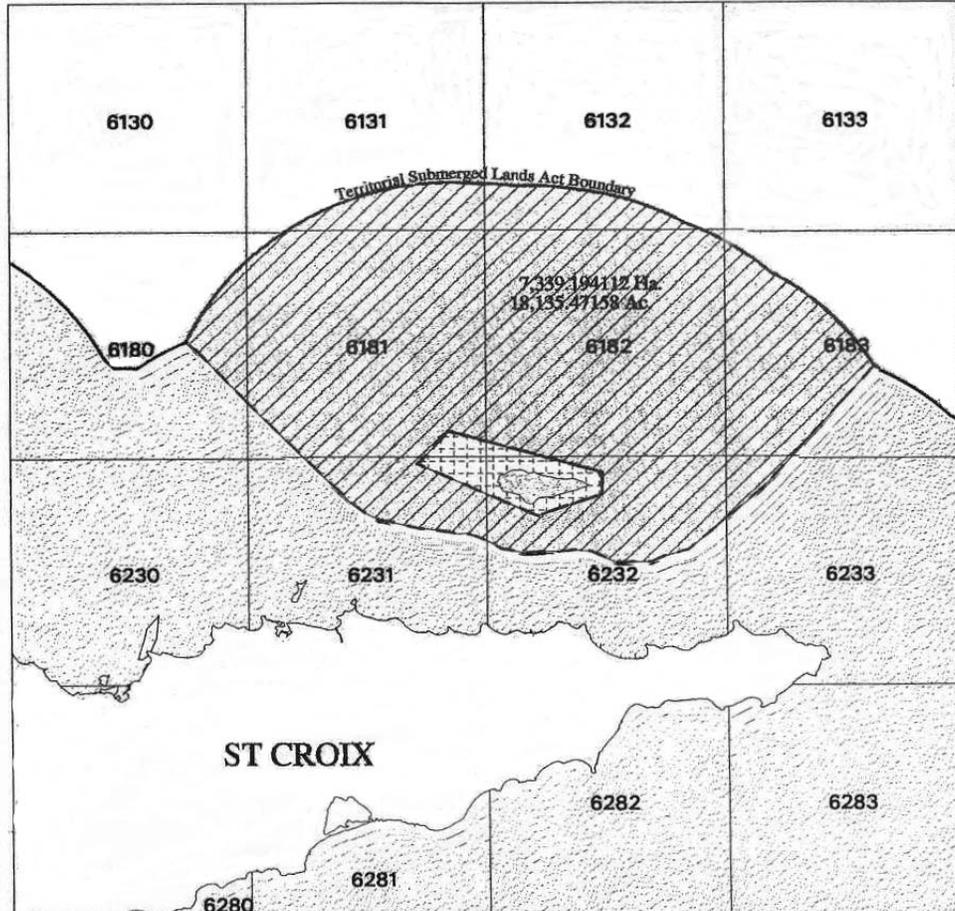
The Secretary of the Interior shall prepare a management plan, including the management of vessels in the monument, within 2 years that will address any further specific actions necessary to protect the objects identified above. The enlargement of this monument is subject to valid existing rights. Nothing 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 of the lands thereof.

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

WILLIAM J. CLINTON

Buck Island Reef National Monument Expansion



-  V.I. Territorial Submerged Lands
-  Federal Submerged Lands
-  Existing National Monument
-  National Monument Expansion

Total Area 7,339.194112 Hectares 18,135.47158 Acres

8. Cabrillo

No. 3273

February 2, 1959, 73 Stat. c19, 16 U.S.C. 431 note
24 F.R. 843

ENLARGING THE BOUNDARIES OF THE CABRILLO NATIONAL MONUMENT, CALIFORNIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the Cabrillo National Monument in San Diego County, California, was established by Proclamation No. 1255 of October 14, 1913 (38 Stat. 1965), on approximately one-half acre of land that, along with other lands, had been set aside for military purposes by an order approved by the President on February 26, 1852; and

WHEREAS the present area of the monument is not adequate for the proper care and management of the historical landmarks and historical objects situated therein; and

WHEREAS approximately eighty acres of land contiguous to and completely surrounding the present site of the monument and constituting a part of the lands set aside for military purposes by the order of February 26, 1852, are no longer needed for military purposes; and

WHEREAS those lands are essential to the proper care and management of the Cabrillo National Monument and it is in the public interest to redefine the boundaries of, and to add those surrounding lands to, the monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of Congress approved June 8, 1906, 34 Stat. 225 (16 U.S.C. 431)¹, do hereby proclaim that the following-described tract of land, which comprises the original site of the monument and the additional lands needed for the purposes stated above, shall constitute the Cabrillo National Monument:

Beginning at Navy Monument "E" as that monument is shown on District Public Works Office Drawing No. ND11/N1-1(91), dated December 29, 1947, and on file in the District Public Works Office, Eleventh Naval District, 1220 Pacific Highway; Monument "E" also bears South 81°21'28" West, 1235.48 feet from the U.S. Coast and Geodetic Monument "Point Loma Lighthouse (old)"; thence from the Point of Beginning, North 89°31'35" East, 908.02 feet; thence South 0°28'25" East, 410.00 feet; thence North 89°31'35" East, 278.27 feet; thence North 64°50'35" East, 314.30 feet; thence North 46°19'37" West, 137.50 feet to the beginning of a tangent curve concave to the East, having a radius of 170.00 feet and a central angle of 64° 00'; thence northerly along the arc of that curve a distance of 189.89 feet; thence North 17°40'23" East, 8.47 feet; thence North 89°31'35" East, 630.37 feet; thence North 0°28'25" West, 275.14 feet; thence South 89°31'35" West, 100.00 feet; thence North 0° 28'25" West, 275.30 feet; thence North 89°31'35" East, 100.00 feet; thence North 0°28'25" West, 903.36 feet; thence South 89°31'35" West, 2488.57 feet to the ordinary high water mark of the Pacific Ocean; thence Southeasterly along that ordinary high water mark to a point in a line that bears South 89°31'35" West, from Monument "E"; thence North 89°31'35" East, 165.00 feet to the Point of Beginning, Being in the County of San Diego, State of California.

¹ 16 U.S.C.A. §431.

Proclamation No. 1255 establishing the Cabrillo National Monument is amended accordingly.

The withdrawal order of February 26, 1852, is hereby revoked as to the lands described above.

The lands added to the monument by this proclamation are hereby transferred from the jurisdiction of the Department of the Navy to the jurisdiction of the Department of the Interior.

The lands described above shall be subject to all laws and regulations applicable to the Cabrillo National Monument and subject also to the right of the Department of Defense to retain, for such length of time as required by it, the use of roads and utilities now being used by it, and the right to require that no activity will be conducted within the monument that would interfere with defense activities being conducted in the vicinity thereof.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this second day of February in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-third.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES
Secretary of State.

No. 4319

September 28, 1974, 88 Stat. 2514, 16 U.S.C. 431 note
39 F.R. 35317

**ENLARGING THE BOUNDARIES OF THE CABRILLO
NATIONAL MONUMENT, CALIFORNIA**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Cabrillo National Monument in San Diego County, California, was established by Proclamation No. 1255 of October 14, 1913 (38 Stat. 1965), on approximately one-half acre of land that, along with other lands, had originally been set aside for military purposes in 1852. The monument was enlarged by Proclamation No. 3273 of February 2, 1959, and now is situated on approximately eighty and one-half acres of land. The present area of the monument is not adequate for the proper care and management of the historical landmarks and historical objects in the area and it has been determined that approximately fifty-six and six-tenths acres of land should be added to the monument site. That new land is contiguous to the monument site and constitutes a part of the lands set aside but no longer needed for military purposes.

The additional land is essential to the proper care and management of the historical landmarks and historical objects in the area, and it is in the public interest to redefine the boundaries of, and add those contiguous lands to the monument to preserve the historical landmarks and historical objects of the area.

Under section 2 of the act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431),³⁵ the President is authorized "to declare by public proclamation historic landmarks, historic and prehistoric structures, and 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 may 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. The monument, as enlarged by this Proclamation, will be confined to the smallest area compatible with the protection and management of the objects to be protected.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of Congress approved June 8, 1906, 34 Stat. 225 (16 U.S.C. 431)³⁶, do hereby proclaim that, subject to valid existing rights, the lands owned or controlled by the United States within the following described lands are hereby added to and made a part of the Cabrillo National Monument:

PARCEL "B"

Beginning at the southwesterly corner of said United States Naval Submarine Support Facility also being the southeasterly corner of Cabrillo National Monument as shown on Y & D Drawing No. 1112775 on file in the Department of the Navy; thence northerly along the easterly boundary of said land the following courses and distances; North 0°03'24" East 275.68 feet (record North 0°28'25" West 275.14 feet); thence North 89°56'36" West (record South 89° 31'35" West) 100.00 feet; thence North 0°03'24" East (record North 0°28'25" West) 275.30 feet; thence East (record North 89°31'35" East) 100.00 feet; thence North 0°03'24" East 762.96 feet to a point that is 140.45 feet from the northeast corner of said Cabrillo National Monument, said point being on the arc of a 1235.00-foot-radius curve concave northerly the center of which curve bears North 4°10'54" East from said point; thence leaving said east line of Cabrillo National Monument easterly along the arc of said curve through a central angle of 23°50'37" a distance of 513.94 feet to intersection with the hereinafter described mean high tide line; thence southerly along said mean high tide line the following courses and distances; South 15°18'45" East 52.45 feet; thence South 0°09'43" East 184.11 feet; thence South 10°40'25" East 142.09 feet; thence South 3°24'54" East 76.10 feet; thence South 5°02'16" East 236.19 feet; thence South 10°54'05" East 317.40 feet; thence South 18°24'14" East 188.84 feet; thence South 5° 35'49" East 232.91 feet; thence South 15°11'11" East 117.03 feet to intersection with the south line of said Submarine Support Facility which bears North 89°59'37" East (record North 89°31'35" East) from the Point of Beginning; thence leaving said mean high tide line South 89°59'37" West along said South line 723.77 feet to the Point of Beginning, containing 18.92 acres, reserving from the hereinabove described property a parcel of land consisting of 1.60 acres being a right-of-way for road purposes over, along and across a strip of land 40.00 feet wide, 20.00 feet wide on each side of the following described centerline:

³⁵ 16 U.S.C.A. § 431.

³⁶ 16 U.S.C.A. § 431.

Commencing at a point on the easterly prolongation of the north line of the hereinbefore mentioned Cabrillo National Monument that bears South 89°56'36" East 378.53 feet from the northeast corner of said monument; thence South 12°06'18" East 105.96 feet to the True Point of Beginning of the herein described centerline, said point being on the arc of a 1235.00-foot-radius curve concave northerly the center of which bears North 14°34'38" West from said True Point of Beginning; thence continuing South 12°06'18" East 46.84 feet to the beginning of a tangent 91.35-foot-radius curve concave westerly; thence southerly along the arc of said curve through a central angle of 31°25'40" a distance of 50.11 feet to the beginning of a tangent 59.49-foot-radius curve concave easterly; thence southerly along the arc of said curve through a central angle of 53°19'25" a distance of 55.37 feet to the beginning of a tangent 130.00-foot-radius curve concave westerly; thence southerly along the arc of said curve through a central angle of 55°08'06" a distance of 125.10 feet to a point of compound curvature with a 265.00-foot-radius curve; thence southwesterly along the arc of said curve through a central angle of 15°42'44" a distance of 72.67 feet to the beginning of a tangent 100.00-foot-radius curve concave easterly; thence southerly along the arc of said curve through a central angle of 42°28'35" a distance of 74.14 feet to the beginning of a tangent 527.44-foot-radius curve concave westerly; thence southerly along the arc of said curve through a central angle of 17°56'20" a distance of 165.14 feet; thence tangent to said curve South 12° 18'32" West 107.03 feet to the beginning of a tangent 500.00-foot-radius curve concave northwesterly; thence southwesterly along the arc of said curve through a central angle of 18°03'54" a distance of 157.65 feet to a point of compound curvature with a 90.00-foot-radius curve concave northwesterly; thence southwesterly along the arc of said curve through a central angle of 40°10'08" a distance of 63.10 feet to the beginning of a tangent 650.00-foot-radius curve concave southeasterly; thence southwesterly along the arc of said curve through a central angle of 10°38'46" a distance of 120.78 feet to the beginning of a tangent 103.00-foot-radius curve concave northerly; thence westerly along the arc of said curve through a central angle of 55°43'47" a distance of 100.18 feet to the beginning of a tangent 35.00-foot-radius curve concave southeasterly; thence westerly, southwesterly and southerly along the arc of said curve through a central angle of 150°30'03" a distance of 91.94 feet to a point of compound curvature with a 100.00-foot-radius curve concave northeasterly; thence southeasterly along the arc of said curve through a central angle of 32°52'30" a distance of 57.38 feet; thence tangent to said curve South 67°44'58 East 116.12 feet to the beginning of a tangent 100.00-foot-radius curve concave southwesterly; thence southeasterly and southerly along the arc of said curve through a central angle of 65°07'30" a distance of 113.66 feet; thence tangent to said curve South 2°37'28" East 86.76 feet to the beginning of a tangent 310.00-foot-radius curve concave westerly; thence southerly along the arc of said curve through a central angle of 18°37'46" a distance of 100.80 feet to the beginning of a tangent 45.00-foot-radius curve concave easterly; thence southerly along the arc of said curve through a central angle of 47°16'43" a distance of 37.13 feet to a point on the south line of the hereinabove described property that bears North 89°59'37" East 198.59 feet from the southwesterly corner thereof.

PARCEL "C"

Commencing at the southeasterly corner of Cabrillo National Monument as described in Presidential Proclamation No. 3273 of the Federal Register of the United States in Volume 24, No. 25, dated February 5, 1959, which said southeasterly corner bears South 76°32'50" East 761.20 feet from "Old Lighthouse" as shown on said Miscellaneous Map No. 129, the coordinates of which said "Old Lighthouse" are North 185,283.08 and East 1,695,308.57 (California Coordinate Grid System, Zone 6); thence along the boundary of

said Cabrillo National Monument the following courses and distances North 89°52'54" West 630.92 feet (record South 89°31'35" West 630.37 feet); thence South 18°12'58" West 8.45 feet (record South 17°40'23" West 8.47 feet) to the beginning of a tangent 170.00-foot-radius curve concave easterly, thence southerly along the arc of said curve through a central angle of 64°00'00" a distance of 189.89 feet; thence tangent to said curve South 45°47'02" East (record South 46°19'37" East) 137.50; thence South 65°23'10" West (record South 64°50'35" West) 75.33 feet to the TRUE POINT OF BEGINNING of the herein described property; thence retracing the previously described five courses to said southeasterly corner of the Cabrillo National Monument; thence leaving said boundary North 89°59'37" East 723.77 feet to intersection with the hereinafter described mean high tide line; thence southerly along said mean high tide line the following courses and distances; South 9°49'16" West 91.09 feet; thence South 32°04'12" West 136.56 feet; thence South 55°30'44" West 137.21 feet; thence South 42°14'59" West 236.92 feet; thence South 38°38'57" West 90.26 feet; thence South 11°46'39" West 80.90 feet; thence South 3°09'21" East 168.16 feet; thence South 24°11'43" East 113.20 feet; thence South 19°28'08" East 131.55 feet; thence South 13°54'17" East 125.70 feet; thence South 7°18'41" West 53.88 feet to intersection with a line that bears South 48°13'47" East 1305.76 feet from the True Point of Beginning; thence North 48°13'47" West 1305.76 feet to the True Point of Beginning, containing 17.44 acres, EXCEPTING from the hereinabove described property a parcel of land consisting of 1.12 acres being a right-of-way for road purposes over, along and across a strip of land 40.00 feet wide, 20.00 feet wide on each side of the following described centerline: Beginning at a point on the North Line of the hereinabove described property that is North 89°59'37" East 198.59 feet from the hereinbefore mentioned southeasterly corner of Cabrillo National Monument; thence South 31°16'30" East 12.15 feet to the beginning of a tangent 55.00-foot-radius curve concave southwesterly; thence southerly along the arc of said curve through a central angle of 28°36'30" a distance of 27.46 feet to a point of compound curvature with a 330.00-foot-radius curve concave westerly; thence southerly along the arc of said curve through a central angle of 20°23'45" a distance of 117.47 feet to a point of compound curvature with a 75.00-foot-radius curve concave northwesterly; thence southwesterly and westerly along the arc of said curve through a central angle of 69°08'46" a distance of 90.51 feet; thence tangent to said curve South 86°52'31" West 108.37 feet to the beginning of a tangent 95.00-foot-radius curve concave northerly; thence westerly along the arc of said curve through a central angle of 32°17'15" a distance of 53.53 feet to a point of reverse curvature with a 60.00-foot-radius curve concave southerly; thence westerly along the arc of said curve through a central angle of 70°16'58" a distance of 73.60 feet to a point of compound curvature with a 25.00-foot-radius curve concave easterly; thence southerly along the arc of said curve through a central angle of 61° 22'48" a distance of 26.78 feet to a point of compound curvature with a 175.00-foot-radius curve concave northeasterly; thence southeasterly along the arc of said curve through a central angle of 54° 07'46" a distance of 165.33 feet; thence tangent to said curve South 66°37'46" East 88.66 feet to the beginning of a tangent 60.00-foot-radius curve concave southwesterly; thence southeasterly along the arc of said curve through a central angle of 49°38'15" a distance of 51.98 feet to a point of compound curvature with a 90.00-foot-radius curve concave westerly; thence southerly along the arc of said curve through a central angle of 45°28'13" a distance of 71.42 feet; thence tangent to said curve South 28°28'42" West 110.68 feet to the beginning of a tangent 400.00-foot-radius curve concave southeasterly; thence southwesterly along the arc of said curve through a central angle of 8°05'11" a distance of 56.45 feet to a point of compound curvature with a 60.00-foot-radius curve concave easterly; thence southerly along the arc of said curve through a central angle of 31°49'13" a distance of 33.32 feet to a point of reverse curvature with 125.00-foot-radius curve

concave northwesterly; thence southwesterly along the arc of said curve through a central angle of $60^{\circ}35'53''$ a distance of 132.20 feet to a point of intersection with the southwesterly line of the hereinbefore described parcel of land that bears South $48^{\circ}13'47''$ East 729.88 feet from the True Point of Beginning thereof.

The sidelines of said easement are to be prolonged or shortened so as to terminate on the North in the North boundary line hereinbefore described land and to terminate on the southwest in the southwesterly boundary line of the hereinbefore described land.

PARCEL "D"

Beginning at a Point in the South boundary line of the Cabrillo National Monument as described in Presidential Proclamation No. 3273 of the Federal Register of the United States in Volume 24, No. 25, dated February 5, 1959, which said point bears South $78^{\circ}47'06''$ West 895.86 feet from "Old Lighthouse" as shown on said Miscellaneous Map No. 129, the coordinates of which said "Old Lighthouse" are North 185,283.08 and East 1,695,308.57 (California Coordinate Grid System, Zone 6), said point being on the arc of a 1030.00-foot-radius curve concave southwesterly, the center of which curve bears South $77^{\circ}34'55''$ West from said point, said curve being the easterly right-of-way line of an easement 60.00 feet wide for road purposes as granted to the City of San Diego by deed recorded September 20, 1960, as file/page No. 188998 in Book 1960 of Official Records; thence easterly and southerly along the boundary of said Cabrillo National Monument the following courses and distances; South $89^{\circ}56'07''$ East 563.40 feet; thence South $0^{\circ}04'00''$ West 409.95 feet (record South $0^{\circ}28'25''$ East 410.00 feet); thence South $89^{\circ}55'50''$ East (record North $89^{\circ}31'35''$ East) 278.27 feet; thence North $65^{\circ}23'10''$ East (record North $64^{\circ}50'35''$ East) 37.39 feet; thence leaving said Cabrillo National Monument boundary South $23^{\circ}35'52''$ West 1395.70 feet to a point on the easterly right-of-way line of the hereinabove described 60.00 feet wide easement for road granted to the City of San Diego, which point bears North $87^{\circ}33'30''$ East (record North $87^{\circ}01'06''$ East) radially 30.00 feet from the northeasterly terminus of a 101.88-foot-radius curve described to said easement; thence South $87^{\circ}33'30''$ West along said radial line 60.00 feet to the westerly right-of-way line of said easement; thence southerly, southwesterly, westerly, northwesterly and northerly along said right-of-way line the following courses and distances; southerly, southwesterly, westerly and northwesterly along the arc of a 71.88-foot-radius curve concave northerly that is concentric with the hereinbefore mentioned 101.88-foot-radius curve through a central angle of $162^{\circ}48'38''$ a distance of 204.25 feet; thence tangent to said curve North $19^{\circ}37'52''$ West 154.68 feet (record North $20^{\circ}10'16''$ West 154.54 feet) to the beginning of a tangent 235.23-foot-radius curve (record 235.00-foot-radius curve) concave easterly; thence northerly along the arc of said curve through a central angle of $37^{\circ}45'00''$ a distance of 154.98 feet; thence tangent to said curve North $18^{\circ}07'08''$ East 100.12 feet (record North $17^{\circ}34'44''$ East 100.02 feet) to the beginning of a tangent 330.20-foot-radius curve (record 330.00-foot-radius curve) concave westerly; thence northerly along the arc of said curve through a central angle of $22^{\circ}58'46''$ (record $22^{\circ}58'31''$) a distance of 132.43 feet; thence tangent to said curve North $4^{\circ}51'38''$ West 1049.96 feet (record North $5^{\circ}23'47''$ West 1050.15 feet) to the beginning of a tangent 1030.00-foot-radius curve, the center of which curve is hereinbefore mentioned as bearing South $77^{\circ}34'55''$ West from the Point of Beginning of this description; thence northerly along the arc of said curve through a central angle of $7^{\circ}33'27''$ a distance of 135.86 feet to the Point of Beginning, containing 20.20 acres.

The withdrawal order of February 26, 1852, is hereby revoked as to the lands described above.

The lands added to the monument by this Proclamation are hereby transferred from the jurisdiction of the Department of the Navy to the jurisdiction of the Department of the Interior, and Proclamation No. 1255 establishing, and Proclamation No. 3273 enlarging, the Cabrillo National Monument are amended accordingly.

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

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

9. Cape Krusenstern

No. 4615

December 1, 1978, 93 Stat. 1453, 16 U.S.C. 431 note
43 F.R. 57031

CAPE KRUSENSTERN NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The area of northwest Alaska known as Cape Krusenstern contains an archeological record of great significance. The Cape's bluffs and its series of one hundred fourteen horizontal beach ridges hold an archeological record of every major cultural period associated with habitation of the Alaska coastline in the last 5000 years.

The unglaciated lands lying inland, including the Kakagrak Hills, the Rabbit Creek area and others, have an older archeological record dating back to pre-Eskimo periods of at least 8000 years ago. This continuum of evidence is of great historic and scientific importance in the study of human survival and cultural evolution.

There are in this area examples of other unique natural processes. The climatological conditions are conducive to the formation of Naleds, one spectacular example of which occurs in the area. In the same inland area at Kilikmak Creek is found the only known Alaskan example of a still recognizable Illinoisian glacial esker, a formation which is over 100,000 years old.

The unique geologic process of erosion and sediment transport in this area created and continues to create the beach ridges in which is preserved the archeological record of the beach civilizations. Also found in the area is a wide variety of plant and animal species, from the marine life along the shoreline and its lagoons to the inland populations such as musk-oxen, Dall sheep, caribou and many smaller species.

The land withdrawn and reserved by this Proclamation for the protection of the geological, archeological, biological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for the local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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 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.

NOW, THEREFORE, I, JIMMY CARTER, 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 Cape Krusenstern National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Cape Krusenstern National Monument on the map numbered CAKR-90,008 attached

to and forming a part of this Proclamation. The area reserved consists of approximately 560,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of Alaska v. Morton, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

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 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Note: The maps which formed a part of this proclamation are not reproduced here since the reduction necessary from the original would render them unreadable.

10. Capitol Reef**No. 3249**

July 2, 1958, 72 Stat. c48, 16 U.S.C. 431 note.
23 F.R. 5181

**ENLARGING THE CAPITOL REEF NATIONAL MONUMENT,*
UTAH**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS it appears that the public interest would be promoted by adding to the Capitol Reef National Monument, Utah, certain adjoining lands needed for the protection of the features of geological and scientific interest included within the boundaries of the monument and for the proper administration of the area:

NOW, THEREFORE, I, Dwight D. Eisenhower, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),¹ do proclaim that, subject to valid existing rights, (1) the lands now owned by the United States within the exterior boundaries of the following-described tracts of lands are hereby added to and made a part of the Capitol Reef National Monument, and (2) the State-owned and privately-owned lands within those boundaries shall become parts of the monument upon acquisition of title thereto by the United States:

SALT LAKE MERIDIAN

T. 29 S., R. 5 E.,

Sections 1 and 2, those portions not previously included in the Monument,

T. 29 S., R. 6 E.,

Sections 5, 6, 9, and 16, those portions not previously included in the Monument;

Sections 7, 8, and 17, those portions lying north of Sulphur Creek;

Sections 26, SW1/4 and S1/2 NW1/4,

T. 30 S., R. 7 E.,

Section 20, NW1/4 SE1/4 (except S1/2 S1/2 NW1/4 SE1/4) and NE 1/4 SE1/4 (except S1/2 SW1/4 NE1/4 SE1/4),

containing 3,040 acres, more or less.

Warning is hereby expressly 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.

Nothing herein shall prevent the movement of livestock across the lands included in this monument under such regulations as may be prescribed by the Secretary of the Interior and upon driveways to be specifically designated by said Secretary.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this second day of July in the year of our Lord
nineteen hundred and fifty-eight, and of the Independence of the United

[SEAL] States of America the one hundred and eighty-second.

* redesignated as Capitol Reef National Park on December 18, 1971.

¹ 16 U.S.C.A. § 431.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

No. 3888

January 20, 1969, 83 Stat. 922, 16 U.S.C. 431 note
34 F.R. 907

**ENLARGING THE CAPITOL REEF NATIONAL MONUMENT,
UTAH**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS, the Capitol Reef National Monument In Utah was established by Proclamation No. 2246 of August 2, 1937, and enlarged by Proclamation No. 3249 of July 2, 1958,²² to set aside and reserve certain areas possessing significant features and objects of geological and scientific interest; and

WHEREAS, it would be in the public interest to add to the Capitol Reef National Monument certain adjoining lands which encompass the outstanding geological feature known as Waterpocket Fold and other complementing geological features, which constitute objects of scientific interest, such as Cathedral Valley; and

WHEREAS, under section 2 of the act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431),²³ the President is authorized "to declare by public proclamation * * * 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 may 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;"

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States, under the authority vested in me by section 2 of the act of June 8, 1906, supra, do proclaim that, subject to valid existing rights, (1) the lands owned or controlled by the United States within the exterior boundaries of the following described area are hereby added to and made a part of the Capitol Reef National Monument, and (2) the State-owned and privately owned lands within those boundaries shall become and be reserved as parts of that monument upon acquisition of title thereto by the United States:

²² 1958 U.S. Code Cong. & Adm. News, p. 5516.

²³ 16 U.S.C.A. § 431.

SALT LAKE MERIDIAN, UTAH

- T. 26 S., R. 5 E.,
Secs. 25 to 29, inclusive, partly unsurveyed;
Secs. 32 to 36, inclusive, partly unsurveyed.
- T. 27 S., R. 5 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
- T. 28 S., R. 5 E.,
Secs. 1 to 3, inclusive, partly unsurveyed;
Secs. 10 to 15, inclusive, unsurveyed;
Secs. 22 to 27, inclusive, partly unsurveyed.
- T. 26 S., R. 6 E.,
Secs. 27 to 34, inclusive, partly unsurveyed.
- T. 27 S., R. 6 E.,
Secs. 3 to 5, inclusive, partly unsurveyed;
Secs. 8 to 10, inclusive, unsurveyed,
Secs. 15 to 17, inclusive, partly unsurveyed;
Secs. 20 to 22, inclusive, unsurveyed,
Secs. 27 to 29, inclusive, unsurveyed;
Secs. 32 to 36, inclusive, unsurveyed.
- T. 28 S., R. 6 E., that portion not previously included in the monument, partly unsurveyed
- T. 29 S., R. 6 E.,
Secs. 7, 8, and 17, those portions not previously included in the monument;
Sec. 18, NE $\frac{1}{4}$, unsurveyed;
Secs. 20 and 21, partly unsurveyed;
Sec. 27, unsurveyed, those portions not previously included in the monument;
Secs. 28, 29, and 34, partly unsurveyed;
Sec. 35, those portions not previously included in the monument.
- T. 30 S., R. 6 E.,
Secs. 2 and 11;
Sec. 12, W $\frac{1}{2}$;
Sec. 13.
- T. 27 S., R. 7 E.,
Secs. 31 and 32, partly unsurveyed.
- T. 28 S., R. 7 E.,
Secs. 2 to 11, inclusive, partly unsurveyed;
Secs. 14 to 23, inclusive, partly unsurveyed;
Secs. 26 to 35, inclusive, partly unsurveyed.
- T. 29 S., R. 7 E.,
Secs. 1 to 4, inclusive, partly unsurveyed;
Secs. 9 to 12, inclusive, unsurveyed;
Secs. 13 and 14, that portion north of State of Utah Route 24, unsurveyed;
Secs. 15, 16, 21, and 22, partly unsurveyed;
Sec. 24, that portion north of State of Utah Route 24, unsurveyed;
Secs. 27, 28, 33, and 34, unsurveyed.
- T. 30 S., R. 7 E.,
Secs. 3 and 10, unsurveyed;
Secs. 18, 19, 20, and 29, those portions not previously included in the monument;

- Secs. 30, 31, and 32.
- T. 31 S., R. 7 E.,
 Secs. 3 to 11, inclusive, partly unsurveyed;
 Secs. 14 to 23, inclusive, partly unsurveyed;
 Secs. 27 to 33, inclusive;
 Sec. 34, W 1/2.
- T. 32 S., R. 7 E.,
 Secs. 1 to 18, Inclusive;
 Secs. 22 to 27, inclusive;
 Secs. 35 and 36.
- T. 33 S., R. 7 E.,
 Secs. 1 and 2;
 Secs. 11, 12, 13, 24, and 25, unsurveyed.
- T. 32 S., R. 8 E.,
 Secs. 6, 7, 18, and 19;
 Secs. 29 to 32, inclusive.
- T. 33 S., R. 8 E., ,
 Secs. 5 to 8, inclusive, partly unsurveyed;
 Secs. 16 to 21, inclusive, partly unsurveyed;
 Secs. 28 to 34, inclusive, partly unsurveyed.
- T. 34 S., R. 8 E.,
 Secs. 3 to 11, inclusive, partly unsurveyed;
 Secs. 13 to 36, inclusive, partly unsurveyed.
- T. 35 S., R. 8 E.,
 Secs. 1 to to 5, inclusive, partly unsurveyed;
 Secs. 8 to 16, inclusive, partly unsurveyed;
 Secs. 22 to 26, inclusive, unsurveyed;
 Sec. 36.
- T. 34 S., R. 9 E.,
 Sec. 19, unsurveyed;
 Secs. 30 to 32, inclusive, partly unsurveyed.
- T. 35 S., R. 9 E.,
 Secs. 5 to 8, inclusive, unsurveyed;
 Secs. 16 to 21, inclusive, partly unsurveyed;
 Secs. 28 to 33, inclusive, partly unsurveyed.
- T. 36 S., R. 9 E.,
 Secs. 4 to 9, inclusive, unsurveyed;
 Secs. 16, 17, and 21, partly unsurveyed.

Containing 215,056 acres, more or less.

Warning is hereby expressly 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.

Any reservations or withdrawals heretofore made which affect the lands described above are hereby revoked.

Nothing herein shall prevent the movement of livestock across the lands included in this monument under such regulations as may be prescribed by the Secretary of the Interior and upon driveways to be specifically designated by said Secretary.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January in the year of our Lord nineteen hundred and sixty-nine and of the Independence of the United States of America the one hundred and ninety-third.

LYNDON B. JOHNSON

11. Channel Islands

No. 2825

February 9, 1949, 63 Stat. 1258, 16 U.S.C. 431 note
14 F.R. 635

ENLARGING THE CHANNEL ISLANDS NATIONAL MONUMENT,* CALIFORNIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS it appears that certain islets and rocks situated near Anacapa and Santa Barbara Islands, which for the most part form the Channel Islands National Monument, established by Proclamation No. 2281 of April 26, 1938 (52 Stat. 1541), are required for the proper care, management, and protection of the objects of geological and scientific interest located on lands within the said monument; and

WHEREAS it appears that it would be in the public interest to extend the boundaries of the said monument to include the hereinafter-described areas adjacent to the said islands:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),² do proclaim that, subject to valid existing rights, the areas within one nautical mile of the shoreline of Anacapa and Santa Barbara Islands, as indicated on the diagram hereto attached and forming a part hereof, are withdrawn from all forms of appropriation under the public-land laws and added to and reserved as a part of the Channel Islands National Monument.

The reservation made by this proclamation shall not affect the lands included in existing reservations for lighthouse purposes, or the rights of ingress and egress appertaining thereto, as particularly described in the said Proclamation No. 2881.

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

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 and 2),³ and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 9th day of February in the year of our Lord
nineteen hundred and forty-nine, and of the Independence of the United
[SEAL] States of America the one hundred and seventy-third.

HARRY S. TRUMAN

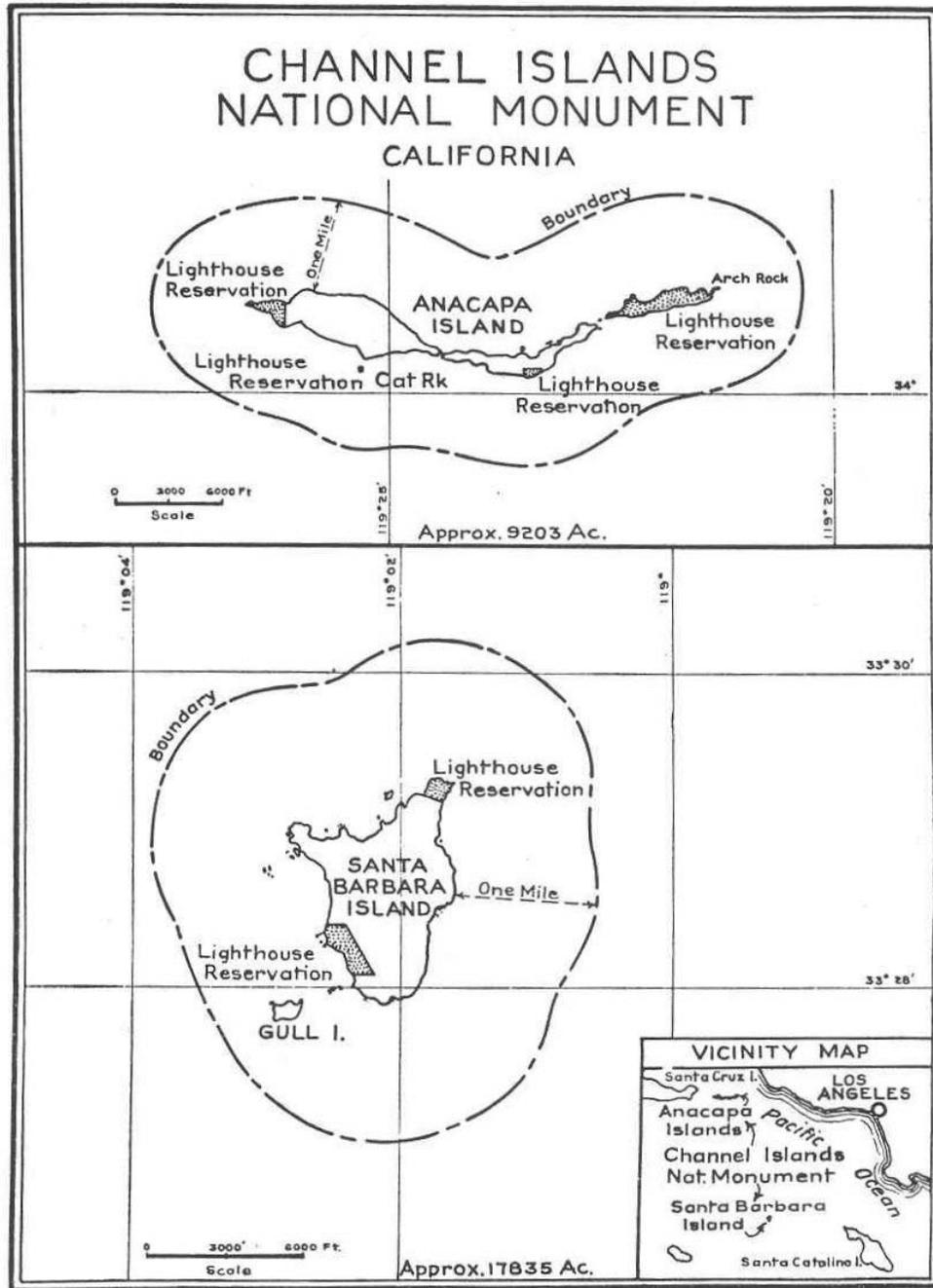
* redesignated as Channel Islands National Park on March 5, 1980.

² 16 U.S.C.A. 431 note.

³ 16 U.S.C.A. §§ 1,2.

By the President:
DEAN ACHESON,
Secretary of State.

Note: The diagram referred to in the proclamation (and that follows this note) was reproduced with the proclamation in the *United States Statutes at Large*, but was not reproduced in the *U.S. Code Congressional and Administrative News*, the source for each of the proclamations in this volume.



N.M.-CC 7004 Dec. 12 1947 H.L.G.

12. Chesapeake and Ohio Canal

No. 3391

January 18, 1961, 75 Stat. 1023, 16 U.S.C. 431 note
26 F.R. 639

ESTABLISHING THE CHESAPEAKE AND OHIO CANAL NATIONAL MONUMENT,* MARYLAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS by deed of September 23, 1938, the United States acquired from the Receivers of the Chesapeake and Ohio Canal Company certain lands, together with all appurtenances thereunto belonging, known as the Chesapeake and Ohio Canal; and

WHEREAS since September 23, 1938, such lands have been administered and protected by the Department of the Interior through the National Park Service; and

WHEREAS, by section 2 of the act of Congress approved June 8, 1906, (34 Stat. 225), the President of the United States is authorized "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 may 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"; and

WHEREAS the Chesapeake and Ohio Canal is of historic and scientific interest, and historic structures and objects of scientific interest are situated upon the lands thereof:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),⁷ do proclaim that, subject to valid existing rights, there is hereby reserved and set apart as a national monument, to be known as the Chesapeake and Ohio Canal National Monument, that portion of the property now owned by the United States and acquired by it under the said deed of September 23, 1938, which extends from Cumberland, Maryland, to a location 100 feet downstream from the first culvert above the Seneca aqueduct, the monument hereby established containing approximately 4,800 acres.

The said deed of September 23, 1938, is recorded in the land records of the County of Allegany, Maryland, in Book R.J. No. 181 at Folio 603, of the County of Washington, Maryland, in Book No. 207 at Folio 575, of the County of Frederick, Maryland, in Book No. 414 at Folio 245 fc., and of the County of Montgomery, Maryland, in Book No. 638 at Folio 76. Detailed maps of the Chesapeake and Ohio Canal property, consisting of 15 rolls prepared by B.F. Mackall, are on file with the Director, National Park Service, Washington, D.C., and the Superintendent of the Chesapeake and Ohio Canal Project in Hagerstown, Maryland.

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 reserved by this proclamation.

* redesignated as Chesapeake and Ohio Canal National Historical Park on January 8, 1971.

⁷ 16 U.S.C.A. § 431.

The Chesapeake and Ohio Canal National Monument shall be supervised, managed, and controlled in accordance with the act of Congress entitled "An Act to Establish a National Park Service, and for Other Purposes," approved August 25, 1916 (39 Stat. 535), and acts supplementary thereto and amendatory thereof, including the act of September 22, 1950 (64 Stat. 905), and the act of August 1, 1953 (67 Stat. 359).

Nothing in this proclamation is intended to prejudice the use of the Chesapeake and Ohio Canal National Monument for such works as the Congress may hereafter authorize for municipal and domestic water supply, navigation, flood control, drainage, recreation, or other beneficial purposes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighteenth day of January in the year of our Lord nineteen hundred and sixty-one and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

13. Colorado**No. 3307**

August 7, 1959, 73 Stat. c69, 16 U.S.C. 431 note
24 F.R. 6471

**EXCLUDING CERTAIN LANDS FROM AND ADDING CERTAIN
LANDS TO THE COLORADO NATIONAL MONUMENT**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS it appears that it would be in the public interest to exclude from the Colorado National Monument, in Colorado, certain lands which are not necessary for the proper care, management, and protection of the objects of scientific interest situated on the lands within the monument; and

WHEREAS it appears that it would also be in the public interest to add to such monument certain adjoining public lands and lands donated to the United States which are needed for administrative purposes and for the proper care, management, and protection of the objects of scientific interest situated on lands now within the monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),⁴ do proclaim as follows:

The following-described lands in the State of Colorado are hereby excluded from the Colorado National Monument:

SIXTH PRINCIPAL MERIDIAN

T. 11 S., R. 101 W.,
sec. 27, E1/2 SE1/4

UTE MERIDIAN

T. 1 N., R. 2 W.,
sec. 33, SW1/4 NW1/4, NW1/4 SE1/4 and that portion of N1/2 SW1/4 lying north and east of a diagonal line extending from the northwest corner of said N1/2 SW1/4, S. 53°49' E., 2,240 feet to a point on the south line of said N1/2 SW1/4.

The areas described aggregate approximately 211 acres.

The lands hereby excluded from the monument shall not be subject to application, location, settlement, entry, or other forms of appropriation under the public-land laws or disposal under other laws until further notice of an authorized officer of the Department of the Interior.

Subject to valid existing rights, the following-described lands in the State of Colorado are hereby added to and reserved as parts of the Colorado National Monument and shall be subject to all laws, rules, and regulations applicable to that monument:

SIXTH PRINCIPAL MERIDIAN

⁴ 16 U.S.C.A. § 431.

T. 11 S., R. 102 W.,
 sec. 36, SE1/4 SE1/4 NW1/4, NE1/4 NE1/4 SW1/4.

UTE MERIDIAN

T. 1 N., R. 2 W.,
 sec. 32, N1/2 NW1/4 NE1/4, N1/2 S1/2 NW 1/4 NE 1/4, N1/2 NE1/4 NW1/4, N1/2 S1/2
 NE 1/4 NW 1/4.

T. 1 S., R. 1 W.,
 sec. 30, S1/2 S1/2 SE 1/4 (unsurveyed).

The areas described aggregate approximately 120 acres.

The Executive order of January 27, 1913, creating Power Site Reserve No. 335, is hereby revoked to the extent that it affects any of the above-described lands added to the monument.

As affected by the exclusions and additions made by this proclamation, the boundaries of the Colorado National Monument are as follows:

Beginning at the southwest corner of sec. 31, T. 11 S., R. 101 W. of the sixth principal meridian;

thence westerly one-half mile to the south 1/4 corner of sec. 36, T. 11. S., R. 102 W., sixth principal meridian;

thence northerly three-eighths mile to the southeast corner of the NE1/4 NE 1/4 SW1/4 of the said sec. 36;

thence westerly one-eighth mile to the southwest corner of the said NE1/4 NE1/4 SW1/4;

thence northerly one-fourth mile to the northwest corner of the SE1/4 SE1/4 NW1/4 of the said sec. 36;

thence easterly one-eighth mile to the northeast corner of the said SE1/4 SE1/4 NW1/4;

thence northerly approximately three and three-eighths miles to the north 1/4 corner of sec. 13, T. 11 S., R. 102 W., sixth principal meridian (on the south boundary of sec. 31, T. 1 N., R. 2 W., Ute meridian);

thence westerly approximately three-fourths mile to the southwest corner of sec. 31, T. 1 N., R. 2 W., Ute meridian;

thence northerly 1 mile to the northwest corner of the said sec. 31;

thence easterly one and three-fourths miles to the northeast corner of the NW1/4 NE1/4 sec. 32;

thence southerly one-fourth mile to the southeast corner of the said NW1/4 NE1/4;

thence easterly one-fourth mile to the northeast corner of the SE1/4 NE1/4 of the said sec. 32;

thence easterly one-fourth mile to the northeast corner of the NW1/4 SE1/4 of the said sec. 27;

thence southerly one-fourth mile to the southeast corner of the said SE1/4 NE1/4;

thence S. 53°49' E. 2,240 feet to a point on the north line of the S1/2 SW1/4 of sec. 33;

thence easterly approximately 3,472 feet to the northeast corner of the SE1/4 SE1/4 of the said sec. 33;

thence southerly one-fourth mile to the southeast corner of the said sec. 33 (on the north boundary of sec. 17, T. 11 S., R. 101 W., sixth principal meridian);

thence westerly 455 feet to a point;

thence S. 23°04' W., 791 feet to a point;

thence S. 38°16' E., 1,250 feet, more or less, to a point on the east boundary of the SW1/4 NE1/4 sec. 17, T. 11 S., R. 101 W., sixth principal meridian;

thence S. 32°17' E. 887.6 feet to a point 495 feet easterly from the northwest corner of the NE1/4 SE1/4 of the said sec. 17;

thence S. 31°52' E., 1,556.2 feet to the southeast corner of the said NE1/4 SE1/4;

thence S. 44°55' E., 1,853 feet to the southeast corner of the SW1/4 SW1/4 sec. 16;

thence S. 44°58' E., 1,853 feet to the southeast corner of the NE1/4 NW1/4 sec. 21;

thence S. 45°02' E., 1,877.3 feet to the southeast corner of the SW1/4 NE1/4 of the said sec. 21;

thence S. 26°27' E., 2,864.8 feet to the southeast corner of the said sec. 21;

thence S. 44°06' E., 1,922.5 feet to the southeast corner of the NW1/4 NW1/4 sec. 27;

thence 44°47' E., 1,912.6 feet to the center of said sec. 27;

thence easterly one-fourth mile to the northeast corner of the NW1/4 SE1/4 of the said sec. 27;

thence southerly one-half mile to the southeast corner of the SW1/4 SE 1/4 of the said sec. 27;

thence easterly one-quarter mile to the northeast corner of sec. 34;

thence southerly one-half mile to the west 1/4 corner of sec. 35;

thence easterly one-fourth mile to the northeast corner of the NW1/4 SW1/4 of said sec. 35;

thence southerly approximately one-half mile to a point on the township line dividing Tps. 11 and 12 S., R. 101 W., sixth principal meridian, said point being the northwest corner of lot 7 in sec. 2, T. 12 S., R. 101 W., sixth principal meridian;

thence easterly approximately one-fourth mile to the northeast corner of said lot 7 in said sec. 2;

thence southerly approximately 2,650 feet to the southeast corner of lot 9 in said sec. 2;

thence easterly approximately one-fourth mile to the northeast corner of lot 10 in said sec. 2 (on the west boundary of sec. 30 T. 1 S., R. 1 W., Ute meridian);

thence southerly approximately 2,422 to the southwest corner of sec. 30, T. 1 S., R. 1 W., Ute meridian;

thence easterly one-half mile to the southwest corner of the SE1/4 of the said sec. 30;

thence northerly one-eighth mile to the northwest corner of the S1/2 S1/2 SE1/4 of the said sec. 30;

thence easterly one-half mile to the northeast corner of the said S1/2 S1/2 SE1/4;

thence southerly five-eighths mile to the east 1/4 corner of sec. 31;

thence easterly one-fourth mile to the northeast corner of the NW1/4 SW1/4 sec. 32;

thence southerly one-half mile to the southeast corner of the SW1/4 SW1/4 of the said sec. 32 (on the north boundary of sec. 18, T. 12 S., R. 100 W., sixth principal meridian);

thence westerly approximately 760 feet, more or less, to the northeast corner of sec. 13, T. 12 S., R. 101 W., sixth principal meridian;

thence southerly approximately 1 mile to the southeast corner of the said sec. 13;

thence westerly approximately one and three-fourths miles to the southwest corner of sec. 14;

thence northerly 1 mile to the northwest corner of the said sec. 14;

thence westerly 3 miles to the southwest corner of sec. 8;

thence northerly 1 mile to the northwest corner of the said sec. 8;

thence westerly 1 mile to the southwest corner of sec. 6;

thence northerly 1 mile to the point of beginning.

Warning is hereby expressly 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.

Proclamation No. 1126 of May 24, 1911, establishing the Colorado National Monument, as revised by Proclamation No. 2037 of March 3, 1933, is amended accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of August in the year of our Lord
nineteen hundred and fifty-nine, and of the Independence of the United
[SEAL] States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

14. Craters of the Moon**No. 3506**

November 19, 1962, 77 Stat. 960, 16 U.S.C. 431 note
27 F.R. 11487

**ADDITION TO THE CRATERS OF THE MOON NATIONAL
MONUMENT, IDAHO**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the Craters of the Moon National Monument, Idaho, established by Proclamation No. 1694 of May 2, 1924, was reserved and set apart as an area that contains a remarkable fissure eruption together with its associated volcanic cones, craters, rifts, lava flows, caves, natural bridges, and other phenomena characteristic of volcanic action that are of unusual scientific value; and

WHEREAS it appears that it would be in the public interest to add to the Craters of the Moon National Monument a 180-acre kipuka, a term of Hawaiian origin for an island of vegetation completely surrounded by lava, that is scientifically valuable for ecological studies because it contains a mature, native sagebrush-grassland association which has been undisturbed by man or domestic livestock; and to add to the monument the intervening lands between the kipuka and the present monument boundaries:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, by virtue of the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431),¹ and subject to valid existing rights do proclaim that the following-described lands are hereby added to and reserved as a part of the Craters of the Moon National Monument:

BOISE MERIDIAN, IDAHO

T. 1 S., R. 24 E.

sec. 3, W-1/2

All of section 4, 5, 8, 9, 17, 18 and 19

sec. 10, W-1/2

sec. 20, W-1/2 and W-1/2 E-1/2

sec. 29, NW-1/4 and W-1/2 NE-1/4

sec. 30, NE-1/4;

comprising 5,360 acres, more or less.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this nineteenth day of November in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-seventh.

[SEAL]

JOHN F. KENNEDY

¹ 16 U.S.C.A. 431 note.

By the President:
DEAN RUSK,
Secretary of State.

No. 7373

November 9, 2000, 114 Stat. 3418, 16 U.S.C. 431 note
65 F.R. 69221

**BOUNDARY ENLARGEMENT OF THE CRATERS OF THE
MOON NATIONAL MONUMENT**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Craters of the Moon National Monument was established on May 2, 1924 (Presidential Proclamation 1694), for the purpose of protecting the unusual landscape of the Craters of the Moon lava field. This “lunar” landscape was thought to resemble that of the Moon and was described in the Proclamation as “weird and scenic landscape peculiar to itself.” The unusual scientific value of the expanded monument is the great diversity of exquisitely preserved volcanic features within a relatively small area. The expanded monument includes almost all the features of basaltic volcanism, including the craters, cones, lava flows, caves, and fissures of the 65-mile-long Great Rift, a geological feature that is comparable to the great rift zones of Iceland and Hawaii. It comprises the most diverse and geologically recent part of the lava terrain that covers the southern Snake River Plain, a broad lava plain made up of innumerable basalt lava flows that erupted during the past 5 million years.

Since 1924, the monument has been expanded and boundary adjustments made through four presidential proclamations issued pursuant to the Antiquities Act (34 Stat. 225, 16 U.S.C. 431). Presidential Proclamation 1843 of July 23, 1928, expanded the monument to include certain springs for water supply and additional features of scientific interest. Presidential Proclamation 1916 of July 9, 1930, Presidential Proclamation 2499 of July 18, 1941, and Presidential Proclamation 3506 of November 19, 1962, made further adjustments to the boundaries. In 1996, a minor boundary adjustment was made by section 205 of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333, 110 Stat. 4093, 4106).

This Proclamation enlarges the boundary to assure protection of the entire Great Rift volcanic zone and associated lava features, all objects of scientific interest. The Craters of the Moon, Open Crack, Kings Bowl, and Wapi crack sets and the associated Craters of the Moon, Kings Bowl, and Wapi lava fields constitute this volcanic rift zone system. Craters of the Moon is the largest basaltic volcanic field of dominantly Holocene age (less than 10,000 years old) in the conterminous United States. Each of the past eruptive episodes lasted up to several hundred years in duration and was separated from other eruptive episodes by quiet periods of several hundred years to about 3,000 years. The first eruptive episode began about 15,000 years ago and the latest ended about 2,100 years ago.

Craters of the Moon holds the most diverse and youngest part of the lava terrain that covers the southern Snake River Plain of Idaho, a broad plain made up of innumerable basalt lava flows during the past 5 million years. The most recent eruptions at the

Craters of the Moon took place about 2,100 years ago and were likely witnessed by the Shoshone people, whose legend speaks of a serpent on a mountain who, angered by lightning, coiled around and squeezed the mountain until the rocks crumbled and melted, fire shot from cracks, and liquid rock flowed from the fissures as the mountain exploded. The volcanic field now lies dormant, in the latest of a series of quiet periods that separate the eight eruptive episodes during which the 60 lava flows and 25 cinder cones of this composite volcanic field were formed. Some of the lava flows traveled distances of as much as 43 miles from their vents, and some flows diverged around areas of higher ground and rejoined downstream to form isolated islands of older terrain surrounded by new lava. These areas are called "kipukas."

The kipukas provide a window on vegetative communities of the past that have been erased from most of the Snake River Plain. In many instances, the expanse of rugged lava surrounding the small pocket of soils has protected the kipukas from people, animals, and even exotic plants. As a result, these kipukas represent some of the last nearly pristine and undisturbed vegetation in the Snake River Plain, including 700-year-old juniper trees and relict stands of sagebrush that are essential habitat for sensitive sage grouse populations. These tracts of relict vegetation are remarkable benchmarks that aid in the scientific study of changes to vegetative communities from recent human activity as well as the role of natural fire in the sagebrush steppe ecosystem.

The Kings Bowl lava field and the Wapi lava field are included in the enlarged monument. The Kings Bowl field erupted during a single fissure eruption on the southern part of the Great Rift about 2,250 years ago. This eruption probably lasted only a few hours to a few days. The field preserves explosion pits, lava lakes, squeeze-ups, basalt mounds, and an ash blanket. The Wapi field probably formed from a fissure eruption simultaneously with the eruption of the Kings Bowl field. With more prolonged activity over a period of months to a few years, the Wapi field formed a low shield volcano. The Bear Trap lava tube, located between the Craters of the Moon and the Wapi lava fields, is a cave system more than 15 miles long. The lava tube is remarkable for its length and for the number of well preserved lava-cave features, such as lava stalactites and curbs, the latter marking high stands of the flowing lava forever frozen on the lava tube walls. The lava tubes and pit craters of the monument are known for their unusual preservation of winter ice and snow into the hot summer months, due to shielding from the sun and the insulating properties of the basalt.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as an addition to the Craters of the Moon National Monument:

NOW, THEREFORE, I, William J. Clinton, 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 an addition to the Craters of the Moon 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 of the area described on the map entitled "Craters of the Moon National Monument Boundary Enlargement" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately

661,287 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

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, other than by exchange that furthers the protective purposes of the monument. For the purpose of protecting the objects identified above, the Secretary shall prohibit all motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes.

Lands and interests in lands within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

The Secretary of the Interior shall prepare a transportation plan that addresses the actions, including road closures or travel restrictions, necessary to protect the objects identified in this proclamation.

The Secretary of the Interior shall manage the area being added to the monument through the Bureau of Land Management and the National Park Service, pursuant to legal authorities, to implement the purposes of this proclamation. The National Park Service and the Bureau of Land Management shall manage the monument cooperatively and shall prepare an agreement to share, consistent with applicable laws, whatever resources are necessary to manage properly the monument; however, the National Park Service shall have primary management authority over the portion of the monument that includes the exposed lava flows, and shall manage the area under the same laws and regulations that apply to the current monument. The Bureau of Land Management shall have primary management authority over the remaining portion of the monument, as indicated on the map entitled, "Craters of the Moon National Monument Boundary Enlargement."

Wilderness Study Areas included in the monument will continue to be managed under section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701-1782).

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

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Idaho with respect to fish and wildlife management.

This proclamation does not reserve water as a matter of Federal law. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation. The Secretary shall work with appropriate State authorities to ensure that water resources needed for monument purposes are available.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights of any Indian tribe.

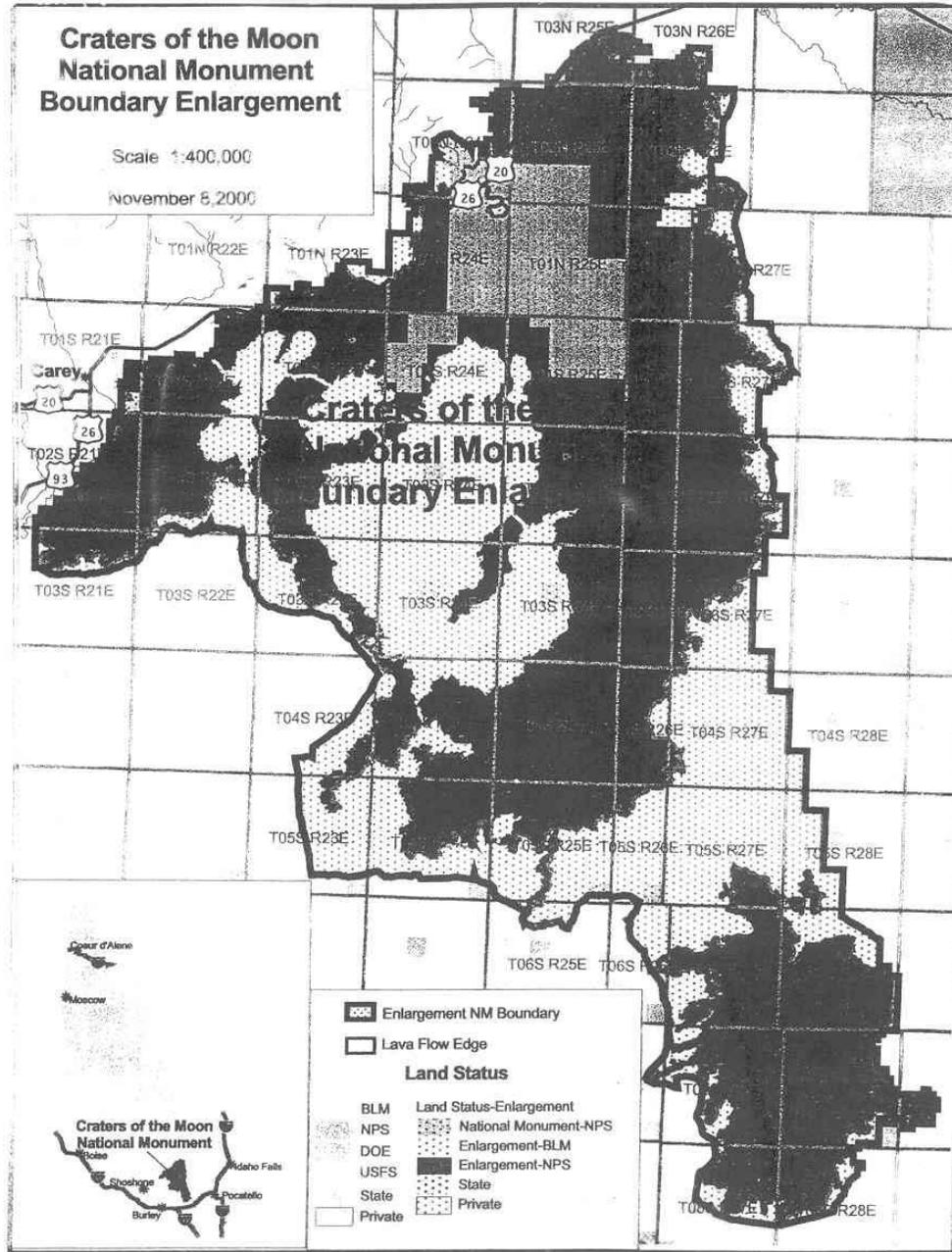
Laws, regulations, and policies followed by the Bureau of Land Management in issuing and administering grazing permits or leases on all lands under its jurisdiction shall continue to apply with regard to the lands in the monument administered by the Bureau of Land Management.

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 ninth day of November, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fifth.

WILLIAM J. CLINTON



15. Death Valley**No. 2961**

January 17, 1952, 66 Stat. c18, 16 U.S.C. 431 note
17 F.R. 691

**ADDITION OF DEVIL'S HOLE, NEVADA, TO DEATH VALLEY
NATIONAL MONUMENT*—CALIFORNIA AND NEVADA**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS by Proclamation No 2028 of February 11, 1933 (47 Stat. 2554), certain lands in California known as Death Valley were set aside and reserved as the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained; and by Proclamation No. 2228 of March 26, 1937 (50 Stat. 1823), the said monument was enlarged by adding thereto certain contiguous lands in California and Nevada; and

WHEREAS there is located outside the boundaries of the said monument but in the vicinity thereof a forty-acre tract of public land in Nevada containing a remarkable underground pool known as Devil's Hole; and

WHEREAS the said pool is a unique subsurface remnant of the prehistoric chain of lakes which in Pleistocene times formed the Death Valley Lake System, and is unusual among caverns in that it is a solution area in distinctly striated limestone, while also owing its formation in part to fault action; and

WHEREAS the geologic evidence that this subterranean pool is an integral part of the hydrographic history of the Death Valley region is further confirmed by the presence in this pool of a peculiar race of desert fish, and zoologists have demonstrated that this race of fish, which is found nowhere else in the world, evolved only after the gradual drying up of the Death Valley Lake System isolated this fish population from the original ancestral stock that in Pleistocene times was common to the entire region; and

WHEREAS the said pool is of such outstanding scientific importance that it should be given special protection, and such protection can be best afforded by making the said forty-acre tract containing the pool a part of the said monument:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),¹ do proclaim that, subject to the provisions of the act of Congress approved June 13, 1933, 48 Stat. 139 (16 U.S.C. 447),² and to all valid existing rights, the following-described tract of land in Nevada is hereby added to and reserved as a part of the Death Valley National Monument, as a detached unit thereof:

MOUNT DIABLO MERIDIAN, NEVADA

T. 17 S., R. 50 E.,
Sec. 36, SW1/4 SE1/4.

* redesignated as Death Valley National Park on October 31, 1994.

¹ 16 U.S.C.A. § 431.

² 16 U.S.C.A. § 447.

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

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the lands hereby added to the said monument as provided in the act of Congress entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-3),³ and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of January in the year of our Lord
nineteen hundred and fifty-two, and of the Independence of the United States
[SEAL] of America the one hundred and seventy-sixth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

³ 16 U.S.C.A. §§ 1-3.

16. Denali**No. 4616**

Dec 1, 1978, 93 Stat. 1455, 16 U.S.C. 431 note
43 F.R. 57035

DENALI NATIONAL MONUMENT*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

In the creation of Mount McKinley National Park the southern half of the mountain's massif was inadvertently excluded from the Park. The creation of Denali National Monument will bring within the protection of the National Park System the entirety of this, the highest (so in the original, should be "highest") on the North American continent. This face markedly differs from the north side for it has a more gradual rise and a significant system of glaciers. It is also the approach route used historically by those seeking to scale Mount McKinley.

Certain of the glaciers on the south face are among the largest in Alaska, reaching up to 45 miles in length. Yet, only the very uppermost parts are presently within the National Park. Their protection is enhanced by the creation of this monument.

In the southwest area of the monument hereby created are the geologically unique Cathedral Spires. From this granitic pluton mass radiate eight major glacial troughs exhibiting cirques and headwalls rising 5,000 feet from their bases.

The monument also protects significant habitat for the McKinley caribou herd which has provided a basis for scientific study since the early twentieth century. Associated with the herd in this ecosystem are other scientifically important mammals such as grizzly bear, wolf and wolverine.

The Toklat River region includes a unique area of warm springs which attracts an unusual late run of Chum salmon. This run provides an important late fall food source for the grizzly bear population of the area which, because of its accessibility, has been the subject of many scientific studies.

The land withdrawn and reserved by this Proclamation for the protection of the geological, biological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for the local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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 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.

* redesignated as Denali National Park and National Preserve on December 2, 1980.

NOW, THEREFORE, I, JIMMY CARTER, 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 Denali National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Denali National Monument on the map numbered DENA-90,007 attached to and forming a part of this Proclamation. The area reserved consists of approximately 3,890,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument, are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

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 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Note: The maps which formed a part of this proclamation are not reproduced here since the reduction necessary from the original would render them unreadable.

17. Edison Laboratory

No. 3148

July 14, 1956, 70 Stat. c49, 16 U.S.C. 431 note
21 F.R. 5341

ESTABLISHING THE EDISON LABORATORY NATIONAL MONUMENT* - NEW JERSEY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, recognizing the primary significance in our civilization and industry of the Edison Home (Glenmont) and Laboratory, West Orange, New Jersey, recommended that they be considered eligible for recognition as being the most suitable sites at which to commemorate the outstanding achievements of the great American inventor, Thomas Alva Edison; and

WHEREAS the Edison Home (Glenmont) was designated as a national historic site by order of the Secretary of the Interior of December 6, 1955 (20 F.R. 9347), in furtherance of its preservation for the benefit and inspiration of the American people; and

WHEREAS the Edison Laboratory, used by the great inventor for the last 44 years of his life and the scene of many of his celebrated inventions, has been generously donated to the American people for preservation as a national monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),¹² do proclaim and declare that the following-described land, with the improvements thereon, situated in the Town of West Orange, County of Essex, State of New Jersey, are hereby established as the Edison Laboratory National Monument, and shall be administered pursuant to the act of August 25, 1916, 39 Stat. 535 (16 U.S.C. 1-3),¹³ and acts supplementary thereto and amendatory thereof:

BEGINNING in the southeasterly line of Main Street, formerly known as Valley Road, at a point formed by intersecting same with the northeasterly line of Lakeside Avenue; running thence (1) along the southeasterly line of Main Street north thirty-seven degrees seventeen minutes thirty seconds (37°17'30") east fifty-four and three hundredths feet (54.03'); thence (2) still along the said line of Lakeside Avenue north forty-one degrees thirty-three minutes thirty seconds (41°33'30") east two hundred seven and fifty-two hundredths feet (207.52'); thence (3) south forty-nine degrees thirty-two minutes twenty seconds (49°32'20") east one hundred fifty-six and ninety-one hundredths feet (156.91'); thence (4) south forty-one degrees twenty-two minutes (41°22') west sixty-two and seventy-five hundredths feet (62.75'); thence (5) south forty-eight degrees thirty-eight minutes (48°38') east one hundred thirty-six and eighty-three hundredths feet (136.83); thence (6) south forty-one degrees twenty-two minutes (41°22') west one hundred twenty-two and twelve hundredths feet (122.12') to a point in the driveway running between the buildings now standing on the premises herein described; thence (7) along said driveway north forty-eight degrees thirty-eight minutes (48°38') west thirty-four

* Edison Home National Historic Site and Edison Laboratory National Monument were combined into Edison National Historic Site on September 5, 1962.

¹² 16 U.S.C.A. § 431 note.

¹³ 16 U.S.C.A. §§ 1-3.

and seventy-six hundredths feet (34.76') to a point in a line drawn northeasterly, parallel with and four inches (4") easterly of the westerly face of a brick partition wall standing within the one-story brick portion of the Thomas A. Edison Laboratory Building; thence (8) along the line described as being within the said wall north forty-one degrees thirty-eight minutes (41°38') west sixty-four and eighteen hundredths feet (64.18') to the outside or southerly face of the brick Laboratory Building fronting on Lakeside Avenue; thence (9) along the face of the said building north forty-eight degrees thirty-six minutes (48°36') west two and thirty-three hundredths feet (2.33'); thence (10) south forty-one degrees twenty-four minutes (41°24') west fifteen feet (15') to the northeasterly line of Lakeside Avenue; and running thence (11) along same north forty-eight degrees thirty-six minutes (48°36') west two hundred fifty-three and eighteen hundredths feet (253.18') to the place of BEGINNING, containing 1.51 acres more or less, being the same land conveyed by Thomas A. Edison, Incorporated, to the United States of America by deed of donation, dated December 5, 1955, and recorded on December 5, 1955, in Book 3369, at Page 67, in the Register's Office, Essex County, New Jersey.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this National Monument.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 14th day of July in the year of our Lord
nineteen hundred and fifty-six, and of the Independence of the United States
[SEAL] of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES
Secretary of State.

18. Effigy Mounds**No. 2860**

October 25, 1949, 64 Stat. A371, 16 U.S.C. 431 note
14 F.R. 6541

**ESTABLISHING THE EFFIGY MOUNDS NATIONAL
MONUMENT - IOWA**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the earth mounds in the northeastern part of the State of Iowa known as the Effigy Mounds are of great scientific interest because of the variety of their forms, which include animal effigy, bird effigy, conical, and linear types, illustrative of a significant phase of the mound-building culture of the prehistoric American Indians; and

WHEREAS the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments at its meeting held October 28-30, 1941 declared the Effigy Mounds to be of national scientific importance; and

WHEREAS the State of Iowa has acquired title to 1,204.39 acres of land containing these unusual objects, and has conveyed 1,000 acres thereof to the United States as a donation for national-monument purposes, such conveyance having been accepted on behalf of the United States by the Acting Director of the National Park Service on August 31, 1949; and

WHEREAS it is contemplated that the State of Iowa will convey the remaining 204.39 acres of such land to the United States for national-monument purposes in the near future; and

WHEREAS it appears that it would be in the public interest to set aside and reserve the said land as a national monument as hereinafter indicated:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),⁵ do proclaim that, subject to all valid existing rights, the lands within the following-described boundaries and shown on the diagram hereto attached and forming a part hereof which belong to the United States are hereby reserved and established as a national monument, to be known as Effigy Mounds National Monument; and that the lands within such boundaries which do not now belong to the United States shall become a part of such monument upon the acquisition of title thereto by the United States:

FIFTH PRINCIPAL MERIDIAN

T. 96 N., R. 3 W., Allamakee County

T. 95 N., R. 3 W., Clayton County

Beginning at the point where the West line of the Right-of-Way of the Chicago, Milwaukee, and St. Paul Railroad intersects the North line of Sec. 27 of said T. 96 N.;

⁵ 16 U.S.C.A. § 431.

Thence southerly along the said West line of the Railroad Right-of-Way through said Sec. 27 and part of Sec. 34 of said T. 96 N. to the North line of the Right-of-Way of Iowa Primary Highway No. 13 in Government Lot 3 of said Sec. 34;

Thence westerly along the said North line of the Highway Right-of-Way through said Sec. 34 to the West line thereof;

Thence northerly along said Section line to the Southeast corner of the North Half of the Northeast Quarter of the Northeast Quarter (N1/2 NE1/4 NE1/4) of Sec. 33 of said T. 96 N.;

Thence westerly along the South line of said North Half of the Northeast Quarter of the Northeast Quarter (N1/2 NE1/4 NE1/4) to said North line of the Highway Right-of-Way;

Thence northerly along said North line of the Highway Right-of-Way to the North line of said Sec. 33;

Thence easterly along said Section line to the Southwest corner of said Sec. 27;

Thence northerly along the West line of said Sec. 27 N. 0°07' E., 594.27 ft.;

Thence N. 68°54' E., 186.28 ft.;

Thence N. 58°08' E., 135.01 ft.;

Thence S. 77°11' E., 77.79 ft.;

Thence N. 62°15' E., 218.66 ft.;

Thence N. 57°14' E., 168.48 ft.;

Thence N. 62°34' E., 430.06 ft.;

Thence N. 50°06' E., 142.68 ft.;

Thence N. 24°30' E., 319.20 ft. to a point on the East line of the West Half of the Southwest Quarter (W1/2 SW1/4) of said Sec. 27 and N. 0°16 1/2' W., 1,477.65 ft. from the Southeast corner of said West Half of the Southwest Quarter (W1/2 SW1/4);

Thence along said East line N. 0°16 1/2' W., 947.40 ft.;

Thence N. 89°43 1/2' E., 367.08 ft.;

Thence N. 0°16 1/2' W., 445.00 ft.;

Thence S. 89°43 1/2' W., 367.08 ft. to a point on the West line of the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4) of said Sec. 27;

Thence northerly along the West line of the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4) and Government Lot 1 of said Sec. 27 to the North line of Sec. 27;

Thence easterly along the North line of Sec. 27 to the point of beginning.

Also, beginning at a point where the South line of the North Half (N1/2) of Government Lot 1 of Sec. 10 in said T. 95 N. intersects the West line of the Right-of-Way of Iowa Primary Highway No. 13;

Thence westerly along said South line of the North Half (N1/2) of Government Lot 1 to the West line thereof;

Thence northerly along said West line of Government Lot 1 to a point S. 0°39 1/2' E., 50 ft. from the Northwest corner thereof;

Thence along a straight line to a point on the North line of said Sec. 10 and N. 86°18 1/2' W., 150 ft. from said Northwest corner of Government Lot 1;

Thence westerly along said North line of Sec. 10 to the Northwest corner thereof;

Thence northerly along the West line of Sec. 3 of said T. 95 N., to the Northwest corner thereof;

Thence westerly along the South line of Sec. 33 of said T. 96 N., to the Southwest corner of the East Half of the Southeast Quarter (E1/2 SE1/4) thereof;

Thence northerly along the West line of said East Half of the Southeast Quarter (E1/2 SE1/4) to the Southeast corner of the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of said Sec. 33;

Thence westerly along the South line of said Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) to the Southwest corner thereof;

Thence northerly along the West line of said Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) to the center of said Sec. 33;

Thence easterly along the Quarter (1/4) line of said Sec. 33 to the East Quarter (1/4) corner thereof;

Thence northerly along the west line of said Sec. 34 to the South line of said Highway Right-of-Way;

Thence easterly and southerly along the South and West line of said Highway Right-of-Way through said Secs. 34, 3, and the North Half (N1/2) of Government Lot 1 of Sec. 10 to the point of beginning.

The small area in Lot 3, Sec. 34, T. 96 N., R. 3 W., lying south of the middle of Yellow River and between the Chicago, Milwaukee, and St. Paul Railroad Right-of-Way line and the east Right-of-Way line of the Iowa Primary Highway No. 13 is not intended to be included in this description.

The area as described contains in the aggregate 1,204.39 acres, more or less.

Warning is hereby expressly 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.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, protection, management, and control of this monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-3),⁶ and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

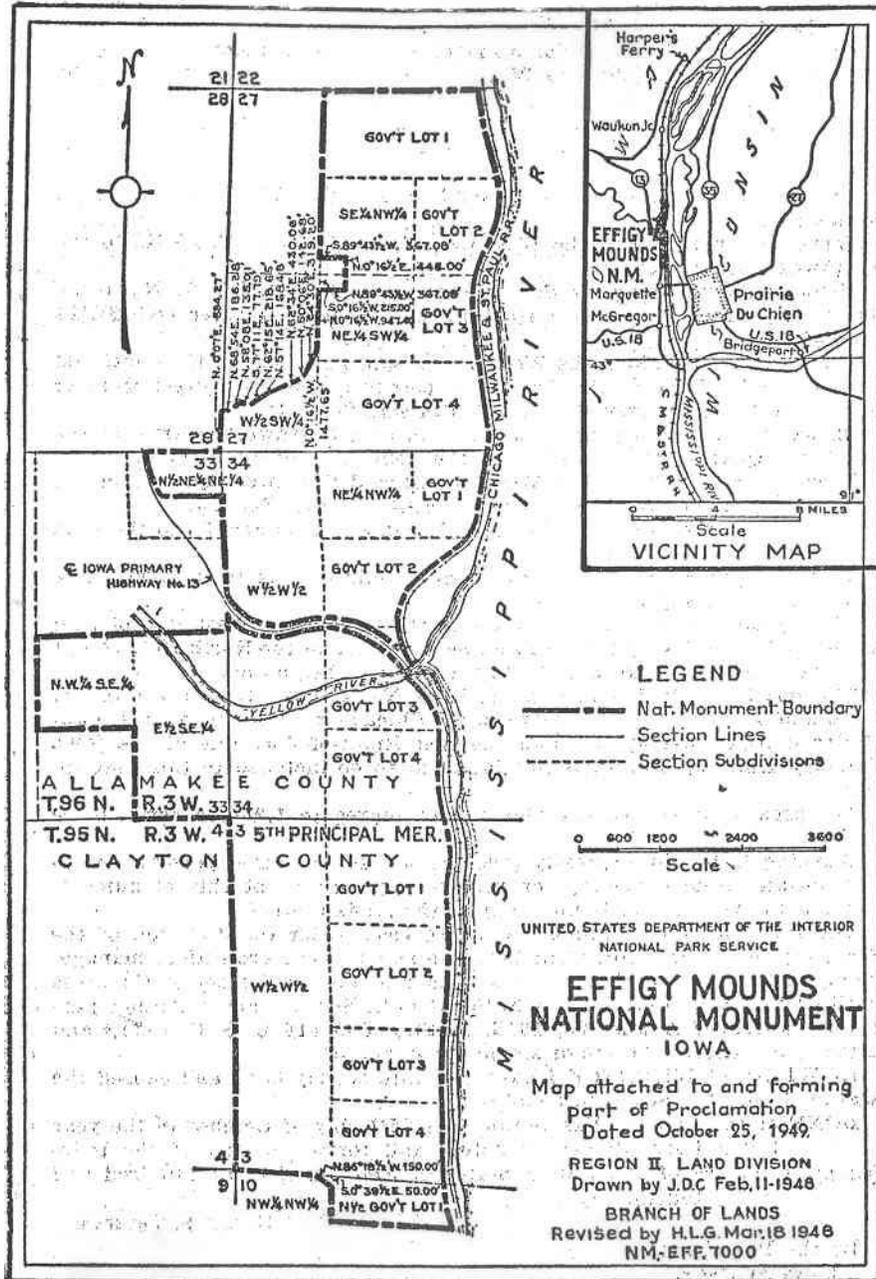
DONE at the City of Washington this 25th day of October in the year of our Lord
nineteen hundred and forty-nine, and of the Independence of the United
[SEAL] States of America the one hundred and seventy-fourth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

⁶ 16 U.S.C.A. §§ 1-3.



19. Fort Matanzas**No. 2773**

March 24, 1948, 62 Stat. 1491, 16 U.S.C. 431 note
13 F.R. 1603

**ENLARGING THE FORT MATANZAS NATIONAL MONUMENT,
FLORIDA**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS certain lands on Rattlesnake Island, located at the mouth of the Matanzas River in the State of Florida, have been donated to the United States for the extension of the Fort Matanzas National Monument; and

WHEREAS it appears that the public interest would be promoted by adding such lands and the remaining public lands comprising Rattlesnake Island to the Fort Matanzas National Monument in order to insure permanent protection to the Fort and its historic setting:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),¹ do proclaim that, subject to valid existing rights, the following-described lands in Florida are hereby added to and reserved as a part of the Fort Matanzas National Monument:

TALLAHASSEE MERIDIAN, FLORIDA

Lots 2, 3, and 4, Sec. 24, T. 9 S., R. 30 E., containing 89.42 acres, which are unappropriated and unreserved public lands. Also all of the tidelands adjacent to Rattlesnake Island in Secs. 13, 14, 23, and 24, T. 9 S., R. 30 E., containing 120.0 acres, the same having been donated to the United States by the Trustees of the Internal Improvement Fund of the State of Florida by deed dated April 28, 1944, and recorded on March 19, 1945, in Deed Book 149, Page 426, Public Records of St. Johns County, Florida, and by a deed of release dated August 26, 1947, and recorded on January 27, 1948, in Deed Book 171, Page 478, Public Records of St. Johns County, Florida, which relinquished to the United States the mineral rights reserved in the aforementioned deed.

Warning is hereby expressly 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 reserved by this proclamation.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the monument as provided in the act of Congress entitled "An Act to Establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1,2),² and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

¹ 16 U.S.C.A. § 431.

² 16 U.S.C.A. §§ 1, 2.

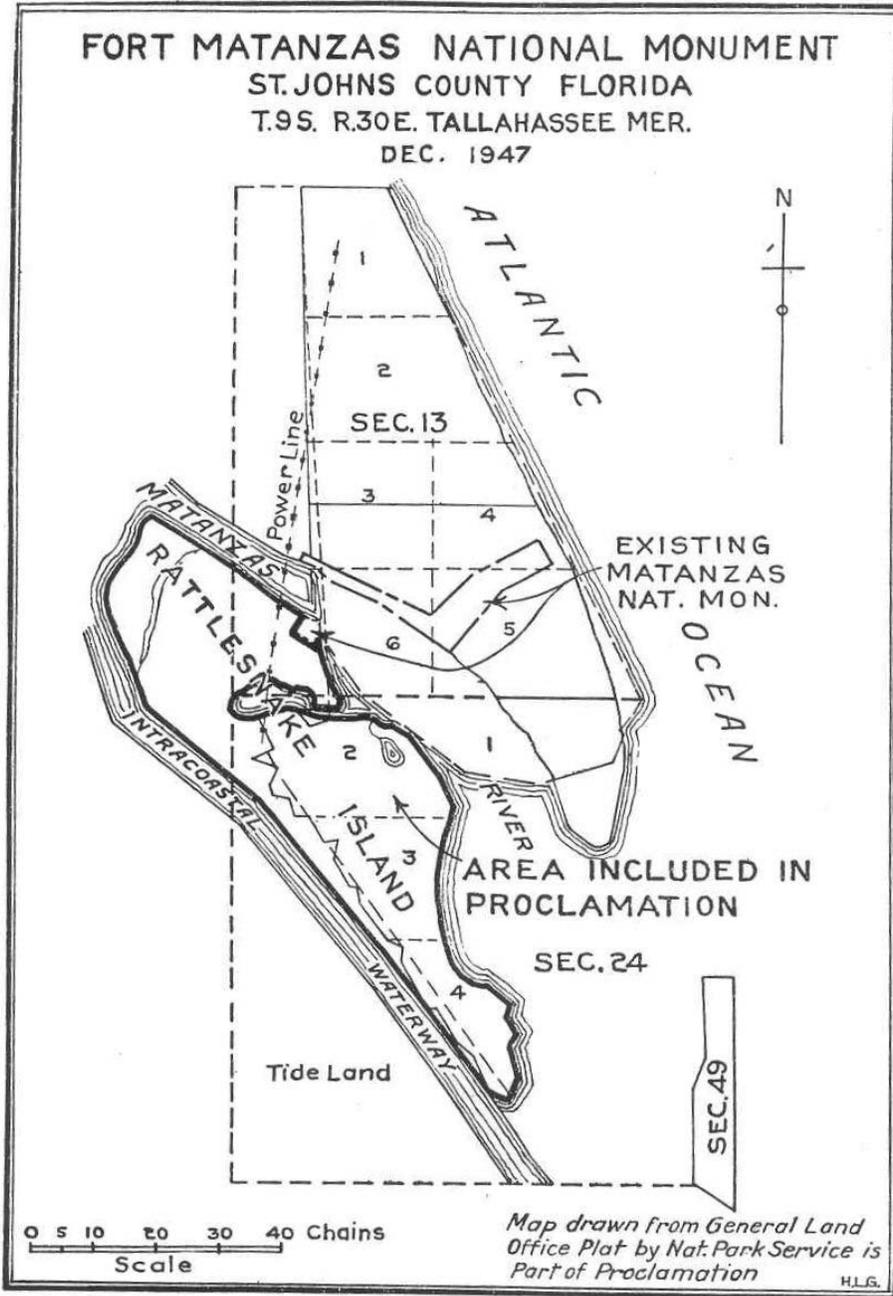
DONE at the City of Washington this 24th day of March in the year of our Lord
nineteen hundred and forty-eight, and of the Independence of the United
{SEAL] States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

Note: The diagram referred to in the proclamation (and that follows this note) was reproduced with the proclamation in the *United States Statutes at Large*, but was not reproduced in the *U.S. Code Congressional and Administrative News*, the source for each of the proclamations in this volume.



N.M.-MAT. 7013

20. Fort McHenry**No. 2795**

July 2, 1948, 62 Stat. 1526

13 F. R. 3757

**DISPLAY OF THE FLAG AT FORT McHENRY NATIONAL
MONUMENT AND HISTORIC SHRINE**BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the joint resolution of Congress of June 22, 1942, entitled "Joint Resolution to Codify and Emphasize Existing Rules and Customs Pertaining to the Display and Use of the Flag of the United States of America," as amended by the joint resolution of December 22, 1942, 56 Stat. 1074,¹⁹ contains the following provisions:

Sec. 2. (a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, the flag may be displayed at night upon special occasions when it is desired to produce a patriotic effect.

* * * * *

Sec. 8. Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Army and Navy of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation. and

WHEREAS Francis Scott Key, after having anxiously watched from afar the bombardment of Fort McHenry throughout the night of September 13, 1814, saw his country's flag still flying in the early morning of the following day; and

WHEREAS this stirring evidence of the failure of the prolonged attack inspired him to write the Star-Spangled Banner, our national anthem:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America and Commander in Chief of the Army and Navy, do hereby proclaim that, as a perpetual symbol of our patriotism, the flag of the United States shall hereafter be displayed at Fort McHenry National Monument and Historic Shrine at all times during the day and night, except when the weather is inclement.

The rules and customs pertaining to the display of the flag as set forth in the said joint resolution are modified accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 2nd day of July in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of

[SEAL] America the one hundred and seventy-second.

HARRY S. TRUMAN

¹⁹ 36 U.S.C.A. §§ 171-173.

By the President:
G. C. MARSHALL,
Secretary of State.

21. Fort Pulaski**No. 3254**

August 14, 1958, 72 Stat. c52, 16 U.S.C. 431 note
23 F.R. 6371

**ENLARGING THE FORT PULASKI NATIONAL
MONUMENT, GEORGIA**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the Fort Pulaski National Monument on Cockspur Island at the mouth of the Savannah River, Georgia, was established by Proclamation No. 1713 of October 15, 1924, upon the site of the old fortifications on that island, and, as enlarged by the act of June 26, 1936, 49 Stat. 1979, includes certain adjacent areas on the island formerly under the jurisdiction of the Secretary of War; and

WHEREAS the Cockspur Island Lighthouse Reservation, situated on a small island near the southeasterly shore of Cockspur Island, contains an old abandoned lighthouse which is contemporary with Fort Pulaski and should be preserved because of its historic interest; and

WHEREAS such reservation has been declared excess to the needs of the Department of the Treasury, and has been reported to the General Services Administration for disposition; and

WHEREAS the General Services Administration is agreeable to the transfer of such reservation to the Department of the Interior for inclusion in the Fort Pulaski National Monument; and

WHEREAS a small Federally owned island, known as Daymark Island, containing approximately 1.5 acres of land at high tide, situated close to the northeastern shore of Cockspur Island and gradually becoming an accretion thereto, is required for the proper care, protection, and management of the objects of historic interest situated within the area of the Fort Pulaski National Monument; and

WHEREAS it appears that it would be in the public interest to reserve the Cockspur Island Lighthouse Reservation and Daymark Island, as hereinafter described, as parts of the Fort Pulaski National Monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),¹ do proclaim that, subject to valid existing rights, the following-described lands are hereby added to, and reserved as parts of, the Fort Pulaski National Monument, and shall be subject to all laws, rules, and regulations applicable to that monument:

(1) That certain tract of land, about 1 acre in area, known as the Cockspur Island Lighthouse Reservation, situate near the south end of Cockspur Island at Latitude 32° 01' N., and Longitude 80° 53' W., and

(2) That certain tract of land, about 1.5 acres in area, known as Daymark Island and depicted on Ti. S. Coast and Geodetic Survey Chart C. & G. S. 440, Savannah River Wassaw Sound, Revised 12/23/57, being an undesignated island in shoal water at Latitude 32° 02' N., and Longitude 80° 53' W. on the right bank of the Savannah River.

¹ 16 U.S.C.A. § 431.

This proclamation shall become effective upon the effective date of the transfer of the Cockspar Island Lighthouse Reservation, as described herein, to the Department of the Interior.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of August in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,

Acting Secretary of State.

22. Gates of the Arctic

No. 4617

December 1, 1978, 93 Stat. 1457, 16 U.S.C. 431 note
43 F.R. 57043

GATES OF THE ARCTIC NATIONAL MONUMENT*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

Lying wholly north of the Arctic Circle, the Gates of the Arctic National Monument hereby created preserves an area containing a wide variety of interior arctic geological and biological forms. The essence of the geology of the area is its great diversity. There are excellent examples of glacial action which formed U-shaped valleys and moraine dammed lakes. In contrast are the fissure-shaped precipices of Ernie Creek and the tilted limestone blocks along the northern edge of the Brooks Range.

Associated with these various land forms is a progression of ecosystems representing a continuum of communities from the boreal spruce forest and riparian shrub thickets in the south to the arctic tussock tundra in the north. These communities of plants and undisturbed animals offer excellent opportunities for study of natural interaction of the species.

The monument also protects a substantial portion of the habitat requirements for the Western Arctic caribou herd which uses ancient routes through the mountains for migration. This herd, which has suffered severe population losses recently, is of great value for the study of the population dynamics relating to both the decline and recovery of the herd.

The archeological and historical significance of the area is demonstrated by the studies which have revealed evidence of human habitation for approximately 7,000 years. Several known traditional Indian-Eskimo trade routes run through the monument area giving the promise of further important archeological discoveries. In the Wiseman and Ernie's Cabin mining regions in the south are offered opportunities for historical study of the life of the Alaskan pioneer miner of the early twentieth century.

The land withdrawn and reserved by this Proclamation for the protection of the biological, geological, archeological, historical and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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 part thereof parcels of land, the limits of which in

* redesignated as Gates of the Arctic National Park and National Preserve on December 2, 1980.

all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, 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 Gates of the Arctic National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Gates of the Arctic National Monument on the map numbered GAAR-90,011 attached to and forming a part of this Proclamation. The area reserved consists of approximately 8,220,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument, are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

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 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Note: The maps which formed a part of this proclamation are not reproduced here since the reduction necessary from the original would render them unreadable.

23. Glacier Bay**No. 3089**

March 31, 1955, 69 Stat. c27, 16 U.S.C. 431 note
20 F.R. 2103

**EXCLUDING CERTAIN LANDS FROM THE GLACIER BAY
NATIONAL MONUMENT* AND ADDING A PORTION
THEREOF TO THE TONGASS NATIONAL FOREST-ALASKA**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS certain lands comprising a portion of the hereinafter-described Gustavus Area of the Glacier Bay National Monument in Alaska, established by Proclamation No. 1733 of February 26, 1925 (43 Stat. 1988), and enlarged by Proclamation No. 2330 of April 18, 1939 (53 Stat. 2534), are now being used as an airfield for national-defense purposes and are no longer suitable for national-monument purposes; and

WHEREAS the other lands within the Gustavus Area, including several homesteads which were patented prior to the enlargement of the monument by the proclamation of April 18, 1939, are suitable for a limited type of agricultural use and are no longer necessary for the proper care and management of the objects of scientific interest on the lands within the monument; and

WHEREAS the lands comprising the hereinafter-described Excursion Inlet Area of the monument were erroneously excluded from the Tongass National Forest and included within the monument by the proclamation of April 18, 1939, and such lands are suitable for national forest purposes; and

WHEREAS it appears that it would be in the public interest to exclude the said lands comprising the Gustavus Area and the Excursion Inlet Area from the Glacier Bay National Monument, and to restore the lands within the Excursion Inlet Area to the Tongass National Forest:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, c. 3060, 34 Stat. 225 (16 U.S.C. 431), section 24 of the act of March 3, 1891, 26 Stat. 1103 (16 U.S.C. 471), and section 1 of the act of June 4, 1897, 30 Stat. 34, 36 (16 U.S.C. 473), do proclaim (1) that all of the following-described lands in the Territory of Alaska are hereby excluded from the Glacier Bay National Monument and (2) that, subject to valid existing rights, those lands designated and described as the Excursion Inlet Area are hereby added to and made a part of the Tongass National Forest and shall be subject to all laws, rules, and regulations applicable to that forest:

GUSTAVUS AREA

COPPER RIVER MERIDIAN

T. 40 S., R. 58 E.,
secs. 1 to 3 and 9 to 12, inclusive;
fractional secs. 13 and 14;
secs. 15 and 16;

* redesignated as Glacier Bay National Park and National Preserve on December 2, 1980.

fractional secs. 21 to 23, inclusive.
T. 40 S., R. 59 E.,

fractional sec. 3;
secs. 4 to 8, inclusive;
fractional secs. 9, 10, and 16 to 18, inclusive.

Also, a parcel of unsurveyed land described as follows: Beginning at the northwest corner of sec. 1, T. 40 S., R. 58 E., C.R.M; thence

North 7,920 feet;

East 2,640 feet;

South 45°00' East to the northeast corner of sec. 6, T. 40 S., R. 59 E., C.R.M.;

West, along the northern boundary of sec. 6, T. 40 S., R. 59 E., and sec. 1, T. 40 S., R. 58 E., C.R.M., to the point of beginning.

Also, all water and islands lying directly south and offshore between the above-described lands and the center of Icy Passage.

The areas described, including both public and nonpublic lands, aggregate approximately 14,741 acres of land and 4,193 acres of water.

EXCURSION INLET AREA

A tract of unsurveyed land described as follows: Beginning at a point on the center line of the principal channel of Excursion Inlet from which Corner No. 1 M.C. of United States Survey No. 666 bears due east; thence Northerly along the center of the principal channel of Excursion Inlet to a point in approximate latitude 58°30' N., longitude 135°30'W.;

East to the east shore of Excursion Inlet;

Northeasterly, southeasterly, and easterly, along a subsidiary divide between two streams flowing into Excursion Inlet, to the divide between the waters of Excursion Inlet and Lynn Canal in approximate latitude 58°29'30" N., longitude 135°20' W.;

Southerly along said divide to a point in approximate latitude 58°27' N., longitude 135°18' W.;

Westerly along a subsidiary divide between two streams flowing into Excursion Inlet to the east shore of said Inlet;

West to the center of the principal channel of Excursion Inlet;

Northerly along the center of the principal channel of Excursion Inlet to the point of beginning.

The area described, including both public and nonpublic lands, aggregates approximately 10,184 acres.

The lands in the above-described Gustavus Area shall not be subject to application, location, settlement, entry, or other forms of appropriation under the public land laws until further order of an authorized officer of the Department of the Interior.

The said Proclamation No. 2330 of April 18, 1939, is amended accordingly.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of March in the year of our Lord nineteen hundred and fifty-five, and of the Independence of the United States
[SEAL] of America the one hundred and seventy-ninth.

DWIGHT D. EISENHOWER

By the President:
JOHN FOSTER DULLES,
Secretary of State.

No. 4618

December 1, 1978, 93 Stat. 1458, 16 U.S.C. 431 note
43 F.R. 57053

ENLARGING THE GLACIER BAY NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

Glacier Bay National Monument was created by Presidential Proclamation in 1925 and was enlarged in 1939 and again in 1955. It protects the great tidewater glaciers and a dramatic range of plant communities. The enlargement accomplished by this Proclamation furthers the protection of the array of geological and ecological interests in the area.

This addition includes the northwesterly side of Mount Fairweather, the highest peak in this part of Alaska, and the Grand Plateau Glacier, both significant to students of glaciology.

The Alsek River corridor provides the only pass through the coastal mountain range for 120 miles. This is the route by which large mammals first entered this isolated area and is used by a significant percentage of the Alaska bald eagle population en route to the Klukwan area where they winter.

The addition also protects two botanically significant areas. In the hills flanking Grand Plateau Glacier live the oldest plant communities in southeast Alaska which survive because the area escaped both glaciation and inundation. Also important to the study of ecological succession are the mature aquatic vegetative communities of the pre-glacial lakes in the Deception Hills area.

The land withdrawn and reserved by this Proclamation for the protection of the geological, biological, and other phenomena enumerated above supports now, as it has in the past, a unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhances the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the area added to the Glacier Bay National Monument by this Proclamation.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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 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.

NOW, THEREFORE, I, JIMMY CARTER, 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 for inclusion in the Glacier Bay National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Enlargement of Glacier Bay National Monument on the map numbered GLBA-90,005 attached to and forming a part of this Proclamation. The area reserved consists of approximately 550,000 acres, and is necessary to ensure the proper care and management of the objects the monument was established to preserve and those added by this Proclamation. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this addition are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this addition is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act, (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Furthermore, nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close this addition, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

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 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Note: The maps which formed a part of this proclamation are not reproduced here since the reduction necessary from the original would render them unreadable.

24. Governors Island

No. 7402

January 19, 2001, 115 Stat. 2595, 16 U.S.C. 431 note
66 F.R. 7855

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, between the confluence of the Hudson and Eastern Rivers, Governors Island National Monument served as an outpost to protect New York City from sea attack. The monument, part of a larger 1985 National Historic Landmark District designation, contains two important historical objects, Castle William and Fort Jay. Between 1806 and 1811, these fortifications were constructed as part of the First and Second American Systems of Coastal Fortification. Castle William and Fort Jay represent two of the finest types of defensive structures in use from the Renaissance to the American Civil War. The monument also played important roles in the War of 1812, the American Civil War, and World Wars I and II.

The fortifications in the monument 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 William, 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. The monument also includes a number of associated historical buildings constructed as part of the garrison post in the early part of the 19th century.

Governors Island has been managed by the U.S. Army and the U.S. Coast Guard over the past 200 years. With the site no longer required for military or Coast Guard purposes, it provides an excellent opportunity for the public to observe and understand the harbor history, its defense, and its ecology.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as the Governors Island National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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 of the area described on the map entitled "Governors Islands National Monument" attached to and forming a part of this proclamation. The Federal land and

interests in land reserved consist of approximately 20 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

Subject to existing law, including Public Law No. 105-33, Title IX, section 9101(a), 111 Stat. 670 (Aug. 5, 1997), 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 of the Interior ("Secretary"), acting through the National Park Service, shall manage the monument in consultation with the Administrator of General Services, 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, acting through the National Park Service, shall prepare, in consultation with the Administrator of General Services, a management plan for the monument within 3 years of this date. Further, to the extent authorized by law, the Secretary, acting through the National Park Service, shall promulgate, in consultation with the Administrator of General Services, regulations for the proper care and management of the objects identified above.

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 of the lands thereof.

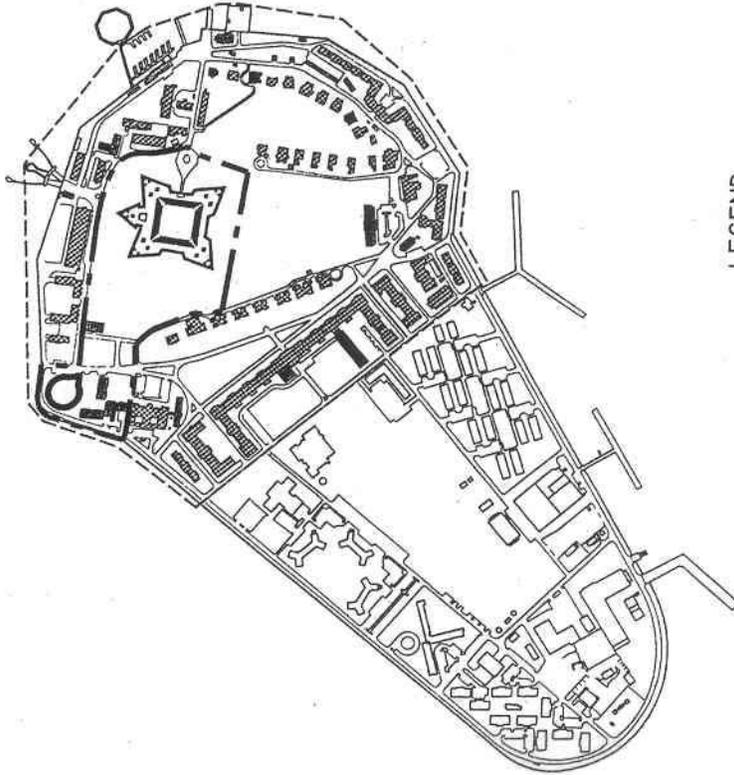
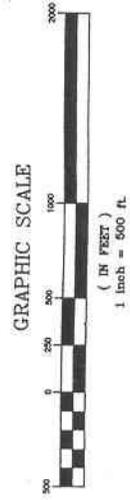
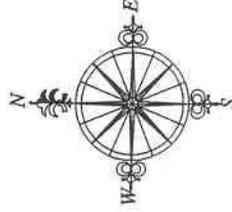
IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of January, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.

WILLIAM J. CLINTON

**GOVERNORS ISLAND
NATIONAL MONUMENT**

BOUNDARY MAP
NEW YORK COUNTY, NEW YORK
UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
DIVISION OF LAND RESOURCES

JUNE 23, 2000
 $\frac{019}{80,000}$



LEGEND
--- PARK BOUNDARY

25. Grand Canyon-Parashant (Lake Mead National Recreation Area)

No. 7265

January 11, 2000, 114 Stat. 3236, 16 U.S.C. 431 note
65 F.R. 2825

Establishment of the Grand Canyon-Parashant National Monument*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Grand Canyon-Parashant National Monument is a vast, biologically diverse, impressive landscape encompassing an array of scientific and historic objects. This remote area of open, undeveloped spaces and engaging scenery is located on the edge of one of the most beautiful places on earth, the Grand Canyon. Despite the hardships created by rugged isolation and the lack of natural waters, the monument has a long and rich human history spanning more than 11,000 years, and an equally rich geologic history spanning almost 2 billion years. Full of natural splendor and a sense of solitude, this area remains remote and unspoiled, qualities that are essential to the protection of the scientific and historic resources it contains.

The monument is a geological treasure. Its Paleozoic and Mesozoic sedimentary rock layers are relatively undeformed and unobscured by vegetation, offering a clear view to understanding the geologic history of the Colorado Plateau. Deep canyons, mountains, and lonely buttes testify to the power of geological forces and provide colorful vistas. A variety of formations have been exposed by millennia of erosion by the Colorado River. The Cambrian, Devonian, and Mississippian formations (Muav Limestone, Temple Butte Formation, and the Redwall Limestone) are exposed at the southern end of the lower Grand Wash Cliffs. The Pennsylvanian and Permian formations (Calville Limestone, Esplanade Sandstone, Hermit Shale, Toroweap Formation, and the Kaibab Formation) are well exposed within the Parashant, Andrus, and Whitmore Canyons, and on the Grand Gulch Bench. The Triassic Chinle and Moenkopi Formations are exposed on the Shivwits Plateau, and the purple, pink, and white shale, mudstone, and sandstone of the Triassic Chinle Formation are exposed in Hells Hole.

The monument encompasses the lower portion of the Shivwits Plateau, which forms an important watershed for the Colorado River and the Grand Canyon. The Plateau is bounded on the west by the Grand Wash Cliffs and on the east by the Hurricane Cliffs. These cliffs, formed by large faults that sever the Colorado Plateau slicing north to south through the region, were and are major topographic barriers to travel across the area. The Grand Wash Cliffs juxtapose the colorful, lava-capped Precambrian and Paleozoic strata of the Grand Canyon against the highly faulted terrain, recent lake beds, and desert volcanic peaks of the down-dropped Grand Wash trough. These cliffs, which consist of lower and upper cliffs separated by the Grand Gulch Bench, form a spectacular boundary between the basin and range and the Colorado Plateau geologic provinces. At the south end of the Shivwits Plateau are several important tributaries to the Colorado River, including the rugged and beautiful Parashant, Andrus, and Whitmore canyons.

* co-administered by the National Park Service and the Bureau of Land Management.

The Plateau here is capped by volcanic rocks with an array of cinder cones and basalt flows, ranging in age from 9 million to only about 1000 years old. Lava from the Whitmore and Toroweap areas flowed into the Grand Canyon and dammed the river many times over the past several million years. The monument is pocketed with sinkholes and breccia pipes, structures associated with volcanism and the collapse of underlying rock layers through ground water dissolution.

Fossils are abundant in the monument. Among these are large numbers of invertebrate fossils, including bryozoans and brachiopods located in the Calville limestone of the Grand Wash Cliffs, and brachiopods, pelecypods, fenestrate bryozoa, and crinoid ossicles in the Toroweap and Kaibab formations of Whitmore Canyon. There are also sponges in nodules and pectenoid pelecypods throughout the Kaibab formation of Parashant Canyon.

The Grand Canyon-Parashant National Monument contains portions of geologic faults, including the Dellenbaugh fault, which cuts basalt flows dated 6 to 7 million years old, the Toroweap fault, which has been active within the last 30,000 years, the Hurricane fault, which forms the Hurricane Cliffs and extends over 150 miles across northern Arizona and into Utah, and the Grand Wash fault, which bounds the west side of the Shivwits Plateau and has approximately 15,000 feet of displacement across the monument.

Archaeological evidence shows much human use of the area over the past centuries. Because of their remoteness and the lack of easy road access, the sites in this area have experienced relatively little vandalism. Their good condition distinguishes them from many prehistoric resources in other areas. Prehistoric use is documented by irreplaceable rock art images, quarries, villages, watchtowers, agricultural features, burial sites, caves, rockshelters, trails, and camps. Current evidence indicates that the monument was utilized by small numbers of hunter-gatherers during the Archaic Period (7000 B.C. to 300 B.C.). Population and utilization of the monument increased during the Ancestral Puebloan Period from the Basketmaker II Phase through the Pueblo II Phase (300 B.C. to 1150 A.D.), as evidenced by the presence of pit houses, habitation rooms, agricultural features, and pueblo structures. Population size decreased during the Pueblo III Phase (1150 A.D. to 1225 A.D.). Southern Paiute groups replaced the Pueblo groups and were occupying the monument at the time of Euro-American contact. Archeological sites in the monument include large concentrations of ancestral Puebloan (Anasazi or Hitsuinom) villages, a large, intact Pueblo II village, numerous archaic period archeological sites, ancestral Puebloan sites, and Southern Paiute sites. The monument also contains areas of importance to existing Indian tribes.

In 1776, the Escalante-Dominguez expedition of Spanish explorers passed near Mount Trumbull. In the first half of the 19th century, Jedediah Smith, Antonio Armijo, and John C. Fremont explored portions of this remote area. Jacob Hamblin, a noted Mormon pioneer, explored portions of the Shivwits Plateau in 1858 and, with John Wesley Powell, in the 1870s. Clarence Dutton completed some of the first geological explorations of this area and provided some of the most stirring written descriptions.

Having traversed this area by wagon at the request of the territorial legislature, Sharlot Hall recommended it for inclusion within the State of Arizona when it gained Statehood in 1912. Early historic sawmills provided timber that was hauled 70 miles along the Temple Trail wagon road from Mt. Trumbull down the Hurricane Cliffs to St. George, Utah. Ranch structures and corrals, fences, water tanks, and the ruins of sawmills are scattered across the monument and tell the stories of the remote family ranches and the lifestyles of early homesteaders. There are several old mining sites dating from the 1870s, showing the history of mining during the late 19th and early 20th

centuries. The remote and undeveloped nature of the monument protects these historical sites in nearly their original context.

The monument also contains outstanding biological resources preserved by remoteness and limited travel corridors. The monument is the junction of two physiographic ecoregions: the Mojave Desert and the Colorado Plateau. Individually, these regions contain ecosystems extreme to each other, ranging from stark, arid desert to complex, dramatic higher elevation plateaus, tributaries, and rims of the Grand Canyon. The western margin of the Shivwits Plateau marks the boundary between the Sonoran/Mojave/Great Basin floristic provinces to the west and south, and the Colorado Plateau province to the northeast. This intersection of these biomes is a distinctive and remarkable feature.

Riparian corridors link the plateau to the Colorado River corridor below, allowing wildlife movement and plant dispersal. The Shivwits Plateau is in an arid environment with between 14 to 18 inches of precipitation a year. Giant Mojave Yucca cacti proliferate in undisturbed conditions throughout the monument. Diverse wildlife inhabit the monument, including a trophy-quality mule deer herd, Kaibab squirrels, and wild turkey. There are numerous threatened or endangered species as well, including the Mexican spotted owl, the California condor, the desert tortoise, and the southwestern willow flycatcher. There are also candidate or sensitive species, including the spotted bat, the western mastiff bat, the Townsend's big eared bat, and the goshawk, as well as two federally recognized sensitive rare plant species: *Penstemon distans* and *Rosa stellata*. The ponderosa pine ecosystem in the Mt. Trumbull area is a biological resource of scientific interest, which has been studied to gain important insights regarding dendroclimatic reconstruction, fire history, forest structure change, and the long-term persistence and stability of presettlement pine groups.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Grand Canyon-Parashant National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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 Grand Canyon-Parashant 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 of the area described on the map entitled "Grand Canyon-Parashant National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 1,014,000 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

For the purpose of protecting the objects identified above, all motorized and mechanized vehicle use off road will be prohibited, except for emergency or authorized administrative purposes.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Arizona with respect to fish and wildlife management.

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

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, other than by exchange that furthers the protective purposes of the monument. Sale of vegetative material is permitted only if part of an authorized science-based ecological restoration project. Lands and interests in lands within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

This proclamation does not reserve water as a matter of Federal law nor relinquish any water rights held by the Federal Government existing on this date. The Federal land managing agencies shall work with appropriate State authorities to ensure that water resources needed for monument purposes are available.

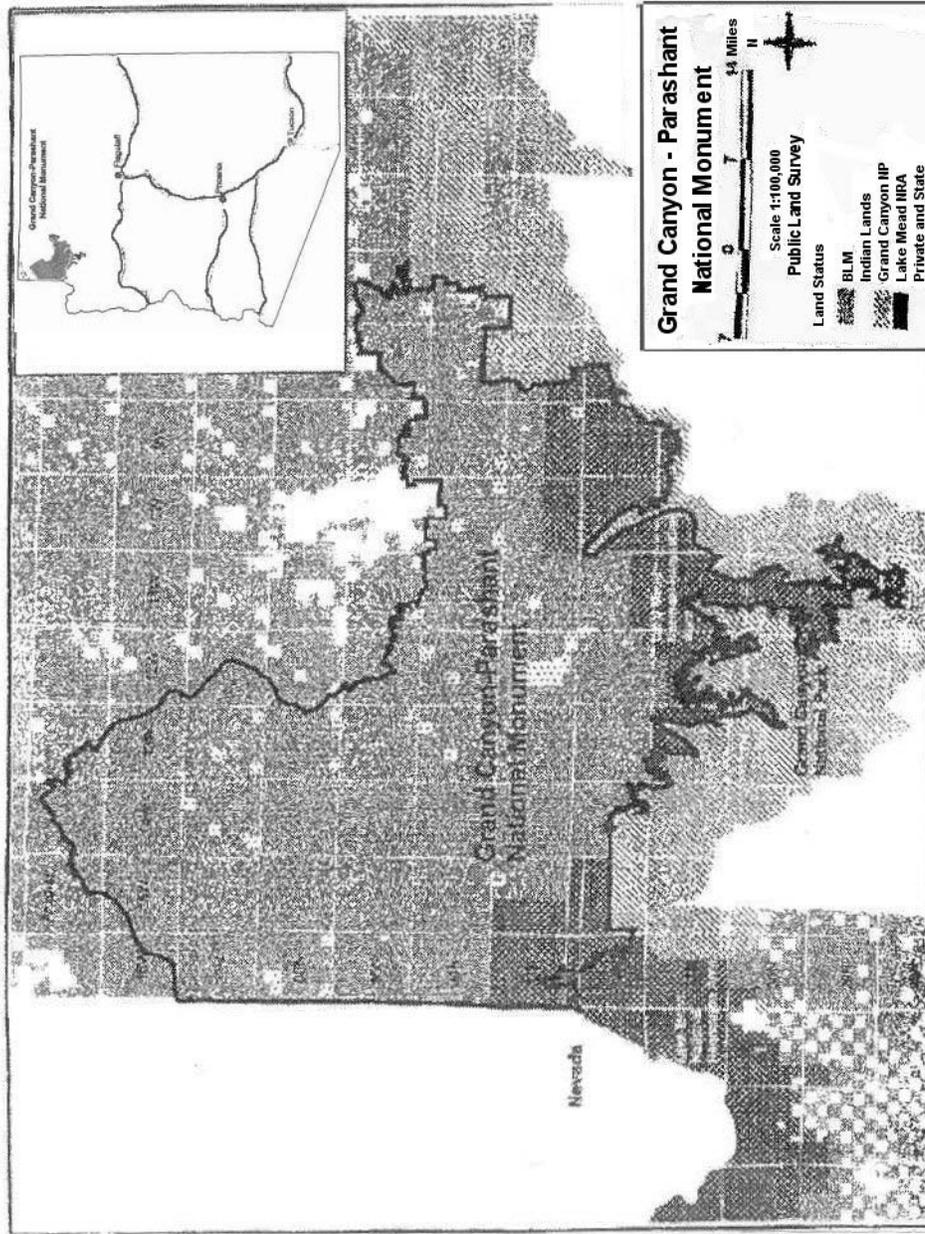
The Secretary of the Interior shall manage the monument through the Bureau of Land Management and the National Park Service, pursuant to applicable legal authorities, to implement the purposes of this proclamation. The National Park Service and the Bureau of Land Management shall manage the monument cooperatively and shall prepare an agreement to share, consistent with applicable laws, whatever resources are necessary to properly manage the monument; however, the National Park Service shall continue to have primary management authority over the portion of the monument within the Lake Mead National Recreation Area, and the Bureau of Land Management shall have primary management authority over the remaining portion of the monument.

The Bureau of Land Management shall continue to issue and administer grazing leases within the portion of the monument within the Lake Mead National Recreation Area, consistent with the Lake Mead National Recreation Area authorizing legislation. Laws, regulations, and policies followed by the Bureau of Land Management in issuing and administering grazing leases on all lands under its jurisdiction shall continue to apply to the remaining portion of the monument.

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 eleventh day of January, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.

WILLIAM J. CLINTON



26. Great Sand Dunes**No. 2681**

March 12, 1946, 70 Stat. c31, 16 U.S.C. 431 note
11 F.R. 2623

**REDEFINING THE AREA OF GREAT SAND DUNES
NATIONAL MONUMENT,* COLORADO**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the lands included within the Great Sand Dunes National Monument, Colorado by Proclamation No. 1994 of March 17, 1932 (47 Stat. 2506), were described therein in conformity with plats then on file in the General Land Office and other maps of the locality;

WHEREAS resurveys by the General Land Office disclose that sections 10, 11, 12, and parts of section 13, 14, and 15, Township 42 North, Range 12 East, and unsurveyed sections 30 and 31, Township 42 North, Range 13 East, New Mexico Principal Meridian, as described in the said Proclamation, do not exist; and

WHEREAS it appears necessary and desirable in the public interest to redefine the area included within the Monument in accordance with the latest plats of survey:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, c. 3060, 34 Stat. 225 (U.S.C., title 16, sec. 431), do revise the land description contained in said Proclamation No. 1994 of March 17, 1932, to read as follows:

SIXTH PRINCIPAL MERIDIAN

- T. 25 S., R. 73 W.,
secs. 31 and 32.
- T. 26 S., R. 73 W.,
secs. 3 to 11, secs. 14 to 23, and secs. 26 to 35, inclusive.
- T. 27 S., R. 73 W.,
secs. 3 to 10 and secs. 15 to 22, inclusive.

NEW MEXICO PRINCIPAL MERIDIAN

- T. 40 N., R. 12 E.,
secs. 1 and 2;
sec. 11, NE1/4;
secs. 12, 13, 24, and 25.
- T. 41 N., R. 12 E.,
secs 13, 14, 15, those parts south of Luis Maria Baca Grant No. 4;
secs. 22 to 27, inclusive;
secs. 34, 35, and 36.
- Tps. 40 and 41 N., R. 13 E., unsurveyed.

Containing approximately 44,810 acres.

* redesignated as Great Sand Dunes National Park on September 24, 2004. Great Sand Dunes National Preserve, adjacent to the national park, was created on November 22, 2000.

All other provisions contained in the said Proclamation of March 17, 1932, shall remain in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the united States to be affixed.

DONE at the City of Washington this 12th day of March in the year of our Lord
nineteen hundred and forty-six, and of the Independence of the United States
[SEAL] of America the one hundred and seventieth.

HARRY S TRUMAN

By the President:

JAMES F. BYRNES,
Secretary of State.

No. 3138

June 7, 1956, 70 Stat. c31, 16 U.S.C. 431 note
21 F.R. 4035

**REVISING THE BOUNDARIES OF GREAT SAND DUNES
NATIONAL MONUMENT, COLORADO**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the Great Sand Dunes National Monument in the State of Colorado was established by Proclamation No. 1994 of March 17, 1932 (47 Stat. 2506), as modified by Proclamation No. 2681 of March 12, 1946, for the preservation of the great sand dunes and additional features of scenic, scientific, and educational interests; and

WHEREAS it appears that retention of certain lands within the monument is no longer necessary for such purpose; and

WHEREAS it appears that it would be in the public interest to exclude such lands from the monument; and

WHEREAS certain lands now a part of the Rio Grande National Forest are better suited for national-monument purposes than for national-forest purposes and should be excluded from such forest, and these lands and certain other land adjoining the monument are required for the proper care, management, and protection of the objects of scenic, scientific, and educational interest situated on lands within the monument; and

WHEREAS it appears that it would be in the public interest to reserve such lands as an addition to the monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),¹³ and the act of June 4, 1897, 30 Stat. 34, 36 (16 U.S.C. 473),¹⁴ do proclaim as follows:

1. The following-described lands in the State of Colorado are hereby excluded from the Great Sand Dunes National Monument:

¹³ 16 U.S.C.A. § 431.

¹⁴ 16 U.S.C.A. § 473.

NEW MEXICO PRINCIPAL MERIDIAN

- T. 41 N., R. 12 E.,
 sec. 22, SW1/4;
 sec. 26, all;
 sec. 27, all;
 sec. 34, all;
 sec. 35, all.
- T. 40 N., R. 12 E.,
 sec. 2, all;
 sec. 11, NE1/4;
 sec. 12, SW1/4
 sec. 13, W1/2;
 sec. 24, all;
 sec. 25, all.
- Fractional T. 40 N., R.13 E.,
 sec. 19, all;
 sec. 30, all;
 sec. 31, all.

SIXTH PRINCIPAL MERIDIAN

- T. 27 S., R. 73 W.,
 sec. 15, SE1/4 SW1/4 S1/2 SE1/4;
 sec. 19, all;
 sec. 20, all;
 sec. 21, all;
 sec. 22. all.

The public lands hereby excluded from the monument shall not be subject to application, location, settlement, entry, or other forms of appropriation under the public-land laws until further order of an authorized officer of the Department of the Interior.

2. Subject to valid existing rights, the following-described lands in the State of Colorado are hereby reserved as and made a part of the Great Sand Dunes National Monument, and so much thereof as is now within the Rio Grande National Forest is hereby excluded therefrom and the boundaries of said National Forest are modified accordingly:

SIXTH PRINCIPAL MERIDIAN

- T. 26 S., R. 73 W.,
 sec. 2, all.
- T. 27 S., R. 73 W.,
 sec. 2, W1/2.

Warning is hereby expressly 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 and caused the seal of the United States to be affixed.

DONE at the City of Washington this seventh day of June in the year of our Lord nineteen hundred and fifty-six, and of the Independence of the United States
 [SEAL] of America the one hundred and eightieth.

DWIGHT. D. EISENHOWER

By the President:

JOHN FOSTER DULLES

Secretary of State.

27. Hovenweep**No. 2924**

April 26, 1951, 65 Stat. c8, 16 U.S.C. 431 note
16 F.R. 3687

**ENLARGING HOVENWEEP NATIONAL MONUMENT
COLORADO AND UTAH**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS Proclamation No. 1654 of March 2, 1923, established the Hovenweep National Monument on certain public lands in southwestern Colorado and southeastern Utah for the purpose of protecting and preserving four groups of ruins including structures of the finest prehistoric masonry to be found in the United States; and

WHEREAS it has been determined that the public lands described and set apart as the said Hovenweep National Monument do not include the lands containing one of the said group of ruins known as the Hackberry Ruin; and

WHEREAS another ruin, known as the Goodman Point Ruin, situated in the vicinity of the Hovenweep National Monument, has been found to be of significance comparable to, and suitable for preservation with, the ruins comprising the said Monument; and

WHEREAS it is deemed desirable in the public interest that the lands embracing the Hackberry Ruin and the Goodman Point Ruin be added to and reserved as parts of the Hovenweep National Monument:

NOW, THEREFORE, I, HARRY, S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906 (ch. 3060, 34 Stat. 225, 16 U.S.C. 431), do proclaim that, subject to valid existing rights and the provisions of existing withdrawals, the following-described tracts of land in Colorado are hereby added to and reserved as parts of the Hovenweep National Monument:

NEW MEXICO PRINCIPAL MERIDIAN

T. 36 N., R. 20 W.,

Sec. 2, lot 3, and SE1/4 NW1/4

T. 36 N., R. 17 W.,

Sec. 4, lot 2, and SW 1/4 NE1/4

Warning is hereby expressly 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.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the lands hereby added to the monument as provided in the act of Congress entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-3), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of April, in the year of our Lord
 [SEAL] nineteen hundred and fifty-one, and of the Independence of the United States
 of America the one hundred and seventy-fifth.

HARRY S TRUMAN

By the President:
 DEAN ACHESON,
Secretary of State.

No. 2998

November 20, 1952, 67 Stat. c21,
 17 F.R. 10715

**ENLARGING THE HOVENWEEP NATIONAL MONUMENT
 COLORADO AND UTAH**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
 A PROCLAMATION

WHEREAS Proclamation No. 1654 of March 2, 1923, established the Hovenweep National Monument on certain public lands in southwestern Colorado and southeastern Utah for the purpose of preserving four groups of ruins, including structures of the finest prehistoric masonry found in the United States, and Proclamation No. 2924 of April 26, 1951,⁶ added to the monument certain other public lands in southwestern Colorado containing other significant ruins; and

WHEREAS other public lands, contiguous to a portion of the lands now comprising the said monument, have been found to contain very important archeological sites, including small pueblos and an exceptional and significant great kiva (a large circular semi-subterranean ceremonial room), the inside and overall diameters of which are approximately 60 and 100 feet, respectively, which kiva has never been excavated by archeologists or vandalized by unauthorized digging; and

WHEREAS it appears that it would be in the public interest to reserve the lands embracing such archeological sites as a part of the said monument:

NOW, THEREFORE, I, HARRY, S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 255 (16 U.S.C. 431),⁷ do proclaim that subject to valid existing rights and the provisions of existing withdrawals, the following-described lands in Colorado are hereby added to and reserved as parts of the Hovenweep National Monument:

NEW MEXICO PRINCIPAL MERIDIAN

T. 36 N., R. 17 W.,
 sec. 4, lot 3, SE1/4 NW1/4, and E1/2 SW1/4 NW1/4
 The area described contains 81.02 acres, more or less.

⁶ 1951 U.S. Code Cong. & Adm. Serv. p. 905.

⁷ 16 U.S.C.A. § 431.

Warning is hereby expressly 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.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the lands hereby added to the monument as provided in the act of Congress entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (16 U.S.C. 1-3),⁸ and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 20th day of November, in the year of our Lord nineteen hundred and fifty-two, and of the Independence of the United States [SEAL] of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:

DAVID BRUCE

Acting Secretary of State.

No. 3132

April 6, 1956, 70 Stat. c26, 16 U.S.C. 431 note
21 F.R. 2369

**REVISING THE BOUNDARIES OF HOVENWEEP NATIONAL
MONUMENT, UTAH AND COLORADO**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS it appears that public lands described as SW1/4 NE1/4, section 20, Township 39 South, Range 26 East, Salt Lake Base and Meridian, which contain no objects of historic or scientific interest were erroneously included in the Hovenweep National Monument in Utah and Colorado by Proclamation No. 1654 of March 2, 1923 (42 Stat. 2299); and

WHEREAS it appears that public lands described as SE1/4 NE1/4 of such section 20 which contain ruin groups worthy of preservation because of their historic and scientific value were erroneously omitted from the monument; and

WHEREAS there are other public lands contiguous to the monument which contain an important ruin group, Cutthroat Castle, an outstanding example of a defensive structure of the thirteenth century, the preservation of which is desirable because of its historic and scientific value; and

WHEREAS it appears that it would be in the public interest to reserve such lands as an addition to such monument:

⁸ 16 U.S.C.A. §§ 1-3.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),⁹ do proclaim as follows:

1. The following-described lands in the State of Utah are hereby excluded from the Hovenweep National Monument:

UTAH, SALT LAKE BASE AND MERIDIAN

T. 39 S., R. 26 E.,

sec. 20, SW1/4 NE1/4

The lands hereby excluded from the monument shall not be subject to application, location, settlement, entry, or other forms of appropriation under the public land laws until further order of an authorized officer of the Department of the Interior.

2. Subject to valid existing rights, the following-described public lands in the States of Utah and Colorado are hereby reserved and added to and made a part of the Hovenweep National Monument and shall be subject to all laws, rules, and regulations applicable to that monument:

UTAH, SALT LAKE BASE AND MERIDIAN

T. 39 S., R. 26 E.,

sec. 20, SE1/4 NE1/4

COLORADO, NEW MEXICO PRINCIPAL MERIDIAN

T. 37 N., R. 19 W.,

sec. 19, SE1/4 of Lot 11 and E1/2 SW1/4 of Lot 11, excepting a portion of Segregated Tract 63 patented to Edward C. Forest

Warning is hereby expressly 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 and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of April in the year of our Lord nineteen hundred and fifty six, and of the Independence of the United States [SEAL] of America, the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

⁹ 16 U.S.C.A. 431 note.

28. Katmai**No. 3890**

January 20, 1969, 83 Stat. 926, 16 U.S.C. 431 note
34 F.R. 911

**ENLARGING THE KATMAI NATIONAL MONUMENT*
ALASKA**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the Katmai National Monument in Alaska was established by Proclamation No. 1487 of September 24, 1918, to preserve an area that is of significant importance in the study of volcanism and the monument was subsequently enlarged to include other areas containing features and objects of historical and scientific interest; and

WHEREAS, only a part of Naknek Lake is included within the present boundaries of the monument and the inclusion of all of such lake and its shores is necessary for the protection of the ecological and other scientific values of this lake and the existing monument; and

WHEREAS, under section 2 of the act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431),²⁸ the President is authorized "to declare by public proclamation *** 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 may 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:"

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States, under the authority vested in me by section 2 of the act of June 8, 1906, supra, do proclaim that, subject to valid existing rights, the lands owned or controlled by the United States within the following described boundary are hereby added to and made a part of the Katmai National Monument:

SEWARD MERIDIAN, ALASKA

Beginning at a point on the westerly boundary of the Katmai National Monument at its intersection with the southerly line of T18S, R41W, (unsurveyed);

Thence westerly along said township line through Rs. 41, 42 and 43 W, (unsurveyed), to the southwest corner of T18S, R43W, (unsurveyed);

Thence northerly along the west line of Tps. 18 and 17 S, R43W, (unsurveyed) to the northwest corner of T17S, R43W, (unsurveyed);

Thence easterly along the north line of T17S, R43W, (unsurveyed), and the south line of T16S, R43W, (unsurveyed), to the southwest corner of sec. 34, T16S, R43W, (unsurveyed);

Thence northerly along the west line of said sec. 34 to the northwest corner thereof;

Thence easterly along the north line of secs. 34, 35 and 36, T16S, R42W, (unsurveyed), secs. 31 through 36, T16S, R43W, (unsurveyed), and secs. 31, 32, 33 and 34,

* redesignated as Katmai National Park and National Preserve on December 2, 1980.

²⁸ 16 U.S.C.A. § 431.

T16S, R41W, (unsurveyed), to its intersection with the westerly line of Katmai National Monument;

Thence southwesterly and southeasterly along the western boundary of the Katmai National Monument to the Point of Beginning, containing approximately 94,547 acres.

Warning is hereby expressly 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.

Any reservations or withdrawals heretofore made which affect the lands described above are hereby revoked. This proclamation shall not affect any claims, as described in section 4 of the Alaska Statehood Act (72 Stat. 339),²⁹ of Alaska natives to the lands within the monument area.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January in the year of our Lord nineteen hundred and sixty-nine and of the Independence of the United States of America the one hundred and ninety-third.

LYNDON B. JOHNSON

No. 4619

December 1, 1978, 93 Stat. 1460, 16 U.S.C. 431 note
43 F.R. 57059

ENLARGING THE KATMAI NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

In 1912, Mount Katmai gave vent to an extremely violent volcanic eruption. To preserve this excellent example of recent volcanism and ash deposition, Katmai National Monument was established in 1918. In the ensuing years it was recognized that in addition to the volcanoes, the area included a significant population of Alaska brown bear and important spawning grounds for the Bristol Bay red salmon. The area was enlarged in view of these features in 1931, 1942 and 1969.

Continued research has revealed that the bear population is more mobile than originally believed. By the addition made hereby, a viable gene-pool population of the Alaska brown bear can be protected free from human harassment. The addition closes a fifteen mile gap between the former monument boundary and the McNeil River State Game Sanctuary thereby completing the protection of the range of this population of the world's largest carnivore.

The enlargement also protects the headwaters of the drainages which provide the spawning grounds for the red salmon. By protecting the quality of the water in these watersheds, the drama of the salmon run, a phenomenon of great scientific interest over the years, may be perpetuated.

The land withdrawn and reserved by this Proclamation for the protection of the biologic and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic

²⁹ 48 U.S.C.A. prec. § 21 note.

and scientific values of the natural objects protected herein, because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the area added to Katmai National Monument by this Proclamation.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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 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.

NOW, THEREFORE, I, JIMMY CARTER, 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 for inclusion in the Katmai National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Enlargement of Katmai National Monument on the map numbered KATM-90,007 attached to and forming a part of this Proclamation. The area reserved consists of approximately 1,370,000 acres, and is necessary to ensure the proper care and management of the objects the monument was established to preserve and those added by this Proclamation. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this addition, are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this addition is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Furthermore, nothing in this Proclamation is intended to modify, revoke or abrogate the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close this addition, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

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 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Note: The maps which formed a part of this proclamation are not reproduced here since the reduction necessary from the original would render them unreadable.

29. Kenai Fjords

No. 4620

December 1, 1978, 93 Stat. 1462, 16 U.S.C. 431 note
43 F.R. 57067

KENAI FJORDS NATIONAL MONUMENT*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

Kenai Fjords National Monument borders the Gulf of Alaska and includes the Harding Icefield and extensions of mountain peaks out into the sea. The area holds a significant opportunity for geologic study of mountain building and for scientific study of ecological variations from icecap environment to a marine shoreline environment.

The Harding Icefield, one of the Nation's major icecaps, continues to carve deep glacial valleys through the Kenai Mountains. The mountains themselves illustrate tectonic movement through uplift and subsidence over geologic time. Former alpine valleys are now fjords, and former mountain peaks are now tips of islands and vertical sea stacks.

Between the fjords, richly varied rain forest habitats offer opportunities to study life forms adaptable to the wet coastal environment. On the land these include mountain goat, black bear, otter, ptarmigan, and bald eagle. The area is extremely rich in sea bird life of interest to ornithologists and in marine mammals which come to feed in the fjords from their hauling and resting places on nearby islands. The recovery of the sea otter population from almost total extermination to relatively natural populations in this area is of continuing scientific interest.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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 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.

NOW, THEREFORE, I, JIMMY CARTER, 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 Kenai Fjords National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as Kenai Fjords National Monument on the map numbered KEFJ-90,008 attached to and forming a part of this Proclamation. The area reserved consists of approximately 570,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument, are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects

* redesignated as Kenai Fjords National Park on December 2, 1980.

protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate.

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 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Note: The maps which formed a part of this proclamation are not reproduced here since the reduction necessary from the original would render them unreadable.

30. Kobuk Valley

No. 4621

December 1, 1978, 93 Stat. 1463, 16 U.S.C. 431 note
43 F.R. 57073

KOBUK VALLEY NATIONAL MONUMENT*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Kobuk Valley and its environs, an area located in the northwest interior of Alaska, contains important archeological data and biological and geological features of great scientific significance.

Archeological features within the area illustrate an unbroken continuum of human adaptation to the natural environment from the early pre-Eskimo people of 10,500 years ago to the present-day local residents. Scientists recently discovered more than 100 dwellings occupied in about 1250 A.D., comprising the largest settlement of its kind. The Onion Portage Archeological District is located within the area, and is listed on the National Register of Historic Places. Archeological research at Onion Portage has yielded evidence of more than 10,000 years of human occupation.

The area contains the Great and Little Kobuk Sand Dunes, which lie north of the Arctic Circle and include both active and stabilized dunes. Scientific studies of the dunes show them to be older than 33,000 years, and several plants have been found in association with the dunes environment which are scientifically unusual in this area. The Great Kobuk Sand Dunes attain a height of 100 feet.

The inclusion of the watersheds on the north and south of the Kobuk River protects a uniquely representative series of interrelated plant communities. There is here an essentially unspoiled laboratory for the study of the northern boreal forest.

A rich variety of wildlife also occurs within the area. Major portions of the northwest arctic caribou herd move through the area in spring and fall migrations. The area also includes one of only two significant populations of the Alaska sheefish. The water environment is habitat for nesting waterfowl, moose, and muskrat. A relatively dense population of grizzly and black bears, wolf, wolverine, fox, otter, and other northern furbearing mammals range over the entire area.

The land withdrawn and reserved by this Proclamation for the protection of the archeological, geological, biological, and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhances the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with these objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is one of the values to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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

* redesignated as Kobuk Valley National Park on December 2, 1980.

national monuments, and to reserve as 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.

NOW, THEREFORE, I, JIMMY CARTER, 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 Kobuk Valley National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Kobuk Valley National Monument on the map numbered KOVA-90,010 attached to and forming a part of this Proclamation. The area reserved consists of approximately 1,710,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument, are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of Alaska v. Morton, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

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 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Note: The maps which formed a part of this proclamation are not reproduced here since the reduction necessary from the original would render them unreadable.

31. Lake Clark

No. 4622

December 1, 1978, 93 Stat. 1465, 16 U.S.C. 431 note
43 F.R. 57079

LAKE CLARK NATIONAL MONUMENT*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

An area in south-central Alaska contains examples of geological phenomena associated with two major mountain chains, the Alaska Range and the Chigmit Mountains, in an array that includes jagged peaks and two symmetrical, steaming volcanoes. These volcanoes, Redoubt and Iliamna, have been listed on the National Registry of Natural Landmarks.

The area's land forms also contribute to an outstanding example of ecological diversity in zones which remain relatively unspoiled for continued scientific research. Large mammals such as moose, caribou, Dall sheep, grizzly bear, black bear, and wolverine occur in natural populations. Whistling swans nest and rare trumpeter swans assemble in the area. Other birds, including bald eagle, gyrfalcon, osprey, and endangered peregrine falcon, breed within the area. Seabird colonies occur along the coast. One of the most stable natural populations of caribou in Alaska, the Mulchatna herd, calves and migrates within the area, offering significant opportunities for scientific study of this mammal.

Sockeye salmon runs within the area are exceptional. The area includes the upper drainage of the Kvichak River System, which is the single most productive spawning and rearing habitat for red salmon in the world, and the subject of scientific research for many years.

Historical resources of the area are significant. Kijik Village, on the shore of Lake Clark, is the site marking the first known Russian exploration of the region in the late eighteenth century. The area holds great promise for the discovery of further evidence defining the impact of the Native-European contacts.

The land withdrawn and reserved by this Proclamation for the protection of the geological, archeological, historical, biological, and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhances the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with these objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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 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.

* redesignated as Lake Clark National Park and National Preserve on December 2, 1980.

NOW, THEREFORE, I, JIMMY CARTER, 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 Lake Clark National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Lake Clark National Monument on the map numbered LACL-90,009 attached to and forming a part of this Proclamation. The area reserved consists of approximately 2,500,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument, are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

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 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Note: The maps which formed a part of this proclamation are not reproduced here since the reduction necessary from the original would render them unreadable.

32. Lava Beds**No. 2925**

April 27, 1951, 65 Stat. c9, 16 U.S.C. 431 note
16 F.R. 3823

**ENLARGING THE LAVA BEDS NATIONAL MONUMENT
CALIFORNIA**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS certain lands adjacent to the Lava Beds National Monument in the State of California, established by Proclamation No. 1755 of November 21, 1925, contain cliffs with petroglyphic carvings from a prehistoric period; and

WHEREAS a large cinder cone, important to the geologic interpretation of the Lava Beds National Monument, is partially outside the present boundaries of the monument; and

WHEREAS it appears that the public interest would be promoted by adding the lands described in the preceding paragraphs to the Lava Beds National Monument in order to insure permanent protection to these prehistoric and geologic phenomena:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),⁴ do proclaim that, subject to valid existing rights, the lands within the following-described areas in California owned by the United States are hereby added to and reserved as a part of the Lava Beds National Monument, and that the privately-owned lands within such areas shall become a part of such monument upon the acquisition of title thereto by the United States:

MOUNT DIABLO MERIDIAN

T. 46 N., R. 5 E.,

Sec. 3, lots 9, 10, and 32;

Sec. 10, lots 1, 2, 4, 11, 12, 20, and 21, and N1/2 NW1/4 SE1/4

T. 44 N., R. 4 E.,

Sec. 6, N1/2 of lot 1.

The areas described aggregate 211.13 acres.

The reservation made by this proclamation is not intended to prevent the use of the lands in T. 44 N., R. 4 E., for national-forest purposes for which they were reserved by the proclamation establishing the Shasta National Forest, and both reservations shall be effective on such lands, but the reservation for the national-monument purposes shall be the dominant reservation and any use of the lands which interferes with their preservation or protection as a part of the national monument is hereby forbidden.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this monument as hereby extended and not to settle upon any of the lands reserved as a part of this monument.

⁴ 16 U.S.C.A. § 431.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of these lands as provided in the act of Congress entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-3),⁵ and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of April in the year of our Lord
nineteen hundred and fifty-one and of the Independence of the United States
[SEAL] of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:
DEAN ACHESON,
Secretary of State.

⁵ 16 U.S.C.A. §§ 1.3.

33. Marble Canyon

No. 3889

January 20, 1969, 83 Stat. 924, 16 U.S.C. 431 note
34 F.R. 909

ESTABLISHING MARBLE CANYON NATIONAL MONUMENT* ARIZONA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS, the Marble Canyon of the Colorado River in Arizona, a northerly continuation of the world-renowned Grand Canyon, possesses unusual geologic and paleontologic features and objects and other scientific and natural values; and

WHEREAS, it appears that the public interest would be promoted by reserving the federally owned lands encompassing Marble Canyon in order to permanently protect such features and objects; and

WHEREAS, the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, in April 1967, endorsed the preservation and protection of Marble Canyon as a part of the National Park System; and

WHEREAS, under section 2 of the act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431),²⁴ the President is authorized "to declare by public proclamation * * * 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 may 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:"

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States, under the authority vested in me by section 2 of the act of June 8 1906, supra, by the act of June 29, 1906 (34 Stat. 607, 16 U.S.C. 684),²⁵ and by the act of June 4, 1897 (30 Stat. 34, 16 U.S.C. 473),²⁶ do proclaim that, subject to valid existing rights, (1) federally owned or controlled lands within the exterior boundaries of the following described area are hereby reserved from all forms of appropriation under the public land laws and set apart as the Marble Canyon National Monument and (2) State-owned lands within those boundaries shall become and be reserved as parts of that monument upon acquisition of title thereto by the United States:

GILA AND SALT RIVER MERIDIAN, ARIZONA

Beginning at a point in the NE1/4 NE1/4 of sec. 29, T. 34 N., R. 5 E., unsurveyed, said point being the intersection of the boundary of the Grand Canyon National Park and the west rim line of Marble Canyon;

Thence in a generally northerly direction along the rims of Marble Canyon, Saddle Canyon, Buck Farm Canyon, South Canyon and Bedrock Canyon, to a point on the south line of sec. 18, T. 36 N., R. 5 E.;

* included in Grand Canyon National Park on January 3, 1975.

²⁴ 16 U.S.C.A. § 431.

²⁵ 16 U.S.C.A. § 684.

²⁶ 16 U.S.C.A. § 473.

- Thence easterly along the south lines of secs. 18 and 17 to a point on the south line of sec 17, 500' north of the rim of Bedrock Canyon and approximately 725' west of the south quarter corner of said sec. 17;
- Thence in a general northerly direction parallel to and 500' from the rims of Bedrock Canyon, Marble Canyon and North Canyon, to a point where the monument boundary intersects the east line of sec. 18, T. 37 N., R. 6 E., approximately 500' south of the NE corner thereof;
- Thence northerly along the east lines of secs. 18 and 7 to a point on the east line of said sec. 7, 500' north of the rim of North Canyon and approximately 935' south of the east quarter corner thereof;
- Thence in a generally northerly direction parallel to and 500' above the rims of North Canyon, Marble Canyon and Rider Canyon to a point where the monument boundary intersects the east line of sec. 28, T. 38 N., R. 6 E.;
- Thence northerly along the east lines of secs. 28 and 21 to a point on the east line of said sec. 21, 500' north of the rim of Rider Canyon and approximately 200' south of the east quarter corner thereof;
- Thence in a generally northerly direction parallel to and 500' above the rims of Rider Canyon and Marble Canyon to a point where the monument boundary intersects the north south center line of sec. 36, T. 39 N., R. 6 E., approximately 300' north of the south quarter corner thereof;
- Thence northerly along the north south center line of sec. 36 to the quarter corner common to secs. 36 and 25;
- Thence easterly along the south line of sec. 25 to the SE corner thereof;
- Thence northerly along the east line of sec. 25 to a point 500' north of the rim of Marble Canyon, said point being approximately 260' north of the SE corner thereof;
- Thence in a generally northerly direction parallel to and 500' above the rims of Marble Canyon and Badger Canyon to a point where the monument boundary intersects the west line of sec. 17, T. 39 N., R. 7 E., approximately 1200' south of the west quarter corner thereof;
- Thence northerly along the west line of sec. 17 to a point 500' north of the rim of Badger Canyon, said point being approximately 830' north of the west quarter corner thereof;
- Thence in a generally northerly direction parallel to and 500' above the rims of Badger Canyon, Marble Canyon and an unnamed canyon to a point where the monument boundary intersects the north south center line of sec. 9, approximately 500' south of the north quarter corner thereof;
- Thence northerly along the north south center line of secs. 9 and 4 to a point 500' north of the rim of the aforesaid unnamed canyon, said point being approximately 830' north of the south quarter corner thereof;
- Thence in a generally northerly direction parallel to and 500' above the rims of the aforesaid unnamed canyon and Marble Canyon to a point where the monument boundary intersects the east line of sec. 4 approximately at the east quarter corner of said sec. 4;
- Thence northerly along the east line of sec. 4 to the SE corner of the NE1/4 NE1/4 thereof;
- Thence easterly along the south line of the NW1/4 NW1/4 of sec. 3 to the SE corner thereof;
- Thence northerly along the east line of the NW1/4 NW1/4 of sec. 3 to the NE corner thereof;
- Thence easterly along the north line of T39N, R7E, to its intersection with the western boundary of the Navajo Indian Reservation as prescribed by the act of June 14, 1934 (48 Stat. 960).

Thence in a generally southerly direction along the western boundary of the Navajo Indian Reservation (which is described by the act of June 14, 1934, as the south bank of the Colorado River to its confluence with the Little Colorado River, excluding from the reservation all lands designated by the Secretary of the Interior pursuant to sec. 28 of the Arizona Enabling Act of June 20, 1910 (36 Stat. 575), as being valuable for water-power purposes and all lands withdrawn or classified as power site lands), to its intersection with the eastward extension of the boundary line of the Grand Canyon National Park in the SW1/4 SW1/4 of sec. 27, T34N, R5E, unsurveyed;

Thence westerly along the said eastward extension of the boundary line and the existing boundary of the Grand Canyon National Park to the Point of Beginning, containing approximately 26,080 acres.

The easterly boundary of the monument shall be coterminous with the westerly boundary of the Navajo Indian Reservation.

Any of the above-described lands which lie within the boundaries of the Kaibab National Forest, Arizona, as are by this proclamation included within the monument are hereby excluded and eliminated from the Kaibab National Forest and the boundaries of that national forest are revised accordingly.

Such parts of the Grand Canyon National Game Preserve, designated under authority of the act of June 29, 1906, supra, as are by this proclamation included within the monument are hereby excluded and eliminated from the Game Preserve.

Any reservations or withdrawals heretofore made which affect the lands described above are hereby revoked; however, the easternmost limits of the lands within such reservations and withdrawals shall be the easterly boundary of the monument.

Warning is hereby expressly 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.

The national monument hereby established shall be administered pursuant to the act of August 25, 1916 (39 Stat. 535, 16 U.S.C. 1, 2-4), and acts supplementary thereto and amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January in the year of our Lord nineteen hundred and sixty-nine and of the Independence of the United States of America the one hundred and ninety-third.

LYNDON B. JOHNSON

34. Minidoka Internment

No. 7395

January 17, 2001, 115 Stat. 2572, 16 U.S.C. 431 note
66 F.R. 7347

ESTABLISHMENT OF THE MINIDOKA INTERNMENT NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Minidoka Internment National Monument is a unique and irreplaceable historical resource which protects historic structures and objects that provide opportunities for public education and interpretation of an important chapter in American history—the internment of Japanese Americans during World War II.

On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066, authorizing the Secretary of War and military commanders to designate military areas from which “any or all persons may be excluded” and to “provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary.”

Starting in early 1942, military authorities began designating military exclusion areas in the States of California, Washington, Oregon, and Arizona, and the territory of Alaska. Following the signing of Executive Order 9066, American citizens and resident aliens of Japanese ancestry living in the designated exclusion areas were ordered to evacuate their homes and businesses and report to temporary assembly centers located at fairgrounds, horse racetracks, and other make-shift facilities.

To provide more permanent accommodations for the evacuees, President Roosevelt established the War Relocation Authority (WRA) in March 1942. The WRA oversaw the construction of ten relocation centers on Federally owned lands in remote areas of six western States and Arkansas, including the Minidoka Relocation Center in Idaho. Alaskan Native residents of the Aleutian and Pribiloff Islands and members of other ethnic and religious groups were also relocated or interned during the course of the war.

Established in August 1942, the Minidoka Relocation Center, also known as the Hunt Site, was located on Federal lands in Jerome County, in south central Idaho. During its operation from August 1942 to October 1945, the population reached a peak of 9,397 Japanese Americans from Washington State, Oregon, and Alaska. The Center included over 33,000 acres of land with administrative and residential facilities located on approximately 950 acres. The Center had more than 600 buildings including administrative, religious, residential, educational, mess, medical, manufacturing, warehouse, security, and other structures.

Living conditions at Minidoka and the other centers were harsh. Internees were housed in crude barracks and cramped quarters, and they shared communal facilities. Internees engaged in irrigated agriculture, livestock production, and light manufacturing to produce food and garments for the camp. Approximately 1,000 internees from Minidoka served in the U.S. military. Fifty-four Japanese American servicemen from Minidoka were killed in action.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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 lands, 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 appears that it would be in the public interest to reserve such lands as a national monument to be known as the Minidoka Internment National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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, U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Minidoka Internment National Monument for the purpose of protecting the historic structures and objects of historic interest contained therein, all lands and interests in lands owned or controlled by the United States within the boundaries of the area described on the map entitled "Minidoka Internment National Monument" attached to and forming a part of this proclamation. The Federal lands and interests in land reserved consist of approximately 72.75 acres, which is the smallest area compatible with the proper care and management of the structures and objects to be protected.

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 or other Federal 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 of the Interior, pursuant to legal authorities, shall manage the monument and shall transfer administration of the monument to the National Park Service to implement the purposes of this proclamation.

To carry out the purposes of this proclamation and to interpret the relocation and internment of Japanese Americans during World War II, the Secretary of the Interior, through the National Park Service, shall prepare a management plan for the monument within 3 years of this date.

This proclamation does not reserve water as a matter of Federal law nor relinquish any water rights held by the Federal Government existing on this date. The Secretary shall work with appropriate State authorities to ensure that any water resources needed for monument purposes are available.

The establishment of this monument is subject to valid existing rights, provided that nothing in this proclamation shall interfere with the operation and maintenance of the Northside Canal to the extent that any such activities, that are not valid existing rights, are consistent with the purposes of the proclamation.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights of any Indian tribe.

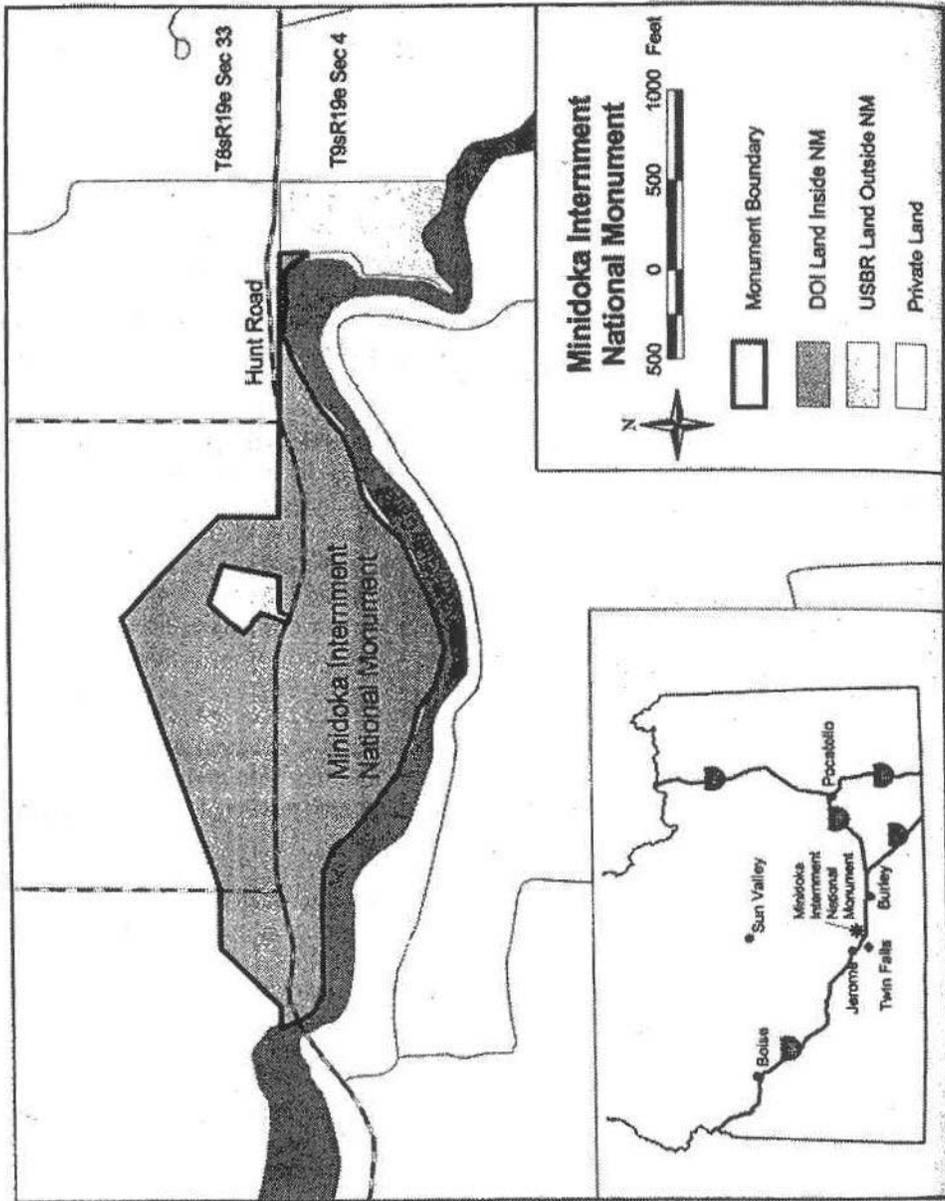
Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however the national monument shall be the dominant reservation.

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 seventeenth day of January, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.

WILLIAM J. CLINTON

PROCLAMATIONS



35. Muir Woods**No. 2932**

June 26, 1951, 65 Stat. c20, 16 U.S.C. 431 note
16 F.R. 6269

**ENLARGING THE MUIR WOODS NATIONAL
MONUMENT, CALIFORNIA**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the Muir Woods National Monument, California, was established by Proclamation No. 793 of January 9, 1908 (35 Stat. 2174), and was enlarged by Proclamations No. 1608 of September 22, 1921 (42 Stat. 2249), and No. 2122 of April 5, 1935 (49 Stat. 3443), to protect a most extraordinary growth of redwood trees (*Sequoia Sempervirens*) of primeval character; and

WHEREAS the said monument is comprised of various parcels of land conveyed to the United States, as donations, from time to time for national-monument purposes, as separately described and set out in the above-mentioned proclamations; and

WHEREAS the William Kent Estate Company, a corporation of the State of California, has conveyed to the United States, as a donation, a tract of land adjoining the southwesterly boundary of the monument to afford better protection to the monument and to promote its administration and development; and

WHEREAS the United States has acquired from the State of California a leasehold interest in a tract of land adjoining the southeasterly boundary of the monument to afford better protection to the monument and to promote its administration and development; and

WHEREAS there lies at the entrance to the monument a tract of land belonging to the William Kent Estate Company which is needed for additional visitor parking space and for other purposes incident to the proper development and administration of the monument and which is in process of acquisition by the United States for such purposes; and

WHEREAS it appears that it would be in the public interest (1) to enlarge the Muir Woods National Monument by adding thereto the said tract of land donated to the United States by the William Kent Estate Company and the said tract of land leased to the United States by the State of California, (2) to extend the boundaries of the monument so as to include therein such additional lands and the said tract of land owned by the William Kent Estate Company, and (3) to provide that the last-mentioned tract of land shall become a part of the monument upon acquisition of title thereto or control thereof by the United States:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),⁴ do proclaim that, subject to all valid existing rights, the lands within the following-described boundaries which are now owned or controlled by the United States shall constitute the Muir Woods National Monument, and that the above-described tract of land within such boundaries which is now owned by the William

⁴ 16 U.S.C.A. § 431.

Kent Estate Company shall become a part of such monument upon the acquisition of title thereto or control thereof by the United States:

Beginning at a point shown as A-14 on the map included with and made a part of Presidential Proclamation No. 793, dated January 9, 1908 (35 Stat. 2174), establishing the Muir Woods National Monument, which is the northernmost point of the said monument as presently constituted.

From the initial point,

S. 17°18' E., 2828.40 ft.;
 S. 4°10' E., 930.00 ft.;
 S. 45°17' W., 282.80 ft.;
 S. 26°58'30" E., 198.13 ft.;
 S. 55°11' 10" E., 565.58 ft.;
 S. 5°18' W., 126.37 ft.;
 S. 84°42' E., 83.23 ft.;
 S. 84°42' E., 245.41 ft.;
 S. 64°46' E., 216.16 ft.;

along a curve to the north with a radius of 1025.0 ft for a distance of 28.325 ft.;

S. 66°21' E., 150.94 ft.;

thence along a curve to the south with a radius of 275.0 ft. for a distance of 95.073 ft.;

S. 38°05' W., 143.10 ft.;
 S. 8°12'30" E., 491.22 ft.;
 N. 74°56' W., 894.16 ft.;
 N. 74°56' W., 294.76 ft.;
 S. 64°12' W., 20.85 ft.;
 S. 83°37' W., 779.66 ft.;
 N. 75°57' W., 850.32 ft.;
 N. 47°27' W., 1450.00 ft.;
 N. 47°48' W., 1050.00 ft.;
 S. 49°34' W., 93.44 ft.;
 S. 85°58' W., 462.81 ft.;
 N. 11°36' E., 199.28 ft.;
 N. 78°24' W., 78.62 ft.;
 N. 84°39' W., 187.00 ft.;
 N. 68°59' W., 88.00 ft.;
 N. 53°36' W., 309.37 ft.;
 N. 52°03' W., 621.56 ft.;
 N. 31°49' W., 258.89 ft.;
 S. 51°52' W., 449.53 ft.;
 S. 52°34' W., 877.94 ft.;
 S. 49°34' W., 299.10 ft.;
 N. 70°42' W., 200.00 ft.;
 N. 52°26' W., 499.39 ft.;
 S. 73°17' W., 239.73 ft.;
 N. 85°35' W., 319.84 ft.;
 N. 65°37' W., 539.52 ft.;
 N. 42°28' W., 378.05 ft.;
 N. 42°28' W., 75.00 ft.;
 N. 59°57' E., 3626.90 ft.;
 S. 89°39' E., 1341.70 ft.;
 S. 65°41' E., 1017.20 ft.;
 N. 83°42' E., 857.50 ft.;

N. 55° 28' E., 1550.00 ft. to the point of beginning;
containing 504.271 acres, more or less.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the said Muir Woods National Monument, as provided in the act of August 25, 1916, ch. 408, 39 Stat. 535,⁵ and acts additional thereto or amendatory thereof.

Warning is hereby expressly 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 and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-sixth day of June, in the year of our Lord nineteen hundred and fifty-one, and of the Independence of the [SEAL] United States America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

Note: The diagram referred to in the proclamation (and that follows this note) was reproduced with the proclamation in the *United States Statutes at Large*, but was not reproduced in the *U.S. Code Congressional and Administrative News*, the source for each of the proclamations in this volume.

⁵ 16 U.S.C.A. §§ 1-4, 22,43.

No. 3311

September 8, 1959, 73 Stat. c76, 16 U.S.C. 431 note
24 F.R. 7397

**ENLARGING THE MUIR WOODS NATIONAL MONUMENT,
CALIFORNIA**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the United States has acquired the hereinafter-described lands adjoining the Muir Woods National Monument, in California, for addition to that monument, and has also acquired, in connection with the acquisition of those lands, an easement over other hereinafter-described lands adjoining the acquired lands; and

WHEREAS such acquired lands and such easement are essential to the proper care, management, and use of the Muir Woods National Monument; and

WHEREAS it appears that it would be in the public interest to reserve such lands as a part of the monument and to reserve such easement for use in connection with the monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431)² do proclaim as follows:

1. Subject to valid existing rights, the following-described lands, in California, are hereby added to and reserved as a part of the Muir Woods National Monument:

BEGINNING at a point on the easterly boundary line of Ranch "X", being a portion of Lot "D" of the Sausalito or Richardson Rancho, situated in Marin County, California and delineated on that certain Map entitled Tamalpais Land and Water Company Map No. 3, filed in Book 1 of Maps, at page 104, Mann County Records, the field notes of which are recorded in Volume "D" of Miscellaneous Records, at page 1; said beginning point being north 16°05' West 421.93 feet from the most easterly corner of the said Ranch "X", said point being also in the northerly line of that certain 50-foot right-of-way conveyed by William Kent and Elizabeth T. Kent, his wife, to Muir Woods Toll Road Company, and recorded September 14, 1926, in Liber 102 of official records, at page 494, Marin County Records; and running thence along said right-of-way line south 75°05' west 2.69 feet; thence leaving said line north 53°18'30" west 102.25 feet, south 54°40' west 93.23 feet, north 36°38' west 63.61 feet, north 11°10' west 68.02 feet, north 36°56' west 172.17 feet north 8°12'30" west 491.22 feet, north 38°05' east 143.10 feet to the southwesterly line of the aforesaid 50-foot right-of-way; thence along said right-of-way line on a curve to the right whose center bears south 43°27'30" west and whose radius is 275 feet, distance 14.20 feet; thence south 43°35' east 216.30 feet; thence on a curve to the left whose center bears north 46°25' east and whose radius is 425 feet distance 82.954 feet; thence south 54°46' east 77 feet; thence on a curve to the right whose center bears south 35°14' west and whose radius is 275 feet, distance 271.42 feet; thence south 1°47' west 47.90 feet; thence on a curve to the right whose center bears north 88°13' west and whose radius is 975 feet, distance 38.57 feet; thence south 4°03' west 200.76 feet; thence on a curve to the right whose center bears north 85°57' west and whose radius is 75 feet, distance 92.98 feet; thence south 75°05' west 31.43 feet to the point of beginning; containing 6.16 acres, more or less.

² 16 U.S.C.A. § 431.

2. The easement acquired by the United States in and over the following-described lands is hereby reserved for purposes of ingress and egress between the existing County road and the above-described lands:

BEGINNING at a point in the northerly line of the aforesaid 50-foot right-of-way, said point being the beginning of the second course of the above description; and running thence north $53^{\circ}18'30''$ west 102.25 feet, south $54^{\circ}40'$ west 93.23 feet, south $35^{\circ}36'$ east 59.51 feet to the said right-of-way line; thence along said line on a curve to the right whose center bears south $35^{\circ}36'$ east and whose radius is 125 feet, distance 45.12 feet; thence north $75^{\circ}05'$ east 85.68 feet to the point of beginning.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE at the City of Washington this eighth day of September in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON

Acting Secretary of State.

36. Natural Bridges**No. 3486**

August 14, 1962, 76 Stat. 1495, 16 U.S.C. 431 note
27 F.R. 8239

**MODIFYING THE NATURAL BRIDGES NATIONAL
MONUMENT, UTAH**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the Natural Bridges National Monument, Utah, established by Proclamation No. 804 of April 16, 1908, and modified by Proclamation No. 881 of September 9, 1909, and Proclamation No. 1323 of February 11, 1916, was reserved as set apart for the preservation and protection of three extraordinary natural bridges and certain surrounding prehistoric ruins and cave springs; and

WHEREAS it appears that it would be in the public interest to add to such monument approximately five thousand two hundred and thirty six acres of land near the present boundaries which contain additional cliff-type prehistoric Indian ruins and suitable space for construction of a visitor center, administrative offices, employee residences, utility and maintenance facilities, and a new entrance road; and

WHEREAS it also appears that it would be in the public interest to exclude from the monument approximately three hundred and twenty acres of land, known as Snow Flat Spring Cave and Cigarette Spring Cave, which no longer contain features of archeological value and are not needed for the proper care, management, protection, interpretation, and preservation of the monument:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, by virtue of the authority vested in me by Section 2 of the Act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),¹ do proclaim as follows:

Subject to valid interest or rights, the lands now owned by the United States within the exterior boundaries of the following described tracts of land, which include the additional lands needed for the purposes stated above, shall constitute the Natural Bridges National Monument; and lands owned by the State of Utah within such boundaries shall become a part of that monument upon acquisition of title thereto by the United States:

SALT LAKE MERIDIAN, UTAH

T. 36 S., R. 17 E.

sec. 25, E1/2 and SW1/4

sec. 26, SE1/4 and E1/2 SW1/4

sec. 34, E1/2 NE1/4, SW1/4 NE1/4, SE1/4, and SE1/4 SW1/4

all of sections 35 and 36

T. 36 S., R. 18 E.

all of sections 30 and 31

T. 37 S., R. 17 E.

¹ 16 U.S.C.A. § 431.

all of sections 1, 2, and 3
 sec. 4, E1/2
 sec. 10, E1/2 and N1/2 NW1/4
 all of section 11
 sec. 12, NW1/4
 sec. 14, N1/2
 sec. 15, E1/2 NE1/4

T. 37 S., R. 18 E.
 sec. 6, NW1/4

The following-described lands in the State of Utah are hereby excluded from the Natural Bridges National Monument:

SALT LAKE MERIDIAN, UTAH

Cigarette Spring Cave

T. 40 S. R. 19 E.

sec. 1, Portions of NW1/4 and N1/2 SW1/4
 (exclusive of lots 5, 6, 7, 8, and 9)
 sec. 2, Portions of E1/2 NE1/4 and NE1/4 SE1/4
 (exclusive of lots 5, 6, and 7)

Snow Flat Spring Cave

T. 39 S., R. 19 E.

sec. 12, SE1/4 SE1/4
 sec. 13, NE1/4 NE1/4

T. 39 S., R. 20 E.

sec. 7, SW1/4 SW1/4
 sec. 18, NW1/4 NW1/4

The public lands hereby excluded from the monument shall not be subject to application, location, settlement, entry, or other forms of appropriation under the public-land laws until further order of an authorized officer of the Department of the Interior.

The Natural Bridges National Monument shall be administered pursuant to the Act of August 25, 1916, 39 Stat. 535 (16 U.S.C. 1-3),² and acts supplementary thereto and amendatory thereof.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any of the features or objects of this monument and not to locate or settle upon any of the lands reserved by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of August in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-seventh.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK

Secretary of State.

² 16 U.S.C.A. § 1 et seq.

37. Noatak**No. 4624**

December 1, 1978, 93 Stat. 1468, 16 U.S.C. 431 note
43 F.R. 57091

NOATAK NATIONAL MONUMENT*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Noatak River Basin is the largest mountain-ringed river basin in the Nation still virtually unaffected by technological human activity. The basin has been designated as a Biosphere Reserve under the United Nation's auspices, in recognition of its international importance for scientific study and research.

The area includes landforms and ecological variations of scientific interest. The Grand Canyon of the Noatak River is a dissected valley 65 miles long. The area contains the northwestern most fringe of boreal forest in North America, and is a transition zone and migration route for plants and animals between subarctic and arctic environments. The diversity of the flora is among the greatest anywhere in the earth's northern latitudes.

The Noatak Valley area contains a rich variety of birdlife including several Asian species. The area is crossed twice a year by two-thirds of the Western Arctic caribou herd, and is prime habitat for the barren ground grizzly bear, moose, and several predator species.

Nearly 200 archeological sites, dating as far back in time as 5,000 years, are within the area. They give promise of future discoveries leading to a deeper understanding of the area's prehistory.

The Noatak basin is an area where indigenous plants and animals perpetuate themselves naturally, in a freely functioning ecosystem. Protection of this area will assure the preservation of an essential base against which scientists may judge environmental dynamics of the future.

The land withdrawn and reserved by this Proclamation for the protection of the geological, archeological, biological, and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhances the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with these objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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 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.

NOW, THEREFORE, I, JIMMY CARTER, 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

* redesignated as Noatak National Preserve on December 2, 1980.

U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Noatak National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Noatak National Monument on the map numbered NOAT-90,004 attached to and forming a part of this Proclamation. The area reserved consists of approximately 5,800,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument, are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

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 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Note: The maps which formed a part of this proclamation are not reproduced here since the reduction necessary from the original would render them unreadable.

38. Pinnacles**No. 7266**

January 11, 2000, 114 Stat. 3241, 16 U.S.C. 431 note
65 F.R. 2831

**BOUNDARY ENLARGEMENT OF THE PINNACLES NATIONAL
MONUMENT**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

Pinnacles National Monument was established on January 16, 1908, for the purpose of protecting its natural rock formations, known as Pinnacles Rocks, and the series of talus caves underlying them. The monument sits within one of the most complex and fascinating geologic terrains in North America, an area where rock masses have been sliced apart, transported for up to hundreds of miles, and then reassembled into a fantastic geologic mixture. The monument holds only half of an ancient volcano; the other half is found 195 miles to the southeast in northern Los Angeles County. The volcano was split apart and transported north by an early strand of the San Andreas Fault, known as the Chalone Creek Fault, which lies within the monument. The pinnacles inside the monument are composed mainly of volcanic breccia, a mixture of angular blocks of volcanic lava, pumice, and ash. The occurrence of the pinnacles within the monument is unusual, as some of these volcanic rocks also contain marine fossils.

Since 1908, the boundaries of the monument have been enlarged on five occasions by presidential proclamations issued pursuant to the Antiquities Act (34 Stat. 225, 16 U.S.C. 431). Proclamation 1660 of May 7, 1923, added 562 acres to include additional natural formations with a series of caves underlying them. Proclamation 1704 of July 2, 1924, added adjoining lands that included a spring of water and valuable camping sites. Proclamation 1948 of April 13, 1931, added 1,926 acres that held additional features of scientific and educational interest and for administrative purposes. For these same purposes, the boundary was later expanded on July 11, 1933 (Proclamation 2050). Proclamation 2528 of December 5, 1941, added additional lands adjoining Pinnacles National Monument in order to protect more objects of scientific interest in the monument area. The boundary of the monument was further expanded by statute on October 20, 1976 (Public Law 94-567, 90 Stat. 2693).

The boundary enlargement affected by this proclamation is central to the continued preservation of the Pinnacles National Monument's unique resources. In addition to containing pieces of the same faults that created the tremendous geological formations throughout the monument, the expansion lands hold part of the headwaters that drain into the basin of the monument. Over millions of years, flash floods and stream currents have helped to sculpt the land's natural features. Additionally, these lands contain a biological system that must be protected if the wild character and ecosystem of the monument are to be preserved. The geologic formations provide a stellar habitat for important and sometimes fragile biological resources. For example, raptor populations, including prairie falcons, golden eagles, red-shouldered hawks, Cooper's hawks, harriers, white-tailed kites, long-eared owls, and red-tailed hawks, nest on the rocky formations and forage in the broad watershed. The lands within the expansion area contain steep, rugged slopes surrounding small canyons. Shallow rocky soils, gravel creek beds, and steeply rising topography combine to create a dynamic flood environment. The lands

preserve a complex association of plant communities characteristic of the chaparral. Along the watercourses, live-oaks, buckeyes, and sycamore grow. Blue oak woodlands and grasslands occur on the deepest soils. Creeks that flow in and out of the existing monument and the expansion lands provide highly valuable riparian habitat for wildlife. The western pond turtle, two-striped garter snake, silvery legless lizard, threatened California red-legged frog, and California horned lizard inhabit these lands. By expanding the monument, these unique biological resources can be afforded more complete protection to maintain and enhance the ecosystems of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as an addition to the Pinnacles National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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 an addition to the Pinnacles National Monument, for the purpose of care, management, and protection of the objects of scientific interest situated on lands within the said monument, all lands and interests in lands owned or controlled by the United States within the boundaries of the area described on the map entitled "Pinnacles National Monument Boundary Enlargement" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 7,900 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

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

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, 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, other than by exchange that furthers the protective purposes of the monument. Lands and interests in lands not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

There is hereby reserved, as of the date of this proclamation and subject to valid existing rights, a quantity of water sufficient to fulfill the purposes for which the monument is established. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation.

The Secretary of the Interior shall manage the area being added to the monument through the National Park Service, under the same laws and regulations that apply to the rest of the monument, except that livestock grazing may be permitted in the area added by this proclamation.

Wilderness Study Areas included in the monument will continue to be managed under section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

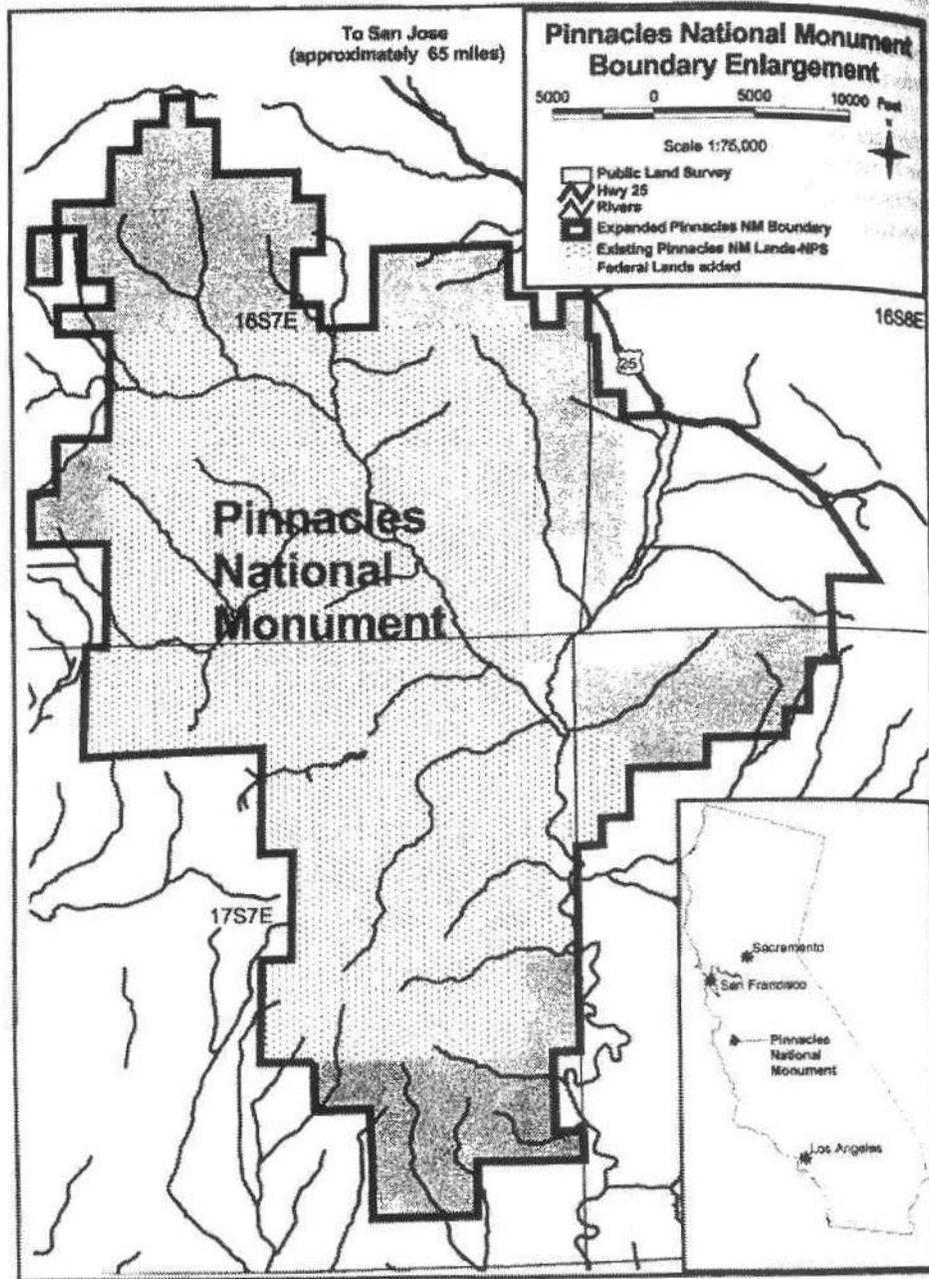
Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

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 eleventh day of January, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twentieth.

WILLIAM J. CLINTON

PROCLAMATIONS



39. Russell Cave**No. 3413**

May 11, 1961, 75 Stat. 1058, 16 U.S.C. 431 note
26 F.R. 4135

**ESTABLISHING RUSSELL CAVE NATIONAL
MONUMENT, ALABAMA**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS Russell Cave, in the State of Alabama, is recognized by scientists to contain outstanding archeological and ethnological evidences of human habitation in excess of 8,000 years; and

WHEREAS the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, established pursuant to the act of August 21, 1935, 49 Stat. 666 (16 U.S.C. 463),¹ impressed by the scientific importance and educational value of Russell Cave, has recommended that the cave be permanently preserved as a unit of the National Park System; and

WHEREAS Russell Cave and essential adjoining properties have been donated by the National Geographic Society to the American people for preservation as a national monument; and

WHEREAS, by section 2 of the act of Congress approved June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),² the President is authorized "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 may 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":

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States, under and by virtue of 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 and declare that the following-described lands situated in Jackson County, State of Alabama, are hereby established as the Russell Cave National Monument, and shall be administered pursuant to the act of August 25, 1916, 39 Stat. 535 (16 U.S.C. 1-3),³ and acts supplementary thereto and amendatory thereof:

TRACT NO. 1

Begin a tie line at a rock corner which is a point common to Sections 5, 6, 7, 8, Township 1 South, Range 8 East, Jackson County, Alabama, Huntsville Meridian; thence with the North line of Section 8 and the South line of lands of R. M. Raulston, North 85° East, 1699.5 feet (103 Poles) to a rock corner, being the Southeast corner of lands of R. M. Raulston; thence with the East line of land of R. M. Raulston, North 4°30' East, 2194.5 feet (133 Poles), being a marked line, to a large Linden (Lynn) tree, now down; thence continuing with the East line of R. M. Raulston North 9° East, 495 feet (30 Poles) to an

¹ 16 U.S.C.A. § 463.

² 16 U.S.C.A. § 431.

³ 16 U.S.C.A. §§ 1-3.

iron pipe; thence with the South line of lands of Oscar Ridley the following four courses and distances: (1) thence South 78°00' East, 1321.5 feet to an iron pipe; (2) thence South 44°30' East, 183.7 feet to an iron pipe; (3) thence North 57°22' East, 171.9 feet to a drilled hole in a large rock; (4) thence North 66°25' East, 902 feet, passing an iron pipe at 882.5 feet, to the center of Dry Creek; thence leaving the Oscar Ridley property line and following the meanders of Dry Creek in a Southerly direction along the West line of lands of F. A. Newton for a distance of 550 feet, more or less, to a stake, being the Northwest corner of Tract No. 2 conveyed by Cecil Ridley and wife, Bonita Ridley, to the National Geographic Society by deed dated May 21, 1959, and recorded in Deed Book 171 at Page 49 in the Probate Office of Jackson County, Alabama; thence continue said tie line North 79° East 627 feet with the North line of said Tract No. 2 to the West right-of-way line of the new Mt. Carmel-Orme State Highway; thence continue North 79° East 40.4 feet to a stake on the East right-of-way line of said State Highway and the point of beginning; thence continuing North 79° East 30.4 feet to an iron pipe; thence South 24°30' East 204.0 feet to an iron pipe; thence South 79° West 30.4 feet to the Easterly right-of-way of said Mt. Carmel-Orme State Highway; thence North 24°30' West 204.0 feet along said Easterly right-of-way to the point of beginning, and containing 0.14 acre, more or less.

TRACT NO. 2

Beginning at a point in the Westerly line of the 40-foot right-of-way of the new Mt. Carmel-Orme State Highway, at the Southeasterly corner of a tract of land now or formerly of Francis A. Newton, being South 79°00' West a distance of 40.4 feet from the Northwesterly corner of the above described Tract No. 1; thence running along the said Westerly line of the 40-foot right-of-way South 24°30' East, 204.0 feet to a stake; thence running along a line of land now or formerly of Cecil Ridley and wife, Bonita Ridley, South 79°00' West, 641.0 feet to a point in the center of Dry Creek; thence running along the said center of Dry Creek North 23° West, 202 feet, more or less, to the Southwest corner of land now or formerly of Francis A. Newton; thence running along the said Southerly line of land now or formerly of Francis A. Newton, North 79°00' East, 627.0 feet to the point of beginning, containing 2.91 acres, more or less, of land and water.

TRACTS NOS. 3 AND 4

Beginning at a rock corner which is a point common to Sections 5, 6, 7, 8, Township 1 South, Range 8 East, Jackson County, Alabama, Huntsville Meridian; thence with the North line of Section 8 and the South line of lands of R. M. Raulston, North 85° East, 1699.5 feet (103 Poles) to a rock corner, being the Southeast corner of lands of R. M. Raulston; thence with the East line of land of R. M. Raulston, North 4°30' East, 2194.5 feet (133 Poles) being a marked line, to a large Linden (Lynn) tree, now down; thence continuing with the East line of R. M. Raulston North 9° East, 495 feet (30 Poles) to an iron pipe, thence with the South line of lands of Oscar Ridley the following four courses and distances: (1) thence South 78°00' East, 1321.5 feet to an iron pipe; (2) thence South 44°30' East, 183.7 feet to an iron pipe; (3) thence North 57°22' East, 171.9 feet to a drilled hole in a large rock; (4) thence North 66°25' East, 902 feet, passing an iron pipe at 882.5 feet, to the center of Dry Creek; thence leaving the Oscar Ridley property line and following the meanders of Dry Creek in a Southerly direction along the West line of lands of F. A. Newton for a distance of 550 feet, more or less, to a stake, being the Northwest corner of Tract No. 2 conveyed by Cecil Ridley and wife, Bonita Ridley, to the National Geographic Society by deed dated May 21, 1959, and recorded in Deed Book 171 at Page 49 in the Probate Office of Jackson County, Alabama; thence down the center of Dry

Creek South 23° East for a distance of 202 feet, to a stake being the Southwest corner of Tract No. 2 described above; thence with the meanders of Dry Creek in a Southerly direction along the West line of lands of Cecil Ridley 1150 feet, more or less, to a stake, which is located 829 feet, more or less, up the meanders of the Creek in a Northeasterly direction from the fence at the entrance of Russell Cave and also being the Northeast corner of Tract No. 3 conveyed by deed dated May 21, 1959, to the National Geographic Society from Cecil Ridley and wife, Bonita Ridley, and recorded in Deed Book 171 at Page 49 in the Probate Office of Jackson County, Alabama; thence with the East line of said Tract No. 3, South 2°30' West, 926 feet to a sink hole, being in the South line of Section 5; thence with the South line of Section 5 South 85° West, 1881.0 feet (114 Poles) along the North line of lands of Rice Raulston to the Northeast corner of the Northwest quarter of Section 8; thence with the East line of the Northwest quarter, South 5° East, 2640 feet (160 Poles) along the West line of lands of Oscar Ridley to the Southeast corner of the Northwest quarter of Section 8; thence with the South line of the Northwest quarter, South 85° West, 2640 feet (160 Poles) along the North line of lands of Oscar Ridley to the Southwest corner of the Northwest quarter of Section 8; thence with the West line of the Northwest quarter, North 5° West, 2640 feet (160 Poles) along the East line of lands of Oscar Ridley, to the point of beginning, being the Northwest corner of the Northwest quarter of Section 8 and the point common to Sections 5, 6, 7, and 8, Township 1 South, Range 8 East, Jackson County, Alabama, Huntsville Meridian, and containing 307.4 acres, more or less, of which 4.6 acres are in Tract 3, and 302.8 acres in Tract 4.

The above-described tracts comprise, altogether, approximately 310 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this national monument.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of May in the year of our Lord
 [SEAL] nineteen hundred and sixty-one, and of the Independence of the United
 States of America the one hundred and eighty-fifth.

JOHN F. KENNEDY

By the President:

CHESTER BOWLES,

Acting Secretary of State.

40. Saguaro**No. 3439**

November 15, 1961, 76 Stat. 1437, 16 U.S.C. 431 note
26 F.R. 10899

**ENLARGING THE SAGUARO NATIONAL MONUMENT,*
ARIZONA**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS an area in Arizona possessing outstanding scientific interest because of its exceptional growth of various species of cacti has been established as the Saguaro National Monument by Proclamation No. 2032 of March 1, 1933; and

WHEREAS it appears that it would be in the public interest to add to the Saguaro National Monument certain lands lying within what is known as the Tucson Mountain Park which contain a remarkable display of relatively undisturbed lower Sonoran desert vegetation, including a saguaro stand which equals or surpasses saguaro stands elsewhere in the Nation; and

WHEREAS the addition of these lands to the monument appears essential for their effective preservation and interpretation and for the implementation of the purposes of the Saguaro National Monument; and

WHEREAS the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, established pursuant to the act of August 21, 1935, 49 Stat. 666 (16 U.S.C. 463),¹ impressed by the remarkable diversity of desert vegetation of this area and its significant wildlife qualities, has recommended its preservation by adding it to the Saguaro National Monument:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),² do proclaim as follows:

Subject to valid existing rights, the lands now owned by the United States within the exterior boundaries of the following-described tracts of land are hereby added to and reserved as a part of the Saguaro National Monument; and lands owned by the State of Arizona within such boundaries shall become and be reserved as a part of that monument upon acquisition of title thereto by the United States:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 13 S., R. 11 E.,

Sections 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35 and 36

T. 13 S., R. 12 E.,

Sections 6, 7, 8, 17, 18, 19, 20, 29, 30 and 31;

comprising 15,360 acres, more or less.

The boundaries of the Saguaro National Monument are modified accordingly.

* redesignated as Saguaro National Park on October 4, 1994.

¹ 16 U.S.C.A. § 463.

² 16 U.S.C.A. § 431.

The lands reserved as a part of the Saguaro National Monument by or pursuant to this proclamation shall be administered pursuant to the act of August 25, 1916, 39 Stat. 535 (16 U.S.C. 1—3),³ and acts supplementary thereto and amendatory thereof and shall be subject to all the laws and regulations applicable to that monument.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifteenth day of November in the year of our Lord nineteen hundred and sixty-one, and of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK

Secretary of State.

³ 16 U.S.C.A. §§ 1-3.

41. Santa Rosa Island**No. 2659**

August 13, 1945, 59 Stat. 877, 16 U.S.C.431 note
10 F. R. 10275

**ELIMINATING CERTAIN LANDS FROM THE SANTA ROSA
ISLAND NATIONAL MONUMENT* AND RESERVING THEM
FOR THE USE OF THE WAR DEPARTMENT FOR MILITARY
PURPOSES**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS certain Government-owned lands now comprising a part of Santa Rosa Island National Monument, in the state of Florida, are needed by the War Department for military purposes; and

WHEREAS the elimination of such lands from the national monument would not seriously interfere with its administration:

Now, therefore, I, HARRY S. TRUMAN, President of the United States of America, by virtue of the authority vested in me by the act of June 8, 1906, c. 3060, 34 Stat. 225 (16 U.S.C. 431),¹ and as President, do proclaim that the following-described lands are hereby eliminated from the Santa Rosa Island National Monument and reserved for the use of the War Department for military purpose, subject to valid existing rights, including those arising out of a lease granted to the Island Amusement Company by Escambia County, Florida, on September 10, 1929, and subsequently modified:

Tallahassee Meridian

T. 2 S., R. 23 W., fractional secs. 19 to 29 inclusive;

T. 2 S., R. 24 W., fractional secs. 19 to 24 inclusive;

T. 2 S., R. 25 W., fractional secs. 19 to 24 inclusive; and 26 to 30, inclusive;

T. 2 S., R. 26 W., fractional secs. 25 to 26 inclusive; and 27.

The area described aggregates approximately 4,700 acres.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 13 day of August in the year of our Lord
nineteen hundred and forty-five, and of the independence of the United
[SEAL] States of America the one hundred and seventieth.

HARRY S. TRUMAN

By the President:

James F. Byrnes,
The Secretary of State.

* abolished and donated to the county on July 30, 1946; became part of Gulf Islands National Seashore on January 8, 1971.

¹ 16 U.S.C.A. § 431.

42. Sitka**No. 2695**

February 25, 1952, 66 Stat. c22, 16 U.S.C. 431 note
17 F.R. 1787

**REDEFINING THE BOUNDARIES OF THE SITKA NATIONAL
MONUMENT,* ALASKA**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS errors have been discovered in the description of the area now constituting the Sitka National Monument, Alaska, as contained in Proclamation No. 959 of March 23, 1910 (36 Stat. 2601), establishing the said monument; and

WHEREAS a certain tract of land adjoining the said monument has been donated to the United States to provide a suitable entrance to the monument, and a certain tract of public land near the monument is needed for the administration thereof; and

WHEREAS certain privately-owned lands adjoining the said monument are needed for the administration and protection thereof, and the United States desires to acquire such lands for such purposes; and

WHEREAS it appears that it would be in the public interest to redefine the boundaries of the Sitka National Monument (1) to correct the above-mentioned errors of description, (2) to add to the monument the said tract donated to the United States and the said tract of public land, and (3) to include within the boundaries of the monument the said privately-owned lands, with a view to making such lands parts of the monument upon acquisition of title thereto by the United States:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of Congress approved June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),¹ do proclaim that, subject to valid existing rights, (1) the lands now owned by the United States within the exterior boundaries of the following-described tracts of land shown on the diagram attached hereto and hereby made a part hereof shall constitute the Sitka National Monument, and (2) the privately-owned lands within such boundaries shall become parts of the monument upon acquisition of title thereto by the United States:

Tract No. 1

Beginning at a corner No. 1, M. C. , of U.S. Survey No. 1258, which is corner No. 2 of U.S. Survey No. 407, Tract B, on the west shore of Baranof Island on Sitka Bay, Alaska, at mean high tide line, in latitude 57° 02' 45" N., longitude 135° 19' 56" W., from which U.S.R.L.M. No. 1 bears N. 79° 08' 10" W., 3,965.61 ft. distant.

From the initial point,

With U.S. Survey No. 407, Tract B, meanders of Sitka Bay,

S. 72° 42' W., 236.28 ft.,

N. 67° 18' W., 153.78 ft.,

* redesignated as Sitka National Historical Park on October 18, 1972.

¹ 16 U.S.C.A. § 431.

S. 73° 34' W., 39.38 ft. to east line of Kelly Street, as delineated on Mission Plat Addition to Town of Sitka dated June 14-21, 1923, produced southerly;

Thence with street lines as delineated on said Mission Plat Addition to Town of Sitka, and, as enumerated hereinafter,

Along east line of Kelly Street, produced southerly,

N. 20° 21' E., 51.41 ft. to south line of Lincoln Street,

Along south line of Lincoln Street,

S. 80° 44' E., 97.12 ft.,

S. 89° 58' E., 140.09 ft. to east line of Metlakahtla Street,

Along east line of Metlakahtla Street,

N. 23° 46' E., 528.47 ft. to south line of a road leading to Indian River,

Along south line of said road,

N. 71° 06' E., 190.66 ft., more or less;

Thence leaving the said road, with northeast line of Lot 1, Block IV of aforementioned plat,

S. 28° 49' E., 22.85 ft., more or less, to a point in the west line of U.S. Survey No. 1258 and east line of U.S. Survey No. 407, Tract B;

Thence with the exterior boundaries of U.S. Survey No. 1258 to the hereinafter enumerated corners,

N. 25° 18' E., 513.34 ft., crossing Indian River to corner No. 6,

S. 42° 00' E., 1,805.10 ft. to corner No. 7,

S. 30° 00' E., 673.36 ft. to corner No. 8, M.C., at mean high tide of Sitka Bay;

Thence with the meanders of Sitka Bay,

N. 65° 38' W., 123.42 ft.,

N. 10° 00" W., 142.56 ft.,

N. 76° 54" W., 66.00 ft.,

S. 9° 21' W., 88.44 ft.,

N. 52° 08' W., 224.40 ft.,

S. 71° 50' W., 234.96 ft.,

S. 12° 45' W., 85.80 ft.,

S. 39° 28' E., 169.62 ft.,

S. 9° 13' E., 62.04 ft.,

S. 59° 51' W., 204.60 ft.,

N. 82° 45' W., 328.68 ft.,

S. 59° 49' W., 364.32 ft.,

N. 67° 35' W., 67.98 ft.,

N. 37° 35' W., 359.04 ft.,

N. 24° 17' W., 448.14 ft.,

N. 15° 25' W., 292.38 ft.,

N. 30° 54' W., 284.46 ft. to corner No. 1, M.C., the place of beginning.

The tract as described contains 53.454 acres, more or less.

Tract No. 2

Beginning at corner No. 6 of U.S. Survey No. 2545, which is corner No. 9 of U.S. Survey No. 407, Tract B, corner No. 2 of U.S. Survey No. 1473, corner No. 4 of U.S. Survey No. 1804, and corner No. 1 of U.S. Survey No. 1558, from which U.S.R.L.M. No. 1 bears S. 66° 28' 53" W., 3,170.64 ft. distant, and corner No. 1, M.C., of U.S. Survey No. 1258 bears S. 26° 08' 06" E., 2,241.36 ft. distant.

From the initial point with south line of U.S. Survey No. 2545 and north line of U.S. Survey No. 1804, this line being north line of Observatory Road, so-called,

N. 15° 45' W., 35.74 ft., more or less, to the true point of beginning, thence

N. 60° 22' W., 260.00 ft.;

Thence leaving south line of U.S. Survey No. 2545 and continuing along north line of said road,

N. 32° 38' W., 105.00 ft.,

Thence leaving the said road.

N. 70° 22' E., 213.60 ft. to a point in the west line of U.S. Survey No. 1558;

Thence with the west line of U.S. Survey No. 1558, S. 15° 45' E., 300.01 ft. to the true point of beginning. The tract as described contains 0.880 acres, more or less.

The said Proclamation No. 959 of March 23, 1910, is amended accordingly.

Executive Order No. 8854 of August 16, 1941, reserving the lands comprising the said Tract No. 2 and other lands for the use of the U.S. Coast and Geodetic Survey, Department of Commerce, as a magnetic and seismological observatory site, is hereby revoked as to the lands comprising the said Tract No. 2.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument, as provided in the act of August 25, 1916, ch. 408, 39 Stat. 535 (16 U.S.C. 1-3),² and acts supplementary thereto or amendatory thereof.

Warning is hereby expressly 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 and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of February in the year of our Lord
nineteen hundred and fifty-two, and of the Independence of the United States
[SEAL] of America the one hundred and seventy-sixth.

HARRY S. TRUMAN

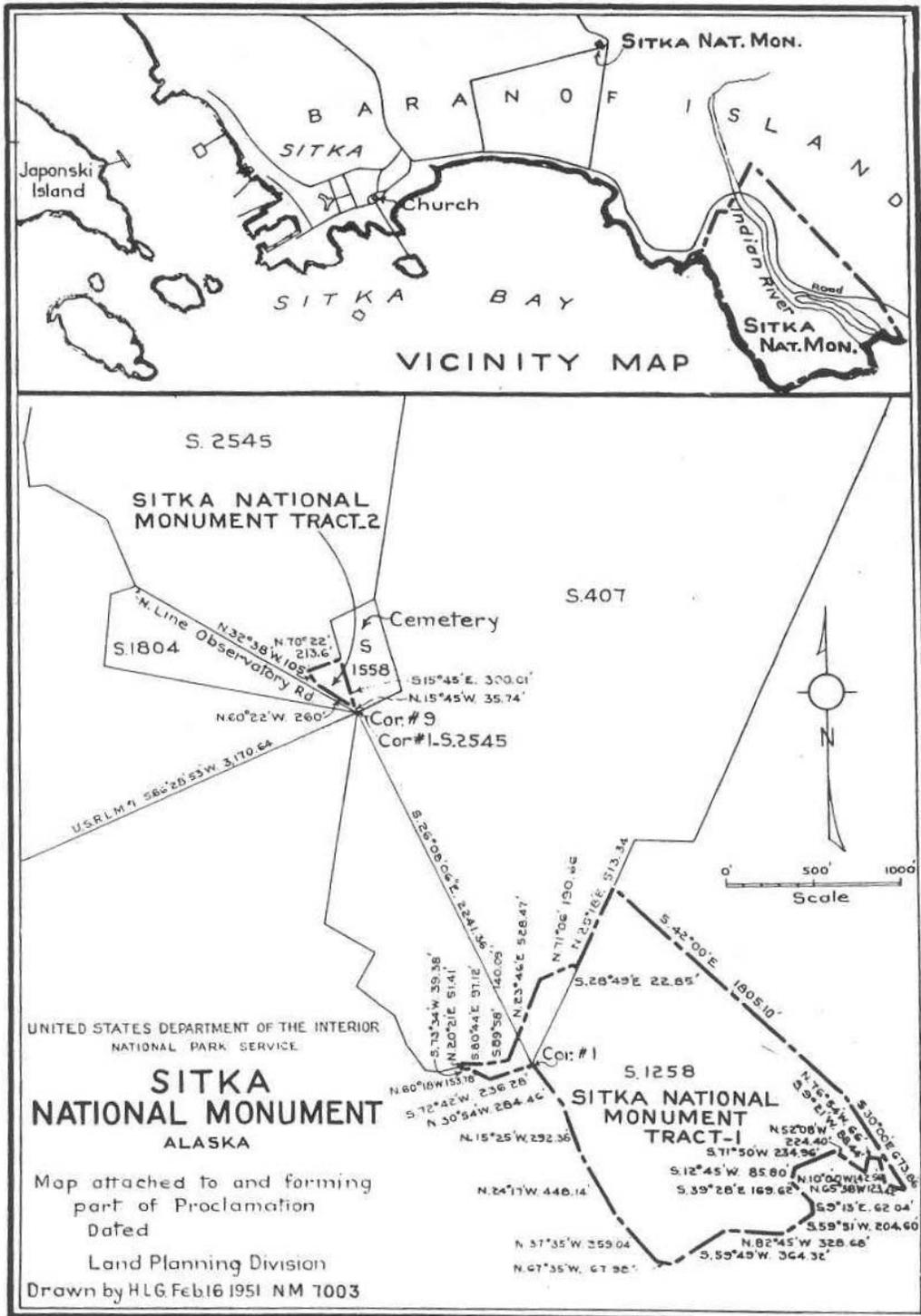
By the President:

JAMES E. WEBB,

Acting Secretary of State.

Note: The diagram referred to in the proclamation (and that follows this note) was reproduced with the proclamation in the *United States Statutes at Large*, but was not reproduced in the *U.S. Code Congressional and Administrative News*, the source for each of the proclamations in this volume.

² 16 U.S.C.A. §§ 1-3.



43. Statue of Liberty**No. 3656**

May 11, 1965, 67 Stat. c18, 16 U.S.C. 431 note
30 F.R. 6571

**ADDING ELLIS ISLAND TO THE STATUTE OF LIBERTY
NATIONAL MONUMENT****BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION**

WHEREAS Ellis Island in 1890 was placed under the control of the Federal Bureau of Immigration for development as an immigration station; and

WHEREAS between the years 1892 and 1954 Ellis Island was host to more than 16 million aliens entering this country; and

WHEREAS Ellis Island was a temporary shelter for those who sought refuge, freedom, and opportunity in our country; and

WHEREAS the millions of people who passed through the Ellis Island Depot were important to America for their contribution in making the United States of America the world leader it is today; and

WHEREAS the Statue of Liberty is a symbol to the world of the dreams and aspirations which have drawn so many millions of immigrants to America; and

WHEREAS to all Americans the Statue of Liberty stands eternal as the symbol of the freedom which has been made a living reality for men of all races, creeds, and national origins who have united in allegiance to the Constitution of the United States and to the imperishable ideals of our free society; and

WHEREAS, by Proclamation No. 1713 of October 15, 1924 (43 Stat. 1968), the Statue of Liberty and the land on which it is situated were established as a national monument in accordance with section 2 of the Act of Congress approved June 8, 1906 (34 Stat. 225; 16 U.S.C. 431);³ and

WHEREAS Ellis Island, consisting of approximately 27.5 acres, with improvements thereon, and of submerged lands in the rectangle surrounding the island, including the above acreage, aggregating 48 acres, is owned and controlled by the United States; and

WHEREAS the public interest would be promoted by reserving this area for proper protection and preservation as the Statue of Liberty National Monument:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the Act of Congress approved June 8, 1906 (34 Stat. 225; 16 U.S.C. 431), do proclaim that the property known as Ellis Island, as described in the preamble of the Proclamation, which is owned and controlled by the United States is hereby added to and made a part of the Statue of Liberty National Monument, subject to the limitation contained in the last sentence of this paragraph, and shall be administered pursuant to the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C., secs. 1-3), and acts supplementary thereto and amendatory thereof. Henceforth the Statue of Liberty National Monument shall consist of the Statue of Liberty, Liberty Island, and Ellis Island. Unless provided otherwise by Act of Congress, no funds appropriated to the Department of the Interior for the Administration of the National Monument shall be expended upon the development of Ellis Island.

³ 16 U.S.C.A. § 431.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the National Monument.

So much of Proclamation No. 1713 of October 15, 1924, as relates to Fort Wood, New York, and the Statute of Liberty and the land on which it is situated, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of May in the year of our Lord
nineteen hundred and sixty-five, and of the Independence of the United
[SEAL] States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,

Secretary of State.

44. Timpanogos Cave**No. 3457**

March 27, 1962, 76 Stat. 1457, 16 U.S.C. 431 note
27 F.R. 2981

**REDEFINING THE EXTERNAL BOUNDARIES OF THE
TIMPANOGOS CAVE NATIONAL MONUMENT, UTAH**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS, by Proclamation No. 1640 of October 14, 1922 (42 Stat. 2285), there were reserved and set apart, as the Timpanogos Cave National Monument, Utah, certain lands as shown on a diagram forming a part of that proclamation; and

WHEREAS a subsequent survey, accepted by the General Land Office on May 17, 1945, disclosed that that diagram does not accurately depict the boundaries of the monument as those boundaries are marked on the ground; and

WHEREAS it appears that it would be in the public interest to redefine the external boundaries of the monument in conformity with the survey:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, under and by virtue of the authority vested in me by the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431),⁹ do proclaim that the lands within the following-described boundaries shall constitute the Timpanogos Cave National Monument:

SALT LAKE BASE AND MERIDIAN, UTAH

Beginning at a point marked by a brass cap located 8.83 chains S. 7°30' W. from the quarter section corner common to sections 27 and 28, township 4 south, range 2 east; thence north approximately 20 chains to a point; thence east approximately 50 chains to a point; thence south approximately 50 chains to a point; thence west approximately 50 chains to a point; thence north approximately 30 chains to a brass cap, the point of beginning, as depicted on the plat for township No. 4 south, range No. 2 east, of the Salt Lake Meridian, Utah, Survey and Dependent Resurvey, accepted May 17, 1945, by Assistant Commissioner, General Land Office, Joel David Wolfsohn.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE at the City of Washington this twenty-seventh day of March in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:
GEORGE W. BALL,
Acting Secretary of State.

⁹ 16 U.S.C.A. § 431.

45. Tumacacori**No. 3228**

March 28, 1958, 72 Stat. c30, 16 U.S.C. 431 note
23 F.R. 2169

**ENLARGING THE TUMACACORI NATIONAL MONUMENT,*
ARIZONA**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the Tumacacori National Monument in Santa Cruz County, Arizona, established by Proclamation No. 821 of September 15, 1908, contains the ruins of the Tumacacori Mission, built largely of burned brick and cement mortar and one of the oldest Spanish missions in the Southwest; and

WHEREAS the Southwestern Monuments Association has offered to donate to the United States, for inclusion in such monument, a tract of land adjacent thereto containing the ruins of a lime kiln which was a part of the original mission establishment and which is likewise of historic interest; and

WHEREAS it appears that it would be in the public interest to include such tract of land, hereinafter described by metes and bounds, and the ruins thereon in the Tumacacori National Monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),³ do proclaim that, subject to valid existing rights, the following-described tract of land shall, upon acquisition of title thereto by the United States, be added to, and become a part of the Tumacacori National Monument:

Being a part of the southeast quarter, section 30, Township 21 South, Range 13 East, Gila and Salt River Meridian. and beginning at a point on the north boundary line of Tumacacori National Monument as established by Proclamation No. 821 of September 15, 1908, from which the northwest corner of the said monument bears west 125 feet; thence, east, 70 feet, along the said boundary line; north, 92 feet; west, 70 feet; and south, 92 feet, to the point of beginning; containing 0.15 acres, more or less.

Warning is hereby expressly 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 and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of March in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

* redesignated as Tumacacori National Historical Park on August 6, 1990.

³ 16 U.S.C.A. § 431.

By the President:
JOHN FOSTER DULLES,
The Secretary of State

46. Virgin Islands Coral Reef

No. 7399

January 17, 2001, 115 Stat. 2588, 16 U.S.C. 431 note
66 F.R. 7364

ESTABLISHMENT OF THE VIRGIN ISLANDS CORAL REEF NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Virgin Islands Coral Reef National Monument, in the submerged lands off the island of St. John in the U.S. Virgin Islands, contains all the elements of a Caribbean tropical marine ecosystem. This designation furthers the protection of the scientific objects included in the Virgin Islands National Park, created in 1956 and expanded in 1962. The biological communities of the monument live in a fragile, interdependent relationship and include habitats essential for sustaining and enhancing the tropical marine ecosystem: mangroves, sea grass beds, coral reefs, octocoral hardbottom, sand communities, shallow mud and fine sediment habitat, and algal plains. The fishery habitats, deeper coral reefs, octocoral hardbottom, and algal plains of the monument are all objects of scientific interest and essential to the long-term sustenance of the tropical marine ecosystem.

The monument is within the Virgin Islands, which lie at the heart of the insular Caribbean biome, and is representative of the Lesser Antillean biogeographic province. The island of St. John rises from a platform that extends several miles from shore before plunging to the abyssal depths of the Anegada trough to the south and the Puerto Rican trench to the north, the deepest part of the Atlantic Ocean. This platform contains a multitude of species that exist in a delicate balance, interlinked through complex relationships that have developed over tens of thousands of years.

As part of this important ecosystem, the monument contains biological objects including several threatened and endangered species, which forage, breed, nest, rest, or calve in the waters. Humpback whales, pilot whales, four species of dolphins, brown pelicans, roseate terns, least terns, and the hawksbill, leatherback, and green sea turtles all use portions of the monument. Countless species of reef fish, invertebrates, and plants utilize these submerged lands during their lives, and over 25 species of sea birds feed in the waters. Between the nearshore nursery habitats and the shelf edge spawning sites in the monument are habitats that play essential roles during specific developmental stages of reef-associated species, including spawning migrations of many reef fish species and crustaceans.

The submerged monument lands within Hurricane Hole include the most extensive and well-developed mangrove habitat on St. John. The Hurricane Hole area is an important nursery area for reef associated fish and invertebrates, instrumental in maintaining water quality by filtering and trapping sediment and debris in fresh water runoff from the fast land, and essential to the overall functioning and productivity of regional fisheries. Numerous coral reef-associated species, including the spiny lobster, queen conch, and Nassau grouper, transform from planktonic larvae to bottom-dwelling juveniles in the shallow nearshore habitats of Hurricane Hole. As they mature, they move offshore and take up residence in the deeper coral patch reefs, octocoral hardbottom, and algal plains of the submerged monument lands to the south and north of St. John.

The monument lands south of St. John are predominantly deep algal plains with scattered areas of raised hard bottom. The algal plains include communities of mostly red and calcareous algae with canopies as much as half a meter high. The raised hard bottom is sparsely colonized with corals, sponges, gorgonians, and other invertebrates, thus providing shelter for lobster, groupers, and snappers as well as spawning sites for some reef fish species. These algal plains and raised hard bottom areas link the shallow water reef, sea grass, and mangrove communities with the deep water shelf and shelf edge communities of fish and invertebrates.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Virgin Islands Coral Reef National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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 Virgin Islands Coral Reef 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 of the area described on the map entitled "Virgin Islands Coral Reef National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 12,708 marine acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

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, other than by exchange that furthers the protective purposes of the monument. For the purpose of protecting the objects identified above, the Secretary shall prohibit all boat anchoring, except for emergency or authorized administrative purposes.

For the purposes of protecting the objects identified above, the Secretary shall prohibit all extractive uses, except that the Secretary may issue permits for bait fishing at Hurricane Hole and for blue runner (hard nose) line fishing in the area south of St. John, to the extent that such fishing is consistent with the protection of the objects identified in this proclamation.

Lands and interests in lands within the monument not owned or controlled by the United States shall be reserved as a part of the monument upon acquisition of title or control thereto by the United States.

The Secretary of the Interior shall manage the monument through the National Park Service, pursuant to applicable legal authorities, to implement the purposes of this proclamation. The National Park Service will manage the monument in a manner consistent with international law.

The Secretary of the Interior shall prepare a management plan, including the management of vessels in the monument, within 3 years, which addresses any further specific actions necessary to protect the objects identified in this proclamation.

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

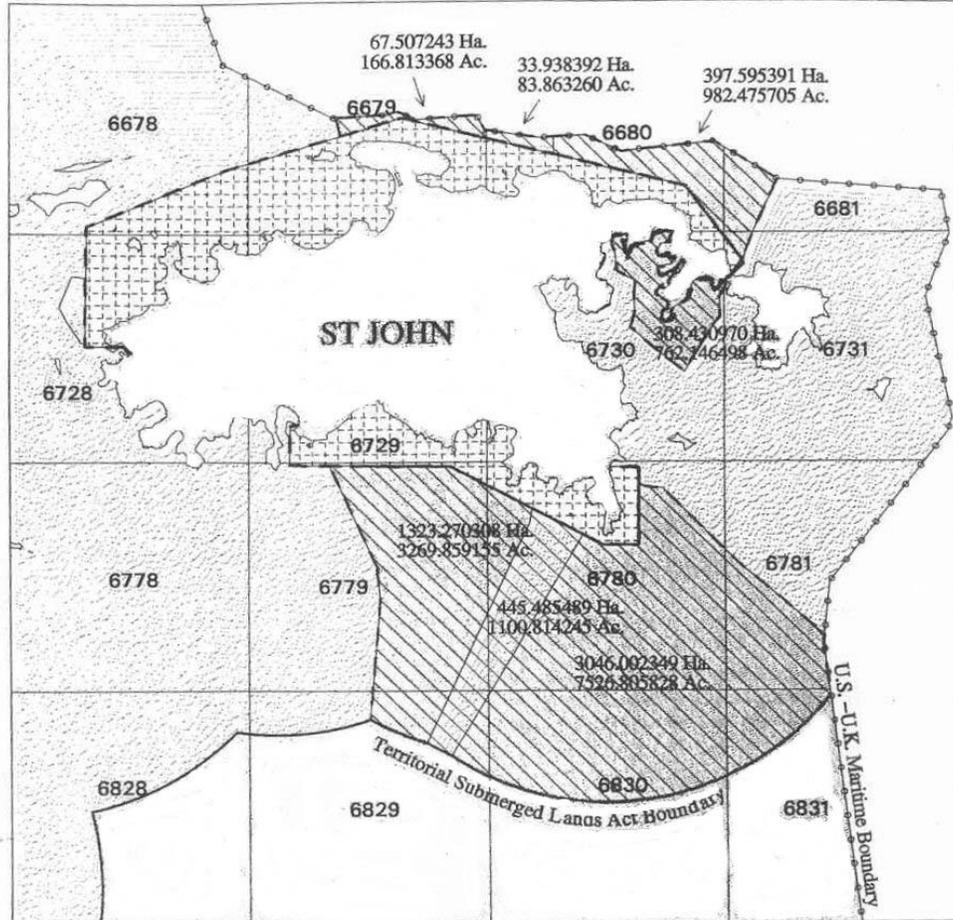
Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

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 of the lands thereof.

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

WILLIAM J. CLINTON

Virgin Islands Coral Reef National Monument



-  V.I. Territorial Submerged Lands
-  Virgin Islands National Park
-  Federal Submerged Lands
-  Coral Reef National Monument



Total Area 5,622.230142 Hectares 13,892.77806 Acres
 Total Fed Area 5,142.802261 Hectares 12,708.10056 Acres

M:\mp\Map\jst2.mxd
 Metadata Management Service/Mapping & Boundary Search 000025-0121 12/12/2000

47. White Sands**No. 3024**

June 24, 1953, 67 Stat. c53, 16 U.S.C. 431 note
18 F. R. 3683

**ADDING LANDS TO THE WHITE SANDS NATIONAL
MONUMENT NEW MEXICO**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS certain lands of the public domain lie within the boundaries of the White Sands National Monument, New Mexico, but are not now a part of the monument; and

WHEREAS it appears that the public Interest would be promoted by adding such lands to the said monument in order to preserve the white sands and other features of scenic, scientific, and educational interest located thereon:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),² do proclaim that, subject to valid existing rights, the following-described lands in New Mexico are hereby added to and reserved as a part of White Sands National Monument:

NEW MEXICO PRINCIPAL MERIDIAN

T. 18 S., R. 8 E.,

Sec. 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 6, lots 1, 2, 6, and 7, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$.

The areas described aggregate, 478.53 acres.

Public Land Order No. 833 of May 21, 1952, reserving the above described lands, together with other lands in New Mexico, for the use of the Department of the Army for military purposes, is hereby revoked so far as it affects the above-described lands.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this monument as hereby enlarged and not to settle upon any of the lands reserved by this proclamation.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of these lands as provided in the act of Congress entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (16 U.S.C. 1—3),³ and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

² 16 U.S.C.A. § 431.

³ 16 U.S.C.A. §§ 1-3.

DONE at the City of Washington this twenty-fourth day of June in the year of our
Lord nineteen hundred and fifty-three, and of the Independence of the
[SEAL] United States of America the one hundred and seventy-seventh.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

48. Wrangell-St. Elias**No. 4625**

December 1, 1978, 93 Stat. 1470, 16 U.S.C. 431 note
43 F.R. 57101

WRANGELL-ST. ELIAS NATIONAL MONUMENT*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

An area of southeastern Alaska adjacent to the International Boundary with Canada contains a variety of landforms, including high mountain peaks and steep canyons, with associated geological, ecological, biological, and historical phenomena of great importance.

The area includes the greatest assemblage of mountain peaks over 14,500 feet in elevation found in the Nation, the nation's second highest mountain (Mount St. Elias, at 18,008 feet), several inactive and one active volcano (Mount Wrangell), and an active glacial complex, including some of the largest and longest glaciers in the Nation. The high mountain peaks and glaciers offer an excellent opportunity for glaciological studies. The Malaspina Glacier is listed on the National Registry of Natural Landmarks.

Thermal features in the area include the mud cones and hot springs on the western base of Mount Drum. More complete undeveloped river systems exist here than in any other land area in the Nation, with more than 1,000 miles of powerfully running, silt-laden rivers.

Biologically unique subspecies of flora and fauna have developed in the Bremner and Chitina River Valleys. As a result of their isolation by virtue of ice fields and the Copper River, these areas are virtually ecological islands in which development of subspecies is largely unaffected by interchange with outside plant and animal species.

Wildlife populations include the largest population of wild mountain sheep in North America, moose, mountain goat, and a non-migratory population of caribou. The area is the only part of Alaska where four of the five identifiable forms of bear occur, including the interior grizzly, the coastal brown bear, the black bear, and the rare, blue-color phase of the black bear called glacier bear. Along the coast of the Gulf of Alaska bald eagles and a large and varied shorebird population occur.

Cultural development within the area is of interest to archeologists and historians. Three major culture areas converge here, each with distinctive cultural patterns: the North Athapascans, the Pacific Eskimo, and the Chugach. Mining history is evidenced by the Kennecott Copper Works, a National Historic Landmark.

The land withdrawn and reserved by this Proclamation for the protection of the geological, archeological, biological, and other phenomena enumerated above supports now, as it has in the past, a unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhances the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic

* redesignated as Wrangell-St. Elias National Park and National Preserve on December 2, 1980.

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 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.

NOW, THEREFORE, I, JIMMY CARTER, 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 Wrangell-St. Elias National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Wrangell-St. Elias National Monument on the map numbered WRST— 90,007 attached to and forming a part of this Proclamation. The area reserved consists of approximately 10,950,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A—48—72 (D. Alaska. Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

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 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Note: The maps which formed a part of this proclamation are not reproduced here since the reduction necessary from the original would render them unreadable.

49. Yukon-Charley**No. 4626**

December 1, 1978, 93 Stat. 1472, 16 U.S.C. 431 note
43 F.R. 57113

YUKON-CHARLEY NATIONAL MONUMENT*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Yukon-Charley National Monument, an area in east-central Alaska, includes a combination of historic and scientific features of great significance. The Upper Yukon River basin contains historic remains of early mining activity, and includes outstanding paleontological resources and ecologically diverse natural resources, offering many opportunities for scientific and historic study and research.

The area provides breeding habitat for the endangered peregrine falcon, and may produce about one-fourth of the known individuals of the *anatum peregrine* subspecies in its northern habitat. Wildlife also includes isolated wild populations of Dall sheep, moose, bear, wolf, and other large mammals. Nearly 200 species of birds, including 20 different raptors, are present in the area.

Geological and paleontological features within the area are exceptional, including a nearly unbroken visible series of rock strata representing a range in geologic time from pre-Cambrian to Recent. The oldest exposures contain fossils estimated to be 700 million years old, including the earliest forms of animal life. A large array of Ice Age fossils occurs in the area.

Within the area is the Charley River Basin, parts of which were unglaciated, preserving relict Pleistocene plant communities. The Charley River is considered to be one of the cleanest and clearest of the major rivers in Alaska, and thereby offers excellent opportunities for scientific studies. In the upper Charley River basin, artifacts occur dating back possibly 11,000 years, attesting to the presence of ancient hunters who were the ancestors of the modern Athapascan people.

The land withdrawn and reserved by this Proclamation for the protection of the historical, archeological, biological, geological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for the local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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 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.

* redesignated as Yukon-Charley Rivers National Preserve on December 2, 1980.

NOW, THEREFORE, I, JIMMY CARTER, 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 Yukon-Charley National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Yukon-Charley National Monument on the map numbered YUCH-90,009 attached to and forming a part of this Proclamation. The area reserved consists of approximately 1,720,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument, are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

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 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Note: The maps which formed a part of this proclamation are not reproduced here since the reduction necessary from the original would render them unreadable.

1. Franklin Delano Roosevelt Memorial Park**No. 3891**

January 22, 1969, 83 Stat. 928

34 F.R. 913

FRANKLIN DELANO ROOSEVELT MEMORIAL PARKBY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

Because of the deep debt of gratitude of the American people to Franklin Delano Roosevelt for his leadership in America's struggle for peace, well-being, and human dignity, the Congress established the Franklin Delano Roosevelt Memorial Commission, by the Act of August 11, 1955, 69 Stat. 694,30 for the purpose of considering and formulating plans for the design, construction, and location of a permanent memorial to Franklin Delano Roosevelt in the City of Washington, District of Columbia, or in its immediate environs.

In furtherance of the objectives of that Act, the Act of September 1, 1959, 73 Stat. 445, reserved, for the erection of a memorial to Franklin Delano Roosevelt, a site comprising that portion of West Potomac Park in the District of Columbia which lies between Independence Avenue and the inlet bridge, being twenty-seven acres, more or less, and also provided for a competition for the design of such memorial.

Although the Commission has not yet reported to the Congress its selection of an appropriate memorial, it is desirable that the site be maintained, pending the Commission's final determination, as a park dedicated to the memory of Franklin Delano Roosevelt.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do proclaim that the following described land reserved by the Act of September 1, 1959, be designated as the Franklin Delano Roosevelt Memorial Park area of the West Potomac Park:

That portion of West Potomac Park, in the District of Columbia, which lies between Independence Avenue and the inlet bridge, being twenty-seven acres, more or less.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

LYNDON B. JOHNSON

2. Washington Monument

No. 4064

July 6, 1971, 85 Stat. 196

36 F.R. 12967

DISPLAY OF FLAGS AT THE WASHINGTON MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Washington Monument stands day and night as America's tribute to our first President. The fifty American flags that encircle the base of the Monument represent our fifty States and, at the same time, symbolize our enduring Federal Union.

As this Nation's 200th year approaches, I believe that it would do all Americans well to remember the years of our first President and to recall the enduring ideals of our Nation.

As an expression of our rededication to the ideals of America and in accordance with the joint resolution of Congress of June 22, 1942 (56 Stat. 377), as amended by the joint resolution of December 22, 1942, (56 Stat. 1074), which permits the flag to be displayed at night "upon special occasions when it is desired to produce a patriotic effect," it is appropriate that our national colors henceforth be displayed day and night at the Washington Monument.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim that, effective July 4, 1971, the fifty flags of the United States of America displayed at the Washington Monument in the District of Columbia be flown at all times during the day and night, except when the weather is inclement.

The rules and customs pertaining to the display of the flag as set forth in the joint resolution of June 22, 1942, as amended, are hereby modified accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of July, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.

RICHARD NIXON

1. American Heritage Rivers

No. 7112

July 30, 1998, 112 Stat. 3782

63 F.R. 41949

DESIGNATION OF AMERICAN HERITAGE RIVERS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

In celebration of America's rivers, and to recognize and reward grassroots efforts to restore them, last year I announced the American Heritage Rivers initiative. My goal was to help communities realize their visions for their rivers by making it easier for them to tap existing programs and resources of the Federal Government. From across the country, hundreds of communities answered my call for nominations, asking that their rivers be designated American Heritage Rivers. I applaud all of the communities that have drawn together and dedicated themselves to the goal of healthy rivers, now and forever.

Having reviewed the recommendations of the American Heritage Rivers Initiative Advisory Committee, I am pleased to be able to recognize a select group of rivers and communities that reflect the true diversity and splendor of America's natural endowment, and the tremendous energy and commitment of its citizenry. Pursuant to Executive Orders 13061, 13080, and 13093, I hereby designate the following American Heritage Rivers:

- The Blackstone and Woonasquatucket Rivers, in the States of Massachusetts and Rhode Island;
- The Connecticut River, in the States of Connecticut, Massachusetts, New Hampshire, and Vermont;
- The Cuyahoga River, in the State of Ohio;
- The Detroit River, in the State of Michigan;
- The Hanalei River, in the State of Hawaii;
- The Hudson River, in the State of New York;
- The Upper Mississippi River, in the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;
- The Lower Mississippi River, in the States of Louisiana and Tennessee;
- The New River, in the States of North Carolina, Virginia, and West Virginia;
- The Rio Grande, in the State of Texas;
- The Potomac River, in the District of Columbia and the States of Maryland, Pennsylvania, Virginia, and West Virginia;
- The St. Johns River, in the State of Florida;
- The Upper Susquehanna and Lackawanna Rivers, in the State of Pennsylvania; The Willamette River, in the State of Oregon.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of July, in the year of our Lord nineteen hundred and ninety-eight, and of the Independence of the United States of America the two hundred and twenty-third.

WILLIAM J. CLINTON

2. Klondike Gold Rush International Historical Park

No. 7112

August 5, 1998, 112 Stat. 3788, 16 U.S.C. 410bb-2
63 F.R. 41949

DESIGNATING KLONDIKE GOLD RUSH INTERNATIONAL HISTORICAL PARK

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

A century ago, the Klondike Gold Rush began a migration that forever changed Alaska and the Yukon Territory. More than 100,000 people headed north during 1897 and 1898, catapulting a little-known region from obscurity to the center of the world stage. While the Klondike was not the first or largest western gold rush, coming nearly 50 years after the 1848 gold discovery at Sutter's Mill, California, it is remembered for the sheer drama by which it was announced to the world and for its century-long influence on Alaska and the upper Yukon River basin.

The United States and Canada have been engaged for 30 years in joint planning and cooperation to commemorate the Klondike Gold Rush and preserve historic structures and trails on both sides of the international boundary. In 1976, the Government of the United States established Klondike Gold Rush National Historical Park, consisting of a Seattle unit, a Skagway unit, a Chilkoot Pass unit, and a White Pass unit, to preserve the historic structures and trails. The Government of Canada has recognized the national significance of the Chilkoot Trail and Dawson Historical Complex by designating them as National Historic Sites. It has also designated a section of the Yukon River as a Canadian Heritage River and taken other steps to commemorate the rich history of this region.

It is the desire of the United States to join our Canadian neighbors in celebrating our shared history on the occasion of the centennial of the Klondike Gold Rush and to reaffirm the commitment of the United States to continuing the joint efforts of both nations to preserve our shared Klondike history.

In 1996, Canadian Prime Minister Jean Chretien proclaimed that, "the governments of Canada and the United States and of Yukon and Alaska in a long-standing spirit of cooperation have agreed to establish the Klondike Gold Rush International Historic Park, incorporating the resources of the Chilkoot Trail National Historic Site in British Columbia and the Klondike Gold Rush National Historical Park in Alaska.

Section 3(a) of U.S. Public Law 94—323 states, "At such time . . . that planning, development, and protection of the adjacent or related historic and scenic resources in Canada have been accomplished by the Government of Canada in a manner consistent with the purposes for which the park was established, and upon enactment of a provision similar to this section by the proper authority of the Canadian Government, the President is authorized to issue a proclamation designating and including the park as a part of an international historical park to be known as Klondike Gold Rush International Historical Park."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by section 3(a) of Public Law 94—323 of June 30, 1976, do proclaim that Klondike Gold Rush National Historical Park is

designated and included as part of an international historical park to be known as Klondike Gold Rush International Historical Park.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of August, in the year of our Lord nineteen hundred and ninety-eight, and of the Independence of the United States of America the two hundred and twenty-third.

WILLIAM J. CLINTON

3. Northern Mariana Islands, Federated States of Micronesia and the Republic of the Marshall Islands

No. 5564

November 3, 1986, 101 Stat. 2027
51 F.R. 40399

PLACING INTO FULL FORCE AND EFFECT THE COVENANT WITH THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, AND THE COMPACTS OF FREE ASSOCIATION WITH THE FEDERATED STATES OF MICRONESIA AND THE REPUBLIC OF THE MARSHALL ISLANDS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

Since July 18, 1947, the United States has administered the United Nations Trust Territory of the Pacific Islands ("Trust Territory"), which includes the Northern Marian Islands, the Federated States of Micronesia, the Marshall Islands, and Palau.

On February 15, 1975, after extensive status negotiations, the United States and the Marianas Political Status Commission concluded a Covenant to establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States ("Covenant"). Sections 101, 1002, and 1003(c) of the Covenant provide that the Northern Mariana Islands will become a self-governing Commonwealth in political union with and under the sovereignty of the United States. This Covenant was approved by the Congress by Public Law 94-241 of March 24, 1976, 90 Stat. 263. Although many sections of the Covenant became effective in 1976 and 1978, certain sections have not previously entered into force.

On October 1, 1962, the Government of the United States and the Government of the Federated States of Micronesia concluded a Compact of Free Association, establishing a relationship of Free Association between the two Governments. On June 25, 1983, the Government of the United States and the Government of the Marshall Islands concluded a Compact of Free Association, establishing a relationship of Free Association between the two Governments. Pursuant to Sections 111 and 121 of the Compacts, the Federated States of Micronesia and the Republic of the Marshall Islands become self-governing and have the right to conduct foreign affairs in their own name and right upon the effective date of their respective Compacts. Each Compact comes into effect upon (1) mutual agreement between the Government of the United States, acting in fulfillment of its responsibilities as Administering Authority of the Trust Territory of the Pacific Islands, and the other Government; (2) the approval of the Compact by the two Governments, in accordance with their constitutional processes; and (3) the conduct of a plebiscite in that jurisdiction. In the Federated States of Micronesia, the Compact has been approved by the Government in accordance with its constitutional processes, and in a United National-observed plebiscite on June 21, 1983, a sovereign act of self-determination. In the Marshall Islands, the Compact has been approved by the Government in accordance with its constitutional processes, and in a United Nations-observed plebiscite on

September 7, 1983, a sovereign act of self-determination. In the United States the Compacts have been approved by Public Law 99-239 of January 14, 1986, 99 Stat. 1770.

On January 10, 1986, the Government of the United States and the Government of the Republic of Palau concluded a Compact of Free Association, establishing a similar relationship of Free Association between the two Governments. On October 16, 1986, the Congress of the United States approved the Compact of Free Association with the Republic of Palau. In the Republic of Palau, the Compact approval process has not yet been completed. Until the future political status of Palau is resolved, the United States will continue to discharge its responsibilities in Palau as Administering Authority under the Trusteeship Agreement.

On May 28, 1986, the Trustee Council of the United Nations concluded that the Government of the United States had satisfactorily discharged its obligations as the Administering Authority under the terms of the Trusteeship Agreement and that the people of the Northern Marian Islands, the Federated States of Micronesia, and the Republic of the Marshall Islands had freely exercised their right to self-determination, and considered that it was appropriate for that Agreement to be terminated. The Council asked the United States to consult with the governments concerned to agree on a date for entry into force of their respective new status agreements.

On October 15, 1986, the Government of the United States and the Government of the Republic of the Marshall Islands agreed, pursuant to Section 411 of the Compact of Free Association, that as between the United States and the Republic of the Marshall Islands, the effective date of the Compact shall be October 21, 1986.

On October 24, 1986, the Government of the United States and the Government of the Federated States of Micronesia agreed, pursuant to Section 411 of the Compact of Free Association, that as between the United States and the Federated States of Micronesia, the effective date of the Compact shall be November 3, 1986.

On October 24, 1986, the United States advised the Secretary General of the United Nations that, as a consequence of consultations held between the United States Government and the Government of Marshall Islands, agreement had been reached that the Compact of Free Association with the Marshall Islands entered fully into force on October 21, 1986. The United States further advised the Secretary General that, as a result of consultations with their governments, agreement had been reached that the Compact of Free Association with the Federated States of Micronesia and the Covenant with the Commonwealth of the Northern Mariana Islands would enter into force on November 3, 1986.

As of this day, November 3, 1986, the United States has fulfilled its obligations under the Trusteeship Agreement with respect to the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, and the Federated States of Micronesia, and they are self-governing and no longer subject to the Trusteeship. In taking these actions, the United States is implementing the freely expressed wishes of the peoples of the Northern Mariana Islands, the Federated States of Micronesia, and the Marshall Islands.

NOW, THEREFORE, I, RONALD REAGAN, by the authority vested in me as President by the Constitution and laws of the United States of America, including Section 1002 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and Sections 101 and 102 of the Joint Resolution to approve the "Compact of Free Association", and for other purposes, approved on January 14, 1986 (Public Law 99-239), do hereby find, declare, and proclaim as follows:

Section 1. I determine that the Trusteeship Agreement for the Pacific Islands is no longer in effect as of October 21, 1986, with respect to the Republic of the Marshall

Islands, as of November 3, 1986, with respect to the Federated States of Micronesia, and as of November 3, 1986, with respect to the Northern Mariana Islands. This constitutes the determination referred to in Section 1002 of the Covenant.

Sec. 2. (a) Sections 101, 104, 301, 302, 303, 506, 806, and 904 of the Covenant are effective as of 12:01 a.m., November 4, 1986, Northern Mariana Islands local time.

(b) the Commonwealth of the Northern Mariana Islands in political union with and under the sovereignty of the United States of America is fully established on the date and at the time specified in Section 2(a) of this Proclamation.

(c) The domiciliaries of the Northern Mariana Islands are citizens of the United States to the extent provided for in Sections 301 through 303 of the Covenant on the date and at the time specified in this Proclamation.

(d) I welcome the Commonwealth of the Northern Mariana Islands into the American family and congratulate our new fellow citizens.

Sec. 3. (a) The Compact of Free Association with the Republic of the Marshall Islands is in full force and effect as of October 21, 1986, and the Compact of Free Association with the Federated States of Micronesia is in full force and effect as of November 3, 1986.

(b) I am gratified that the people of the Federated States of Micronesia and the Republic of the Marshall Islands, after nearly forty years of Trusteeship, have freely chosen to establish a relationship of Free Association with the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of November, in the year of our Lord nineteen hundred and eighty-six, and of the independence of the United States of America the two hundred and eleventh.

RONALD REAGAN

4. Republic of Palau

No. 6726

September 27, 1994, 108 Stat. 5630

59 F.R. 49777

PLACING INTO FULL FORCE AND EFFECT THE COMPACT OF FREE ASSOCIATION WITH THE REPUBLIC OF PALAU

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA A PROCLAMATION

Since July 18, 1947, the United States has administered the United Nations Trust Territory of the Pacific Islands ("Trust Territory"), which has included the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and Palau.

On November 3, 1986, a Covenant between the United States and the Northern Mariana Islands came into force. This Covenant established the Commonwealth of the Northern Mariana Islands as a self-governing Commonwealth in political union with and under the sovereignty of the United States.

On October 21, 1986, in the case of the Republic of the Marshall Islands, and on November 3, 1986, in the case of the Federated States of Micronesia, Compacts of Free Association with the United States became effective. Under the Compacts, the Federated States of Micronesia and the Republic of the Marshall Islands became self-governing sovereign states, in free association with the United States. Following the changes in political status of the Northern Mariana Islands, the Marshall Islands, and the Federated States of Micronesia, the Trusteeship Agreement ceased to be applicable to those entities and only Palau remained as the Trust Territory of the Pacific Islands.

On January 10, 1986, the Government of the United States and the Government of Palau concluded a Compact of Free Association similar to those that the United States entered into with the Republic of the Marshall Islands and with the Federated States of Micronesia. As in those instances, it was specified that the Compact with Palau would come into effect upon (1) mutual agreement between the Government of the United States, acting in fulfillment of its responsibilities as Administering Authority of the Trust Territory of the Pacific Islands, and the Government of Palau; (2) the approval of the Compact by the two Governments, in accordance with their constitutional processes; and (3) the approval of the Compact by plebiscite in Palau.

In Palau the Compact has been approved by the Government in accordance with its constitutional processes and by a United Nations-observed plebiscite on November 9, 1993, a sovereign act of self-determination. In the United States the Compact was approved by Public Law 99-658 of November 14, 1986, and Public Law 101-219 of December 12, 1989.

On May 25, 1994, the Trusteeship Council of the United Nations concluded that the Government of the United States had satisfactorily discharged its obligations as the Administering Authority under the terms of the Trusteeship Agreement and that the people of Palau had freely exercised their right to self-determination and considered that it was appropriate for the Trusteeship Agreement to be terminated. The Council asked the United States to consult with the Government of Palau and to agree on a date, on or about October 1, 1994, for entry into force of their new status agreement.

On July 15, 1994, the Government of the United States and the Government of the Republic of Palau agreed, pursuant to section 411 of the Compact of Free Association, that as between the United States and the Republic of Palau. The effective date of the Compact shall be October 1, 1994.

As of this day, September 27, 1994, the United States has fulfilled its obligations under the Trusteeship Agreement with respect to the Republic of Palau. On October 1, 1994, the Compact will enter into force between the United States and the Republic of Palau, and Palau will thereafter be self-governing and no longer subject to the Trusteeship. In taking these actions. The United States is implementing the freely expressed wishes of the people of Palau.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, including sections 101 and 102 the joint Resolution to approve the "Compact of Free Association" between the United States and the Government of Palau, and for other purposes approved on November 14, 1986 (Public Law 99-658), and section 101 of the joint Resolution to authorize entry into force of the Compact of Free Association between approved on December 12, 1989 (Public Law 101-219), and pursuant to section 1002 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and consistent with sections 101 and 102 of the Joint Resolution to approve the "Compact of Free Association" and for other purposes, approved on January 14, 1986 (Public Law 99-239), do hereby find, declare, and proclaim as follows:

Section 1. I determine that the Trusteeship Agreement for the Pacific Islands will be no longer in effect with respect to the Republic of Palau as of October 1, 1994, at one minute past one o'clock p.m. local time in Palau. This constitutes the determination referred to in section 1002 of the Covenant with the Northern Mariana Islands (Public Law 94-241).

Sec. 2. The Compact of Free Association with the Republic of Palau will be in full force and effect as of October 1, 1994, at one minute past one o'clock p.m. local time in Palau.

Sec. 3. I am gratified that the people of the Republic of Palau, after 47 years of Trusteeship, have freely chosen to establish a relationship of Free Association with the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of September, in the year of our Lord nineteen hundred and ninety four, and of the Independence of the United States of America the two hundred and nineteenth.

WILLIAM J. CLINTON

No. 9633

September 28, 1945, 10 F.R 12305

**RESERVING AND PLACING CERTAIN RESOURCES OF THE
CONTINENTAL SHELF UNDER THE CONTROL AND
JURISDICTION OF THE SECRETARY OF THE INTERIOR**

By virtue of and pursuant to the authority vested in me as President of the United States, it is ordered that the natural resources of the subsoil and sea bed of the continental shelf beneath the high seas but contiguous to the coasts of the United States declared this day by proclamation to appertain to the United States and to be subject to its jurisdiction and control, be and they are hereby reserved, set aside, and placed under the jurisdiction and control of the Secretary of the Interior for administrative purposes, pending the enactment of legislation in regard thereto. Neither this Order nor the aforesaid proclamation shall be deemed to affect the determination by legislation or judicial decree of any issues between the United States and the several states, relating to the ownership or control of the subsoil and sea bed of the continental shelf within or outside of the three-mile limit.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 28, 1945.

No. 9701

March 4, 1946, 11 F.R. 2369

**PROVIDING FOR THE RESERVATION OF RIGHTS TO
FISSIONABLE MATERIALS IN LANDS OWNED BY THE
UNITED STATES**

By virtue of the authority vested in me as the President of the United States, it is hereby ordered as follows:

1. Public lands of the United States, including lands in Alaska, which contain or may contain substantial deposits of fissionable materials shall be subject to (a) disposal under all applicable public-land laws which authorize or permit a reservation to the United States of all minerals in the land, together with the right to enter upon the land and prospect for, mine, and remove such minerals: *Provided*, that the disposal is made subject to such reservation; and (b) lease, permit, or other authorization to use the land or its resources in accordance with applicable public-land laws: *Provided*, that every such lease, permit, or authorization which grants any right to remove minerals from such land, or which otherwise would preclude the United States from exercising its right to enter upon the land and prospect for, mine, and remove minerals, shall be made subject to a reservation to the United States of all fissionable materials in the land, together with the right to enter upon the land and prospect for, mine, and remove such materials.

2. So far as not in conflict with existing law, (a) all disposals of lands, other than public lands, heretofore or hereafter acquired by the United States or any instrumentality thereof, including lands in the territories and possessions of the United States, (b) all leases, permits, or other authorizations of whatever kind hereafter granted to remove minerals from such lands, and (c) all leases, permits or other authorizations which otherwise would preclude the United States from exercising its right to enter upon the lands and prospect for, mine, and remove minerals, shall reserve to the United States all fissionable materials in the lands, together with the right, at any and all times, to enter upon the lands and prospect for, mine, and remove such materials: *Provided*, that no reservation under this paragraph shall interfere with the primary use of the land established or indicated by any act of Congress; *And provided further*, that no reservation shall be required by this paragraph whenever the Secretary of the Interior shall determine that the land affected does not contain substantial deposits of fissionable materials, or that, in view of all the circumstances, there is no reasonable probability that such materials are present in quantities sufficient to justify their extraction.

3. The term "fissionable materials" as used in this order means (a) all deposits from which the substances known as thorium, uranium (including uranium enriched as to one of its isotopes), and elements higher than uranium in the periodic table, can be refined or produced, and (b) all deposits from which there can be refined or produced other substances determined by the President by Executive order to be readily capable of or peculiarly related to transmutation of atomic species, the production of nuclear fission, or the release of atomic energy.

4. Executive Order No. 9613 of September 13, 1945,⁶ entitled "Withdrawing and Reserving for the Use of the United States Lands Containing Radio-active Mineral Substances" is hereby revoked: *Provided, however*, that all lands withdrawn or reserved by that order which contain or may contain substantial deposits of fissionable materials shall continue to remain withdrawn and reserved but shall be subject to the provisions of this order.

5. At 10:00 a. m. on the 28th day from the date on which this order is signed, the public lands released from withdrawal by the revocation of the said Executive Order No. 9613, shall, subject to valid existing rights, the provisions of existing withdrawals, and the prior provisions of this order, become subject to application, petition, location, and selection as follows:

(a) For a period of 90 days, commencing on the day and at the hour named above, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small-tract act of June 1, 1938 (52 Stat. 609, 43 U.S.C. sec. 682a),⁷ by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U.S.C. sec. 282),⁸ subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in this subdivision (2).

(b) For a period of 20 days immediately prior to the beginning of such 90-day period, such veterans, and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on the first day of the 90-day period, shall be treated as simultaneously filed.

(c) Commencing at 10:00 a. m. on the 91st day after the lands become subject to application, as hereinabove provided, any of the lands remaining unappropriated shall become subject to such application, petition, location, and selection by the public generally as may be authorized by the public-land laws.

(d) Application by the general public may be presented during the 20-day period immediately preceding such 91st day, and all such applications, together with those presented at 10:00 a. m. on that day, shall be treated as simultaneously filed.

6. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

7. Applications for these lands, which shall be filed in the appropriate District Land Office or, if there is no district land office in the State in which the land is situated, in the General Land Office, Washington, D. C., shall be acted upon in accordance with the regulations contained in section 295.8 of title 43 of the Code of Federal Regulations (Circular 324, May 22, 1914, 43 L. D. 254), and part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in subchapter I of title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the small-tract act of June 1, 1938, shall be governed by the regulations contained in parts 232 and 257, respectively, of that title.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 4, 1946.

6. 43 U.S.C.A. § 141 note.

7. 43 U.S.C.A. § 682a.

8. 43 U.S.C.A. §§ 279-283.

No. 9776

September 5, 1946, 11 F.R. 9789

**REOPENING EAST EXECUTIVE AVENUE TO PUBLIC
TRAVEL**

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy, I hereby order that East Executive Avenue in the District of Columbia be reopened to public travel on and after September 9, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 5, 1946.

No. 9851

May 13, 1947, 12 F.R. 3167

**ADDING CERTAIN LANDS TO THE MOUNT VERNON
MEMORIAL HIGHWAY**

WHEREAS by the act of June 29, 1940, 54 Stat. 686,³⁵ certain federally-owned lands lying partly in the District of Columbia and partly in the State of Virginia were placed under the control and administration of the Administrator of Civil Aeronautics, except such portion thereof as the President might, by Executive order, add to the Mount Vernon Memorial Highway, authorized by the act of May 23, 1928, 45 Stat. 721, as amended; and

WHEREAS the Administrator of Civil Aeronautics has no further need for a certain tract of 263.70745 acres of such lands, and it appears that the addition of such tract to the said Highway would be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the said act of June 29, 1940, 54 Stat. 686, the following-described tract of land is hereby added to and made a part of the Mount Vernon Memorial Highway, and shall be administered by the National Park Service, Department of the Interior:

Beginning at the point of intersection of the southerly right of way line of the Richmond, Fredericksburg and Potomac Railroad Company and the dredging base line, as established by the U. S. Engineer Office, said point of beginning being referenced south 6,800.38 feet, west 9,079.43 feet, from the dome of the United States Capitol Building (being the same point of beginning as set forth in Public No. 674, 76th Congress, 3rd Session, approved June 29, 1940); thence with the said dredging base line, it being the first line of the Washington National Airport, south 22°50'39" east 2,996.66 feet to Station 30+07.26 of said dredging base line, said point being in the Potomac River east of the mouth of Roaches Run. Thence leaving said base line and crossing the Washington National Airport due west 1,678.77 feet to a monument located on the south bank of Roaches Run and 75 feet more or less easterly of the center line of the Mount Vernon Memorial Highway, said monument being marked U. S. D. I. 404—5,A3, referenced south 9,562.00 feet, west 9,594.82 feet from the dome of the United States Capitol Building. Thence parallel to and 75 feet more or less easterly of the center line of the Mount Vernon Memorial Highway, south 40°31'23" west 307.65 feet to a point. Thence on a curve to the left, having a central angle of 09°14'53" and a radius of 3,708.58 feet, a distance of 598.60 feet, and whose long cord bears south 35°53'55" west 597.93 feet to a point of compound with another curve. Thence on a curve to the left, having a central angle of 10°53'49" and a radius of 3,945.76 feet, a distance of 750.43 feet, and whose long cord bears south 25°49'36" west 749.29 feet to a monument located 75 feet more or less easterly of the center line of the Mount Vernon Memorial Highway and one foot off the back of the westerly curb of the north access road from the Washington National Airport, said monument being marked U. S. D. I. 404—5,A6. Thence on a curve to the left concentric with and one foot off the back of the aforesaid curb of north access road, said curve having a central angle of 03°26'17" and a radius of 1,548.21 feet, a distance of 92.90 feet, and whose long cord bears south 06°12'24" west 92.87 feet to a point of compound with another curve. Thence on a curve to the left concentric with and one foot off the back of the aforesaid curb of north access road, said curve having a central angle of 21°07'07" and a radius of 1,052.65 feet, a distance of 388.00 feet, and whose long cord bears south 06°04'18" east 385.85 feet to a monument located one foot off the back of said curb, said monument being marked U. S. D. I. 404—5,A8. Thence leaving said north access road,

and radial to the last mentioned curve, south $73^{\circ}22'09''$ west 130.00 feet to a monument located 130 feet more or less easterly of the center line of the Mount Vernon Memorial Highway, said monument being marked U. S. D. I. 404—5,A9. Thence concentric to and 130 feet more or less easterly of the center line of the Mount Vernon Memorial Highway on a curve to the left, having a central angle of $10^{\circ}21'13''$ and a radius of 3,144.05 feet, a distance of 568.14 feet, and whose long cord bears south $06^{\circ}46'54''$ west 567.38 feet to a monument located southerly of the existing north access road to the Washington National Airport, said monument being marked U. S. D. I. 404—5,A10. Thence south $39^{\circ}40'40''$ east 131.76 feet to a monument, said monument being marked U. S. D. I. 404—5,A11. Thence south $02^{\circ}30'30''$ west 200.00 feet to a monument marked U. S. D. I. 401—5,A12. Thence continuing south $02^{\circ}31'30''$ west 471.10 feet to a point. Thence on a curve to the right concentric with and 200 feet more or less easterly of the center line of the Mount Vernon Memorial Highway, said curve having a central angle of $06^{\circ}39'40''$ and a radius of 6,231.13 feet, a distance of 724.42 feet, and whose long cord bears south $05^{\circ}50'24''$ west 724.03 feet to a monument marked U. S. D. I. 404—5,A14. Thence south $43^{\circ}51'47''$ west 160.00 feet to a monument marked U. S. D. I. 404—5,A15 and located at the top of a slope. Thence south $33^{\circ}21'36''$ west 46.72 feet along the top of said slope to a monument marked U. S. U. I. 404—5,A16. Thence south $11^{\circ}54'05''$ west 463.56 feet along the top of said slope to a monument marked U. S. U. I. 404—5,A17. Thence south $38^{\circ}25'37''$ west 114.46 feet to a monument marked U. S. U. I. 404—5,A18 and located at the bottom of said slope, northerly of the railroad spur track and near the easterly edge of the Mount Vernon Memorial Highway, referenced south 14,220.48 feet, west 10,954.75 feet, from the dome of the United States Capitol Building. Thence across the railroad spur track and bearing south $08^{\circ}27'13''$ east 270.12 feet to a monument marked U. S. D. I. 404—5,A19 and located at the top of a slope on the westerly side of the group of Public Roads Administration buildings. Thence south $09^{\circ}21'53''$ west 1,115.90 feet to a monument marked U. S. D. I. 404—5,A20 and located 35 feet more or less southerly of the southerly edge of the south access road to the Washington National Airport. Thence concentric with and 35 feet more or less southerly of the said southerly edge of said access road and with a curve to the left, having a central angle of $26^{\circ}06'40''$ and a radius of 729.00 feet, a distance of 332.22 feet, and whose long cord bears south $34^{\circ}10'47''$ west 329.36 feet to a brass screw set in the concrete pavement of the road to the parking area. Thence parallel to and concentric with and one foot more or less off the back of the westerly curb of the service road leading to the southern end of the air field, the following six courses and distances: south $37^{\circ}08'40''$ east 76.36 feet to a point; thence on a curve to the right, having a central angle of $90^{\circ}00'00''$ and a radius of 13 feet, a distance of 20.42 feet, and whose long cord bears south $07^{\circ}24'26''$ west 18.38 feet; thence south $52^{\circ}23'50''$ west 38.94 feet to a point; thence on a curve to the left, having a central angle of $46^{\circ}40'55''$ and a radius of 180 feet, a distance of 146.66 feet, and whose long cord bears south $29^{\circ}15'27''$ west 141.75 feet; thence south $05^{\circ}43'07''$ west 39.06 feet to a point; thence on a curve to the left, having a central angle of $03^{\circ}32'48''$ and a radius of 2805.70 feet, a distance of 173.68 feet, and whose long cord bears south $03^{\circ}56'45''$ west 173.51 feet to the end of the existing curb and one foot off the back of said curb. Thence crossing aforesaid service road south $87^{\circ}49'31''$ east 25 feet to a point one foot off the back edge of the east curb of said service road. Thence on a curve to the left, having a central angle of $22^{\circ}52'34''$ and a radius of 3,250.00 feet, a distance of 1,294.36 feet, and whose long cord bears south $12^{\circ}38'13''$ east 1,289.00 feet to a monument located on the northerly bank of Four-Mile Run and marked U. S. D. I. 404—5,A29, referenced south 17,555.40 feet, west 11,046.89 feet, from the dome of the United States Capitol Building, and thence continuing with a curve of the same radius, having a central angle of $02^{\circ}01'09''$, a distance of 114.53 feet, and whose long cord bears

south 25°04'54" east 114.53 feet to a point in Four-Mile Run. Thence in a westerly direction radial to the aforesaid curve south 62°32'51" west 25.83 feet to a point on the outside face of the east main headwall where the north wingwall joins. Thence with the following ten courses and distances along the shoreline at the mouth of Four-Mile Run; south 83°31'11" east 307.37 feet; south 06°48'13" east 68.12 feet; south 22°08'48" west 77.03 feet; south 04°39'24" west 177.12 feet; south 20°11'20" east 283.01 feet; south 28°25'07" east 192.72 feet; south 52°44'36" east 160.91 feet; south 34°06'57" east 79.50 feet; south 01°22'34" west 250.23 feet; south 07°54'07" east 152.22 feet. Thence leaving the shoreline and running in an easterly direction to intersect the fifth line of the Washington National Airport, south 74°19'55" east 2,726.43 feet, said point being in the Potomac River. Thence with the outlines of the Washington National Airport south 15°40'05" west 2,501.09 feet to the U. S. Coast and Geodetic Survey Triangulation Station WATER, referenced south 22,220.86 feet, west 8,395.54 feet from the dome of the United States Capitol Building. Thence south 01°29'20" east 85.58 feet to the northerly line of the George Washington Memorial Parkway lands on Daingerfield Island, said point being the S. E. corner of the Washington National Airport. Thence along said line south 84°30'00" west 1,516.39 feet to a right of way monument located at a corner on the property line of the Richmond, Fredericksburg and Potomac Railroad Company, referenced south 22,451.75 feet, west 9,902.73 feet, from the dome of the United States Capitol Building, said point being the S. W. corner of the Washington National Airport. Thence continuing with the outlines of the Washington National Airport and with the property lines of the Richmond, Fredericksburg and Potomac Railroad Company, north 08°09'54" west 442.68 feet to a right of way monument. Thence north 13°10'06" west 578.64 feet. Thence north 18°07'31" west 462.94 feet to a right of way monument. Thence north 19°42'21" west 943.56 feet to a point. Thence on a curve to the right, having a central angle of 27°52'45" and a radius of 1,241.15 feet, a distance of 603.92 feet, and whose long cord bears north 05°45'48" west 597.98 feet to a right of way monument. Thence north 08°10'24" east 232.33 feet to a point. Thence on a curve to the left, having a central angle of 36°59'09" and a radius of 1,046.00 feet, a distance of 675.22 feet, and whose long cord bears north 10°19'10" west 663.56 feet to a right of way monument. Thence north 28°48'45" west 256.75 feet to a right of way monument. Thence north 59°21'55" west 287.84 feet. Thence north 18°36'35" west 1,142.08 feet. Thence north 12°53'06" west 118.02 feet to a point. Thence on a curve to the right, having a central angle of 26°20'50" and a radius of 3,665.71 feet, a distance of 1,685.66 feet, and whose long cord bears north 00°17'19" east 1,670.85 feet. Thence north 13°27'44" east 2,002.11 feet to a point. Thence on a curve to the left, having a central angle of 10°36'25" and a radius of 2,864.79 feet, a distance of 530.35 feet, and whose long cord bears north 08°09'31" east 529.59 feet. Thence north 02°51'19" east 124.53 feet. Thence north 04°06'33" west 571.33 feet. Thence north 11°29'12" west 811.63 feet. Thence north 03°12'20" east 70.41 feet to a point. Thence on a curve to the right, having a central angle of 07°43'12" and a radius of 5,479.58 feet, a distance of 738.32 feet, and whose long cord bears north 07°03'56" east 737.75 feet, said curve being 250 feet more or less easterly of and concentric with the center line of the Richmond, Fredericksburg and Potomac Railroad Company's tracks. Thence north 75°11'50" east 204.72 feet to a monument marked U. S. D. I. 404—5,A65, referenced south 10,588.57 feet, west 10,821.77 feet, from the dome of the United States Capitol Building. Thence leaving the property lines of the Richmond, Fredericksburg and Potomac Railroad Company but still continuing with the lines of the Washington National Airport, as corrected, north 75°11'50" east 203.27 feet. Thence north 40°31'23" east 1,533.67 feet to a point, said point being 75 feet more or less westerly of the center line of the Mount Vernon Memorial Highway at Station 102+34.14.

Thence on a curve to the left, concentric with and 75 feet more or less westerly of the center line of the Mount Vernon Memorial Highway, having a central angle of $05^{\circ}45'00''$ and a radius of 7,239.41 feet, a distance of 726.52 feet, and whose long cord bears north $37^{\circ}38'53''$ east 726.22 feet, to a point of compound with another curve. Thence on a curve to the left, still concentric with the center line of the Mount Vernon Memorial Highway, having a central angle of $06^{\circ}00'00''$ and a radius of 2,217.01 feet, a distance of 232.16 feet, and whose long cord bears north $31^{\circ}40'23''$ east 232.06 feet to a point of compound with another curve. Thence on a curve to the left, still concentric with the center line of the Mount Vernon Memorial Highway, having a central angle of $57^{\circ}01'20''$ and a radius of 1,303.74 feet, a distance of 1,297.52 feet, and whose long cord bears north $00^{\circ}15'43''$ east 1,244.63 feet to a point of compound with another curve. Thence on a curve to the left, still concentric with the center line of the Mount Vernon Memorial Highway, having a central angle of $09^{\circ}13'22''$ and a radius of 2,217.01 feet, a distance of 356.87 feet, and whose long cord bears north $82^{\circ}51'38''$ west 356.49 feet to a point of intersection with the southerly property line of the Richmond, Fredericksburg and Potomac Railroad Company. Thence along said property line north $33^{\circ}59'00''$ east 306.44 feet to the point of beginning, containing 263.70745 acres of land more or less, being the same lands as shown on maps prepared by and on file with National Capital Parks, National Park Service, United States Department of the Interior, and titled, "Property Survey, Mount Vernon Memorial Highway Thru the Washington National Airport," drawing numbers N. C. P. 117.5-254, 117.5-255 and 117.5-256.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 13, 1947.

35. 15 U.S.C.A. § 1001

No. 9908

December 5, 1947, 12 F.R. 8223

**RESERVATION OF SOURCE MATERIAL IN CERTAIN LANDS
OWNED BY THE UNITED STATES**

By virtue of the authority vested in me as President of the United States, and in further effectuation of the policies declared by section 1 of the Atomic Energy Act of 1946 (60 Stat. 755),¹ it is hereby ordered as follows:

1. So far as not in conflict with existing law, (a) all disposals of lands, other than public lands, heretofore or hereafter acquired by the United States or any instrumentality thereof, including lands in the Territories and possessions of the United States, except in conveyances where all minerals, including source material, are reserved to the United States, (b) all leases, permits, or other authorizations of whatever kind hereafter granted to remove minerals from such lands, and (c) all leases, permits, or other authorizations which otherwise would preclude the United States from exercising its right to enter upon the lands and prospect for, mine, and remove minerals, shall contain the following reservation:

“All uranium, thorium, and all other materials determined pursuant to section 5(b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761)² to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the lands covered by this instrument are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby. However, such land may be used, and any rights otherwise acquired by this disposition may be exercised, as if no reservation of such materials had been made; except that, when such use results in the extraction of any such material from the land in quantities which may not be transferred or delivered without a license under the Atomic Energy Act of 1946,³ as it now exists or may hereafter be amended, such material shall be the property of the United States Atomic Energy Commission, and the Commission may require delivery of such material to it by any possessor thereof after such material has been separated as such from the ores in which it was contained. If the Commission requires the delivery of such material to it, it shall pay to the person mining or extracting the same, or to such other person as the Commission determines to be entitled thereto, such sums, including profits, as the Commission deems fair and reasonable for the discovery, mining, development, production, extraction, and other services performed with respect to such material prior to such delivery, but such payment shall not include any amount on account of the value of such material before removal from its place of deposit in nature. If the Commission does not require delivery of such material to it, the reservation hereby made shall be of no further force or effect.”

2. The reservation required by paragraph 1 above need not be included in any disposition of land which is not in excess of one acre and which is devoted primarily to a residential use.

3. Executive Order No. 9701 of March 4, 1946,⁴ entitled “Providing for the Reservation of Rights to Fissionable Materials in Lands Owned by the United States”, is hereby revoked; but such revocation shall not be construed to affect the revocation of

Executive Order No. 9613⁵ made by Executive Order No. 9701 or the provisions contained therein with respect to the lands released from withdrawal by the revocation of Executive Order No. 9613.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 5, 1947.

1. 42 U.S.C.A. § 1801.
2. 42 U.S.C.A. § 1805.
3. 42 U.S.C.A. §§ 1801-1819.
4. 43 U.S.C.A. § 141 note.
5. U.S. Code Cong. Service 1945 p. 1300.

No. 10014

November 3, 1948, 13 F.R. 6601

**DIRECTING FEDERAL AGENCIES TO COOPERATE WITH
STATE AND LOCAL AUTHORITIES IN PREVENTING
POLLUTION OF SURFACE AND UNDERGROUND WATERS**

By virtue of the authority vested in me as President of the United States, and pursuant to the policy expressed in section 1 of the Water Pollution Control Act approved June 30, 1948 (Public Law 845, 80th Congress),³⁰ of recognizing, preserving, and protecting the primary responsibilities and rights of the States in controlling water pollution, I hereby direct the heads of the departments, agencies, and independent establishments of the executive branch of the Government to take such action as may be practicable, in cooperation with State and local authorities concerned with control of water pollution, to insure the disposal of sewage, garbage, refuse, and other wastes accumulated in the course or as a result of Federal activities, and industrial or manufactured foodstuffs and other products destroyed by order or under the supervision of Federal regulatory authorities, in such manner as will conform with programs formulated under State law and applicable to State agencies and the public generally for the preservation and improvement of the quality of surface and underground waters.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 3, 1948.

30. 33 U.S.C.A. § 466.

No. 10355

May 26, 1952, 17 F.R. 4831

**DELEGATING TO THE SECRETARY OF THE INTERIOR THE
AUTHORITY OF THE PRESIDENT TO WITHDRAW OR
RESERVE LANDS OF THE UNITED STATES FOR PUBLIC
PURPOSES**

By virtue of the authority vested in me by section 301 of title 3 of the United States Code (section 10 of Public Law 248, 82d Congress),⁹ and as President of the United States, it is ordered as follows:

Section 1. (a) Subject to the provisions of subsections (b), (c), and (d) of this section, I hereby delegate to the Secretary of the Interior the authority vested in the President by section 1 of the act of June 25, 1910, ch. 421, 36 Stat. 847 (43 U.S.C. 141),¹⁰ and the authority otherwise vested in him to withdraw or reserve lands of the public domain and other lands owned or controlled by the United States in the continental United States or Alaska for public purposes, including the authority to modify or revoke withdrawals and reservations of such lands heretofore or hereafter made.

(b) All orders issued by the Secretary of the Interior under the authority of this order shall be designated as public land orders and shall be submitted to the Division of the Federal Register, General Services Administration, for filing and for publication in the **Federal Register**.

(c) No order affecting land under the administrative jurisdiction of any executive department or agency of the Government other than the Department of the Interior shall be issued by the Secretary of the Interior under the authority of this order without the prior approval or concurrence, so far as the order affects such land, of the head of the department or agency concerned, or of such officer of the department or agency concerned as the head thereof may designate for such purpose: *Provided*, that such officer is required to be appointed by the President by and with the advice and consent of the Senate.

(d) Any disagreement between two or more executive departments or agencies with respect to any proposed withdrawal or reservation shall be referred to the Director of the Bureau of the Budget for consideration and adjustment. The Director may, in his discretion, submit the matter to the President for his determination.

Sec. 2. The Secretary of the Interior is authorized to issue such rules and regulations, and to prescribe such procedures, as he may from time to time deem necessary or desirable for the exercise of the authority delegated to him by this order.

Sec. 3. The Secretary of the Interior is authorized to redelegate the authority delegated to him by this order to one or more of the following-designated officers: the Under Secretary of the Interior and the Assistant Secretaries of the Interior.

Sec. 4. This order supersedes Executive Order No. 9337 of April 24, 1943, entitled "Authorizing the Secretary of the Interior To Withdraw and Reserve Lands of the Public Domain and Other Lands Owned or Controlled by the United States."¹¹

HARRY S. TRUMAN

THE WHITE HOUSE,
May 26, 1952.

9. 3 U.S.C.A. § 301.

10. 43 U.S.C.A. § 141.

11. U.S. Code Cong. Service 1943, p. 539.

No. 10950

June 27, 1961, 26 F.R. 5787

**DESIGNATING THE SECRETARY OF THE INTERIOR AS THE
REPRESENTATIVE OF THE PRESIDENT TO APPROVE
SELECTIONS BY THE STATE OF ALASKA OF PUBLIC LANDS
LYING NORTH AND WEST OF THE NATIONAL DEFENSE
WITHDRAWAL LINE**

By virtue of the authority vested in me by section 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339),⁴⁸ and as President of the United States, I hereby designate the Secretary of the Interior as my representative to exercise the authority vested in me by section 6 (b) of the act to approve selections of land made by the State of Alaska under the provisions of section 6(b) in instances in which those selections include land lying north and west of the line described in section 10 (b) of the act: *Provided*, That no selection by the State shall be approved pursuant to this order, in whole or in part, without the concurrence of the Secretary of Defense or his designated representative.

As the Secretary of the Interior may direct, the Under Secretary of the Interior, and Assistant Secretary of the Interior, the Director of the Bureau of Land Management, or the Operations Supervisors of the Bureau of Land Management in Alaska are severally authorized to exercise the authority vested in the Secretary by this order.

JOHN F. KENNEDY

THE WHITE HOUSE,
June 27, 1961.

48 U.S.C.A. note preceding § 21.

No. 11017

April 27, 1962, 27 F.R. 4141

**PROVIDING FOR COORDINATION WITH RESPECT TO
OUTDOOR RECREATION RESOURCES AND ESTABLISHING
THE RECREATION ADVISORY COUNCIL**

WHEREAS it is necessary, through the conservation and wise use of resources, to preserve, develop, and make accessible to all our people outdoor recreation of such quantity and quality as will make possible the individual enjoyment of, and will assure the physical, cultural, and spiritual benefits of, such recreation; and

WHEREAS the Federal Government has major nationwide responsibilities with respect to outdoor recreation resources; and

WHEREAS it is necessary to improve the effectiveness of Federal participation in the field of outdoor recreation; and

WHEREAS a new Bureau of Outdoor Recreation has recently been established in the Department of the Interior; and

WHEREAS improvements in the development of national outdoor recreation policies and the carrying out of national outdoor recreation programs will be facilitated by the provision of more adequate interagency consultation and advice:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

Section 1. Recreation Advisory Council. (a) There is hereby established the Recreation Advisory Council (hereinafter referred to as the Council). The Council shall be composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Health, Education, and Welfare, and the Administrator of the Housing and Home Finance Agency. The chairmanship of the Council shall rotate among these officials in the order named and for terms of two years each. Each of the foregoing officers may appoint a delegate to represent him in Council activity. When matters affecting the interests of Federal agencies (including, as used in this order, executive departments and other executive agencies) the heads of which are not members of the Council are to be considered by the Council, the chairman of the Council shall invite such heads to participate in the deliberations of the Council.

(b) The Secretary of the Interior, in consultation with the other members of the Council, shall be responsible for developing methods and procedures for improved interagency coordination in the development and carrying out of national outdoor recreation policies and programs.

Sec. 2. Functions of the Council. (a) The Council shall provide broad policy advice to the heads of Federal agencies on all important matters affecting outdoor recreation resources and shall facilitate coordinated efforts among the various Federal agencies.

(b) As far as may be practical, the Council, in carrying out the provisions of subsection (a) of this section, shall include advice to the Federal agencies concerned with respect to the following aspects of outdoor recreation resources: (1) the protection and appropriate management of scenic areas, natural wonders, primitive areas, historic sites, and recreation areas of national significance, (2) the management of Federal lands for the broadest possible recreation benefit consistent with other essential uses, (3) the management and improvement of fish and wildlife resources for recreational purposes, (4) cooperation with and assistance to the States and local governments, (5) interstate

arrangements, including Federal participation where authorized and necessary, and (6) vigorous and cooperative leadership in a nationwide recreation effort.

Sec. 3. Construction. Nothing in this order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any Federal agency or head thereof to the authority of any other agency or officer or as abrogating or restricting any such function in any manner.

Sec. 4. Assistance and Cooperation. (a) The Federal agencies headed by the officers composing the Council shall furnish necessary assistance to the Council in consonance with the provisions of Section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691).

(b) In respect of duties of the Council and of the chairman of the Council, respectively, under this order, and insofar as practical, all Federal agencies shall upon request furnish information, data, and reports to, and shall otherwise cooperate with, the said Council and chairman.

JOHN F. KENNEDY

THE WHITE HOUSE,
April 27, 1962.

No. 11145

March 7, 1964, 29 F.R. 3189

**PROVIDING FOR A CURATOR OF THE WHITE HOUSE AND
ESTABLISHING A COMMITTEE FOR THE PRESERVATION
OF THE WHITE HOUSE**

WHEREAS the White House, as the home of the highest elective officer of the United States

- symbolizes the American ideal of responsible self-government
 - is emblematic of our democracy and our national purpose
 - has been intimately associated with the personal and social life of the Presidents of the United States and many of their official acts
 - occupies a particular place in the heart of every American citizen, and
- WHEREAS certain historic rooms and entranceways in the White House
- possess great human interest and historic significance
 - traditionally have been open to visitors
 - have provided pleasure and patriotic inspiration to millions of our citizens
 - have come to be regarded as a public museum and the proud possession of all Americans, and

WHEREAS the Congress by law (Act of September 22, 1961), (75 Stat. 586)¹ has authorized the care and preservation of the historic and artistic contents of the White House and has given the President certain responsibilities with regard thereto:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

Section 1. (a) There shall be in the White House a Curator of the White House. The Curator shall assist in the preservation and protection of the articles of furniture, fixtures, and decorative objects used or displayed in the principal corridor on the ground floor and the principal public rooms on the first floor of the White House, and in such other areas in the White House as the President may designate.

(b) The Curator shall report to the President and shall make recommendations with respect to the articles, fixtures, and objects to be declared by the President, under section 2 of the Act of September 22, 1961, to be of historic or artistic interest.

Sec. 2. There is hereby established the Committee for the Preservation of the White House, hereinafter referred to as the "Committee". The Committee shall be composed of the Director of the National Park Service, the Curator of the White House, the Secretary of the Smithsonian Institution, the Chairman of the Commission of Fine Arts, the Director of the National Gallery of Art, the Chief Usher of the White House, and seven other members to be appointed by the President. The Director of the National Park Service shall serve as Chairman of the Committee and shall designate an employee of that Service to act as Executive Secretary of the Committee. Members of the Committee shall serve without compensation.

Sec. 3. (a) The Committee shall report to the President and shall advise the Director of the National Park Service with respect to the discharge of his responsibility under the Act of September 22, 1961, for the preservation and the interpretation of the museum character of the principal corridor on the ground floor and the principal public rooms on the first floor of the White House. Among other things, the Committee shall make recommendations as to the articles of furniture, fixtures, and decorative objects which shall be used or displayed in the aforesaid areas of the White House and as to the decor

and arrangements therein best suited to enhance the historic and artistic values of the White House and of such articles, fixtures and objects.

(b) The Committee shall cooperate with the White House Historical Association, a nonprofit organization heretofore formed under the laws of the District of Columbia.

(c) The Committee is authorized to invite individuals who are distinguished or interested in the fine arts to attend its meetings or otherwise to assist in carrying out its functions.

Sec. 4. Consonant with law, each Federal department and agency represented on the Committee shall furnish necessary assistance to the Committee in accordance with section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691).² The Department of the Interior shall furnish necessary administrative services for the Committee.

LYNDON B. JOHNSON

THE WHITE HOUSE,
March 7, 1964.

1. 3 U.S.C.A. § 110 note
2. 31 U.S.C.A. § 691.

No. 11200

February 26, 1965, 30 F.R. 2645

PROVIDING FOR ESTABLISHING USER FEES PURSUANT TO THE LAND AND WATER CONSERVATION FUND ACT OF 1965

WHEREAS it is desirable that all American people of present and future generations be assured adequate outdoor recreation resources, and it is desirable for all levels of government and private interests to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people; and

WHEREAS these resources are to a considerable extent located on lands administered by the Federal Government through the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission (United States and Mexico); and

WHEREAS the Act of May 28, 1963, 77 Stat. 49,²² vested the Secretary of the Interior with legal authority to promote coordination of Federal plans and activities generally relating to outdoor recreation; and

WHEREAS it is fair and equitable that the users of certain recreation areas and facilities managed by such agencies pay a reasonable fee for the recreation benefits received; and

WHEREAS it is desirable to establish uniformity of practices among such Federal agencies regarding recreation user fees and related matters; and

WHEREAS the Congress, recognizing the need for urgent and effective action in this regard, enacted the Land and Water Conservation Fund Act of 1965, Public Law 88-578; 78 Stat. 897 (hereafter in this order referred to as "the Act");²³

NOW, THEREFORE, by virtue of the authority vested in me by the Act, by Section 301 of Title 3 of the United States Code,²⁴ and as President of the United States, it is ordered as follows:

Section 1. Designation of areas for 1965. (a) All areas administered by the National Park Service, Bureau of Land Management, Bureau of Sport Fisheries and Wildlife, Bureau of Reclamation, Forest Service, Corps of Engineers, Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission (United States and Mexico), at which entrance, admission, or other recreation user fees (hereafter in this order referred to as "recreation user fees") were collected directly by those Federal agencies during any part of 1964 are hereby designated, pursuant to Section 2(a) of the Act, as areas at which recreation user fees shall be charged during 1965.

(b) The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Board of Directors of the Tennessee Valley Authority, and the Commissioner, United States Section of the International Boundary and Water Commission (United States and Mexico), or their designees, shall, by April 1, 1965, designate any additional areas under their respective jurisdictions at which recreation user fees are to be charged during 1965.

(c) Recreation user fees for such areas shall be prescribed as provided in Section 5 of this Order.

Sec. 2. Designation of areas for years after 1965. (a) Subject to the provisions of subsection (b) of this section, the areas designated by Section 1(a), or pursuant to Section 1(b), of this Order are hereby designated as areas for which recreation user fees shall be charged for years after 1965.

(b) The officials described in Section 1(b) of this Order shall, before January 1, 1966, and at least annually thereafter, review all areas then under their respective jurisdictions, including those described in subsection (a) of this section, to determine (1) whether any additional areas should, in accordance with the designation criteria prescribed by Section 3 of this Order (or under those designation criteria as revised by the Secretary of the Interior pursuant to Section 6(c) of this Order), be designated as areas for which recreation user fees shall be charged, or (2) whether the recreation user fee for any area theretofore designated should be increased, reduced, or eliminated under the designation criteria then in effect.

(c) (1) Whenever, in accordance with subsection (b) of this section, it is determined that the recreation user fee for an area should be reduced or eliminated, such action shall be taken forthwith.

(2) Whenever, in accordance with subsection (b) of this section, it is determined that a recreation user fee should be charged with respect to an area with respect to which no such fee has theretofore been charged, such new fee shall be charged only after the posting requirements of Section 4 of this Order have been satisfied.

Sec. 3. Criteria for designation of areas. (a) Areas shall, in accordance with Section 1(b) and Section 2(b) of this Order and to the extent permitted by the Act, be designated as areas at which recreation user fees shall be charged if the following conditions are found to exist concurrently:

(1) The area is administered by any of the eight agencies specified in Section 1 (a) of this Order;

(2) The area is administered primarily for scenic, scientific, historical, cultural, or recreational purposes;

(3) The area has recreation facilities or services provided at Federal expense; and

(4) The nature of the area is such that fee collection is administratively and economically practical.

(b) Areas designated as those at which recreation user fees shall be charged shall hereafter in this Order be referred to as "designated areas."

Sec. 4. Posting of designated areas. The heads of administering agencies and departments shall provide for the posting of signs at all designated areas such as will clearly notify the visiting public that recreation user fees are charged therein. All areas designated pursuant to Sections 1 and 2 of this Order shall be so posted prior to the beginning of the recreation season or as soon as practicable following designation. No recreation user fee established pursuant to this Order shall be effective with respect to any designated area until that designated area has been posted.

Sec. 5. Establishment of fees. (a) Each official described in Section 1 (b) of this Order shall, subject to the criteria prescribed by the Secretary of the Interior, establish a recreation user fee for each designated area administered under his jurisdiction by selecting from a schedule of fees, prescribed by the Secretary of the Interior pursuant to Section 6 of this Order, the fee which is appropriate for each such designated area under criteria prescribed by the Secretary pursuant to that section. Each such official shall also specify which designated areas shall be excluded from the coverage of the annual fee described in Section 2(a) (1) of the Act and which, as a result of that exclusion will be subject to the fee described in Section 2 (a) (iii) of the Act. The range of recreation user fees to be charged and the criteria for their selection shall be established under the procedures prescribed by Section 6 of this Order.

(b) The Secretary of the Interior shall prescribe the procedures for the production, distribution, and sale of the Land and Water Conservation Fund Sticker, which shall be issued to those individuals who elect to pay the annual fee. The Secretary of the Interior shall also prescribe the manner in which the Sticker shall be displayed. The conditions under which it may be used shall be determined under the procedures prescribed by Section 6 of this Order.

Sec. 6. Coordination. (a) The Secretary of the Interior shall, after consultation with the heads of other affected departments and agencies, adopt such coordination measures as are necessary to carry out the purposes of Sections 2(a) and 4(a) of the Act and the provisions of this Order.

(b) (1) In order that the purposes of the Act and of this Order may be effectuated without delay, the Secretary of the Interior shall, subject to the limitations imposed by the Act and without regard to the other provisions of this section, forthwith issue a schedule of recreation user fees and criteria to be used in determining which such fees shall be charged with respect to each of the designated areas.

(2) Subject to the limitations imposed by the Act and subject to the provisions of subsections (a), (c), and (d) of this section, the Secretary of the Interior may, from time to time, amend or replace the schedule of fees and the criteria prescribed by him pursuant to subsection (b) (1) of this section.

(c) Subject to the limits set forth in the Act, the measures which the Secretary of the Interior may adopt pursuant to subsection (a) of this section may include, but are not limited to, the following—

(1) Initial preparation and coordination of the comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the Land and Water Conservation Fund, as required by Section 4(a) of the Act.

(2) Development of such additional procedures and interpretive materials as are necessary to facilitate the implementation of this Order and related provisions of the Act.

(3) Review and revision, if needed, of the criteria for designation set forth in Section 3 of this Order.

(d) Except with respect to the schedule of fees and the criteria prescribed by the Secretary pursuant to subsection (b) (1) of this section, measures and regulations adopted by the Secretary pursuant to this Order shall not become effective until 30 days after they are presented for the consideration of the other officials described in Section 1(b). Any such official who does not concur in any such measure or regulation may, within that 30-day period, refer the matter to the Recreation Advisory Council established under Executive Order No. 11017 for resolution. If a proposed measure is referred to the Council for resolution, it shall not become effective until approved by the Council. With the approval of all other officials described in Section 1(b) of this Order, the provisions of this subsection may be waived with respect to any specific measure or regulation adopted by the Secretary of the Interior pursuant to this order so that any such measure or regulation may be made effective before the expiration of the 30-day waiting period prescribed by the first sentence of this subsection.

Sec. 7. Review of contracts. The officials described in Section 1(b) of this Order shall, within a reasonable time, review all existing contracts and other arrangements between their respective agencies and any non-Federal public entity which relate to non-Federal management of Federally-owned outdoor recreation areas. Special attention shall be given to any provision in any such contract or other arrangement which prohibits or discourages in any way such non-Federal public entity from charging recreation user fees. Unless otherwise prohibited by law, each such restrictive provision shall be the subject of renegotiation designed to accomplish a modification thereof that will permit the charging of recreation user fees.

Sec. 8. Regulations. The Secretary of the Interior is authorized to issue such regulations as may be necessary to carry out his functions under this Order.

LYNDON B. JOHNSON

THE WHITE HOUSE,
February 26, 1965.

22. 16 U.S.C.A. § 469*l*.

23. 16 U.S.C.A. §§ 460*l*-4 to 460*l*-11.

24. 3 U.S.C.A. § 301.

No. 11210

March 25, 1965, 30 F.R. 4051

**ESTABLISHING A TEMPORARY COMMISSION ON
PENNSYLVANIA AVENUE**

WHEREAS Pennsylvania Avenue between the Capitol and the White House serves as the main ceremonial avenue connecting the centers of the Legislative and Executive Branches of the United States Government; and

WHEREAS parts of Pennsylvania Avenue have been in large measure developed in a manner consistent therewith; and

WHEREAS other parts of Pennsylvania Avenue have deteriorated in condition and design or are otherwise ill suited to the ceremonial purposes of the Avenue and to the National dignity; and

WHEREAS the President's Ad Hoc Committee on Federal Office Space called the attention of the President to the deterioration and obsolescence of Pennsylvania Avenue and recommended that he enlist the aid of the finest architectural talent in the Nation to develop plans for the improvement of Pennsylvania Avenue to reflect its National significance; and

WHEREAS the President requested distinguished members of the architectural and city planning profession to serve on a Council on Pennsylvania Avenue and to develop a plan for the improvement of the Avenue to a level commensurate with its National purpose; and

WHEREAS Congress, in support of this objective, appropriated funds to assist in the preparation of such plans; and

WHEREAS the President's Council on Pennsylvania Avenue has developed a general plan for the improvement of the Avenue, and the Council has been dissolved; and

WHEREAS the plan developed by the President's Council on Pennsylvania Avenue has been subjected to extensive review by the National Capital Planning Commission and other interested departments and agencies and has been deemed appropriate in its main outlines; and

WHEREAS the Congress will be asked to consider legislation to provide for the improvement of Pennsylvania Avenue:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

Section 1. Temporary Commission on Pennsylvania Avenue. (a) There is hereby established the Temporary Commission on Pennsylvania Avenue (hereinafter referred to as the Commission).

(b) The Commission shall be composed of the Secretary of the Interior, the Secretary of the Treasury, the Secretary of Labor, the Secretary of Commerce, the Attorney General, the Postmaster General, the Administrator of General Services, the Housing and Home Finance Administrator, the Chairman of the Commission of Fine Arts, the Chairman of the National Capital Planning Commission, the Secretary of the Smithsonian Institution, the President of the Board of Commissioners of the District of Columbia, the Director of the National Gallery of Art, and such other members as may be appointed by the President. The Chairman shall invite the Architect of the Capitol to be a member of the Commission.

(c) The President shall appoint from among its members a Chairman of the Commission who shall direct its activities.

(d) Members of the Commission who are officers or employees of the Federal Government shall receive no additional compensation by virtue of membership on the Commission. Other members of the Commission shall be entitled to receive compensation and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 55a; 5 U.S.C. 73b—2) for persons in the Government service employed intermittently.

(e) The Commission shall meet at the call of the Chairman.

Sec. 2. Functions of the Commission. (a) The Commission shall advise the President with respect to:

(1) the component parts of the general plan submitted by the President's Advisory Council on Pennsylvania Avenue respecting their feasibility and practicability from the standpoint of financial, engineering, planning, and other relevant considerations;

(2) the development of an orderly, phased program for carrying out the improvement of Pennsylvania Avenue;

(3) effects of the proposed improvements on owners and occupants of private property in and adjoining the area to be improved and actions respecting the improvement program that will assure its achievement with minimum harmful effects upon such private interests and with the least disruption of business within and adjoining the area;

(4) appropriate legislation for carrying out the program of improvement;

(b) Take steps to assure that such recommendations as it may develop respecting plans and programs for the improvement of Pennsylvania Avenue and the Comprehensive Plan for the National Capital and other plans prepared or being prepared by the National Capital Planning Commission are properly coordinated.

(c) Promote an understanding of the plan and its objectives among the public generally; and

(d) Undertake such other actions as may be permitted by law and requested by the President in furtherance of the objectives of this order.

Sec. 3. Commission staff and consultants. (a) The Chairman is authorized to appoint such personnel as may be necessary to assist the Commission in connection with the performance of its functions.

(b) The Commission is authorized to obtain services in accordance with the provisions of Section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

Sec. 4. Federal agencies. (a) As deemed necessary to facilitate the work of the Commission, the Chairman may request the head of any Executive department or agency whose activities may relate to the objectives of the Commission to designate a liaison officer to consult with the Commission on matters of common concern.

(b) Upon request of the Chairman, each Executive department or agency is authorized and directed, consistent with law, to furnish the Commission available information which the Commission may require in the performance of its functions.

(c) Each Federal agency represented on the Commission shall furnish such necessary assistance to the Commission as may be authorized by Section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691).

(d) The National Capital Planning Commission is hereby designated as the agency which shall provide administrative services for the Commission.

LYNDON B. JOHNSON

THE WHITE HOUSE,
March 25, 1965.

No. 11218

April 24, 1965, 30 F.R. 5821

**AMENDING EXECUTIVE ORDER NO. 11017 SO AS TO MAKE
THE CHAIRMAN OF THE TENNESSEE VALLEY AUTHORITY
A MEMBER OF THE RECREATION ADVISORY COUNCIL**

By virtue of the authority vested in me as President of the United States, it is ordered that Executive Order No. 11017 of April 27, 1962, as amended,⁴ be, and it is hereby, further amended by substituting for subsection (a) of Section 1 thereof the following:

“(a) There is hereby established the Recreation Advisory Council (hereinafter referred to as the Council). The Council shall be composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Administrator of the Housing and Home Finance Agency, and the Chairman of the Tennessee Valley Authority. The chairmanship of the Council shall rotate among these officials in the order named and for terms of two years each. Each of the foregoing officers may appoint a delegate to represent him in Council activity. When matters affecting the interests of Federal agencies (including, as used in this Order, executive departments and other executive agencies) the heads of which are not members of the Council are to be considered by the Council, the chairman of the Council shall invite such heads to participate in the deliberations of the Council.”

LYNDON B. JOHNSON

THE WHITE HOUSE,
April 24, 1965.

4. 16 U.S.C.A. § 17k note.

No. 11237

July 27, 1965, 30 F.R. 9433

**PRESCRIBING REGULATIONS FOR COORDINATING
PLANNING AND THE ACQUISITION OF LAND UNDER THE
OUTDOOR RECREATION PROGRAM OF THE DEPARTMENT
OF THE INTERIOR AND THE OPEN SPACE PROGRAM OF
THE HOUSING AND HOME FINANCE AGENCY**

WHEREAS the Housing and Home Finance Administrator, hereinafter referred to as "the Administrator," is authorized under Title VII of the Housing Act of 1961 (42 U.S.C. 1500—1500e), hereinafter referred to as Title VII, to conduct a program for making grants to States and local public bodies for acquiring lands for recreational and other purposes; and

WHEREAS Title VII provides for consultation by the Administrator with the Secretary of the Interior, hereinafter referred to as "the Secretary," with regard to general policies to be followed in reviewing applications for grants for land acquisitions under the program provided for in Title VII, hereinafter referred to as the open space program, and provides for the furnishing of information by the Secretary on the status of recreational planning for areas to be served by the open space land acquired with grants made by the Administrator; and

WHEREAS the Secretary is authorized under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4-4601-11), hereinafter referred to as "the Conservation Act," to provide financial assistance to States for planning for outdoor recreation purposes and acquiring and developing lands therefore under a program hereinafter referred to as the outdoor recreation program; and

WHEREAS the Secretary has been given certain responsibilities under the Act of May 28, 1963 (16 U.S.C. 4601-4601-3) and Executive Order No. 11017, for promoting the coordination of Federal plans and activities generally relating to outdoor recreation; and

WHEREAS the programs authorized by Title VII and the Conservation Act can be of special help in creating areas of recreation and beauty for the citizens of our urban areas; and

WHEREAS priority is being given to the needs of our growing urban population by the Secretary in the administration of programs under the Conservation Act; and

WHEREAS the primary purpose of the open space program is to help acquire and preserve open space land which is essential to the proper long-range development and welfare of the Nation's urban areas, in accordance with plans for the allocation of such land for open space purposes; and

WHEREAS, to assure the most economic and efficient utilization of Title VII and the Conservation Act and funds provided in connection therewith, it is necessary to provide standards for the guidance of the Administrator and the Secretary in the administration of these programs as they relate to the acquisition of land for recreational purposes:

NOW, THEREFORE, by virtue of the authority vested in me by Section 5(g) of the Conservation Act (16 U.S.C. 4601—8(g)), and as President of the United States, it is hereby ordered as follows:

Section 1. Urbanized areas. As used in this Order, "urbanized area" means an area which is an urbanized area according to the most recent decennial census together with such additional adjacent areas as the Secretary and the Administrator jointly determine to be appropriate for the accomplishment of the purposes of Title VII and the Conservation Act in a manner consistent with comprehensive planning for orderly metropolitan development.

Sec. 2. Areas of program concern. In the acquisition of land for recreation resources the respective responsibilities of the Administrator and the Secretary shall be as follows:

(1) **Open space program.** With respect to the provision of open space land for recreational purposes, the Administrator, through the open space program, shall have responsibility primarily for assisting in the acquisition of lands or interests therein of utility primarily to the urbanized area in which they are located, such as squares, malls, and playgrounds, and parks, recreation areas, historic sites, and open spaces for scenic purposes.

(2) **Land and water conservation fund program.** In addition to responsibilities with respect to outdoor recreation resources of statewide and nationwide utility, the Secretary, through the Conservation Act program, shall have responsibility primarily for assisting in the acquisition of lands for larger regional parks, historic sites, and recreational and scenic areas to serve residents of urban and other local areas.

Sec. 3. Land and water conservation fund grants in urbanized areas and other urban places. Grants made by the Secretary for the acquisition of land in urbanized areas and other urban places for outdoor recreation under the Conservation Act shall be for projects which:

(1) are consistent with the comprehensive statewide outdoor recreation plan for the State or States in which the project is to be located: *Provided*, That the portions of such plan relating to urbanized areas shall have been reviewed by the Administrator as to their consistency with comprehensive planning for such areas;

(2) when located in whole or in part in urbanized areas, meet the same requirements with respect to planning and programming as shall have been prescribed by the Administrator with respect to projects under Title VII; and

(3) when located in urban places according to the most recent decennial census (other than those included in urbanized areas), reflect consideration of comprehensive urban planning being carried on for such urban places.

Sec. 4. Open space grants outside of urbanized areas. Grants made by the Administrator for acquisition of land or interests therein for recreational purposes under Title VII in areas outside of urbanized areas shall be for projects which:

(1) are consistent with planning and programming required under Title VII: *Provided*, That relevant aspects of such planning and programming shall have been reviewed by the Secretary as to their consistency, insofar as they are related to the achievement of recreational objectives, with the comprehensive statewide outdoor recreation plan; and

(2) meet the same requirements with respect to planning and programming as shall have been prescribed by the Secretary with respect to projects under the Conservation Act.

Sec. 5. Review. (a) The Administrator, in reviewing plans under Section 3 of this Order, shall transmit his comments to the Secretary within thirty days, or such other period as may be agreed upon, after receipt of such plans. The Secretary shall take such comments into consideration before approving such plans and programs. If the Secretary

disagrees with a recommendation of the Administrator, he shall so notify the Administrator and provide him, in writing, with his reasons therefor.

(b) The Secretary, in reviewing plans and programs under Section 4 of this Order, shall transmit his comments to the Administrator within thirty days, or such other period as may be agreed upon, after receipt of such plans and programs. The Administrator shall take such comments into consideration before approving grants for acquisition. If the Administrator disagrees with a recommendation of the Secretary, he shall so notify the Secretary and provide him, in writing, with his reasons therefor.

Sec. 6. Coordinated procedures. (a) The Secretary and the Administrator shall jointly develop procedures consistent with the purposes and requirements of the Conservation Act and Title VII, to carry out the provisions of this Order, including procedures for:

(1) evaluating applications for assistance in acquiring land for predominantly recreational purposes under outdoor recreation and open space programs;

(2) consultation and exchange of information concerning applications for, and grants of, assistance for acquisition of land for predominantly recreational purposes in urbanized areas under the outdoor recreation program and outside of urbanized areas under the open space program; and

(3) joint and mutual determinations for making grants of assistance under either the outdoor recreation program or the open space program in cases in which unusual circumstances would make departures from the preceding provisions of this Order desirable for reasons of economy, efficiency, or equity.

(b) Whenever the Secretary and the Administrator make a joint determination pursuant to paragraph (a)(3) of this Section, assistance may be provided in accordance with such determination.

LYNDON B. JOHNSON

THE WHITE HOUSE,
July 27, 1965.

No. 11258

November 17, 1965, 30 F.R. 14483

**PREVENTION, CONTROL, AND ABATEMENT OF WATER
POLLUTION BY FEDERAL ACTIVITIES**

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466),⁴ it is ordered as follows:

Section 1. Policy. The heads of the departments, agencies, and establishments of the Executive Branch of the Government shall provide leadership in the nationwide effort to improve water quality through prevention, control, and abatement of water pollution from Federal Government activities in the United States. In order to achieve these objectives—

(1) Pollution from all existing Federal facilities and buildings shall be controlled in accordance with plans to be submitted to the Director of the Bureau of the Budget pursuant to Section 3 of this Order;

(2) New Federal facilities and buildings shall be constructed so as to meet the pollution control standards prescribed by Section 4 of this Order;

(3) Pollution caused by all other operations of the Federal Government, such as water resources projects and operations under Federal loans, grants, or contracts, shall be reduced to the lowest level practicable;

(4) Review and surveillance of all such activities shall be maintained to assure that pollution control standards are met on a continuing basis;

(5) The Secretary of Health, Education, and Welfare shall, in administering the Federal Water Pollution Control Act, as amended, provide technical advice and assistance to the heads of other departments, agencies, and establishments in connection with their duties and responsibilities under this Order;

(6) The head of each department, agency, and establishment shall ensure compliance with Section 11 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466h), which declares it to be the intent of Congress that Federal departments and agencies shall, insofar as practicable and consistent with the interests of the United States and within available appropriations, cooperate with the Secretary of Health, Education, and Welfare and with State and interstate agencies and municipalities, in preventing or controlling water pollution; and

(7) Water pollution control needs shall be considered in the initial stages of planning for each new installation or project, and the head of each department, agency, and establishment shall establish appropriate procedures for securing advice and for consulting with the Secretary of Health, Education, and Welfare at the earliest feasible stage.

Sec. 2. Procedures for new Federal facilities and buildings. (a) A request for funds to defray the cost of designing and constructing new facilities and buildings in the United States shall be included in the annual budget estimates of a department, agency, or establishment only if such request includes funds to defray the costs of such measures as may be necessary to assure that the new facility or building will meet the general standards prescribed by Section 4 of this Order.

(b) Prior to any solicitation of bids for construction of any such new facility or building a description of the essential features of the water pollution control and treatment measures proposed for the project shall be submitted to the Secretary of Health, Education, and Welfare for prompt review and advice as to the adequacy and

effectiveness of the measures proposed and for advice as to any related operating procedures and continuing laboratory examinations deemed necessary to ensure effective plant operation.

Sec. 3. Procedures for existing Federal facilities and buildings. (a) In order to facilitate budgeting for corrective and preventive measures, the head of each department, agency, and establishment shall provide for an examination of all existing facilities and buildings under his jurisdiction in the United States and shall develop and present to the Director of the Bureau of the Budget, by July 1, 1966, a phased and orderly plan for installing such improvements as may be needed to prevent water pollution, or abate such water pollution as may exist, with respect to such buildings and facilities. Subsequent revisions needed to keep any such plan up-to-date shall be promptly submitted to the Director of the Bureau of the Budget. Future construction work at each such facility and the expected future use of the facility shall be considered in developing such a plan. Each such plan, and any revisions therein, shall be developed in consultation with the Secretary of Health, Education, and Welfare in order to ensure that adoption of the measures proposed thereby will result in the prevention or abatement of water pollution in conformity with the general standards prescribed by Section 4 of this Order.

(b) The head of each department, agency, and establishment shall present to the Director of the Bureau of the Budget, by July 1, 1967, and by the first of each fiscal year thereafter, an annual report describing progress of his department, agency, or establishment in accomplishing the objectives of its pollution abatement plan.

Sec. 4. General standards. (a) Federal installations shall provide secondary treatment, or its equivalent, for all wastes except cooling water and fish hatchery effluents. Discharge of wastes into municipal sewerage systems maintaining adequate treatment is hereby declared to be the preferred method of disposal. However, whenever connection to such a system is not feasible, the department, agency, or establishment concerned shall be responsible for installing its own waste treatment system. Upon an application of the head of a department, agency, or establishment, a degree of treatment less than secondary may be approved with respect to an agency-installed system in an exceptional case if the Secretary of Health, Education, and Welfare finds that a lesser degree of treatment is adequate to protect the quality of the receiving waters.

(b) If discharge of cooling water is expected to create problems by significantly increasing the temperature of the receiving waters, facilities shall be installed, or operating procedures shall be established, to maintain water temperatures within acceptable limits.

(c) Storage facilities for materials which are hazardous to health and welfare, and for oils, gases, fuels or other materials capable of causing water pollution, if accidentally discharged, shall be located so as to minimize or prevent any spillage which might result in water pollution. Engineering measures to entrap spillage, such as catchment areas, relief vessels, or entrapment-dikes, shall be installed so as to prevent accidental pollution of water.

(d) No waste shall be discharged into waters if it contains any substances in concentrations which are hazardous to health.

(e) No waste shall be discharged into waters if it contains any substances in concentrations which will result in substantial harm to domestic animals, fish, shellfish, or wildlife, if methods of treatment or disposal are available that will remove or render harmless such pollutants. If such methods are not available, but can reasonably be developed, they will be developed and used at the earliest possible date. A determination that such methods are not available or cannot reasonably be developed will not be made without the concurrence of the Secretary of Health, Education, and Welfare.

(f) The head of each department, agency, and establishment shall, with respect to each installation in the United States under his jurisdiction, make, or cause to be made, such surveys as may be necessary to ensure that discharges of waste effluents from activities concerned with radioactivity are in accord with the applicable rules, regulations, or requirements of the Atomic Energy Commission (10 CFR, Part 20) and the policies and guidance of the Federal Radiation Council as published in the Federal Register.

(g) Construction and operating plans for waste treatment facilities shall include space for the conduct of necessary laboratory analyses and for the maintenance of records of results thereof whenever the size and complexity of the system makes this necessary.

(h) Construction and operating plans for waste treatment facilities shall take into account water quality standards promulgated pursuant to the provisions of the Water Quality Act of 1965 (79 Stat. 903).

(i) Any waste treatment facilities installed by any department, agency, or establishment shall as far as practicable be constructed so as to conform with any area wide program, meeting criteria established by the Housing and Home Finance Administrator for a unified or officially coordinated area wide sewer facilities system as part of a comprehensively planned development of an area pursuant to Section 702 (c) of the Housing and Urban Development Act of 1965, that may have been adopted with respect to the areas concerned.

Sec. 5. Modification of standards. The standards prescribed by paragraphs (a) through (e) and (g) through (i) of Section 4 of this Order may be supplemented or modified by the Secretary of Health, Education, and Welfare, after consultation with the Director of the Bureau of the Budget. All such changes shall be published in the Federal Register.

Sec. 6. Procedures for Federal water resources projects. (a) The Secretaries of Agriculture, the Army, and the Interior, the Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission shall present for the consideration of the Secretary of Health, Education, and Welfare any plans that they propose to recommend with respect to the authorization or construction of any Federal water resource development project in the United States. Such plans must be consistent with the general standards prescribed by Section 4 of this Order to the fullest extent practicable. The Secretary of Health, Education, and Welfare shall review such plans and supporting data relating to water quality, and shall prepare a report to the head of the responsible department, agency, or establishment describing the potential impact of the project on water quality, including recommendations concerning any changes or other measures with respect thereto which he considers to be necessary with respect to the design, construction, and operation of the project.

(b) The report of the Secretary of Health, Education, and Welfare shall accompany any report proposing authorization or construction of such a water resource development project. In any case in which the Secretary of Health, Education, and Welfare fails to submit a report within 90 days after receipt of project plans, the head of the department, agency, or establishment concerned may propose authorization or construction of the project without such an accompanying report. In any such case, the head of the department, agency, or establishment concerned shall explicitly state in his report concerning the project that the Secretary of Health, Education, and Welfare has not reported on the potential impact of the project on water quality,

Sec. 7. Review of facilities or operations supported by Federal loans, grants, or contracts. (a) The head of each department, agency, and establishment shall conduct a review of the loan, grant, and contract practices of his organization to determine the extent to which water pollution control standards similar to those set forth in this Order for direct Federal operations should be adhered to by borrowers, grantees, or contractors

with respect to their operations in the United States. The head of each department, agency, and establishment shall review all such activities for which there is a significant potential for reduction of water pollution and develop appropriate recommendations for accomplishing such reduction. In conducting this review, necessary technical assistance should be sought from the Secretary of Health, Education, and Welfare and the heads of other appropriate Federal agencies. A report on the results of this review shall be submitted to the Director of the Bureau of the Budget by July 1, 1966.

(b) The heads of departments, agencies, and establishments are encouraged to prescribe regulations covering loan, grant, or contract practices designed to reduce water pollution.

Sec. 8. Study of water pollution from vessel operations. The Secretary of Health, Education, and Welfare shall make a comprehensive study of the problem of water pollution within the United States caused by the operation of vessels, and shall develop such recommendations for corrective or preventive action as may be appropriate, including recommendations with respect to vessels operated by any department, agency, or establishment of the Federal Government. The results of the study and recommendations shall be transmitted to the President by January 1, 1967. The study and report thereon shall be prepared in consultation with, and with the advice and assistance of, the Secretary of Defense, the Secretary of the Treasury, and the Secretary of Commerce.

Sec. 9. Prior Executive Order superseded. Executive Order No. 10014 of November 5, 1948,⁵ is hereby superseded.

LYNDON B. JOHNSON

THE WHITE HOUSE,
November 17, 1965.

4. 33 U.S.C.A. § 466.

5. 33 U.S.C.A. § 466 note.

No. 11278

May 4, 1966, 31 F.R. 6681

**ESTABLISHING A PRESIDENT'S COUNCIL AND A
COMMITTEE ON RECREATION AND NATURAL BEAUTY**

With each passing year America becomes more thoroughly a nation of cities. Of our two hundred million citizens, 135 million live in major urban areas. The proportion of city-dwellers is certain to rise in the decades to come.

The problems, and the opportunities, of city life have dominated our thoughts in recent years. We have devoted billions of dollars, and millions of man-hours, to planning and building better cities for our people.

Yet beyond the limits of the city there lies another America.

It is the America of forests and great plains, of mountains and valleys, of quiet lakes and lonely shores. In that America, the changing of the seasons is more than the turning of pages on a calendar. It is the cycle of decay and rebirth on which all natural life depends.

To be isolated from that natural America is to be impoverished—no matter how affluent one may be. To destroy it, to treat it carelessly, is to disregard one of the profound needs of the human spirit.

We know that we must keep open the avenues between the city and the natural America that surrounds it. We know that part of the good life in the city is the opportunity to leave it from time to time—to be refreshed by a world no human hand has fashioned.

Because the Federal Government administers massive programs that affect the natural beauty of our land, it must pursue a course that will enhance and protect that beauty. It must stimulate action in behalf of natural beauty and outdoor recreation on the part of others—of State and local governments, of private organizations and individual citizens.

If it is to do this well, its own house must be in order. Its programs must be wise, and they must be coordinated. Its organization must reflect its responsibilities.

Therefore, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

PART I. PRESIDENT'S COUNCIL ON RECREATION AND NATURAL BEAUTY

Section 101. Membership and chairmanship. (a) There is hereby established the President's Council on Recreation and Natural Beauty (hereinafter referred to as the "Council") which shall be composed of the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Chairman of the Federal Power Commission, the Chairman of the Board of Directors of the Tennessee Valley Authority, and the Administrator of General Services. Each of the foregoing officers may appoint a delegate to represent him in Council activities.

(b) The chairmanship of the Council shall rotate among the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Housing and Urban Development, in the order named, for terms of two years each. Prior service as chairman of the Recreation Advisory Council, established by Executive Order No. 11017 of April 27, 1962, as amended,⁴ shall be construed as service as chairman of the Council for the purposes of such rotation.

(c) When matters are to be considered by the Council which affect the interest of Federal agencies (including, as used in this order, executive departments and other executive agencies) the heads of which are not members of the Council, the chairman of the Council shall invite such heads to participate in the deliberations of the Council.

Sec. 102. Functions of the Council. (a) The Council shall review plans and programs of Federal agencies for or affecting outdoor recreation and natural beauty. The Council shall make recommendations to the President on matters of policy in the fields of outdoor recreation and natural beauty. The Council may conduct studies in those fields and shall encourage and assist Federal agencies to accomplish effective coordination in such fields.

(b) In carrying out the provisions of subsection (a) of this section, the Council shall, as far as may be practical, advise Federal agencies with respect to the effect of their respective plans and programs on recreation and natural beauty, and may suggest to such agencies procedures to better accomplish the purposes of this order. For the purposes of this order, plans and programs may include, but are not limited to, those for or affecting: (1) development, restoration, and preservation of the beauty of the countryside, urban and suburban areas, water resources, wild rivers, scenic roads, parkways and highways, (2) the protection and appropriate management of scenic or primitive areas, natural wonders, historic sites, and recreation areas, (3) the management of Federal land and water resources, including fish and wildlife, to enhance natural beauty and recreational opportunities consistent with other essential uses, (4) cooperation with the States and their local subdivisions and private organizations and individuals in areas of mutual interest, (5) interstate arrangements, including Federal participation where authorized and necessary, and (6) vigorous and cooperative leadership in a nationwide recreation and beautification effort.

Sec. 103. Coordination. The Secretary of the Interior may make available to the Council for promoting coordination of outdoor recreation the authorities and resources available to him under the Act of May 28, 1963, 77 Stat. 49; to the extent permitted by law, he may make such authorities and resources available to the Council also for promoting coordination in natural beauty.

Sec. 104. Assistance and cooperation. (a) The Federal agencies headed by the officers composing the Council shall furnish necessary assistance to the Council in consonance with the provisions of Section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691).

(b) The staff of the Council shall include an Executive Director, from the Bureau of Outdoor Recreation, and one individual appointed by each member of the Council.

(c) Upon request of the chairman of the Council, each Federal agency shall, to the extent permitted by law and within available funds, furnish information, data, and reports needed by the Council to accomplish the purposes of this order.

(d) All Federal officials, in carrying out their statutory responsibilities and programs, shall be mindful of the objectives of this order, shall take into account any advice given by the Council under Section 102(b) herein, and shall take such measures, consistent with their authorities and available funds, as will assist in protecting and enhancing the outdoor recreation opportunities and the natural beauty of the Nation.

Sec. 105. Construction. Nothing in this order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any Federal agency or the head thereof to the authority of any other agency or officer or as abrogating or restricting any such function in any manner.

Sec. 106. Prior orders. Executive Order No. 11017 of April 27, 1962, Executive Order No. 11069 of November 28, 1962, and Executive Order No. 11218 of April 24, 1965,⁵ are hereby superseded.

PART II. CITIZENS' ADVISORY COMMITTEE ON RECREATION AND NATURAL BEAUTY

Sec. 201. Establishment. There is hereby established the Citizens' Advisory Committee on Recreation and Natural Beauty (hereinafter referred to as the "Committee") which shall be composed of not more than 12 members appointed by the President. Appointments to membership on the Committee shall be for two years initially, but for staggered terms thereafter, except that the chairman of the Committee shall be appointed by the President to serve until his successor is appointed.

Sec. 202. Duties and responsibilities. (a) The Committee shall advise both the President and the Council on matters relating to (1) outdoor recreation and the beautification of our Nation's cities and countryside, (2) the correlation of natural beauty and outdoor recreation activities by Federal agencies and bureaus, and (3) local, State, and private outdoor recreation and natural beauty activities.

(b) The Committee shall advise and assist the Council in the evaluation of the progress made in carrying out the functions of the Council and recommend to the Council, as necessary, action to accelerate such progress.

(c) The Committee may, on its own motion, request information relating to the functions set forth in Section 202(a), above, and initiate consideration of items which relate to those functions.

Sec. 203. Expenses. Members of the Committee shall receive no compensation from the United States by reason of their services under this order but may, subject to law, be allowed travel expenses and per diem in lieu of subsistence.

LYNDON B. JOHNSON

THE WHITE HOUSE,

May 4, 1966.

4. 16 U.S.C.A. § 17k.

5. 16 U.S.C.A. § 17k.

No. 11282

May 26, 1966, 31 F.R. 7663

**PREVENTION, CONTROL, AND ABATEMENT OF AIR
POLLUTION BY FEDERAL ACTIVITIES**

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the Clean Air Act, as amended (42 U.S.C. 1857),¹ it is ordered as follows:

Section 1. Policy. The heads of the departments, agencies, and establishments of the Executive Branch of the Government shall provide leadership in the nationwide effort to improve the quality of our air through the prevention, control, and abatement of air pollution from Federal Government activities in the United States. In order to achieve these objectives—

(1) Emissions to the atmosphere from Federal facilities and buildings shall not be permitted if such emissions endanger health or welfare, and emissions which are likely to be injurious or hazardous to people, animals, vegetation, or property shall be minimized. The procedures established in section 3 of this Order shall be followed in minimizing pollution from existing facilities and buildings.

(2) New Federal facilities and buildings shall be constructed so as to meet the objectives prescribed by this Order and the standards established pursuant to section 5 of this Order.

(3) The Secretary of Health, Education, and Welfare shall, in administering the Clean Air Act, as amended, provide technical advice and assistance to the heads of other departments, agencies, and establishments in connection with their duties and responsibilities under this Order. The head of each department, agency, and establishment shall establish appropriate procedures for securing advice from, and consulting with, the Secretary of Health, Education, and Welfare.

(4) The head of each department, agency, and establishment shall ensure compliance with section 107(a) of the Clean Air Act, as amended (42 U.S.C. 1857f(a)),² which declares it to be the intent of Congress that Federal departments and agencies shall, to the extent practicable and consistent with the interests of the United States and within available appropriations, cooperate with the Department of Health, Education, and Welfare and with any air pollution control agency in preventing and controlling pollution of the air.

Sec. 2. Procedures for new Federal facilities and buildings. A request for funds to defray the cost of designing and constructing new facilities and buildings in the United States shall be included in the annual budget estimates of a department, agency, or establishment only if such request includes funds to defray the costs of such measures as may be necessary to assure that the new facility or building will meet the objectives prescribed by this Order and the standards established pursuant to section 5 of this Order. Air pollution control needs shall be considered in the initial stages of planning for each new installation.

Sec. 3. Procedures for existing Federal facilities and buildings. (a) Inherein, shall be developed in consultation with the Secretary of Health, Education, and Welfare in order to ensure that adoption of the measures proposed thereby will result in the prevention or abatement of air pollution in conformity with the objectives prescribed by this Order and the standards prescribed pursuant to section 5 of this Order.

(b) The head of each department, agency, and establishment who has existing facilities and buildings under his jurisdiction in the United States shall present to the Director of the Bureau of the Budget, by July 1, 1968, and by the first of each fiscal year

thereafter, an annual report describing progress of his department, agency, or establishment in accomplishing the objectives of its air pollution abatement plan.

Sec. 4. Objectives for Federal facilities and buildings. (a) Except for discharges of radioactive emissions which are regulated by the Atomic Energy Commission, Federal facilities and buildings shall conform to the air pollution standards prescribed by the State or community in which they are located. If State or local standards are not prescribed for a particular location, or if the State or local standards are less stringent than the standards established pursuant to this Order, the standards prescribed pursuant to section 5 of this Order shall be followed.

(b) The emission of flyash and other particulate matter shall be kept to a minimum.

(c) Emission of sulfur oxides shall be minimized to the extent practicable.

(d) Wherever appropriate, tall chimneys shall be installed in order to reduce the adverse effects of pollution. The determination of chimney height shall be based on air quality criteria, land use, and meteorological, topographical, aesthetic, and operating factors.

(e) Solid fuels and ash shall be stored and handled so as not to release to the atmosphere dust in significant quantities. Gasoline or any volatile petroleum distillate or organic liquid shall be stored and handled so as not to release to the atmosphere vapor emissions in significant quantities.

(f) In urban areas refuse shall not be burned in open fires and in rural areas it shall be disposed of in such a manner as to reasonably minimize pollution. Refuse shall not be left in dumps without being covered with inert matter within a reasonably short time. Whenever incinerators are used they shall be of such design as will minimize emission of pollutant dusts, fumes, or gases.

(g) Pollutant dusts, fumes, or gases (other than those for which provision is made above), shall not be discharged to the atmosphere in quantities which will endanger health or welfare.

(h) The head of each department, agency, and establishment shall, with respect to each installation in the United States under his jurisdiction, take, or cause to be taken, such action as may be necessary to ensure that discharges of radioactive emissions to the atmosphere are in accord with the rules, regulations, or requirements of the Atomic Energy Commission and the policies and guidance of the Federal Radiation Council as published in the **Federal Register**.

(i) In extraordinary cases where it may be required in the public interest, the Secretary of Health, Education, and Welfare may exempt any Federal facility or building from the objectives of paragraphs (a) through (g) of this section.

Sec. 5. Standards. (a) The Secretary of Health, Education, and Welfare shall prescribe standards to implement the objectives prescribed by paragraphs (a) through (g) of section 4 of this Order. Such standards may modify these objectives whenever the Secretary of Health, Education, and Welfare shall determine that such modifications are necessary in the public interest and will not significantly conflict with the intent of this Order. Prior to issuing any changes in such standards, the Secretary of Health, Education, and Welfare shall consult with appropriate Federal agencies and shall publish the proposed changes in the **Federal Register** thirty days prior to their issuance. All such standards prescribed by the Secretary shall be published in the **Federal Register**.

(b) The permits authorized by section 107(b) of the Clean Air Act, as amended (42 U.S.C. 1857f(b)),³ may be used to carry out the purposes of this Order as the Secretary of Health, Education, and Welfare may deem appropriate.

Sec. 6. Prior Executive Order superseded. Executive Order No. 10779 of August 20, 1958, is hereby superseded.

LYNDON B. JOHNSON

THE WHITE HOUSE,

May 26, 1966.

1. 42 U.S.C.A. § 1857.
2. 42 U.S.C.A. § 1857f(a).
3. 42 U.S.C.A. § 1857f(b).

No. 11288

July 2, 1966, 31 F.R. 9261

**PREVENTION, CONTROL, AND ABATEMENT OF WATER
POLLUTION BY FEDERAL ACTIVITIES**

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466),² and Reorganization Plan No. 2 of 1966 (31 F.R. 6857),³ it is ordered as follows:

Section 1. Policy. The heads of the departments, agencies, and establishments of the Executive Branch of the Government shall provide leadership in the nationwide effort to improve water quality through prevention, control, and abatement of water pollution from Federal Government activities in the United States. In order to achieve these objectives—

(1) Pollution from all existing Federal facilities and buildings shall be controlled in accordance with plans to be submitted to the Director of the Bureau of the Budget pursuant to Section 3 of this order;

(2) New Federal facilities and buildings shall be constructed so as to meet the pollution control standards prescribed by Section 4 of this order;

(3) Pollution caused by all other operations of the Federal Government, such as water resources projects and operations under Federal loans, grants, or contracts, shall be reduced to the lowest level practicable;

(4) Review and surveillance of all such activities shall be maintained to assure that pollution control standards are met on a continuing basis;

(5) The Secretary of the Interior shall, in administering the Federal Water Pollution Control Act, as amended, provide technical advice and assistance to the heads of other departments, agencies, and establishments in connection with their duties and responsibilities under this order;

(6) The head of each department, agency, and establishment shall ensure compliance with Section 11 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466h), which, as modified by Reorganization Plan No. 2 of 1966 (31 F.R. 6857), declares it to be the intent of Congress that Federal departments and agencies shall, insofar as practicable and consistent with the interests of the United States and within available appropriations, cooperate with the Secretary of the Interior and with State and interstate agencies and municipalities, in preventing or controlling water pollution; and

(7) Water pollution control needs shall be considered in the initial stages of planning for each new installation or project, and the head of each department, agency, and establishment shall establish appropriate procedures for securing advice and for consulting with the Secretary of the Interior at the earliest feasible stage.

Sec. 2. Procedures for new Federal facilities and buildings. (a) A request for funds to defray the cost of designing and constructing new facilities and buildings in the United States shall be included in the annual budget estimates of a department, agency, or establishment only if such request includes funds to defray the costs of such measures as may be necessary to assure that the new facility or building will meet the general standards prescribed by Section 4 of this order.

(b) Prior to any solicitation of bids for construction of any such new facility or building a description of the essential features of the water pollution control and treatment measures proposed for the project shall be submitted to the Secretary of the Interior for prompt review and advice as to the adequacy and effectiveness of the measures proposed and for advice as to any related operating procedures and continuing laboratory examinations deemed necessary to ensure effective plant operation.

Sec. 3. Procedures for existing Federal facilities and buildings. (a) In order to facilitate budgeting for corrective and preventive measures, the head of each department, agency, and establishment shall provide for an examination of all existing facilities and buildings under his jurisdiction in the United States and shall develop and present to the Director of the Bureau of the Budget, by July 1, 1966, a phased and orderly plan for installing such improvements as may be needed to prevent water pollution, or abate such water pollution as may exist, with respect to such buildings and facilities. Subsequent revisions needed to keep any such plan up-to-date shall be promptly submitted to the Director of the Bureau of the Budget. Future construction work at each such facility and the expected future use of the facility shall be considered in developing such a plan. Each such plan, and any revisions therein, shall be developed in consultation with the Secretary of the Interior in order to ensure that adoption of the measures proposed thereby will result in the prevention or abatement of water pollution in conformity with the general standards prescribed by Section 4 of this order.

(b) The head of each department, agency, and establishment shall present to the Director of the Bureau of the Budget, by July 1, 1967, and by the first of each fiscal year thereafter, an annual report describing the progress of his department, agency, or establishment in accomplishing the objectives of its pollution abatement plan.

Sec. 4. General standards. (a) Federal installations shall provide secondary treatment, or its equivalent, for all wastes except cooling water and fish hatchery effluents. Discharge of wastes into municipal sewerage systems maintaining adequate treatment is hereby declared to be the preferred method of disposal. However, whenever connection to such a system is not feasible, the department, agency, or establishment concerned shall be responsible for installing its own waste treatment system. Upon an application of the head of a department, agency, or establishment, a degree of treatment less than secondary may be approved with respect to an agency-installed system in an exceptional case if the Secretary of the Interior finds that a lesser degree of treatment is adequate to protect the quality of the receiving waters.

(b) If discharge of cooling water is expected to create problems by significantly increasing the temperature of the receiving waters, facilities shall be installed, or operating procedures shall be established, to maintain water temperatures within acceptable limits.

(c) Storage facilities for materials which are hazardous to health and welfare, and for oils, gases, fuels or other materials capable of causing water pollution, if accidentally discharged, shall be located so as to minimize or prevent any spillage which might result in water pollution. Engineering measures to entrap spillage, such as catchment areas, relief vessels, or entrapment-dikes, shall be installed so as to prevent accidental pollution of water.

(d) No waste shall be discharged into waters if it contains any substances in concentrations which are hazardous to health.

(e) No waste shall be discharged into waters if it contains any substances in concentrations which will result in substantial harm to domestic animals, fish, shellfish, or wildlife, if methods of treatment or disposal are available that will remove or render harmless such pollutants. If such methods are not available, but can reasonably be developed, they will be developed and used at the earliest possible date. A determination

that such methods are not available or cannot reasonably be developed will not be made without the concurrence of the Secretary of the Interior.

(f) The head of each department, agency, and establishment shall, with respect to each installation in the United States under his jurisdiction, make, or cause to be made, such surveys as may be necessary to ensure that discharges of waste effluents from activities concerned with radioactivity are in accord with the applicable rules, regulations, or requirements of the Atomic Energy Commission (10 CFR, Part 20) and the policies and guidance of the Federal Radiation Council as published in the **Federal Register**.

(g) Construction and operating plans for waste treatment facilities shall include space for the conduct of necessary laboratory analyses and for the maintenance of records of results thereof whenever the size and complexity of the system makes this necessary.

(h) Construction and operating plans for waste treatment facilities shall take into account water quality standards promulgated pursuant to the provisions of the Water Quality Act of 1965 (79 Stat. 903).

(i) Any waste treatment facilities installed by any department, agency, or establishment shall as far as practicable be constructed so as to conform with any areawide program, meeting criteria established by the Secretary of Housing and Urban Development for a unified or officially coordinated areawide sewer facilities system as part of the comprehensively planned development of the area pursuant to Section 702(c) of the Housing and Urban Development Act of 1965, that may have been adopted with respect to the area concerned.

Sec. 5. Modification of standards. The standards prescribed by paragraphs (a) through (e) and (g) through (i) of Section 4 of this order may be supplemented or modified by the Secretary of the Interior, after consultation with the Director of the Bureau of the Budget. All such changes shall be published in the **Federal Register**.

Sec. 6. Procedures for Federal water resources projects. (a) The Secretaries of Agriculture and the Army, the Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission shall present for the consideration of the Secretary of the Interior any plans that they propose to recommend with respect to the authorization or construction of any Federal water resource development project in the United States. Such plans must be consistent with the general standards prescribed by Section 4 of this order to the fullest extent practicable. The Secretary of the Interior shall review such plans and supporting data relating to water quality, and shall prepare a report to the head of the responsible department, agency, or establishment describing the potential impact of the project on water quality, including recommendations concerning any changes or other measures with respect thereto which he considers to be necessary with respect to the design, construction, and operation of the project.

(b) The report of the Secretary of the Interior shall accompany any report proposing authorization or construction of such a water resource development project. In any case in which the Secretary of the Interior fails to submit a report within 90 days after receipt of project plans, the head of the department, agency, or establishment concerned may propose authorization or construction of the project without such an accompanying report. In any such case, the head of the department, agency, or establishment concerned shall explicitly state in his report concerning the project that the Secretary of the Interior has not reported on the potential impact of the project on water quality.

Sec. 7. Review of facilities or operations supported by Federal loans, grants, or contracts. (a) The head of each department, agency, and establishment shall conduct a review of the loan, grant, and contract practices of his organization to determine the extent to which water pollution control standards similar to those set forth in this order for direct Federal operations should be adhered to by borrowers, grantees, or contractors

with respect to their operations in the United States. The head of each department, agency, and establishment shall review all such activities for which there is a significant potential for reduction of water pollution and develop appropriate recommendations for accomplishing such reduction. In conducting this review, necessary technical assistance should be sought from the Secretary of the Interior and the heads of other appropriate Federal agencies. A report on the results of this review shall be submitted to the Director of the Bureau of the Budget by July 1, 1966.

(b) The heads of departments, agencies, and establishments are encouraged to prescribe regulations covering loan, grant, or contract practices designed to reduce water pollution.

Sec. 8. Study of water pollution from vessel operations. The Secretary of the Interior shall make a comprehensive study of the problem of water pollution within the United States caused by the operation of vessels, and shall develop such recommendations for corrective or preventive action as may be appropriate, including recommendations with respect to vessels operated by any department, agency, or establishment of the Federal Government. The results of the study and recommendations shall be transmitted to the President by January 1, 1967. The study and report thereon shall be prepared in consultation with, and with the advice and assistance of, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare.

Sec. 9. Prior Executive order superseded. Executive Order No. 11258 of November 17, 1965,⁴ is hereby superseded.

LYNDON B. JOHNSON

THE WHITE HOUSE,

July 2, 1966.

2. 33 U.S.C.A § 466.

3. 5 U.S.C.A. § 133z-15 note;

4. 33 U.S..C.A. § 466 note.

5. 33 U.S.C.A. § 466 note.

No. 11296

August 10, 1966, 31 F.R. 10663

**EVALUATION OF FLOOD HAZARD IN LOCATING
FEDERALLY OWNED OR FINANCED BUILDINGS, ROADS,
AND OTHER FACILITIES, AND IN DISPOSING OF FEDERAL
LANDS AND PROPERTIES**

WHEREAS uneconomic uses of the Nation's flood plains are occurring and potential flood losses are increasing despite substantial efforts to control floods; and

WHEREAS national and regional studies of areas and property subject to flooding indicate a further increase in flood damage potential and flood losses, even with continuing investment in flood protection structures; and

WHEREAS the Federal Government has extensive and continuing programs for the construction of buildings, roads, and other facilities and annually disposes of thousands of acres of Federal lands in flood hazard areas, all of which activities significantly influence patterns of commercial, residential, and industrial development; and

WHEREAS the availability of Federal loans and mortgage insurance and land use planning programs are determining factors in the utilization of lands:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

Section 1. The heads of the executive agencies shall provide leadership in encouraging a broad and unified effort to prevent uneconomic uses and development of the Nation's flood plains and, in particular, to lessen the risk of flood losses in connection with Federal lands and installations and federally financed or supported improvements. Specifically:

(1) All executive agencies directly responsible for the construction of Federal buildings, structures, roads, or other facilities shall evaluate flood hazards when planning the location of new facilities and, as far as practicable, shall preclude the uneconomic, hazardous, or unnecessary use of flood plains in connection with such facilities. With respect to existing Federally owned properties which have suffered flood damage or which may be subject thereto, the responsible agency head shall require conspicuous delineation of past and probable flood heights so as to assist in creating public awareness of and knowledge about flood hazards. Whenever practical and economically feasible, flood proofing measures shall be applied to existing facilities in order to reduce flood damage potential.

(2) All executive agencies responsible for the administration of Federal grant, loan, or mortgage insurance programs involving the construction of buildings, structures, roads, or other facilities shall evaluate flood hazards in connection with such facilities and, in order to minimize the Federal expenditures for flood protection and flood disaster relief, shall, as far as practicable, preclude the uneconomic, hazardous, or unnecessary use of flood plains in such connection.

(3) All executive agencies responsible for the disposal of Federal lands or properties shall evaluate flood hazards in connection with lands or properties proposed for disposal to non-Federal public instrumentalities or private interests and, as may be desirable in order to minimize future Federal expenditures for flood protection and flood disaster relief and as far as practicable, shall attach appropriate restrictions with respect to uses of the lands or properties by the purchaser and his successors and may withhold such lands or properties from disposal. In carrying out this paragraph, each executive agency

may make appropriate allowance for any estimated loss in sales price resulting from the incorporation of use restrictions in the disposal documents.

(4) All executive agencies responsible for programs which entail land use planning shall take flood hazards into account when evaluating plans and shall encourage land use appropriate to the degree of hazard involved.

Sec. 2. As may be permitted by law, the head of each executive agency shall issue appropriate rules and regulations to govern the carrying out of the provisions of Section 1 of this order by his agency.

Sec. 3. Requests for flood hazard information may be addressed to the Secretary of the Army or, in the case of lands lying in the basin of the Tennessee River, to the Tennessee Valley Authority. The Secretary or the Tennessee Valley Authority shall provide such information as may be available, including requested guidance on flood proofing. The Department of Agriculture, Department of the Interior, Department of Commerce, Department of Housing and Urban Development, and Office of Emergency Planning, and any other executive agency which may have information and data relating to floods shall cooperate with the Secretary of the Army in providing such information and in developing procedures to process information requests.

Sec. 4. Any requests for appropriations for Federal construction of new buildings, structures, roads, or other facilities transmitted to the Bureau of the Budget by an executive agency shall be accompanied by a statement by the head of the agency on the findings of his agency's evaluation and consideration of flood hazards in the development of such requests.

Sec. 5. As used in this order, the term "executive agency" includes any department, establishment, corporation, or other organizational entity of the executive branch of the Government.

Sec. 6. The executive agencies shall proceed immediately to develop such procedures, regulations, and information as are provided for in, or may be necessary to carry out, the provisions of Sections 1, 2, and 3 of this order. In other respects this order shall take effect on January 1, 1967.

LYNDON B. JOHNSON

THE WHITE HOUSE,
August 10, 1966.

No. 11347

April 20, 1967, 32 F.R. 6333

**AMENDMENT OF EXECUTIVE ORDER NO. 11210,
ESTABLISHING A TEMPORARY COMMISSION ON
PENNSYLVANIA AVENUE**

By virtue of the authority vested in me as President of the United States, Executive Order No. 11210 of March 25, 1965,¹³ is amended by substituting for subsection (b) of section 1 thereof the following:

“(b) The Commission shall be composed of the Attorney General, the Postmaster General, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Labor, the Secretary of Transportation, the Secretary of the Treasury, the Administrator of General Services, the Chairman of the Commission of Fine Arts, the Chairman of the National Capital Planning Commission, the Director of the National Gallery of Art, the President of the Board of Commissioners of the District of Columbia, the Secretary of the Smithsonian Institution, and such other members as may be appointed by the President. The Chairman shall invite the Architect of the Capitol to be a member of the Commission.”

LYNDON B. JOHNSON

THE WHITE HOUSE,
April 20, 1967.

13. 1965 U.S. Code Cong. & Adm. News, p. 4374

No. 11472

May 29, 1969, 34 F.R. 8693

**ESTABLISHING THE ENVIRONMENTAL QUALITY COUNCIL
AND THE CITIZENS' ADVISORY COMMITTEE ON
ENVIRONMENTAL QUALITY**

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

PART 1. ENVIRONMENTAL QUALITY COUNCIL

Section 101. Establishment of the Council. (a) There is hereby established the Environmental Quality Council (hereinafter referred to as "the Council").

(b) The President of the United States shall preside over meetings of the Council. The Vice President shall preside in the absence of the President.

(c) The Council shall be composed of the following members:

The Vice President of the United States
Secretary of Agriculture
Secretary of Commerce
Secretary of Health, Education and Welfare
Secretary of Housing and Urban Development
Secretary of the Interior
Secretary of Transportation

and such other heads of departments and agencies and others as the President may from time to time direct.

(d) Each member of the Council may designate an alternate, who shall serve as a member of the Council whenever the regular member is unable to attend any meeting of the Council.

(e) When matters which affect the interest of Federal agencies the heads of which are not members of the Council are to be considered by the Council, the President or his representative may invite such agency heads or their alternates to participate in the deliberations of the Council.

(f) The Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, and the Executive Secretary of the Council for Urban Affairs or their representatives may participate in the deliberations of the Environmental Quality Council as observers.

(g) The Science Adviser to the President shall be the Executive Secretary of the Council and shall assist the President in directing the affairs of the Council.

Sec. 102. Functions of the Council. (a) The Council shall advise and assist the President with respect to environmental quality matters and shall perform such other related duties as the President may from time to time prescribe. In addition thereto, the Council is directed to:

(1) Recommend measures to ensure that Federal policies and programs, including those for development and conservation of natural resources, take adequate account of environmental effects.

(2) Review the adequacy of existing systems for monitoring and predicting environmental changes so as to achieve effective coverage and efficient use of facilities and other resources.

(3) Foster cooperation between the Federal Government, State and local governments, and private organizations in environmental programs.

(4) Seek advancement of scientific knowledge of changes in the environment and encourage the development of technology to prevent or minimize adverse effects that endanger man's health and well-being.

(5) Stimulate public and private participation in programs and activities to protect against pollution of the Nation's air, water, and land and its living resources.

(6) Encourage timely public disclosure by all levels of government and by private parties of plans that would affect the quality of environment.

(7) Assure assessment of new and changing technologies for their potential effects on the environment.

(8) Facilitate coordination among departments and agencies of the Federal Government in protecting and improving the environment.

(b) The Council shall review plans and actions of Federal agencies affecting outdoor recreation and natural beauty. The Council may conduct studies and make recommendations to the President on matters of policy in the fields of outdoor recreation and natural beauty. In carrying out the foregoing provisions of this subsection, the Council shall, as far as may be practical, advise Federal agencies with respect to the effect of their respective plans and programs on recreation and natural beauty, and may suggest to such agencies ways to accomplish the purposes of this order. For the purposes of this order, plans and programs may include, but are not limited to, those for or affecting: (1) Development, restoration, and preservation of the beauty of the countryside, urban and suburban areas, water resources, wild rivers, scenic roads, parkways and highways, (2) the protection and appropriate management of scenic or primitive areas, natural wonders, historic sites, and recreation areas, (3) wildlife, to enhance natural beauty and recreational opportunities consistent with other essential uses, (4) cooperation with the States and their mutual interest, (5) interstate arrangements, including Federal participation where authorized and necessary, and (6) leadership in a nationwide recreation and beautification effort.

(c) The Council shall assist the President in preparing periodic reports to the Congress on the subjects of this order.

Sec. 103. Coordination. The Secretary of the Interior may make available to the Council for coordination of outdoor recreation the authorities and resources available to him under the Act of May 28, 1963, 77 Stat. 49; to the extent permitted by law, he may make such authorities and resources available to the Council also for promoting such coordination of other matters assigned to the Council by this order.

Sec. 104. Assistance for the Council. In compliance with provisions of applicable law, and as necessary to serve the purposes of this order, (1) the Office of Science and Technology shall provide or arrange for necessary administrative and staff services, support, and facilities for the Council, and (2) each department and agency which has membership on the Council under Section 101 (c) hereof shall furnish the Council such information and other assistance as may be available.

PART II. CITIZEN'S ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

Sec. 201. Establishment of the Committee. There is hereby established the citizens' Advisory Committee on Environmental Quality (hereinafter referred to as the "Committee"). The Committee shall be composed of a chairman and not more than 14

other members appointed by the President. Appointments to membership on the Committee shall be for staggered terms, except that the chairman of the Committee shall serve until his successor is appointed.

Sec 202. Functions of the Committee. The Committee shall advise the President and the Council on matters assigned to the Council by the provisions of this order.

Sec. 203. Expenses. Members of the Committee shall receive no compensation from the United States by reason of their services under this order but shall be entitled to receive travel and expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5701-5708) for persons in the Government service employed intermittently.

Sec. 204. Continuity. Persons who on the day of this order are members of the Citizens' Advisory Committee on Recreation and Natural Beauty established by Executive Order No. 11278 of May 4, 1966, as amended,⁴¹ shall, until the expirations of their respective terms and without further action by the President, be members of the Committee established by the provisions of this Part in lieu of an equal number of the members provided for in section 201 of this order.

PART III. GENERAL PROVISIONS

Sec. 301. Construction. Nothing in this order shall be construed as subjecting any department, establishment, or other instrumentality of the executive branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any function in any manner.

Sec. 302. Prior bodies and orders. The President's Council on Recreation and Natural Beauty and the Citizens' Advisory Committee on Recreation and Natural Beauty are hereby terminated and the following are revoked:

- (1) Executive Order No. 11278 of May 4, 1966.
- (2) Executive Order No. 11359A of June 29, 1967.⁴²
- (3) Executive Order No. 11402 of March 29, 1968.⁴³

RICHARD NIXON

THE WHITE HOUSE,
May 29, 1969.

41. 16 U.S.C.A. § 17k note.

42. 16 U.S.C.A. § 17k note.

43. 16 U.S.C.A. § 17k note.

No. 11507

February 4, 1970, 35 F.R. 2573

**PREVENTION, CONTROL, AND ABATEMENT OF AIR AND
WATER POLLUTION AT FEDERAL FACILITIES**

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and Policy of the Clean Air Act, as amended (42 U.S.C. 1857),⁶ the Federal Water Pollution Control Act, as amended (33 U.S.C. 466),⁷ and the National Environmental Policy Act of 1969 (Public Law No. 91-190, approved January 1, 1970),⁸ it is ordered as follows:

Section 1. Policy. It is the intent of this order that the Federal Government in the design, operation, and maintenance of its facilities shall provide leadership in the nationwide effort to protect and enhance the quality of our air and water resources.

Sec. 2. Definitions. As used in this order:

(a) The term "respective Secretary" shall mean the Secretary of Health, Education, and Welfare in matters pertaining to air pollution control and the Secretary of the Interior in matters pertaining to water pollution control.

(b) The term "agencies" shall mean the departments, agencies, and establishments of the executive branch.

(c) The term "facilities" shall mean the buildings, installations, structures, public works, equipment, aircraft, vessels, and other vehicles and property, owned by or constructed or manufactured for the purpose of leasing to the Federal Government.

(d) The term "air and water quality standards" shall mean respectively the quality standards and related plans of implementation, including emission standards, adopted pursuant to the Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended, or as prescribed pursuant to section 4 (b) of this order.

(e) The term "performance specifications" shall mean permissible limits of emissions, discharges, or other values applicable to a particular Federal facility that would, as a minimum, provide for conformance with air and water quality standards as defined herein.

(f) The term "United States" shall mean the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

Sec. 3. Responsibilities. (a) Heads of agencies shall, with regard to all facilities under their jurisdiction:

(1) Maintain review and surveillance to ensure that the standards set forth in section 4 of this order are met on a continuing basis.

(2) Direct particular attention to identifying potential air and water quality problems associated with the use and production of new materials and make provisions for their prevention and control.

(3) Consult with the respective Secretary concerning the best techniques and methods available for the protection and enhancement of air and water quality.

(4) Develop and publish procedures, within six months of the date of this order, to ensure that the facilities under their jurisdiction are in conformity with this order. In the preparation of such procedures there shall be timely and appropriate consultation with the respective Secretary.

(b) The respective Secretary shall provide leadership in implementing this order, including the provision of technical advice and assistance to the heads of agencies in connection with their duties and responsibilities under this order.

(c) The Council on Environmental Quality shall maintain continuing review of the implementation of this order and shall, from time to time, report to the President thereon.

Sec. 4. Standards. (a) Heads of agencies shall ensure that all facilities under their jurisdiction are designed, operated, and maintained so as to meet the following requirements:

(1) Facilities shall conform to air and water quality standards as defined in section 2(d) of this order. In those cases where no such air or water quality standards are in force for a particular geographical area, Federal facilities in that area shall conform to the standards established pursuant to subsection (b) of this section. Federal facilities shall also conform to the performance specifications provided for in this order.

(2) Actions shall be taken to avoid or minimize wastes created through the complete cycle of operations of each facility.

(3) The use of municipal or regional waste collection or disposal systems shall be the preferred method of disposal of wastes from Federal facilities. Whenever use of such a system is not feasible or appropriate, the heads of agencies concerned shall take necessary measures for the satisfactory disposal of such wastes, including:

(A) When appropriate, the installation and operation of their own waste treatment and disposal facilities in a manner consistent with this section.

(B) The provision of trained manpower, laboratory and other supporting facilities as appropriate to meet the requirements of this section.

(C) The establishment of requirements that operators of Federal pollution control facilities meet levels of proficiency consistent with the operator certification requirements of the State in which the facility is located. In the absence of such State requirements the respective Secretary may issue guidelines, pertaining to operator qualifications and performance, for the use of heads of agencies.

(4) The use, storage, and handling of all materials, including but not limited to, solid fuels, ashes, petroleum products, and other chemical and biological agents, shall be carried out so as to avoid or minimize the possibilities for water and air pollution. When appropriate, preventive measure shall be taken to entrap spillage or discharge or otherwise to prevent accidental pollution. Each agency, in consultation with the respective Secretary, shall establish appropriate emergency plans and procedures for dealing with accidental pollution.

(5) No waste shall be disposed of or discharged in such a manner as could result in the pollution of ground water which would endanger the health or welfare of the public.

(6) Discharges of radioactivity shall be in accordance with the applicable rules, regulations, or requirements of the Atomic Energy Commission and with the policies and guidance of the Federal Radiation Council as published in the **Federal Register**.

(b) In those cases where there are no air or water quality standards as defined in section 2(d) of this order in force for a particular geographic area or in those cases where more stringent requirements are deemed advisable for Federal facilities, the respective Secretary, in consultation with appropriate Federal, State, interstate, and local agencies, may issue regulations establishing air or water quality standards for the purpose of this order, including related schedules for implementation.

(c) The heads of agencies, in consultation with the respective Secretary, may from time to time identify facilities or uses thereof which are to be exempted, including temporary relief, from provisions of this order in the interest of national security or in extraordinary cases where it is in the national interest. Such exemptions shall be reviewed periodically by the respective Secretary and the heads of the agencies concerned.

A report on exemptions granted shall be submitted to the Council on Environmental Quality periodically.

Sec. 5. Procedures for abatement of air and water pollution at existing Federal facilities. (a) Actions necessary to meet the requirements of subsections (a) (1) and (b) of section 4 of this order pertaining to air and water pollution at existing facilities are to be completed or under way no later than December 31, 1972. In cases where an enforcement conference called pursuant to law or air and water quality standards require earlier actions, the earlier date shall be applicable.

(b) In order to ensure full compliance with the requirements of section 5 (a) and to facilitate budgeting for necessary corrective and preventive measures, heads of agencies shall present to the Director of the Bureau of the Budget by June 30, 1970, a plan to provide for such improvements as may be necessary to meet the required date. Subsequent revisions needed to keep any such plan up-to-date shall be promptly submitted to the Director of the Bureau of the Budget.

(c) Heads of agencies shall notify the respective Secretary as to the performance specifications proposed for each facility to meet the requirements of subsections 4 (a) (1) and (b) of this order. Where the respective Secretary finds that such performance specifications are not adequate to meet such requirements, he shall consult with the agency head and the latter shall thereupon develop adequate performance specifications.

(d) As may be found necessary, heads of agencies may submit requests to the Director of the Bureau of the Budget for extensions of time for a project beyond the time specified in section 5(a). The Director, in consultation with the respective Secretary, may approve such requests if the Director deems that such project is not technically feasible or immediately necessary to meet the requirements of subsections 4(a) and (b). Full justification as to the extraordinary circumstances necessitating any such extension shall be required.

(e) Heads of agencies shall not use for any other purpose any of the amounts appropriated and apportioned for corrective and preventive measures necessary to meet the requirements of subsection (a) for the fiscal year ending June 30, 1971, and for any subsequent fiscal year.

Sec. 6. Procedures for new Federal facilities. (a) Heads of agencies shall ensure that the requirements of section 4 of this order are considered at the earliest possible stage of planning for new facilities.

(b) A request for funds to defray the cost of designing and constructing new facilities in the United States shall be included in the annual budget estimates of an agency only if such request includes funds to defray the costs of such measures as may be necessary to assure that the new facility will meet the requirements of section 4 of this order.

(c) Heads of agencies shall notify the respective Secretary as to the performance specifications proposed for each facility when action is necessary to meet the requirements of subsections 4(a) (1) and (b) of this order. Where the respective Secretary finds that such performance specifications are not adequate to meet such requirements he shall consult with the agency head and the latter shall thereupon develop adequate performance specifications.

(d) Heads of agencies shall give due consideration to the quality of air and water resources when facilities are constructed or operated out side the United States.

Sec. 7. Procedures for Federal water resources projects. (a) All water resources projects of the Departments of Agriculture, the Interior, and the Army, the Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission shall be consistent with the requirements of section 4 of this order. In addition, all such projects shall be presented for the consideration of the Secretary of the Interior at the earliest feasible stage if they involve proposals or

recommendations with respect to the authorization or construction of any Federal water resources project in the United States. The Secretary of the Interior shall review plans and supporting data for all such projects relating to water quality, and shall prepare a report to the head of the responsible agency describing the potential impact of the project on water quality, including recommendations concerning any changes or other measures with respect thereto which he considers to be necessary in connection with the design, construction, and operation of the project.

(b) The report of the Secretary of the Interior shall accompany at the earliest practicable stage any report proposing authorization or construction, or a request for funding, of such a water resource project. In any case in which the Secretary of the Interior fails to submit a report within 90 days after receipt of project plans, the head of the agency concerned may propose authorization, construction, or funding of the project without such an accompanying report. In such a case, the head of the agency concerned shall explicitly state in his request or report concerning the project that the Secretary of the Interior has not reported on the potential impact of the project on water quality.

Sec. 8. Saving provisions. Except to the extent that they are inconsistent with this order, all outstanding rules, regulations, orders, delegations, or other forms of administrative action issued, made, or otherwise taken under the orders superseded by section 9 hereof or relating to the subject of this order shall remain in full force and effect until amended, modified, or terminated by proper authority.

Sec. 9. Orders superseded. Executive Order No. 11282 of May 26, 1966,⁹ and Executive Order No. 11288 of July 2, 1966,¹⁰ are hereby superseded.

RICHARD NIXON

THE WHITE HOUSE,
February 4, 1970.

6. 42 U.S.C.A. § 1857 *et seq.*
7. 33 U.S.C.A. § 466 *et. seg.*
8. 42 U.S.C.A. § 4321 *et.seq.*
9. 42 U.S.C.A. § 1857f note.
10. 33 U.S.C.A. § 466 note.

No. 11508

February 10, 1970, 35 F.R. 2855

**PROVIDING FOR THE IDENTIFICATION OF UNNEEDED
FEDERAL REAL PROPERTY**

WHEREAS proper management and use of the Nation's resources require a continuing and critical review of real property held by the Federal government in order to insure that each such property is promptly released by the agency concerned for appropriate disposition whenever changing program requirements of the agency, or other considerations, obviate the need of the agency for such property; and

WHEREAS existing law, including the Federal Property and Administrative Services Act of 1949, as amended (hereinafter referred to as "the Act"), authorizes the President to prescribe property utilization and disposal policies consistent with and deemed necessary to effectuate its provisions; and

WHEREAS I have determined that it would be in the public interest to enunciate a uniform policy for the Executive branch of the Government with respect to the identification of excess real property holdings, and to establish uniform procedures with respect thereto, in order to insure the prompt identification and release by executive agencies of real property holdings that are no longer essential to their activities and responsibilities:

NOW, THEREFORE, by virtue of the authority vested in me by section 205(a) of the Act (40 U.S.C. 486(a)),¹¹ and as President of the United States, it is hereby ordered as follows:

Section 1. In conformity with sections 202(b) and (c) of the Act (40 U.S.C. 483(b) and (c)),¹² the head of each executive agency, consistent with the policies set forth in Bureau of the Budget Circular No. A-2, Revised, shall:

(1) institute immediately a vigorous and complete survey of all real property under his control; and

(2) make a report to the Administrator of General Services within sixty days of the date of this order, listing any such property or portion thereof, and state whether it is not utilized, is underutilized, or is not being put to its optimum use.

Sec. 2. The Administrator of General Services shall:

(1) within sixty days of the date of this order, and in implementation of the policies set forth in Bureau of the Budget Circular No. A-2, Revised, establish uniform standards and procedures for the identification of real property that is not utilized, is underutilized, or is not being put to its optimum use, and the heads of other executive agencies shall thereafter conform their policies, regulations, and practices to the provisions of such standards and procedures;

(2) within sixty days of the date of this order, institute, and thereafter conduct on a continuing basis, a survey of the real property holdings of all executive agencies to identify properties which in his judgment are not utilized, are underutilized, or are not being put to their optimum use; and

(3) make reports to the President, listing any property or portion thereof (identified either by Executive agencies or as a result of the Administrator's survey) which has not been reported excess and which in the Administrator's judgment is either not utilized, is underutilized, or is not being put to its optimum use, and which in his judgment should be reported as excess property.

Sec. 3. (a) The reports required of the Administrator of General Services by section 2 of this order shall be made to the President through a Property Review Board, which is hereby established.

(b) The members of the Property Review Board shall be the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, the Chairman of the Council of Environmental Quality, the Administrator of General Services, and such other officers or employees of the Executive branch as the President may from time to time designate. One of the members of the Board shall be designated by the President as Chairman. The Board shall have an Executive Secretary, who shall be appointed by the President.

(c) The Property Review Board shall review the reports made by the Administrator of General Services pursuant to section 2 of this order, as well as other reports to the President making recommendations for the use or disposition of specific parcels of real property, with particular attention to conflicting claims on, and alternative uses for, any property listed in such reports. The Board shall then make such recommendations to the President as it deems advisable regarding the use or disposal of such property.

Sec. 4. As used in this order:

(1) the term "executive agency" means "executive agency" as defined in section 3 (a) of the Act (40 U.S.C. 472 (a));¹³

(2) the term "property," however modified, means real property, or an interest therein, which is covered by the definition of "property" set forth in section 3 (d) of the Act (40 U.S.C. 472 (d)),¹⁴ and also lands withdrawn or reserved from the public domain which are utilized by executive agencies for purposes other than national forests or national parks; and

(3) the term "excess property" means "excess property" as defined in section 3 (a) of the Act (40 U.S.C. 472 (e)).¹⁵

RICHARD NIXON

THE WHITE HOUSE,
February 10, 1970.

11. 40 U.S.C.A. § 486 (a).

12. 40 U.S.C.A. § 483 (b), (c).

13. 40 U.S.C.A. § 472(a).

14. 40 U.S.C.A. § 472(d).

15. 40 U.S.C.A. § 472(e).

No. 11514

March 5, 1970, 35 F.R. 4247

**PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL
QUALITY**

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (Public Law No. 91-190, approved January 1, 1970),²⁷ it is ordered as follows:

Section 1. Policy. The Federal Government shall provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals. The Council on Environmental Quality, through the Chairman, shall advise and assist the President in leading this national effort.

Sec. 2. Responsibilities Of Federal Agencies. Consistent with Title I of the National Environmental Policy Act of 1969,²⁸ hereafter referred to as the "Act", the heads of Federal agencies shall:

(a) Monitor, evaluate, and control on a continuing basis their agencies' activities so as to protect and enhance the quality of the environment. Such activities shall include those directed to controlling pollution and enhancing the environment and those designed to accomplish other program objectives which may affect the quality of the environment. Agencies shall develop programs and measures to protect and enhance environmental quality and shall assess progress in meeting the specific objectives of such activities. Heads of agencies shall consult with appropriate Federal, State and local agencies in carrying out their activities as they affect the quality of the environment.

(b) Develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Federal agencies shall also encourage State and local agencies to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment.

(c) Insure that information regarding existing or potential environmental problems and control methods developed as part of research, development, demonstration, test, or evaluation activities is made available to Federal agencies, States, counties, municipalities, institutions, and other entities, as appropriate.

(d) Review other agencies' statutory authority, administrative regulations, policies, and procedures, including those relating to loans, grants, contracts, leases, licenses, or permits, in order to identify any deficiencies or inconsistencies therein which prohibit or limit full compliance with the purposes and provisions of the Act. A report on this review and the corrective actions taken or planned, including such measures to be proposed to the President as may be necessary to bring their authority and policies into conformance with the intent, purposes, and procedures of the Act, shall be provided to the Council on Environmental Quality no later than September 1, 1970.

(e) Engage in exchange of data and research results, and cooperate with agencies of other governments to foster the purposes of the Act.

(f) Proceed, in coordination with other agencies, with actions required by section 102 of the Act.²⁹

Sec. 3. Responsibilities of Council on Environmental Quality. The Council on Environmental Quality shall:

(a) Evaluate existing and proposed policies and activities of the Federal Government directed to the control of pollution and the enhancement of the environment and to the accomplishment of other objectives which affect the quality of the environment. This shall include continuing review of procedures employed in the development and enforcement of Federal standards affecting environmental quality. Based upon such evaluations the Council shall, where appropriate, recommend to the President policies and programs to achieve more effective protection and enhancement of environmental quality and shall, where appropriate, seek resolution of significant environmental issues.

(b) Recommend to the President and to the agencies priorities among programs designed for the control of pollution and for enhancement of the environment.

(c) Determine the need for new policies and programs for dealing with environmental problems not being adequately addressed.

(d) Conduct, as it determines to be appropriate, public hearings or conferences on issues of environmental significance.

(e) Promote the development and use of indices and monitoring systems (1) to assess environmental conditions and trends, (2) to predict the environmental impact of proposed public and private actions, and (3) to determine the effectiveness of programs for protecting and enhancing environmental quality.

(f) Coordinate Federal programs related to environmental quality.

(g) Advise and assist the President and the agencies in achieving international cooperation for dealing with environmental problems, under the foreign policy guidance of the Secretary of State.

(h) Issue guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by section 102(2) (C) of the Act.

(i) Issue such other instructions to agencies, and request such reports and other information from them, as may be required to carry out the Council's responsibilities under the Act.

(j) Assist the President in preparing the annual Environmental Quality Report provided for in section 201 of the Act.³⁰

(k) Foster investigations, studies, surveys, research, and analyses relating to (i) ecological systems and environmental quality, (ii) the impact of new and changing technologies thereon, and (iii) means of preventing or reducing adverse effects from such technologies.

Sec. 4. Amendments of E.O. 11472. Executive Order No. 11472 of May 29, 1969, including the heading thereof,³¹ is hereby amended:

(1) By substituting for the term "the Environmental Quality Council" wherever it occurs, the following: "the Cabinet Committee on the Environment".

(2) By substituting for the term "the Council", wherever it occurs, the following: "the cabinet Committee".

(3) By inserting in subsection (f) of section 101, after "Budget," the following: "the Director of the Office of Science and Technology,".

(4) By substituting for subsection (g) of section 101 the following: "(g) The Chairman of the Council on Environmental Quality (established by Public Law 91-190) shall assist the President in directing the affairs of the Cabinet Committee."

(5) By deleting subsection (c) of section 102.

(6) By substituting for "the Office of Science and Technology", in section 104, the following: "the Council on Environmental Quality (established by Public Law 91-190)".

(7) By substituting for “(hereinafter referred to as the ‘Committee’), in section 201, the following: “(hereinafter referred to as the ‘Citizens Committee’)”.

(8) By substituting for the term “the Committee”, wherever it occurs, the following: “the Citizens’ Committee”.

RICHARD NIXON

THE WHITE HOUSE,
March 5, 1970.

- 27. 42 U.S.C.A. § 4321 *et seq.*
- 28. 42 U.S.C.A. § 4331.
- 29. 42 U.S.C.A. § 4332.
- 30. 42 U.S.C.A. § 4341.
- 31. 16 U.S.C.A. § 17k note.

No. 11593

May 13, 1971, 36 F.R. 8921

PROTECTION AND ENHANCEMENT OF THE CULTURAL ENVIRONMENT

By virtue of the authority vested in me as President of the United States and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321 *et seq.*),⁵⁸ the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470 *et seq.*),⁵⁹ the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461 *et seq.*),⁶⁰ and the Antiquities Act of 1906 (34 Stat. 225, 16 U.S.C. 431 *et seq.*),⁶¹ it is ordered as follows:

Section 1. Policy. The Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. Agencies of the executive branch of the Government (hereinafter referred to as "Federal agencies") shall (1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations, (2) initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures, and objects of historical, architectural or archaeological significance are preserved, restored and maintained for the inspiration and benefit of the people, and (3), in consultation with the Advisory Council on Historic Preservation (16 U.S.C. 470i), institute procedures to assure that Federal plans and programs contribute to the preservation, and enhancement of non-federally owned sites, structures and objects of historical, architectural or archaeological significance.

Sec. 2. Responsibilities of Federal agencies. Consonant with the provisions of the acts cited in the first paragraph of this order, the heads of Federal agencies shall:

(a) no later than July 1, 1973, with the advice of the Secretary of the Interior, and in cooperation with the liaison officer for historic preservation for the State or territory involved, locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places.

(b) exercise caution during the interim period until inventories and evaluations required by subsection (a) are completed to assure that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished or substantially altered. The agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion on the National Register of Historic Places. The Secretary shall consult with the liaison officer for historic preservation for the State or territory involved in arriving at his opinion. Where, after a reasonable period in which to review and evaluate the property, the Secretary determines that the property is likely to meet the criteria prescribed for listing on the National Register of Historic Places, the Federal agency head shall reconsider the proposal in light of national environmental and preservation policy. Where, after such reconsideration, the Federal agency head proposes to transfer, sell, demolish or substantially alter the property he shall not act with respect to the property until the Advisory Council of Historic Preservation shall have been provided an opportunity to comment on the proposal.

(c) initiate measures to assure that where as result of Federal action or assistance

a property listed on the National Register of Historic Places is to be substantially altered or demolished, timely steps be taken to make or have made records, including measured drawings, photographs and maps, of the property, and that copy of such records then be deposited in the Library of Congress as part of the Historic American Buildings Survey or Historic American Engineering Record for future use and reference. Agencies may call on the Department of the Interior for advice and technical assistance in the completion of the above records.

(d) initiate measures and procedures to provide for the maintenance, through preservation, rehabilitation, or restoration, of federally owned and registered sites at professional standards prescribed by the Secretary of the Interior.

(e) submit procedures required pursuant to subsection (d) to the Secretary of the Interior and to the Advisory Council on Historic Preservation no later than January 1, 1972, and annually thereafter, for review and comment.

(f) cooperate with purchasers and transferees of a property listed on the National register of Historic Places in the development of viable plans to use such property in a manner compatible with preservation objectives and which does not result in an unreasonable economic burden to public or private interests.

Sec. 3. Responsibilities of the Secretary of the Interior. The Secretary of the Interior shall:

(a) encourage State and local historic preservation officials to evaluate and survey federally owned historic properties and, where appropriate, to nominate such properties for listing on the National Register of Historic Places.

(b) develop criteria and procedures to be applied by Federal agencies in the reviews and nominations required by Section 2(a). Such criteria and procedures shall be developed in consultation with the affected agencies.

(c) expedite action upon nominations to the National Register of Historic Places concerning federally owned properties proposed for sale, transfer, demolition or substantial alteration.

(d) encourage State and Territorial liaison officers for historic preservation to furnish information upon request to Federal agencies regarding their properties which have been evaluated with respect to historic, architectural or archaeological significance and which as result of such evaluations have not been found suitable for listing on the National Register of Historic Places.

(e) develop and make available to Federal agencies and State and local governments information concerning professional methods and techniques for preserving, improving, restoring and maintaining historic properties.

(f) advise Federal agencies in the evaluation, identification, preservation, improvement, restoration and maintenance of historic properties.

(g) review and evaluate the plans of transferees of surplus Federal properties transferred for historic monument purposes to assure that the historic character of such properties is preserved in rehabilitation, restoration, improvement, maintenance and repair of such properties.

(h) review and comment upon Federal agency procedures submitted pursuant to section 2(e) of this order.

RICHARD NIXON

THE WHITE HOUSE,
May 13, 1971.

58. 42 U.S.C.A. § 4321 et seq.

59. 16 U.S.C.A. § 470 et seq.

60. 16 U.S.C.A. § 461 et seq.

61. 16 U.S.C.A. § 431 et seq.

No. 11602

June 29, 1971, 36 F.R. 12475

PROVIDING FOR ADMINISTRATION OF THE CLEAN AIR ACT WITH RESPECT TO FEDERAL CONTRACTS, GRANTS, OR LOANS

By virtue of the authority vested in me by the provisions of the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*), and particularly section 306 of that Act as added by the Clean Air Amendments of 1970 (Public Law 91-604, approved December 31, 1970),⁶⁸ it is hereby ordered as follows:

Section 1. Policy. It is the policy of the Federal Government to improve and enhance environmental quality. In furtherance of that policy, the program prescribed in this Order is instituted to assure that each Federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each Federal agency empowered to extend Federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act (hereinafter referred to as "the Act").

Sec. 2. Designation of Facilities. (a) The Administrator of the Environmental Protection Agency (hereinafter referred to as "the Administrator") shall be responsible for the attainment of the purposes and objectives of this Order.

(b) In carrying out his responsibilities under this Order, the Administrator shall, in conformity with all applicable requirements of law, designate facilities which have given rise to a conviction for an offense under section 113(c) (1) of the Act. The Administrator shall, from time to time, publish and circulate to all Federal agencies lists of those facilities, together with the names and addresses of the persons who have been convicted of such offenses. Whenever the Administrator determines that the condition which gave rise to a conviction has been corrected, he shall promptly remove the facility and the name and address of the person concerned from the list.

Sec. 3. Contracts, Grants, or Loans. (a) Except as provided in section 8 of this Order, no Federal agency shall enter into any contract for the procurement of goods, materials, or services which is to be performed in whole or in part in a facility then designated by the Administrator pursuant to section 2.

(b) Except as provided in section 8 of this Order, no Federal agency authorized to extend Federal assistance by way of grant, loan, or contract shall extend such assistance in any case in which it is to be used to support any activity or programs involving the use of a facility then designated by the Administrator pursuant to section 2.

Sec. 4. Procurement, Grant, and Loan Regulations. The Federal Procurement Regulations, the Armed Services Procurement Regulations, and, to the extent necessary, any supplemental or comparable regulations issued by any agency of the Executive Branch shall, following consultation with the Administrator, be amended to require, as a condition of entering into, renewing, or extending any contract for the procurement of goods, materials, or services or extending any assistance by way of grant, loan, or contract, inclusion of a provision requiring compliance with the Act and standards issued pursuant thereto in the facilities in which the contract is to be performed, or which are involved in the activity or program to receive assistance.

Sec. 5. Rules and Regulations. The Administrator shall issue such rules, regulations, standards, and guidelines as he may deem necessary or appropriate to carry out the purposes of this Order.

Sec. 6. Cooperation and Assistance. The head of each Federal agency shall take such steps as may be necessary to insure that all officers and employees of his agency whose duties entail compliance or comparable functions with respect to contracts, grants, and loans are familiar with the provisions of this Order. In addition to any other appropriate action, such officers and employees shall report promptly any condition in a facility which may involve noncompliance with the Act or any rules, regulations, standards, or guidelines issued pursuant to this Order to the head of the agency, who shall transmit such report to the Administrator.

Sec. 7. Enforcement. The Administrator may recommend to the Department of Justice or other appropriate agency that legal proceedings be brought or other appropriate action be taken whenever he becomes aware of a breach of any provision required, under the amendments issued pursuant to section 4 of this Order, to be included in a contract or other agreement.

Sec. 8. Exemptions—Reports to Congress. (a) Upon a determination that the paramount interest of the United States so requires—

(1) The head of a Federal agency may exempt any contract, grant, or loan, and, following consultation with the Administrator, any class of contracts, grants or loans from the provisions of this Order. In any such case, the head of the Federal agency granting such exemption shall (A) promptly notify the Administrator of such exemption and the justification therefore; (B) review the necessity for each such exemption annually; and (C) report to the Administrator annually all such exemptions in effect. Exemptions granted pursuant to this section shall be for a period not to exceed one year. Additional exemptions may be granted for periods not to exceed one year upon the making of a new determination by the head of the Federal agency concerned.

(2) The Administrator may, by rule or regulation, exempt any or all Federal agencies from any or all of the provisions of this Order with respect to any class or classes of contracts, grants, or loans which (A) involve less than specified dollar amounts, or (B) have a minimal potential impact upon the environment, or (C) involve persons who are not prime contractors or direct recipients of Federal assistance by way of contracts, grants, or loans.

(b) Federal agencies shall reconsider any exemption granted under subsection (a) whenever requested to do so by the Administrator.

(c) The Administrator shall annually notify the President and the Congress of all exemptions granted, or in effect, under this Order during the preceding year.

Sec. 9. Related Actions. The imposition of any sanction or penalty under or pursuant to this Order shall not relieve any person of any legal duty to comply with any provision of the Act.

Sec. 10. Applicability. This Order shall not apply to contracts, grants, or loans involving the use of facilities located outside the United States.

RICHARD NIXON

THE WHITE HOUSE,
June 29, 1971.

No. 11643

February 8, 1972, 37 F.R. 2875

**ENVIRONMENTAL SAFEGUARDS ON ACTIVITIES FOR
ANIMAL DAMAGE CONTROL ON FEDERAL LANDS**

By virtue of the authority vested in me as President of the United States and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*)¹⁰ and the Endangered Species Conservation Act of 1969 (16 U.S.C. 668aa),¹¹ it is ordered as follows:

Section 1. Policy. It is the policy of the Federal Government to (1) restrict the use on Federal lands of chemical toxicants for the purpose of killing predatory mammals or birds; (2) restrict the use on such lands of chemical toxicants which cause any secondary poisoning effects for the purpose of killing other mammals, birds, or reptiles; and (3) restrict the use of both such types of toxicants in any Federal programs of mammal or bird damage control that may be authorized by law. All such mammal or bird damage control programs shall be conducted in a manner which contributes to the maintenance of environmental quality, and to the conservation and protection, to the greatest degree possible, of the Nation's wildlife resources, including predatory animals.

Sec. 2. Definitions. As used in this order the term:

(a) "Federal lands" means all real property owned by or leased to the Federal Government, excluding (1) lands administered by the Secretary of the Interior pursuant to his trust responsibilities for Indian affairs, and (2) real property located in metropolitan areas.

(b) "Agencies" means the departments, agencies and establishments of the executive branch of the Federal Government.

(c) "Chemical toxicant" means any chemical substance which, when ingested, inhaled, or absorbed, or when applied to or injected into the body, in relatively small amounts, by its chemical action may cause significant bodily malfunction, injury, illness, or death, to animals or man.

(d) "Predatory mammal or bird" means any mammal or bird which habitually preys upon other animals or birds.

(e) "Secondary poisoning effect" means the result attributable to a chemical toxicant which, after being ingested, inhaled, or absorbed, or when applied to or injected into, a mammal, bird, or reptile, is retained in its tissue, or otherwise retained in such a manner and quantity that the tissue itself or retaining part if thereafter ingested by man, mammal, bird or reptile produces the effects set forth in paragraph (c) of this section.

(f) "Field use" means use on lands not in, or immediately adjacent to, occupied buildings.

Sec. 3. Restriction on Use of Chemical Toxicants.

(a) Heads of agencies shall take such action as is necessary to prevent on any Federal lands under their jurisdiction, or in any Federal program of mammal or bird damage control under their jurisdiction:

(1) the field use of any chemical toxicant for the purpose of killing a predatory mammal or bird; or

(2) the field use of any chemical toxicant which causes any secondary poisoning effect for the purpose of killing mammals, birds, or reptiles.

(b) Notwithstanding the provisions of subsection (a) of this section, the head of any agency may authorize the emergency use on Federal lands under his jurisdiction of a chemical toxicant for the purpose of killing predatory mammals or birds, or of a chemical toxicant which causes a secondary poisoning effect for the purpose of killing other mammals, birds, or reptiles, but only if in each specific case he makes a written finding, following consultation with the Secretaries of the Interior, Agriculture and Health, Education, and Welfare, and the Administrator of the Environmental Protection Agency, that any emergency exists that cannot be dealt with by means which do not involve use of chemical toxicants, and that such use is essential:

(1) to the protection of the health or safety of human life;

(2) to the preservation of one or more wildlife species threatened with extinction, or likely within the foreseeable future to become so threatened; or

(3) to the prevention of substantial irretrievable damage to nationally significant natural resources.

Sec. 4. Rules for Implementation of Order. Heads of agencies shall issue such rules or regulations as may be necessary and appropriate to carry out the provisions and policy of this order.

RICHARD NIXON

THE WHITE HOUSE,
February 8, 1972.

10. 42 U.S.C.A. § 4321 *et seq.*

11. 16 U.S.C.A. § 668aa.

No. 11644

February 8, 1972, 37 F.R. 2877

USE OF OFF-ROAD VEHICLES ON THE PUBLIC LANDS

An estimated 5 million off-road recreational vehicles—motorcycles, minibikes, trail bikes, snowmobiles, dune-buggies, all-terrain vehicles, and others—are in use in the United States today, and their popularity continues to increase rapidly. The widespread use of such vehicles on the public lands—often for legitimate purposes but also in frequent conflict with wise land and resource management practices, environmental values, and other types of recreational activity—has demonstrated the need for a unified Federal policy toward the use of such vehicles on the public lands.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (42 U.S.C. 4321),¹² it is hereby ordered as follows:

Section 1. Purpose. It is the purpose of this order to establish policies and provide for procedures that will insure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

Sec. 2. Definitions. As used in this order, the term:

(1) “public lands” means (A) all lands under the custody and control of the Secretary of the Interior and the Secretary of Agriculture, except Indian lands, (B) lands under the custody and control of the Tennessee Valley Authority that are situated in western Kentucky and Tennessee and are designated as “Land Between the Lakes,” and (C) lands under the custody and control of the Secretary of Defense;

(2) “respective agency head” means the Secretary of the Interior, the Secretary of Defense, the Secretary of Agriculture, and the Board of Directors of the Tennessee Valley Authority, with respect to public lands under the custody and control of each;

(3) “off-road vehicle” means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any military, fire, emergency, or law enforcement vehicle when used for emergency purposes, and (C) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract; and

(4) “official use” means use by an employee, agent, or designated representative of the Federal Government or one of its contractors in the course of his employment, agency, or representation.

Sec. 3. Zones of Use. (a) Each respective agency head shall develop and issue regulations and administrative instructions, within six months of the date of this order, to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted, and set a date by which such designation of all public lands shall be completed. Those regulations shall direct that the designation of such areas and trails will be based upon the protection of the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands. The regulations shall further require that the designation of such areas and trails shall be in accordance with the following—

(1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.

(2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.

(3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(4) Areas and trails shall not be located in officially designated Wilderness Areas or Primitive Areas. Areas and trails shall be located in areas of the National Park system, Natural Areas, or National Wildlife Refuges and Game Ranges only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

(b) The respective agency head shall ensure adequate opportunity for public participation in the promulgation of such regulations and in the designation of areas and trails under this section.

(c) The limitations on off-road vehicle use imposed under this section shall not apply to official use.

Sec. 4. Operating Conditions. Each respective agency head shall develop and publish, within one year of the date of this order, regulations prescribing operating conditions for off-road vehicles on the public lands. These regulations shall be directed at protecting resource values, preserving public health, safety, and welfare, and minimizing use conflicts.

Sec. 5. Public Information. The respective agency head shall ensure that areas and trails where off-road vehicle use is permitted are well marked and shall provide for the publication and distribution of information, including maps, describing such areas and trails and explaining the conditions on vehicle use. He shall seek cooperation of relevant State agencies in the dissemination of this information.

Sec. 6. Enforcement. The respective agency head shall, where authorized by law, prescribe appropriate penalties for violation of regulations adopted pursuant to this order, and shall establish procedures for the enforcement of those regulations. To the extent permitted by law, he may enter into agreements with State or local governmental agencies for cooperative enforcement of laws and regulations relating to off-road vehicle use.

Sec 7. Consultation. Before issuing the regulations or administrative instructions required by this order or designating areas or trails as required by this order and those regulations and administrative instructions, the Secretary of the Interior shall, as appropriate, consult with the Atomic Energy Commission.

Sec. 8. Monitoring of Effects and Review. (a) The respective agency head shall monitor the effects of the use of off-road vehicles on lands under their jurisdictions. On the basis of the information gathered, they shall from time to time amend or rescind designations of areas or other actions taken pursuant to this order as necessary to further the policy of this order.

(b) The Council on Environmental Quality shall maintain a continuing review of the implementation of this order.

RICHARD NIXON

THE WHITE HOUSE,
February 8, 1972.

No. 11738

September 10, 1973, 38 F.R. 25161

PROVIDING FOR ADMINISTRATION OF THE CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT WITH RESPECT TO FEDERAL CONTRACTS, GRANTS, OR LOANS

By virtue of the authority vested in me by the provisions of the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*), particularly section 306 of that Act as added by the Clean Air Amendments of 1970 (Public Law 91-604),²⁶ and the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*), particularly section 508 of that Act as added by the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500),²⁷ it is hereby ordered as follows:

Section 1. Policy. It is the policy of the Federal Government to improve and enhance environmental quality. In furtherance of that policy, the program prescribed in this Order is instituted to assure that each Federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each Federal agency empowered to extend Federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act (hereinafter referred to as "the Air Act") and the Federal Water Pollution Control Act (hereinafter referred to as "the Water Act").

Sec. 2. Designation of Facilities. (a) The Administrator of the Environmental Protection Agency (hereinafter referred to as "the Administrator") shall be responsible for the attainment of the purposes and objectives of this Order.

(b) In carrying out his responsibilities under this Order, the Administrator shall, in conformity with all applicable requirements of law, designate facilities which have given rise to a conviction for an offense under section 113(c) (1) of the Air Act or section 309(c) of the Water Act. The Administrator shall, from time to time, publish and circulate to all Federal agencies lists of those facilities, together with the names and addresses of the persons who have been convicted of such offenses. Whenever the Administrator determines that the condition which gave rise to a conviction has been corrected, he shall promptly remove the facility and the name and address of the person concerned from the list.

Sec. 3. Contracts, Grants, or Loans. (a) Except as provided in section 8 of this Order, no Federal agency shall enter into any contract for the procurement of goods, materials, or services which is to be performed in whole or in part in a facility then designated by the Administrator pursuant to section 2.

(b) Except as provided in section 8 of this Order, no Federal agency authorized to extend Federal assistance by way of grant, loan, or contract shall extend such assistance in any case in which it is to be used to support any activity or program involving the use of a facility then designated by the Administrator pursuant to section 2.

Sec. 4. Procurement, Grant, and Loan Regulations. The Federal Procurement Regulations, the Armed Services Procurement Regulations, and, to the extent necessary, any supplemental or comparable regulations issued by any agency of the Executive Branch shall, following consultation with the Administrator, be amended to require, as a condition of entering into, renewing, or extending any contract for the procurement of goods, materials, or services or extending any assistance by way of grant, loan, or contract, inclusion of a provision requiring compliance with the Air Act, the Water Act,

and standards issued pursuant thereto in the facilities in which the contract is to be performed, or which are involved in the activity or program to receive assistance.

Sec. 5. Rules and Regulations. The Administrator shall issue such rules, regulations, standards, and guidelines as he may deem necessary or appropriate to carry out the purposes of this Order.

Sec. 6. Cooperation and Assistance. The head of each Federal agency shall take such steps as may be necessary to insure that all officers and employees of his agency whose duties entail compliance or comparable functions with respect to contracts, grants, and loans are familiar with the provisions of this Order. In addition to any other appropriate action, such officers and employees shall report promptly any condition in a facility which may involve noncompliance with the Air Act or the Water Act or any rules, regulations, standards, or guidelines issued pursuant to this Order to the head of the agency, who shall transmit such reports to the Administrator.

Sec. 7. Enforcement. The Administrator may recommend to the Department of Justice or other appropriate agency that legal proceedings be brought or other appropriate action be taken whenever he becomes aware of a breach of any provision required, under the amendments issued pursuant to section 4 of this Order, to be included in a contract or other agreement.

Sec. 8. Exemptions—Reports to Congress. (a) Upon a determination that the paramount interest of the United States so requires—

(1) The head of a Federal agency may exempt any contract, grant, or loan, and, following consultation with the Administrator, any class of contracts, grants or loans from the provisions of this Order. In any such case, the head of the Federal agency granting such exemption shall (A) promptly notify the Administrator of such exemption and the justification therefore; (B) review the necessity for each such exemption annually; and (C) report to the Administrator annually all such exemptions in effect. Exemptions granted pursuant to this section shall be for a period not to exceed one year. Additional exemptions may be granted for periods not to exceed one year upon the making of a new determination by the head of the Federal agency concerned.

(2) The Administrator may, by rule or regulation, exempt any or all Federal agencies from any or all of the provisions of this Order with respect to any class or classes of contracts, grants, or loans, which (A) involve less than specified dollar amounts, or (B) have a minimal potential impact upon the environment, or (C) involve persons who are not prime contractors or direct recipients of Federal assistance by way of contracts, grants, or loans.

(b) Federal agencies shall reconsider any exemption granted under subsection (a) whenever requested to do so by the Administrator.

(c) The Administrator shall annually notify the President and the Congress of all exemptions granted, or in effect, under this Order during the preceding year.

Sec. 9. Related Actions. The imposition of any sanction or penalty under or pursuant to this Order shall not relieve any person of any legal duty to comply with any provisions of the Air Act or the Water Act.

Sec. 10. Applicability. This Order shall not apply to contracts, grants, or loans involving the use of facilities located outside the United States.

Sec. 11. Uniformity. Rules, regulations, standards, and guidelines issued pursuant to this order and section 508 of the Water Act shall, to the maximum extent feasible, be uniform with regulations issued pursuant to this order, Executive Order No. 11602 of June 29, 1971, and section 306 of the Air Act.²⁸

Sec. 12. Order Superseded. Executive Order No. 11602 of June 29, 1971, is hereby superseded.

RICHARD NIXON

THE WHITE HOUSE,
September 10, 1973.

- 26. 42 U.S.C.A. § 1857h-4.
- 27. 33 U.S.C.A. § 1369.
- 28. 42 U.S.C.A. § 1857h-4 note.

No. 11741

October 15, 1973, 38 F.R. 28809

**FEDERAL AGENCY USE OF THE OFFICIAL AMERICAN
REVOLUTION BICENTENNIAL SYMBOL**

The 200th anniversary of the birth of the United States of America should be an occasion for a nationwide commemoration which includes all of our institutions.

One means of increasing awareness of and interest in the Bicentennial can be the widespread display of the official American Revolution Bicentennial symbol adopted by the American Revolution Bicentennial Commission, notification of which was published in the Federal Register on March 27, 1971, Volume 36, No. 60.

Since publications, correspondence, and documents of the Federal departments and agencies reach most institutions and citizens of the United States, the American Revolution Bicentennial Commission has recommended that the publications, correspondence, and documents of the Federal departments and agencies bear the official Bicentennial symbol to the extent practicable.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

Section 1. Each Federal department and agency of the executive branch shall use the official symbol of the American Revolution Bicentennial, adopted by the American Revolution Bicentennial Commission pursuant to the Act of December 7, 1970 (Public Law 91-528; 84 Stat. 1389),³⁴ on publications, envelopes, stationery, and other appropriate documents to the extent such use is permitted by law and is deemed appropriate.

Sec. 2. The official symbol may be used either in one color or in the three colors prescribed in the Graphics Manual of the American Revolution Bicentennial Commission.

Sec. 3. Use of the symbol pursuant to this order shall continue through December 31, 1976.

RICHARD NIXON

THE WHITE HOUSE,
October 15, 1973.

34. 1970 U.S. Code Cong. & Adm. News, p. 1620.

No. 11752

December 17, 1973, 38 F.R. 34793

PREVENTION, CONTROL, AND ABATEMENT OF ENVIRONMENTAL POLLUTION AT FEDERAL FACILITIES

By virtue of the authority vested in me as President of the United States of America, including section 301 of title 3 of the United States Code,⁵⁸ and in furtherance of the purpose and policies of the Clean Air Act, as amended (42 U.S.C. 1857)⁵⁹, the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251)⁶⁰, the Solid Waste Disposal Act, as amended (42 U.S.C. 3251)⁶¹, the Noise Control Act of 1972 (42 U.S.C. 4901)⁶², the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431)⁶³, the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 (7 U.S.C. 136)⁶⁴, and the National Environmental Policy Act of 1969 (42 U.S.C. 4 321)⁶⁵, it is ordered as follows:

Section 1. Policy. It is the purpose of this order to assure that the Federal Government, in the design, construction, management, operation, and maintenance of its facilities, shall provide leadership in the nationwide effort to protect and enhance the quality of our air, water, and land resources through compliance with applicable standards for the prevention, control, and abatement of environmental pollution in full cooperation with State and local governments. Compliance by Federal facilities with Federal, State, interstate, and local substantive standards and substantive limitations, to the same extent that any person is subject to such standards and limitations, will accomplish the objective of providing Federal leadership and cooperation in the prevention of environmental pollution. In light of the principle of Federal supremacy embodied in the Constitution, this order is not intended, nor should it be interpreted, to require Federal facilities to comply with State or local administrative procedures with respect to pollution abatement and control.

Sec. 2. Definitions. As used in this order:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "Federal agencies" means the departments, agencies, establishments, and instrumentalities of the executive branch.

(3) The term "State, interstate, and local agencies" means any of the following:

(A) a State agency designated by the Governor of that State as an official State agency responsible for enforcing State and local laws relating to the prevention, control, and abatement of environmental pollution;

(B) any agency established by two or more States and having substantial powers or duties pertaining to the prevention, control, and abatement of environmental pollution;

(C) a city, county, or other local government authority charged with responsibility for enforcing ordinances or laws relating to the prevention, control, and abatement of environmental pollution; or

(D) an agency of two or more municipalities located in the same State or in different States and having substantial powers or duties pertaining to the prevention, control, and abatement of environmental pollution.

(4) The term “facilities” means the buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to, the Federal Government.

(5) The term “United States” means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

Sec. 3. Responsibilities. (a) Heads of Federal agencies shall, with regard to all facilities under their jurisdiction in the United States:

(1) Ensure that applicable standards specified in section 4 of this order are met on a continuing basis.

(2) Cooperate with the Administrator and State, interstate, and local agencies in the prevention, control, and abatement of environmental pollution and, in accordance with guidelines issued by the Administrator, provide to the Administrator and to those agencies such information as is necessary to determine compliance with applicable standards. Such cooperation shall include development of an abatement plan and schedule for meeting applicable standards.

(3) Present to the Director of the Office of Management and Budget, annually, a plan to provide for such improvement in the design, construction, management, operation, and maintenance of existing facilities as may be necessary to meet applicable standards specified in section 4.

(4) Consider the environmental impact in the initial stages of planning for each new facility or modification to an existing facility in accordance with the National Environmental Policy Act.

(5) Include with all budget requests for the design and construction of new facilities or for modification of existing facilities funds for such measures as may be necessary to meet applicable standards specified in section 4. Budget requests shall reflect the most efficient alternative for meeting applicable standards.

(6) Consult, as appropriate, with the Administrator and with State and local agencies concerning the best techniques and methods available for the prevention, control, and abatement of environmental pollution.

(7) Ensure that any funds appropriated or apportioned for the prevention, control, and abatement of environmental pollution are not used for any other purpose unless permitted by law and unless specifically approved by the Office of Management and Budget.

(b) Where activities are carried out at Federal facilities acquired by leasing or other Federal agreements, the head of the responsible agency may at his discretion, to the extent of permissible to assume full responsibility for complying with standards for the prevention, control, and abatement of environmental pollution.

(c) Heads of Federal agencies responsible for the construction and operation of Federal facilities outside the United States shall assure that such facilities are operated so as to comply with the environmental pollution standards of general applicability in the host country or jurisdictions concerned.

(d) The Administrator shall:

(1) Provide technical advice and assistance to the heads of Federal agencies in connection with their duties and responsibilities under this order.

(2) Maintain such review of Federal facilities’ compliance with the standards specified in section 4 as may be necessary.

(3) Provide liaison as required to assure that actions taken by Federal agencies pursuant to this order are coordinated with State, interstate, and local programs for the prevention, control, and abatement of environmental pollution.

(4) Mediate conflicts between Federal agencies and State, interstate, or local agencies in matters affecting the application of, or compliance with, applicable standards specified in section 4.

(5) Develop in consultation with the heads of other Federal agencies a coordinated strategy for Federal facility compliance with applicable standards specified in section 4 which incorporates, to the maximum extent practicable, common procedures for an integrated approach to Federal agency compliance with such standards, and issue such regulations and guidelines as are deemed necessary to facilitate implementation of that strategy and to provide a framework for coordination and cooperation among the Environmental Protection Agency, the other Federal agencies, and the State, interstate, and local agencies.

(6) Maintain a continuing review of the implementation of this order and, from time to time, report to the President on the progress of the Federal agencies in implementing this order.

Sec. 4. Standards. (a) Heads of Federal agencies shall ensure that all facilities under their jurisdiction are designed, constructed, managed, operated, and maintained so as to conform to the following requirements:

(1) Federal, State, interstate, and local air quality standards and emission limitations adopted in accordance with or effective under the provisions of the Clean Air Act, as amended.

(2) Federal, State, interstate, and local water quality standards and effluent limitations respecting the discharge or runoff of pollutants adopted in accordance with or effective under the provisions of the Federal Water Pollution Control Act, as amended.

(3) Federal regulations and guidelines respecting dumping of material into ocean waters adopted in accordance with the Marine Protection, Research, and Sanctuaries Act of 1972, and the Federal Water Pollution Control Act, as amended.

(4) Guidelines for solid waste recovery, collection, storage, separation, and disposal systems issued by the Administrator pursuant to the Solid Waste Disposal Act, as amended.

(5) Federal noise emission standards for products adopted in accordance with provisions of the Noise Control Act of 1972 and State, interstate, and local standards for control and abatement of environmental noise.

(6) Federal guidance on radiation and generally applicable environmental radiation standards promulgated or recommended by the Administrator and adopted in accordance with the Atomic Energy Act, as amended (42 U.S.C. 2011), and rules, regulations, requirements, and guidelines on discharges of radioactivity as prescribed by the Atomic Energy Commission.

(7) Federal regulations and guidelines respecting manufacture, transportation, purchase, use, storage, and disposal of pesticides promulgated pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972.

(b) In those cases in which there are no environmental pollution standards as specified in subsection (a) for a particular geographic area or class of Federal facilities, the Administrator, in consultation with appropriate Federal, State, interstate, and local agencies, may issue regulations, which shall be published in the **Federal Register**, establishing environmental pollution standards for the purpose of this order.

Sec. 5. Exemptions. (a) The heads of Federal agencies, in consultation with the Administrator, may, from time to time, identify facilities or uses thereof which are

exempted from applicable standards specified in section 4 in the interest of national security or in extraordinary cases in which it is in the paramount interest of the United States. No such exemptions shall be made except as are permissible under applicable Federal law.

(b) In any case in which the Administrator does not agree with a determination to exempt a facility or use thereof from the provisions of this order, the head of the Federal agency making such a determination must have the approval of the Director of the Office of Management and Budget to exempt that facility or use thereof; except that, the Administrator is solely responsible for approval of exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972.

(c) The heads of Federal agencies shall present to the Director of the Office of Management and Budget at the end of each calendar year a report of all exemptions made during that year, together with the justification for each such exemption.

Sec. 6. Saving Provisions. Except to the extent that they are inconsistent with this order, all outstanding rules, regulations, orders, delegations, or other forms of administrative action issued, made, or otherwise taken under the order superseded by Section 7 hereof or relating to the subject of this order shall remain in full force and effect until amended, modified, or terminated by proper authority.

Sec. 7. Order Superseded. Executive Order No. 11507 of February 4, 1970,⁶⁶ is hereby superseded.

RICHARD NIXON

THE WHITE HOUSE,
December 17, 1973.

- 58. 3 U.S.C.A. § 301.
- 59. 42 U.S.C.A. § 1857.
- 60. 33 U.S.C.A. § 1251.
- 61. 42 U.S.C.A. § 3251.
- 62. 42 U.S.C.A. § 4901.
- 63. 16 U.S.C.A. § 1431.
- 64. 7 U.S.C.A. § 136.
- 65. 42 U.S.C.A. § 4321.
- 66. 42 U.S.C.A. § 4331 note.

No. 11815

October 23, 1974, 39 F.R. 37963

**DELEGATING TO THE NATIONAL CAPITAL PLANNING
COMMISSION THE FUNCTION OF ESTABLISHING THE
METES AND BOUNDS OF THE NATIONAL CAPITAL SERVICE
AREA**

By virtue of the authority vested in me by section 739 (g) of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 828; Public Law 93-198), and as President of the United States, the Chairman of the National Capital Planning Commission is authorized and directed to exercise all authority and to carry out all duties vested in the President by section 739 (g) of the above cited law with respect to establishing the metes and bounds of the National Capital Service Area. Prior to establishing said metes and bounds, the Chairman shall consult with the appropriate representative of the District of Columbia Government.

GERALD R. FORD

THE WHITE HOUSE,
October 23, 1974.

No. 11870

July 18, 1975, 40 F.R. 30611

**ENVIRONMENTAL SAFEGUARDS ON ACTIVITIES FOR
ANIMAL DAMAGE CONTROL ON FEDERAL LANDS**

By virtue of the authority vested in me as President of the United States, and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), the provisions of Section 1 of the Act of March 2, 1931 (46 Stat. 1468, 7 U.S.C. 426) and the Endangered Species Act of 1973 (87 Stat. 884, 16 U.S.C. 1531 *et seq.*), Executive Order No. 11643 of February 8, 1972,³¹ is amended to read as follows:

“Section 1. It is the policy of the Federal Government, consistent with the authorities cited above, to:

(1) Manage the public lands to protect all animal resources thereon in the manner most consistent with the public trust in which such lands are held.

(2) Conduct all mammal or bird damage control programs in a manner which contributes to the maintenance of environmental quality, and to the conservation and protection of the Nation's wildlife resources, including predatory animals.

(3) Restrict the use on public lands and in Federal predator control programs of any chemical toxicant for the purpose of killing predatory animals or birds which would have secondary poisoning effects.

(4) Restrict the use of chemical toxicants for the purpose of killing predatory or other mammals or birds in Federal programs and on Federal lands in a manner which will balance the need for a responsible animal damage control program consistent with the other policies set forth in this Order; and

(5) assure that where chemical toxicants or devices are used pursuant to Section 3(b), only those combinations of toxicants and techniques will be used which best serve human health and safety and which minimize the use of toxicants and best protect nontarget wildlife species and those individual predatory animals and birds which do not cause damage, consistent with the policies of this Order.”

“Sec. 2. Definitions. As used in this Order the term:

(a) “Federal lands” means all real property owned by or leased to the Federal Government, excluding (1) lands administered by the Secretary of the Interior pursuant to his trust responsibilities for Indian affairs, and (2) real property located in metropolitan areas.

(b) “Agencies” means the departments, agencies and establishments of the Executive branch of the Federal Government.

(c) “Chemical toxicant” means any chemical substance which, when ingested, inhaled, or absorbed, or when applied to or injected into the body, in relatively small amounts, by its chemical action may cause significant bodily malfunction, injury, illness, or death, to animals or to man.

(d) “Predatory mammal or bird” means any mammal or bird which habitually preys upon other animals, birds, reptiles or fish.

(e) “Secondary poisoning effect” means the result attributable to a chemical toxicant which, after being ingested, inhaled, or absorbed, or when applied to or injected into, a mammal, bird, reptile or fish, is retained in its tissue, or otherwise retained in such a manner and quantity that the tissue itself or retaining part if thereafter ingested by man, mammal, bird, reptile or fish, produces the effects set forth in paragraph (c) of this Section.

(f) "Field use" means use on lands not in, or immediately adjacent to occupied buildings."

“Sec. 3. Restrictions on Use of Toxicants. (a) Heads of agencies shall take such action as is necessary to prevent on any Federal lands under their jurisdiction, or in any Federal program of mammal or bird damage control under their jurisdiction:

(1) the field use of any chemical toxicant for the purpose of killing a predatory mammal or bird; or

(2) the field use of any chemical toxicant which causes any secondary poisoning effect for the purpose of killing mammals, birds, or reptiles.

(b) Notwithstanding the provisions of subsection (a) of this Section, the head of any agency may authorize the emergency use on Federal lands under his jurisdiction of a chemical toxicant for the purpose of killing predatory mammals or birds, or of a chemical toxicant which causes a secondary poisoning effect for the purpose of killing other mammals, birds, or reptiles, but only if in each specific case he makes a written finding, following consultation with the Secretaries of the Interior, Agriculture and Health, Education, and Welfare, and the Administrator of the Environmental Protection Agency, that an emergency exists that cannot be dealt with by means which do not involve use of chemical toxicants, and that such use is essential:

(1) to the protection of the health or safety of human life;

(2) to the preservation of one or more wildlife species threatened with extinction, or likely within the foreseeable future to become so threatened; or

(3) to the prevention of substantial irretrievable damage to nationally significant natural resources.

(c) Notwithstanding the provisions of subsection (a) of this Section, the head of an agency may authorize the use, on an experimental basis, of sodium cyanide to control coyote and other predatory mammal or bird damage to livestock on Federal lands or in Federal programs, provided that such use is in accordance with all applicable laws and regulations, including those relating to the use of chemical toxicants, and continues for no more than one year."

Sec. 4. Rules for Implementation of Order. Heads of agencies shall issue such rules or regulations as may be necessary and appropriate to carry out the provisions and policy of this Order."

GERALD R. FORD

THE WHITE HOUSE,
July 18, 1975.

No. 11911

April 13, 1976, 41 F.R. 15683

PRESERVATION OF ENDANGERED SPECIES

By virtue of the authority vested in me by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed at Washington, D.C., on March 3, 1973 (Ex.Doc. H (93d Cong., 1st Sess.)), hereinafter referred to as the Convention, Section 8(e) of the Endangered Species Act of 1973 (87 Stat. 893; 16 U.S.C. 1537(e)), and the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (56 Stat. 1354, T.S. 981, effective April 30, 1942), and as President of the United States of America, it is hereby ordered as follows:

Section 1. The Secretary of the Interior, in accord with Article IX of the Convention and Section 8(e) of the Endangered Species Act of 1973, is hereby designated the Management Authority for purposes of the Convention, and is authorized to communicate with other Parties to the Convention and with the Secretariat established by the Convention.

Sec. 2. The Management Authority shall consult with appropriate agencies and shall ensure that the performance of its responsibilities, under the Convention and the Endangered Species Act of 1973, is in accord with the performance by other agencies of those functions vested by law in such agencies.

Sec. 3. (a) There is hereby established the Endangered Species Scientific Authority which, in accord with Article IX of the Convention and Section 8(e) of the Endangered Species Act of 1973, is designated the Scientific Authority for purposes of the Convention.

(b) The Endangered Species Scientific Authority shall be composed of scientifically qualified agency representatives. Each of the following shall designate one such representative from his agency:

- (1) The Secretary of the Interior, whose representative shall be the Chairman.
- (2) The Secretary of Agriculture.
- (3) The Secretary of Commerce.
- (4) The Secretary of Health, Education, and Welfare.
- (5) The Director of the National Science Foundation.
- (6) The Chairman of the Council on Environmental Quality.

(c) The Secretary of the Smithsonian Institution is invited to designate a representative.

(d) The Secretary of the Interior shall designate an Executive Secretary, and shall provide the necessary staff and administrative support for the Endangered Species Scientific Authority.

(e) In the discharge of its responsibilities the Endangered Species Scientific Authority shall, to the extent practicable, ascertain the views of, and utilize the expertise of, the governmental and non-governmental scientific communities, State agencies responsible for the conservation of wild fauna or flora, humane groups, zoological and botanical institutions, recreational and commercial interests, the conservation community and others as appropriate.

Sec. 4. The Secretary of the Interior shall develop and implement, in coordination with the Endangered Species Scientific Authority, the Secretary of the Treasury, and the heads of other interested agencies, a system to standardize and simplify the requirements, procedures and other activities related to the issuance of permits for the international and interstate shipment of fauna and flora, including, as appropriate, the parts or products of such fauna and flora.

Sec. 5. The Secretary of the Interior, in consultation with the Secretary of State, is hereby designated, in accord with Section 8(e) of the Endangered Species Act of 1973, to act on behalf of and to represent the United States of America in all regards as required by the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (56 Stat. 1354, T.S. 981). In the discharge of these responsibilities, the Secretary of the Interior shall also consult with the Secretaries of Agriculture and Commerce and the heads of other agencies with respect to matters relating to or affecting their areas of responsibility.

GERALD R. FORD

THE WHITE HOUSE,
April 13, 1976.

No. 11917

May 28, 1976, 41 F.R. 22239

AMENDING EXECUTIVE ORDER NO. 11643 OF FEBRUARY 8, 1972 ⁷⁸, RELATING TO ENVIRONMENTAL SAFEGUARDS ON ACTIVITIES FOR ANIMAL DAMAGE CONTROL ON FEDERAL LANDS

By virtue of the authority vested in me as President of the United States, and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), the provisions of Section 1 of the Act of March 2, 1931 (46 Stat. 1468, 7 U.S.C. 426) and the Endangered Species Act of 1973 (87 Stat. 884, 16 U.S.C. 1531 *et seq.*), and in view of the findings (40 F.R. 44726-44739, September 29, 1975) of the Administrator of the Environmental Protection Agency that the use of sodium cyanide is permissible under conditions prescribed by the Agency, Executive Order No. 11643 of February 8, 1972, as amended by Executive Order No. 11870 of July 18, 1975, is further amended by adding the following subsection to Section 3:

“(d) Notwithstanding the provisions of subsection (a) of this Section, the head of an agency may authorize the operational use of sodium cyanide in Federal programs or on Federal lands, but only in accordance with regulations and on the terms and subject to all the restrictions which may now or hereafter be prescribed by the Environmental Protection Agency; provided that, such use of sodium cyanide is prohibited in (1) areas where endangered or threatened animal species might be adversely affected; (2) areas of the National Park System; (3) areas of the National Wildlife Refuge System; (4) areas of the National Wilderness Preservation System; (5) areas within national forest or other Federal lands specifically set aside for recreational use; (6) prairie dog towns; (7) National Monument areas; and (8) any areas where exposure to the public and family pets is probable.”.

GERALD R. FORD

THE WHITE HOUSE,
May 28, 1976.

78. 42 U.S.C.A. § 4321 note.

No. 11987

May 24, 1977, 42 F.R. 26949

EXOTIC ORGANISMS

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the purposes and policies of the Lacey Act (18 U.S.C. 42) and the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), it is hereby ordered as follows:

Section 1. As used in this Order:

(a) "United States" means all of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

(b) "Introduction" means the release, escape, or establishment of an exotic species into a natural ecosystem.

(c) "Exotic species" means all species of plants and animals not naturally occurring, either presently or historically, in any ecosystem of the United States.

(d) "Native species" means all species of plants and animals naturally occurring, either presently or historically, in any ecosystem of the United States.

Sec. 2. (a) Executive agencies shall, to the extent permitted by law, restrict the introduction of exotic species into the natural ecosystems on lands and waters which they own, lease, or hold for purposes of administration; and, shall encourage the States, local governments, and private citizens to prevent the introduction of exotic species into natural ecosystems of the United States.

(b) Executive agencies, to the extent they have been authorized by statute to restrict the importation of exotic species, shall restrict the introduction of exotic species into any natural ecosystem of the United States.

(c) Executive agencies shall, to the extent permitted by law, restrict the use of Federal funds, programs, or authorities used to export native species for the purpose of introducing such species into ecosystems outside the United States where they do not naturally occur.

(d) This Order does not apply to the introduction of any exotic species, or the export of any native species, if the Secretary of Agriculture or the Secretary of the Interior finds that such introduction or exportation will not have an adverse effect on natural ecosystems.

Sec. 3. The Secretary of the Interior, in consultation with the Secretary of Agriculture and the heads of other appropriate agencies, shall develop and implement, by rule or regulation, a system to standardize and simplify the requirements, procedures and other activities appropriate for implementing the provisions of this Order. The Secretary of the Interior shall ensure that such rules or regulations are in accord with the performance by other agencies of those functions vested by law, including this Order, in such agencies.

JIMMY CARTER

THE WHITE HOUSE,
May 24, 1977.

No. 11988

May 24, 1977, 42 F.R. 26951

FLOODPLAIN MANAGEMENT

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321, *et seq.*), the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 *et seq.*), and the Flood Disaster Protection Act of 1973 (Public Law 93-234, 87 Stat. 975), in order to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative, it is hereby ordered as follows:

Section 1. Each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for (1) acquiring, managing, and disposing of Federal land and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating and licensing activities.

Sec. 2. In carrying out the activities described in Section 1 of this Order, each agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget requests reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of this Order, as follows:

(a)(1) Before taking an action, each agency shall determine whether the proposed action will occur in a floodplain—for major Federal actions significantly affecting the quality of the human environment, the evaluation required below will be included in any statement prepared under Section 102(2)(C) of the National Environmental Policy Act. This determination shall be made according to a Department of Housing and Urban Development (HUD) floodplain map or a more detailed map of an area, if available. If such maps are not available, the agency shall make a determination of the location of the floodplain based on the best available information. The Water Resources Council shall issue guidance on this information not later than October 1, 1977.

(2) If an agency has determined to, or proposes to, conduct, support, or allow an action to be located in a floodplain, the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains. If the head of the agency finds that the only practicable alternative consistent with the law and with the policy set forth in this Order requires siting in a floodplain, the agency shall, prior to taking such action, (i) design or modify its action in order to minimize potential harm to or within the floodplain, consistent with regulations issued in accord with Section 2(d) of this Order, and (ii) prepare and circulate a notice containing an explanation of why the action taken is proposed to be located in the floodplain.

(3) For programs subject to the Office of Management and Budget Circular A-95, the agency shall send the notice, not to exceed three pages in length including a location map, to the state and areawide A-95 clearinghouses for the geographic areas affected. The notice shall include: (i) the reasons why the action is proposed to be located in a floodplain; (ii) a statement indicating whether the action conforms to applicable state or

local floodplain protection standards and (iii) a list of the alternatives considered. Agencies shall endeavor to allow a brief comment period prior to taking any action.

(4) Each agency shall also provide opportunity for early public review of any plans or proposals for actions in floodplains, in accordance with Section 2(b) of Executive Order No. 11514, as amended, including the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended.

(b) Any requests for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, if an action to be proposed will be located in a floodplain, whether the proposed action is in accord with this Order.

(c) Each agency shall take floodplain management into account when formulating or evaluating any water and land use plans and shall require land and water resources use appropriate to the degree of hazard involved. Agencies shall include adequate provision for the evaluation and consideration of flood hazards in the regulations and operating procedures for the licenses, permits, loan or grants-in-aid programs that they administer. Agencies shall also encourage and provide appropriate guidance to applicants to evaluate the effects of their proposals in floodplains prior to submitting applications for Federal licenses, permits, loans or grants.

(d) As allowed by law, each agency shall issue or amend existing regulations and procedures within one year to comply with this Order. These procedures shall incorporate the Unified National Program for Floodplain Management of the Water Resources Council, and shall explain the means that the agency will employ to pursue the nonhazardous use of riverine, coastal and other floodplains in connection with the activities under its authority. To the extent possible, existing processes, such as those of the Council on Environmental Quality and the Water Resources Council, shall be utilized to fulfill the requirements of this Order. Agencies shall prepare their procedures in consultation with the Water Resources Council, the Federal Insurance Administration, and the Council on Environmental Quality, and shall update such procedures as necessary.

Sec. 3. In addition to the requirements of Section 2, agencies with responsibilities for Federal real property and facilities shall take the following measures:

(a) The regulations and procedures established under Section 2(d) of this Order shall, at a minimum, require the construction of Federal structures and facilities to be in accordance with the standards and criteria and to be consistent with the intent of those promulgated under the National Flood Insurance Program. They will deviate only to the extent that the standards of the Flood Insurance Program are demonstrably inappropriate for a given type of structure or facility.

(b) If, after compliance with the requirements of this Order, new construction of structures or facilities are to be located in a floodplain, accepted floodproofing and other flood protection measures shall be applied to new construction or rehabilitation. To achieve flood protection, agencies shall, wherever practicable, elevate structures above the base flood level rather than filling in land.

(c) If property used by the general public has suffered flood damage or is located in an identified flood hazard area, the responsible agency shall provide on structures, and other places where appropriate, conspicuous delineation of past and probable flood height in order to enhance public awareness of and knowledge about flood hazards.

(d) When property in floodplains is proposed for lease, easement, right-of-way, or disposal to non-Federal public or private parties, the Federal agency shall (1) reference in the conveyance those uses that are restricted under identified Federal, State, or local floodplain regulations; and (2) attach other appropriate restrictions to the uses of

properties by the grantee or purchaser and any successors, except where prohibited by law; or (3) withhold such properties from conveyance.

Sec. 4. In addition to any responsibilities under this Order and Sections 202 and 205 of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4106 and 4128), agencies which guarantee, approve, regulate, or insure any financial transaction which is related to an area located in a floodplain shall, prior to completing action on such transaction, inform any private parties participating in the transaction of the hazards of locating structures in the floodplain.

Sec. 5. The head of each agency shall submit a report to the Council on Environmental Quality and to the Water Resources Council on June 30, 1978, regarding the status of their procedures and the impact of this Order on the agency's operations. Thereafter, the Water Resources Council shall periodically evaluate agency procedures and their effectiveness.

Sec. 6. As used in this Order:

(a) The term "agency" shall have the same meaning as the term "Executive agency" in Section 105 of Title 5 of the United States Code and shall include the military departments; the directives contained in this Order, however, are meant to apply only to those agencies which perform the activities described in Section 1 which are located in or affecting floodplains.

(b) The term "base flood" shall mean that flood which has a one percent or greater chance of occurrence in any given year.

(c) The term "floodplain" shall mean the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year.

Sec. 7. Executive Order No. 11296 of August 10, 1966,²⁹ is hereby revoked. All actions, procedures, and issuances taken under that Order and still in effect shall remain in effect until modified by appropriate authority under the terms of this Order.

Sec. 8. Nothing in this Order shall apply to assistance provided for emergency work essential to save lives and protect property and public health and safety, performed pursuant to Sections 305 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146).

Sec. 9. To the extent the provisions of Section 2(a) of this Order are applicable to projects covered by Section 104(h) of the Housing and Community Development Act of 1974, as amended (88 Stat. 640, 42 U.S.C. 5304(h)), the responsibilities under those provisions may be assumed by the appropriate applicant, if the applicant has also assumed, with respect to such projects, all of the responsibilities for environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969, as amended.

JIMMY CARTER

THE WHITE HOUSE,
May 24, 1977.

29. 33 U.S.C.A. § 701 note.

No. 11989

May 24, 1977, 42 F.R. 26959

OFF-ROAD VEHICLES ON PUBLIC LANDS

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in order to clarify agency authority to define zones of use by off-road vehicles on public lands, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321, *et seq.*), Executive Order No. 11644 of February 8, 1972,³⁰ is hereby amended as follows:

Section 1. Clause (B) of Section 2(3) of Executive Order No. 11644, setting forth an exclusion from the definition of off-road vehicles, is amended to read "(B) any fire, military, emergency or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes, and".

Sec. 2. Add the following new Section to Executive Order No. 11644:

"Sec. 9. Special Protection of the Public Lands. (a) Notwithstanding the provisions of Section 3 of this Order, the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such adverse effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.

"(b) Each respective agency head is authorized to adopt the policy that portions of the public lands within his jurisdiction shall be closed to use by off-road vehicles except those areas or trails which are suitable and specifically designated as open to such use pursuant to Section 3 of this Order."

JIMMY CARTER

THE WHITE HOUSE,
May 24, 1977.

30. 42 U.S.C.A. § 4321 note.

No. 11990

May 24, 1977, 42 F.R. 26961

PROTECTION OF WETLANDS

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), in order to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative, it is hereby ordered as follows:

Section 1. (a) Each agency shall provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; and (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

(b) This Order does not apply to the issuance by Federal agencies of permits, licenses, or allocations to private parties for activities involving wetlands on non-Federal property.

Sec. 2. (a) In furtherance of Section 101(b)(3) of the National Environmental Policy Act of 1969 (42 U.S.C. 4331(b)(3)) to improve and coordinate Federal plans, functions, programs and resources to the end that the Nation may attain the widest range of beneficial uses of the environment without degradation and risk to health or safety, each agency, to the extent permitted by law, shall avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. In making this finding the head of the agency may take into account economic, environmental and other pertinent factors.

(b) Each agency shall also provide opportunity for early public review of any plans or proposals for new construction in wetlands, in accordance with Section 2(b) of Executive Order No. 11514,³¹ as amended, including the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended.

Sec. 3. Any requests for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, if an action to be proposed will be located in wetlands, whether the proposed action is in accord with this Order.

Sec. 4. When Federally-owned wetlands or portions of wetlands are proposed for lease, easement, right-of-way or disposal to non-Federal public or private parties, the Federal agency shall (a) reference in the conveyance those uses that are restricted under identified Federal, State or local wetland regulations; and (b) attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successor, except where prohibited by law; or (3) withhold such properties from disposal.

Sec. 5. In carrying out the activities described in Section 1 of this Order, each agency shall consider factors relevant to a proposal's effect on the survival and quality of the wetlands. Among these factors are:

(a) public health, safety, and welfare, including water supply, quality, recharge and discharge; pollution; flood and storm hazards; and sediment and erosion;

(b) maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources; and

(c) other uses of wetlands in the public interest, including recreational, scientific, and cultural uses.

Sec. 6. As allowed by law, agencies shall issue or amend their existing procedures in order to comply with this Order. To the extent possible, existing processes, such as those of the Council on Environmental Quality and the Water Resources Council, shall be utilized to fulfill the requirements of this Order.

Sec. 7. As used in this Order:

(a) The term "agency" shall have the same meaning as the term "Executive agency" in Section 105 of Title 5 of the United States Code and shall include the military departments; the directives contained in this Order, however, are meant to apply only to those agencies which perform the activities described in Section 1, which are located in or affecting wetlands.

(b) The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of this Order.

(c) The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

Sec. 8. This Order does not apply to projects presently under construction, or to projects for which all of the funds have been appropriated through Fiscal Year 1977, or to projects and programs for which a draft or final environmental impact statement will be filed prior to October 1, 1977. The provisions of Section 2 of this Order shall be implemented by each agency not later than October 1, 1977.

Sec. 9. Nothing in this Order shall apply to assistance provided for emergency work, essential to save lives and protect property and public health and safety, performed pursuant to Sections 305 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146).

Sec. 10. To the extent the provisions of Section 2 and 5 of this Order are applicable to projects covered by Section 104(h) of the Housing and Community Development Act of 1974, as amended (88 Stat. 640, 42 U.S.C. 5304(h)), the responsibilities under those provisions may be assumed by the appropriate applicant, if the applicant has also assumed, with respect to such projects, all of the responsibilities for environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969, as amended.

JIMMY CARTER

THE WHITE HOUSE,
May 24, 1977.

No. 11991

May 24, 1977, 42 F.R. 26967

**RELATING TO PROTECTION AND ENHANCEMENT OF
ENVIRONMENTAL QUALITY**

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the purpose and policy of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4371, *et seq.*), and Section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h-7), it is hereby ordered as follows:

Section 1. Subsection (h) of Section 3 (relating to the responsibilities of the Council on Environmental Quality) of Executive Order No. 11514,³² as amended, is revised to read as follows:

“(h) Issue regulations to Federal agencies for the implementation of the procedural provisions of the Act (42 U.S.C. 4332(2)). Such regulations shall be developed after consultation with affected agencies and after such public hearings as may be appropriate. They will be designed to make the environmental impact statement process more useful to decisionmakers and the public; and to reduce paperwork and the accumulation of extraneous background data, in order to emphasize the need to focus on real environmental issues and alternatives. They will require impact statements to be concise, clear, and to the point, and supported by evidence that agencies have made the necessary environmental analyses. The Council shall include in its regulations procedures (1) for the early preparation of environmental impact statements, and (2) for the referral to the Council of conflicts between agencies concerning the implementation of the National Environmental Policy Act of 1969, as amended, and Section 309 of the Clean Air Act, as amended for the Council's recommendation as to their prompt resolution”.

Sec. 2. The following new subsection is added to Section 2 (relating to responsibilities of Federal agencies) of Executive Order No. 11514, as amended:

“(g) In carrying out their responsibilities under the Act and this Order, comply with the regulations issued by the Council except where such compliance would be inconsistent with statutory requirement”.

JIMMY CARTER

THE WHITE HOUSE,
May 24, 1977.

32. U.S.C.A. 4321 note.

No. 12001

June 29, 1977, 42 F.R. 33709

**TRANSFERRING CERTAIN BICENTENNIAL FUNCTIONS TO
THE SECRETARY OF THE INTERIOR**

By the virtue of the authority vested in me by Section 7 (b) of the Act of December 11, 1973 (87 Stat. 701), hereinafter referred to as the Act, Section 202(b) of the Budget and Accounting Procedures Act of 1950 (64 Stat. 838, 31 U.S.C. 581c(b)), and Section 301 of Title 3 of the United States Code, and as President of the United States of America it is hereby ordered as follows:

Section 1. The Secretary of the Interior, hereinafter referred to as the Secretary, shall, through existing National Park Service programs, provide for the continuation of appropriate commemoration of events relating to the American Revolution until December 31, 1983.

Sec. 2. The Secretary shall administer existing contracts and grants of the American Revolution Bicentennial Administration, hereinafter referred to as ARBA.

Sec. 3. In performing the functions described in Sections 1 and 2 of this Order, the Secretary may, in addition to any other available authority, exercise the following powers under the Act which are hereby transferred to him for such purposes until December 31, 1983, except as otherwise provided in subsection (b) of this Section:

(a) All powers described in Section 2(f) of the Act with respect to the expenditure of funds donated to ARBA prior to the effective date of this Order, and the expenditure of revenues received or which may be received pursuant to contracts described in Section 2 of this Order.

(b) Until December 31, 1977, all powers exercised by ARBA prior to the effective date of this Order which relate to enforcement of Section 2(i) of the Act.

(c) All powers described in Section 5 (a) of the Act.

Sec. 4. All personnel, records, property and appropriations, including all funds and revenues described in Section 3(a) of this Order, as relate to the powers and functions assigned or transferred by this Order are hereby transferred to the Secretary.

Sec. 5. The Director of the Office of Management and Budget shall make such determinations and issue such orders as may be necessary or appropriate to carry out the transfers provided by this Order.

Sec. 6. Executive Order No. 11840 of February 18, 1975, is hereby revoked.

Sec. 7. This Order shall be effective June 30, 1977.

JIMMY CARTER

THE WHITE HOUSE,
June 29, 1977.

No. 12072

Aug. 16, 1978, 43 F.R. 36869

FEDERAL SPACE MANAGEMENT

By the authority vested in me as President of the United States of America by Section 205(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)), and in order to prescribe appropriate policies and directives, not inconsistent with that Act and other applicable provisions of law, for the planning, acquisition, utilization, and management of Federal space facilities, it is hereby ordered as follows:

1—1. Space Acquisition.

1—101. Federal facilities and Federal use of space in urban areas shall serve to strengthen the Nation's cities and to make them attractive places to live and work. Such Federal space shall conserve existing urban resources and encourage the development and redevelopment of cities.

1—102. Procedures for meeting space needs in urban areas shall give serious consideration to the impact a site selection will have on improving the social, economic, environmental, and cultural conditions of the communities in the urban area.

1—103. Except where such selection is otherwise prohibited, the process for meeting Federal space needs in urban areas shall give first consideration to a centralized community business area and adjacent areas of similar character, including other specific areas which may be recommended by local officials.

1—104. The process of meeting Federal space needs in urban areas shall be consistent with the policies of this Order and shall include consideration of the following criteria:

(a) Compatibility of the site with State, regional, or local development, redevelopment, or conservation objectives.

(b) Conformity with the activities and programs of other Federal agencies.

(c) Impact on economic development and employment opportunities in the urban area, including the utilization of human, natural, cultural, and community resources.

(d) Availability of adequate low and moderate income housing for Federal employees and their families on a nondiscriminatory basis.

(e) Availability of adequate public transportation and parking and accessibility to the public.

1—105. Procedures for meeting space needs in urban areas shall be consistent with the policies of this Order and shall include consideration of the following alternatives:

(a) Availability of existing Federally controlled facilities.

(b) Utilization of buildings of historic, architectural, or cultural significance within the meaning of section 105 of the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2507, 40 U.S.C. 612a).

(c) Acquisition or utilization of existing privately owned facilities.

(d) Construction of new facilities.

(e) Opportunities for locating cultural, educational, recreational, or commercial activities within the proposed facility.

1—106. Site selection and space assignments shall take into account the management needs for consolidation of agencies or activities in common or adjacent space in order to improve administration and management and effect economies.

1—2. Administrator of General Services.

1—201. The Administrator of General Services shall develop programs to implement the policies of this Order through the efficient acquisition and utilization of Federally owned and leased space. In particular, the Administrator shall:

(a) Select, acquire, and manage Federal space in a manner which will foster the policies and programs of the Federal government and improve the management and administration of government activities.

(b) Issue regulations, standards, and criteria for the selection, acquisition, and management of Federally owned and leased space.

(c) Periodically undertakes surveys of space requirements and space utilization in the executive agencies.

(d) Ensure, in cooperation with the heads of Executive agencies, that their essential space requirements are met in a manner that is economically feasible and prudent.

(e) Make maximum use of existing Federally controlled facilities which, in his judgment, are adequate or economically adaptable to meeting the space needs of executive agencies.

(f) Annually submit long-range plans and programs for the acquisition, modernization, and use of space for approval by the President.

1—202. The Administrator is authorized to request from any Executive agency such information and assistance deemed necessary to carry out his functions under this Order. Each agency shall, to the extent not prohibited by law, furnish such information and assistance to the Administrator.

1—203. In the process of meeting Federal space needs in urban areas and implementing the policies of this Order, the Administrator shall:

(a) Consider the efficient performance of the missions and programs of the agencies, the nature and function of the facilities involved, the convenience of the public served, and the maintenance and improvement of safe and healthful working conditions for employees.

(b) Coordinate proposed programs and plans for facilities and space with the Director of the Office of Management and Budget.

(c) Consult with appropriate Federal, State, regional, and local government officials and consider their recommendations for and objections to a proposed selection site or space acquisition.

(d) Coordinate proposed programs and plans for facilities and space in a manner designed to implement the purposes of this Order.

(e) Prior to making a final determination concerning the location of Federal facilities, notify the concerned Executive agency of an intended course of action and take into account any additional information provided.

1—204. In ascertaining the social, economic, environmental and other impacts which site selection would have on a community, the Administrator shall, when appropriate, obtain the advice of interested agencies.

1—3. General Provisions.

1—301. The heads of Executive agencies shall cooperate with the Administrator in implementing the policies of this Order and shall economize on their use of space. They shall ensure that the Administrator is given early notice of new or changing missions or organizational realignments which affect space requirements.

1—302. Executive agencies which acquire or utilize Federally owned or leased space under authority other than the Federal Property and Administrative Services Act of 1949,

as amended, shall conform to the provisions of this Order to the extent they have the authority to do so.

1—303. Executive Order No. 11512 of February 27, 1970, is revoked.

JIMMY CARTER

THE WHITE HOUSE,
August 16, 1978.

No. 12088

October 13, 1978, 43 F.R. 47707

FEDERAL COMPLIANCE WITH POLLUTION CONTROL STANDARDS

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 22 of the Toxic Substances Control Act (15 U.S.C. 2621), Section 313 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323), Section 1447 of the Public Health Service Act, as amended by the Safe Drinking Water Act (42 U.S.C. 300j-6), Section 118 of the Clean Air Act, as amended (42 U.S.C. 7418 (b)), Section 4 of the Noise Control Act of 1972 (42 U.S.C. 4903), Section 6001 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6961), and Section 301 of Title 3 of the United States Code, and to ensure Federal compliance with applicable pollution control standards, it is hereby ordered as follows:

1-1. Applicability Of Pollution Control Standards

1-101. The head of each Executive agency is responsible for ensuring that all necessary actions are taken for the prevention, control, and abatement of environmental pollution with respect to Federal facilities and activities under the control of the agency.

1-102. The head of each Executive agency is responsible for compliance with applicable pollution control standards, including those established pursuant to, but not limited to, the following:

- (a) Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*).
- (b) Federal Water Pollution Control Act, as amended (33 U.S.C. 2601 *et seq.*).
- (c) Public Health Service Act, as amended by the Safe Drinking Water Act (42 U.S.C. 300f *et seq.*).
- (d) Clean Air Act, as amended (42 U.S.C. 7401, *et seq.*).
- (e) Noise Control Act of 1972 (42 U.S.C. 4901 *et seq.*).
- (f) Solid Waste Disposal Act, as amended (42 U.S.C. 6901 *et seq.*).
- (g) Radiation guidance pursuant to Section 274(h) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021(h); see also, the Radiation Protection Guidance to Federal Agencies for Diagnostic X-Rays approved by the President on January 26, 1978 and published at page 4377 of the Federal Register on February 1, 1978).
- (h) Marine Protection Research and Sanctuaries Act of 1972, as amended (33 U.S.C. 1401, 1402, 1411-1421, 1441-1444 and 16 U.S.C. 1431-1434).
- (i) Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 *et seq.*).

1-103. "Applicable pollution control standards" means the same substantive, procedural, and other requirements that would apply to a private person.

1-2. Agency Coordination

1-201. Each Executive agency shall cooperate with the Administrator of the Environmental Protection Agency, hereinafter referred to as the Administrator, and State, interstate, and local agencies in the prevention, control, and abatement of environmental pollution.

1-202. Each Executive agency shall consult with the Administrator and with the State, interstate, and local agencies concerning the best techniques and methods available for the prevention, control and abatement of environmental pollution.

1-3. Technical Advice And Oversight

1-301. The Administrator shall provide technical advice and assistance to Executive agencies in order to ensure their cost effective and timely compliance with applicable pollution control standards.

1-302. The Administrator shall conduct such reviews and inspections as may be necessary to monitor compliance with applicable pollution control standards by Federal facilities and activities.

1-4. Pollution Control Plan

1-401. Each Executive agency shall submit to the Director of the Office of Management and Budget, through the Administrator, an annual plan for the control of environmental pollution. The plan shall provide for any necessary improvement in the design, construction, management, operation, and maintenance of Federal facilities and activities, and shall include annual cost estimates. The Administrator shall develop guidelines for developing such plans.

1-402. In preparing its plan, the Executive agency shall ensure that the plan provides for compliance with all applicable pollution control standards.

1-403. The plan shall be submitted in accordance with any other instructions that the Director of the Office of Management and Budget may issue.

1-5. Funding

1-501. The head of each Executive agency shall ensure that sufficient funds for compliance with applicable pollution control standards are requested in the agency budget.

1-502. The head of each Executive Agency shall ensure that funds appropriated and apportioned for the prevention, control and abatement of environmental pollution are not used for any other purpose unless permitted by law and specifically approved by the Office of Management and Budget.

1-6. Compliance With Pollution Controls

1-601. Whenever the Administrator or the appropriate State, interstate, or local agency notifies an Executive agency that it is in violation of an applicable pollution control standard (see Section 1-102 of this Order), the Executive agency shall promptly consult with the notifying agency and provide for its approval a plan to achieve and maintain compliance with the applicable pollution control standard. This plan shall include an implementation schedule for coming into compliance as soon as practicable.

1-602. The Administrator shall make every effort to resolve conflicts regarding such violation between Executive agencies and, on request of any party, such conflicts between an Executive agency and a State, interstate, or a local agency. If the Administrator cannot resolve a conflict, the Administrator shall request the Director of the Office of Management and Budget to resolve the conflict.

1-603. The Director of the Office of Management and Budget shall consider unresolved conflicts at the request of the Administrator. The Director shall seek the Administrator's technological judgment and determination with regard to the applicability of statutes and regulations.

1-604. These conflict resolution procedures are in addition to, not in lieu of, other procedures, including sanctions, for the enforcement of applicable pollution control standards.

1-605. Except as expressly provided by a Presidential exemption under this Order, nothing in this Order, nor any action or inaction under this Order, shall be construed to revise or modify any applicable pollution control standard.

1-7. Limitation On Exemption

1-701. Exemptions from applicable pollution control standards may only be granted under statutes cited in Section 1-102(a) through 1-102(f) if the President makes the required appropriate statutory determination: that such exemption is necessary (a) in the interest of national security, or (b) in the paramount interest of the United States.

1-702. The head of an Executive agency may, from time to time, recommend to the President through the Director of the Office of Management and Budget, that an activity or facility, or uses thereof, be exempt from an applicable pollution control standard.

1-703. The Administrator shall advise the President, through the Director of the Office of Management and Budget, whether he agrees or disagrees with a recommendation for exemption and his reasons therefor.

1-704. The Director of the Office of Management and Budget must advise the President within sixty days of receipt of the Administrator's views.

1-8. General Provisions

1-801. The head of each Executive agency that is responsible for the construction or operation of Federal facilities outside the United States shall ensure that such construction or operation complies with the environmental pollution control standards of general applicability in the host country or jurisdiction.

1-802. Executive Order No. 11752 of December 17, 1973, is revoked.

JIMMY CARTER

THE WHITE HOUSE,
October 13, 1978.

No. 12291

February 17, 1981, 46 F.R. 13193

Federal Regulation

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to reduce the burdens of existing and future regulations, increase agency accountability for regulatory actions, provide for presidential oversight of the regulatory process, minimize duplication and conflict of regulations, and insure well-reasoned regulations, it is hereby ordered as follows:

Section 1. Definitions. For the purposes of this Order:

(a) "Regulation" or "rule" means an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency, but does not include:

(1) Administrative actions governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code:

(2) Regulations issued with respect to a military or foreign affairs function of the United States: or

(3) Regulations related to agency organization, management, or personnel

(b) "Major rule" means any regulation that is likely to result in:

(1) An annual effect on the economy of \$100 million or more:

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions: or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

(c) "Director" means the Director of the Office of Management and Budget.

(d) "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), excluding those agencies specified in 44 U.S.C. 3502(10).

(e) "Task Force" means the Presidential Task Force on Regulatory Relief.

Sec. 2. General Requirements. In promulgating new regulations, reviewing existing regulations, and developing legislative proposals concerning regulation, all agencies, to the extent permitted by law, shall adhere to the following requirements:

(a) Administrative decisions shall be based on adequate information concerning the need for and consequences of proposed government action;

(b) Regulatory action shall not be undertaken unless the potential benefits to society for the regulation outweigh the potential costs to society;

(c) Regulatory objectives shall be chosen to maximize the net benefits to society;

(d) Among alternative approaches to any given regulatory objective, the alternative involving the least net cost to society shall be chosen; and

(e) Agencies shall set regulatory priorities with the aim of maximizing the aggregate net benefits to society, taking into account the condition of the particular industries affected by regulations, the condition of the national economy, and other regulatory actions contemplated for the future.

Sec. 3. Regulatory Impact Analysis and Review.

(a) In order to implement Section 2 of this Order, each agency shall, in connection with every major rule, prepare, and to the extent permitted by law consider, a Regulatory Impact Analysis. Such Analyses may be combined with any Regulatory Flexibility Analyses performed under 5 U.S.C. 603 and 604.

(b) Each agency shall initially determine whether a rule it intends to propose or to issue is a major rule, provided that, the Director, subject to the direction of the Task Force, shall have authority, in accordance with Sections 1(b) and 2 of this Order, to prescribe criteria for making such determinations, to order a rule to be treated as a major rule, and to require any set of related rules to be considered together as a major rule.

(c) Except as provided in Section 8 of this Order, agencies shall prepare Regulatory Impact Analyses of major rules and transmit them, along with all notices of proposed rulemaking and all final rules, to the Director as follows:

(1) If no notice of proposed rulemaking is to be published for a proposed major rule that is not an emergency rule, the agency shall prepare only a final Regulatory Impact Analysis, which shall be transmitted, along with the proposed rule, to the Director at least 80 days prior to the publication of the major rule as a final rule;

(2) With respect to all other major rules, the agency shall prepare a preliminary Regulatory Impact Analysis, which shall be transmitted, along with a notice of proposed rulemaking, to the Director at least 80 days prior to the publication of a notice of proposed rulemaking, and a final Regulatory Impact Analysis, which shall be transmitted along with the final rule at least 30 days prior to the publication of the major rule as a final rule;

(3) For all rules other than major rules, agencies shall submit to the Director, at least 10 days prior to publication, every notice of proposed rulemaking and final rule.

(d) To permit each proposed major rule to be analyzed in light of the requirements stated in Section 2 of this Order, each preliminary and final Regulatory Impact Analysis shall contain the following information:

(1) A description of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms, and the identification of those likely to receive the benefits;

(2) A description of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms, and the identification of those likely to bear the costs;

(3) A determination of the potential net benefits of the rule, including an evaluation of effects that cannot be quantified in monetary terms;

(4) A description of alternative approaches that could substantially achieve the same regulatory goal at lower cost, together with an analysis of this potential benefit and costs and a brief explanation of the legal reasons why such alternatives, if proposed could not be adopted; and

(5) Unless covered by the description required under paragraph (4) of this subsection, an explanation of any legal reasons why the rule cannot be based on the requirements set forth in Section 2 of this Order.

(e) (1) The Director, subject to the direction of the Task Force, which shall resolve any issues raised under this Order or ensure that they are presented to the President, is authorized to review any preliminary or final Regulatory Impact Analysis, notice of proposed rulemaking, or final rule based on the requirements of this Order.

(2) The Director shall be deemed to have concluded review unless the Director advises an agency to the contrary under subsection (f) of this Section:

(A) Within 60 days of a submission under subsection (c)(1) or a submission of a preliminary Regulatory Impact Analysis or notice of proposed rulemaking under subsection (c)(2);

(B) Within 30 days of the submission of a final Regulatory Impact Analysis and a final rule under subsection (c)(2); and

(C) Within 10 days of the submission of a notice of proposed rulemaking or final rule under subsection (c)(3).

(f) (1) Upon the request of the Director, an agency shall consult with the Director concerning the review of a preliminary Regulatory Impact Analysis or notice of proposed rulemaking under this Order, and shall, subject to Section 8(a)(2) of this Order, refrain from publishing its preliminary Regulatory Impact Analysis or notice of proposed rulemaking until such review is concluded.

(2) Upon receiving notice that the Director intends to submit views with respect to any final Regulatory Impact Analysis or final rule, the agency shall, subject to Section 8(a)(2) of this Order, refrain from publishing its final Regulatory Impact Analysis or final rule until the agency has responded to the Director's views, and incorporated those views and the agency's response in the rulemaking file.

(3) Nothing in this subsection shall be construed as displacing the agencies' responsibilities delegated by law.

(g) For every rule for which an agency publishes a notice of proposed rulemaking, the agency shall include in its notice:

(1) A brief statement setting forth the agency's initial determination whether the proposed rule is a major rule, together with the reasons underlying that determination; and

(2) For each proposed major rule, a brief summary of the agency's preliminary Regulatory Impact Analysis.

(h) Agencies shall make their preliminary and final Regulatory Impact Analyses available to the public.

(i) Agencies shall initiate reviews of currently effective rules in accordance with the purposes of this Order, and perform Regulatory Impact Analyses of currently effective major rules. The Director, subject to the direction of the Task Force, may designate currently effective rules for review in accordance with this Order, and establish schedules for reviews and Analyses under this Order.

Sec. 4. Regulatory Review. Before approving any final major rule, each agency shall:

(a) Make a determination that the regulation is clearly within the authority delegated by law and consistent with congressional intent, and include in the **Federal Register** at the time of promulgation a memorandum of law supporting that determination.

(b) Make a determination that the factual conclusions upon which the rule is based have substantial support in the agency record, viewed as a whole, with full attention to public comments in general and the comments of persons directly affected by the rule in particular.

Sec. 5. Regulatory Agendas.

(a) Each agency shall publish, in October and April of each year, an agenda of proposed regulations that the agency has issued or expects to issue, and currently effective rules that are under agency review pursuant to this Order. These agendas may be incorporated with the agendas published under 5 U.S.C. 602, and must contain at the minimum:

(1) A summary of the nature of each major rule being considered, the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any major rule for which the agency has issued a notice of proposed rulemaking;

(2) The name and telephone number of a knowledgeable agency official for each item on the agenda; and

(3) A list of existing regulations to be reviewed under the terms of this Order, and a brief discussion of each such regulation.

(b) The Director, subject to the direction of the Task Force, may, to the extent permitted by law:

(1) Require agencies to provide additional information in an agenda; and

(2) Require publication of the agenda in any form.

Sec. 6. The Task Force and Office of Management and Budget.

(a) To the extent permitted by law, the Director shall have authority, subject to the direction of the Task Force, to:

(1) Designate any proposed or existing rule as a major rule in accordance with Section 1(b) of this Order;

(2) Prepare and promulgate uniform standards for the identification of major rules and the development of Regulatory Impact Analyses;

(3) Require an agency to obtain and evaluate, in connection with a regulation, any additional relevant data from any appropriate source;

(4) Waive the requirements of Sections 3, 4, or 7 of this Order with respect to any proposed or existing major rule;

(5) Identify duplicative, overlapping and conflicting rules, existing or proposed, and existing or proposed rules that are inconsistent with the policies underlying statutes governing agencies other than the issuing agency or with the purposes of this Order, and, in each such case, require appropriate interagency consultation to minimize or eliminate such duplication, overlap, or conflict;

(6) Develop procedures for estimating the annual benefits and costs of agency regulations, on both an aggregate and economic or industrial sector basis, for purposes of compiling a regulatory budget;

(7) In consultation with interested agencies, prepare for consideration by the President recommendations for changes in the agencies' statutes; and

(8) Monitor agency compliance with the requirements of this Order and advise the President with respect to such compliance.

(b) The Director, subject to the direction of the Task Force, is authorized to establish procedures for the performance of all functions vested in the Director by this Order. The Director shall take appropriate steps to coordinate the implementation of the analysis, transmittal, review, and clearance provisions of this Order with the authorities and requirements provided for or imposed upon the Director and agencies under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Paperwork Reduction Plan Act of 1980, 44 U.S.C. 3501 *et seq.*

Sec. 7. Pending Regulations.

(a) To the extent necessary to permit reconsideration in accordance with this Order, agencies shall, except as provided in Section 8 of this Order, suspend or postpone the effective dates of all major rules that they have promulgated in final form as of the date of this Order, but that have not yet become effective, excluding:

(1) Major rules that cannot legally be postponed or suspended;

(2) Major rules that, for good cause, ought to become effective as final rules without reconsideration. Agencies shall prepare, in accordance with Section 3 of this Order, a final Regulatory Impact Analysis for each major rule that they suspend or postpone.

(b) Agencies shall report to the Director no later than 15 days prior to the effective date of any rule that the agency has promulgated in final form as of the date of this Order, and that has not yet become effective, and that will not be reconsidered under subsection (a) of this Section:

(1) That the rule is excepted from reconsideration under subsection (a), including a brief statement of the legal or other reasons for that determination; or

(2) That the rule is not a major rule.

(c) The Director, subject to the direction of the Task Force, is authorized, to the extent permitted by law, to:

(1) Require reconsideration, in accordance with this Order, of any major rule that an agency has issued in final form as of the date of this Order and that has not become effective; and

(2) Designate a rule that an agency has issued in final form as of the date of this Order and that has not yet become effective as a major rule in accordance with Section 1(b) of this Order.

(d) Agencies may, in accordance with the Administrative Procedure Act and other applicable statutes permit major rules that they have issued in final form as of the date of this Order, and that have not yet become effective, to take effect as interim rules while they are being reconsidered in accordance with this Order, *Provided that*, agencies shall report to the Director, no later than 15 days before any such rule is to be proposed to take effect as an interim rule, that the rule should appropriately take effect as an interim rule while the rule is under reconsideration.

(e) Except as provided in Section 8 of this Order, agencies shall, to the extent permitted by law, refrain from promulgating as a final rule any proposed major rule that has been published or issued as of the date of this Order until a final Regulatory Impact Analysis, in accordance with Section 3 of this Order, has been prepared for the proposed major rule.

(f) Agencies shall report to the Director, no later than 30 days prior to promulgating as a final rule any proposed rule that the agency has published or issued as of the date of this Order and that has not been considered under the terms of this Order:

(1) That the rule cannot legally be considered in accordance with this Order, together with a brief explanation of the legal reasons barring such consideration; or

(2) That the rule is not a major rule in which case the agency shall submit to the Director a copy of the proposed rule.

(g) The Director, subject to the direction of the Task Force, is authorized to the extent permitted by law, to:

(1) Require consideration, in accordance with this Order, of any proposed major rule that the agency has published or issued as of the date of this Order; and

(2) Designate a proposed rule that an agency has published or issued as of the date of this Order, as a major rule in accordance with Section 1(b) of this Order.

(h) The Director shall be deemed to have determined that an agency's report to the Director under subsections (b), (d), or (f) of this Section is consistent with the purposes of this Order, unless the Director advises the agency to the contrary:

(1) Within 15 days of its report, in the case of any report under subsections (b) or (d); or

(2) Within 30 days of its report, in the case of any report under subsection (f).

(i) This Section does not supersede the President's Memorandum of January 29, 1981, entitled "Postponement of Pending Regulations", which shall remain in effect until March 30, 1981.

(j) In complying with this Section, agencies shall comply with all applicable provisions of the Administrative Procedure Act, and with any other procedural requirements made applicable to the agencies by other statutes.

Sec. 8. Exemptions.

(a) The procedures prescribed by this Order shall not apply to:

(1) Any regulation that responds to an emergency situation, *Provided that*, any such regulation shall be reported to the Director as soon as is practicable, the agency shall publish in the **Federal Register** a statement of the reasons why it is impracticable for the agency to follow the procedures of this Order with respect to such a rule, and the agency shall prepare and transmit as soon as is practicable a Regulatory Impact Analysis of any such major rule; and

(2) Any regulation for which consideration or reconsideration under the terms of this Order would conflict with deadlines imposed by statute or by judicial order, *Provided that*, any such regulation shall be reported to the Director together with a brief explanation of the conflict, the agency shall publish in the **Federal Register** a statement of the reasons why it is impracticable for the agency to follow the procedures of this Order with respect to such a rule, and the agency, in consultation with the Director, shall adhere to the requirements of this Order to the extent permitted by statutory or judicial deadlines.

(b) The Director, subject to the direction of the Task Force, may, in accordance with the purposes of this Order, exempt any class or category of regulations from any or all requirements of this Order.

Sec. 9. Judicial Review. This Order is intended only to improve the internal management of the Federal government, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers or any person. The determinations made by agencies under Section 4 of this Order, and any Regulatory Impact Analyses for any rule, shall be made part of the whole record of agency action in connection with the rule.

Sec. 10. Revocations. Executive Orders No. 12044,⁴ as amended, and No. 12174⁵ are revoked.

RONALD REAGAN

THE WHITE HOUSE,
February 17, 1981.

4. 5 U.S.C.A. § 553 nt.

5. 5 U.S.C.A. § 552 nt.

No. 12316

August 14, 1981, 46 F.R. 42237

Responses to Environmental Damage

By the authority vested in me as President of the United States of America by Section 115 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (94 Stat. 2796; 42 U.S.C. 9615), it is hereby ordered as follows:

Section 1. National Contingency Plan. (a) The National Contingency Plan, hereinafter referred to as the NCP and which was originally published pursuant to Section 311 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321), shall be amended to contain the implementing procedures for the coordination of response actions to releases of hazardous substances into the environment.

(b) The NCP shall contain a concept of a national response team composed of representatives of appropriate Executive agencies for the coordination of response actions. The national response team shall, in addition to representatives of other appropriate agencies, include representatives of the following: Department of State, Department of Defense, Department of Justice, Department of the Interior, Department of Agriculture, Department of Commerce, Department of Labor, Department of Health and Human Services, Department of Transportation, Department of Energy, Environmental Protection Agency, Federal Emergency Management Agency, and United States Coast Guard.

(c) The responsibility for the amendment of the NCP and all of the other functions vested in the President by Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, hereinafter referred to as the Act (42 U.S.C. 9605), is delegated to the Administrator of the Environmental Protection Agency.

(d) In accord with Section 111(h)(1) of the Act and Section 311(f)(5) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(f)(5)), the following shall be among those designated in the NCP as Federal trustees for natural resources:

- (1) Secretary of Defense.
- (2) Secretary of the Interior.
- (3) Secretary of Agriculture.
- (4) Secretary of Commerce.

(e) Amendments to the NCP shall be coordinated with members of the national response team prior to publication for notice and comment. Amendments shall also be coordinated with the Federal Emergency Management Agency and the Nuclear Regulatory Commission in order to avoid inconsistent or duplicative requirements in the emergency planning responsibilities of those agencies.

(f) All amendments to the NCP, whether in proposed or final form, shall be subject to review and approval by the Director of the Office of Management and Budget.

Sec. 2. Response Authorities. (a) The functions vested in the President by the first sentence of Section 104(b) of the Act relating to "illness, disease, or complaints thereof" are delegated to the Secretary of Health and Human Services who shall, in accord with Section 104(i) of the Act, perform those functions through the Public Health Service.

(b)(1) The functions vested in the President by Section 101(24) of the Act, to the extent they require a determination by the President that "permanent relocation of residents and businesses and community facilities" is included within the terms "remedy" or "remedial action" as defined in Section 101(24) of the Act, are delegated to the Director of the Federal Emergency Management Agency.

(2) The functions vested in the President by Section 104(a) of the Act, to the extent they require permanent relocation of residents, businesses, and community facilities or temporary evacuation and housing of threatened individuals not otherwise provided for, are delegated to the Director of the Federal Emergency Management Agency.

(c) The functions vested in the President by Section 104 (a) and (b) of the Act are delegated to the Secretary of Defense with respect to releases from Department of Defense facilities or vessels, including vessels owned or bare-boat chartered and operated.

(d) Subject to subsections (a), (b), and (c) of this Section, the functions vested in the President by Sections 101(24) and 104 (a) and (b) of the Act are delegated to the Secretary of the Department in which the Coast Guard is operating, hereinafter referred to as the Coast Guard, with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(e) Subject to subsections (a), (b), (c), and (d) of this Section, the functions vested in the President by Sections 101(24) and 104 (a) and (b) of the Act are delegated to the Administrator of the Environmental Protection Agency, hereinafter referred to as the Administrator.

(f) The functions vested in the President by Section 104 (c), (d), (f), (g), and (h) of the Act are delegated to the Coast Guard, the Secretary of Health and Human Services, the Director of the Federal Emergency Management Agency, and the Administrator in order to carry out the functions delegated to them by subsections (a), (b), (d), and (e) of this Section. The exercise of authority under Section 104(h) of the Act shall be subject to the approval of the Administrator of the Office of Federal Procurement Policy.

(g) The functions vested in the President by Section 104(e)(2)(C) of the Act are delegated to the Administrator; all other functions vested in the President by Section 104(e) of the Act are delegated to the Secretary of Defense, the Secretary of Health and Human Services, the Coast Guard, the Director of the Federal Emergency Management Agency, and the Administrator of the Environmental Protection Agency, in order to carry out the functions delegated to them by this Section.

Sec. 3. Abatement Action. (a) The functions vested in the President by Section 106(a) of the Act are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(b) Subject to subsection (a) of this Section, the functions vested in the President by Section 106(a) of the Act are delegated to the Administrator.

Sec. 4. Liability. (a) The function vested in the President by Section 107(c)(1)(C) of the Act is delegated to the Secretary of Transportation.

(b) The functions vested in the President by Section 107(c)(3) of the Act are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(c) Subject to subsection (b) of this Section, the functions vested in the President by Section 107(c)(3) of the Act are delegated to the Administrator.

(d) The functions vested in the President by Section 107(f) of the Act are delegated to each of the Federal trustees for natural resources set forth in Section 1(d) of this Order for resources under their trusteeship.

Sec. 5. Financial Responsibility. (a) The functions vested in the President by Section 107(k)(4)(B) of the Act are delegated to the Secretary of the Treasury. The Administrator will provide the Secretary with such technical information and assistance as the Administrator may have available.

(b) The functions vested in the President by Section 108(a) of the Act are delegated to the Federal Maritime Commission. Notwithstanding Section 1(d) of Executive Order No. 12291, the regulations issued pursuant to this authority shall be issued in accordance with that Order. The Commission shall be responsible, in accord with Section 109 of the

Act, for the enforcement of civil penalties for violations of the regulations issued under Section 108(a) of the Act.

(c) The functions vested in the President by Section 108(b) of the Act are delegated to the Secretary of Transportation with respect to all transportation related facilities, including any pipeline, motor vehicle, rolling stock, or aircraft.

(d) Subject to subsection (c) of this Section, the functions vested in the President by Section 108(b) of the Act are delegated to the Administrator.

Sec. 6. Employee Protection and Notice to Injured. (a) The functions vested in the President by Section 110(e) of the Act are delegated to the Secretary of Labor.

(b) The functions vested in the President by Section 111(g) of the Act are delegated to the Secretary of Defense with respect to releases from Department of Defense facilities or vessels, including vessels owned or bare-boat chartered and operated.

(c) Subject to subsection (b) of this Section, the functions vested in the President by Section 111(g) of the Act are delegated to the Administrator.

Sec. 7. Management of the Hazardous Substance Response Trust Fund and Claims. (a) The functions vested in the President by Section 111(a) of the Act are delegated to the Administrator, subject to the provisions of this Section and applicable provisions of this Order.

(b) The Administrator shall transfer, to transfer appropriation accounts for other agencies, from the Hazardous Substance Response Trust Fund, out of sums appropriated, such amounts as the Administrator may determine necessary to carry out the purposes of the Act. These allocations shall be consistent with the President's Budget, within the amounts approved by the Congress, unless a revised allocation is approved by the Director of the Office of Management and Budget.

(c) The Administrator shall chair a budget task force composed of representatives of agencies having responsibilities under this Order or the Act. The Administrator shall also, as part of the budget request for the Environmental Protection Agency, submit a budget for the Hazardous Substance Response Trust Fund which is based on recommended allocations developed by the budget task force. The Administrator may prescribe reporting and other forms, procedures, and guidelines to be used by the agencies of the Task Force in preparing the budget request.

(d) The Administrator and each agency head to whom funds are allocated pursuant to this Section, with respect to funds allocated to them, are authorized in accordance with Section 111(f) of the Act to designate Federal officials who may obligate such funds.

(e) The functions vested in the President by Section 112 of the Act are delegated to the Administrator for all claims presented pursuant to Section 111.

Sec. 8. General Provisions. (a) Notwithstanding any other provision of this Order, any representation pursuant to or under this Order in any judicial or quasi-judicial proceedings shall be by or through the Attorney General. The conduct and control of all litigation arising under the Act shall be the responsibility of the Attorney General.

(b) Notwithstanding any other provision of this Order, the President's authority under the Act to require the Attorney General to commence litigation is retained by the President.

(c) The functions vested in the President by Section 301 of the Act are delegated as follows:

(1) With respect to subsection (a), to the Administrator in consultation with the Secretary of the Treasury.

(2) With respect to subsection (b), to the Secretary of the Treasury.

(3) With respect to subsection (c), to the Secretary of the Interior.

(4) With respect to subsection (f), to the Administrator.

(d) The Attorney General shall manage and coordinate the study provided for in Section 301(e) of the Act.

(e) The performance of any function under this Order shall be done in consultation with interested agencies represented on the national response team, as well as with any other interested agency.

(f) Certain functions vested in the President by the Act which have been delegated or assigned by this Order may be redelegated to the head of any agency with his consent; those functions which may be redelegated are those set forth in Sections 2, 3, 4(b), 4(c), and 6(c) of this Order.

(g) Executive Order No. 12286⁴⁶ of January 19, 1981, is revoked.

RONALD REAGAN

THE WHITE HOUSE,
August 14, 1987.

46. 1980 U.S. Code Cong. & Adm. News Bd.
Vol.; p. 7920.

No. 12342

January 27, 1982, 47 F.R. 4223

**Environmental Safeguards for Animal Damage Control on
Federal Lands**

By virtue of the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to permit effective predator control with environmental safeguards under Federal statutory programs, Executive Order No. 11643,¹¹ as amended, is hereby revoked.

RONALD REAGAN

THE WHITE HOUSE,
January 27, 1982.

11. 42 U.S.C.A. § 4321 nt.

No. 12348

February 25, 1982, 47 F.R. 8547

Federal Real Property

By virtue of the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 205(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(a)), in order to improve management of Federal real property, it is hereby ordered as follows:

Section 1. (a) There is hereby established a Property Review Board.

(b) The members of the Board shall be the Counsellor to the President; Director, Office of Management and Budget; Chairman, Council of Economic Advisers; Assistant to the President for Policy Development; Chief of Staff and Assistant to the President; Assistant to the President for National Security Affairs; and such other officers or employees of the Executive branch as the President may from time to time designate. One of the members of the Board shall be designated by the President as Chairman.

(c) Staff, including an Executive Director, and other administrative support shall be provided from resources available to the President.

Sec. 2. The Board shall perform such functions as may be directed by the President, including the following:

(a) develop and review Federal real property acquisition, utilization, and disposal policies with respect to their relationship to other Federal policies;

(b) advise the Administrator of General Services with respect to such standards and procedures for executive agencies that are necessary to ensure that real property holdings no longer essential to their activities and responsibilities are promptly identified and released for appropriate disposition;

(c) review and examine prior disposals of surplus property for public benefit discount conveyances to ensure that the property is being used and maintained for the purpose for which it was conveyed;

(d) receive the surveys and reports made by or to the Administrator of General Services pursuant to Sections 3 and 4 of this Order as well as other reports on Federal real property that are requested by the Board, with particular attention to resolution of conflicting claims on, and alternate uses for, any property described in those reports, consistent with laws governing Federal real property;

(e) provide guidance to the Administrator of General Services in accord with Section a of this Order;

(f) establish for each Executive agency annually the target amount of its real property holdings to be identified as excess; and

(g) submit such recommendations and reports to the President as may be appropriate.

Sec. 3. (a) All Executive agencies shall periodically review their real property holdings and conduct surveys of such property in accordance with standards and procedures determined by the Administrator of General Services pursuant to Section 206 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 487), and this Order.

(b) The head of each Executive agency, within 60 days of the date of this Order, shall report to the Administrator of General Services and the Board the agency's real property holdings which, in his judgment, are not utilized, are underutilized, or are not being put to optimum use.

(c) The head of each Executive agency shall identify, and report to the Board, all those properties which can be considered for disposition in response to the targets established by the Board in subsection 2(f) of this Order.

Sec. 4. The Administrator of General Services in consultation with the Board shall issue standards and procedures, conduct surveys, and cause surveys to be conducted, to ensure that the real property holdings of Executive agencies shall continually be evaluated with special emphasis on the identification of properties that are not utilized, are underutilized, or are not being put to optimum use. The Administrator shall consult with the Board and appropriate Executive agencies in order to (a) identify real property that is excess or surplus to the needs of the Executive agencies, and (b) make such real property available for its most beneficial use under the various laws of the United States affecting such property.

Sec. 5. The Administrator of General Services shall report to the Board with respect to any property or portion thereof which has not been reported excess to the requirements of the holding agency and which, in the judgment of the Administrator, is not utilized, is underutilized, or is not being put to optimum use, and which he recommends should be reported as excess property.

Sec. 6. Before the Administrator of General Services assigns or conveys property for public benefit discount conveyances, he shall first consult with the Board and consider such guidance as it may provide.

Sec. 7. The Administrator of General Services shall, to the extent permitted by law, provide necessary advice and assistance to the Board to accomplish the objectives of this Order.

Sec. 8. Executive Order No. 11954,¹⁵ as amended, is revoked.

RONALD REAGAN

THE WHITE HOUSE,
February 25, 1982.

15. 40 U.S.C.A. § 486 nt.

No. 12501

January 28, 1985, 50 F.R. 4191

Arctic Research

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Arctic Research and Policy Act of 1989 (Title I of Public Law 98-373) ("the Act"), it is hereby ordered as follows:

Section 1. Establishment of Arctic Research Commission. There is established the Arctic Research Commission.

Sec. 2. Membership of the Commission.

(a) The Commission shall be composed of five members appointed by the President, as follows:

(1) three members appointed from among individuals from academic or other research institutions with expertise in areas of research relating to the Arctic, including the physical, biological, health, environmental, social, and behavioral sciences;

(2) one member appointed from among indigenous residents of the Arctic who are representative of the needs and interests of Arctic residents and who live in areas directly affected by Arctic resources development; and

(3) one member appointed from individuals familiar with the Arctic and representative of the needs and interests of private industry undertaking resource development in the Arctic.

The Director of the National Science Foundation shall serve as a nonvoting *ex officio* member of the Commission. The President shall designate a Chairperson from among the five voting members of the Commission.

(b) In making initial appointments to the Commission, the President shall designate one member to serve for a term of two years, two members to serve for terms of three years, and two members to serve for terms of four years as provided by Section 103(c) of the Act. Upon the expiration of these initial terms of office, the term of office of each member of the Commission shall be four years.

(c) Each of the Federal agencies represented on the Interagency Committee established by Section 7 of this Order may designate a representative to participate as an observer with the Commission. These representatives shall report to and advise the Commission on the activities of their agencies relating to Arctic research.

Sec. 3. Meetings of the Commission. The Commission shall meet at the call of the Chairman or a majority of its members. The Commission annually shall conduct at least one public meeting in the State of Alaska.

Sec. 4. Functions of the Commission.

(a) The Commission shall:

(1) develop and recommend an integrated national Arctic research policy;

(2) assist, in cooperation with the Interagency Arctic Research Policy Committee established by Section 7 of this Order, in establishing a national Arctic research program plan to implement the Arctic research policy;

(3) facilitate cooperation between the Federal government and State and local governments with respect to Arctic research;

(4) review Federal research programs in the Arctic and suggest improvements in coordination among programs;

(5) recommend methods to improve logistical planning and support for Arctic research as may be appropriate;

(6) suggest methods for improving efficient sharing and dissemination of data and information on the Arctic among interested public and private institutions;

(7) offer other recommendations and advice to the Interagency Arctic Research Policy Committee as it may find appropriate; and

(8) cooperate with the Governor of the State of Alaska, and with agencies and organizations of that State which the Governor may designate, with respect to the formulation of Arctic research policy.

(b) Not later than January 31 of each year, the Commission shall:

(1) submit to the President and Congress a report describing the activities and accomplishments of the Commission during the immediately preceding fiscal year; and

(2) publish a statement of goals and objectives with respect to Arctic research to guide the Interagency Arctic Research Policy Committee in the performance of its duties.

Sec. 5. Responsibilities of Federal Agencies.

(a) The heads of Executive agencies shall, to the extent permitted by law, and in accordance with Section 105 of the Act, provide the Commission such information as it may require for purposes of carrying out its functions.

(b) The heads of Executive agencies shall, upon reimbursement to be agreed upon by the Commission and the agency head, permit the Commission to utilize their facilities and services to the extent that the facilities and services are needed for the establishment and development of an Arctic research policy. The Commission shall take every feasible step to avoid duplication of effort.

(c) All Federal agencies shall consult with the Commission before undertaking major Federal actions relating to Arctic research.

Sec. 6. Administration of the Commission. Members of the Commission who are otherwise employed for compensation shall serve without compensation for their work on the Commission, but may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service. Members of the Commission who are not otherwise employed for compensation shall be compensated for each day the member is engaged in actual performance of duties as a member, not to exceed 90 days of service each calendar year, at a rate equal to the daily equivalent of the rate for GS-16 of the General Schedule.

Sec. 7. Establishment of Interagency Arctic Research Policy Committee. There is established the Interagency Arctic Research Policy Committee (the "Interagency Committee"). The National Science Foundation shall serve as lead agency on the Interagency Committee and shall be responsible for implementing Arctic research policy.

Sec. 8. Membership of the Interagency Committee. The Interagency Committee shall be composed of representatives of the following Federal agencies or their designees:

(a) National Science Foundation;

(b) Department of Commerce;

(c) Department of Defense;

(d) Department of Energy;

(e) Department of the Interior;

(f) Department of State;

(g) Department of Transportation;

(h) Department of Health and Human Services;

(i) National Aeronautics and Space Administration;

(j) Environmental Protection Agency;

(k) Office of Science and Technology Policy; and

(l) any other Executive agency that the Director of the National Science Foundation shall deem appropriate. The Director of the National Science Foundation or his designee shall serve as Chairperson of the Interagency Committee.

Sec. 9. Functions of the Interagency Committee. (a) The Interagency Committee shall:

(1) survey Arctic research conducted by Federal, State, and local agencies, universities, and other public and private institutions to help determine priorities for future Arctic research, including natural resources and materials, physical and biological sciences, and social and behavioral sciences;

(2) work with the Commission to develop and establish an integrated national Arctic research policy that will guide Federal agencies in developing and implementing their research programs in the Arctic;

(3) consult with the Commission on:

(a) the development of the national Arctic research policy and the 5-year plan implementing the policy;

(b) Arctic research programs of Federal agencies;

(c) recommendations of the Commission on future Arctic research; and

(d) guidelines for Federal agencies for awarding and administering Arctic research grants;

(4) develop a 5-year plan to implement the national policy, as provided in section 109 of the Act;

(5) provide the necessary coordination, data, and assistance for the preparation of a single integrated, coherent, and multi-agency budget request for Arctic research, as provided in section 110 of the Act;

(6) facilitate cooperation between the Federal government and State and local governments in Arctic research, and recommend the undertaking of neglected areas of research;

(7) coordinate and promote cooperative Arctic scientific research programs with other nations, subject to the foreign policy guidance of the Secretary of State;

(8) cooperate with the Governor of the State of Alaska in fulfilling its responsibilities under the Act; and

(9) promote Federal interagency coordination of all Arctic research activities, including:

(a) logistical planning and coordination; and

(b) the sharing of data and information associated with Arctic research, subject to section 552 of title 5, United States Code.

(b) Not later than January 31, 1986, and biennially thereafter, the Interagency Committee shall submit to the Congress through the President a report concerning:

(1) its activities and accomplishments since its last report; and

(2) the activities of the Commission, detailing with particularity the recommendations of the Commission with respect to Federal activities in Arctic research.

Sec. 10. Public Participation. The Interagency Committee will provide public notice of its meetings and an opportunity for the public to participate in the development and implementation of national Arctic research policy.

Sec. 11. Administration of Interagency Committee. Each agency represented on the Committee shall, to the extent permitted by law and subject to the availability of funds, provide the Committee with such administrative services, facilities, staff, and other support services as may be necessary for effective performance of its functions.

RONALD REAGAN

THE WHITE HOUSE,
January 28, 1985.

No. 12503

January 28, 1985, 50 F.R. 4491

**Presidential Commission on Outdoor Recreation Resources
Review**

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), and in order to create an advisory commission to review outdoor recreation resources, it is hereby ordered as follows:

Section 1. Establishment. (a) There is hereby established the Presidential Commission on Outdoor Recreation Resources Review.

(b) The Commission shall be composed of not more than 15 members appointed or designated by the President from among the private sector, the Legislative branch of the Federal government, recreational and other service organizations, and State and local governments. The President shall designate a Chairman and Vice Chairman from among the members of the Commission.

Sec. 2. Functions. (a) The Commission shall review existing public outdoor recreation policies, programs, and opportunities provided by the Federal government, State and local governments, and private organizations and entities and shall review privately provided outdoor recreation resources to the extent that they affect the demand for public outdoor recreation resources. The Commission shall, consistent with the need for fiscal economy at all levels of government, make recommendations to the President concerning the outdoor recreation resources, programs, and opportunities that will ensure the future availability of outdoor recreation for the American people. In making its recommendations, the Commission shall assess the budgetary and regulatory cost increases or cost savings of its proposals, and shall, to the extent possible, utilize such studies, data, and reports previously prepared or under preparation by Federal agencies, States, private organizations or other entities.

(b) In conducting its review, the Commission shall examine:

(1) existing outdoor recreation lands and resources and the land and resource base necessary for future outdoor recreation;

(2) the roles of the Federal, State, county, and municipal governments in providing outdoor recreation opportunities, protecting outdoor recreation resources, and meeting anticipated outdoor recreation conditions;

(3) the role of the private sector in meeting present and future outdoor recreation needs, and assess the potential for cooperation between the private sector and government in providing outdoor recreation opportunities and protecting outdoor recreation resources;

(4) the relationship between outdoor recreation and personal and public health, the economy, and the environment;

(5) the future needs of outdoor recreation management systems, including qualified personnel, technical information, and anticipated financial needs;

(6) the relationship of outdoor recreation to the broader range of recreation pursuits and its implications for the supply of and demand for outdoor recreation resources and opportunities;

(7) underlying social, economic, and technological factors that are likely to affect the demand for and supply of outdoor recreation resources, including trends in disposable income and demographic characteristics of the United States;

(8) the findings and recommendations of the National Urban Recreation Study (1978), the Third Nationwide Outdoor Recreation Plan (1979), the Forest and Rangeland Renewable Resources Planning Act—Assessment Supplement (1984), and other relevant Federal survey and planning activities.

(c) The Commission may conduct public hearings and otherwise secure information and expressions of public opinion on recreation issues, policies and programs, and anticipated national, regional, State, and local recreation needs and concerns.

(d) The Commission shall submit its report and recommendations to the President not later than twelve months after the date of this Order.

Sec. 3. Administration. (a) The heads of Executive agencies shall, to the extent permitted by law, provide the Commission with such information as may be necessary for the effective performance of its functions.

(b) Members of the Commission shall serve without compensation for their work on the Commission. Members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701-5707).

(c) The Secretary of the Interior shall, to the extent permitted by law, provide the Commission with such administrative services, facilities, staff, and other support services as may be necessary for the effective performance of its functions.

Sec. 4. General. (a) Notwithstanding any other Executive order, the functions of the President under the Federal Advisory Committee Act, as amended, which are applicable to the Commission, except that of reporting annually to the Congress, shall be performed by the Secretary of the Interior, in accordance with guidelines and procedures established by the Administrator of General Services.

(b) The Commission shall terminate 30 days after submission of its report, or March 1, 1986, whichever sooner occurs.

RONALD REAGAN

THE WHITE HOUSE,
January 28, 1985.

No. 12512

April 29, 1985, 50 F.R. 18453

Federal Real Property Management

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 486(a) of title 40 of the United States Code, and in order to ensure that Federal real property resources are treated in accordance with their value as national assets and in the best interests of the Nation's taxpayers, it is hereby ordered as follows:

Section 1. General Requirements. To ensure the effective and economical use of America's real property and public land assets, establish a focal point for the enunciation of clear and consistent Federal policies regarding the acquisition, management, and disposal of properties, and assure management accountability for implementing Federal real property management reforms, all Executive departments and agencies shall take immediate action to recognize the importance of such resources through increased management attention, establishment of clear goals and objectives, improved policies and levels of accountability, and other appropriate actions. Specifically:

(a) The Domestic Policy Council shall serve as the forum for approving government-wide real property management policies;

(b) All Executive departments and agencies shall establish internal policies and systems of accountability that ensure effective use of real property in support of mission-related activities, consistent with Federal policies regarding the acquisition, management, and disposal of such assets. All such agencies shall periodically review their real property holdings and conduct surveys of such property in accordance with standards and procedures determined by the Administrator of General Services. All such agencies shall also develop annual real property management improvement plans that include clear and concise goals and objectives related to all aspects of real property management, and identify sales, work space management, productivity, and excess property targets;

(c) The Director of the Office of Management and Budget shall review, through the management and budget review processes, the efforts of departments and agencies toward achieving the government-wide property management policies established pursuant to this Order. Savings achieved as a result of improved management shall be applied to reduce Federal spending and to support program delivery;

(d) The Office of Management and Budget and the General Services Administration shall, in consultation with the land managing agencies, develop legislative initiatives that seek to improve Federal real property management through the adoption of appropriate private sector management techniques; the elimination of duplication of effort among agencies; and the establishment of managerial accountability for implementing effective and efficient real property management practices; and

(e) The President's Council on Management Improvement, subject to the policy direction of the Domestic Policy Council, shall conduct such additional studies as are necessary to improve Federal real property management by appropriate agencies and groups.

Sec. 2. Real Property. The Administrator of General Services shall, to the extent permitted by law, provide government-wide policy oversight and guidance for Federal real property management; manage selected properties for agencies; conduct surveys;

delegate operational responsibility to agencies where feasible and economical; and provide leadership in the development and maintenance of needed property management information systems.

Sec. 3. Public Lands. In order to ensure that Federally owned lands, other than the real property covered by Section 2 of this Order, are managed in the most effective and economic manner, the Departments of Agriculture and the Interior shall take such steps as are appropriate to improve their management of public lands and National Forest System lands and shall develop appropriate legislative proposals necessary to facilitate that result.

Sec. 4. Executive Order No. 12348⁶ of February 25, 1982, is hereby revoked.

RONALD REAGAN

THE WHITE HOUSE,
April 29, 1985.

6. 1982 U.S. Code Cong. & Adm. News Bd.
Vol. page B18.

No. 12529

August 14, 1985, 50 F.R. 33329

President's Commission on Americans Outdoors

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), and in order to revise the name of a presidential advisory commission to better describe its areas of responsibility, and to extend the date within which the commission must complete its responsibilities, it is hereby ordered that Executive Order No. 12503¹⁵ is amended as follows:

The title of the Order and Section 1(a) are amended by deleting "Presidential Commission on Outdoor Recreation Resources Review" and inserting in lieu thereof "President's Commission on Americans Outdoors"; and Section 4(b) of the Order is revised to provide as follows: "The Commission shall submit its report no later than December 31, 1986, and shall terminate 30 days after its report."

RONALD REAGAN

THE WHITE HOUSE,

August 14, 1985.

15. 1985 U.S.Code Cong. & Adm.News Pamphlet No. 1, page B26.

No. 12548

February 14, 1986, 51 F.R. 5985

Grazing Fees

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to provide for establishment of appropriate fees for the grazing of domestic livestock on public rangelands, it is ordered as follows:

Section 1. Determination of Fees. The Secretaries of Agriculture and the Interior are directed to exercise their authority, to the extent permitted by law under the various statutes they administer, to establish fees for domestic livestock grazing on the public rangelands which annually equals the \$1.23 base established by the 1966 Western Livestock Grazing Survey multiplied by the result of the Forage Value Index (computed annually from data supplied by the Statistical Reporting Service) added to the Combined Index (Beef Cattle Price Index minus the Prices Paid Index) and divided by 100; *provided*, that the annual increase or decrease in such fee for any given year shall be limited to not more than plus or minus 25 percent of the previous year's fee, and *provided further*, that the fee shall not be less than \$1.35 per animal unit month.

Sec. 2. Definitions. As used in this Order, the term:

(a) "Public rangelands" has the same meaning as in the Public Rangelands Improvement Act of 1978 (Public Law 95-514);

(b) "Forage Value Index" means the weighted average estimate of the annual rental charge per head per month for pasturing cattle on private rangelands in the 11 Western States (Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California) (computed by the Statistical Reporting Service from the June Enumerative Survey) divided by \$3.65 and multiplied by 100;

(c) "Beef Cattle Price Index" means the weighted average annual selling price for beef cattle (excluding calves) in the 11 Western States (Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California) for November through October (computed by the Statistical Reporting Service) divided by \$22.04 per hundred weight and multiplied by 100; and

(d) "Prices Paid Index" means the following selected components from the Statistical Reporting Service's Annual National Index of Prices Paid by Farmers for Goods and Services adjusted by the weights indicated in parentheses to reflect livestock production costs in the Western States: 1. Fuels and Energy (14.5); 2. Farm and Motor Supplies (12.0); 3. Autos and Trucks (4.5); 4. Tractors and Self-Propelled Machinery (4.5); 5. Other Machinery (12.0); 6. Building and Fencing Materials (14.5); 7. Interest (6.0); 8. Farm Wage Rates (14.0); 9. Farm Services (18.0).

Sec. 3. Any and all existing rules, practices, policies, and regulations relating to the administration of the formula for grazing fees in section 6(a) of the Public Rangelands Improvement Act of 1978 shall continue in full force and effect.

Sec. 4. This Order shall be effective immediately.

RONALD REAGAN

THE WHITE HOUSE,
February 14, 1986.

No. 12553

February 25, 1986, 51 F.R. 7237

Revocation of Various Executive Orders

By the authority vested in me as President by the Constitution and laws of the United States of America, and to eliminated Executive Orders that are no longer necessary, it is hereby ordered that the following Executive Orders, and any amendments thereto, are revoked:

No.	Subject
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11237	Prescribing regulations for coordinating planning and acquiring land under the Outdoor Recreation Program of the Department of the Interior and the Open Space Program of the Housing and Home Finance Agency
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RONALD REAGAN

THE WHITE HOUSE,
February 28, 1986.

No. 12555

March 10, 1986, 51 F.R. 8475

Protection of Cultural Property

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Convention on Cultural Property Implementation Act (Title III of Public Law 97-446; hereinafter referred to as the "Act"), and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. *United States Information Agency.* The following functions conferred upon the President by the Act are hereby delegated to the Director of the United States Information Agency, acting in consultation with the Secretary of State and the Secretary of the Treasury:

(a) The functions conferred by section 303(a)(1) concerning determinations to be made prior to initiation of negotiations of bilateral or multilateral agreements.

(b) The functions conferred by section 303(d) with respect to the determinations concerning the failure of other parties to an agreement to take any or satisfactory implementation action on their agreement; provided, however, that the Secretary of State will remain responsible for interpretation of the agreement.

(c) The functions conferred by section 303(e) relating to the determinations to be made prior to the initiation of negotiations for the extension of any agreement.

(d) The functions conferred by section 303(f) relating to the actions to be taken upon receipt of a request made by a State Party to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property adopted by the Sixteenth General Conference of the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as the "Convention").

(e) The functions conferred by section 303(g)(1)(B) relating to the notification of Presidential action and the furnishing of reports to the Congress.

(f) The functions conferred by section 304(b) to the extent that they involve determinations by the President that an emergency condition applies with respect to any archaeological or ethnological material of any State Party to the Convention, subject to the limitations of sections 304(c)(1), 304(c)(2), and 304(c)(3).

(g) The functions conferred by section 304(c)(3) to the extent that they involve determinations to be made and the receipt and consideration of an advisory report from the Cultural Property Advisory Committee by the President prior to extensions of emergency import restrictions.

(h) The functions conferred by sections 306(f)(6) and 306(g) relating to the receipt of reports prepared by the Cultural Property Advisory Committee.

(i) The functions conferred by section 306(h) relating to the determinations to be made about the disclosure of matters involved in the Cultural Property Advisory Committee's proceedings.

Sec. 2. *Department of State.* The following functions conferred upon the President by the Act are hereby delegated to the Secretary of State, acting in consultation with and with the participation of the Director of the United States Information Agency and in consultation with the Secretary of the Treasury:

(a) The functions conferred by section 303(a)(2) relating to the negotiation and conclusion of bilateral or multilateral agreements under the Act, subject to the restrictions of section 303(c).

(b) The functions conferred by section 303(a)(4) relating to obtaining a commitment on the exchange of archaeological and ethnological materials from a party to an agreement.

(c) The functions conferred by section 303(e) relating only to negotiation and conclusion of extensions of agreements under the Act.

(d) Except with respect to subsection 303(g)(1)(B), the functions conferred by section 303(g), relating to the notification of Presidential action and the furnishing of reports to the Congress.

(e) The functions conferred by section 304(c)(4) to the extent that they involve the negotiation and conclusion of agreements subject to advice and consent to ratification by the Senate.

Sec. 3. *Department of the Treasury.* The following functions conferred upon the President by the Act are hereby delegated to the Secretary of the Treasury, acting in consultation with the Director of the United States Information Agency and the Secretary of State:

(a) Subject to subsection (b) of Section 1 above, the functions conferred by section 303(d) to the extent that they involve the suspension of import restrictions.

(b) Subject to subsection (f) and (g) of Section 1 above, the functions conferred by section 304 to the extent that they involve the application of import restrictions set forth in section 307 and the extension of such import restrictions pursuant to section 304(c)(3).

Sec. 4. *Enforcement in Territories and Other Areas.* The Secretary of the Interior is designated to carry out the enforcement functions in section 314.

RONALD REAGAN

THE WHITE HOUSE,
March 10, 1986.

No. 12569

October 16, 1986, 51 F.R. 37171

Management of the Compact of Free Association With the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau

By the authority vested in me as President by the Constitution and laws of the United States, including the Compact of Free Association (the Compact) and Public Law 99-239, (the Act), it is ordered as follows:

Section 1. Responsibility of the Secretary of State. The Secretary of State shall conduct the government-to-government relations of the United States with the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau (the "Freely Associated States"), including any subdivisions, officials or persons thereof, and may delegate or allocate such of his authority under this Order to such other United States officials as he may from time to time deem desirable. The authority of the Secretary of State shall include, consistent with Article V of Title One of the Compact and section 105(b)(1) of the Act, the establishment and maintenance of representative offices in the Freely Associated States and supervision of the United States representatives and their staff. The Secretary also shall provide, in accordance with applicable law, for appropriate privileges, immunities, and assistance to representatives to the United States designated by the Governments of the Freely Associated States, together with their officers and staff. In accordance with applicable law and the provisions of this Order, the Secretary also shall have the authority and responsibility to take such other actions as may be necessary and appropriate to ensure that the authorities and obligations of the United States set forth in the Compact and its related agreements and in the laws of the United States as they relate to the conduct of government-to-government relations with the Freely Associated States are carried out. The Secretary shall provide from appropriations made to the Department of State such funds as may be necessary to carry out the provisions of this Order in relation to the activities of the Department of State.

Sec. 2. Responsibility of the Secretary of the Interior. The Secretary of the Interior shall be responsible for seeking the appropriation of funds for and, in accordance with the laws of the United States, shall make available to the Freely Associated States the United States economic and financial assistance appropriated pursuant to Article I of Title Two of the Compact; the grant, service, and program assistance appropriated pursuant to Article II of Title Two of the Compact; and all other United States assistance appropriated pursuant to the Compact and its related agreements. The Secretary shall coordinate and monitor any program or any activity by any department or agency of the United States provided to the Freely Associated States and shall coordinate and monitor related economic development planning. This Section shall not apply to services provided by the Department of Defense to the Freely Associated States or to activities pursuant to Section 1 of this Order, including activities under the Peace Corps Act.

Sec. 3. Interagency Group on Freely Associated State Affairs and the Office of Freely Associated State Affairs.

(a) There is established an Interagency Group on Freely Associated State Affairs for the purpose of providing guidance and oversight with respect to the establishment and implementation of policy concerning the Compact and United States relations with the Freely Associated States.

(b) The Interagency Group shall consist of the Secretary of State or his designee, who shall chair the Group, and of the principal officers or their designees from the

Departments of the Interior, Defense, Commerce, Energy, and Justice, the Organization of the Joint Chiefs of Staff, the Office of Management and Budget, the National Security Council, and such other departments and agencies as may from time to time be appropriate.

(c) The Interagency Group shall make such recommendations as it shall deem appropriate to the President, through the Assistant to the President for National Security Affairs, concerning United States relations with the Freely Associated States. The Interagency Group also shall provide such guidance as it deems appropriate to departments and agencies delegated authority by this Order concerning administration of laws with respect to the Freely Associated States.

(d) If any department or agency charged by this Order with implementation of the Compact or other laws of the United States with respect to the Freely Associated States concludes that noncompliance sanctions pursuant to section 105(g) of the Act are appropriate, it shall make appropriate recommendations to the Interagency Group. The Interagency Group shall consider these recommendations and report its findings to the President for his review in making that determination.

(e)(1) There shall be in the Department of State an Office of Freely Associated State Affairs to conduct United States relations with the Freely Associated States and carry out related matters, as the Secretary of State shall direct or delegate, and provide appropriate support to the Interagency Group.

(2) The Office shall be headed by a Director designated by the Secretary of State, to whom the Secretaries of State, Defense, and the Interior may, to the extent permitted by law, delegate any or all of their respective authorities and responsibilities as described in this Order, including the authority to supervise the United States representatives referred to in Section 4 of this Order. The Director shall serve as Executive Secretary of the Interagency Group.

(3) Personnel additional to that provided by the Secretary of State may be detailed to the Office by the Executive departments and agencies that are members of the Interagency Group, and by other agencies as appropriate. Executive departments and agencies shall, to the extent permitted by law, provide such information, advice, and administrative services and facilities as may be necessary for the fulfillment of the functions of the Office.

Sec. 4. United States Representatives to the Freely Associated States. The United States Representative assigned to a Freely Associated State in accordance with Article V of Title One of the Compact shall represent the Government of the United States in an official capacity in that Freely Associated State, and shall supervise the actions of any Executive department or agency personnel assigned permanently or temporarily to that Freely Associated State.

Sec. 5. Cooperation among Executive Departments and Agencies. All Executive departments and agencies shall cooperate in the effectuation of the provisions of this Order. The Interagency Group and Office of Freely Associated State Affairs shall facilitate such cooperative measures. Nothing in this Order shall be construed to impair the authority and responsibility of the Secretary of Defense for security and defense matters in or relating to the Freely Associated States.

Sec. 6. Delegation to the Secretary of the Interior. The following authorities are delegated to the Secretary of the Interior:

(a) Reporting to the Congress on economic development plans prepared by the Government of the Federated States of Micronesia and the Government of the Marshall Islands, pursuant to sections 102(b) and 103(b) of the Act;

(b) The determination required by section 103(e) of the Act concerning the qualifications of the investment management firm selected by the Government of the Marshall Islands;

(c) Reporting to the Congress with respect to the impact of the Compact of Free Association on the United States territories and commonwealths and on the State of Hawaii, pursuant to section 104(e)(2) of the Act; and

(d) Causing an annual audit to be conducted of the annual financial statements of the Government of the Federated States of Micronesia and the Government of the Marshall Islands, pursuant to section 110(b) of the Act.

Sec. 7. Delegation to the Secretary of State. The following authorities are delegated to the Secretary of State:

(a) Reporting to the Congress on crimes in the Federated States of Micronesia and the Marshall Islands which have an impact upon United States jurisdictions, pursuant to sections 102(a)(4) and 103(a)(4) of the Act;

(b) Submitting the certification and report to the Congress for purposes of section 5 of the Fishermen's Protective Act of 1967, pursuant to section 104(f)(3) of the Act; and

(c) Reporting, with the concurrence of the Secretary of Defense, to the Congress on determinations made regarding security and defense, pursuant to section 105(q) of the Act.

Sec. 8. Supersession and Saving Provisions.

(a) Subject to the provisions of Section 9 of this Order, prior Executive orders concerning the former Trust Territory of the Pacific Islands are hereby superseded and rendered inapplicable, except that the authority of the Secretary of the Interior as provided in applicable provisions of Executive Order No. 11021, as amended, shall remain in effect, in a manner consistent with this Order and pursuant to section 105(c)(2) of the Act, to terminate the trust territory government and discharge its responsibilities, at which time the entirety of Executive Order No. 11021 shall be superseded.

(b) Nothing in this Order shall be construed as modifying the rights or obligations of the United States under the provisions of the Compact or as affecting or modifying the responsibility of the Secretary of State and the Attorney General to interpret the rights and obligations of the United States arising out of or concerning the Compact.

Sec. 9. Effective Date. This Order shall become effective with respect to a Freely Associated State simultaneously with the entry into force of the Compact for that State.

RONALD REAGAN

THE WHITE HOUSE,
October 16, 1986.

No. 12572

November 3, 1986, 51 F.R. 40401

Relations With the Northern Mariana Islands

By the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered that, consistent with the joint Resolution to approve the "Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America," approved March 24, 1976 (Public Law 94-241; 90 Stat. 263), the relations of the United States with the Government of the Northern Mariana Islands shall, in all matters not the program responsibility of another Federal department or agency, be under the general administrative supervision of the Secretary of the Interior.

RONALD REAGAN

THE WHITE HOUSE,
November 3, 1986.

No. 12608

September 9, 1987, 52 F.R. 34617

**Elimination of Unnecessary Executive Orders and Technical
Amendments to Others**

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to eliminate certain Executive Orders that are no longer necessary, and to make technical amendments in others to correct outdated agency references or obsolete legal citations, it is hereby ordered as follows:

Section 1. The following Executive Orders are revoked:

11911 Providing for preservation of endangered species

RONALD REAGAN

THE WHITE HOUSE,
September 9, 1987.

No. 12612

October 26, 1987, 52 F.R. 41685

Federalism

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to restore the division of governmental responsibilities between the national government and the States that was intended by the Framers of the Constitution and to ensure that the principles of federalism established by the Framers guide the Executive departments and agencies in the formulation and implementation of policies, it is hereby ordered as follows:

Section 1. Definitions. For purposes of this Order:

(a) “Policies that have federalism implications” refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

(b) “State” or “States” refer to the States of the United States of America, individually or collectively, and, where relevant, to State governments, including units of local government and other political subdivisions established by the States.

Sec. 2. Fundamental Federalism Principles. In formulating and implementing policies that have federalism implications, Executive departments and agencies shall be guided by the following fundamental federalism principles:

(a) Federalism is rooted in the knowledge that our political liberties are best assured by limiting the size and scope of the national government.

(b) The people of the States created the national government when they delegated to it those enumerated governmental powers relating to matters beyond the competence of the individual States. All other sovereign powers, save those expressly prohibited the States by the Constitution, are reserved to the States or to the people.

(c) The constitutional relationship among sovereign governments, State and national, is formalized in and protected by the Tenth Amendment to the Constitution.

(d) The people of the States are free, subject only to restrictions in the Constitution itself or in constitutionally authorized Acts of Congress, to define the moral, political, and legal character of their lives.

(e) In most areas of governmental concern, the States uniquely possess the constitutional authority, the resources, and the competence to discern the sentiments of the people and to govern accordingly. In Thomas Jefferson's words, the States are “the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican tendencies.”

(f) The nature of our constitutional system encourages a healthy diversity in the public policies adopted by the people of the several States according to their own conditions, needs, and desires. In the search for enlightened public policy, individual States and communities are free to experiment with a variety of approaches to public issues.

(g) Acts of the national government—whether legislative, executive, or judicial in nature—that exceed the enumerated powers of that government under the Constitution violate the principle of federalism established by the Framers.

(h) Policies of the national government should recognize the responsibility of—and should encourage opportunities for—individuals, families, neighborhoods, local

governments, and private associations to achieve their personal, social, and economic objectives through cooperative effort.

(i) In the absence of clear constitutional or statutory authority, the presumption of sovereignty should rest with the individual States. Uncertainties regarding the legitimate authority of the national government should be resolved against regulation at the national level.

Sec. 3. Federalism Policymaking Criteria. In addition to the fundamental federalism principles set forth in section 2, Executive departments and agencies shall adhere, to the extent permitted by law, to the following criteria when formulating and implementing policies that have federalism implications:

(a) There should be strict adherence to constitutional principles. Executive departments and agencies should closely examine the constitutional and statutory authority supporting any Federal action that would limit the policymaking discretion of the States, and should carefully assess the necessity for such action. To the extent practicable, the States should be consulted before any such action is implemented. Executive Order No. 12372 (“Intergovernmental Review of Federal Programs”) remains in effect for the programs and activities to which it is applicable.

(b) Federal action limiting the policymaking discretion of the States should be taken only where constitutional authority for the action is clear and certain and the national activity is necessitated by the presence of a problem of national scope. For the purposes of this Order:

(1) It is important to recognize the distinction between problems of national scope (which may justify Federal action) and problems that are merely common to the States (which will not justify Federal action because individual States, acting individually or together, can effectively deal with them).

(2) Constitutional authority for Federal action is clear and certain only when authority for the action may be found in a specific provision of the Constitution, there is no provision in the Constitution prohibiting Federal action, and the action does not encroach upon authority reserved to the States.

(c) With respect to national policies administered by the States, the national government should grant the States the maximum administrative discretion possible. Intrusive, Federal oversight of State administration is neither necessary nor desirable.

(d) When undertaking to formulate and implement policies that have federalism implications, Executive departments and agencies shall:

(1) Encourage States to develop their own policies to achieve program objectives and to work with appropriate officials in other States.

(2) Refrain, to the maximum extent possible, from establishing uniform, national standards for programs and, when possible, defer to the States to establish standards.

(3) When national standards are required, consult with appropriate officials and organizations representing the States in developing those standards.

Sec. 4. Special Requirements for Preemption. (a) To the extent permitted by law, Executive departments and agencies shall construe, in regulations and otherwise, a Federal statute to preempt State law only when the statute contains an express preemption provision or there is some other firm and palpable evidence compelling the conclusion that the Congress intended preemption of State law, or when the exercise of State authority directly conflicts with the exercise of Federal authority under the Federal statute.

(b) Where a Federal statute does not preempt State law (as addressed in subsection (a) of this section), Executive departments and agencies shall construe any authorization in the statute for the issuance of regulations as authorizing preemption of State law by rule-making only when the statute expressly authorizes issuance of preemptive

regulations or there is some other firm and palpable evidence compelling the conclusion that the Congress intended to delegate to the department or agency the authority to issue regulations preempting State law.

(c) Any regulatory preemption of State law shall be restricted to the minimum level necessary to achieve the objectives of the statute pursuant to which the regulations are promulgated.

(d) As soon as an Executive department or agency foresees the possibility of a conflict between State law and Federally protected interests within its area of regulatory responsibility, the department or agency shall consult, to the extent practicable, with appropriate officials and organizations representing the States in an effort to avoid such a conflict.

(e) When an Executive department or agency proposes to act through adjudication or rule-making to preempt State law, the department or agency shall provide all affected States notice and an opportunity for appropriate participation in the proceedings.

Sec. 5. Special Requirements for Legislative Proposals. Executive departments and agencies shall not submit to the Congress legislation that would:

(a) Directly regulate the States in ways that would interfere with functions essential to the States' separate and independent existence or operate to directly displace the States' freedom to structure integral operations in areas of traditional governmental functions;

(b) Attach to Federal grants conditions that are not directly related to the purpose of the grant; or

(c) Preempt State law, unless preemption is consistent with the fundamental federalism principles set forth in section 2, and unless a clearly legitimate national purpose, consistent with the federalism policymaking criteria set forth in section 3, cannot otherwise be met.

Sec. 6. Agency Implementation. (a) The head of each Executive department and agency shall designate an official to be responsible for ensuring the implementation of this Order.

(b) In addition to whatever other actions the designated official may take to ensure implementation of this Order, the designated official shall determine which proposed policies have sufficient federalism implications to warrant the preparation of a Federalism Assessment. With respect to each such policy for which an affirmative determination is made, a Federalism Assessment, as described in subsection (c) of this section, shall be prepared. The department or agency head shall consider any such Assessment in all decisions involved in promulgating and implementing the policy.

(c) Each Federalism Assessment shall accompany any submission concerning the policy that is made to the Office of Management and Budget pursuant to Executive Order No. 12291 or OMB Circular No. A-19, and shall:

(1) Contain the designated official's certification that the policy has been assessed in light of the principles, criteria, and requirements stated in sections 2 through 5 of this Order;

(2) Identify any provision or element of the policy that is inconsistent with the principles, criteria, and requirements stated in sections 2 through 5 of this Order;

(3) Identify the extent to which the policy imposes additional costs or burdens on the States, including the likely source of funding for the States and the ability of the States to fulfill the purposes of the policy; and

(4) Identify the extent to which the policy would affect the States' ability to discharge traditional State governmental functions, or other aspects of State sovereignty.

Sec. 7. Government-wide Federalism Coordination and Review. (a) In implementing Executive Order Nos. 12291 and 12498 and OMB Circular No. A-19, the

Office of Management and Budget, to the extent permitted by law and consistent with the provisions of those authorities, shall take action to ensure that the policies of the Executive departments and agencies are consistent with the principles, criteria, and requirements stated in sections 2 through 5 of this Order.

(b) In submissions to the Office of Management and Budget pursuant to Executive Order No. 12291 and OMB Circular No. A-19, Executive departments and agencies shall identify proposed regulatory and statutory provisions that have significant federalism implications and shall address any substantial federalism concerns. Where the departments or agencies deem it appropriate, substantial federalism concerns should also be addressed in notices of proposed rule-making and messages transmitting legislative proposals to the Congress.

Sec. 8. Judicial Review. This Order is intended only to improve the internal management of the Executive branch, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

RONALD REAGAN

THE WHITE HOUSE,
October 26, 1987.

No. 12630

March 15, 1988, 53 F.R. 8859

**Governmental Actions and Interference with
Constitutionally Protected Property Rights**

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to ensure that government actions are undertaken on a well-reasoned basis with due regard for fiscal accountability, for the financial impact of the obligations imposed on the Federal government by the Just Compensation Clause of the Fifth Amendment, and for the Constitution, it is hereby ordered as follows:

Section 1. Purpose. (a) The Fifth Amendment of the United States Constitution provides that private property shall not be taken for public use without just compensation. Government historically has used the formal exercise of the power of eminent domain, which provides orderly processes for paying just compensation, to acquire private property for public use. Recent Supreme Court decisions, however, in reaffirming the fundamental protection of private property rights provided by the Fifth Amendment and in assessing the nature of governmental actions that have an impact on constitutionally protected property rights, have also reaffirmed that governmental actions that do not formally invoke the condemnation power, including regulations, may result in a taking for which just compensation is required.

(b) Responsible fiscal management and fundamental principles of good government require that government decision-makers evaluate carefully the effect of their administrative, regulatory, and legislative actions on constitutionally protected property rights. Executive departments and agencies should review their actions carefully to prevent unnecessary takings and should account in decision-making for those takings that are necessitated by statutory mandate.

(c) The purpose of this Order is to assist Federal departments and agencies in undertaking such reviews and in proposing, planning, and implementing actions with due regard for the constitutional protections provided for by the Fifth Amendment and to reduce the risk of undue or inadvertent burdens on the public fisc resulting from lawful governmental action. In furtherance of the purpose of this Order, the Attorney General shall, consistent with the principles stated herein and in consultation with the Executive departments and agencies, promulgate Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings to which each Executive department or agency shall refer in making the evaluations required by this Order or in otherwise taking any action that is the subject of this Order. The Guidelines shall be promulgated no later than May 1, 1988, and shall be disseminated to all units of each Executive department and agency no later than July 1, 1988. The Attorney General shall, as necessary, update these guidelines to reflect fundamental changes in takings law occurring as a result of Supreme Court decisions.

Sec. 2. Definitions. For the purpose of this Order: (a) "Policies that have takings implications" refers to Federal regulations, proposed Federal regulations, proposed Federal legislation, comments on proposed Federal legislation, or other Federal policy statements that, if implemented or enacted, could effect a taking, such as rules and regulations that propose or implement licensing, permitting, or other condition requirements or limitations on private property use, or that require dedications or exactions from owners of private property. "Policies that have takings implications" does not include:

(1) Actions abolishing regulations, discontinuing governmental programs, or modifying regulations in a manner that lessens interference with the use of private property;

(2) Actions taken with respect to properties held in trust by the United States or in preparation for or during treaty negotiations with foreign nations;

(3) Law enforcement actions involving seizure, for violations of law, of property for forfeiture or as evidence in criminal proceedings;

(4) Studies or similar efforts or planning activities;

(5) Communications between Federal agencies or departments and State or local land-use planning agencies regarding planned or proposed State or local actions regulating private property regardless of whether such communications are initiated by a Federal agency or department or are undertaken in response to an invitation by the State or local authority;

(6) The placement of military facilities or military activities involving the use of Federal property alone; or

(7) Any military or foreign affairs functions (including procurement functions thereunder) but not including the U.S. Army Corps of Engineers civil works program.

(b) Private property refers to all property protected by the Just Compensation Clause of the Fifth Amendment.

(c) "Actions" refers to proposed Federal regulations, proposed Federal legislation, comments on proposed Federal legislation, applications of Federal regulations to specific property, or Federal governmental actions physically invading or occupying private property, or other policy statements or actions related to Federal regulation or direct physical invasion or occupancy, but does not include:

(1) Actions in which the power of eminent domain is formally exercised;

(2) Actions taken with respect to properties held in trust by the United States or in preparation for or during treaty negotiations with foreign nations;

(3) Law enforcement actions involving seizure, for violations of law, of property for forfeiture or as evidence in criminal proceedings;

(4) Studies or similar efforts or planning activities;

(5) Communications between Federal agencies or departments and State or local land-use planning agencies regarding planned or proposed State or local actions regulating private property regardless of whether such communications are initiated by a Federal agency or department or are undertaken in response to an invitation by the State or local authority;

(6) The placement of military facilities or military activities involving the use of Federal property alone; or

(7) Any military or foreign affairs function (including procurement functions thereunder), but not including the U.S. Army Corps of Engineers civil works program.

Sec. 3. General Principles. In formulating or implementing policies that have takings implications, each Executive department and agency shall be guided by the following general principles:

(a) Governmental officials should be sensitive to, anticipate, and account for, the obligations imposed by the Just Compensation Clause of the Fifth Amendment in planning and carrying out governmental actions so that they do not result in the imposition of unanticipated or undue additional burdens on the public fisc.

(b) Actions undertaken by governmental officials that result in a physical invasion or occupancy of private property, and regulations imposed on private property that substantially affect its value or use, may constitute a taking of property. Further, governmental action may amount to a taking even though the action results in less than a

complete deprivation of all use and value, or of all separate and distinct interests in the same private property and even if the action constituting a taking is temporary in nature.

(c) Government officials whose actions are taken specifically for purposes of protecting public health and safety are ordinarily given broader latitude by courts before their actions are considered to be takings. However, the mere assertion of a public health and safety purpose is insufficient to avoid a taking. Actions to which this Order applies asserted to be for the protection of public health and safety, therefore, should be undertaken only in response to real and substantial threats to public health and safety, be designed to advance significantly the health and safety purpose, and be no greater than is necessary to achieve the health and safety purpose.

(d) While normal governmental processes do not ordinarily effect takings, undue delays in decision-making during which private property use is interfered with carry a risk of being held to be a taking. Additionally, a delay in processing may increase significantly the size of compensation due if a taking is later found to have occurred.

(e) The Just Compensation Clause is self-actuating, requiring that compensation be paid whenever governmental action results in a taking of private property regardless of whether the underlying authority for the action contemplated a taking or authorized the payment of compensation. Accordingly, governmental actions that may have a significant impact on the use or value of private property should be scrutinized to avoid undue or unplanned burdens on the public fisc.

Sec. 4. Department and Agency Action. In addition to the fundamental principles set forth in Section 3, Executive departments and agencies shall adhere, to the extent permitted by law, to the following criteria when implementing policies that have takings implications:

(a) When an Executive department or agency requires a private party to obtain a permit in order to undertake a specific use of, or action with respect to, private property, any conditions imposed on the granting of a permit shall:

- (1) Serve the same purpose that would have been served by a prohibition of the use or action; and
- (2) Substantially advance that purpose.

(b) When a proposed action would place a restriction on a use of private property, the restriction imposed on the use shall not be disproportionate to the extent to which the use contributes to the overall problem that the restriction is imposed to redress.

(c) When a proposed action involves a permitting process or any other decision-making process that will interfere with, or otherwise prohibit, the use of private property pending the completion of the process, the duration of the process shall be kept to the minimum necessary.

(d) Before undertaking any proposed action regulating private property use for the protection of public health or safety, the Executive department or agency involved shall, in internal deliberative documents and any submissions to the Director of the Office of Management and Budget that are required:

(1) Identify clearly, with as much specificity as possible, the public health or safety risk created by the private property use that is the subject of the proposed action;

(2) Establish that such proposed action substantially advances the purpose of protecting public health and safety against the specifically identified risk;

(3) Establish to the extent possible that the restrictions imposed on the private property are not disproportionate to the extent to which the use contributes to the overall risk; and

(4) Estimate, to the extent possible, the potential cost to the government in the event that a court later determines that the action constituted a taking.

In instances in which there is an immediate threat to health and safety that constitutes an emergency requiring immediate response, this analysis may be done upon completion of the emergency action.

Sec. 5. Executive Department and Agency Implementation. (a) The head of each Executive department and agency shall designate an official to be responsible for ensuring compliance with this Order with respect to the actions of that department or agency.

(b) Executive departments and agencies shall, to the extent permitted by law, identify the takings implications of proposed regulatory actions and address the merits of those actions in light of the identified takings implications, if any, in all required submissions made to the Office of Management and Budget. Significant takings implications should also be identified and discussed in notices of proposed rule-making and messages transmitting legislative proposals to the Congress, stating the departments' and agencies' conclusions on the takings issues.

(c) Executive departments and agencies shall identify each existing Federal rule and regulation against which a takings award has been made or against which a takings claim is pending including the amount of each claim or award. A "takings" award has been made or a "takings" claim pending if the award was made, or the pending claim brought, pursuant to the Just Compensation Clause of the Fifth Amendment. An itemized compilation of all such awards made in Fiscal Years 1985, 1986, and 1987 and all such pending claims shall be submitted to the Director, Office of Management and Budget, on or before May 16, 1988.

(d) Each Executive department and agency shall submit annually to the Director, Office of Management and Budget, and to the Attorney General an itemized compilation of all awards of just compensation entered against the United States for takings, including awards of interest as well as monies paid pursuant to the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601.

(e)(1) The Director, Office of Management and Budget, and the Attorney General shall each, to the extent permitted by law, take action to ensure that the policies of the Executive departments and agencies are consistent with the principles, criteria, and requirements stated in Sections 1 through 5 of this Order, and the Office of Management and Budget shall take action to ensure that all takings awards levied against agencies are properly accounted for in agency budget submissions.

(2) In addition to the guidelines required by Section 1 of this Order, the Attorney General shall, in consultation with each Executive department and agency to which this Order applies, promulgate such supplemental guidelines as may be appropriate to the specific obligations of that department or agency.

Sec. 6. Judicial Review. This Order is intended only to improve the internal management of the Executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

RONALD REAGAN

THE WHITE HOUSE,
March 15, 1988.

No. 12737

December 12, 1990, 55 F.R. 51681

President's Commission on Environmental Quality

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), an advisory committee on environmental quality, it is hereby ordered as follows:

Section 1. Establishment. There is established the President's Commission on Environmental Quality ("Commission"). The Commission shall comprise not more than 25 members to be appointed by the President. One of the members shall be the Chairman of the Council on Environmental Quality. The remaining members shall be individuals from the private sector who have experience in various aspects of environmental and natural resources matters. The Chairman of the Council on Environmental Quality shall serve as Chairman of the Commission and shall report directly to the President.

Sec. 2. Function. (a) The Commission, through the Chairman, shall advise the President on matters involving environmental quality.

(b) The Chairman may, from time to time, invite experts to submit information to the Commission and may direct the members to investigate and report to the Commission on specific environmental issues of national consequence.

Sec. 3. Administration. (a) The heads of executive agencies shall, to the extent permitted by law, provide to the Commission such information with respect to environmental and natural resources matters as the Commission requires for the purpose of carrying out its functions.

(b) Members of the Commission shall serve without any compensation for their work on the Commission. However, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701-5707).

(c) Any expenses of the Commission shall be paid from the funds available for the expenses of the Council on Environmental Quality.

(d) The Office of Administration shall, on a reimbursable basis, provide such administrative services as may be required.

Sec. 4. General. Notwithstanding any other Executive order, the functions of the President under the Federal Advisory Committee Act, as amended, except that of reporting to the Congress, which are applicable to the Commission, shall be performed by the Council on Environmental Quality in accord with the guidelines and procedures established by the Administrator of General Services.

GEORGE BUSH

THE WHITE HOUSE,
December 12, 1990.

No. 12759

April 17, 1991, 56 F.R. 16257

Federal Energy Management

By the authority bested in me as President by the Constitution and the laws of the United States of America, including the Energy Policy and Conservation Act, as amended (Public Law 94-163, 89 Stat. 871, 42 U.S.C. 6201 *et seq.*), the Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 1901 *et seq.*), section 205(a) of the Federal Property and Administrative Services Act, as amended (40 U.S.C. 486(a)), and section 301 of the title 3 of the United States Code, it is hereby ordered as follows:

Section 1. *Federal Energy Efficiency Goals for Buildings.* Each agency shall develop and implement a plan to meet the 1995 energy management goals of the National Energy Conservation Policy Act, as amended, 42 U.S.C. 8251 *et seq.*, and by the year 2000 reduce overall energy use if Btu's per gross square foot of the Federal buildings it operates, taking into account utilization, by 20 percent from 1985 energy use levels, to the extent that these measures minimize life cycle costs and are cost-effective in accordance with 10 CFR Part 436.

Sec. 2. *Federal Energy Efficiency Goals for Other Facilities.* Each agency will prescribe policies under which its industrial facilities in the aggregate increase energy efficiency by at least 20 percent in fiscal year 2000 in comparison to fiscal year 1985, to the extent that these measures minimize life cycle costs and are cost-effective in accordance with 10 CFR Part 436. Each agency shall establish appropriate indicators of energy efficiency to comply with this section.

Sec. 3. *Minimization of Petroleum Use in Federal Facilities.* Each agency using petroleum products for facilities operations or building purposes shall seek to minimize such use through switching to an alternative energy source if it is estimated to minimize life cycle costs and which will not violate Federal, State, or local clean air standards. In addition, each agency shall survey its buildings and facilities to determine where the potential for a dual fuel capability exists and shall provide dual fuel capability where practicable.

Sec. 4. *Implementation Strategies.* (a) Except as provided by paragraph (b) and (c) if this section, each agency shall adopt an implementation strategy, consistent with the provisions of this order, to achieve the goals established in sections 1, 2, and 3. That strategy should include, but not be limited to, changes in procurement practices, acquisition of real property, participation in demand side management services and shared savings agreements offered by private firms, and investment in energy efficiency measures. The mix and balance among such measures shall be established in a manner most suitable to the available resources and particular circumstances in each agency.

(b) The Secretary of Defense may, if he determines it to be in the national interest, issue regulations exempting from compliance with the requirements of this order, any weapons, equipment, aircraft, vehicles, or other classes or categories of real or personal property which are owned or operated by the Armed Forces of the United States (including the Coast Guard) or by the National Guard of any State and which are uniquely military in nature.

(c) The Secretary of the Treasury and the Attorney General, consistent with their protective and law enforcement responsibilities, shall determine the extent to which the requirements of this order shall apply to the protective and law enforcement activities of the respective agencies.

Sec. 5. *Procurement of Energy Efficient Goods and Products.* In order to assure the purchase of energy efficient goods and products, each agency shall select for procurement those energy consuming goods or products which are the most life cycle cost-effective, pursuant to the requirements of the *Federal Acquisition Regulation*. The extent practicable, each agency shall require vendor of goods to provide appropriate data that can be used to assess the life cycle costs of each good or product, including building energy system components, lighting systems, office equipment, and other energy using equipment.

Sec. 6. *Participation of Energy Efficient Goods and Products.* Each agency shall review its procedures used to acquire utility and other related services, and to the extent practicable and consistent with its strategy established pursuant to section 4, remove any impediments to receiving, utilizing, and taking demand side management services, incentives, and rebates offered by utilities and other private sector energy service providers.

Sec. 7. *Energy Efficiency Requirement for Current Federal Building Space.* Each agency occupying space in Federal buildings shall implement the applicable rules and regulations regarding Federal property and energy management.

Sec. 8. *Energy Efficiency Requirements for Newly Constructed Federal Buildings.* Each agency responsible for the construction of a new Federal building shall ensure that the building is designed and constructed to comply with the energy performance standards applicable to Federal residential and commercial buildings as set forth in 10 CFR Part 435. Each agency shall establish certification procedures to implement this requirement.

Sec. 9. *Vehicle Fuel Efficiency Outreach Programs.* Each agency shall implement outreach programs including, but not limited to, ride sharing and employee awareness programs to reduce the petroleum fuel usage by Federal employees at Government-owned contractor-operated facilities.

Sec. 10. *Federal Vehicle Fuel Efficiency.* Consistent with its mission requirements, each agency operating 300 or more commercially designed motor vehicles domestically shall develop a plan to reduce motor vehicle gasoline and diesel consumptions by at least 10 percent by 1995 in comparison with fiscal year 1991. The Administrator of General Services, in consultation with the Secretary of Energy, shall issue appropriate guidance to assist agencies in meeting this goal. This guidance shall include guidance concerning vehicles to be covered, the use of alternative/blended fuels, initiatives to improve fuel efficiency of the existing fleet, the use of modified energy life cycle coasting consistent with life cycle costing methods in 10 CFR 436, and limitations on vehicle type and engine size to be to be acquired. Each agency electing to use alternative fuel motor vehicles shall receive credit for such use.

Sec. 11. *Procurement of Alternative Fueled Vehicles.* The Secretary of Energy, with the cooperation of other appropriate agencies, and consistent with other Federal law, shall ensure that the maximum number practicable of vehicles acquired annually are alternative fuel vehicles as required by the Alternative Motor Fuels Act of 1988 (42 U.S.C. 6374.) Subject to availability of appropriations for this purpose, the maximum number practicable of alternative fuel vehicles produced by original equipment vehicle manufacturers shall be acquired by the end of model year 1995.

Sec. 12. *Federal Funding.* Within approved agency budget totals, each agency head shall work to achieve the goals set forth in this order. To the extent that available resources fall short of requirements, agency heads shall rank energy efficiency investments in descending order of the savings-to-investment ratios, or their adjusted internal rate of return to establish priority.

Sec. 13. *Annual Reports.* The head of each agency shall report annually to the secretary of Energy, in a format specified by the Secretary after consultation with the heads of affected agencies, on progress in achieving the goals of this Executive order with respect to Federal buildings, facilities, and vehicles subject to this order. The Secretary of Energy will prepare a consolidated report to the President annually on the implementation of this order.

Sec. 14. *Definitions.* For the purpose of this order—

(a) the term “energy use” means the energy that is used at a building or facility and measured in terms of energy delivered to the building or facility;

(b) the term “Federal building” means any building in the United States which is controlled by the Federal Government for its use.

GEORGE BUSH

THE WHITE HOUSE

April 17, 1991.

No. 12777

October 18, 1991, 56 F.R. 54757

IMPLEMENTATION OF SECTION 311 OF THE FEDERAL WATER POLLUTION CONTROL ACT OF OCTOBER 18, 1972, AS AMENDED, AND THE OIL POLLUTION ACT OF 1990

By the authority vested in me as President by the Constitution and the laws of the United States of America, including Section 311 of the Federal Water Pollution Control Act, ("FWPCA") (33 U.S.C. 1321), as amended by the Oil Pollution Act of 1990 (Public Law 101-380) ("OPA"), and by Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. National Contingency Plan. Area Committees and Area Contingency Plans. (a) section 1 of Executive Order No. 12580¹ of January 23, 1987, is amended to read as follows:

"Section 1. National Contingency Plan. (a)(l) The National Contingency Plan ("the NPC"), shall provide for a National Response Team ("the NRT") composed of representatives of appropriate Federal departments and agencies for national planning and coordination of preparedness and response actions, and Regional Response Teams as the regional counterparts of the NRT for planning and coordination of regional preparedness and response actions.

"(2) The following agencies (in addition to other appropriate agencies) shall provide representatives to the National and Regional Response Teams to carry out their responsibilities under the NCP: Department of state, Department of Defense, Department of Justice, Department of the Interior, Department of Agriculture, Department of Commerce, Department of Labor, Department of Health and Human Services, Department of Transportation, Department of Energy, Environmental Protection Agency, Federal Emergency Management Agency, United states Coast Guard, and the Nuclear Regulatory Commission.

"(3) Except for periods of activation because of response action, the representative of the Environmental Protection Agency ("EPA") shall be the chairman, and the representative of the United states Coast Guard shall be the vice chairman, of the NRT and these agencies' representatives shall be co-chairs of the Regional Response Teams ("the RRTs"). When the NRT or an RRT is activated for a response action, the EPA representative shall be the chairman when the release or threatened release or discharge or threatened discharge occurs in the inland zone, and the United States Coast Guard representative shall be the chairman when the release or threatened release or discharge or threatened discharge occurs in the coastal zone, unless otherwise agreed upon by the EPA and the United States Coast Guard representatives (inland and coastal zones are defined in the NCP).

"(4) The RRTs may include representatives from State governments, local governments (as agreed upon by the states), and Indian tribal governments. Subject to the functions and authorities delegated to Executive departments and agencies in other sections of this order, the NRT shall provide policy and program direction to the RRTs.

"(b)(1) The responsibility for the revision of the NCP and all the other functions vested in the President by sections 105(a), (b), (c), and (g), 125, and 301(f) of the Act, by section 311(d) (1) of the Federal Water Pollution Control Act, and by Section 4201(c) of the Oil Pollution Act of 1990 is delegated to the Administrator of the Environmental Protection Agency ("the Administrator").

“(2) The function vested in the President by section 118(p) of the Superfund Amendments and Reauthorization Act of 1986 (Pub. L. 99-499) (“SARA”) is delegated to the Administrator.

“(c) In accord with Section 107(f)(2)(A) of the Act, section 311(f)(5) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(f)(5)) and Section 1006(b)(1) and (2) of the Oil Pollution Act of 1990, the following shall be among those designated in the NCP as Federal trustees for natural resources:

- (1) Secretary of Defense;
- (2) Secretary of the Interior;
- (3) Secretary of Agriculture;
- (4) Secretary of Commerce;
- (5) Secretary of Energy.

In the event of a spill, the above named Federal trustees for natural resources shall designate one trustee to act as Lead Administrative Trustee, the duties of which shall be defined in the regulations promulgated pursuant to Section 1006(e)(1) of OPA. If there are natural resource trustees other than those designated above which are acting in the event of a spill, those other trustees may join with the Federal trustees to name a Lead Administrative Trustee which shall exercise the duties defined in the regulations promulgated pursuant to Section 1006(e)(1) of OPA.

“(d) Revisions to the NCP shall be made in consultation with members of the NRT prior to publication for notice and comment.

“(e) All revisions to the NCP, whether in proposed or final form, shall be subject to review and approval by the Director or the Office of Management and Budget (“OMB”).”

(b) The functions vested in the President by Section 311(j)(4) of FWPCA, and Section 4202(b) (1) of OPA, respecting the designation of Areas, the appointment of Area Committee members, the requiring of information to be included in Area Contingency Plans, and the review and approval of Area Contingency Plans are delegated to the Administrator of the Environmental Protection Agency (“Administrator”) for the inland zone and the secretary of the Department in which the Coast Guard is operating for the coastal zone (inland and coastal zones are defined in the NCP).

Sec. 2. National Response System. (a) The functions vested in the President by section 311(j)(1)(A) of FWPCA, respecting the establishment of methods and procedures for the removal of discharged oil and hazardous substances, and by Section 311(j)(1)(B) of FWPCA respecting the establishment of criteria for the development and implementation of local and regional oil and hazardous substance removal contingency plans, are delegated to the Administrator for the inland zone and the Secretary of the Department in which the Coast Guard is operating for the coastal zone.

(b)(l) The functions vested in the President by Section 311(j)(1)(C) of FWPCA, respecting the establishment of procedures, methods, and equipment and other requirements for equipment to prevent and to contain discharges of oil and hazardous substances from non-transportation-related onshore facilities, are delegated to the Administrator.

(2) The functions vested in the President by Section 311(j)(1)(C) of FWPCA, respecting the establishment of procedures, methods, and equipment and other requirements for equipment to prevent and to contain discharges of oil and hazardous substances from vessels and transportation-related onshore facilities and deepwater ports subject to the Deepwater Ports Act of 1974 (“DPA”), are delegated to the Secretary of Transportation.

(3) The functions vested in the President by Section 311(j)(1)(C) of FWPCA, respecting the establishment of procedures, methods, and equipment and other requirements for equipment to prevent and to contain discharges of oil and hazardous

substances from offshore facilities, including associated pipelines, other than deepwater ports subject to the DPA, are delegated to the Secretary of the Interior.

(c) The functions vested in the President by section 311 (j)(1)(D) of FWPCA, respecting the inspection of vessels carrying cargoes of oil and hazardous substances and the inspection of such cargoes, are delegated to the secretary of the Department in which the Coast Guard is operating.

(d)(1) The functions vested in the President by Section 311(j)(5) of FWPCA and Section 4202(b)(4) of OPA, respecting the issuance of regulations requiring the owners or operators of non-transportation-related onshore facilities to 'prepare and submit response plans, the approval of means to ensure the availability of private personnel and equipment, the review and approval of such response plans, and the authorization of non-transportation-related onshore facilities to operate without approved response plans, are delegated to the Administrator.

(2) The functions vested in the President by Section 311(j)(5) of FWPCA and Section 4202(b) (4) of OPA, respecting the issuance of regulations requiring the owners or operators of tank vessels, transportation-related onshore facilities and deepwater ports subject to the OPA, to prepare and submit response plans, the approval of means to ensure the availability of private personnel and equipment, the review and approval of such response plans, and the authorization of tank vessels, transportation-related onshore facilities and deepwater ports subject to the DPA to operate without approved response plans are delegated to the Secretary of Transportation.

(3) The functions vested in the President by Section 311(j)(5) of FWPCA and Section 4202(b) (4) of OPA, respecting the issuance of regulations requiring the owners or operators of offshore facilities, including associated pipelines, other than deepwater ports subject to the DPA, to prepare and submit response plans, the approval of means to ensure the availability of private personnel and equipment, the review and approval of such response plans, and the authorization of offshore facilities, including associated pipelines, other than deepwater ports subject to the DPA, to operate without approved response plans, are delegated to the Secretary of the Interior.

(e)(1) The functions vested in the President by Section 311(j)(6)(A) of FWPCA, respecting the requirements for periodic inspections of containment booms and equipment used to remove discharges at non-transportation-related onshore facilities, are delegated to the Administrator.

(2) The functions vested in the President by section 311(j) (6) (A) of FWPCA, respecting the requirements for periodic inspections of containment booms and equipment used to remove discharges on vessels, and at transportation-related onshore facilities and deepwater ports subject to the CPA, are delegated to the Secretary of Transportation.

(3) The functions vested in the President by Section 311(j)(6)(A) of FWPCA, respecting the requirements for periodic inspections of containment booms and equipment used to remove discharges at offshore facilities, including associated pipelines, other than deepwater ports subject to the DPA, are delegated to the Secretary of the Interior.

(f) The functions vested in the President by section 311(j)(6)(B) of FWPCA, respecting requirements for vessels to carry appropriate removal equipment, are delegated to the Secretary of the Department in which the Coast Guard is operating.

(g) (1) The functions vested in the President by section 311(j)(7) of FWPCA, respecting periodic drills of removal capability under relevant response plans for onshore and offshore facilities located in the inland zone, and the publishing of annual reports on those drills, are delegated to the Administrator.

(2) The functions vested in the President by Section 311(j)(7) of FWPCA, respecting periodic drills of removal capability under relevant response plans for tank vessels, and for onshore and offshore facilities located in the coastal zone, and the publishing of

annual reports on those drills, are delegated to the Secretary of the Department in which the Coast Guard is operating.

(h) No provision of Section 2 of this order, including, but not limited to, any delegation or assignment of any function hereunder, shall in any way affect, or be construed or interpreted to affect the authority of any Department or agency, or the head of any Department or agency under any provision of law other than Section 311(j) of FWPCA or section 4202(b) (4) of OPA.

(i) The functions vested in the President by Section 311(j) of FWPCA or Section 4202(b)(4) of OPA which have been delegated or assigned by Section 2 of this order may be redelegated to the head of any Executive department or agency with his or her consent.

Sec. 3. Removal. The functions vested in the President by Section 311(c) of FWPCA and Section 1011 of OPA, respecting an effective and immediate removal or arrangement for removal of a discharge and mitigation or prevention of a substantial threat of a discharge of oil or a hazardous substance, the direction and monitoring of all Federal, State and private actions, the removal and destruction of a vessel, the issuance of directions, consulting with affected trustees, and removal completion determinations, are delegated to the Administrator for the inland zone and to the Secretary of the Department in which the Coast Guard is operating for the coastal zone.

Sec. 4. Liability Limit Adjustment. (a) The functions vested in the President by Section 1004(d) of OPA, respecting the establishment of limits of liability, with respect to classes or categories of non-transportation-related onshore facilities, the reporting to Congress on the desirability of adjusting limits of liability with respect to non-transportation-related onshore facilities, and the adjustment of limits of liability to reflect significant increases in the Consumer Price Index with respect to non-transportation-related onshore facilities, are delegated to the Administrator, acting in consultation with the secretary of Transportation, the Secretary of Energy, and the Attorney General.

(b) The functions vested in the President by Section 1004(d) of OPA, respecting the establishment of limits of liability, with respect to classes or categories of transportation-related onshore facilities, the reporting to Congress on the desirability of adjusting limits of liability, with respect to vessels or transportation-related onshore facilities and deepwater ports subject to the DPA, and the adjustment of limits of liability to reflect significant increases in the Consumer Price Index with respect to vessels or transportation-related onshore facilities and deepwater ports subject to the DPA, are delegated to the Secretary of Transportation.

(c) The functions vested in the President by Section 1004(d) of OPA, respecting the reporting to Congress on the desirability of adjusting limits of liability with respect to offshore facilities, including associated pipelines, other than deepwater ports subject to the DPA, and the adjustment of limits of liability to reflect significant increases in the Consumer Price Index with respect to offshore facilities, including associated pipelines, other than deepwater ports subject to the DPA, are delegated to the Secretary of the Interior.

Sec. 5. Financial Responsibility. (a)(1) The functions vested in the President by Section 1016(e) of OPA, respecting (in the case of offshore facilities other than deepwater ports) the issuance of regulations concerning financial responsibility, the determination of acceptable methods of financial responsibility, and the specification of necessary or unacceptable terms, conditions, or defenses, are delegated to the Secretary of the Interior.

(2) The functions vested in the President by Section 1016(e) of OPA, respecting (in the case of deepwater ports) the issuance of regulations concerning financial responsibility, the determination of acceptable methods of financial responsibility, and the specification of necessary or unacceptable terms, conditions, or defenses, are delegated to the Secretary of Transportation.

(b)(1) The functions vested in the President by Section 4303 of OPA, respecting (in cases involving vessels) the assessment of civil penalties, the compromising, modification or remission, with or without condition, and the referral for collection of such imposed penalties, and requests to the Attorney General to secure necessary judicial relief, are delegated to the Secretary of the Department in which the Coast Guard is operating.

(2) The functions vested in the president by section 4303 of OPA, respecting (in cases involving offshore facilities other than deepwater ports) the assessment of civil penalties, the compromising, modification or remission, with or without condition, and the referral for collection of such imposed penalties, and requests to the Attorney General to secure necessary judicial relief, are delegated to the Secretary of the Interior.

(3) The functions vested in the President by section 4303 of OPA, respecting (in cases involving deepwater ports) the assessment of civil penalties, the compromising, modification or remission, with or without condition, and the referral for collection of such imposed penalties, and requests to the Attorney General to secure necessary judicial relief, are delegated to the secretary of Transportation.

Sec. 6. Enforcement. (a) The functions vested in the President by Section 311(m) (1) of PWPCA, respecting the enforcement of Section 311 with respect to vessels, are delegated to the Secretary of the Department in which the Coast Guard is operating.

(b) The functions vested in the President by Section 311(e) of FWPCA, respecting determinations of imminent and substantial threat, requesting the Attorney General to secure judicial relief, and other action including issuing administrative orders, are delegated to the Administrator for the inland zone and to the Secretary of the Department in which the Coast Guard is operating for the coastal zone.

Sec. 7. Management of the Oil Spill Liability Trust Fund and Claims. (a)(1)(A) The functions vested in the President by Section 1012(a) (1), (3), and (4) of OPA respecting payment of removal costs and claims and determining consistency with the National Contingency Plan (NCP) are delegated to the Secretary of the Department in which the Coast Guard is operating.

(B) The functions vested in the President by Section 6002(b) of the OPA respecting making amounts, not to exceed \$50,000,000 and subject to normal budget controls, in any fiscal year, available from the Fund (i) to carry out Section 311(c) of FWPCA, and (ii) to initiate the assessment of natural resources damages required under section 1006 of OPA are delegated to the Secretary of the Department in which the Coast Guard is operating. Such Secretary shall make amounts available from the Fund to initiate the assessment of natural resources damages exclusively to the Federal trustees designated in the NCP. Such Federal trustees shall allocate such amounts among all trustees required to assess natural resources damages under Section 1006 of OPA.

(2) The functions vested in the President by Section 1012(a)(2) of OPA, respecting the payment of costs and determining consistency with the NCP, are delegated to the Federal trustees designated in the NCP.

(3) The functions vested in the President by Section 1012(a)(5) of OPA, respecting the payment of costs and expenses of departments and agencies having responsibility for the implementation, administration, and enforcement of the Oil Pollution Act of 1990 and subsections (b), (c), (d), (j) and (1) of section 311 of FWPCA, are delegated to each head of such department and agency.

(b) The functions vested in the President by Section 1012(c) of OPA, respecting designation of Federal officials who may obligate money, are delegated to each head of the departments and agencies to whom functions have been delegated under section 7(a) of this order for the purpose of carrying out such functions.

(c)(1) The functions vested in the President by Section 1012(d) and (e) of OPA, respecting the obligation of the Trust Fund on the request of a Governor or pursuant to

an agreement with a state, entrance into agreements with states, agreement upon terms and conditions, and the promulgation of regulations concerning such obligation and entrance into such agreement, are delegated to the Secretary of the Department in which the Coast Guard is operating, in consultation with the Administrator.

(2) The functions vested in the President by Section 1013(e) of OPA, respecting the promulgation and amendment of regulations for the presentation, filing, processing, settlement, and adjudication of claims under OPA against the Trust Fund, are delegated to the Secretary of the Department in which the Coast Guard is operating, in consultation with the Attorney General.

(3) The functions vested in the President by Section 1012(a) of OPA, respecting the payment of costs, damages, and claims, delegated herein to the Secretary of the Department in which the Coast Guard is operating, include, inter alia, the authority to process, settle, and administratively adjudicate such costs, damages, and claims, regardless of amount.

(d) (1) The Coast Guard is designated the "appropriate agency" for the purpose of receiving the notice of discharge of oil or hazardous substances required by Section 311(b)(5) of FWPCA:" and the Secretary of the Department in which the Coast Guard is operating is authorized to issue regulations implementing this designation.

(2) The functions vested in the President by Section 1014 of OPA, respecting designation of sources of discharges or threats, notification to responsible parties, promulgation of regulations respecting advertisements, the advertisement of designation, and notification of claims procedures, are delegated to the Secretary of the Department in which the Coast Guard is operating.

Sec. 8. Miscellaneous. (a) The functions vested in the President by Section 311(b) (3) and (4) of FWPCA, as amended by the Oil Pollution Act of 1990, respecting the determination of quantities of oil and any hazardous substances the discharge of which may be harmful to the public health or welfare or the environment and the determinations of quantities, time, locations, circumstances, or conditions which are not harmful, are delegated to the Administrator.

(b) The functions vested in the President by Section 311(d)(2) (G) of FWPCA, respecting schedules of dispersant, chemical, and other spill mitigating devices or substances, are delegated to the Administrator.

(c) The functions vested in the President by Section 1006(b) (3) and (4) of OPA respecting the receipt of designations of state and Indian tribe trustees for natural resources are delegated to the Administrator.

(d) The function vested in the President by Section 3004 of OPA, with respect to encouraging the development of an international inventory of equipment and personnel, is delegated to the Secretary of the Department of which the Coast Guard is operating, in consultation with the secretary of state.

(e) The functions vested in the President by Section 411 of OPA, respecting a study on the use of liners or other secondary means of containment for onshore facilities, and the implementation of the recommendations of the study, are delegated to the Administrator.

(f) The function vested in the President by Section 5002(c)(2)(D) of OPA, respecting the designating of an employee of the Federal Government who shall represent the Federal Government on the Oil Terminal Facilities and Oil Tanker Operations Associations, is delegated to the secretary of Transportation.

(g) The functions vested in the President by Section 5002(o) of OPA, respecting the annual certification of alternative voluntary advisory groups, are delegated to the Secretary of Transportation.

(h) The function vested in the President by Section 7001(a)(3) of OPA, respecting the appointment of Federal agencies to membership on the Interagency Coordinating Committee on Oil Pollution Research, is delegated to the Secretary of Transportation.

(i) Executive Order No. 11735 of August 3, 1973, Executive Order No. 12123 of February 26, 1979, Executive Order No. 12418² of May 5, 1983 and the memorandum of August 24, 1990, delegating certain authorities of the President under the Oil Pollution Act of 1990 are revoked.

Sec. 9. Consultation. Authorities and functions delegated or assigned by this order shall be exercised subject to consultation with the, Secretaries of departments and the heads, of agencies with statutory responsibilities which may be significantly affected; including, but not limited to, the Department of Justice.

Sec. 10. Litigation. (a) Notwithstanding any other provision of this order, any representation pursuant to or under this order in any judicial proceedings shall be by or through the Attorney General. The conduct and control of all litigation arising under the oil Pollution Act of 1990 shall be the responsibility of the Attorney General.

(b) Notwithstanding any other provision of this order, the authority under the Oil Pollution Act of 1990 to require the Attorney General to commence litigation is retained by the President.

(c) Notwithstanding any other provision of this order, the Secretaries of the Departments of Transportation, Commerce, Interior, Agriculture, and/or the Administrator of the Environmental Protection Agency may request that the Attorney General commence litigation under the Oil Pollution Act of 1990.

(d) The Attorney General, in his discretion, is authorized to require that, with respect to a particular oil spill, an agency refrain from taking administrative enforcement action without first consulting with the Attorney General.

GEORGE BUSH

THE WHITE HOUSE,
October 18, 1991.

1. 42 U.S.C.A. § 9615 nt.
2. 33 U.S.C.A. § 1321 nt,
3. 43 U.S.C.A. § 1811 nt.

No. 12780

October 31, 1991, 56 F.R. 56289

Federal Agency Recycling and the Council on Federal Recycling and Procurement Policy

WHEREAS, this Administration is determined to secure for future generations of Americans their rightful share of our Nation's natural resources, as well as a clean and healthful environment in which to enjoy them; and

WHEREAS, two goals of this Administration's environmental policy, cost-effective pollution prevention and the conservation of natural resources, can be significantly advanced by reducing waste and recycling the resources used by this generation of Americans; and

WHEREAS, the Federal Government, as one of the largest generators of solid waste, is able through cost-effective waste reduction and recycling resources to conserve local government disposal capacity; and

WHEREAS, the Federal Government, as the Nation's largest single consumer, is able through affirmative procurement practices to encourage the development of economically efficient markets for products manufactured with recycled materials;

NOW, THEREFORE, I, GEORGE BUSH, by the authority vested in me as President by the Constitution and the laws of the United States of America, including the Solid Waste Disposal Act, P.L. 89-272, 79 Stat. 997, as amended by the Resource Conservation and Recovery Act ("RCRA"), Public Law 94-580, 90 Stat. 2795 (1976), hereby order as follows:

PART 1 — PREAMBLE

Section 101. The purpose of this Executive order is to:

(a) Require that Federal agencies promote cost-effective waste reduction and recycling of reusable materials from wastes generated by Federal Government activities.

(b) Encourage economically efficient market demand for designated items produced using recovered materials by directing the immediate implementation of cost-effective Federal procurement preference programs favoring the purchase of such items.

(c) Provide a forum for the development and study of policy options and procurement practices that will promote environmentally sound and economically efficient waste reduction and recycling of our Nation's resources.

(d) Integrate cost-effective waste reduction and recycling programs into all Federal agency waste management programs in order to assist in addressing the Nation's solid waste disposal problems.

(e) Establish Federal Government leadership in addressing the need for efficient State and local solid waste management through implementation of environmentally sound and economically efficient recycling.

Sec. 102. Consistent with section 6002(c)(1) of RCRA (42 U.S.C. 6962(c)(1)), activities and operations of the executive branch shall be conducted in an environmentally responsible manner, and waste reduction and recycling opportunities shall be utilized to the maximum extent practicable, consistent with economic efficiency.

Sec. 103. Consistent with section 6002(c)(2) of RCRA (42 U.S.C. 6962(c)(2)), agencies that generate energy from fossil fuel in systems that have the technical capacity of using energy or fuels derived from solid waste as a primary or supplementary fuel shall use such capability to the maximum extent practicable.

PART 2 —DEFINITIONS

For purposes of this order:

Sec. 201. “Federal agency” means any department, agency, or other instrumentality of the executive branch.

Sec. 202. “Procurement” and “acquisition” are used interchangeably to refer to the processes through which Federal agencies purchase products.

Sec. 203. “Recovered materials” is used as defined in sections 1004(19) and 6002(h) of the Resource Conservation and Recovery Act (42 U.S.C. 6903(19) and 6962(h), as amended).

Sec. 204. “Recycling” means the diversion of materials from the solid waste stream and the beneficial use of such materials. Recycling is further defined as the result of a series of activities by which materials that would become or otherwise remain waste, are diverted from the solid waste stream by collection, separation and processing and are used as raw materials in the manufacture of goods sold or distributed in commerce or the reuse of such materials as substitutes for goods made of virgin materials.

Sec. 205. “Waste reduction” means any change in a process, operation, or activity that results in the economically efficient reduction in waste material per unit of production without reducing the value output of the process, operation, or activity, taking into account the health and environmental consequences of such change.

PART 3—SOLID WASTE RECYCLING PROGRAMS

Sec. 301. Recycling Programs. Each Federal agency that has not already done so shall initiate a program to promote cost-effective waste reduction and recycling of reusable materials in all of its operations and facilities. These programs shall foster (a) practices that reduce waste generation, and (b) the recycling of recyclable materials such as paper, plastic, metals, glass, used oil, lead acid batteries, and tires and the composting of organic materials such as yard waste. The recycling programs implemented pursuant to this section must be compatible with applicable State and local recycling requirements.

Sec. 302. Contractor Operated Facilities. Every contract that provides for contractor operation of a Government-owned or leased facility, awarded more than 210 days after the effective date of this Executive order, shall include provisions that obligate the contractor to comply with the requirements of this Part as fully as though the contractor were a Federal agency.

PART 4—VOLUNTARY STANDARDS

Sec. 401. Amendment of OMB Circular No. A-119. The Director of the Office of Management and Budget (“OMB”) shall amend, as appropriate, OMB Circular No. A-119, “Federal Participation in the Development and Use of Voluntary Standards,” to encourage Federal agencies to participate in the development of environmentally sound and economically efficient standards and to encourage Federal agency use of such standards.

PART 5 —PROCUREMENT OF RECOVERED MATERIALS

Sec. 501. Adoption of Affirmative Procurement Programs. Within 180 days after the effective date of this order, each Federal agency shall provide a report to the Administrator of the Environmental Protection Agency regarding the Agency's adoption of an affirmative procurement program; such programs are required by section 6002(i) of RCRA (42 U.S.C. 6962(i)). Within 1 year of the issuance of this order, the Administrator of the Environmental Protection Agency shall report to the President regarding the compliance of each Federal agency with this requirement.

Sec. 502. Annual Review of Affirmative Procurement Program. In accordance with section 6902(i) of RCRA (42 U.S.C. 6962(i)), each Federal agency shall review annually the effectiveness of its affirmative procurement program and shall provide a report regarding its findings to the Environmental Protection Agency and to the Office of Federal Procurement Policy, beginning with a report covering fiscal year 1992. Such report shall be transmitted by December 15 each year. Reports required by this section shall be made available to the public.

PART 6—RECYCLING COORDINATORS AND THE COUNCIL ON FEDERAL RECYCLING AND PROCUREMENT POLICY

Sec. 601. Federal Recycling Coordinator. Within 90 days after the effective date of this order, the Administrator of the Environmental Protection Agency shall designate a senior official of that Agency to serve as the Federal Recycling Coordinator. The Federal Recycling Coordinator shall review and report annually to OMB, at the time of agency budget submissions, the actions taken by the agencies to comply with the requirements of this order.

Sec. 602. Designation of Recycling Coordinators. Within 90 days after the effective date of this order, the head of each Federal agency shall designate an agency employee to serve as Agency Recycling Coordinator. The Agency Recycling Coordinator shall be responsible for:

(a) coordinating the development of an effective agency waste reduction and recycling program that complies with the comprehensive implementation plan developed by the Council on Federal Recycling and Procurement Policy;

(b) coordinating agency action to develop benefits, costs, and savings data measuring the effectiveness of the agency program; and

(c) coordinating the development of agency reports required by this Executive order and providing copies of such reports to the Environmental Protection Agency.

Sec. 603. The Council on Federal Recycling and Procurement Policy. (a) A Council on Federal Recycling and Procurement Policy is hereby established. It shall comprise the Federal Recycling Coordinator, the Chairman of the Council on Environmental Quality, the Administrator of the Office of Federal Procurement Policy, and the Agency Recycling Coordinator and the Procurement Executive of each of the following agencies: the Environmental Protection Agency, the Department of Defense, the General Services Administration, the National Aeronautics and Space Administration, the Department of Energy, the Department of Commerce, and the Department of the Interior. The Federal Recycling Coordinator shall serve as Chair of the Council.

(b) Duties. The Council on Federal Recycling and Procurement Policy shall:

(1) identify and recommend, to OMB, initiatives that will promote the purposes of this order, including:

(A) the development of appropriate incentives to encourage the economically efficient acquisition by the Federal Government of products that reduce waste and of products produced with recycled materials;

(B) the development of appropriate incentives to encourage active participation in economically efficient Federal waste reduction and recycling programs; and

(C) the development of guidelines for cost-effective waste reduction and recycling activities by Federal agencies;

(2) review Federal agency specifications and standards and recommend changes that will enhance Federal procurement of products made from recycled and recyclable materials, taking into account the costs and performance requirements of each agency;

(3) collect and disseminate Federal agencies' information concerning methods to reduce wastes, types of materials that can be recycled, the costs and savings associated

with recycling, and the current market sources and prices of products that reduce waste and of products produced with recycled materials;

(4) assist the development of cost-effective waste reduction and recycling programs pursuant to this order by developing guidelines for agency waste reduction and recycling programs and by identifying long-range goals for Federal waste reduction and recycling programs;

(5) provide meaningful data to measure the effectiveness and progress of Federal waste reduction and recycling programs;

(6) provide guidance and assistance to the Agency Recycling Coordinators in setting up and reporting on agency programs; and

(7) review Federal agency compliance with section 103 of this order.

PART 7—LIMITATION

Sec. 701. This order is intended only to improve the internal management of the executive branch and shall not be interpreted to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its officers, or any other person.

Sec. 702. Section 502 and Part 6 of this order shall be effective for 5 years only, beginning on the effective date of this order.

Sec. 703. This order shall be effective immediately.

GEORGE BUSH

THE WHITE HOUSE,

October 31, 1991.

No. 12843

April 21, 1993, 58 F.R. 21881

**Procurement Requirements and Policies for Federal Agencies
for Ozone-Depleting Substances**

WHEREAS, the essential function of the stratospheric ozone layer is shielding the Earth from dangerous ultraviolet radiation; and

WHEREAS, the production and consumption of substances that cause the depletion of stratospheric ozone are being rapidly phased out on a worldwide basis with the support and encouragement of the United States; and

WHEREAS, the Montreal Protocol on Substances that Deplete the Ozone Layer, to which the United States is a signatory, calls for a phaseout of the production and consumption of these substances; and

WHEREAS, the Federal Government, as one of the principal users of these substances, is able through affirmative procurement practices to reduce significantly the use of these substances and to provide leadership in their phaseout; and

WHEREAS, the use of alternative substances and new technologies to replace these ozone-depleting substances may contribute positively to the economic competitiveness on the world market of U.S. manufacturers of these innovative safe alternatives;

NOW, THEREFORE, I, WILLIAM JEFFERSON CLINTON, by the authority vested in me as President by the Constitution and the laws of the United States of America, including the 1990 amendments to the Clean Air Act ("Clean Air Act Amendments"), Public Law 101-549, and in order to reduce the Federal Government's procurement and use of substances that cause stratospheric ozone depletion, do hereby order as follows:

Section 1. Federal Agencies. Federal agencies shall, to the extent practicable:

(a) conform their procurement regulations and practices to the policies and requirements of Title VI of the Clean Air Act Amendments, which deal with stratospheric ozone protection;

(b) maximize the use of safe alternatives to ozone-depleting substances;

(c) evaluate the present and future uses of ozone-depleting substances, including making assessments of existing and future needs for such materials and evaluate their use of and plans for recycling;

(d) revise their procurement practices and implement cost-effective programs both to modify specifications and contracts that require the use of ozone-depleting substances and to substitute non-ozone-depleting substances to the extent economically practicable; and

(e) exercise leadership, develop exemplary practices, and disseminate information on successful efforts in phasing out ozone-depleting substances.

Sec. 2. Definitions. (a) "Federal agency" means any executive department, military department, or independent agency within the meaning of 5 U.S.C. 101, 102, or 104(1), respectively.

(b) "Procurement" and "acquisition" are used interchangeably to refer to the processes through which Federal agencies purchase products and services.

(c) "Procurement regulations, policies and procedures" encompasses the complete acquisition process, including the generation of product descriptions by individuals responsible for determining which substances must be acquired by the agency to meet its mission.

(d) "Ozone-depleting substances" means the substances controlled internationally under the Montreal Protocol and nationally under Title VI of the Clean Air Act Amendments. This includes both Class I and Class II substances as follows:

(i) "Class I substance" means any substance designated as Class I in the **Federal Register** notice of July 30, 1992 (57 Fed. Reg. 33753), including chlorofluorocarbons, halons, carbon tetrachloride, and methyl chloroform and any other substance so designated by the Environmental Protection Agency ("EPA") by regulation at a later date; and

(ii) "Class II substance" means any substance designated as Class B in the **Federal Register** notice of July 30, 1992 (57 Fed. Reg. 33753), including hydrochlorofluorocarbons and any other substances so designated by EPA by regulation at a later date.

(e) "Recycling" is used to encompass recovery and reclamation, as well as the reuse of controlled substances.

Sec. 3. Policy. It is the policy of the Federal Government that Federal agencies: (i) implement cost-effective programs to minimize the procurement of materials and substances that contribute to the depletion of stratospheric ozone; and (ii) give preference to the procurement of alternative chemicals, products, and manufacturing processes that reduce overall risks to human health and the environment by lessening the depletion of ozone in the upper atmosphere. In implementing this policy, prior to final promulgation of EPA regulations on Federal procurement, Federal agencies shall begin conforming their procurement policies to the general requirements of Title VI of the Clean Air Act Amendments by:

(a) minimizing, where economically practicable, the procurement of products containing or manufactured with Class I substances in anticipation of the phaseout schedule to be promulgated by EPA for Class I substances, and maximizing the use of safe alternatives. In developing their procurement policies, agencies should be aware of the phaseout schedule for Class II substances;

(b) amending existing contracts, to the extent permitted by law and where practicable, to be consistent with the phaseout schedules for Class I substances. In awarding contracts, agencies should be aware of the phaseout schedule for Class II substances in awarding contracts;

(c) implementing policies and practices that recognize the increasingly limited availability of Class I substances as production levels capped by the Montreal Protocol decline until final phaseout. Such practices shall include, but are not limited to:

(i) reducing emissions and recycling ozone-depleting substances;

(ii) ceasing the purchase of nonessential products containing or manufactured with ozone-depleting substances; and

(iii) requiring that new contracts provide that any acquired products containing or manufactured with Class I or Class II substances be labeled in accordance with section 611 of the Clean Air Act Amendments.

Sec. 4. Responsibilities. Not later than 6 months after the effective date of this Executive order, each Federal agency, where feasible, shall have in place practices that, where economically practicable, minimize the procurement of Class I substances. Agencies also shall be aware of the phaseout schedule for Class II substances. Agency practices may include, but are not limited to:

- (a) altering existing equipment and/or procedures to make use of safe alternatives;
- (b) specifying the use of safe alternatives and of goods and services where available, that do not require the use of Class I substances in new procurements and that limit the use of Class II substances consistent with section 612 of the Clean Air Act Amendments; and
- (c) amending existing contracts, to the extent permitted by law and where practicable, to require the use of safe alternatives.

Sec. 5. Reporting Requirements. Not later than 6 months after the effective date of this Executive order, each Federal agency shall submit to the Office of Management and Budget a report regarding the implementation of this order. The report shall include a certification by each agency that its regulations and procurement practices are being amended to comply with this order.

Sec. 6. Exceptions. Exceptions to compliance with this Executive order may be made in accordance with section 604 of the Clean Air Act Amendments and with the provisions of the Montreal Protocol.

Sec. 7. Effective Date. This Executive order is effective 30 days after the date of issuance. Although full implementation of this order must await revisions to the Federal Acquisition Regulations ("FAR"), it is expected that Federal agencies will take all appropriate actions in the interim to implement those aspects of the order that are not dependent upon regulatory revision.

Sec. 8. Federal Acquisition Regulatory Councils. Pursuant to section 6(a) of the Office of Federal Procurement Policy Act, as amended, 41 U.S.C. 405(a), the Defense Acquisition Regulatory Council and the Civilian Agency Acquisition Council shall ensure that the policies established herein are incorporated in the FAR within 180 days from the date this order is issued.

Sec. 9. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable by a non-Federal party against the United States, its officers or employees, or any other person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
April 21, 1993.

No. 12844

April 21, 1993, 58 F.R. 21885

Federal Use of Alternative Fueled Vehicles

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Energy Policy and Conservation Act, as amended (42 U.S.C. 6201 *et seq.*), the Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 1901 *et seq.*), the Energy Policy Act of 1992 (Public Law 102-486), and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. Federal Leadership and Goals. The use of alternative fueled motor vehicles can, in some applications, substantially reduce pollutants in the atmosphere, create significant domestic economic activity and stimulate jobs creation, utilize domestic fuel sources as defined by the Energy Policy Act of 1992, and reduce vehicle maintenance costs. Moreover, Federal action can provide a significant market impetus for the development and manufacture of alternative fueled vehicles, and for the expansion of the fueling infrastructure necessary to support large numbers of privately owned alternative fueled vehicles. The Federal Government can exercise leadership in the use of alternative fueled vehicles. To that end, each agency shall adopt aggressive plans to substantially exceed the alternative fueled vehicle purchase requirements established by the Energy Policy Act of 1992.

Sec. 2. Alternative Fueled Vehicle Requirements. The Federal Government shall acquire, subject to the availability of funds and considering life cycle costs, alternative fueled vehicles in numbers that exceed by 50 percent the requirements for 1993 through 1995 set forth in the Energy Policy Act of 1992. The Federal fleet vehicle acquisition program shall be structured with the objectives of: (a) continued reduction in the incremental cost associated with specific vehicle and fuel combinations; (b) long-term movement toward increasing availability of alternative fueled vehicles produced as standard manufacturers' models; and (c) minimizing life cycle costs in the acquisition of alternative fueled vehicles. In addition, there is established, for a period not to exceed 1 year, the Federal Fleet Conversion Task Force, a Federal interagency implementation committee to be constituted by the Secretary of Energy, in consultation with a Task Force Chairman to be named by the President. The Task Force will advise on the implementation of this Executive order. The Task Force will issue a public report within 90 days, setting forth a recommended plan and schedule of implementation and, no later than 1 year from the date of this order, in cooperation with the Secretary of Energy, file a report on the status of the conversion effort.

Sec. 3. Alternative Fueled Vehicle Acquisition Assistance. Within available appropriations, and as required by the Energy Policy Act of 1992, the Secretary of Energy shall provide assistance to other agencies that acquire alternative fueled vehicles. This assistance includes payment of incremental costs of alternative fueled vehicles, including any incremental costs associated with acquisition and disposal. All vehicles, whether conversions or purchases as original equipment manufacturer models, shall comply with all applicable Federal and State emissions and safety standards, consistent with those requirements placed on original equipment manufacturers, including years and mileage.

Sec. 4. Alternative Fueled Vehicle Purchase and Use Incentives. The Administrator of the General Services Administration, to the extent allowed by law, may provide incentives to purchase alternative fueled vehicles, including priority processing of procurement requests, and, with the Secretary of Energy, provide any other technical or

administrative assistance aimed at accelerating the purchase and use of Federal alternative fueled vehicles.

Sec. 5. Cooperation with Industry and State and Local Authorities on Alternative Fueled Vehicle Refueling Capabilities. The Secretary of Energy shall coordinate Federal planning and siting efforts with private industry fuel suppliers, and with State and local governments, to ensure that adequate private sector refueling capabilities exist or will exist wherever Federal fleet alternative fueled vehicles are sited. Each agency's fleet managers are expected to work with appropriate organizations at their respective locations on initiatives to promote alternative fueled vehicle use.

Sec. 6. Reporting. The head of each agency shall report annually to the Secretary of Energy on actions and progress under this order, consistent with guidance provided by the Secretary. The Secretary shall prepare a consolidated annual report to the President and to the Congress on the implementation of this order. As part of the report, the Secretary and the Director of the Office of Management and Budget shall complete a thorough, objective evaluation of alternative fueled vehicles. The evaluation shall consider operating and acquisition costs, fuel economy, maintenance, and other factors as appropriate.

Sec. 7. Definitions. For the purpose of this order, the terms "agency" and "alternative fueled vehicle" have the same meanings given such terms in sections 151 and 301 of the Energy Policy Act of 1992, respectively.

Sec. 8. Exceptions. The Secretary of Defense, the Secretary of the Treasury, and the Attorney General, consistent with the national security and protective and law enforcement activities of their respective agencies, shall determine the extent to which the requirements of this order apply to the national security and protective and law enforcement activities of their respective agencies.

Sec. 9. Judicial Review. This order is not intended to create any right or benefit, substantive or procedural, enforceable by a non-Federal party against the United States, its officers or employees, or any other person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
April 21, 1993.

No. 12845

April 21, 1993, 58 F.R. 21887

Requiring Agencies To Purchase Energy Efficient Computer Equipment

WHEREAS, the Federal Government should set an example in the energy efficient operation of its facilities and the procurement of pollution preventing technologies;

WHEREAS, the Federal Government should minimize its operating costs, make better use of taxpayer-provided dollars, and reduce the Federal deficit; and

WHEREAS, the Federal Government is the largest purchaser of computer equipment in the world and therefore has the capacity to greatly accelerate movement toward energy efficient computer equipment;

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, including section 381 of the Energy Policy and Conservation Act, as amended (42 U.S.C. 6361), section 205 of the Federal Property and Administrative Services Act, as amended (40 U.S.C. 486), section 152 of the Energy Policy Act of 1992 (Public Law 102-486), and section 301 of title 3, United States Code, and to ensure the energy efficient operation of the Federal Government's facilities and to encourage the procurement of pollution preventing technologies that will save taxpayer money, reduce the Federal deficit, and accelerate the movement to energy efficient designs in standard computer equipment, it is hereby ordered as follows:

Section 1. Procurement of Computer Equipment that Meets EPA Energy Star Requirements for Energy Efficiency. (a) The heads of Federal agencies shall ensure that, within 180 days from the date of this order, all acquisitions of microcomputers, including personal computers, monitors, and printers, meet "EPA Energy Star" requirements for energy efficiency. The heads of Federal agencies may grant, on a case-by-case basis, exemptions to this directive for acquisitions, based upon the commercial availability of qualifying equipment, significant cost differential of the equipment, the agency's performance requirements, and the agency's mission.

(b) Within 180 days from the date of this order, agencies shall specify that microcomputers, including personal computers, monitors, and printers, acquired by the agency shall be equipped with the energy efficient low-power standby feature as defined by the EPA Energy Star computers program. This feature shall be activated when the equipment is shipped and shall be capable of entering and recovering from the low-power state unless the equipment meets Energy Star efficiency levels at all times. To the extent permitted by law, agencies shall include this specification in all existing and future contracts, if both the Government and the contractor agree, and if any additional costs would be offset by the potential energy savings.

(c) Agencies shall ensure that Federal users are made aware of the significant economic and environmental benefits of the energy efficient low-power standby feature and its aggressive use by including this information in routine computer training classes.

(d) Each agency shall report annually to the General Services Administration on acquisitions exempted from the requirements of this Executive order, and the General Services Administration shall prepare a consolidated annual report for the President.

Sec. 2. Definition. For purposes of this order, the term “agency” has the same meaning given it in section 151 of the Energy Policy Act of 1992.

Sec. 3. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable by a non-Federal party against the United States, its officers or employees, or any other person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
April 21, 1993.

No. 12852

June 29, 1993, 58 F.R. 35841

President's Council on Sustainable Development

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. Establishment. There is established the "President's Council on Sustainable Development" ("Council"). The Council shall consist of not more than 25 members to be appointed by the President from the public and private sectors and who represent industrial, environmental, governmental, and not-for-profit organizations with experience relating to matters of sustainable development. The President shall designate from among the Council members such official or officials to be chairperson, chairpersons, vice-chairperson, or vice-chairpersons of the Council as he shall deem appropriate. The Council shall coordinate with and report to such officials of the executive branch as the President or the Director of the White House Office on Environmental Policy shall from time to time determine.

Sec. 2. Functions. (a) The Council shall advise the President on matters involving sustainable development. "Sustainable development" is broadly defined as economic growth that will benefit present and future generations without detrimentally affecting the resources or biological systems of the planet.

(b) The Council shall develop and recommend to the President a national sustainable development action strategy that will foster economic vitality.

(c) The chairperson or chairpersons may, from time to time, invite experts to submit information to the Council and may form subcommittees of the Council to review and report to the Council on the development of national and local sustainable development plans.

Sec. 3. Administration. (a) The heads of executive agencies shall, to the extent permitted by law, provide to the Council such information with respect to sustainable development as the Council requires to carry out its functions.

(b) Members of the Council shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701-5707).

(c) The White House Office on Environmental Policy shall obtain funding for the Council from the Department of the Interior or such other sources (including other Federal agencies) as may lawfully contribute to such activities. The funding received shall provide for the administrative and financial support of the Council.

(d) The Office of Administration in the Executive Office of the President shall, on a reimbursable basis, provide such administrative services for the Council as may be required.

Sec. 4. General. (a) I have determined that the Council shall be established in compliance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.). Notwithstanding any other Executive order, the functions of the President under the Federal Advisory Committee Act, as amended, except that of reporting to the Congress, which are applicable to the Council, shall be performed by the Office of Administration in the Executive Office of the President in accord with the guidelines and procedures established by the Administrator of General Services.

(b) The Council shall exist for a period of 2 years from the date of this order, unless the Council's charter is subsequently extended.

(c) Executive Order No. 12737,¹ which established the President's Commission on Environmental Quality, is revoked.

WILLIAM J. CLINTON

THE WHITE HOUSE,
June 29, 1993.

1. 42 U.S.C.A. § 4321 nt.

No. 12855

July 19, 1993, 58 F.R. 39107

Amendment to Executive Order No. 12852

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and in order to amend Executive Order No. 12852,¹ it is hereby ordered that Executive Order No. 12852 is amended by deleting the text of Section 3(d) of that order and inserting in lieu thereof the following text: "The Department of the Interior shall, on a reimbursable basis, provide such administrative services for the Council as may be required" and by deleting the words "Office of Administration in the Executive Office of the President" in Section 4 of that order and inserting the "Department of the Interior" in lieu thereof.

WILLIAM J. CLINTON

THE WHITE HOUSE,

July 19, 1993.

1. 1993 U.S. Code Cong. & Adm. News Bd. Vol. page B50.

No. 12856

August 3, 1993, 58 F.R. 41981

Federal Compliance With Right-to-Know Laws and Pollution Prevention Requirements

WHEREAS, the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001-11050) (EPCRA) established programs to provide the public with important information on the hazardous and toxic chemicals in their communities, and established emergency planning and notification requirements to protect the public in the event of a release of extremely hazardous substances;

WHEREAS, the Federal Government should be a good neighbor to local communities by becoming a leader in providing information to the public concerning toxic and hazardous chemicals and extremely hazardous substances at Federal facilities, and in planning for and preventing harm to the public through the planned or unplanned releases of chemicals;

WHEREAS, the Pollution Prevention Act of 1990 (42 U.S.C. 13101-13109) (PPA) established that it is the national policy of the United States that, whenever feasible, pollution should be prevented or reduced at the source; that pollution that cannot be prevented should be recycled in an environmentally safe manner; that pollution that cannot be prevented or recycled should be treated in an environmentally safe manner; and that disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner;

WHEREAS, the PPA required the Administrator of the Environmental Protection Agency (EPA) to promote source reduction practices in other agencies;

WHEREAS, the Federal Government should become a leader in the field of pollution prevention through the management of its facilities, its acquisition practices, and in supporting the development of innovative pollution prevention programs and technologies;

WHEREAS, the environmental, energy, and economic benefits of energy and water use reductions are very significant; the scope of innovative pollution prevention programs must be broad to adequately address the highest-risk environmental problems and to take full advantage of technological opportunities in sectors other than industrial manufacturing; the Energy Policy Act of 1992 (Public Law 102-486 of October 24, 1992) requires the Secretary of Energy to work with other Federal agencies to significantly reduce the use of energy and reduce the related environmental impacts by promoting use of energy efficiency and renewable energy technologies; and

WHEREAS, as the largest single consumer in the Nation, the Federal Government has the opportunity to realize significant economic as well as environmental benefits of pollution prevention;

AND IN ORDER TO:

Ensure that all Federal agencies conduct their facility management and acquisition activities so that, to the maximum extent practicable, the quantity of toxic chemicals entering any wastestream, including any releases to the environment, is reduced as expeditiously as possible through source reduction; that waste that is generated is recycled to the maximum extent practicable; and that any wastes remaining are stored, treated or disposed of in a manner protective of public health and the environment; require Federal agencies to report in a public manner toxic chemicals entering any wastestream from their facilities, including any releases to the environment, and to improve local emergency planning, response, and accident notification; and help

encourage markets for clean technologies and safe alternatives to extremely hazardous substances or toxic chemicals through revisions to specifications and standards, the acquisition and procurement process, and the testing of innovative pollution prevention technologies at Federal facilities or in acquisitions;

NOW THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, including the EPCRA, the PPA, and section 301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Applicability.

1-101. As delineated below, the head of each Federal agency is responsible for ensuring that all necessary actions are taken for the prevention of pollution with respect to that agency's activities and facilities, and for ensuring that agency's compliance with pollution prevention and emergency planning and community right-to-know provisions established pursuant to all implementing regulations issued pursuant to EPCRA and PPA.

1-102. Except as otherwise noted, this order is applicable to all Federal agencies that either own or operate a "facility" as that term is defined in section 329(4) of EPCRA, if such facility meets the threshold requirements set forth in EPCRA for compliance as modified by section 3-304(b) of this order ("covered facilities"). Except as provided in section 1-103 and section 1-104 below, each Federal agency must apply all of the provisions of this order to each of its covered facilities, including those facilities which are subject, independent of this order, to the provisions of EPCRA and PPA (e.g., certain Government-owned/contractor-operated facilities (GOCO's), for chemicals meeting EPCRA thresholds). This order does not apply to Federal agency facilities outside the customs territory of the United States, such as United States diplomatic and consular missions abroad.

1-103. Nothing in this order alters the obligations which GOCO's and Government corporation facilities have under EPCRA and PPA independent of this order or subjects such facilities to EPCRA or PPA if they are otherwise excluded. However, consistent with section 1-104 below, each Federal agency shall include the releases and transfers from all such facilities when meeting all of the Federal agency's responsibilities under this order.

1-104. To facilitate compliance with this order, each Federal agency shall provide, in all future contracts between the agency and its relevant contractors, for the contractor to supply to the Federal agency all information the Federal agency deems necessary for it to comply with this order. In addition, to the extent that compliance with this order is made more difficult due to lack of information from existing contractors, Federal agencies shall take practical steps to obtain the information needed to comply with this order from such contractors.

Sec. 2-2. Definitions.

2-201. All definitions found in EPCRA and PPA and implementing regulations are incorporated in this order by reference, with the following exception: for the purposes of this order, the term "person", as defined in section 329(7) of EPCRA, also includes Federal agencies.

2-202. *Federal agency* means an Executive agency, as defined in 5 U.S.C. 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

2-203. *Pollution Prevention* means "source reduction," as defined in the PPA, and other practices that reduce or eliminate the creation of pollutants through: (a) increased efficiency in the use of raw materials, energy, water, or other resources; or (b) protection of natural resources by conservation.

2-204. *GOCO* means a Government-owned/contractor-operated facility which is owned by the Federal Government but all or portions of which are operated by private contractors.

2-205. *Administrator* means the Administrator of the EPA.

2-206. *Toxic Chemical* means a substance on the list described in section 313(c) of EPCRA.

2-207. *Toxic Pollutants*. For the purposes of section 3-302(a) of this order, the term "toxic pollutants" shall include, but is not necessarily limited to, those chemicals at a Federal facility subject to the provisions of section 313 of EPCRA as of December 1, 1993. Federal agencies also may choose to include releases and transfers of other chemicals, such as "extremely hazardous chemicals" as defined in section 329(3) of EPCRA, hazardous wastes as defined under the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901-6986) (RCRA), or hazardous air pollutants under the Clean Air Act Amendments (42 U.S.C. 7403-7626); however, for the purposes of establishing the agency's baseline under 3-302(c), such "other chemicals" are in addition to (not instead of) the section 313 chemicals. The term "toxic pollutants" does not include hazardous waste subject to remedial action generated prior to the date of this order.

Sec. 3-3. Implementation.

3-301. *Federal Agency Strategy*. Within 12 months of the date of this order, the head of each Federal agency must develop a written pollution prevention strategy to achieve the requirements specified in sections 3-302 through 3-305 of this order for that agency. A copy thereof shall be provided to the Administrator. Federal agencies are encouraged to involve the public in developing the required strategies under this order and in monitoring their subsequent progress in meeting the requirements of this order. The strategy shall include, but shall not be limited to, the following elements:

(a) A pollution prevention policy statement, developed by each Federal agency, designating principal responsibilities for development, implementation, and evaluation of the strategy. The statement shall reflect the Federal agency's commitment to incorporate pollution prevention through source reduction in facility management and acquisition, and it shall identify an individual responsible for coordinating the Federal agency's efforts in this area.

(b) A commitment to utilize pollution prevention through source reduction, where practicable, as the primary means of achieving and maintaining compliance with all applicable Federal, State, and local environmental requirements.

3-302. *Toxic Chemical Reduction Goals*. (a) The head of each Federal agency subject to this order shall ensure that the agency develops voluntary goals to reduce the agency's total releases of toxic chemicals to the environment and off-site transfers of such toxic chemicals for treatment and disposal from facilities covered by this order by 50 percent by December 31, 1999. To the maximum extent practicable, such reductions shall be achieved by implementation of source reduction practices.

(b) The baseline for measuring reductions for purposes of achieving the 50 percent reduction goal for each Federal agency shall be the first year in which releases of toxic chemicals to the environment and off-site transfers of such chemicals for treatment and disposal are publicly reported. The baseline amount as to which the 50 percent reduction goal applies shall be the aggregate amount of toxic chemicals reported in the baseline year for all of that Federal agency's facilities meeting the threshold applicability requirements set forth in section 1-102 of this order. In no event shall the baseline be later than the 1994 reporting year.

(c) Alternatively, a Federal agency may choose to achieve a 50 percent reduction goal for toxic pollutants. In such event, the Federal agency shall delineate the scope of its reduction program in the written pollution prevention strategy that is required by section

3-301 of this order. The baseline for measuring reductions for purposes of achieving the 50 percent reduction requirement for each Federal agency shall be the first year in which releases of toxic pollutants to the environment and off-site transfers of such chemicals for treatment and disposal are publicly reported for each of that Federal agency's facilities encompassed by section 3-301. In no event shall the baseline year be later than the 1994 reporting year. The baseline amount as to which the 50 percent reduction goal applies shall be the aggregate amount of toxic pollutants reported by the agency in the baseline year. For any toxic pollutants included by the agency in determining its baseline under this section, in addition to toxic chemicals under EPCRA, the agency shall report on such toxic pollutants annually under the provisions of section 3-304 of this order, if practicable, or through an agency report that is made available to the public.

(d) The head of each Federal agency shall ensure that each of its covered facilities develops a written pollution prevention plan no later than the end of 1995, which sets forth the facility's contribution to the goal established in section 3-302(a) of this order. Federal agencies shall conduct assessments of their facilities as necessary to ensure development of such plans and of the facilities' pollution prevention programs.

3-303. *Acquisition and Procurement Goals.* (a) Each Federal agency shall establish a plan and goals for eliminating or reducing the unnecessary acquisition by that agency of products containing extremely hazardous substances or toxic chemicals. Similarly, each Federal agency shall establish a plan and goal for voluntarily reducing its own manufacturing, processing, and use of extremely hazardous substances and toxic chemicals. Priorities shall be developed by Federal agencies, in coordination with EPA, for implementing this section.

(b) Within 24 months of the date of this order, the Department of Defense (DOD) and the General Services Administration (GSA), and other agencies, as appropriate, shall review their agency's standardized documents, including specifications and standards, and identify opportunities to eliminate or reduce the use by their agency of extremely hazardous substances and toxic chemicals, consistent with the safety and reliability requirements of their agency mission. The EPA shall assist agencies in meeting the requirements of this section, including identifying substitutes and setting priorities for these reviews. By 1999, DOD, GSA and other affected agencies shall make all appropriate revisions to these specifications and standards.

(c) Any revisions to the Federal Acquisition Regulation (FAR) necessary to implement this order shall be made within 24 months of the date of this order.

(d) Federal agencies are encouraged to develop and test innovative pollution prevention technologies at their facilities in order to encourage the development of strong markets for such technologies. Partnerships should be encouraged between industry, Federal agencies, Government laboratories, academia, and others to assess and deploy innovative environmental technologies for domestic use and for markets abroad.

3-304. *Toxics Release Inventory/Pollution Prevention Act Reporting.* (a) The head of each Federal agency shall comply with the provisions set forth in section 313 of EPCRA, section 6607 of PPA, all implementing regulations, and future amendments to these authorities, in light of applicable guidance as provided by EPA.

(b) The head of each Federal agency shall comply with these provisions without regard to the Standard Industrial Classification (SIC) delineations that apply to the Federal agency's facilities, and such reports shall be for all releases, transfers, and wastes at such Federal agency's facility without regard to the SIC code of the activity leading to the release, transfer, or waste. All other existing statutory or regulatory limitations or exemptions on the application of EPCRA section 313 shall apply to the reporting requirements set forth in section 3-304(a) of this order.

(c) The first year of compliance shall be no later than for the 1994 calendar year, with reports due on or before July 1, 1995.

3-305. *Emergency Planning and Community Right-to-Know Reporting Responsibilities.* The head of each Federal agency shall comply with the provisions set forth in sections 301 through 312 of EPCRA, all implementing regulations, and future amendments to these authorities, in light of any applicable guidance as provided by EPA. Effective dates for compliance shall be: (a) With respect to the provisions of section 302 of EPCRA, emergency planning notification shall be made no later than 7 months after the date of this order.

(b) With respect to the provisions of section 303 of EPCRA, all information necessary for the applicable Local Emergency Planning Committee (LEPC's) to prepare or revise local Emergency Response Plans shall be provided no later than 1 year after the date of this order.

(c) To the extent that a facility is required to maintain Material Safety Data Sheets under any provisions of law or Executive order, information required under section 311 of EPCRA shall be submitted no later than 1 year after the date of this order, and the first year of compliance with section 312 shall be no later than the 1994 calendar year, with reports due on or before March 1, 1995.

(d) The provisions of section 304 of EPCRA shall be effective beginning January 1, 1994.

(e) These compliance dates are not intended to delay implementation of earlier timetables already agreed to by Federal agencies and are inapplicable to the extent they interfere with those timetables.

Sec. 4-4. Agency Coordination.

4-401. By February 1, 1994, the Administrator shall convene an Interagency Task Force composed of the Administrator, the Secretaries of Commerce, Defense, and Energy, the Administrator of General Services, the Administrator of the Office of Procurement Policy in the Office of Management and Budget, and such other agency officials as deemed appropriate based upon lists of potential participants submitted to the Administrator pursuant to this section by the agency head. Each agency head may designate other senior agency officials to act in his/her stead, where appropriate. The Task Force will assist the agency heads in the implementation of the activities required under this order.

4-402. Federal agencies subject to the requirements of this order shall submit annual progress reports to the Administrator beginning on October 1, 1995. These reports shall include a description of the progress that the agency has made in complying with all aspects of this order, including the pollution reductions requirements. This reporting requirement shall expire after the report due on October 1, 2001.

4-403. *Technical Advice.* Upon request and to the extent practicable, the Administrator shall provide technical advice and assistance to Federal agencies in order to foster full compliance with this order. In addition, to the extent practicable, all Federal agencies subject to this order shall provide technical assistance, if requested, to LEPC's in their development of emergency response plans and in fulfillment of their community right-to-know and risk reduction responsibilities.

4-404. Federal agencies shall place high priority on obtaining funding and resources needed for implementing all aspects of this order, including the pollution prevention strategies, plans, and assessments required by this order, by identifying, requesting, and allocating funds through line-item or direct funding requests. Federal agencies shall make such requests as required in the Federal Agency Pollution Prevention and Abatement Planning Process and through agency budget requests as outlined in Office of Management and Budget (OMB) Circulars A-106 and A-11, respectively. Federal agencies

should apply, to the maximum extent practicable, a life cycle analysis and total cost accounting principles to all projects needed to meet the requirements of this order.

4-405. *Federal Government Environmental Challenge Program.* The Administrator shall establish a "Federal Government Environmental Challenge Program" to recognize outstanding environmental management performance in Federal agencies and facilities. The program shall consist of two components that challenge Federal agencies; (a) to agree to a code of environmental principles to be developed by EPA, in cooperation with other agencies, that emphasizes pollution prevention, sustainable development and state-of-the-art environmental management programs, and (b) to submit applications to EPA for individual Federal agency facilities for recognition as "Model Installations." The program shall also include a means for recognizing individual Federal employees who demonstrate outstanding leadership in pollution prevention.

Sec. 5-5. Compliance.

5-501. By December 31, 1993, the head of each Federal agency shall provide the Administrator with a preliminary list of facilities that potentially meet the requirements for reporting under the threshold provisions of EPCRA, PPA, and this order.

5-502. The head of each Federal agency is responsible for ensuring that such agency take all necessary actions to prevent pollution in accordance with this order, and for that agency's compliance with the provisions of EPCRA and PPA. Compliance with EPCRA and PPA means compliance with the same substantive, procedural, and other statutory and regulatory requirements that would apply to a private person. Nothing in this order shall be construed as making the provisions of sections 325 and 326 of EPCRA applicable to any Federal agency or facility, except to the extent that such Federal agency or facility would independently be subject to such provisions. EPA shall consult with Federal agencies, if requested, to determine the applicability of this order to particular agency facilities.

5-503. Each Federal agency subject to this order shall conduct internal reviews and audits, and take such other steps, as may be necessary to monitor compliance with sections 3-304 and 3-305 of this order.

5-504. The Administrator, in consultation with the heads of Federal agencies, may conduct such reviews and inspections as may be necessary to monitor compliance with sections 3-304 and 3-305 of this order. Except as excluded under section 6-601 of this order, all Federal agencies are encouraged to cooperate fully with the efforts of the Administrator to ensure compliance with sections 3-304 and 3-305 of this order.

5-505. Federal agencies are further encouraged to comply with all state and local right-to-know and pollution prevention requirements to the extent that compliance with such laws and requirements is not otherwise already mandated.

5-506. Whenever the Administrator notifies a Federal agency that it is not in compliance with an applicable provision of this order, the Federal agency shall achieve compliance as promptly as is practicable.

5-507. The EPA shall report annually to the President on Federal agency compliance with the provisions of section 3-304 of this order.

5-508. To the extent permitted by law and unless such documentation is withheld pursuant to section 6-601 of this order, the public shall be afforded ready access to all strategies, plans, and reports required to be prepared by Federal agencies under this order by the agency preparing the strategy, plan, or report. When the reports are submitted to EPA, EPA shall compile the strategies, plans, and reports and make them publicly available as well. Federal agencies are encouraged to provide such strategies, plans, and reports to the State and local authorities where their facilities are located for an additional point of access to the public.

Sec. 6-6. Exemption.

6-601. In the interest of national security, the head of a Federal agency may request from the President an exemption from complying with the provisions of any or all aspects of this order for particular Federal agency facilities, provided that the procedures set forth in section 120(j)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9620(j)(1)), are followed. To the maximum extent practicable, and without compromising national security, all Federal agencies shall strive to comply with the purposes, goals, and implementation steps set forth in this order.

Sec. 7-7. General Provisions.

7-701. Nothing in this order shall create any right or benefit, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
August 3, 1993.

No. 12866

September 30, 1993, 58 F.R. 51735

Regulatory Planning and Review

The American people deserve a regulatory system that works for them, not against them; a regulatory system that protects and improves their health, safety, environment, and well-being and improves the performance of the economy without imposing unacceptable or unreasonable costs on society; regulatory policies that recognize that the private sector and private markets are the best engine for economic growth; regulatory approaches that respect the role of State, local, and tribal governments; and regulations that are effective, consistent, sensible, and understandable. We do not have such a regulatory system today.

With this Executive order, the Federal Government begins a program to reform and make more efficient the regulatory process. The objectives of this Executive order are to enhance planning and coordination with respect to both new and existing regulations; to reaffirm the primacy of Federal agencies in the regulatory decision-making process; to restore the integrity and legitimacy of regulatory review and oversight; and to make the process more accessible and open to the public. In pursuing these objectives, the regulatory process shall be conducted so as to meet applicable statutory requirements and with due regard to the discretion that has been entrusted to the Federal agencies. Accordingly, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Statement of Regulatory Philosophy and Principles. (a) *The Regulatory Philosophy.* Federal agencies should promulgate only such regulations as are required by law, are necessary to interpret the law, or are made necessary by compelling public need, such as material failures of private markets to protect or improve the health and safety of the public, the environment, or the well-being of the American people. In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider. Further, in choosing among alternative regulatory approaches, agencies should select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.

(b) *The Principles of Regulation.* To ensure that the agencies' regulatory programs are consistent with the philosophy set forth above, agencies should adhere to the following principles, to the extent permitted by law and where applicable:

(1) Each agency shall identify the problem that it intends to address (including, where applicable, the failures of private markets or public institutions that warrant new agency action) as well as assess the significance of that problem.

(2) Each agency shall examine whether existing regulations (or other law) have created, or contributed to, the problem that a new regulation is intended to correct and whether those regulations (or other law) should be modified to achieve the intended goal of regulation more effectively.

(3) Each agency shall identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user

fees or marketable permits, or providing information upon which choices can be made by the public.

(4) In setting regulatory priorities, each agency shall consider, to the extent reasonable, the degree and nature of the risks posed by various substances or activities within its jurisdiction.

(5) When an agency determines that a regulation is the best available method of achieving the regulatory objective, it shall design its regulations in the most cost-effective manner to achieve the regulatory objective. In doing so, each agency shall consider incentives for innovation, consistency, predictability, the costs of enforcement and compliance (to the government, regulated entities, and the public), flexibility, distributive, impacts, and equity.

(6) Each agency shall assess both the costs and the benefits of the intended regulation and, recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs.

(7) Each agency shall base its decisions on the best reasonably obtainable scientific, technical, economic, and other information concerning the need for, and consequences of, the intended regulation.

(8) Each agency shall identify and assess alternative forms of regulation and shall, to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt.

(9) Wherever feasible, agencies shall seek views of appropriate State, local, and tribal officials before imposing regulatory requirements that might significantly or uniquely affect those governmental entities. Each agency shall assess the effects of Federal regulations on State, local, and tribal governments, including specifically the availability of resources to carry out those mandates, and seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving regulatory objectives. In addition, as appropriate, agencies shall seek to harmonize Federal regulatory actions with related State, local, and tribal regulatory and other governmental functions.

(10) Each agency shall avoid regulations that are inconsistent, incompatible, or duplicative with its other regulations or those of other Federal agencies.

(11) Each agency shall tailor its regulations to impose the least burden on society, including individuals, businesses of differing sizes, and other entities (including small communities and governmental entities), consistent with obtaining the regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations.

(12) Each agency shall draft its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

Sec. 2. Organization. An efficient regulatory planning and review process is vital to ensure that the Federal Government's regulatory system best serves the American people:

(a) *The Agencies.* Because Federal agencies are the repositories of significant substantive expertise and experience, they are responsible for developing regulations and assuring that the regulations are consistent with applicable law, the President's priorities, and the principles set forth in this Executive order.

(b) *The Office of Management and Budget.* Coordinated review of agency rulemaking is necessary to ensure that regulations are consistent with applicable law, the President's priorities, and the principles set forth in this Executive order, and that decisions made by one agency do not conflict with the policies or actions taken or planned by another agency.

The Office of Management and Budget (OMB) shall carry out that review function. Within OMB, the Office of Information and Regulatory Affairs (OIRA) is the repository of expertise concerning regulatory issues, including methodologies and procedures that affect more than one agency, this Executive order, and the President's regulatory policies. To the extent permitted by law, OMB shall provide guidance to agencies and assist the President, the Vice President, and other regulatory policy advisors to the President in regulatory planning and shall be the entity that reviews individual regulations, as provided by this Executive order.

(c) *The Vice President.* The Vice President is the principal advisor to the President on, and shall coordinate the development and presentation of recommendations concerning, regulatory policy, planning, and review, as set forth in this Executive order. In fulfilling their responsibilities under this Executive order, the President and the Vice President shall be assisted by the regulatory policy advisors within the Executive Office of the President and by such agency officials and personnel as the President and the Vice President may, from time to time, consult.

Sec. 3. Definitions. For purposes of this Executive order: (a) “Advisors” refers to such regulatory policy advisors to the President as the President and Vice President may from time to time consult, including, among others: (1) the Director of OMB; (2) the Chair (or another member) of the Council of Economic Advisers; (3) the Assistant to the President for Economic Policy; (4) the Assistant to the President for Domestic Policy; (5) the Assistant to the President for National Security Affairs; (6) the Assistant to the President for Science and Technology; (7) the Assistant to the President for Intergovernmental Affairs; (8) the Assistant to the President and Staff Secretary; (9) the Assistant to the President and Chief of Staff to the Vice President; (10) the Assistant to the President and Counsel to the President; (11) the Deputy Assistant to the President and Director of the White House Office on Environmental Policy; and (12) the Administrator of OIRA, who also shall coordinate communications relating to this Executive order among the agencies, OMB, the other Advisors, and the Office of the Vice President.

(b) “Agency,” unless otherwise indicated, means any authority of the United States that is an “agency” under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10).

(c) “Director” means the Director of OMB.

(d) “Regulation” or “rule” means an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency. It does not, however, include:

(1) Regulations or rules issued in accordance with the formal rulemaking provisions of 5 U.S.C. 556, 557;

(2) Regulations or rules that pertain to a military or foreign affairs function of the United States, other than procurement regulations and regulations involving the import or export of non-defense articles and services;

(3) Regulations or rules that are limited to agency organization, management, or personnel matters; or

(4) Any other category of regulations exempted by the Administrator of OIRA.

(e) “Regulatory action” means any substantive action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking.

(f) “Significant regulatory action” means any regulatory action that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

Sec. 4. Planning Mechanism. In order to have an effective regulatory program, to provide for coordination of regulations, to maximize consultation and the resolution of potential conflicts at an early stage, to involve the public and its State, local, and tribal officials in regulatory planning, and to ensure that new or revised regulations promote the President's priorities and the principles set forth in this Executive order, these procedures shall be followed, to the extent permitted by law: (a) *Agencies' Policy Meeting.* Early in each year's planning cycle, the Vice President shall convene a meeting of the Advisors and the heads of agencies to seek a common understanding of priorities and to coordinate regulatory efforts to be accomplished in the upcoming year.

(b) *Unified Regulatory Agenda.* For purposes of this subsection, the term "agency" or "agencies" shall also include those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10). Each agency shall prepare an agenda of all regulations under development or review, at a time and in a manner specified by the Administrator of OIRA. The description of each regulatory action shall contain, at a minimum, a regulation identifier number, a brief summary of the action, the legal authority for the action, any legal deadline for the action, and the name and telephone number of a knowledgeable agency official. Agencies may incorporate the information, required under 5 U.S.C. 602 and 41 U.S.C. 402 into these agendas.

(c) *The Regulatory Plan.* For purposes of this subsection, the term "agency" or "agencies" shall also include those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10). (1) As part of the Unified Regulatory Agenda, beginning in 1994, each agency shall prepare a Regulatory Plan (Plan) of the most important significant regulatory actions that the agency reasonably expects to issue in proposed or final form in that fiscal year or thereafter. The Plan shall be approved personally by the agency head and shall contain at a minimum:

(A) A statement of the agency's regulatory objectives and priorities and how they relate to the President's priorities;

(B) A summary of each planned significant regulatory action including, to the extent possible, alternatives to be considered and preliminary estimates of the anticipated costs and benefits;

(C) A summary of the legal basis for each such action, including whether any aspect of the action is required by statute or court order;

(D) A statement of the need for each such action and, if applicable, how the action will reduce risks to public health, safety, or the environment, as well as how the magnitude of the risk addressed by the action relates to other risks within the jurisdiction of the agency;

(E) The agency's schedule for action, including a statement of any applicable statutory or judicial deadlines; and

(F) The name, address, and telephone number of a person the public may contact for additional information about the planned regulatory action.

(2) Each agency shall forward its Plan to OIRA by June 1st of each year.

(3) Within 10 calendar days after OIRA has received an agency's Plan, OIRA shall circulate it to other affected agencies, the Advisors, and the Vice President.

(4) An agency head who believes that a planned regulatory action of another agency may conflict with its own policy or action taken or planned shall promptly notify, in writing, the Administrator of OIRA, who shall forward that communication to the issuing agency, the Advisors, and the Vice President.

(5) If the Administrator of OIRA believes that a planned regulatory action of an agency may be inconsistent with the President's priorities or the principles set forth in this Executive order or may be in conflict with any policy or action taken or planned by another agency, the Administrator of OIRA shall promptly notify, in writing, the affected agencies, the Advisors, and the Vice President.

(6) The Vice President, with the Advisors' assistance, may consult with the heads of agencies with respect to their Plans and, in appropriate instances, request further consideration or inter-agency coordination.

(7) The Plans developed by the issuing agency shall be published annually in the October publication of the Unified Regulatory Agenda. This publication shall be made available to the Congress; State, local, and tribal governments; and the public. Any views on any aspect of any agency Plan, including whether any planned regulatory action might conflict with any other planned or existing regulation, impose any unintended consequences on the public, or confer any unclaimed benefits on the public, should be directed to the issuing agency, with a copy to OIRA.

(d) *Regulatory Working Group.* Within 30 days of the date of this Executive order, the Administrator of OIRA shall convene a Regulatory Working Group ("Working Group"), which shall consist of representatives of the heads of each agency that the Administrator determines to have significant domestic regulatory responsibility, the Advisors, and the Vice President. The Administrator of OIRA shall chair the Working Group and shall periodically advise the Vice President on the activities of the Working Group. The Working Group shall serve as a forum to assist agencies in identifying and analyzing important regulatory issues (including, among others (1) the development of innovative regulatory techniques, (2) the methods, efficacy, and utility of comparative risk assessment in regulatory decision-making, and (3) the development of short forms and other streamlined regulatory approaches for small businesses and other entities). The Working Group shall meet at least quarterly and may meet as a whole or in subgroups of agencies with an interest in particular issues or subject areas. To inform its discussions, the Working Group may commission analytical studies and reports by OIRA, the Administrative Conference of the United States, or any other agency.

(e) *Conferences.* The Administrator of OIRA shall meet quarterly with representatives of State, local, and tribal governments to identify both existing and proposed regulations that may uniquely or significantly affect those governmental entities. The Administrator of OIRA shall also convene, from time to time, conferences with representatives of businesses, nongovernmental organizations, and the public to discuss regulatory issues of common concern.

Sec. 5. Existing Regulations. In order to reduce the regulatory burden on the American people, their families, their communities, their State, local, and tribal governments, and their industries; to determine whether regulations promulgated by the executive branch of the Federal Government have become unjustified or unnecessary as a result of changed circumstances; to confirm that regulations are both compatible with each other and not duplicative or inappropriately burdensome in the aggregate; to ensure that all regulations are consistent with the President's priorities and the principles set forth in this Executive order, within applicable law; and to otherwise improve the effectiveness of existing regulations: (a) Within 90 days of the date of this Executive

order, each agency shall submit to OIRA a program, consistent with its resources and regulatory priorities, under which the agency will periodically review its existing significant regulations to determine whether any such regulations should be modified or eliminated so as to make the agency's regulatory program more effective in achieving the regulatory objectives, less burdensome, or in greater alignment with the President's priorities and the principles set forth in this Executive order. Any significant regulations selected for review shall be included in the agency's annual Plan. The agency shall also identify any legislative mandates that require the agency to promulgate or continue to impose regulations that the agency believes are unnecessary or outdated by reason of changed circumstances.

(b) The Administrator of OIRA shall work with the Regulatory Working Group and other interested entities to pursue the objectives of this section. State, local, and tribal governments are specifically encouraged to assist in the identification of regulations that impose significant or unique burdens on those governmental entities and that appear to have outlived their justification or be otherwise inconsistent with the public interest.

(c) The Vice President, in consultation with the Advisors, may identify for review by the appropriate agency or agencies other existing regulations of an agency or groups of regulations of more than one agency that affect a particular group, industry, or sector of the economy, or may identify legislative mandates that may be appropriate for reconsideration by the Congress.

Sec. 6. Centralized Review of Regulations. The guidelines set forth below shall apply to all regulatory actions, for both new and existing regulations, by agencies other than those agencies specifically exempted by the Administrator of OIRA:

(a) *Agency Responsibilities.* (1) Each agency shall (consistent with its own rules, regulations, or procedures) provide the public with meaningful participation in the regulatory process. In particular, before issuing a notice of proposed rulemaking, each agency should, where appropriate, seek the involvement of those who are intended to benefit from and those expected to be burdened by any regulation (including, specifically, State, local, and tribal officials). In addition, each agency should afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days. Each agency also is directed to explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking.

(2) Within 60 days of the date of this Executive order, each agency head shall designate a Regulatory Policy Officer who shall report to the agency head. The Regulatory Policy Officer shall be involved at each stage of the regulatory process to foster the development of effective, innovative, and least burdensome regulations and to further the principles set forth in this Executive order.

(3) In addition to adhering to its own rules and procedures and to the requirements of the Administrative Procedure Act, the Regulatory Flexibility Act, the Paperwork Reduction Act, and other applicable law, each agency shall develop its regulatory actions in a timely fashion and adhere to the following procedures with respect to a regulatory action:

(A) Each agency shall provide OIRA, at such times and in the manner specified by the Administrator of OIRA, with a list of its planned regulatory actions, indicating those which the agency believes are significant regulatory actions within the meaning of this Executive order. Absent a material change in the development of the planned regulatory action, those not designated as significant will not be subject to review under this section unless, within 10 working days of receipt of the list, the Administrator of OIRA notifies the agency that OIRA has determined that a planned regulation is a significant regulatory action within the meaning of this Executive order. The Administrator of OIRA

may waive review of any planned regulatory action designated by the agency as significant, in which case the agency need not further comply with subsection (a)(3)(B) or subsection (a)(3)(C) of this section.

(B) For each matter identified as, or determined by the Administrator of OIRA to be, a significant regulatory action, the issuing agency shall provide to OIRA:

(i) The text of the draft regulatory action, together with a reasonably detailed description of the need for the regulatory action and an explanation of how the regulatory action will meet that need; and

(ii) An assessment of the potential costs and benefits of the regulatory action, including an explanation of the manner in which the regulatory action is consistent with a statutory mandate and, to the extent permitted by law, promotes the President's priorities and avoids undue interference with State, local, and tribal governments in the exercise of their governmental functions.

(C) For those matters identified as, or determined by the Administrator of OIRA to be, a significant regulatory action within the scope of section 3(f)(1), the agency shall also provide to OIRA the following additional information developed as part of the agency's decision-making process (unless prohibited by law):

(i) An assessment, including the underlying analysis, of benefits anticipated from the regulatory action (such as, but not limited to, the promotion of the efficient functioning of the economy and private markets, the enhancement of health and safety, the protection of the natural environment, and the elimination or reduction of discrimination or bias) together with, to the extent feasible, a quantification of those benefits;

(ii) An assessment, including the underlying analysis, of costs anticipated from the regulatory action (such as, but not limited to, the direct cost both to the government in administering the regulation and to businesses and others in complying with the regulation, and any adverse effects on the efficient functioning of the economy, private markets (including productivity, employment, and competitiveness), health, safety, and the natural environment), together with, to the extent feasible, a quantification of those costs; and

(iii) An assessment, including the underlying analysis, of costs and benefits of potentially effective and reasonably-feasible alternatives to the planned regulation, identified by the agencies or the public (including improving the current regulation and reasonably viable nonregulatory actions), and an explanation why the planned regulatory action is preferable to the identified potential alternatives.

(D) In emergency situations or when an agency is obligated by law to act more quickly than normal review procedures allow, the agency shall notify OIRA as soon as possible and, to the extent practicable, comply with subsections (a)(3)(B) and (C) of this section. For those regulatory actions that are governed by a statutory or court-imposed deadline, the agency shall, to the extent practicable, schedule rulemaking proceedings so as to permit sufficient time for OIRA to conduct its review, as set forth below in subsection (b)(2) through (4) of this section.

(E) After the regulatory action has been published in the **Federal Register** or otherwise issued to the public, the agency shall:

(i) Make available to the public the information set forth in subsections (a)(3)(B) and (C);

(ii) Identify for the public, in a complete, clear, and simple manner, the substantive changes between the draft submitted to OIRA for review and the action subsequently announced; and

(iii) Identify for the public those changes in the regulatory action that were made at the suggestion or recommendation of OIRA.

(F) All information provided to the public by the agency shall be in plain, understandable language.

(b) *OIRA Responsibilities.* The Administrator of OIRA shall provide meaningful guidance and oversight so that each agency's regulatory actions are consistent with applicable law, the President's priorities, and the principles set forth in this Executive order and do not conflict with the policies or actions of another agency. OIRA shall, to the extent permitted by law, adhere to the following guidelines:

(1) OIRA may review only actions identified by the agency or by OIRA as significant regulatory actions under subsection (a)(3)(A) of this section.

(2) OIRA shall waive review or notify the agency in writing of the results of its review within the following time periods:

(A) For any notices of inquiry, advance notices of proposed rulemaking, or other preliminary regulatory actions prior to a Notice of Proposed Rulemaking, within 10 working days after the date of submission of the draft action to OIRA;

(B) For all other regulatory actions, within 90 calendar days after the date of submission of the information set forth in subsections (a)(3)(B) and (C) of this section, unless OIRA has previously reviewed this information and, since that review, there has been no material change in the facts and circumstances upon which the regulatory action is based, in which case, OIRA shall complete its review within 45 days; and

(C) The review process may be extended (1) once by no more than 30 calendar days upon the written approval of the Director and (2) at the request of the agency head.

(3) For each regulatory action that the Administrator of OIRA returns to a agency for further consideration of some or all of its provisions, the Administrator of OIRA shall provide the issuing agency a written explanation for such return, setting forth the pertinent provision of this Executive order on which OIRA is relying. If the agency head disagrees with some or all of the bases for the return, the agency head shall so inform the Administrator of OIRA in writing.

(4) Except as otherwise provided by law or required by a Court, in order to ensure greater openness, accessibility, and accountability in the regulatory review process, OIRA shall be governed by the following disclosure requirements:

(A) Only the Administrator of OIRA (or a particular designee) shall receive oral communications initiated by persons not employed by the executive branch of the Federal Government regarding the substance of a regulatory action under OIRA review;

(B) All substantive communications between OIRA personnel and persons not employed by the executive branch of the Federal Government regarding a regulatory action under review shall be governed by the following guidelines: (i) A representative from the issuing agency shall be invited to any meeting between OIRA personnel and such person(s);

(ii) OIRA shall forward to the issuing agency, within 10 working days of receipt of the communication(s), all written communications, regardless of format, between OIRA personnel and any person who is not employed by the executive branch of the Federal Government, and the dates and names of individuals involved in all substantive oral communications (including meetings to which an agency representative was invited, but did not attend, and telephone conversations between OIRA personnel and any such persons); and

(iii) OIRA shall publicly disclose relevant information about such communication(s), as set forth below in subsection (b)(4)(C) of this section.

(C) OIRA shall maintain a publicly available log that shall contain, at a minimum, the following information pertinent to regulatory actions under review:

(i) The status of all regulatory actions, including if (and if so, when and by whom) Vice Presidential and Presidential consideration was requested;

(ii) A notation of all written communications forwarded to an issuing agency under subsection (b)(4)(B)(ii) of this section; and

(iii) The dates and names of individuals involved in all substantive oral communications, including meetings and telephone conversations, between OIRA personnel and any person not employed by the executive branch of the Federal Government, and the subject matter discussed during such communications.

(D) After the regulatory action has been published in the **Federal Register** or otherwise issued to the public, or after the agency has announced its decision not to publish or issue the regulatory action, OIRA shall make available to the public all documents exchanged between OIRA and the agency during the review by OIRA under this section.

(5) All information provided to the public by OIRA shall be in plain, understandable language.

Sec. 7. Resolution of Conflicts. To the extent permitted by law, disagreements or conflicts between or among agency heads or between OMB and any agency that cannot be resolved by the Administrator of OIRA shall be resolved by the President, or by the Vice President acting at the request of the President, with the relevant agency head (and, as appropriate, other interested government officials). Vice Presidential and Presidential consideration of such disagreements may be initiated only by the Director, by the head of the issuing agency, or by the head of an agency that has a significant interest in the regulatory action at issue. Such review will not be undertaken at the request of other persons, entities, or their agents. Resolution of such conflicts shall be informed by recommendations developed by the Vice President, after consultation with the Advisors (and other executive branch officials or personnel whose responsibilities to the President include the subject matter at issue). The development of these recommendations shall be concluded within 60 days after review has been requested. During the Vice Presidential and Presidential review period, communications with any person not employed by the Federal Government relating to the substance of the regulatory action under review and directed to the Advisors or their staffs or to the staff of the Vice President shall be in writing and shall be forwarded by the recipient to the affected agency(ies) for inclusion in the public docket(s). When the communication is not in writing, such Advisors or staff members shall inform the outside party that the matter is under review and that any comments should be submitted in writing.

At the end of this review process, the President, or the Vice President acting at the request of the President, shall notify the affected agency and the Administrator of OIRA of the President's decision with respect to the matter.

Sec. 8. Publication. Except to the extent required by law, an agency shall not publish in the **Federal Register** or otherwise issue to the public any regulatory action that is subject to review under section 6 of this Executive order until (1) the Administrator of OIRA notifies the agency that OIRA has waived its review of the action or has completed its review without any requests for further consideration, or (2) the applicable time period in section 6(b)(2) expires without OIRA having notified the agency that it is returning the regulatory action for further consideration under section 6(b)(3), whichever occurs first. If the terms of the preceding sentence have not been satisfied and an agency wants to publish or otherwise issue a regulatory action, the head of that agency may request Presidential consideration through the Vice President, as provided under section 7 of this order. Upon receipt of this request, the Vice President shall notify OIRA and the Advisors. The guidelines and time period set forth in section 7 shall apply to the publication of regulatory actions for which Presidential consideration has been sought.

Sec. 9. Agency Authority. Nothing in this order shall be construed as displacing the agencies' authority or responsibilities, as authorized by law.

Sec. 10. Judicial Review. Nothing in this Executive order shall affect any otherwise available judicial review of agency action. This Executive order is intended only to improve the internal management of the Federal Government and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 11. Revocations. Executive Orders Nos. 12291 and 12498;¹ all amendments to those Executive orders; all guidelines issued under those orders; and any exemptions from those orders heretofore granted for any category of rule are revoked.

WILLIAM J. CLINTON

THE WHITE HOUSE,
September 30, 1993.

1. 5 U.S.C.A. § 601 nt.

No. 12869

September 30, 1993, 58 F.R. 51751

Continuance of Certain Federal Advisory Committees

By the authority vested in me as President by the Constitution and laws of the United States of America, and in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.C.S. App.), it is hereby ordered as follows:

Section 1. Each advisory committee listed below is continued until September 30, 1995:

(a) Committee for the Preservation of the White House; Executive Order No. 11145, as amended (Department of the Interior):

Sec. 3. Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act that are applicable to the committees listed in sections 1 and 2 of this order, except that of reporting annually to the Congress, shall be performed by the head of the department or agency designated after each committee, in accordance with the guidelines and procedures established by the Administrator of General Services.

WILLIAM J. CLINTON

THE WHITE HOUSE,
September 30, 1993.

No. 12873

October 20, 1993, 58 F.R. 54911

Federal Acquisition, Recycling, and Waste Prevention

WHEREAS, the Nation's interest is served when the Federal Government can make more efficient use of natural resources by maximizing recycling and preventing waste wherever possible;

WHEREAS, this Administration is determined to strengthen the role of the Federal Government as an enlightened, environmentally conscious and concerned consumer;

WHEREAS, the Federal Government should—through cost-effective waste prevention and recycling activities—work to conserve disposal capacity, and serve as a model in this regard for private and other public institutions; and

WHEREAS, the use of recycled and environmentally preferable products and services by the Federal Government can spur private sector development of new technologies and use of such products, thereby creating business and employment opportunities and enhancing regional and local economies and the national economy;

NOW, THEREFORE, I, WILLIAM J. CLINTON, by the authority vested in me as President by the Constitution and the laws of the United States of America, including the Solid Waste Disposal Act, Public Law 89-272, 79 Stat. 997, as amended by the Resource Conservation and Recovery Act ("RCRA"), Public Law 94-580, 90 Stat. 2795 as amended (42 U.S.C. 6901-6907), and section 301 of title 3, United States Code, hereby order as follows:

PART 1—PREAMBLE

Section 101. Consistent with the demands of efficiency and cost effectiveness; the head of each Executive agency shall incorporate waste prevention and recycling in the agency's daily operations and work to increase and expand markets for recovered materials through greater Federal Government preference and demand for such products.

Sec. 102. Consistent with policies established by Office of Federal Procurement Policy ("OFPP") Policy Letter 92-4, agencies shall comply with executive branch policies for the acquisition and use of environmentally preferable products and services and implement cost-effective procurement preference programs favoring the purchase of these products and services.

Sec. 103. This order creates a Federal Environmental Executive and establishes high-level Environmental Executive positions within each agency to be responsible for expediting the implementation of this order and statutes that pertain to this order.

PART 2—DEFINITIONS

For purposes of this order:

Sec. 201. "Environmentally preferable" means products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service.

Sec. 202. "Executive agency" or "agency" means an Executive agency as defined in 5 U.S.C. 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

Sec. 203. "Postconsumer material" means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed

its life as a consumer item. "Postconsumer material" is a part of the broader category of "recovered material".

Sec. 204. "Acquisition" means the acquiring by contract with appropriated funds for supplies or services (including construction) by and for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated and evaluated. Acquisition begins at the point when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation and selection of sources, award of contracts, contract financing, contract performance, contract administration and those technical and management functions directly related to the process of fulfilling agency needs by contract.

Sec. 205. "Recovered materials" means waste materials and by-products which have been recovered or diverted from solid waste, but such term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process (42 U.S.C. 6903 (19)).

Sec. 206. "Recyclability" means the ability of a product or material be recovered from, or otherwise diverted from, the solid waste stream for the purpose of recycling.

Sec. 207. "Recycling" means the series of activities, including collection, separation, and processing, by which products or other materials are recovered from the solid waste stream for use in the form of raw materials in the manufacture of new products other than fuel for producing heat or power by combustion.

Sec. 208. "Waste prevention," also known as "source reduction," means any change in the design, manufacturing, purchase or use of materials or products (including packaging) to reduce their amount or toxicity before they become municipal solid waste. Waste prevention also refers to the reuse of products or materials.

Sec. 209. "Waste reduction" means preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.

Sec. 210. "Life Cycle Cost" means the amortized annual cost of a product, including capital costs, installation costs, operating costs, maintenance costs and disposal costs discounted over the lifetime of the product.

Sec. 211. "Life Cycle Analysis" means the comprehensive examination of a product's environmental and economic effects throughout its lifetime including new material extraction, transportation, manufacturing, use, and disposal.

PART 3—THE ROLE OF THE FEDERAL ENVIRONMENTAL EXECUTIVE AND AGENCY ENVIRONMENTAL EXECUTIVES

Sec. 301. Federal Environmental Executive. (a) A Federal Environmental Executive shall be designated by the President and shall be located within the Environmental Protection Agency ("EPA"). The Federal Environmental Executive shall take all actions necessary to ensure that the agencies comply with the requirements of this order and shall generate an annual report to the Office of Management and Budget ("OMB"), at the time of agency budget submissions, on the actions taken by the agencies to comply with the requirements of this order. In carrying out his or her functions, the Federal Environmental Executive shall consult with the Director of the White House Office on Environmental Policy.

(b) *Staffing.* A minimum of four (4) full time staff persons are to be provided by the agencies listed below to assist the Federal Environmental Executive, one of whom shall have experience in specification review and program requirements, one of whom shall have experience in procurement practices, and one of whom shall have experience in solid waste prevention and recycling. These four staff persons shall be appointed and replaced as follows:

(1) a representative from the Department of Defense shall be detailed for not less than one year and no more than two years;

(2) a representative from the General Services Administration ("GSA") shall be detailed for not less than one year and no more than two years;

(3) a representative from EPA shall be detailed for not less than one year and no more than two years; and

(4) a representative from one other agency determined by the Federal Environmental Executive shall be detailed on a rotational basis for not more than one year.

(c) *Administration.* Agencies are requested to make their services, personnel and facilities available to the Federal Environmental Executive to the maximum extent practicable for the performance of functions under this order.

(d) *Committees and Work Groups.* The Federal Environmental Executive shall establish committees and work groups to identify, assess, and recommend actions to be taken to fulfill the goals, responsibilities, and initiatives of the Federal Environmental Executive. As these committees and work groups are created, agencies are requested to designate appropriate personnel in the areas of procurement and acquisition, standards and specifications, electronic commerce, facilities management, waste prevention, and recycling, and others as needed to staff and work on the initiatives of the Executive.

(e) *Duties.* The Federal Environmental Executive, in consultation with the Agency Environmental Executives, shall:

(1) identify and recommend initiatives for government-wide implementation that will promote the purposes of this order, including:

(A) the development of a federal plan for agency implementation of this order and appropriate incentives to encourage the acquisition of recycled and environmentally preferable products by the Federal Government;

(B) the development of a federal implementation plan and guidance for instituting economically efficient federal waste prevention, energy and water efficiency programs, and recycling programs within each agency; and

(C) the development of a plan for making maximum use of available funding assistance programs;

(2) collect and disseminate information electronically concerning methods to reduce waste, materials that can be recycled, costs and savings associated with waste prevention and recycling, and current market sources of products that are environmentally preferable or produced with recovered materials;

(3) provide guidance and assistance to the agencies in setting up and reporting on agency programs and monitoring their effectiveness; and

(4) coordinate appropriate government-wide education and training programs for agencies.

Sec. 302. Agency Environmental Executives. Within 90 days after the effective date of this order, the head of each Executive department and major procuring agency shall designate an Agency Environmental Executive from among his or her staff, who serves at a level no lower than at the Deputy Assistant Secretary level or equivalent. The Agency Environmental Executive will be responsible for:

(a) coordinating all environmental programs in the areas of procurement and acquisition, standards and specification review, facilities management, waste prevention and recycling, and logistics;

(b) participating in the interagency development of a Federal plan to:

(1) create an awareness and outreach program for the private sector to facilitate markets for environmentally preferable and recycled products and services, promote new technologies, improve awareness about federal efforts in this area, and expedite agency efforts to procure new products identified under this order;

- (2) establish incentives, provide guidance and coordinate appropriate educational programs for agency employees; and
- (3) coordinate the development of standard agency reports required by this order;
- (c) reviewing agency programs and acquisitions to ensure compliance with this order.

PART 4—ACQUISITION PLANNING AND AFFIRMATIVE PROCUREMENT PROGRAMS

Sec. 401. Acquisition Planning. In developing plans, drawings, work statements, specifications, or other product descriptions, agencies shall consider the following factors: elimination of virgin material requirements; use of recovered materials; reuse of product; life cycle cost; recyclability; use of environmentally preferable products; waste prevention (including toxicity reduction or elimination); and ultimate disposal, as appropriate. These factors should be considered in acquisition planning for all procurements and is the evaluation and award of contracts, as appropriate. Program and acquisition managers should take an active role in these activities.

Sec. 402. Affirmative Procurement Programs. The head of each Executive agency shall develop and implement affirmative procurement programs in accordance with RCRA section 6002 (42 U.S.C. 6962) and this order. Agencies shall ensure that responsibilities for preparation, implementation and monitoring of affirmative procurement programs are shared between the program personnel and procurement personnel. For the purposes of all purchases made pursuant to this order, EPA, in consultation with such other Federal agencies as appropriate, shall endeavor to maximize environmental benefits, consistent with price, performance and availability considerations, and shall adjust bid solicitation guidelines as necessary in order to accomplish this goal.

(a) Agencies shall establish affirmative procurement programs for all designated EPA guideline items purchased by their agency. For newly designated items, agencies shall revise their internal programs within one year from the date EPA designated the new items.

(b) For the currently designated EPA guideline items, which are: (i) concrete and cement containing fly ash; (ii) recycled paper products; (iii) re-refined lubricating oil; (iv) retread tires; and (v) insulation containing recovered materials; and for all future guideline items, agencies shall ensure that their affirmative procurement programs require that 100 percent of their purchases of products meet or exceed the EPA guideline standards unless written justification is provided that a product is not available competitively within a reasonable time frame, does not meet appropriate performance standards, or is only available at an unreasonable price.

(c) The Agency Environmental Executives will track agencies' purchases of designated EPA guideline items and report agencies' purchases of such guideline items to the Federal Environmental Executive. Agency Environmental Executives will be required to justify to the Federal Environmental Executive as to why the item(s) have not been purchased or submit a plan for how the agencies intend to increase their purchases of the designated item(s).

(d) Agency affirmative procurement programs, to the maximum extent practicable, shall encourage that:

- (1) documents be transferred electronically,
- (2) all government documents printed internally be printed double-sided, and
- (3) contracts, grants, and cooperative agreements issued after the effective date of this order include provisions that require documents to be printed double-sided on recycled paper meeting or exceeding the standards established in this order or in future EPA guidelines.

Sec. 403. Procurement of Existing Guideline Items. Within 90 days after the effective date of this order, the head of each Executive agency that has not implemented an affirmative procurement program shall ensure that the affirmative procurement program has been established and is being implemented to the maximum extent practicable.

Sec. 404. Electronic Acquisition System. To reduce waste by eliminating unnecessary paper transactions in the acquisition process and to foster accurate data collection and reporting of agencies' purchases of recycled content and environmentally preferred products, the executive branch will implement an electronic commerce system consistent with the recommendations adopted as a result of the National Performance Review.

PART 5—STANDARDS, SPECIFICATIONS AND DESIGNATION OF ITEMS

Sec. 501. Specifications, Product Descriptions and Standards. Where applicable, Executive agencies shall review and revise federal and military specifications, product descriptions and standards to enhance Federal procurement of products made from recovered materials or that are environmentally preferable. When converting to a Commercial Item Description (CID), agencies shall ensure that environmental factors have been considered and that the CID meets or exceeds the environmentally preferable criteria of the government specification or product description. Agencies shall report annually on their compliance with this section to the Federal Environmental Executive for incorporation into the annual report to OMB referred to in section 301 of this order.

(a) If an inconsistency with RCRA Section 6002 or this order is identified in a specification, standard, or product description, the Federal Environmental Executive shall request that the Environmental Executive of the pertinent agency advise the Federal Environmental Executive as to why the specification cannot be revised or submit a plan for revising it within 60 days.

(b) If an agency is able to revise an inconsistent specification but cannot do so within 60 days, it is the responsibility of that agency's Environmental Executive to monitor and implement the plan for revising it.

Sec. 502. Designation of Items that Contain Recovered Materials. In order to expedite the process of designating items that are or can be made with recovered materials, EPA shall institute a new process for designating these items in accordance with RCRA section 6002(e) as follows. (a) EPA shall issue a Comprehensive Procurement Guideline containing designated items that are or can be made with recovered materials.

(1) The proposed guideline shall be published for public comment in the **Federal Register** within 180 days after the effective date of this order and shall be updated annually after publication for comment to include additional items.

(2) Once items containing recovered materials have been designated by EPA through the new process established pursuant to this section and in compliance with RCRA section 6002, agencies shall modify their affirmative procurement programs to require that, to the maximum extent practicable, their purchases of products meet or exceed the EPA guideline standards unless written justification is provided that a product is not available competitively, not available within a reasonable time frame, does not meet appropriate performance standards, or is only available at an unreasonable price.

(b) Concurrent with the issuance of the Comprehensive Procurement Guideline required by section 502(a) of this order, EPA shall publish for public comment in the **Federal Register** Recovered Material Advisory Notice(s) that present the range of recovered material content levels within which the designated recycled items are currently available. These levels shall be updated periodically after publication for comment to reflect changes in market conditions.

Sec. 503. Guidance for Environmentally Preferable Products. In accordance with this order, EPA shall issue guidance that recommends principles that Executive agencies should use in making determinations for the preference and purchase of environmentally preferable products.

(a) Proposed guidance shall be published for public comment in the **Federal Register** within 180 days after the effective date of this order, and may be updated after public comment, as necessary, thereafter. To the extent necessary, EPA may issue additional guidance for public comment on how the principles can be applied to specific product categories.

(b) Once final guidance for environmentally preferable products has been issued by EPA, Executive agencies shall use these principles, to the maximum extent practicable, in identifying and purchasing environmentally preferable products and shall modify their procurement programs by reviewing and revising specifications, solicitation procedures, and policies as appropriate.

Sec. 504. Minimum Content Standard for Printing and Writing Paper. Executive agency heads shall ensure that agencies shall meet or exceed the following minimum materials content standards when purchasing or causing the purchase of printing and writing paper:

(a) For high speed copier paper, offset paper, forms bond, computer printout paper, carbonless paper, file folders, and white woven envelopes, the minimum content standard shall be no less than 20 percent postconsumer materials beginning December 31, 1994. This minimum content standard shall be increased to 30 percent beginning on December 31, 1998.

(b) For other uncoated printing and writing paper, such as writing and office paper, book paper, cotton fiber paper, and cover stock, the minimum content standard shall be 50 percent recovered materials, including 20 percent postconsumer materials beginning on December 31, 1994. This standard shall be increased to 30 percent beginning on December 31, 1998.

(c) As an alternative to meeting the standards in sections 504(a) and (b), for all printing and writing papers, the minimum content standard shall be no less than 50 percent recovered materials that are a waste material byproduct of a finished product other than a paper or textile product which would otherwise be disposed of in a landfill, as determined by the State in which the facility is located.

(1) The decision not to procure recycled content printing and writing paper meeting the standards specified in this section shall be based solely on a determination by the contracting officer that a satisfactory level of competition does not exist, that the items are not available within a reasonable time period, or that the available items fail to meet reasonable performance standards established by the agency or are only available at an unreasonable price.

(2) Each agency should implement waste prevention techniques, as specified in section 402(d) of this order, so that total annual expenditures for recycled content printing and writing paper do not exceed current annual budgets for paper products as measured by average annual expenditures, adjusted for inflation based on the Consumer Price Index or other suitable indices. In determining a target budget for printing and writing paper, agencies may take into account such factors as employee increases or decreases, new agency or statutory initiatives, and episodic or unique requirements (e.g., census).

(3) Effective immediately, all agencies making solicitations for the purchase of printing and writing paper shall seek bids for paper with postconsumer material or recovered waste material as described in section 504(c).

Sec. 505. Revision of Brightness Specifications and Standards. The General Services Administration and other Federal agencies are directed to identify, evaluate and revise or eliminate any standards or specifications unrelated to performance that present barriers to the purchase of paper or paper products made by production processes that minimize emissions of harmful byproducts. This evaluation shall include a review of unnecessary brightness and stock clause provisions, such as lignin content and chemical pulp requirements. The GSA shall complete the review and revision of such specifications within six months after the effective date of this order, and shall consult closely with the Joint Committee on Printing during such process. The GSA shall also compile any information or market studies that may be necessary to accomplish the objectives of this provision.

Sec. 506. Procurement of Re-refined Lubricating Oil and Retread Tires. Within 180 days after the effective date of this order, agencies shall implement the EPA procurement guidelines for re-refined lubricating oil and retread tires.

(a) Commodity managers shall finalize revisions to specifications for refined oil and retread tires, and develop and issue specifications for tire retreading services, as commodity managers shall take affirmative steps to procure these items in accordance with RCRA section 6002.

(b) Once these items become available, fleet managers shall take affirmative steps to procure these items in accordance with RCRA section 6002.

Sec. 507. Product Testing. The Secretary of Commerce, through the National Institute of Standards and Technology ("NIST"), shall establish a program for testing the performance of products containing recovered materials or deemed to be environmentally preferable. NIST shall work with EPA, GSA and other public and private sector organizations that conduct appropriate life cycle analyses to gather information that will assist agencies in making selections of products and services that are environmentally preferable.

(a) NIST shall publish appropriate reports describing testing programs, their results, and recommendations for testing methods and related specifications for use by Executive agencies and other interested parties.

(b) NIST shall coordinate with other Executive and State agencies to avoid duplication with existing testing programs.

PART 6—AGENCY GOALS AND REPORTING REQUIREMENTS

Sec. 601. Goals for Waste Reduction. Each agency shall establish a goal for solid waste prevention and a goal for recycling to be achieved by the year 1995. These goals shall be submitted to the Federal Environmental Executive within 180 days after the effective date of this order. Progress on attaining these goals shall be reported by the agencies to the Federal Environmental Executive for the annual report specified in section 301 of this order.

Sec. 602. Goal for Increasing the Procurement of Recycled and Other Environmentally Preferable Products. Agencies shall strive to increase the procurement of products that are environmentally preferable or that are made with recovered materials and set annual goals to maximize the number of recycled products purchased, relative to non-recycled alternatives.

Sec. 603. Review of Implementation. The President's Council on Integrity and Efficiency ("PCIE") will request that the Inspectors General periodically review agencies' affirmative procurement programs and reporting procedures to ensure their compliance with this order.

PART 7—APPLICABILITY AND OTHER REQUIREMENTS

Sec. 701. Contractor Operated Facilities. Contracts that provide for contractor operation of a government-owned or leased facility, awarded after the effective date of this order, shall include provisions that obligate the contractor to comply with the requirements of this order within the scope of its operations. In addition, to the extent permitted by law and where economically feasible, existing contracts should be modified.

Sec. 702. Real Property Acquisition and Management. Within 90 days after the effective date of this order, and to the extent permitted by law and where economically feasible, Executive agencies shall ensure compliance with the provisions of this order in the acquisition and management of federally owned and leased space. GSA and other Executive agencies shall also include environmental and recycling provisions in the acquisition of all leased space and in the construction of new federal buildings.

Sec. 703. Retention of Funds. Within 90 days after the effective date of this order, the Administrator of GSA shall develop a legislative proposal providing authority for Executive agencies to retain a share of the proceeds from the sale of materials recovered through recycling or waste prevention programs and specifying the eligibility requirements for the materials being recycled.

Sec. 704. Model Facility Programs. Each Executive department and major procuring agency shall establish model facility demonstration programs that include comprehensive waste prevention and recycling programs and emphasize the procurement of recycled and environmentally preferable products services using an electronic data interchange (EDI) system.

Sec. 705. Recycling Programs. Each Executive agency that has not already done so shall initiate a program to promote cost effective waste prevention and recycling of reusable materials in all of its facilities. The recycling programs implemented pursuant to this section must be compatible with applicable State and local recycling requirements. Federal agencies shall also consider cooperative ventures with State and local governments promote recycling and waste reduction in the community.

PART 8—AWARENESS

Sec. 801. Agency Awards Program. A government-wide award will be presented annually by the White House to the best, most innovative program implementing the objectives of this order to give greater visibility to these efforts so that they can be incorporated government-wide.

Sec. 802. Internal Agency Awards Programs. Each agency shall develop an internal agency-wide awards program, as appropriate, to reward its most innovative environmental programs. Winners of agency-wide awards will be eligible for the White House award program.

PART 9—REVOCATION, LIMITATION AND IMPLEMENTATION

Sec. 901. Executive Order No. 12780,¹ dated October 31, 1991, is hereby revoked.

Sec. 902. This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any other person.

Sec. 903. The policies expressed in this order, including the requirements and elements for effective agency affirmative procurement programs, shall be implemented and incorporated in the Federal Acquisition Regulation (FAR) within 180 days after the effective date of this order. The implementation language shall consist of providing specific direction and guidance on agency programs for preference, promotion, estimation, certification, reviewing and monitoring.

Sec. 904. This order shall be effective immediately.

WILLIAM J. CLINTON

THE WHITE HOUSE,
October 20, 1993.

1. 42 U.S.C.A. § 6962 nt.

No. 12875

October 26, 1993, 58 F.R. 58093

Enhancing the Intergovernmental Partnership

The Federal Government is charged with protecting the health and safety, as well as promoting other national interests, of the American people. However, the cumulative effect of unfunded Federal mandates has increasingly strained the budgets of State, local, and tribal governments. In addition, the cost, complexity, and delay in applying for and receiving waivers from Federal requirements in appropriate cases have hindered State, local, and tribal governments from tailoring Federal programs to meet the specific or unique needs of their communities. These governments should have more flexibility to design solutions to the problems faced by citizens in this country without excessive micromanagement and unnecessary regulation from the Federal Government.

THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to reduce the imposition of unfunded mandates upon State, local, and tribal governments; to streamline the application process for and increase the availability of waivers to State, local, and tribal governments; and to establish regular and meaningful consultation and collaboration with State, local, and tribal governments on Federal matters that significantly or uniquely affect their communities, it is hereby ordered as follows:

Section 1. Reduction of Unfunded Mandates. (a) To the extent feasible and permitted by law; no executive department or agency (“agency”) shall promulgate any regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government, unless:

(1) funds necessary to pay the direct costs incurred by the State, local, or tribal government in complying with the mandate are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of regulations containing the proposed mandate, provides to the Director of the Office of Management and Budget a description of the extent of the agency’s prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, any written communications submitted to the agency by such units of government, and the agency’s position supporting the need to issue the regulation containing the mandate.

(b) Each agency shall develop an effective process to permit elected officials and other representatives of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.

Sec. 2. Increasing Flexibility for State and Local Waivers. (a) Each agency shall review its waiver application process and take appropriate steps to streamline that process.

(b) Each agency shall, to the extent practicable and permitted by law, consider any application by a State, local, or tribal government for a waiver of statutory or regulatory requirements in connection with any program administered by that agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the State, local, and tribal level in cases in which the proposed waiver is consistent with the applicable Federal policy objectives and is otherwise appropriate.

(c) Each agency shall, to the fullest extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency. If the application for a waiver is not granted, the agency shall provide the applicant with timely written notice of the decision and the reasons therefor.

(d) This section applies only to statutory or regulatory requirements of the programs that are discretionary and subject to waiver by the agency.

Sec. 3. Responsibility or Agency Implementation. The Chief Operating Officer of each agency shall be responsible for ensuring the implementation of and compliance with this order.

Sec. 4. Executive Order No. 12866. This order shall supplement but not supersede the requirements contained in Executive Order No. 12866 (“Regulatory Planning and Review”).

Sec. 5. Scope. (a) Executive agency means any authority of the United States that is an “agency” under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10).

(b) Independent agencies are requested to comply with the provisions of this order.

Sec. 6. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 7. Effective Date. This order shall be effective 90 days after the date of this order.

WILLIAM J. CLINTON

THE WHITE HOUSE,
October 26, 1993.

No. 12877

November 3, 1993, 58 F.R. 59159

Amendment to Executive Order No. 12569

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Compact of Free Association (the Compact) and Public Laws 99-239 and 99-658, I hereby order that Executive Order No. 12569¹ of October 16, 1986, be amended as follows:

Section 1. Paragraphs (1)-(3) of subsection (e) of section 3 shall read:

“(e)(1) The Secretary of State shall be responsible for the conduct of United States relations with the Freely Associated States, carry out related matters, and provide appropriate support to the Interagency Group, bearing in mind the continued special relationship between the United States and the Freely Associated States.

(2) The Secretaries’ of Defense and Interior may, to the extent permitted by law, delegate any or all of their respective authorities and responsibilities as described in this Order to the Secretary of State or his or her designee. The Secretary of State or his or her designee shall serve as Executive Secretary of the Interagency Group.

(3) Personnel additional to that provided by the Secretary of State may be detailed to the Department of State by the Executive departments and agencies that are members of the Interagency Group, and by other agencies as appropriate. Executive departments and agencies shall, to the extent permitted by law, provide such information, advice, and administrative services and facilities to the Secretary of State as may be necessary to conduct United States relations with the Freely Associated States.”

Sec. 2. Section 5 shall read:

“**Sec. 5.** *Cooperation among Executive Departments and Agencies.* All Executive departments and agencies shall cooperate in the effectuation of the provisions of this Order. The Interagency Group and the Secretary of State shall facilitate such cooperative measures. Nothing in this Order shall be construed to impair the authority and responsibility of the Secretary of Defense for security and defense matters in or relating to the Freely Associated States.”

WILLIAM J. CLINTON

THE WHITE HOUSE,
November 3, 1993.

1. 48 U.S.C.A. § 1681 nt.

No. 12898

February 11, 1994, 59 F.R. 7629

Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1-1. IMPLEMENTATION.

1-101. *Agency Responsibilities.* To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

1-102. *Creation of an Interagency Working Group on Environmental Justice* (a) Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency ("Administrator") or the Administrator's designee shall convene an interagency Federal Working Group on Environmental Justice ("Working Group"). The Working Group shall comprise the heads of the following executive agencies and offices, or their designees: (a) Department of Defense; (b) Department of Health and Human Services; (c) Department of Housing and Urban Development; (d) Department of Labor; (e) Department of Agriculture; (f) Department of Transportation; (g) Department of Justice; (h) Department of the Interior; (i) Department of Commerce; (j) Department of Energy; (k) Environmental Protection Agency; (l) Office of Management and Budget; (m) Office of Science and Technology Policy; (n) Office of the Deputy Assistant to the President for Environmental Policy; (o) Office of the Assistant to the President for Domestic Policy; (p) National Economic Council; (q) Council of Economic Advisers; and (r) such other Government officials as the President may designate. The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

(b) The Working Group shall: (1) provide guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(2) coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy as required by section 1-103 of this order, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner;

(3) assist in coordinating research by, and stimulating cooperation among, the Environmental Protection Agency, the Department of Health and Human Services, the Department of Housing and Urban Development, and other agencies conducting research or other activities in accordance with section 3-3 of this order;

(4) assist in coordinating data collection, required by this order;

(5) examine existing data and studies on environmental justice;

(6) hold public meetings as required in section 5-502(d) of this order; and

(7) develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

1-103. *Development of Agency Strategies.* (a) Except as provided in section 6-605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b)-(e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.

(c) Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.

(d) Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.

(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

(f) Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.

(g) Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

1-104. *Reports to the President.* Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

Sec. 2-2. FEDERAL AGENCY RESPONSIBILITIES FOR FEDERAL PROGRAMS.

Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.

Sec. 3-3. RESEARCH, DATA COLLECTION, AND ANALYSIS.

3-301. *Human Health and Environmental Research and Analysis.* (a) Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as minority populations, low-income populations and workers who may be exposed to substantial environmental hazards.

(b) Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.

(c) Federal agencies shall provide minority populations and low-income populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

3-302. *Human Health and Environmental Data Collection and Analysis.* To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a): (a) each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(b) In connection with the development and implementation of agency strategies in section 1-103 of this order, each Federal agency, whenever practicable and appropriate, shall collect, maintain and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have a substantial environmental, human health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial Federal environmental administrative or judicial action. Such information shall be made available to the public, unless prohibited by law; and

(c) Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are: (1) subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001-11050 as mandated in Executive Order No. 12856; and (2) expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public, unless prohibited by law.

(d) In carrying out the responsibilities in this section, each Federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and tribal governments.

Sec. 4-4. SUBSISTENCE CONSUMPTION OF FISH AND WILDLIFE.

4-401. *Consumption Patterns.* In order to assist in identifying the need for ensuring protection of populations with differential patterns of subsistence consumption of fish and wildlife, Federal agencies, whenever practicable and appropriate, shall collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. Federal agencies shall communicate to the public the risks of those consumption patterns.

4-402. *Guidance.* Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information

available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or wildlife. Agencies shall consider such guidance in developing their policies and rules.

Sec. 5-5. PUBLIC PARTICIPATION AND ACCESS TO INFORMATION. (a) The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Working Group.

(b) Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.

(c) Each Federal agency shall work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public.

(d) The Working Group shall hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice. The Working Group shall prepare for public review a summary of the comments and recommendations discussed at the public meetings.

Sec. 6-6. GENERAL PROVISIONS.

6-601. Responsibility for Agency Implementation. The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct internal reviews and take such other steps as may be necessary to monitor compliance with this order.

6-602. Executive Order No. 12250. This Executive order is intended to supplement but not supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance. Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

6-603. Executive Order No. 12875. This Executive order is not intended to limit the effect or mandate of Executive Order No. 12875.

6-604. Scope. For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.

6-605. Petitions for Exemptions. The head of a Federal agency may petition the President for an exemption from the requirements of this order on the grounds that all or some of the petitioning agency's programs or activities should not be subject to the requirements of this order.

6-606. Native American Programs. Each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition, the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally-recognized Indian Tribes.

6-607. Costs. Unless otherwise provided by law, Federal agencies shall assume the financial costs of complying with this order.

6-608. General. Federal agencies shall implement this order consistent with, and to the extent permitted by, existing law.

6-609. *Judicial Review.* This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance of the United States, its agencies, its officers, or any other person with this order.

WILLIAM J. CLINTON

THE WHITE HOUSE,
February 11, 1994.

No. 12902

March 8, 1994, 59 F.R. 11463

Energy Efficiency and Water Conservation at Federal Facilities

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Energy Policy and Conservation Act (Public Law 94-163, 89 Stat. 871, 42 U.S.C. 6201 *et seq.*) as amended by the Energy Policy Act of 1992 (Public Law 102-486, 106 Stat. 2776) and section 301 of title 3, United States Code, I hereby order as follows:

PART 1—DEFINITIONS

For the purposes of this order:

Section 101. The “Act” means the Federal energy management provisions of the Energy Policy and Conservation Act, as amended by the Energy Policy Act of 1992.

Sec. 102. The term “comprehensive facility audit” means a survey of a building or facility that provides sufficiently detailed information to allow an agency to enter into energy or water savings performance contracts or to invite inspection and bids by private upgrade specialists for direct agency-funded energy or water efficiency investments. It shall include information such as the following:

(a) the type size, energy use, and performance of the major energy using systems and their interaction with the building envelope, the climate and weather influences, usage patterns, and related environmental concerns;

(b) appropriate energy and water conservation maintenance and operating procedures;

(c) recommendations for the acquisition and installation of energy conservation measures including solar and other renewable energy and water conservation measures; and

(d) a strategy to implement the recommendations.

Sec. 103. The term “cost-effective” means providing a payback period of less than 10 years, as determined by using the methods and procedures developed pursuant to 42 U.S.C. 8254 and 10 CFR 436.

Sec. 104. The term “demand side management” refers to utility-sponsored programs that increase energy efficiency and water conservation or the management of demand. The term includes load management techniques.

Sec. 105. The term “energy savings performance contracts” means contracts that provide for the performance of services for the audit, design, acquisition, installation, testing, operation, and, where appropriate, maintenance and repair of an identified energy or water conservation measure or series of measures at one or more locations.

Sec. 106. The term “agency” means an executive agency as defined in 5 U.S.C. 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

Sec. 107. The term “Federal building” means any individual building, structure, or part thereof, including the associated energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part for use by the Federal Government and which consumes energy or water. In any provision of this order, the term “Federal building” shall also include any building leased in whole or in part for use by the Federal Government where the term of the lease exceeds 5 years and the lease does not prohibit implementation of the provision in question.

Sec. 108. The term “Federal facility” means any building or collection of buildings, grounds, or structure, as well as any fixture or part thereof, which is owned by the United States or any Federal agency or which is held by the United States or any Federal agency under a lease-acquisition agreement under which the United States or a Federal agency will receive fee simple title under the terms of such agreement without further negotiation. In any provision of this order, the term “Federal facility” shall also include any building leased in whole or in part for use by the Federal Government where the term of the lease exceeds 5 years and the lease does not prohibit implementation of the provision in question.

Sec. 109. The term “franchising” means that an agency would provide the services of its employees to other agencies on a reimbursable basis.

Sec. 110. The term “gainsharing” refers to incentive systems that allocate some portion of savings resulting from gains in productivity to the workers who produce those gains.

Sec. 111. The term “industrial facilities” means any fixed equipment, building, or complex for the production of goods that uses large amounts of capital equipment in connection with, or as part of, any process or system, and within which the majority of energy use is not devoted to the heating, cooling, lighting, ventilation, or to service the hot water energy load requirements of the building.

Sec. 112. The term “life cycle cost” refers to life cycle cost calculated pursuant to the methodology established by 10 CFR 436.11.

Sec. 113. The term “prioritization survey” means a rapid assessment that will be used by an agency to identify those facilities with the highest priority projects based on the degree of cost effectiveness and to schedule comprehensive facility audits prior to project implementation. The prioritization survey shall include information such as the following:

(a) the type, size, energy and water use levels of the major energy and water using systems in place at the facility; and

(b) the need, if any, for acquisition and installation of cost-effective energy and water conservation measures, including solar and other renewable energy resource measures.

Sec. 114. The term “shared energy savings contract” refers to a contract under which the contractor incurs the cost of implementing energy savings measures (including, but not limited to, performing the audit, designing the project, acquiring and installing equipment, training personnel, and operating and maintaining equipment) and in exchange for providing these services, the contractor gains a share of any energy cost savings directly resulting from implementation of such measures during the term of the contract.

Sec. 115. The term “solar and other renewable energy sources” includes, but is not limited to, agriculture and urban waste, geothermal energy, solar energy, and wind energy.

Sec. 116. The term “utility” means any person, State, or agency that is engaged in the business of producing or selling electricity or engaged in the local distribution of natural gas or water to any ultimate consumer.

PART 2—INTERAGENCY COORDINATION

Sec. 201. Interagency Coordination. The Department of Energy (“DOE”) shall take the lead in implementing this order through the Federal Energy Management Program (“FEMP”). The Interagency Energy Policy Committee (“656 Committee”) and the Interagency Energy Management Task Force (“Task Force”) shall serve as forums to

coordinate issues involved in implementing energy efficiency, water conservation, and solar and other renewable energy the Federal sector.

PART 3—AGENCY GOALS AND REPORTING REQUIREMENTS FOR ENERGY AND WATER EFFICIENCY IN FEDERAL FACILITIES

Sec. 301. Energy Consumption Reduction Goals. (a) Each agency shall develop and implement a program with the intent of reducing energy consumption by 30 percent by the year 2005, based on energy consumption per-gross-square-foot of its buildings in use, to the extent that these measures are cost-effective. The 30 percent reductions shall be measured relative to the agency's 1985 energy use. Each agency's implementation program shall be designed to speed the introduction of cost-effective, energy-efficient technologies into Federal facilities, and to meet the goals and requirements of the Act and this order.

(b) Each agency shall develop and implement a program for its industrial facilities in the aggregate with the intent of increasing energy efficiency by at least 20 percent by the year 2005 as compared to the 1990 benchmark, to the extent these measures are cost-effective, and shall implement all cost-effective water conservation projects. DOE, in coordination with the 656 Committee, shall establish definitions and appropriate indicators of energy and water efficiency, and energy and water consumption and costs, in Federal industrial facilities for the purpose of establishing a base year of 1990.

Sec. 302. Energy and Water Surveys and Audits of Federal Facilities. (a) *Prioritization Survey.* Each agency responsible for managing Federal facilities shall conduct a prioritization survey, within 18 months of the date of this order, on each of the facilities the agency manages. The surveys shall be used to establish priorities for conducting comprehensive facility audits.

(b) *Comprehensive Facility Audits.* Each agency shall develop and begin implementing a 10-year plan to conduct or obtain comprehensive facility audits, based on prioritization surveys performed under section 302(a) of this order.

(1) Implementation of the plan shall ensure that comprehensive facility audits of approximately 10 percent of the agency's facilities are completed each year. Agencies responsible for managing less than 100 Federal facilities shall plan and execute approximately 10 comprehensive facility audits per year until all facilities have been audited.

(2) Comprehensive audits of facilities performed within the last 3 years may be considered current for the purposes of implementation.

(3) "No-cost" audits, such as those outlined in section 501(c) of this order, shall be utilized to the extent practicable.

(c) *Exempt Facilities.* Because the mission within facilities exempt from the energy and water reduction requirements under the Act may not allow energy efficiency and water conservation in certain operations, actions shall be taken to reduce all other energy and water waste using the procedures described in the Act and this order. Each agency shall develop and implement a plan to improve energy and water efficiency in such exempt facilities. The prioritization surveys are intended to allow agencies to refine their designation of facilities as "exempt" or "industrial," so that only individual buildings in which industrial or energy-intensive operations are conducted remain designated as "exempt" or "industrial." Within 21 months of the date of this order, each agency shall report to FEMP and to the Office of Management and Budget ("OMB") the redesignations that the agency is making as a result of the prioritization surveys. Agencies may seek exemptions for their facilities pursuant to the Energy Policy and Conservation Act, as amended.

(d) *Leased Facilities.* Agencies shall conduct surveys and audits of leased facilities to the extent practicable and to the extent that the recommendations of such surveys and audits could be implemented under the terms of the lease.

Sec. 303. Implementation of Energy Efficiency and Water Conservation Projects. (a) *Implementation of New Audit Recommendations.* Within 1 year of the date of this order, agencies shall identify, based on preliminary recommendations from the prioritization surveys required under section 302 of this order, high priority facilities to audit and shall complete the first 10 percent of the required comprehensive facility audits. Within 180 days of the completion of the comprehensive facility audit of each facility, agencies shall begin implementing cost-effective recommendations for installation of energy efficiency, water conservation, and renewable energy technologies for that facility.

(b) *Implementation of Existing Audits.* Within 180 days of the date of this order, agencies shall begin to implement cost-effective recommendations from comprehensive audits of facilities performed within the past 3 years, for installation of energy efficiency, water conservation, and renewable energy technologies.

Sec. 304. Solar and Other Renewable Energy. The goal of the Federal Government is to significantly increase the use of solar and other renewable energy sources. DOE shall develop a program for achieving this goal cost-effectively and, within 210 days of the date of this order, submit the program to the 656 Committee for review. DOE shall lead the effort to assist agencies in meeting this goal.

Sec. 305. Minimization of Petroleum-Based Fuel Use in Federal Buildings and Facilities. All agencies shall develop and implement programs to reduce the use of petroleum in their buildings and facilities by switching to a less-polluting and nonpetroleum-based energy source, such as natural gas or solar and other renewable energy sources. Where alternative fuels are not practical or cost-effective, agencies shall strive to improve the efficiency with which they use the petroleum. Each agency shall survey its buildings and facilities that utilize petroleum-based fuel systems to determine where the potential for a dual-fuel capability exists and shall provide dual-fuel capability where cost-effective and practicable.

Sec. 306. New Space. (a) *New Federal Facility Construction.* Each agency involved in the construction of a new facility that is to be either owned by or leased to the Federal Government shall:

(1) design and construct such facility to minimize the life cycle cost of the facility by utilizing energy efficiency, water conservation, or solar or other renewable energy technologies;

(2) ensure that the design and construction of facilities meet or exceed the energy performance standards applicable to Federal residential or commercial buildings as set forth in 10 CFR 435, local building standards, or a Btu-per-gross-square-foot ceiling as determined by the Task Force within 120 days of the date of this order, whichever will result in a lower life cycle cost over the life of the facility;

(3) establish and implement, within 270 days of the date of this order, a facility commissioning program that will ensure that the construction of such facilities meets the requirements outlined in this section before the facility is accepted into the Federal facility inventory; and

(4) utilize passive solar design and adopt active solar technologies where they are cost-effective.

(b) *New Leases For Existing Facilities.* To the extent practicable and permitted by law, agencies entering into leases, including the renegotiation or extension of existing leases, shall identify the energy and water consumption of those facilities and seek to incorporate provisions into each lease that minimize the cost of energy and water under a

life cycle analysis, while maintaining or improving occupant health and safety. These requirements may include renovation of proposed space prior to or within the first year of each lease. Responsible agencies shall seek to negotiate the cost of the lease, taking into account the reduced energy and water costs during the term of the lease.

(c) *Government-Owned Contractor-Operated Facilities.* All Government-owned contractor-operated facilities shall comply with the goals and requirements of this order. Energy and water management goals shall be incorporated into their management contracts.

Sec. 307. Showcase Facilities. (a) *New Building Showcases.* When an agency constructs at least five buildings in a year, it shall designate at least one building, at the earliest stage of development, to be a showcase highlighting advanced technologies and practices for energy efficiency, water conservation, or use of solar and other renewable energy.

(b) *Demonstrations in Existing Facilities.* Each agency shall designate one of its major buildings to become a showcase to highlight energy or water efficiency and also shall attempt to incorporate cogeneration, solar and other renewable energy technologies, and indoor air quality improvements. Selection of such buildings shall be based on considerations such as the level of nonfederal visitors, historic significance, and the likelihood that visitors will learn from displays and implement similar projects. Within 180 days of the date of this order, each agency shall develop and implement plans and work in cooperation with DOE and, where appropriate, in consultation with the General Services Administration (“GSA”), the Environmental Protection Agency (“EPA”) and other appropriate agencies, to determine the most effective and cost-effective strategies to implement these demonstrations.

Sec. 308. Annual Reporting Requirements. (a) As required under the Act, the head of each agency shall report annually to the Secretary of Energy and OMB, in a format specified by the Secretary and OMB after consulting with the 656 Committee. The report shall describe the agency's progress in achieving the goals of this order.

(b) The Secretary of Energy shall report to the President and the Congress annually on the implementation of this order. The report should provide information on energy and water use and cost data and shall provide the greatest level of detail practicable for buildings and facilities by energy source.

Sec. 309. Report on Full Fuel Cycle Analysis. DOE shall prepare a report on the issues involved in instituting life cycle analysis for Federal energy and product purchases that address the full fuel cycle costs, including issues concerning energy exploration, development, processing, transportation storage, distribution, consumption, and disposal, and related impacts on the environment. The report shall examine methods for conducting life cycle analysis and implementing such analysis in the Federal sector and shall make appropriate recommendations. The report shall be forwarded to the President for review.

Sec. 310. Agency Accountability. One year after the date of this order, and every 2 years thereafter, the President's Management Council shall report to the President about efforts and actions by agencies to meet the requirements of this order. In addition, each agency head shall designate a senior official, at the Assistant Secretary level or above, to be responsible for achieving the requirements of this order and shall appoint such official to the 656 Committee. The 656 Committee shall also work to ensure the implementation of this order. The agency senior official and the 656 Committee shall coordinate implementation with the Federal Environmental Executive and Agency Environmental Executives established under Executive Order No. 12873.

PART 4—USE OF INNOVATIVE FINANCING AND CONTRACTUAL MECHANISMS

Sec. 401. Financing Mechanisms. In addition to available appropriations, agencies shall utilize innovative financing and contractual mechanisms, including, but not limited to, utility demand side management programs, shared energy savings contracts, and energy savings performance contracts, to meet the goals and requirements of the Act and this order.

Sec. 402. Workshop for Agencies. Within a reasonable time of the date of this order, the Director of OMB, or his or her designee, and the Task Force shall host a workshop for agencies regarding financing and contracting for energy efficiency, water efficiency, and renewable technology projects. Based on the results of that meeting, the Administrator, Office of Procurement Policy (“OFPP”), shall assist the Administrator of General Services and the Secretary of Energy in eliminating unnecessary regulatory and procedural barriers that slow the utilization of such audit, financing, and contractual mechanisms or complicate their use. All actions that are cost-effective shall be implemented through the process required in section 403 of this order.

Sec. 403. Elimination of Barriers. Agency heads shall work with their procurement officials to identify and eliminate internal regulations, procedures, or other barriers to implementation of the Act and this order. DOE shall develop a model set of recommendations that will be forwarded to the Administrator of OFPP in order to assist agencies in eliminating the identified barriers.

PART 5—TECHNICAL ASSISTANCE, INCENTIVES, AND AWARENESS

Sec. 501. Technical Assistance. (a) To assist Federal energy managers in implementing energy efficiency and water conservation projects, DOE shall, within 180 days of the date of this order, develop and make available through the Task Force:

(1) guidance explaining the relationship between water use and energy consumption and the energy savings achieved through water conservation measures;

(2) a model solicitation and implementation guide for innovative funding mechanisms referenced in section 401 of this order;

(3) a national list of companies providing water services in addition to the list of qualified energy service companies as required by the Act;

(4) the capabilities and technologies available through the national energy laboratories; and

(5) an annually-updated guidance manual for Federal energy managers that includes, at a minimum, new sample contracts or contract provisions, position descriptions, case studies, recent guidance, and success stories.

(b) The Secretary of Energy, in coordination with the Administrator of General Services, shall make available through the Task Force, within 180 days of the date of this order:

(1) the national list of qualified water and energy efficiency contractors for inclusion on a Federal schedule; and

(2) a model provision on energy efficiency and water conservation, for inclusion in new leasing contracts.

(c) Within 180 days of the date of this order, the Administrator of General Services shall:

(1) contact each utility that has an area-wide contract with GSA to determine which of those utilities will perform "no-cost" audits for energy efficiency and water conservation

and potential solar and other renewable energy sources that comply with Federal life cycle costing procedures set forth in Subpart A, 10 CFR 436;

(2) for each energy and water utility serving the Federal Government, determine which of those utilities offers demand-side management services and incentives and obtain a list and description of those services and incentives; and

(3) prepare a list of those utilities and make that list available to all Federal property management agencies through the Task Force.

(d) Within 18 months of the date of this order, the Administrator of General Services, in consultation with the Secretary of Energy, shall develop procurement techniques, methods, and contracts to speed the purchase and installation of energy, water, and renewable energy technologies in Federal facilities. Such techniques, methods, and contracts shall be designed to utilize both direct funding by the user agency, including energy savings performance contracting, and utility rebates. To the extent permitted by law, the Administrator of OFPP shall assist the Administrator of General Services and the Secretary of Energy by eliminating unnecessary regulatory and procedural barriers that would slow the implementation of such methods, techniques, or contracts or complicate their use.

(e) Agencies are encouraged to seek technical assistance from DOE to develop and implement solar and other renewable energy projects.

(f) DOE shall conduct appropriate training for Federal agencies to assist them in identifying and funding cost-effective projects. This training shall include providing software and other technical tools to audit facilities and identify opportunities. To the extent that resources are available, DOE shall work with utilities and the private sector to encourage their participation in federal sector programs.

(g) DOE, in coordination with EPA, GSA, and the Department of Defense ("DOD"), shall develop technical assistance services for agencies to help identify energy efficiency, water conservation, indoor air quality, solar and other renewable energy projects, new building design, fuel switching, and life cycle cost analysis. These services shall include, at a minimum, a help line, computer bulletin board, information and education materials, and project tracking methods. Agencies shall identify technical assistance needed to meet the goals and requirements of the Act and this order and seek such assistance from DOE.

(h) The Secretary of Energy and the Administrator of General Services shall explore ways to stimulate energy efficiency, water conservation; and use of solar and other renewable energy sources and shall study options such as new building performance guidelines, life cycle value engineering, and designer/builder incentives such as award fees. The studies shall be completed within 270 days of the date of this order. The OFPP will issue guidance to agencies on life cycle value engineering within 6 months of the completion of the studies.

(i) The Secretary of Energy and the Administrator of General Services shall develop and distribute through the Task Force a model building commissioning program within 270 days of the date of this order.

(j) The lists, guidelines, and services in this section of the order shall be updated periodically.

Sec. 502. Retention of Savings and Rebates. (a) Within a reasonable time after the date of this order, the Director of OMB, along with the Secretary of Energy, the Secretary of Defense, and the Administrator of General Services, to the extent practicable and permitted by law, shall develop guidelines and implement procedures to allow agencies, in fiscal year 1995 and beyond, to retain utility rebates and incentives received by the agency and savings from energy efficiency and water conservation efforts as provided in section 152 of the Energy Policy Act of 1992 and 10 U.S.C. 2865 and 2866.

Sec. 503. Performance Evaluations. To recognize the responsibilities of facility managers, designers, energy managers, their superiors, and, to the extent practicable and appropriate, others critical to the implementation of this order, heads of agencies shall include successful implementation of energy efficiency, water conservation, and solar and other renewable energy projects in their position descriptions and performance evaluations.

Sec. 504. Incentive Awards. Agencies are encouraged to review employer incentive programs to ensure that such programs appropriately reward exceptional performance in implementing the Act and this order. Such awards may include monetary incentives such as Quality Step Increases, leave time awards and productivity gainsharing, and nonmonetary and honor awards such as increased authority, additional resources, and a series of options from which employees or teams of employees can choose.

Sec. 505. Project Teams/Franchising. (a) Agencies are encouraged to establish Energy Efficiency and Environmental Project Teams ("Project Teams") to implement energy efficiency, water conservation, and solar and other renewable energy projects within their respective agencies. DOE shall develop a program to train and support the Project Teams, which should have particular expertise in innovative financing, including shared energy savings and energy savings performance contracting. The purpose of the program is to enable project teams to implement projects quickly and effectively in their own agencies.

(b) Agencies are encouraged to franchise the services of their Project Teams. The ability to access the services of other agencies' teams will foster excellence in project implementation through competition among service providers, while providing an alternative method to meet or exceed the requirements of the Act and this order for agencies that are unable to devote sufficient personnel to implement projects.

Sec. 506. FEMP Account Managers. FEMP shall develop a customer service program and assign account managers to agencies or regions so that each project may have a designated account manager. When requested by an agency, the account manager shall start at the audit phase and follow a project through commissioning, evaluation and reporting. The account manager shall provide technical assistance and shall have responsibility to see that all actions possible are taken to ensure success of the project.

Sec. 507. Procurement of Energy Efficient Products by Federal Agencies. (a) *"Best Practice" Technologies.* Agencies shall purchase energy-efficient products in accordance with the guidelines issued by OMB, in consultation with the Defense Logistics Agency ("DLA"), DOE, and GSA, under section 161 of the Energy Policy Act of 1992. The guidelines shall include listings of energy-efficient products and practices used in the Federal Government. At a minimum, OMB shall update the listings annually. DLA, DOE, and GSA shall update the portions of the listings for which they have responsibility as new products become available and conditions change.

(1) Each agency shall purchase products listed as energy-efficient in the guidelines whenever practicable, and whenever they meet the agency's specific performance requirements and are cost-effective. Each agency shall institute mechanisms to set targets and measure progress.

(2) To further encourage a market for highly-energy-efficient products, each agency shall increase, to the extent practicable and cost-effective, purchases of products that are in the upper 25 percent of energy efficiency for all similar products, or products that are at least 10 percent more efficient than the minimum level that meets Federal standards. This requirement shall apply wherever such information is available, either through Federal or industry-approved testing and rating procedures.

(3) GSA and DLA, in consultation with DOE, other agencies, States, and industry and other nongovernment organizations, shall provide all agencies with information on

specific products that meet the energy-efficiency criteria of this section. Product information should be made available in both printed and electronic formats.

(b) *Federal Market Opportunities*. DOE, after consultation with industry, utilities and other interested parties, shall identify advanced energy-efficient and water-conserving technologies that are technically and commercially feasible, but not yet available on the open market. These technologies may include, but are not limited to, the advanced appliance technologies referenced in section 127 of the Energy Policy Act of 1992. DOE, in cooperation with OMB, GSA, DOD, the National Institute of Standards and Technology (“NIST”), and EPA, shall issue a “Federal Procurement Challenge” inviting each Federal agency to commit a specified fraction of their purchases within a given time period to advanced, high-efficiency models of products, provided that these anticipated future products can meet the agency's energy performance functionality, and cost requirements.

(c) *Accelerated Retirement of Inefficient Equipment*. DOE, in consultation with GSA and other agencies, shall establish guidelines for the cost-effective early retirement of older, inefficient appliances and other energy and water-using equipment in Federal facilities. Such guidelines may take into account significant improvements in energy efficiency and water conservation, opportunities to down-size or otherwise optimize the replacement equipment as a result of associated improvements in building envelope, system, or industrial process efficiency and reductions in pollutant emissions, use of chlorofluorocarbons, and other environmental improvements.

(d) *Review of Barriers*. Each agency shall review and revise Federal or military specifications, product descriptions, and standards to eliminate barriers to, and encourage Federal procurement of, products that are energy-efficient or water conserving.

PART 6—WAIVERS

Sec. 601. Waivers. Each agency may determine whether certain requirements in this order are inconsistent with the mission of the agency and seek a waiver of the provision from the Secretary of Energy. Any waivers authorized by the Secretary of Energy shall be included in the annual report on Federal energy management required under the Act.

PART 7—REVOCATION, LIMITATION, AND IMPLEMENTATION

Sec. 701. Executive Order No. 12759,¹ of April 17, 1991, is hereby revoked, except that sections 3, 9, and 10 of that order shall remain effective and shall not be revoked.

Sec. 702. This order is intended only to improve the internal management of the executive branch and is not intended to, and does not create, any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 703. This order shall be effective immediately.

WILLIAM J. CLINTON

THE WHITE HOUSE,
March 8, 1994.

1. 42 U.S.C.A. § 6201 nt.

No. 12915

May 13, 1994, 59 F.R. 25775

Federal Implementation of the North American Agreement on Environmental Cooperation

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the North American Free Trade Agreement Implementation Act, Public Law 103-182; 107 Stat. 2057 ("NAFTA Implementation Act"), and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. Policy. (a) The North American Agreement on Environmental Cooperation ("Environmental Cooperation Agreement") shall be implemented consistent with United States policy for the protection of human, animal or plant life or health, and the environment. The Environmental Cooperation Agreement shall also be implemented to advance sustainable development, pollution prevention, environmental justice, ecosystem protection, and biodiversity preservation and in a manner that promotes transparency and public participation in accordance with the North American Free Trade Agreement ("NATA") and the Environmental Cooperation Agreement.

(b) Effective implementation of the Environmental Cooperation Agreement is essential to the realization of the environmental objectives of NAFTA and the NAFTA Implementation Act and promotes cooperation on trade and environmental issues between the United States, Canada, and Mexico.

Sec. 2. Implementation Of The Environmental Cooperation Agreement.

(a) *Policy Priorities.* In accordance with Article 10(2) of the Environmental Cooperation Agreement, it is the policy of the United States to promote consideration of, with a view towards developing recommendations and reaching agreement on, the following priorities within the Council of the Commission for Environmental Cooperation ("Council"):

(1) pursuant to Article 10(2)(m), the environmental impact of goods throughout their life cycles, including the environmental effects of processes and production methods and the internalization of environmental costs associated with products from raw material to disposal;

(2) pursuant to Articles 10(2)(b), (g), (i), (j), and (k), pollution prevention techniques and strategies, transboundary and border environmental issues, the conservation and protection of wild flora and fauna (including endangered species), their habitats and specially protected natural areas, and environmental emergency preparedness and response activities;

(3) pursuant to Articles 10(3) and 10(4), implementation of Environmental Cooperation Agreement provisions and the exchange of information among the United States, Canada, and Mexico concerning the development, continuing improvement, and effective enforcement of, and compliance with, environmental laws, policies, incentives, regulations, and other applicable standards;

(4) pursuant to Article 10(5)(a), public access to environmental information held by public authorities of each party to the Environmental Cooperation Agreement, including information on hazardous materials and activities in its communities, and the opportunity to participate in decision-making processes related to such public access;

(5) pursuant to Article 10(2)(1), environmental matters as they relate to sustainable development; and

(6) other priorities as appropriate or necessary.

(b) *United States Representation on the Council.* The Administrator of the Environmental Protection Agency (“EPA”) shall be the representative of the United States on the Council. The policies and positions of the United States in the Council shall be coordinated through applicable inter-agency procedures.

(c) *Environmental Effects of the NAFTA.* Pursuant to Article 10(6)(d) of the Environmental Cooperation Agreement, the Administrator of the EPA shall work actively within the Council to consider on an ongoing basis the environmental effects of the NAFTA and review progress toward the objectives of the Environmental Cooperation Agreement.

(d) *Transparency and Public Participation.* The United States, as appropriate, shall endeavor to ensure the transparency and openness of, and opportunities for the public to participate in, activities under the Environmental Cooperation Agreement.

(1) To the greatest extent practicable, pursuant to Articles 15(1) and 15(2), where the Secretariat of the Commission for Environmental Cooperation (“Secretariat”) informs the Council that a factual record is warranted, the United States shall support the preparation of such factual record.

(2) To the greatest extent practicable, the United States shall support public disclosure of all nonconfidential and nonproprietary elements of reports, factual records, decisions, recommendations, and other information gathered or prepared by the Commission for Environmental Cooperation (“Commission”). Where requested information is not made available, the United States shall endeavor to have the Commission state in writing to the public its reasons for denial of the request.

(3) The United States shall provide public notice of the opportunity to apply for inclusion on a roster of qualified individuals available to serve on arbitral panels under the Environmental Cooperation Agreement.

(4) The United States shall seek to ensure that the Model Rules of Procedure for dispute settlement established pursuant to Articles 28(1) and 28(2) of the Environmental Cooperation Agreement provide for the preparation of public versions of written submissions and arbitral reports not otherwise made publicly available, and for public access to arbitral hearings.

(5) Consistent with the Environmental Cooperation Agreement the EPA Administrator shall develop procedures to inform the public of arbitral proceedings and Commission activities under the Environmental Cooperation Agreement, and to provide appropriate mechanisms for receiving public comment with respect to such arbitral proceedings and Commission activities involving the United States.

(6) As a disputing party, the United States shall seek to ensure, pursuant to Article 30 of the Environmental Cooperation Agreement, that the arbitral panels consult with appropriate experts for information and technical advice.

(e) *Consultation with States.* (1) Pursuant to Article 18 of the Environmental Cooperation Agreement, the EPA Administrator shall establish a governmental committee to furnish advice regarding implementation and further elaboration of the Agreement. Through this committee, or through other means as appropriate, the EPA Administrator and other relevant Federal agencies shall:

(A) inform the States on a continuing basis of matters under the Environmental Cooperation Agreement that directly relate to, or will potentially leave a direct impact on, the States, including: (i) dispute settlement proceedings and other matters involving enforcement by the States of environmental laws; and (ii) implementation of the Environmental Cooperation Agreement, including Council, committee, and working group activities, in any area in which the States exercise concurrent or exclusive legislative, regulatory, or enforcement authority;

(B) provide the States with an opportunity to submit information and advice with respect to the matters identified in section 2(e)(1)(A) of this order; and

(C) involve the States to the greatest extent practicable at each stage of the development of United States positions regarding matters identified in section 2(e)(1)(A) of this order that will be addressed by the Council, committees, subcommittees, or working groups established under the Environmental Cooperation Agreement, or through dispute settlement processes prescribed under the Environmental Cooperation Agreement (including involvement through the inclusion of appropriate representatives of the States).

(2) When formulating positions regarding matters identified in section 2(e)(1)(A) of this order, the United States shall take into account the information and advice received from States.

(3) The United States, where appropriate, shall include representatives of interested States as Members of the United States delegations to the Council and other Commission bodies, including arbitral panels.

Sec. 3. National Advisory Committee. The EPA Administrator shall utilize a National Advisory Committee as provided under Article 17 of the Environmental Cooperation Agreement.

Sec. 4. United States Contributions To The Commission For Environmental Cooperation. In accordance with section 532(a)(2) of the NAFTA Implementation Act, the EPA is designated as the agency authorized to make the contributions of the United States from funds available for such contributions to the annual budget of the Commission for Environmental Cooperation.

Sec. 5. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
May 13, 1994.

No. 12916

May 13, 1994, 59 F.R. 25779

Implementation of the Border Environment Cooperation Commission and the North American Development Bank

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the North American Free Trade Agreement Implementation Act, Public Law 103-182; 107 Stat. 2057 ("NAFTA Implementation Act"), and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. The Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank ("Agreement") shall be implemented consistent with United States policy for the protection of human, animal or plant life or health, and the environment. The Agreement shall also be implemented to advance sustainable development, pollution prevention, environmental justice, ecosystem protection, and biodiversity preservation and in a manner that promotes transparency and public participation in accordance with the North American Free Trade Agreement and the Agreement.

Sec. 2. (a) The Administrator of the Environmental Protection Agency and the United States Commissioner, International Boundary and Water Commission, United States and Mexico ("Commissioner"), shall represent the United States as Members of the Board of Directors of the Border Environment Cooperation Commission in accordance with the Agreement.

(b) The policies and positions of the United States in the Border Environment Cooperation Commission shall be coordinated through applicable inter-agency procedures, which shall include participation by the Department of State, the Department of the Treasury, the Department of Housing and Urban Development, the Department of the Interior, the Agency for International Development, the Environmental Protection Agency, and, as appropriate, other Federal agencies.

(c) The Commissioner shall promote cooperation, as appropriate, between the International Boundary and Water Commission and the Border Environment Cooperation Commission in planning, developing, carrying out border sanitation, and other environmental activities.

Sec. 3. (a) The United States Government representatives to the Board of the North American Development Bank shall be the Secretary of the Treasury, the Secretary of State, and the Administrator of the Environmental Protection Agency.

(b) For purposes of loans or guarantees for projects certified by the Border Environment Cooperation Commission, the representatives shall be instructed in accordance with the procedures of the National Advisory Council on International Monetary and Financial Policies ("Council") as established by Executive Order No. 11269. For purposes of this section only, the membership of the Council shall be expanded to include the Secretary of the Department of Housing and Urban Development, the Secretary of the Interior, and the Administrator of the Environmental Protection Agency.

(c) For purposes of loans or guarantees for projects certified by the Border Environment Cooperation Commission, the representatives shall consult with the Community Adjustment and Investment Program Advisory Committee ("Advisory Committee"), established pursuant to section 543(b) of the NAFTA Implementation Act concerning community adjustment and investment aspects of such loans or guarantees.

(d) For purposes of loans, guarantees, or grants endorsed by the United States for community adjustment and investment, the representatives shall be instructed by the Secretary of the Treasury in accordance with procedures established by the Community Adjustment and Investment Program Finance Committee established pursuant to section 7 of this order.

Sec. 4. The functions vested in the President by section 543(a)(1) of the NAFTA Implementation Act are delegated to the Secretary of the Treasury.

Sec. 5. The functions vested in the President by section 543(a)(2) and (3) of the NAFTA Implementation Act are delegated to the Secretary of the Treasury, who shall exercise such functions in accordance with the recommendations of the Community Adjustment and Investment Program Finance Committee established pursuant to section 7 of this order.

Sec. 6. The functions vested in the President by section 543(a)(5) and section 543(d) of the NAFTA Implementation Act are delegated to the Community Adjustment and investment Program Finance Committee established pursuant to section 7 of this order, which shall exercise such functions in consultation with the Advisory Committee.

Sec. 7. (a) There is hereby established a Community Adjustment and Investment Program Finance Committee ("Finance Committee").

(b) The Finance Committee shall be composed of representatives from the Department of the Treasury, the Department of Agriculture, the Department of Housing and Urban Development, the Small Business Administration, and any other Federal agencies selected by the Chair of the Finance Committee to assist in carrying out the community adjustment and investment program pursuant to section 543(a)(3) of the NAFTA Implementation Act.

(c) The Department of the Treasury representative shall serve as Chair of the Finance Committee. The chair shall be responsible for presiding over the meetings of the Finance Committee, ensuring that the views of all other Members are taken into account, coordinating with other appropriate United States Government agencies in carrying out the community adjustment and investment program, and requesting meetings of the Advisory Committee pursuant to section 543(b)(4)(C) of the NAFTA Implementation Act.

Sec. 8. Any advice or conclusions of reviews provided to the President by the Advisory Committee pursuant to section 543(b)(3) of the NAFTA Implementation Act shall be provided through the Finance Committee.

Sec. 9. Any summaries of public comments or conclusions of investigations and audits provided to the President by the ombudsman pursuant to section 543(c)(1) of the NAFTA Implementation Act shall be provided through the Finance Committee.

Sec. 10. The authority of the President under section 6 of Public Law 102-532; 7 U.S.C. 5404, to establish an advisory board to be known as the Good Neighbor Environmental Board is delegated to the Administrator of the Environmental Protection Agency.

Sec. 11. This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON

THE WHITE HOUSE,

May 13, 1994.

No. 12962

June 7, 1995, 60 F.R. 30769

Recreational Fisheries

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in furtherance of the purposes of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-d, and e-j), the Fish and Wildlife Coordination Act (16U.S.C. 661-666c), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801-1882), and other pertinent statutes, and in order to conserve, restore, and enhance aquatic systems to provide for increased recreational fishing opportunities nationwide, it is ordered as follows:

Section 1. Federal Agency Duties. Federal agencies shall, to the extent permitted by law and where practicable, and in cooperation with States and Tribes, improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities by: (a) developing and encouraging partnerships between governments and the private sector to advance aquatic resource conservation and enhance recreational fishing opportunities:

(b) identifying recreational fishing opportunities that are limited by water quality and habitat degradation and promoting restoration to support viable; healthy, and, where feasible, self-sustaining recreational fisheries;

(c) fostering sound aquatic conservation and restoration endeavors to benefit recreational fisheries;

(d) providing access to and promoting awareness of opportunities for public participation and enjoyment of U.S. recreational fishery resources;

(e) supporting outreach programs designed to stimulate angler participation in the conservation and restoration of aquatic systems;

(f) implementing laws under their purview in a manner that will conserve, restore, and enhance aquatic systems that support recreational fisheries;

(g) establishing cost-share programs, under existing authorities, that match or exceed Federal funds with nonfederal contributions;

(h) evaluating the effects of Federally funded, permitted, or authorized actions on aquatic systems and recreational fisheries and document those effects relative to the purpose of this order; and

(i) assisting private landowners to conserve and enhance aquatic resources on their lands.

Sec. 2. National Recreational Fisheries Coordination Council. A National Recreational Fisheries Coordination Council ("Coordination Council") is hereby established. The Coordination Council shall consist of seven members, one member designated by each of the following Secretaries-Interior, Commerce, Agriculture, Energy, Transportation, and Defense-and one by the Administrator of the Environmental Protection Agency. The Coordination Council shall: (a) ensure that the social and economic values of healthy aquatic systems that support recreational fisheries are considered by Federal agencies in the course of their actions;

(b) reduce duplicative and cost-inefficient programs among Federal agencies involved in conserving or managing recreational fisheries;

(c) share the latest resource information and management technologies to assist in the conservation and management of recreational fisheries;

(d) assess the implementation of the Conservation Plan required under section 3 of this order; and

(e) develop a biennial report of accomplishments of the Conservation Plan.

The representatives designed by the Secretaries of Commerce and the Interior shall cochair the Coordination Council.

Sec. 3. Recreational Fishery Resources Conservation Plan. (a) Within 12 months of the date of this order, the Coordination Council, in cooperation with Federal agencies, States, and Tribes, and after consulting with the Federally chartered Sport Fishing and Boating Partnership Council, shall develop a comprehensive Recreational Fishery Resources Conservation Plan ("Conservation Plan").

(b) The Conservation Plan will set forth a 5-year agenda for Federal agencies identified by the Coordination Council. In so doing, the Conservation Plan will establish, to the extent permitted by law and where applicable; (1) measurable objectives to conserve and restore aquatic systems that support viable and healthy recreational fishery resources, (2) actions to be taken by the identified Federal agencies, (3) a method of ensuring the accountability of such Federal agencies, and (4) a comprehensive mechanism to evaluate achievements. The Conservation Plan will, to the extent practicable, be integrated with existing plans and programs, reduce duplication, and will include recommended actions for cooperation with States, Tribes, conservation groups, and the recreational fisheries community.

Sec. 4. Joint Policy for Administering the Endangered Species Act of 1973. All Federal agencies will aggressively work to identify and minimize conflicts between recreational fisheries and their respective responsibilities under the Endangered Species Act of 1973 ("ESA") (16 U.S.C. 1531 et seq.). Within 6 months of the date of this order, the Fish and Wildlife Service and the National Marine Fisheries Service will promote compatibility and reduce conflicts between the administration of the ESA and recreational fisheries by developing a joint agency policy that will: (1) ensure consistency in the administration of the ESA between and within the two agencies, (2) promote collaboration with other Federal, State, and Tribal fisheries managers, and (3) improve and increase efforts to inform nonfederal entities of the requirements of the ESA.

Sec. 5. Sport Fishing and Boating Partnership Council. To assist in the implementation of this order, the Secretary of the Interior shall expand the role of the Sport Fishing and Boating Partnership Council to: (a) monitor specific Federal activities affecting aquatic systems and the recreational fisheries they support;

(b) review and evaluate the relation of Federal policies and activities to the status and conditions of recreational fishery resources; and

(c) prepare an annual report of its activities, findings, and recommendations for submission to the Coordination Council.

Sec. 6. Judicial Review. This order is intended only to improve the internal management of the executive branch and it is not intended to create any right, benefit or trust responsibility, substantive or procedure, enforceable at law or equity by a party against the United States, its agencies, its officers, or any other person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
June 7, 1995.

No. 12969

August 8, 1995, 60 F.R. 40989

Federal Acquisition and Community Right-To-Know

The Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001–11050) (“EPCRA”) and the Pollution Prevention Act of 1990 (42 U.S.C. 13101–13109) (“PPA”) established programs to protect public health and the environment by providing the public with important information on the toxic chemicals being released into the air, land, and water in their communities by manufacturing facilities.

The Toxics Release Inventory (“TRI”) established pursuant to section 313(j) of EPCRA, 42 U.S.C. 11023(j), based on information required to be reported under section 313 of EPCRA and section 6607 of PPA, 42 U.S.C. 13106, provides the public, industry, and Federal, State, and local governments with a basic tool for making risk-based decisions about management and control of toxic chemicals, that can have significant adverse effects on human health and the environment. TRI data allow the public, industry, and government to gauge the progress of industry and government efforts to reduce toxic chemical wastes.

Sharing vital TRI information with the public has provided a strong incentive for reduction in the generation, and, ultimately, release into the environment, of toxic chemicals. Since the inception of the TRI program, reported releases to the environment under TRI have decreased significantly.

The efficiency of the Federal Government is served when it purchases high quality supplies and services that have been produced with a minimum impact on the public health and environment of communities surrounding government contractors. Savings associated with reduced raw materials usage, reduced use of costly, inefficient end-of-pipeline pollution controls, and reduced liability and remediation costs from worker and community claims all serve to increase the economic and efficient provision of essential supplies and services to the government. As a result of TRI reporting, many manufacturers have learned of previously unrecognized significant efficiencies and cost savings in their production processes.

The Federal Government’s receipt of timely and quality supplies and services is also served by the general enhancement of relations between government contractors and the communities in which they are situated, as well as the cooperative working relationship between employers and employees who may be subject to exposure to toxic materials.

Information concerning chemical release and transfer can assist the government to purchase efficiently produced, lower cost, and higher quality supplies and services that also have a minimum adverse impact on community health and the environment.

NOW, THEREFORE, to promote economy and efficiency in government procurement of supplies and services, and by the authority vested in me as President by the Constitution and the laws of the United States of America, including EPCRA, 42 U.S.C. 11001 et seq., PPA, 42 U.S.C. 13101 et seq., 40 U.S.C. 471 and 486(a), and 3 U.S.C. 301, it is hereby ordered as follows:

Section 1. Policy. It is the policy of the executive branch in procuring supplies and services that, to ensure the economical and efficient procurement of Federal Government contracts, Federal agencies, to the greatest extent practicable, shall contract with companies that report in a public manner on toxic chemicals released to the environment.

Sec. 2. Definitions. 2–201. All definitions found in EPCRA and PPA and implementing regulations are incorporated into this order by reference, with the following exceptions for purposes of this order.

2–202. “*Federal agency*” means an “Executive agency,” as defined in 5 U.S.C. 105. For purposes of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

2–203. “*Acquisition*” means the acquiring by contract with appropriated funds of supplies or services (including construction) by and for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated. Acquisition begins at the point when the Federal department or agency needs are established and includes the description of requirements to satisfy agency needs, solicitation and selection of sources, award of contracts, contract financing, contract performance, contract administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract.

2–204. “*Toxic chemical*” means a substance on the list described in section 313(c) of EPCRA, 42 U.S.C. 11023(c), as it exists on the effective date of this order.

2–205. “*Administrator*” means the Administrator of the United States Environmental Protection Agency (“EPA”).

2–206. “*Federal contractor*” means an entity that has submitted the successful bid or proposal in response to a competitive acquisition solicitation.

Sec. 3. Applicability. 3–301. Each Federal agency shall, to the maximum extent practicable, include in contract solicitations as an eligibility criterion for the award of competitive acquisition contracts expected to equal or exceed \$100,000 with the Federal contractors described in subsection 3–302, the requirement that such contractors must file (and continue to file for the life of the contract) a Toxic Chemical Release Form (“Form R”), as described in sections 313(a) and (g) of EPCRA, 42 U.S.C. 11023(a) and (g), for each toxic chemical manufactured, processed, or otherwise used by the Federal contractor at a facility, as described in section 313 of EPCRA, 42 U.S.C. 11023, and section 6607 of PPA, 42 U.S.C. 13106.

3–302. The Federal contractors subject to the eligibility criterion described in subsection 3–301 above are those who currently report to the TRI pursuant to section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A), that is, manufacturers having Standard Industrial Classification Code (“SIC”) designations of 20 through 39 (as in effect on July 1, 1985).

3–303. Each Federal agency shall find that a prospective Federal contractor has satisfied the requirement in subsection 3–301 if the contractor certifies in a solicitation that it:

(a) Does not manufacture, process, or otherwise use any toxic chemicals listed under section 313(c) of EPCRA, 42 U.S.C. 11023(c);

(b) Does not have 10 or more full-time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A);

(c) Does not meet the reporting thresholds established under section 313(f) of the EPCRA, 42 U.S.C. 11023(f); or

(d) Has complied fully with the reporting requirements of subsection 4–404.

3–304. Each Federal agency shall require the filings described in subsection 3–301 above to include information on all chemicals identified by the Administrator pursuant to section 313(c) of EPCRA, 42 U.S.C. 11023(c), as of the date of this order.

3–305. Each Federal agency may amend existing contracts, to the extent permitted by law and where practicable, to require the reporting of information specified in subsection 3–301 above.

3–306. As consistent with Title IV of the Federal Acquisition Streamlining Act of 1994 (FASA), Public Law 103–355, and section 4(11) of the Office of Federal Procurement

Policy Act, 41 U.S.C. 403(11), the requirements of this order are only applicable to competitive acquisition contracts expected to equal or exceed \$100,000.

Sec. 4. Implementation. 4-401. Not later than September 30, 1995, the EPA shall publish in the **Federal Register** guidance for compliance with this order, including applicability with respect to subcontractors.

4-402. Within 30 days of the issuance of the guidance provided for in subsection 4-401 above, each Federal agency shall include in all acquisition solicitations issued on or after the effective date of this order, the provisions necessary to effect this order.

4-403. For all contracts expected to exceed \$500,000, each Federal agency shall consult with the Administrator or the Administrator's designee when the agency believes it is not practicable to include the eligibility requirement of section 3-301 in the contract solicitation or award.

4-404. Each Federal agency shall require each Federal contractor designated in subsection 3-302 above to:

(a) Have included in its response to the contract solicitation a certification, as specified in the guidelines published pursuant to subsection 4-401 of this order, that it will (if awarded the contract) comply with the requirements of subsection 3-301; and

(b) File with the Administrator and each appropriate State pursuant to section 313(a) of EPCRA, 42 U.S.C. 11023(a), the information required by subsection 3-301, beginning on the next July 1 after the date on which the contract is awarded.

4-405. Information submitted to the EPA pursuant to subsection 4-404(b) above shall be subject to the trade secret protections provided by section 322 of EPCRA, 42 U.S.C. 11042. Information that is not trade secret shall be made available to the public pursuant to sections 313(h) and (j) of EPCRA, 42 U.S.C. 11023(h) and (j). The Administrator is directed to review reports submitted pursuant to this order to determine the appropriateness of any claims for trade secret protection.

4-406. When the Administrator determines that a Federal contractor has not filed the necessary forms or complete information as required by subsection 3-301 above, the Administrator or the Administrator's designee may recommend termination of the contract for convenience. The Administrator shall transmit that recommendation to the head of the contracting agency, and that agency shall consider the recommendation and determine whether to terminate the contract. In carrying out this responsibility, the Administrator may investigate any subject Federal contractor to determine the adequacy of compliance with the provisions of this order and the Administrator's designee may hold such hearings, public or private, as the Administrator deems advisable to assist in the Administrator's determination of compliance.

4-407. Each contracting agency shall cooperate with the Administrator and provide such information and assistance as the Administrator may require in the performance of the Administrator's functions under this order.

4-408. Upon request and to the extent practicable, the Administrator shall provide technical advice and assistance to Federal agencies in order to assist in full compliance with this order.

Sec 5. General Provisions. 5-501. The requirements of this order shall be implemented and incorporated in acquisition regulations, including the Federal Acquisition Regulations (FAR), within 90 days after the effective date of this order.

5-502. This order is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees.

This order is not intended, however, to preclude judicial review of final agency decisions in accordance with the Administrative Procedure Act, 5 U.S.C. 701 et seq.

5-503. This order shall be effective immediately and shall continue to be in effect until revoked.

WILLIAM J. CLINTON

THE WHITE HOUSE,
August 8, 1995.

No. 12980

November 17, 1995, 60 F.R. 57819

Further Amendment to Executive Order No. 12852, as Amended

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to add four more members to the President's Council on Sustainable Development, it is hereby ordered that Executive Order No. 12852, as amended, is further amended by deleting the number "25" in section 1 of the order and inserting the number "29" in lieu thereof.

WILLIAM J. CLINTON

THE WHITE HOUSE,
November 17, 1995.

No. 12986

January 18, 1996, 61 F.R. 1693

International Union for Conservation of Nature and Natural Resources

By virtue of the authority vested in me as President by the Constitution and the laws of the United States, including sections 1 and 14 of the International Organizations Immunities Act (22 U.S.C. 288 *et seq.*, as amended by section 426 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Public Law 103-236), I hereby extend to the International Union for Conservation of Nature and Natural Resources the privileges and immunities that provide or pertain to immunity from suit. To this effect, the following sections of the International Organizations Immunities Act shall not apply to the International Union for Conservation of Nature and Natural Resources:

—Section 2(b), 22 U.S.C. 288a(b), that provides international organizations and their property and assets with the same immunity from suit and judicial process as is enjoyed by foreign governments.

—Section 2(c), 22 U.S.C. 288a(c), that provides that the property and assets of international organizations shall be immune from search and confiscation and that their archives shall be inviolable.

—Section 7(b), 22 U.S.C. 288d(b), that provides the representatives of foreign governments in or to international organizations and the officers and employees of such organizations with immunity from suit and legal process relating to acts performed by them in their official capacity and falling within their functions.

This designation is not intended to abridge in any respect privileges, exemptions, or immunities that the International Union for Conservation of Nature and Natural Resources may have acquired or may acquire by international agreements or by congressional action.

WILLIAM J. CLINTON

THE WHITE HOUSE,

January 18, 1996.

No. 12995

March 25, 1996, 61 F.R. 13645

Amendment to Executive Order No. 12873

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to assist paper mills in their procurement of recovered materials to use as raw materials, it is hereby ordered that Executive Order No. 12873¹ is amended as follows:

Section 1. Section 504(a) of Executive Order No. 12873 shall read: “(a) For high speed copier paper, offset paper, forms bond, computer printout paper, carbonless paper, file folders, white woven envelopes and for other uncoated printing and writing paper, such as writing and office paper, book paper, cotton fiber paper, and cover stock, the minimum content standard shall be no less than 20 percent postconsumer materials beginning December 31, 1994. This minimum content standard shall be increased to 30 percent beginning on December 31, 1998.”

Sec. 2. Section 504(b) of Executive Order No. 12873 shall be deleted and section 504(c) of that order shall be redesignated as section 504(b) and shall read: “(b) As an alternative to meeting the standards in section 504(a), for all printing and writing papers, the minimum content standard shall be no less than 50 percent recovered materials that are a waste material byproduct of a finished product other than a paper or textile product which would otherwise be disposed of in a landfill, as determined by the State in which the facility is located.”

Sec. 3. The last sentence of section 301(a) of Executive Order No. 12873 shall read “In carrying out his or her functions, the Federal Environmental Executive shall consult with the Chairman of the Council on Environmental Quality.”

WILLIAM J. CLINTON

THE WHITE HOUSE,
March 25, 1996.

1. 42 U.S.C.A. § 6961 nt.

No. 13006

May 21, 1996, 61 F.R. 26071

Locating Federal Facilities on Historic Properties in Our Nation's Central Cities

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Historic Preservation Act (16 U.S.C. 470 *et seq.*) and the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2505), and in furtherance of and consistent with Executive Order No. 12072 of August 16, 1978, and Executive Order No. 11593 of May 13, 1971, it is hereby ordered as follows:

Section 1. Statement of Policy. Through the Administration's community empowerment initiatives, the Federal Government has undertaken various efforts to revitalize our central cities, which have historically served as the centers for growth and commerce in our metropolitan areas. Accordingly, the Administration hereby reaffirms the commitment set forth in Executive Order No. 12072 to strengthen our Nation's cities by encouraging the location of Federal facilities in our central cities. The Administration also reaffirms the commitments set forth in the National Historic Preservation Act to provide leadership in the preservation of historic resources, and in the Public Buildings Cooperative Use Act of 1976 to acquire and utilize space in suitable buildings of historic, architectural, or cultural significance. To this end, the Federal Government shall utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts, especially those located in our central business areas. When implementing these policies, the Federal Government shall institute practices and procedures that are sensible, understandable, and compatible with current authority and that impose the least burden on, and provide the maximum benefit to, society.

Sec. 2. Encouraging the Location of Federal Facilities on Historic Properties in Our Central Cities. When operationally appropriate and economically prudent, and subject to the requirements of section 601 of title VI of the Rural Development Act of 1972, as amended (42 U.S.C. 3122), and Executive Order No. 12072, when locating Federal facilities, Federal agencies shall give first consideration to historic properties within historic districts. If no such property is suitable, then Federal agencies shall consider other developed or undeveloped sites within historic districts. Federal agencies shall then consider historic properties outside of historic districts, if no suitable site within a district exists. Any rehabilitation or construction that is undertaken pursuant to this order must be architecturally compatible with the character of the surrounding historic district or properties.

Sec. 3. Identifying and Removing Regulatory Barriers. Federal agencies with responsibilities for leasing, acquiring, locating, maintaining, or managing Federal facilities or with responsibilities for the planning for, or managing of, historic resources shall take steps to reform, streamline, and otherwise minimize regulations, policies, and procedures that impede the Federal Government's ability to establish or maintain a presence in historic districts or to acquire historic properties to satisfy Federal space needs, unless such regulations, policies, and procedures are designed to protect human health and safety or the environment. Federal agencies are encouraged to seek the assistance of the Advisory Council on Historic Preservation when taking these steps.

Sec. 4. Improving Preservation Partnerships. In carrying out the authorities of the National Historic Preservation Act, the Secretary of the Interior, the Advisory Council on Historic Preservation, and each Federal agency shall seek appropriate partnerships

with States, local governments, Indian tribes, and appropriate private organizations with the goal of enhancing participation of these parties in the National Historic Preservation Program. Such partnerships should embody the principles of administrative flexibility, reduced paperwork, and increased service to the public.

Sec. 5. Judicial Review. This order is not intended to create, nor does it create, any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
May 21, 1996.

No. 13007

May 24, 1996, 61 F.R. 26771

Indian Sacred Sites

By the authority vested in me as President by the Constitution and the laws of the United States, in furtherance of Federal treaties, and in order to protect and preserve Indian religious practices, it is hereby ordered:

Section 1. Accommodation of Sacred Sites.

(a) In managing Federal lands, each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies shall maintain the confidentiality of sacred sites.

(b) For purposes of this order: (i) "Federal lands" means any land or interests in land owned by the United States, including leasehold interests held by the United States, except Indian trust lands; (ii) "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to Public Law No. 103-454, 108 Stat. 4791, and "Indian" refers to a member of such an Indian tribe; and (iii) "Sacred site" means any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site.

Sec. 2. Procedures.

(a) Each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall, as appropriate, promptly implement procedures for the purposes of carrying out the provisions of section 1 of this order, including, where practicable and appropriate, procedures to ensure reasonable notice is provided of proposed actions or land management policies that may restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites. In all actions pursuant to this section, agencies shall comply with the Executive memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments."

(b) Within 1 year of the effective date of this order, the head of each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall report to the President, through the Assistant to the President for Domestic Policy, on the implementation of this order. Such reports shall address, among other things, (i) any changes necessary to accommodate access to and ceremonial use of Indian sacred sites; (ii) any changes necessary to avoid adversely affecting the physical integrity of Indian sacred sites; and (iii) procedures implemented or proposed to facilitate consultation with appropriate Indian tribes and religious leaders and the expeditious resolution of disputes relating to agency action on Federal lands that may adversely affect access to, ceremonial use of, or the physical integrity of sacred sites.

Sec. 3. Nothing in this order shall be construed to require a taking of vested property interests. Nor shall this order be construed to impair enforceable rights to use of Federal

lands that have been granted to third parties through final agency action. For purposes of this order, "agency action" has the same meaning as in the Administrative Procedure Act (5 U.S.C. 551(13)).

Sec. 4. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by any party against the United States, its agencies, officers, or any person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
May 24, 1996.

No. 13031

December 13, 1996, 61 F.R. 66529

Federal Alternative Fueled Vehicle Leadership

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Energy Policy and Conservation Act, as amended (42 U.S.C. 6201 *et seq.*), the Energy Policy Act of 1992 (Public Law 102-486) ("the Act"), and section 301 of title 3, United States Code, and with the knowledge that the use of alternative fueled motor vehicles will, in many applications, reduce the Nation's dependence on oil, and may create jobs by providing an economic stimulus for domestic industry, and may improve the Nation's air quality by reducing pollutants in the atmosphere, it is hereby ordered as follows:

Section 1. Federal Leadership and Goals. (a) The purpose of this order is to ensure that the Federal Government exercise leadership in the use of alternative fueled vehicles (AFVs). To that end, each Federal agency shall develop and implement aggressive plans to fulfill the alternative fueled vehicle acquisition requirements established by the Act. The Act generally requires that, of the vehicles acquired by each agency for its fleets, subject to certain conditions specified in section 303(b)(1) of the Act, 25 percent should be AFVs in fiscal year (FY) 1996, 33 percent in FY 1997, 50 percent in FY 1998, and 75 percent in FY 1999 and thereafter. These requirements apply to all agencies, regardless of whether they lease vehicles from the General Services Administration (GSA) or acquire them elsewhere. That section also defines which Federal agency vehicles are covered by the AFV acquisition requirements; this order applies to the same vehicles, which are primarily general-use vehicles located in metropolitan statistical areas with populations of 250,000 or more.

(b) To the extent practicable, agencies shall use alternative fuels in all vehicles capable of using them. Agencies shall continue to work together in interagency committees recommended by the Federal Fleet Conversion Task Force established by Executive Order 12844 of April 21, 1993, to coordinate their vehicle acquisitions and placement.

Sec. 2. Submission of Agency Plans and Reports on Statutory Compliance.

(a) Sixty (60) days after the date of this Executive order, and annually thereafter as part of its budget submission to the Director of the Office of Management and Budget, each agency shall submit a report on its compliance with sections 303 and 304 of the Act. A copy of the report shall also be submitted to the Secretary of Energy and to the Administrator of General Services. The report shall state whether the agency is in compliance with the Act, and substantiate that statement with quantitative data including numbers and types of vehicles acquired and the level of their use. At a minimum, the report shall indicate the number of vehicles acquired or converted for each fuel type and vehicle class, and the total number of vehicles of each fuel type operated by the agency. The Director of the Office of Management and Budget shall issue further reporting guidance as necessary.

(b) If an agency has failed to meet the statutory requirements, it shall include in its report an explanation for such failure and a plan, consistent with the agency's current and requested budgets, for achieving compliance with the Act. The plan shall include alternative sources of suitable AFVs if the agency's primary vehicle supplier is unable to meet the AFV requirements.

(c) The Secretary of the Department of Energy and the Administrator of General Services shall cooperatively analyze the agency AFV reports and acquisition plans, and

shall submit jointly a summary report to the Director of the Office of Management and Budget.

Sec. 3. Exceptions for Law-Enforcement, Emergency, and National Defense Vehicles. Section 303 of the Act allows exemptions to the acquisition requirements for law-enforcement, emergency, and vehicles acquired and used for military purposes that the Secretary of Defense has certified must be exempt for national security reasons. Law enforcement vehicles shall include vehicles used for protective activities. Each agency that acquires or utilizes any such vehicles shall include in its report an explanation of why an exemption is claimed with respect to such vehicles.

Sec. 4. Fulfilling the Acquisition Requirement. (a) Agencies may acquire alternative fueled vehicles to meet the requirements of this order through lease from GSA, acquisition of original equipment manufacturer models, commercial lease, conversion of conventionally fueled vehicles, or any combination of these approaches. All vehicles, including those converted for alternative fuel use, shall comply with all applicable Federal and State emissions and safety standards.

(b) Based on its own plans and the plans and reports submitted by other agencies, the Administrator of General Services shall provide planning information to potential AFV suppliers to assist in production planning. After consulting with AFV suppliers, the Administrator of General Services shall provide to Federal agencies information on the production plans of AFV suppliers well in advance of budget and ordering cycles.

(c) As required by section 305 of the Act, the Secretary of Energy, in cooperation with the Administrator of General Services, shall continue to provide technical assistance to other Federal agencies that acquire alternative fueled vehicles and shall facilitate the coordination of the Federal Government's alternative fueled vehicle program.

Sec. 5. Vehicle Reporting Credits. The gains in air quality and energy security that this order seeks to achieve will be even larger if medium- and heavy-duty vehicles are operated on alternative fuels, and if "zero-emissions vehicles" (ZEVs) are used. Therefore, for the purposes of this order, agencies may acquire medium- or heavy-duty dedicated alternative fueled vehicles or ZEVs to meet their AFV acquisition requirements, and they shall be given credits for compliance with their AFV targets as follows. Each medium-duty and ZEV shall count the same as two light-duty AFVs, and each dedicated alternative fueled heavy-duty vehicle shall count as three light-duty AFVs. The ZEV credits may be combined with vehicle size credits.

The Director of the Office of Management and Budget, in consultation with the Secretary of Energy, shall issue detailed guidance on the classification and reporting of medium-duty, heavy-duty, and ZEVs. In the reports mandated in section 2 of this order, medium- and heavy-duty AFVs and ZEVs shall be identified separately from light-duty vehicles.

Sec. 6. Funding Alternative Fueled Vehicle Acquisition. (a) The Department of Energy will no longer request or require specific appropriations to fund the incremental costs of alternative fueled vehicles, including any incremental costs associated with acquisition and disposal, for other agencies. Agencies shall formulate their compliance plans based on existing and requested funds, but shall not be exempt from the requirements of the Act or this order due to limited appropriations.

(b) An exception regarding funding assistance shall be made for electric vehicles, which are in an earlier stage of development than other alternative fueled vehicles. The Secretary of Energy shall establish a program beginning in FY 1997 to provide partial funding assistance for agency purchases of electric vehicles. Up to \$10,000 or one-half the incremental cost over a comparable gasoline-powered vehicle, whichever is less, may be provided as funding assistance for each electric vehicle, subject to the availability of funds.

Sec. 7. Agency Cooperation with Stakeholders on Alternative Fueled Vehicle Placement and Refueling Capabilities. The Secretary of Energy shall work with agencies procuring AFVs to coordinate the placement of their vehicles with the placement of similar vehicles by nonfederal alternative fuel stakeholders. Federal planning and acquisition efforts shall be coordinated with the efforts of the Department of Energy's "Clean Cities" participants, private industry fuel suppliers, and fleet operators, and State and local governments to ensure that adequate private sector refueling capabilities exist or will exist wherever Federal fleet alternative fueled vehicles are located. Each agency's fleet managers shall work with appropriate organizations at their respective locations, whether in a "Clean Cities" location or not, on initiatives to promote alternative fueled vehicle use and expansion of refueling infrastructure.

Sec. 8. Definitions. For the purpose of this order, the terms "agency," "alternative fueled vehicle," and "alternative fuel" have the same meaning given such terms in sections 151 and 301 of the Act.

Sec. 9. Executive Order 12844. This order supersedes Executive Order 12844.¹

Sec. 10. Judicial Review. This order is not intended to, and does not, create any right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
December 13, 1996.

1. 42 U.S.C.A. § 13212 nt.

No. 13061

September 11, 1997, 62 F.R. 48445

Federal Support of Community Efforts Along American Heritage Rivers

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Environmental Policy Act of 1969 (Public Law 91-190), and in order to protect and restore rivers and their adjacent communities, it is hereby ordered as follows:

Section 1. Policies.

(a) The American Heritage Rivers initiative has three objectives: natural resource and environmental protection, economic revitalization, and historic and cultural preservation.

(b) Executive agencies ("agencies"), to the extent permitted by law and consistent with their missions and resources, shall coordinate Federal plans, functions, programs, and resources to preserve, protect, and restore rivers and their associated resources important to our history, culture, and natural heritage.

(c) Agencies shall develop plans to bring increased efficiencies to existing and authorized programs with goals that are supportive of protection and restoration of communities along rivers.

(d) In accordance with Executive Order 12630, agencies shall act with due regard for the protection of private property provided for by the Fifth Amendment to the United States Constitution. No new regulatory authority is created as a result of the American Heritage Rivers initiative. This initiative will not interfere with matters of State, local, and tribal government jurisdiction.

(e) In furtherance of these policies, the President will designate rivers that meet certain criteria as "American Heritage Rivers."

(f) It is the policy of the Federal Government that communities shall nominate rivers as American Heritage Rivers and the Federal role will be solely to support community-based efforts to preserve, protect, and restore these rivers and their communities.

(g) Agencies should, to the extent practicable, help identify resources in the private and nonprofit sectors to aid revitalization efforts.

(h) Agencies are encouraged, to the extent permitted by law, to develop partnerships with State, local, and tribal governments and community and nongovernmental organizations. Agencies will be responsive to the diverse needs of different kinds of communities from the core of our cities to remote rural areas and shall seek to ensure that the role played by the Federal Government is complementary to the plans and work being carried out by State, local, and tribal governments. To the extent possible, Federal resources will be strategically directed to complement resources being spent by these governments.

(i) Agencies shall establish a method for field offices to assess the success of the American Heritage River initiative and provide a means to recommend changes that will improve the delivery and accessibility of Federal services and programs. Agencies are directed, where appropriate, to reduce and make more flexible procedural requirements and paperwork related to providing assistance to communities along designated rivers.

(j) Agencies shall commit to a policy under which they will seek to ensure that their actions have a positive effect on the natural, historic, economic, and cultural resources of American Heritage River communities. The policy will require agencies to consult with American Heritage River communities early in the planning stages of Federal actions,

take into account the communities' goals and objectives and ensure that actions are compatible with the overall character of these communities. Agencies shall seek to ensure that their help for one community does not adversely affect neighboring communities. Additionally, agencies are encouraged to develop formal and informal partnerships to assist communities. Local Federal facilities, to the extent permitted by law and consistent with the agencies' missions and resources, should provide public access, physical space, technical assistance, and other support for American Heritage River communities.

(k) In addition to providing support to designated rivers, agencies will work together to provide information and services to all communities seeking support.

Sec. 2. Process for Nominating an American Heritage River.

(a) *Nomination.* Communities, in coordination with their State, local, or tribal governments, can nominate their river, river stretch, or river confluence for designation as an American Heritage River. When several communities are involved in the nomination of the same river, nominations will detail the coordination among the interested communities and the role each will play in the process. Individuals living outside the community may not nominate a river.

(b) *Selection Criteria.* Nominations will be judged based on the following:

(1) the characteristics of the natural, economic, agricultural, scenic, historic, cultural, or recreational resources of the river that render it distinctive or unique;

(2) the effectiveness with which the community has defined its plan of action and the extent to which the plan addresses, either through planned actions or past accomplishments, all three American Heritage Rivers objectives, which are set forth in section 1(a) of this order;

(3) the strength and diversity of community support for the nomination as evidenced by letters from elected officials; landowners; private citizens; businesses; and especially State, local, and tribal governments. Broad community support is essential to receiving the American Heritage River designation; and

(4) willingness and capability of the community to forge partnerships and agreements to implement their plan to meet their goals and objectives.

(c) *Recommendation Process.* The Chair of the Council on Environmental Quality ("CEQ") shall develop a fair and objective procedure to obtain the views of a diverse group of experts for the purpose of making recommendations to the President as to which rivers shall be designated. These experts shall reflect a variety of viewpoints, such as those representing natural, cultural, and historic resources; scenic, environmental, and recreation interests; tourism, transportation, and economic development interests; and industries such as agriculture, hydropower, manufacturing, mining, and forest management. The Chair of the CEQ will ensure that the rivers recommended represent a variety of stream sizes, diverse geographical locations, and a wide range of settings from urban to rural and ensure that relatively pristine, successful revitalization efforts are considered as well as degraded rivers in need of restoration.

(d) *Designation.* (1) The President will designate certain rivers as American Heritage Rivers. Based on the receipt of a sufficient number of qualified nominations, ten rivers will be designated in the first phase of the initiative.

(2) The Interagency Committee provided for in section 3 of this order shall develop a process by which any community that nominates and has its river designated may have this designation terminated at its request.

(3) Upon a determination by the Chair of the CEQ that a community has failed to implement its plan, the Chair may recommend to the President that a designation be revoked. The Chair shall notify the community at least 30 days prior to making such a recommendation to the President. Based on that recommendation, the President may revoke the designation.

Sec. 3. Establishment of an Interagency Committee. There is hereby established the American Heritage Rivers Interagency Committee (“Committee”). The Committee shall have two co-chairs. The Chair of the CEQ shall be a permanent co-chair. The other co-chair will rotate among the heads of the agencies listed below.

(a) The Committee shall be composed of the following members or their designees at the Assistant Secretary level or equivalent:

- (1) The Secretary of Defense;
- (2) The Attorney General;
- (3) The Secretary of the Interior;
- (4) The Secretary of Agriculture;
- (5) The Secretary of Commerce;
- (6) The Secretary of Housing and Urban Development;
- (7) The Secretary of Transportation;
- (8) The Secretary of Energy;
- (9) The Administrator of the Environmental Protection Agency;
- (10) The Chair of the Advisory Council on Historic Preservation;
- (11) The Chairperson of the National Endowment for the Arts; and
- (12) The Chairperson of the National Endowment for the Humanities.

The Chair of the CEQ may invite to participate in meetings of the Committee, representatives of other agencies, as appropriate.

(b) The Committee shall:

- (1) establish formal guidelines for designation as an American Heritage River;
- (2) periodically review the actions of agencies in support of the American Heritage Rivers;
- (3) report to the President on the progress, accomplishments, and effectiveness of the American Heritage Rivers initiative; and
- (4) perform other duties as directed by the Chair of the CEQ.

Sec. 4. Responsibilities of the Federal Agencies. Consistent with Title I of the National Environmental Policy Act of 1969, agencies shall:

(a) identify their existing programs and plans that give them the authority to offer assistance to communities involved in river conservation and community health and revitalization;

(b) to the extent practicable and permitted by law and regulation, refocus programs, grants, and technical assistance to provide support for communities adjacent to American Heritage Rivers;

(c) identify all technical tools, including those developed for purposes other than river conservation, that can be applied to river protection, restoration, and community revitalization;

(d) provide access to existing scientific data and information to the extent permitted by law and consistent with the agencies mission and resources;

(e) cooperate with State, local, and tribal governments and communities with respect to their activities that take place in, or affect the area around, an American Heritage River;

(f) commit to a policy, as set forth in section 1(j) of this order, in making decisions affecting the quality of an American Heritage River;

(g) select from among all the agencies a single individual called the “River Navigator,” for each river that is designated an American Heritage River, with whom the communities can communicate goals and needs and who will facilitate community-agency interchange;

(h) allow public access to the river, for agencies with facilities along American Heritage Rivers, to the extent practicable and consistent with their mission; and

(i) cooperate, as appropriate, with communities on projects that protect or preserve stretches of the river that are on Federal property or adjacent to a Federal facility.

Sec. 5. Responsibilities of the Committee and the Council on Environmental Quality. The CEQ shall serve as Executive agent for the Committee, and the CEQ and the Committee shall ensure the implementation of the policies and purposes of this initiative.

Sec. 6. Definition. For the purposes of this order, Executive agency means any agency on the Committee and such other agency as may be designated by the President.

Sec. 7. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
September 11, 1997.

No. 13080

April 7, 1998, 63 F.R. 17667

American Heritage Rivers Initiative Advisory Committee

By the authority vested in me as President by the Constitution and the laws of the United States, the Federal Advisory Committee Act, 5 U.S.C. App., as amended, it is hereby ordered as follows:

Section 1. Establishment. There is established the American Heritage Rivers Initiative Advisory Committee ("Committee"). The Committee shall consist of up to 20 members appointed by the President from the public and private sectors. Each member of the Committee shall be a person who, as a result of his or her training, experience, and attainments, is well qualified to appraise the quality of nominations for selection of rivers as American Heritage Rivers submitted by communities across the country. The expertise of members of the Committee shall be in areas such as natural, cultural, and historic resources; water quality; public health; scenic and recreation interests; tourism and economic development interests; industry; and agriculture. The President shall designate a Chair from among the members of the Committee.

Sec. 2. (a) The Committee shall review nominations from communities and recommend to the President up to 20 rivers for consideration for designation as American Heritage Rivers. From the rivers recommended for consideration, the President shall designate ten as American Heritage Rivers.

(b) In its review of nomination submitted by communities the Committee shall provide its assessment of:

- (1) The scope of each nomination's application and the adequacy of its design to achieve the community's goals;
- (2) Whether the natural, economic (including agricultural), scenic, historic, cultural, and/or recreational resources featured in the application are distinctive or unique;
- (3) The extent to which the community's plan of action is clearly defined and the extent to which the plan addresses all three American Heritage Rivers objectives-natural resource and environmental protection, economic revitalization, and historic and cultural preservation-either through planned actions or past accomplishments, as well as any other characteristics of the proposals that distinguish a nomination, as well as any other characteristics of the proposals that distinguish a nomination, such as:
 - (A) Community vision and partnership;
 - (B) Sustainability of products and projects, including project maintenance;
 - (C) Resources, both committed and anticipated, including means of generating additional support from both private and public sources;
 - (D) Anticipated Federal role as defined by the applicants;
 - (E) Schedule or timeline;
 - (F) Citizen involvement;
 - (G) Public education relating to the designation of the river;
 - (H) Logistical support, operating procedures, and policies
 - (I) Prior accomplishments, if relevant, and relationship to existing plans and projects in the area; and
 - (J) Measures of performance.

(4) The strength and diversity of support for the nomination and plan of action as evidenced by letters from local and State governments, Indian tribes, elected officials, any and all parties who participate in the life and health of the area to be nominated, or who have an interest in the economic life and cultural and environmental vigor of the involved community.

(c) the Committee also should seek to recommend the selection of rivers that as a group:

(1) resent the natural, historic, cultural, social, economic, and agricultural diversity of American rivers;

(2) Showcase a variety of stream sizes and an assortment of urban, rural, and mixed settings from around the country, including both relatively pristine and degraded rivers;

(3) Highlight a variety of innovative programs in such areas as historic preservation, sustainable development through tourism, wildlife management, fisheries restoration, recreation, community revitalization, agricultural practices, and flood plain and watershed management;

(4) Include community efforts in early stages of development as well as those that are more well established; and

(5) Stand to benefit from targeted Federal assistance.

(d) The Committee shall report its recommendations for selection of rivers as American Heritage Rivers to the President through the Chair of the Council on Environmental Quality.

Sec. 3. Administration. (a) The heads of executive departments and agencies shall provide the Committee, to the extent practicable and permitted by law, such information with respect to river revitalization as the Committee requires to fulfill its functions.

(b) The Committee shall be supported both administrative and financially by the Secretary of Defense, acting through the Assistant Secretary of the Army for Civil Works.

Sec. 4. General. The Committee shall terminate no later than 2 years from the date of this order. The Chair of the Committee, with the approval of the designated Federal officer, shall call meetings of the American Heritage Rivers Initiative Advisory Committee.

WILLIAM J. CLINTON

THE WHITE HOUSE,

April 7, 1998.

No. 13083

May 14, 1998, 63 F.R. 27651

Federalism

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to guarantee the division of governmental responsibilities, embodied in the Constitution, between the Federal Government and the States that was intended by the Framers and application of those principles by the Executive departments and agencies in the formulation and implementation of policies, it is hereby ordered as follows:

Section 1. Definitions. For purposes of this order:

(a) “State” or “States” refer to the States of the United States of America, individually or collectively, and, where relevant, to State governments, including units of local government and other political subdivisions established by the States.

(b) “Policies that have federalism implications” refers to Federal regulations, proposed legislation, and other policy statements or actions that have substantial direct effects on the States or on the relationship, or the distribution of power and responsibilities, between the Federal Government and the States.

(c) “Agency” means any authority of the United States that is an “agency” under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

Sec. 2. Fundamental Federalism Principles. In formulating and implementing policies that have federalism implications, agencies shall be guided by the following fundamental federalism principles:

(a) The structure of government established by the Constitution is premised upon a system of checks and balances.

(b) The Constitution created a Federal Government of supreme, but limited, powers. The sovereign powers not granted to the Federal Government are reserved to the people or to the States, unless prohibited to the States by the Constitution.

(c) Federalism reflects the principle that dividing power between the Federal Government and the States serves to protect individual liberty. Preserving State authority provides an essential balance to the power of the Federal Government, while preserving the supremacy of Federal law provides an essential balance to the power of the States.

(d) The people of the States are at liberty, subject only to the limitations in the Constitution itself or in Federal law, to define the moral, political, and legal character of their lives.

(e) Our constitutional system encourages a healthy diversity in the public policies adopted by the people of the several States according to their own conditions, needs, and desires. States and local governments are often uniquely situated to discern the sentiments of the people and to govern accordingly.

(f) Effective public policy is often achieved when there is competition among the several States in the fashioning of different approaches to public policy issues. The search for enlightened public policy is often furthered when individual States and local governments are free to experiment with a variety of approaches to public issues. Uniform, national approaches to public policy problems can inhibit the creation of effective solutions to those problems.

(g) Policies of the Federal Government should recognize the responsibility of—and should encourage opportunities for—States, local governments, private associations,

neighborhoods, families, and individuals to achieve personal, social, environmental, and economic objectives through cooperative effort.

Sec. 3. Federalism Policymaking Criteria. In addition to adhering to the fundamental federalism principles set forth in section 2 of this order, agencies shall adhere, to the extent permitted by law, to the following criteria when formulating and implementing policies that have federalism implications:

(a) There should be strict adherence to constitutional principles. Agencies should closely examine the constitutional and statutory authority supporting any Federal action that would limit the policymaking discretion of States and local governments, and should carefully assess the necessity for such action.

(b) Agencies may limit the policymaking discretion of States and local governments only after determining that there is constitutional and legal authority for the action.

(c) With respect to Federal statutes and regulations administered by States and local governments, the Federal Government should grant States and local governments the maximum administrative discretion possible. Any Federal oversight of such State and local administration should not unnecessarily intrude on State and local discretion.

(d) It is important to recognize the distinction between matters of national or multi-state scope (which may justify Federal action) and matters that are merely common to the States (which may not justify Federal action because individual States, acting individually or together, may effectively deal with them). Matters of national or multi-state scope that justify Federal action may arise in a variety of circumstances, including:

(1) When the matter to be addressed by Federal action occurs interstate as opposed to being contained within one State's boundaries.

(2) When the source of the matter to be addressed occurs in a State different from the State (or States) where a significant amount of the harm occurs.

(3) When there is a need for uniform national standards.

(4) When decentralization increases the costs of government thus imposing additional burdens on the taxpayer.

(5) When States have not adequately protected individual rights and liberties.

(6) When States would be reluctant to impose necessary regulations because of fears that regulated business activity will relocate to other States.

(7) When placing regulatory authority at the State or local level would undermine regulatory goals because high costs or demands for specialized expertise will effectively place the regulatory matter beyond the resources of State authorities.

(8) When the matter relates to Federally owned or managed property or natural resources, trust obligations, or international obligations.

(9) When the matter to be regulated significantly or uniquely affects Indian tribal governments.

Sec. 4. Consultation. (a) Each agency shall have an effective process to permit elected officials and other representatives of State and local governments to provide meaningful and timely input in the development of regulatory policies that have federalism implications.

(b) To the extent practicable and permitted by law, no agency shall promulgate any regulation that is not required by statute, that has federalism implications, and that imposes substantial direct compliance costs on States and local governments, unless:

(1) funds necessary to pay the direct costs incurred by the State or local government in complying with the regulation are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of the regulation;

(A) in a separately identified portion of the preamble to the regulation as it is to be issued in the **Federal Register**, provides to the Director of the Office of Management and Budget a description of the extent of the agency's prior consultation with

representatives of affected States and local governments, a summary of the nature of their concerns, and the agency's position supporting the need to issue the regulation; and

(B) makes available to the Director of the Office of Management and Budget any written communications submitted to the agency by States or local governments.

Sec. 5. Increasing Flexibility for State and Local Waivers. (a) Agencies shall review the processes under which States and local governments apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes.

(b) Each agency shall, to the extent practicable and permitted by law, consider any application by a State or local government for a waiver of statutory or regulatory requirements in connection with any program administered by that agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the State or local level in cases in which the proposed waiver is consistent with applicable Federal policy objectives and is otherwise appropriate.

(c) Each agency shall, to the extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency. If the application for a waiver is not granted, the agency shall provide the applicant with timely written notice of the decision and the reasons therefore.

(d) This section applies only to statutory or regulatory requirements that are discretionary and subject to waiver by the agency.

Sec. 6. Independent Agencies. Independent regulatory agencies are encouraged to comply with the provisions of this order.

Sec. 7. General Provisions. (a) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

(b) This order shall supplement but not supersede the requirements contained in Executive Order 12866 ("Regulatory Planning and Review"), Executive Order 12988 ("Civil Justice Reform"), and OMB Circular A-19.

(c) Executive Order 12612 of October 26, 1987, and Executive Order 12875 of October 26, 1993, are revoked.

(d) The consultation and waiver provisions in sections 4 and 5 of this order shall complement the Executive order entitled, "Consultation and Coordination with Indian Tribal Governments," being issued on this day.

(e) This order shall be effective 90 days after the date of this order.

WILLIAM J. CLINTON

THE WHITE HOUSE,
May 14, 1998.

No. 13084

May 14, 1998, 63 F.R. 27655

Consultation and Coordination With Indian Tribal Governments

The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive orders, and court decisions. Since the formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection. In treaties, our Nation has guaranteed the right of Indian tribes to self-government. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, trust resources, and Indian tribal treaty and other rights.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish regular and meaningful consultation and collaboration with Indian tribal governments in the development of regulatory practices on Federal matters that significantly or uniquely affect their communities; to reduce the imposition of unfunded mandates upon Indian tribal governments; and to streamline the application process for and increase the availability of waivers to Indian tribal governments; it is hereby ordered as follows:

Section 1. Definitions. For purposes of this order:

(a) "State" or "States" refer to the States of the United States of America, individually or collectively, and, where relevant, to State governments, including units of local government and other political subdivisions established by the States.

(b) "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

(c) "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

Sec. 2. Policymaking Criteria. In formulating policies significantly or uniquely affecting Indian tribal governments, agencies shall be guided, to the extent permitted by law, by principles of respect for Indian tribal self-government and sovereignty, for tribal treaty and other rights, and for responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments.

Sec. 3. Consultation. (a) Each agency shall have an effective process to permit elected officials and other representatives of Indian tribal governments to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.

(b) To the extent practicable and permitted by law, no agency shall promulgate any regulation that is not required by statute, that significantly or uniquely affects the communities of the Indian tribal governments, and that imposes substantial direct compliance costs on such communities, unless:

(1) funds necessary to pay the direct costs incurred by the Indian tribal government in complying with the regulation are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of the regulation,

(A) in a separately identified portion of the preamble to the regulation as it is to be issued in the **Federal Register**, provides to the Director of the Office of Management and Budget a description of the extent of the agency's prior consultation with representatives of affected Indian tribal governments, a summary of the nature of their concerns, and the agency's position supporting the need to issue the regulation; and

(B) makes available to the Director of the Office of Management and Budget any written communications submitted to the agency by such Indian tribal governments.

Sec. 4. Increasing Flexibility for Indian Tribal Waivers. (a) Agencies shall review the processes under which Indian tribal governments apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes.

(b) Each agency shall, to the extent practicable and permitted by law, consider any application by an Indian tribal government for a waiver of statutory or regulatory requirements in connection with any program administered by that agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the Indian tribal level in cases in which the proposed waiver is consistent with the applicable Federal policy objectives and is otherwise appropriate.

(c) Each agency shall, to the extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency. The agency shall provide the applicant with timely written notice of the decision and, if the application for a waiver is not granted, the reasons for such denial.

(d) This section applies only to statutory or regulatory requirements that are discretionary and subject to waiver by the agency.

Sec. 5. Cooperation in developing regulations. On issues relating to tribal self-government, trust resources, or treaty and other rights, each agency should explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking.

Sec. 6. Independent agencies. Independent regulatory agencies are encouraged to comply with the provisions of this order.

Sec. 7. General provisions. (a) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

(b) This order shall supplement but not supersede the requirements contained in Executive Order 12866 ("Regulatory Planning and Review"), Executive Order 12988 ("Civil Justice Reform"), OMB Circular A-19, and the Executive Memorandum of April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments.

(c) This order shall complement the consultation and waiver provisions in sections 4 and 5 of the Executive order, entitled "Federalism," being issued on this day.

(d) This order shall be effective 90 days after the date of this order.

WILLIAM J. CLINTON

THE WHITE HOUSE,
May 14, 1998.

No. 13089

June 11, 1998, 63 F.R. 32701

Coral Reef Protection

By the authority vested in me as President by the Constitution and the laws of the United States of America and in furtherance of the purposes of the Clean Water Act of 1977, as amended (33 U.S.C. 1251, et seq.), Coastal Zone Management Act (16 U.S.C. 1451, et seq.), Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801, et seq.), National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321, et seq.), National Marine Sanctuaries Act, (16 U.S.C. 1431, et seq.), National Park Service Organic Act (16 U.S.C. 1, et seq.), National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-ee), and other pertinent statutes, to preserve and protect the biodiversity, health, heritage, and social and economic value of U.S. coral reef ecosystems and the marine environment, it is hereby ordered as follows:

Section 1. Definitions. (a) “U.S. coral reef ecosystems” means those species, habitats, and other natural resources associated with coral reefs in all maritime areas and zones subject to the jurisdiction or control of the United States (e.g., Federal, State, territorial, or commonwealth waters), including reef systems in the south Atlantic, Caribbean, Gulf of Mexico, and Pacific Ocean. (b) “U.S. Coral Reef Initiative” is an existing partnership between Federal agencies and State, territorial, commonwealth, and local governments, nongovernmental organizations, and commercial interests to design and implement additional management, education, monitoring, research, and restoration efforts to conserve coral reef ecosystems for the use and enjoyment of future generations. The existing U.S. Islands Coral Reef Initiative strategy covers approximately 95 percent of U.S. coral reef ecosystems and is a key element of the overall U.S. Coral Reef Initiative. (c) “International Coral Reef Initiative” is an existing partnership, founded by the United States in 1994, of governments, intergovernmental organizations, multilateral development banks, nongovernmental organizations, scientists, and the private sector whose purpose is to mobilize governments and other interested parties whose coordinated, vigorous, and effective actions are required to address the threats to the world’s coral reefs.

Sec. 2. Policy. (a) All Federal agencies whose actions may affect U.S. coral reef ecosystems shall: (a) identify their actions that may affect U.S. coral reef ecosystems; (b) utilize their programs and authorities to protect and enhance the conditions of such ecosystems; and (c) to the extent permitted by law, ensure that any actions they authorize, fund, or carry out will not degrade the conditions of such ecosystems.

(b) Exceptions to this section may be allowed under terms prescribed by the heads of Federal agencies:

- (1) during time of war or national emergency;
- (2) when necessary for reasons of national security, as determined by the President;
- (3) during emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution; or
- (4) in any case that constitutes a danger to human life or a real threat to vessels, aircraft, platforms, or other man-made structures at sea, such as cases of force majeure caused by stress of weather or other act of God.

Sec. 3. Federal Agency Responsibilities. In furtherance of section 2 of this order, Federal agencies whose actions affect U.S. coral reef ecosystems, shall, subject to the availability of appropriations, provide for implementation of measures needed to research, monitor, manage, and restore affected ecosystems, including, but not limited to,

measures reducing impacts from pollution, sedimentation, and fishing. To the extent not inconsistent with statutory responsibilities and procedures, these measures shall be developed in cooperation with the U.S. Coral Reef Task Force and fishery management councils and in consultation with affected States, territorial, commonwealth, tribal, and local government agencies, nongovernmental organizations, the scientific community, and commercial interests.

Sec. 4. U.S. Coral Reef Task Force. The Secretary of the Interior and the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, shall co-chair a U.S. Coral Reef Task Force (“Task Force”), whose members shall include, but not be limited to, the Administrator of the Environmental Protection Agency, the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of State, the Secretary of Transportation, the Director of the National Science Foundation, the Administrator of the Agency for International Development, and the Administrator of the National Aeronautics and Space Administration. The Task Force shall oversee implementation of the policy and Federal agency responsibilities set forth in this order, and shall guide and support activities under the U.S. Coral Reef Initiative (“CRI”). All Federal agencies whose actions may affect U.S. coral reef ecosystems shall review their participation in the CRI and the strategies developed under it, including strategies and plans of State, territorial, commonwealth, and local governments, and, to the extent feasible, shall enhance Federal participation and support of such strategies and plans. The Task Force shall work in cooperation with State, territorial, commonwealth, and local government agencies, nongovernmental organizations, the scientific community, and commercial interests.

Sec. 5. Duties of the U.S. Coral Reef Task Force. (a) Coral Reef Mapping and Monitoring. The Task Force, in cooperation with State, territory, commonwealth, and local government partners, shall coordinate a comprehensive program to map and monitor U.S. coral reefs. Such programs shall include, but not be limited to, territories and commonwealths, special marine protected areas such as National Marine Sanctuaries, National Estuarine Research Reserves, National Parks, National Wildlife Refuges, and other entities having significant coral reef resources. To the extent feasible, remote sensing capabilities shall be developed and applied to this program and local communities should be engaged in the design and conduct of programs.

(b) Research. The Task Force shall develop and implement, with the scientific community, research aimed at identifying the major causes and consequences of degradation of coral reef ecosystems. This research shall include fundamental scientific research to provide a sound framework for the restoration and conservation of coral reef ecosystems worldwide. To the extent feasible, existing and planned environmental monitoring and mapping programs should be linked with scientific research activities. This Executive order shall not interfere with the normal conduct of scientific studies on coral reef ecosystems.

(c) Conservation, Mitigation, and Restoration. The Task Force, in cooperation with State, territorial, commonwealth, and local government agencies, nongovernmental organizations, the scientific community and commercial interests, shall develop, recommend, and seek or secure implementation of measures necessary to reduce and mitigate coral reef ecosystem degradation and to restore damaged coral reefs. These measures shall include solutions to problems such as land-based sources of water pollution, sedimentation, detrimental alteration of salinity or temperature, over-fishing, over-use, collection of coral reef species, and direct destruction caused by activities such as recreational and commercial vessel traffic and treasure salvage. In developing these measures, the Task Force shall review existing legislation to determine whether

additional legislation is necessary to complement the policy objectives of this order and shall recommend such legislation if appropriate. The Task Force shall further evaluate existing navigational aids, including charts, maps, day markers, and beacons to determine if the designation of the location of specific coral reefs should be enhanced through the use, revision, or improvement of such aids.

(d) International Cooperation. The Secretary of State and the Administrator of the Agency for International Development, in cooperation with other members of the Coral Reef Task Force and drawing upon their expertise, shall assess the U.S. role in international trade and protection of coral reef species and implement appropriate strategies and actions to promote conservation and sustainable use of coral reef resources worldwide. Such actions shall include expanded collaboration with other International Coral Reef Initiative ("ICRI") partners, especially governments, to implement the ICRI through its Framework for Action and the Global Coral Reef Monitoring Network at regional, national, and local levels.

Sec. 6. This order does not create any right or benefit, substantive or procedural, enforceable in law or equity by a party against the United States, its agencies, its officers, or any person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
June 11, 1998.

No. 13093

July 27, 1998, 63 F.R. 40357

**American Heritage Rivers, Amending Executive Order 13061
and 13080**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to increase the number of rivers that the President may designate as American Heritage Rivers, it is hereby ordered that the second sentence of both section 2(d)(1) of Executive Order 13061⁴ and of section 2(a) of Executive Order 13080 are amended by deleting “ten” and inserting “up to 20” in lieu thereof.

WILLIAM J. CLINTON

THE WHITE HOUSE,
July 27, 1998.

4. 42 U.S.C.A. § 4321 nt.

No. 13112

February 3, 1999, 64 F.R. 6183

Invasive Species

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (16 U.S.C. 4701 et seq.), Lacey Act, as amended (18 U.S.C. 42), Federal Plant Pest Act (7 U.S.C. 150aa et seq.), Federal Noxious Weed Act of 1974, as amended (7 U.S.C. 2801 et seq.), Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), and other pertinent statutes, to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause, it is ordered as follows:

Section 1. Definitions.

(a) "Alien species" means, with respect to a particular ecosystem, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem.

(b) "Control" means, as appropriate, eradicating, suppressing, reducing, or managing invasive species populations, preventing spread of invasive species from areas where they are present, and taking steps such as restoration of native species and habitats to reduce the effects of invasive species and to prevent further invasions.

(c) "Ecosystem" means the complex of a community of organisms and its environment.

(d) "Federal agency" means an executive department or agency, but does not include independent establishments as defined by 5 U.S.C. 104.

(e) "Introduction" means the intentional or unintentional escape, release, dissemination, or placement of a species into an ecosystem as a result of human activity.

(f) "Invasive species" means an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.

(g) "Native species" means, with respect to a particular ecosystem, a species that, other than as a result of an introduction, historically occurred or currently occurs in that ecosystem.

(h) "Species" means a group of organisms all of which have a high degree of physical and genetic similarity, generally interbreed only among themselves, and show persistent differences from members of allied groups of organisms.

(i) "Stakeholders" means, but is not limited to, State, tribal, and local government agencies, academic institutions, the scientific community, non-governmental entities including environmental, agricultural, and conservation organizations, trade groups, commercial interests, and private landowners.

(j) "United States" means the 50 States, the District of Columbia, Puerto Rico, Guam and all possessions, territories, and the territorial sea of the United States.

Sec. 2. Federal Agency Duties. (a) Each Federal agency whose actions may affect the status of invasive species shall, to the extent practicable and permitted by law,

(1) identify such actions;

(2) subject to the availability of appropriations, and within Administration budgetary limits, use relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and

habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them, and

(3) not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

(b) Federal agencies shall pursue the duties set forth in this section in consultation with the Invasive Species Council, consistent with the Invasive Species Management Plan and in cooperation with stakeholders, as appropriate, and, as approved by the Department of State, when Federal agencies are working with international organizations and foreign nations.

Sec. 3. Invasive Species Council. (a) An Invasive Species Council (Council) is hereby established whose members shall include the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency. The Council shall be Co-Chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The Council may invite additional Federal agency representatives to be members, including representatives from subcabinet bureaus or offices with significant responsibilities concerning invasive species, and may prescribe special procedures for their participation. The Secretary of the Interior shall, with concurrence of the Co-Chairs, appoint an Executive Director of the Council and shall provide the staff and administrative support for the Council.

(b) The Secretary of the Interior shall establish an advisory committee under the Federal Advisory Committee Act, 5 U.S.C. App., to provide information and advice for consideration by the Council, and shall, after consultation with other members of the Council, appoint members of the advisory committee representing stakeholders. Among other things, the advisory committee shall recommend plans and actions at local, tribal, State, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order. The advisory committee shall act in cooperation with stakeholders and existing organizations addressing invasive species. The Department of the Interior shall provide the administrative and financial support for the advisory committee.

Sec. 4. Duties of the Invasive Species Council. The Invasive Species Council shall provide national leadership regarding invasive species, and shall:

(a) oversee the implementation of this order and see that the Federal agency activities concerning invasive species are coordinated, complementary, cost-efficient, and effective, relying to the extent feasible and appropriate on existing organizations addressing invasive species, such as the Aquatic Nuisance Species Task Force, the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, and the Committee on Environment and Natural Resources;

(b) encourage planning and action at local, tribal, State, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order, in cooperation with stakeholders and existing organizations addressing invasive species;

(c) develop recommendations for international cooperation in addressing invasive species;

(d) develop, in consultation with the Council on Environmental Quality, guidance to Federal agencies pursuant to the National Environmental Policy Act on prevention and control of invasive species, including the procurement, use, and maintenance of native species as they affect invasive species;

(e) facilitate development of a coordinated network among Federal agencies to document, evaluate, and monitor impacts from invasive species on the economy, the environment, and human health;

(f) facilitate establishment of a coordinated, up-to-date information-sharing system that utilizes, to the greatest extent practicable, the Internet; this system shall facilitate access to and exchange of information concerning invasive species, including, but not limited to, information on distribution and abundance of invasive species; life histories of such species and invasive characteristics; economic, environmental, and human health impacts; management techniques, and laws and programs for management, research, and public education; and

(g) prepare and issue a national Invasive Species Management Plan as set forth in section 5 of this order.

Sec. 5. Invasive Species Management Plan. (a) Within 18 months after issuance of this order, the Council shall prepare and issue the first edition of a National Invasive Species Management Plan (Management Plan), which shall detail and recommend performance-oriented goals and objectives and specific measures of success for Federal agency efforts concerning invasive species. The Management Plan shall recommend specific objectives and measures for carrying out each of the Federal agency duties established in section 2(a) of this order and shall set forth steps to be taken by the Council to carry out the duties assigned to it under section 4 of this order. The Management Plan shall be developed through a public process and in consultation with Federal agencies and stakeholders.

(b) The first edition of the Management Plan shall include a review of existing and prospective approaches and authorities for preventing the introduction and spread of invasive species, including those for identifying path-ways by which invasive species are introduced and for minimizing the risk of introductions via those pathways, and shall identify research needs and recommend measures to minimize the risk that introductions will occur. Such recommended measures shall provide for a science-based process to evaluate risks associated with introduction and spread of invasive species and a coordinated and systematic risk-based process to identify, monitor, and interdict pathways that may be involved in the introduction of invasive species. If recommended measures are not authorized by current law, the Council shall develop and recommend to the President through its Co-Chairs legislative proposals for necessary changes in authority.

(c) The Council shall update the Management Plan biennially and shall concurrently evaluate and report on success in achieving the goals and objectives set forth in the Management Plan. The Management Plan shall identify the personnel, other resources, and additional levels of coordination needed to achieve the Management Plan's identified goals and objectives, and the Council shall provide each edition of the Management Plan and each report on it to the Office of Management and Budget. Within 18 months after measures have been recommended by the Council in any edition of the Management Plan, each Federal agency whose action is required to implement such measures shall either take the action recommended or shall provide the Council with an explanation of why the action is not feasible. The Council shall assess the effectiveness of this order no less than once each 5 years after the order is issued and shall report to the Office of Management and Budget on whether the order should be revised.

Sec. 6. Judicial Review and Administration. (a) This order is intended only to improve the internal management of the executive branch and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any other person.

(b) Executive Order 11987¹ of May 24, 1977, is hereby revoked.

(c) The requirements of this order do not affect the obligations of Federal agencies under 16 U.S.C. 4713 with respect to ballast water programs.

(d) The requirements of section 2(a)(3) of this order shall not apply to any action of the Department of State or Department of Defense if the Secretary of State or the Secretary of Defense finds that exemption from such requirements is necessary for foreign policy or national security reasons.

WILLIAM J. CLINTON

THE WHITE HOUSE,
February 3, 1999.

1. 42 U.S.C.A. § 4321 nt.

No. 13114

February 25, 1999, 64 F.R. 10099

**Further Amendment to Executive Order 12852¹, as Amended,
Extending the President's Council on Sustainable Development**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to further amend Executive Order 12852, as amended, to extend the life of the President's Council on Sustainable Development, it is hereby ordered that Executive Order 12852, as amended, is further amended by deleting from section 4(b) of the order the text "February 28, 1999" and inserting in lieu thereof "June 30, 1999".

WILLIAM J. CLINTON

THE WHITE HOUSE,
February 25, 1999.

1. 42 U.S.C.A. § 4321 nt.

No. 13123

June 3, 1999, 64 F.R. 30851

Greening the Government Through Efficient Energy Management

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Energy Conservation Policy Act (Public Law 95–619, 92 Stat. 3206, 42 U.S.C. 8252 *et seq.*), as amended by the Energy Policy Act of 1992 (EPACT) (Public Law 102–486, 106 Stat. 2776), and section 301 of title 3, United States Code, it is hereby ordered as follows:

PART 1—PREAMBLE

Section 101. Federal Leadership. The Federal Government, as the Nation's largest energy consumer, shall significantly improve its energy management in order to save taxpayer dollars and reduce emissions that contribute to air pollution and global climate change. With more than 500,000 buildings, the Federal Government can lead the Nation in energy efficient building design, construction, and operation. As a major consumer that spends \$200 billion annually on products and services, the Federal Government can promote energy efficiency, water conservation, and the use of renewable energy products, and help foster markets for emerging technologies. In encouraging effective energy management in the Federal Government, this order builds on work begun under EPACT and previous Executive orders.

PART 2—GOALS

Sec. 201. Greenhouse Gases Reduction Goal. Through life-cycle cost-effective energy measures, each agency shall reduce its greenhouse gas emissions attributed to facility energy use by 30 percent by 2010 compared to such emissions levels in 1990. In order to encourage optimal investment in energy improvements, agencies can count greenhouse gas reductions from improvements in nonfacility energy use toward this goal to the extent that these reductions are approved by the Office of Management and Budget (OMB).

Sec. 202. Energy Efficiency Improvement Goals. Through life-cycle cost-effective measures, each agency shall reduce energy consumption per gross square foot of its facilities, excluding facilities covered in section 203 of this order, by 30 percent by 2005 and 35 percent by 2010 relative to 1985. No facilities will be exempt from these goals unless they meet new criteria for exemptions, to be issued by the Department of Energy (DOE).

Sec. 203. Industrial and Laboratory Facilities. Through life-cycle cost-effective measures, each agency shall reduce energy consumption per square foot, per unit of production, or per other unit as applicable by 20 percent by 2005 and 25 percent by 2010 relative to 1990. No facilities will be exempt from these goals unless they meet new criteria for exemptions, as issued by DOE.

Sec. 204. Renewable Energy. Each agency shall strive to expand the use of renewable energy within its facilities and in its activities by implementing renewable energy projects and by purchasing electricity from renewable energy sources. In support of the Million Solar Roofs initiative, the Federal Government shall strive to install 2,000 solar energy systems at Federal facilities by the end of 2000, and 20,000 solar energy systems at Federal facilities by 2010.

Sec. 205. Petroleum. Through life-cycle cost-effective measures, each agency shall reduce the use of petroleum within its facilities. Agencies may accomplish this reduction by switching to a less greenhouse gas-intensive, nonpetroleum energy source, such as natural gas or renewable energy sources; by eliminating unnecessary fuel use; or by other appropriate methods. Where alternative fuels are not practical or life-cycle cost-effective, agencies shall strive to improve the efficiency of their facilities.

Sec. 206. Source Energy. The Federal Government shall strive to reduce total energy use and associated greenhouse gas and other air emissions, as measured at the source. To that end, agencies shall undertake life-cycle cost-effective projects in which source energy decreases, even if site energy use increases. In such cases, agencies will receive credit toward energy reduction goals through guidelines developed by DOE.

Sec. 207. Water Conservation. Through life-cycle cost-effective measures, agencies shall reduce water consumption and associated energy use in their facilities to reach the goals set under section 503(f) of this order. Where possible, water cost savings and associated energy cost savings shall be included in Energy-Savings Performance Contracts and other financing mechanisms.

PART 3—ORGANIZATION AND ACCOUNTABILITY

Sec. 301. Annual Budget Submission. Each agency's budget submission to OMB shall specifically request funding necessary to achieve the goals of this order. Budget submissions shall include the costs associated with: encouraging the use of, administering, and fulfilling agency responsibilities under Energy-Savings Performance Contracts, utility energy-efficiency service contracts, and other contractual platforms for achieving conservation goals; implementing life-cycle cost-effective measures; procuring life-cycle cost-effective products; and constructing sustainably designed new buildings, among other energy costs. OMB shall issue guidelines to assist agencies in developing appropriate requests that support sound investments in energy improvements and energy-using products. OMB shall explore the feasibility of establishing a fund that agencies could draw on to finance exemplary energy management activities and investments with higher initial costs but lower life-cycle costs. Budget requests to OMB in support of this order must be within each agency's planning guidance level.

Sec. 302. Annual Implementation Plan. Each agency shall develop an annual implementation plan for fulfilling the requirements of this order. Such plans shall be included in the annual reports to the President under section 303 of this order.

Sec. 303. Annual Reports to the President. (a) Each agency shall measure and report its progress in meeting the goals and requirements of this order on an annual basis. Agencies shall follow reporting guidelines as developed under section 306(b) of this order. In order to minimize additional reporting requirements, the guidelines will clarify how the annual report to the President should build on each agency's annual Federal energy reports submitted to DOE and the Congress. Annual reports to the President are due on January 1 of each year beginning in the year 2000.

(b) Each agency's annual report to the President shall describe how the agency is using each of the strategies described in Part 4 of this order to help meet energy and greenhouse gas reduction goals. The annual report to the President shall explain why certain strategies, if any, have not been used. It shall also include a listing and explanation of exempt facilities.

Sec. 304. Designation of Senior Agency Official. Each agency shall designate a senior official, at the Assistant Secretary level or above, to be responsible for meeting the goals and requirements of this order, including preparing the annual report to the President. Such designation shall be reported by each Cabinet Secretary or agency head to the Deputy Director for Management of OMB within 30 days of the date of this order.

Designated officials shall participate in the Interagency Energy Policy Committee, described in section 306(d) of this order. The Committee shall communicate its activities to all designated officials to assure proper coordination and achievement of the goals and requirements of this order.

Sec. 305. Designation of Agency Energy Teams. Within 90 days of the date of this order, each agency shall form a technical support team consisting of appropriate procurement, legal, budget, management, and technical representatives to expedite and encourage the agency's use of appropriations, Energy-Savings Performance Contracts, and other alternative financing mechanisms necessary to meet the goals and requirements of this order. Agency energy team activities shall be undertaken in collaboration with each agency's representative to the Interagency Energy Management Task Force, as described in section 306(e) of this order.

Sec. 306. Interagency Coordination. (a) *Office of Management and Budget.* The Deputy Director for Management of OMB, in consultation with DOE, shall be responsible for evaluating each agency's progress in improving energy management and for submitting agency energy scorecards to the President to report progress.

(1) OMB, in consultation with DOE and other agencies, shall develop the agency energy scorecards and scoring system to evaluate each agency's progress in meeting the goals of this order. The scoring criteria shall include the extent to which agencies are taking advantage of key tools to save energy and reduce greenhouse gas emissions, such as Energy-Savings Performance Contracts, utility energy-efficiency service contracts, ENERGY STAR and other energy efficient products, renewable energy technologies, electricity from renewable energy sources, and other strategies and requirements listed in Part 4 of this order, as well as overall efficiency and green-house gas metrics and use of other innovative energy efficiency practices. The scorecards shall be based on the annual energy reports submitted to the President under section 303 of this order.

(2) The Deputy Director for Management of OMB shall also select outstanding agency energy management team(s), from among candidates nominated by DOE, for a new annual Presidential award for energy efficiency.

(b) *Federal Energy Management Program.* The DOE's Federal Energy Management Program (FEMP) shall be responsible for working with the agencies to ensure that they meet the goals of this order and report their progress. FEMP, in consultation with OMB, shall develop and issue guidelines for agencies' preparation of their annual reports to the President on energy management, as required in section 303 of this order. FEMP shall also have primary responsibility for collecting and analyzing the data, and shall assist OMB in ensuring that agency reports are received in a timely manner.

(c) *President's Management Council.* The President's Management Council (PMC), chaired by the Deputy Director for Management of OMB and consisting of the Chief Operating Officers (usually the Deputy Secretary) of the largest Federal departments and agencies, will periodically discuss agencies' progress in improving Federal energy management.

(d) *Interagency Energy Policy Committee.* This Committee was established by the Department of Energy Organization Act. It consists of senior agency officials designated in accordance with section 304 of this order. The Committee is responsible for encouraging implementation of energy efficiency policies and practices. The major energy-consuming agencies designated by DOE are required to participate in the Committee. The Committee shall communicate its activities to all designated senior agency officials to promote coordination and achievement of the goals of this order.

(e) *Interagency Energy Management Task Force.* The Task Force was established by the National Energy Conservation Policy Act. It consists of each agency's chief energy manager. The Committee shall continue to work toward improving agencies' use of energy

management tools and sharing information on Federal energy management across agencies.

Sec. 307. Public/Private Advisory Committee. The Secretary of Energy will appoint an advisory committee consisting of representatives from Federal agencies, State governments, energy service companies, utility companies, equipment manufacturers, construction and architectural companies, environmental, energy and consumer groups, and other energy-related organizations. The committee will provide input on Federal energy management, including how to improve use of Energy-Savings Performance Contracts and utility energy-efficiency service contracts, improve procurement of ENERGY STAR and other energy efficient products, improve building design, reduce process energy use, and enhance applications of efficient and renewable energy technologies at Federal facilities.

Sec. 308. Applicability. This order applies to all Federal departments and agencies. General Services Administration (GSA) is responsible for working with agencies to meet the requirements of this order for those facilities for which GSA has delegated operations and maintenance authority. The Department of Defense (DOD) is subject to this order to the extent that it does not impair or adversely affect military operations and training (including tactical aircraft, ships, weapons systems, combat training, and border security).

PART 4—PROMOTING FEDERAL LEADERSHIP IN ENERGY MANAGEMENT

Sec. 401. Life-Cycle Cost Analysis. Agencies shall use life-cycle cost analysis in making decisions about their investments in products, services, construction, and other projects to lower the Federal Government's costs and to reduce energy and water consumption. Where appropriate, agencies shall consider the life-cycle costs of combinations of projects, particularly to encourage bundling of energy efficiency projects with renewable energy projects. Agencies shall also retire inefficient equipment on an accelerated basis where replacement results in lower life-cycle costs. Agencies that minimize life-cycle costs with efficiency measures will be recognized in their scorecard evaluations.

Sec. 402. Facility Energy Audits. Agencies shall continue to conduct energy and water audits for approximately 10 percent of their facilities each year, either independently or through Energy-Savings Performance Contracts or utility energy-efficiency service contracts.

Sec. 403. Energy Management Strategies and Tools. Agencies shall use a variety of energy management strategies and tools, where life-cycle cost-effective, to meet the goals of this order. An agency's use of these strategies and tools shall be taken into account in assessing the agency's progress and formulating its scorecard.

(a) *Financing Mechanisms.* Agencies shall maximize their use of available alternative financing contracting mechanisms, including Energy-Savings Performance Contracts and utility energy-efficiency service contracts, when life-cycle cost-effective, to reduce energy use and cost in their facilities and operations. Energy-Savings Performance Contracts, which are authorized under the National Energy Conservation Policy Act, as modified by the Energy Policy Act of 1992, and utility energy-efficiency service contracts provide significant opportunities for making Federal facilities more energy efficient at no net cost to taxpayers.

(b) *ENERGY STAR and Other Energy Efficient Products.*

(1) Agencies shall select, where life-cycle cost-effective, ENERGY STAR and other energy efficient products when acquiring energy-using products. For product groups where ENERGY STAR labels are not yet available, agencies shall select products that are in the upper 25 percent of energy efficiency as designated by FEMP. The Environmental

Protection Agency (EPA) and DOE shall expedite the process of designating products as ENERGY STAR and will merge their current efficiency rating procedures.

(2) GSA and the Defense Logistics Agency (DLA), with assistance from EPA and DOE, shall create clear catalogue listings that designate these products in both print and electronic formats. In addition, GSA and DLA shall undertake pilot projects from selected energy-using products to show a “second price tag”, which means an accounting of the operating and purchase costs of the item, in both printed and electronic catalogues and assess the impact of providing this information on Federal purchasing decisions.

(3) Agencies shall incorporate energy efficient criteria consistent with ENERGY STAR and other FEMP-designated energy efficiency levels into all guide specifications and project specifications developed for new construction and renovation, as well as into product specification language developed for Basic Ordering Agreements, Blanket Purchasing Agreements, Government Wide Acquisition Contracts, and all other purchasing procedures.

(4) DOE and OMB shall also explore the creation of financing agreements with private sector suppliers to provide private funding to offset higher up-front costs of efficient products. Within 9 months of the date of this order, DOE shall report back to the President’s Management Council on the viability of such alternative financing options.

(c) *ENERGY STAR Buildings.* Agencies shall strive to meet the ENERGY STAR Building criteria for energy performance and indoor environmental quality in their eligible facilities to the maximum extent practicable by the end of 2002. Agencies may use Energy-Savings Performance Contracts, utility energy-efficiency service contracts, or other means to conduct evaluations and make improvements to buildings in order to meet the criteria. Buildings that rank in the top 25 percent in energy efficiency relative to comparable commercial and Federal buildings will receive the ENERGY STAR building label. Agencies shall integrate this building rating tool into their general facility audits.

(d) *Sustainable Building Design.* DOD and GSA, in consultation with DOE and EPA, shall develop sustainable design principles. Agencies shall apply such principles to the siting, design, and construction of new facilities. Agencies shall optimize life-cycle costs, pollution, and other environmental and energy costs associated with the construction, life-cycle operation, and decommissioning of the facility. Agencies shall consider using Energy-Savings Performance Contracts or utility energy-efficiency service contracts to aid them in constructing sustainably designed buildings.

(e) *Model Lease Provisions.* Agencies entering into leases, including the renegotiation or extension of existing leases, shall incorporate lease provisions that encourage energy and water efficiency wherever life-cycle cost-effective. Build-to-suit lease solicitations shall contain criteria encouraging sustainable design and development, energy efficiency, and verification of building performance. Agencies shall include a preference for buildings having the ENERGY STAR building label in their selection criteria for acquiring leased buildings. In addition, all agencies shall encourage lessors to apply for the ENERGY STAR building label and to explore and implement projects that would reduce costs to the Federal Government, including projects carried out through the lessors’ Energy-Savings Performance Contracts or utility energy-efficiency service contracts.

(f) *Industrial Facility Efficiency Improvements.* Agencies shall explore efficiency opportunities in industrial facilities for steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching, including cogeneration and other efficiency and renewable energy technologies.

(g) *Highly Efficient Systems.* Agencies shall implement district energy systems, and other highly efficient systems, in new construction or retrofit projects when life-cycle cost-effective. Agencies shall consider combined cooling, heat, and power when upgrading and assessing facility power needs and shall use combined cooling, heat, and power systems

when life-cycle cost-effective. Agencies shall survey local natural resources to optimize use of available biomass, bioenergy, geothermal, or other naturally occurring energy sources.

(h) *Off-Grid Generation.* Agencies shall use off-grid generation systems, including solar hot water, solar electric, solar outdoor lighting, small wind turbines, fuel cells, and other off-grid alternatives, where such systems are life-cycle cost-effective and offer benefits including energy efficiency, pollution prevention, source energy reductions, avoided infrastructure costs, or expedited service.

Sec. 404. Electricity Use. To advance the greenhouse gas and renewable energy goals of this order, and reduce source energy use, each agency shall strive to use electricity from clean, efficient, and renewable energy sources. An agency's efforts in purchasing electricity from efficient and renewable energy sources shall be taken into account in assessing the agency's progress and formulating its score card.

(a) *Competitive Power.* Agencies shall take advantage of competitive opportunities in the electricity and natural gas markets to reduce costs and enhance services. Agencies are encouraged to aggregate demand across facilities or agencies to maximize their economic advantage.

(b) *Reduced Greenhouse Gas Intensity of Electric Power.* When selecting electricity providers, agencies shall purchase electricity from sources that use high efficiency electric generating technologies when life-cycle cost-effective. Agencies shall consider the greenhouse gas intensity of the source of the electricity and strive to minimize the greenhouse gas intensity of purchased electricity.

(c) *Purchasing Electricity from Renewable Energy Sources.*

(1) Each agency shall evaluate its current use of electricity from renewable energy sources and report this level in its annual report to the President. Based on this review, each agency should adopt policies and pursue projects that increase the use of such electricity. Agencies should include provisions for the purchase of electricity from renewable energy sources as a component of their requests for bids whenever procuring electricity. Agencies may use savings from energy efficiency projects to pay additional incremental costs of electricity from renewable energy sources.

(2) In evaluating opportunities to comply with this section, agencies should consider: my Administration's goal of tripling nonhydroelectric renewable energy capacity in the United States by 2010; the renewable portfolio standard specified in the restructuring guidelines for the State in which the facility is located; GSA's efforts to make electricity from renewable energy sources available to Federal electricity purchasers; and EPA's guide-lines on crediting renewable energy power in implementation of Clean Air Act standards.

Sec. 405. Mobile Equipment. Each agency shall seek to improve the design, Construction, and operation of its mobile equipment, and shall implement all life-cycle cost-effective energy efficiency measures that result in cost savings while improving mission performance. To the extent that such measures are life-cycle cost-effective, agencies shall consider enhanced use of alternative or renewable-based fuels.

Sec. 406. Management and Government Performance. Agencies shall use the following management strategies in meeting the goals of this order.

(a) *Awards.* Agencies shall use employee incentive programs to reward exceptional performance in implementing this order.

(b) *Performance Evaluations.* Agencies shall include successful implementation of provisions of this order in areas such as Energy-Savings Performance Contracts, sustainable design, energy efficient procurement, energy efficiency, water conservation, and renewable energy projects in the position descriptions and performance evaluations

of agency heads, members of the agency energy team, principal program managers, heads of field offices, facility managers, energy managers, and other appropriate employees.

(c) *Retention of Savings and Rebates.* Agencies granted statutory authority to retain a portion of savings generated from efficient energy and water management are encouraged to permit the retention of the savings at the facility or site where the savings occur to provide greater incentive for that facility and its site managers to undertake more energy management initiatives, invest in renewable energy systems, and purchase electricity from renewable energy sources.

(d) *Training and Education.* Agencies shall ensure that all appropriate personnel receive training for implementing this order.

(1) DOE, DOD, and GSA shall provide relevant training or training materials for those programs that they make available to all Federal agencies relating to the energy management strategies contained in this order.

(2) The Federal Acquisition Institute and the Defense Acquisition University shall incorporate into existing procurement courses information on Federal energy management tools, including Energy-Savings Performance Contracts, utility energy-efficiency service contracts, ENERGY STAR and other energy efficient products, and life-cycle cost analysis.

(3) All agencies are encouraged to develop outreach programs that include education, training, and promotion of ENERGY STAR and other energy-efficient products for Federal purchase card users. These programs may include promotions with billing statements, user training, catalogue awareness, and exploration of vendor data collection of purchases.

(e) *Showcase Facilities.* Agencies shall designate exemplary new and existing facilities with significant public access and exposure as showcase facilities to highlight energy or water efficiency and renewable energy improvements.

PART 5—TECHNICAL ASSISTANCE

Sec. 501. Within 120 days of this order, the Director of OMB shall:

(a) develop and issue guidance to agency budget officers on preparation of annual funding requests associated with the implementation of the order for the FY 2001 budget;

(b) in collaboration with the Secretary of Energy, explain to agencies how to retain savings and reinvest in other energy and water management projects; and

(c) in collaboration with the Secretary of Energy through the Office of Federal Procurement Policy, periodically brief agency procurement executives on the use of Federal energy management tools, including Energy-Savings Performance Contracts, utility energy-efficiency service contracts, and procurement of energy efficient products and electricity from renewable energy sources.

Sec. 502. Within 180 days of this order, the Secretary of Energy, in collaboration with other agency heads, shall:

(a) issue guidelines to assist agencies in measuring energy per square foot, per unit of production, or other applicable unit in industrial, laboratory, research, and other energy-intensive facilities;

(b) establish criteria for determining which facilities are exempt from the order. In addition, DOE must provide guidance for agencies to report proposed exemptions;

(c) develop guidance to assist agencies in calculating appropriate energy baselines for previously exempt facilities and facilities occupied after 1990 in order to measure progress toward goals;

(d) issue guidance to clarify how agencies determine the life-cycle cost for investments required by the order, including how to compare different energy and fuel options and assess the current tools;

(e) issue guidance for providing credit toward energy efficiency goals for cost-effective projects where source energy use declines but site energy use increases; and

(f) provide guidance to assist each agency to determine a baseline of water consumption.

Sec. 503. Within 1 year of this order, the Secretary of Energy, in collaboration with other agency heads, shall:

(a) provide guidance for counting renewable and highly efficient energy projects and purchases of electricity from renewable and highly efficient energy sources toward agencies' progress in reaching greenhouse gas and energy reduction goals;

(b) develop goals for the amount of energy generated at Federal facilities from renewable energy technologies;

(c) support efforts to develop standards for the certification of low environmental impact hydropower facilities in order to facilitate the Federal purchase of such power;

(d) work with GSA and DLA to develop a plan for purchasing advanced energy products in bulk quantities for use in by multiple agencies;

(e) issue guidelines for agency use estimating the greenhouse gas emissions attributable to facility energy use. These guidelines shall include emissions associated with the production, transportation, and use of energy consumed in Federal facilities; and

(f) establish water conservation goals for Federal agencies.

Sec. 504. Within 120 days of this order, the Secretary of Defense and the Administrator of GSA, in consultation with other agency heads, shall develop and issue sustainable design and development principles for the siting, design, and construction of new facilities.

Sec. 505. Within 180 days of this order, the Administrator of GSA, in collaboration with the Secretary of Defense, the Secretary of Energy, and other agency heads, shall:

(a) develop and issue guidance to assist agencies in ensuring that all project cost estimates, bids, and agency budget requests for design, construction, and renovation of facilities are based on life-cycle costs. Incentives for contractors involved in facility design and construction must be structured to encourage the contractors to design and build at the lowest life-cycle cost;

(b) make information available on opportunities to purchase electricity from renewable energy sources as defined by this order. This information should accommodate relevant State regulations and be updated periodically based on technological advances and market changes, at least every 2 years;

(c) develop Internet-based tools for both GSA and DLA customers to assist individual and agency purchasers in identifying and purchasing ENERGY STAR and other energy efficient products for acquisition; and

(d) develop model lease provisions that incorporate energy efficiency and sustainable design.

PART 6—GENERAL PROVISIONS

Sec. 601. Compliance by Independent Agencies. Independent agencies are encouraged to comply with the provisions of this order.

Sec. 602. Waivers. If an agency determines that a provision in this order is inconsistent with its mission, the agency may ask DOE for a waiver of the provision. DOE will include a list of any waivers it grants in its Federal Energy Management Programs annual report to the Congress.

Sec. 603. Scope.

(a) This order is intended only to improve the internal management of the executive branch and is not intended to create any right, benefit, or trust responsibility, substantive

or procedural, enforceable by law by a party against the United States, its agencies, its officers, or any other person.

(b) This order applies to agency facilities in any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction. Agencies with facilities outside of these areas, however, are encouraged to make best efforts to comply with the goals of this order for those facilities. In addition, agencies can report energy improvements made outside the United States in their annual report to the President; these improvements may be considered in agency scorecard evaluations.

Sec. 604. Revocations. Executive Order 12902 of March 9, 1994, Executive Order 12759 of April 17, 1991, and Executive Order 12845 of April 21, 1993, are revoked.

Sec. 605. Amendments to Federal Regulations. The Federal Acquisition Regulation and other Federal regulations shall be amended to reflect changes made by this order, including an amendment to facilitate agency purchases of electricity from renewable energy sources.

PART 7—DEFINITIONS

For the purposes of this order:

Sec. 701. “Acquisition” means acquiring by contract supplies or services (including construction) by and for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated. Acquisition begins at the point when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation and selection of sources, award of contracts, contract financing, contract performance, contract administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract.

Sec. 702. “Agency” means an executive agency as defined in 5 U.S.C. 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of DOD.

Sec. 703. “Energy-Savings Performance Contract” means a contract that provides for the performance of services for the design, acquisition, financing, installation, testing, operation, and where appropriate, maintenance and repair, of an identified energy or water conservation measure or series of measures at one or more locations. Such contracts shall provide that the contractor must incur costs of implementing energy savings measures, including at least the cost (if any) incurred in making energy audits, acquiring and installing equipment, and training personnel in exchange for a predetermined share of the value of the energy savings directly resulting from implementation of such measures during the term of the contract. Payment to the contractor is contingent upon realizing a guaranteed stream of future energy and cost savings. All additional savings will accrue to the Federal Government.

Sec. 704. “Exempt facility” or “Exempt mobile equipment” means a facility or a piece of mobile equipment for which an agency uses DOE-established criteria to determine that compliance with the Energy Policy Act of 1992 or this order is not practical.

Sec. 705. “Facility” means any individual building or collection of buildings, grounds, or structure, as well as any fixture or part thereof, including the associated energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part for use by the Federal Government. It includes leased facilities where the Federal Government has a purchase option or facilities planned for purchase. In any provision of this order, the term “facility” also includes any building 100 percent leased for use by the Federal Government where the Federal Government pays directly or indirectly

for the utility costs associated with its leased space. The term also includes Government-owned contractor-operated facilities.

Sec. 706. “Industrial facility” means any fixed equipment, building, or complex for production, manufacturing, or other processes that uses large amounts of capital equipment in connection with, or as part of, any process or system, and within which the majority of energy use is not devoted to the heating, cooling, lighting, ventilation, or to service the water heating energy load requirements of the facility.

Sec. 707. “Life-cycle costs” means the sum of the present values of investment costs, capital costs, installation costs, energy costs, operating costs, maintenance costs, and disposal costs, over the lifetime of the project, product, or measure. Additional guidance on measuring life-cycle costs is specified in 10 C.F.R. 436.19.

Sec. 708. “Life-cycle cost-effective” means the life-cycle costs of a product, project, or measure are estimated to be equal to or less than the base case (i.e., current or standard practice or product). Additional guidance on measuring cost-effectiveness is specified in 10 C.F.R. 436.18 (a), (b), and (c), 436.20, and 436.21.

Sec. 709. “Mobile equipment” means all Federally owned ships, aircraft, and nonroad vehicles.

Sec. 710. “Renewable energy” means energy produced by solar, wind, geothermal, and biomass power.

Sec. 711. “Renewable energy technology” means technologies that use renewable energy to provide light, heat, cooling, or mechanical or electrical energy for use in facilities or other activities. The term also means the use of integrated whole-building designs that rely upon renewable energy resources, including passive solar design.

Sec. 712. “Source energy” means the energy that is used at a site and consumed in producing and in delivering energy to a site, including, but not limited to, power generation, transmission, and distribution losses, and that is used to perform a specific function, such as space conditioning, lighting, or water heating.

Sec. 713. “Utility” means public agencies and privately owned companies that market, generate, and/or distribute energy or water, including electricity, natural gas, manufactured gas, steam, hot water, and chilled water as commodities for public use and that provide the service under Federal, State, or local regulated authority to all authorized customers. Utilities include: Federally owned nonprofit producers; municipal organizations; and investor or privately owned producers regulated by a State and/or the Federal Government; cooperatives owned by members and providing services mostly to their members; and other nonprofit State and local government agencies serving in this capacity.

Sec. 714. “Utility energy-efficiency service” means demand side management services provided by a utility to improve the efficiency of use of the commodity (electricity, gas, etc.) being distributed. Services can include, but are not limited to, energy efficiency and

renewable energy project auditing, financing, design, installation, operation, maintenance, and monitoring.

WILLIAM J. CLINTON

THE WHITE HOUSE,
June 3, 1999.

No. 13132

August 4, 1999, 64 F.R. 43255

Federalism

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to guarantee the division of governmental responsibilities between the national government and the States that was intended by the Framers of the Constitution, to ensure that the principles of federalism established by the Framers guide the executive departments and agencies in the formulation and implementation of policies, and to further the policies of the Unfunded Mandates Reform Act, it is hereby ordered as follows:

Section 1. Definitions. For purposes of this order:

(a) “Policies that have federalism implications” refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

(b) “State” or “States” refer to the States of the United States of America, individually or collectively, and, where relevant, to State governments, including units of local government and other political subdivisions established by the States.

(c) “Agency” means any authority of the United States that is an “agency” under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

(d) “State and local officials” means elected officials of State and local governments or their representative national organizations.

Sec. 2. Fundamental Federalism Principles. In formulating and implementing policies that have federalism implications, agencies shall be guided by the following fundamental federalism principles:

(a) Federalism is rooted in the belief that issues that are not national in scope or significance are most appropriately addressed by the level of government closest to the people.

(b) The people of the States created the national government and delegated to it enumerated governmental powers. All other sovereign powers, save those expressly prohibited the States by the Constitution, are reserved to the States or to the people.

(c) The constitutional relationship among sovereign governments, State and national, is inherent in the very structure of the Constitution and is formalized in and protected by the Tenth Amendment to the Constitution.

(d) The people of the States are free, subject only to restrictions in the Constitution itself or in constitutionally authorized Acts of Congress, to define the moral, political, and legal character of their lives.

(e) The Framers recognized that the States possess unique authorities, qualities, and abilities to meet the needs of the people and should function as laboratories of democracy.

(f) The nature of our constitutional system encourages a healthy diversity in the public policies adopted by the people of the several States according to their own conditions, needs, and desires. In the search for enlightened public policy, individual States and communities are free to experiment with a variety of approaches to public issues. One-size-fits-all approaches to public policy problems can inhibit the creation of effective solutions to those problems.

(g) Acts of the national government—whether legislative, executive, or judicial in nature—that exceed the enumerated powers of that government under the Constitution violate the principle of federalism established by the Framers.

(h) Policies of the national government should recognize the responsibility of—and should encourage opportunities for—individuals, families, neighborhoods, local governments, and private associations to achieve their personal, social, and economic objectives through cooperative effort.

(i) The national government should be deferential to the States when taking action that affects the policymaking discretion of the States and should act only with the greatest caution where State or local governments have identified uncertainties regarding the constitutional or statutory authority of the national government.

Sec. 3. Federalism Policymaking Criteria. In addition to adhering to the fundamental federalism principles set forth in section 2, agencies shall adhere, to the extent permitted by law, to the following criteria when formulating and implementing policies that have federalism implications:

(a) There shall be strict adherence to constitutional principles. Agencies shall closely examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and shall carefully assess the necessity for such action. To the extent practicable, State and local officials shall be consulted before any such action is implemented. Executive Order 12372 of July 14, 1982 (“Intergovernmental Review of Federal Programs”) remains in effect for the programs and activities to which it is applicable.

(b) National action limiting the policymaking discretion of the States shall be taken only where there is constitutional and statutory authority for the action and the national activity is appropriate in light of the presence of a problem of national significance. Where there are significant uncertainties as to whether national action is authorized or appropriate, agencies shall consult with appropriate State and local officials to determine whether Federal objectives can be attained by other means.

(c) With respect to Federal statutes and regulations administered by the States, the national government shall grant the States the maximum administrative discretion possible. Intrusive Federal oversight of State administration is neither necessary nor desirable.

(d) When undertaking to formulate and implement policies that have federalism implications, agencies shall:

(1) encourage States to develop their own policies to achieve program objectives and to work with appropriate officials in other States;

(2) where possible, defer to the States to establish standards;

(3) in determining whether to establish uniform national standards, consult with appropriate State and local officials as to the need for national standards and any alternatives that would limit the scope of national standards or otherwise preserve State prerogatives and authority; and

(4) where national standards are required by Federal statutes, consult with appropriate State and local officials in developing those standards.

Sec. 4. Special Requirements for Preemption. Agencies, in taking action that preempts State law, shall act in strict accordance with governing law.

(a) Agencies shall construe, in regulations and otherwise, a Federal statute to preempt State law only where the statute contains an express preemption provision or there is some other clear evidence that the Congress intended preemption of State law, or where the exercise of State authority conflicts with the exercise of Federal authority under the Federal statute.

(b) Where a Federal statute does not preempt State law (as addressed in subsection (a) of this section), agencies shall construe any authorization in the statute for the issuance of regulations as authorizing preemption of State law by rulemaking only when the exercise of State authority directly conflicts with the exercise of Federal authority under the Federal statute or there is clear evidence to conclude that the Congress intended the agency to have the authority to preempt State law.

(c) Any regulatory preemption of State law shall be restricted to the minimum level necessary to achieve the objectives of the statute pursuant to which the regulations are promulgated.

(d) When an agency foresees the possibility of a conflict between State law and Federally protected interests within its area of regulatory responsibility, the agency shall consult, to the extent practicable, with appropriate State and local officials in an effort to avoid such a conflict.

(e) When an agency proposes to act through adjudication or rulemaking to preempt State law, the agency shall provide all affected State and local officials notice and an opportunity for appropriate participation in the proceedings.

Sec. 5. Special Requirements for Legislative Proposals. Agencies shall not submit to the Congress legislation that would:

(a) directly regulate the States in ways that would either interfere with functions essential to the States' separate and independent existence or be inconsistent with the fundamental federalism principles in section 2;

(b) attach to Federal grants conditions that are not reasonably related to the purpose of the grant; or

(c) preempt State law, unless preemption is consistent with the fundamental federalism principles set forth in section 2, and unless a clearly legitimate national purpose, consistent with the federalism policymaking criteria set forth in section 3, cannot otherwise be met.

Sec. 6. Consultation.

(a) Each agency shall have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. Within 90 days after the effective date of this order, the head of each agency shall designate an official with principal responsibility for the agency's implementation of this order and that designated official shall submit to the Office of Management and Budget a description of the agency's consultation process.

(b) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has federalism implications, that imposes substantial direct compliance costs on State and local governments, and that is not required by statute, unless:

(1) funds necessary to pay the direct costs incurred by the State and local governments in complying with the regulation are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of the regulation,

(A) consulted with State and local officials early in the process of developing the proposed regulation;

(B) in a separately identified portion of the preamble to the regulation as it is to be issued in the **Federal Register**, provides to the Director of the Office of Management and Budget a federalism summary impact statement, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of State and local officials have been met; and

(C) makes available to the Director of the Office of Management and Budget any written communications submitted to the agency by State and local officials.

(c) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has federalism implications and that preempts State law, unless the agency, prior to the formal promulgation of the regulation,

(1) consulted with State and local officials early in the process of developing the proposed regulation;

(2) in a separately identified portion of the preamble to the regulation as it is to be issued in the **Federal Register**, provides to the Director of the Office of Management and Budget a federalism summary impact statement, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of State and local officials have been met; and

(3) makes available to the Director of the Office of Management and Budget any written communications submitted to the agency by State and local officials.

Sec. 7. Increasing Flexibility for State and Local Waivers.

(a) Agencies shall review the processes under which State and local governments apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes.

(b) Each agency shall, to the extent practicable and permitted by law, consider any application by a State for a waiver of statutory or regulatory requirements in connection with any program administered by that agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the State or local level in cases in which the proposed waiver is consistent with applicable Federal policy objectives and is otherwise appropriate.

(c) Each agency shall, to the extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency. If the application for a waiver is not granted, the agency shall provide the applicant with timely written notice of the decision and the reasons therefore.

(d) This section applies only to statutory or regulatory requirements that are discretionary and subject to waiver by the agency.

Sec. 8. Accountability.

(a) In transmitting any draft final regulation that has federalism implications to the Office of Management and Budget pursuant to Executive Order 12866 of September 30, 1993, each agency shall include a certification from the official designated to ensure compliance with this order stating that the requirements of this order have been met in a meaningful and timely manner.

(b) In transmitting proposed legislation that has federalism implications to the Office of Management and Budget, each agency shall include a certification from the official designated to ensure compliance with this order that all relevant requirements of this order have been met.

(c) Within 180 days after the effective date of this order, the Director of the Office of Management and Budget and the Assistant to the President for Intergovernmental Affairs shall confer with State and local officials to ensure that this order is being properly and effectively implemented.

Sec. 9. Independent Agencies. Independent regulatory agencies are encouraged to comply with the provisions of this order.

Sec. 10. General Provisions.

(a) This order shall supplement but not supersede the requirements contained in Executive Order 12372 (“Intergovernmental Review of Federal Programs”), Executive Order 12866 (“Regulatory Planning and Review”), Executive Order 12988 (“Civil Justice Reform”), and OMB Circular A–19.

(b) Executive Order 12612 (“Federalism”), Executive Order 12875 (“Enhancing the Intergovernmental Partnership”), Executive Order 13083 (“Federalism”), and Executive Order 13095 (“Suspension of Executive Order 13083”) are revoked.

(c) This order shall be effective 90 days after the date of this order.

Sec. 11. Judicial Review. This order is intended only to improve the internal management of the executive branch, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
August 4, 1999.

No. 13148

April 21, 2000, 65 F.R. 24595

**Greening the Government Through Leadership in
Environmental Management**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001–11050) (EPCRA), the Pollution Prevention Act of 1990 (42 U.S.C. 13101–13109) (PPA), the Clean Air Act (42 U.S.C. 7401–7671q) (CAA), and section 301 of title 3, United States Code, it is hereby ordered as follows:

PART 1—PREAMBLE

Section 101. Federal Environmental Leadership. The head of each Federal agency is responsible for ensuring that all necessary actions are taken to integrate environmental accountability into agency day-to-day decision-making and long-term planning processes, across all agency missions, activities, and functions. Consequently, environmental management considerations must be a fundamental and integral component of Federal Government policies, operations, planning, and management. The head of each Federal agency is responsible for meeting the goals and requirements of this order.

PART 2—GOALS

Sec. 201. Environmental Management. Through development and implementation of environmental management systems, each agency shall ensure that strategies are established to support environmental leadership programs, policies, and procedures and that agency senior level managers explicitly and actively endorse these strategies.

Sec. 202. Environmental Compliance. Each agency shall comply with environmental regulations by establishing and implementing environmental compliance audit programs and policies that emphasize pollution prevention as a means to both achieve and maintain environmental compliance.

Sec. 203. Right-to-Know and Pollution Prevention. Through timely planning and reporting under the EPCRA, Federal facilities shall be leaders and responsible members of their communities by informing the public and their workers of possible sources of pollution resulting from facility operations. Each agency shall strive to reduce or eliminate harm to human health and the environment from releases of pollutants to the environment. Each agency shall advance the national policy that, whenever feasible and cost-effective, pollution should be prevented or reduced at the source. Funding for regulatory compliance programs shall emphasize pollution prevention as a means to address environmental compliance.

Sec. 204. Release Reduction: Toxic Chemicals. Through innovative pollution prevention, effective facility management, and sound acquisition and procurement practices, each agency shall reduce its reported Toxic Release Inventory (TRI) releases and off-site transfers of toxic chemicals for treatment and disposal by 10 percent annually, or by 40 percent overall by December 31, 2006.

Sec. 205. Use Reduction: Toxic Chemicals and Hazardous Substances and Other Pollutants. Through identification of proven substitutes and established facility management practices, including pollution prevention, each agency shall reduce its use of selected toxic chemicals, hazardous substances, and pollutants, or its generation of

hazardous and radioactive waste types at its facilities by 50 percent by December 31, 2006. If an agency is unable to reduce the use of selected chemicals, that agency will reduce the use of selected hazardous substances or its generation of other pollutants, such as hazardous and radioactive waste types, at its facilities by 50 percent by December 31, 2006.

Sec. 206. Reductions in Ozone-Depleting Substances. Through evaluating present and future uses of ozone-depleting substances and maximizing the purchase and the use of safe, cost effective, and environmentally preferable alternatives, each agency shall develop a plan to phase out the procurement of Class I ozone-depleting substances for all nonexcepted uses by December 31, 2010.

Sec. 207. Environmentally and Economically Beneficial Landscaping. Each agency shall strive to promote the sustainable management of Federal facility lands through the implementation of cost-effective, environmentally sound landscaping practices, and programs to reduce adverse impacts to the natural environment.

PART 3—PLANNING AND ACCOUNTABILITY

Sec. 301. Annual Budget Submission. Federal agencies shall place high priority on obtaining funding and resources needed for implementation of the Greening the Government Executive Orders, including funding to address findings and recommendations from environmental management system audits or facility compliance audits conducted under sections 401 and 402 of this order. Federal agencies shall make such requests as required in Office of Management and Budget (OMB) Circular A-11.

Sec. 302. Application of Life Cycle Assessment Concepts. Each agency with facilities shall establish a pilot program to apply life cycle assessment and environmental cost accounting principles. To the maximum extent feasible and cost-effective, agencies shall apply those principles elsewhere in the agency to meet the goals and requirements of this order. Such analysis shall be considered in the process established in the OMB Capital Programming Guide and OMB Circular A-11. The Environmental Protection Agency (EPA), in coordination with the Workgroup established in section 306 of this order, shall, to the extent feasible, assist agencies in identifying, applying, and developing tools that reflect life cycle assessment and environmental cost accounting principles and provide technical assistance to agencies in developing life cycle assessments and environmental cost accounting assessments under this Part.

Sec. 303. Pollution Prevention to Address Compliance. Each agency shall ensure that its environmental regulatory compliance funding policies promote the use of pollution prevention to achieve and maintain environmental compliance at the agency's facilities. Agencies shall adopt a policy to preferentially use pollution prevention projects and activities to correct and prevent noncompliance with environmental regulatory requirements. Agency funding requests for facility compliance with Federal, State, and local environmental regulatory requirements shall emphasize pollution prevention through source reduction as the means of first choice to ensure compliance, with reuse and recycling alternatives having second priority as a means of compliance.

Sec. 304. Pollution Prevention Return-on-Investment Programs. Each agency shall develop and implement a pollution prevention program at its facilities that compares the life cycle costs of treatment and/or disposal of waste and pollutant streams to the life cycle costs of alternatives that eliminate or reduce toxic chemicals or pollutants at the source. Each agency shall implement those projects that are life-cycle cost-effective, or otherwise offer substantial environmental or economic benefits.

Sec. 305. Policies, Strategies, and Plans.

(a) Within 12 months of the date of this order, each agency shall ensure that the goals and requirements of this order are incorporated into existing agency environmental directives, policies, and documents affected by the requirements and goals of this order. Where such directives and policies do not already exist, each agency shall, within 12 months of the date of this order, prepare and endorse a written agency environmental management strategy to achieve the requirements and goals of this order. Agency preparation of directives, policies, and documents shall reflect the nature, scale, and environmental impacts of the agency's activities, products, or services. Agencies are encouraged to include elements of relevant agency policies or strategies developed under this part in agency planning documents prepared under the Government Performance and Results Act of 1993, Public Law 103-62.

(b) By March 31, 2002, each agency shall ensure that its facilities develop a written plan that sets forth the facility's contribution to the goals and requirements established in this order. The plan should reflect the size and complexity of the facility. Where pollution prevention plans or other formal environmental planning instruments have been prepared for agency facilities, an agency may elect to update those plans to meet the requirements and goals of this section.

(c) The Federal Acquisition Regulation (FAR) Council shall develop acquisition policies and procedures for contractors to supply agencies with all information necessary for compliance with this order. Once the appropriate FAR clauses have been published, agencies shall use them in all applicable contracts. In addition, to the extent that compliance with this order is made more difficult due to lack of information from existing contractors, or concessioners, each agency shall take practical steps to obtain the information needed to comply with this order from such contractors or concessioners.

Sec. 306. Interagency Environmental Leadership Workgroup. Within 4 months of the date of this order, EPA shall convene and chair an Interagency Environmental Leadership Workgroup (the Workgroup) with senior-level representatives from all executive agencies and other interested independent Government agencies affected by this order. The Workgroup shall develop policies and guidance required by this order and member agencies shall facilitate implementation of the requirements of this order in their respective agencies. Workgroup members shall coordinate with their Agency Environmental Executive (AEE) designated under section 301(d) of Executive Order 13101 and may request the assistance of their AEE in resolving issues that may arise among members in developing policies and guidance related to this order. If the AEEs are unable to resolve the issues, they may request the assistance of the Chair of the Council on Environmental Quality (CEQ).

Sec. 307. Annual Reports. Each agency shall submit an annual progress report to the Administrator on implementation of this order. The reports shall include a description of the progress that the agency has made in complying with all aspects of this order, including, but not limited to, progress in achieving the reduction goals in sections 502, 503, and 505 of this order. Each agency may prepare and submit the annual report in electronic format. A copy of the report shall be submitted to the Federal Environmental Executive (FEE) by EPA for use in the biennial Greening the Government Report to the President prepared in accordance with Executive Order 13101. Within 9 months of the date of this order, EPA, in coordination with the Workgroup established under section 306 of this order, shall prepare guidance regarding the information and timing for the annual report. The Workgroup shall coordinate with those agencies responsible for Federal agency reporting guidance under the Greening the Government Executive orders to streamline reporting requirements and reduce agency and facility-level reporting burdens. The first annual report shall cover calendar year 2000 activities.

PART 4—PROMOTING ENVIRONMENTAL MANAGEMENT AND LEADERSHIP

Sec. 401. Agency and Facility Environmental Management Systems. To attain the goals of section 201 of this order:

(a) Within 18 months of the date of this order, each agency shall conduct an agency-level environmental management system self assessment based on the Code of Environmental Management Principles for Federal Agencies developed by the EPA (61 Fed. Reg. 54062) and/or another appropriate environmental management system framework. Each assessment shall include a review of agency environmental leadership goals, objectives, and targets. Where appropriate, the assessments may be conducted at the service, bureau, or other comparable level.

(b) Within 24 months of the date of this order, each agency shall implement environmental management systems through pilot projects at selected agency facilities based on the Code of Environmental Management Principles for Federal Agencies and/or another appropriate environmental management system framework. By December 31, 2005, each agency shall implement an environmental management system at all appropriate agency facilities based on facility size, complexity, and the environmental aspects of facility operations. The facility environmental management system shall include measurable environmental goals, objectives, and targets that are reviewed and updated annually. Once established, environmental management system performance measures shall be incorporated in agency facility audit protocols.

Sec. 402. Facility Compliance Audits. To attain the goals of section 202 of this order:

(a) Within 12 months of the date of this order, each agency that does not have an established regulatory environmental compliance audit program shall develop and implement a program to conduct facility environmental compliance audits and begin auditing at its facilities within 6 months of the development of that program.

(b) An agency with an established regulatory environmental compliance audit program may elect to conduct environmental management system audits in lieu of regulatory environmental compliance audits at selected facilities.

(c) Facility environmental audits shall be conducted periodically. Each agency is encouraged to conduct audits not less than every 3 years from the date of the initial or previous audit. The scope and frequency of audits shall be based on facility size, complexity, and the environmental aspects of facility operations. As appropriate, each agency shall include tenant, contractor, and concessioner activities in facility audits.

(d) Each agency shall conduct internal reviews and audits and shall take such other steps, as may be necessary, to monitor its facilities' compliance with sections 501 and 504 of this order.

(e) Each agency shall consider findings from the assessments or audits conducted under Part 4 in program planning under section 301 of this order and in the preparation and revisions to facility plans prepared under section 305 of this order.

(f) Upon request and to the extent practicable, the EPA shall provide technical assistance in meeting the requirements of Part 4 by conducting environmental management reviews at Federal facilities and developing policies and guidance for conducting environmental compliance audits and implementing environmental management systems at Federal facilities.

Sec. 403. Environmental Leadership and Agency Awards Programs.

(a) Within 12 months of the date of this order, the Administrator shall establish a Federal Government environmental leadership program to promote and recognize outstanding environmental management performance in agencies and facilities.

(b) Each agency shall develop an internal agency-wide awards program to reward and highlight innovative programs and individuals showing outstanding environmental leadership in implementing this order. In addition, based upon criteria developed by the EPA in coordination with the Workgroup established in section 306 of this order, Federal employees who demonstrate outstanding leadership in implementation of this order may be considered for recognition under the White House awards program set forth in section 803 of Executive Order 13101 of September 14, 1998.

Sec. 404. Management Leadership and Performance Evaluations.

(a) To ensure awareness of and support for the environmental requirements of this order, each agency shall include training on the provisions of the Greening the Government Executive orders in standard senior level management training as well as training for program managers, contracting personnel, procurement and acquisition personnel, facility managers, contractors, concessioners and other personnel as appropriate. In coordination with the Workgroup established under section 306 of this order, the EPA shall prepare guidance on implementation of this section.

(b) To recognize and reinforce the responsibilities of facility and senior headquarters program managers, regional environmental coordinators and officers, their superiors, and, to the extent practicable and appropriate, others vital to the implementation of this order, each agency shall include successful implementation of pollution prevention, community awareness, and environmental management into its position descriptions and performance evaluations for those positions.

Sec. 405. Compliance Assistance.

(a) Upon request and to the extent practicable, the EPA shall provide technical advice and assistance to agencies to foster full compliance with environmental regulations and all aspects of this order.

(b) Within 12 months of the date of this order, the EPA shall develop a compliance assistance center to provide technical assistance for Federal facility compliance with environmental regulations and all aspects of this order.

(c) To enhance landscaping options and awareness, the United States Department of Agriculture (USDA) shall provide information on the suitability, propagation, and the use of native plants for landscaping to all agencies and the general public by USDA in conjunction with the center under subsection (b) of this section. In implementing Part 6 of this order, agencies are encouraged to develop model demonstration programs in coordination with the USDA.

Sec. 406. Compliance Assurance.

(a) In consultation with other agencies, the EPA may conduct such reviews and inspections as may be necessary to monitor compliance with sections 501 and 504 of this order. Each agency is encouraged to cooperate fully with the efforts of the EPA to ensure compliance with those sections.

(b) Whenever the Administrator notifies an agency that it is not in compliance with section 501 or 504 of this order, the agency shall provide the EPA a detailed plan for achieving compliance as promptly as practicable.

(c) The Administrator shall report annually to the President and the public on agency compliance with the provisions of sections 501 and 504 of this order.

Sec. 407. Improving Environmental Management. To ensure that government-wide goals for pollution prevention are advanced, each agency is encouraged to incorporate its environmental leadership goals into its Strategic and Annual Performance

Plans required by the Government Performance and Results Act of 1993, Public Law 103–62, starting with performance plans accompanying the FY 2002 budget.

PART 5—EMERGENCY PLANNING, COMMUNITY RIGHT-TO-KNOW, AND POLLUTION PREVENTION

Sec. 501. Toxics Release Inventory/Pollution Prevention Act Reporting. To attain the goals of section 203 of this order:

(a) Each agency shall comply with the provisions set forth in section 313 of EPCRA, section 6607 of PPA, all implementing regulations, and future amendments to these authorities, in light of applicable EPA guidance.

(b) Each agency shall comply with these provisions without regard to the Standard Industrial Classification (SIC) or North American Industrial Classification System (NAICS) delineations. Except as described in subsection (d) of this section, all other existing statutory or regulatory limitations or exemptions on the application of EPCRA section 313 to specific activities at specific agency facilities apply to the reporting requirements set forth in subsection (a) of this section.

(c) Each agency required to report under subsection (a) of this section shall do so using electronic reporting as provided in EPA's EPCRA section 313 guidance.

(d) Within 12 months of the date of this order, the Administrator shall review the impact on reporting of existing regulatory exemptions on the application of EPCRA section 313 at Federal facilities. Where feasible, this review shall include pilot studies at Federal facilities. If the review indicates that application of existing exemptions to Federal Government reporting under this section precludes public reporting of substantial amounts of toxic chemicals under subsection 501(a), the EPA shall prepare guidance, in coordination with the Workgroup established under section 306 of this order, clarifying application of the exemptions at Federal facilities. In developing the guidance, the EPA should consider similar application of such regulatory limitations and exemptions by the private sector. To the extent feasible, the guidance developed by the EPA shall be consistent with the reasonable application of such regulatory limitations and exemptions in the private sector. The guidance shall ensure reporting consistent with the goal of public access to information under section 313 of EPCRA and section 6607 of PPA. The guidance shall be submitted to the AEEs established under section 301(d) of Executive Order 13101 for review and endorsement. Each agency shall apply any guidance to reporting at its facilities as soon as practicable but no later than for reporting for the next calendar year following release of the guidance.

(e) The EPA shall coordinate with other interested Federal agencies to carry out pilot projects to collect and disseminate information about the release and other waste management of chemicals associated with the environmental response and restoration at their facilities and sites. The pilot projects will focus on releases and other waste management of chemicals associated with environmental response and restoration at facilities and sites where the activities generating wastes do not otherwise meet EPCRA section 313 thresholds for manufacture, process, or other use. Each agency is encouraged to identify applicable facilities and voluntarily report under subsection (a) of this section the releases and other waste management of toxic chemicals managed during environmental response and restoration, regardless of whether the facility otherwise would report under subsection (a). The releases and other waste management of chemicals associated with environmental response and restoration voluntarily reported under this subsection will not be included in the accounting established under sections 503(a) and (c) of this order.

Sec. 502. Release Reduction: Toxic Chemicals. To attain the goals of section 204 of this order:

(a) Beginning with reporting for calendar year 2001 activities, each agency reporting under section 501 of this order shall adopt a goal of reducing, where cost effective, the agency's total releases of toxic chemicals to the environment and off-site transfers of such chemicals for treatment and disposal by at least 10 percent annually, or by 40 percent overall by December 31, 2006. Beginning with activities for calendar year 2001, the baseline for measuring progress in meeting the reduction goal will be the aggregate of all such releases and off-site transfers of such chemicals for treatment and disposal as reported by all of the agency's facilities under section 501 of this order. The list of toxic chemicals applicable to this goal is the EPCRA section 313 list as of December 1, 2000. If an agency achieves the 40 percent reduction goal prior to December 31, 2006, that agency shall establish a new baseline and reduction goal based on agency priorities.

(b) Where an agency is unable to pursue the reduction goal established in subsection (a) for certain chemicals that are mission critical and/or needed to protect human health and the environment or where agency off-site transfer of toxic chemicals for treatment is directly associated with environmental restoration activities, that agency may request a waiver from the EPA for all or part of the requirement in subsection (a) of this section. As appropriate, waiver requests must provide:

- (1) an explanation of the mission critical use of the chemical;
- (2) an explanation of the nature of the need for the chemical to protect human health;
- (3) a description of efforts to identify a less harmful substitute chemical or alternative processes to reduce the release and transfer of the chemical in question; and
- (4) a description of the off-site transfers of toxic chemicals for treatment directly associated with environmental restoration activities. The EPA shall respond to the waiver request within 90 days and may grant such a waiver for no longer than 2 years. An agency may resubmit a request for waiver at the end of that period. The waiver under this section shall not alter requirements to report under section 501 of this order.

(c) Where a specific component (e.g., bureau, service, or command) within an agency achieves a 75 percent reduction in its 1999 reporting year publicly reported total releases of toxic chemicals to the environment and off-site transfers of such chemicals for treatment and disposal, based on the 1994 baseline established in Executive Order 12856, that agency may independently elect to establish a reduction goal for that component lower than the 40 percent target established in subsection (a) of this section. The agency shall formally notify the Workgroup established in section 306 of this order of the elected reduction target.

Sec. 503. Use Reduction: Toxic Chemicals, Hazardous Substances, and Other Pollutants. To attain the goals of section 205 of this order:

(a) Within 18 months of the date of this order, each agency with facilities shall develop and support goals to reduce the use at such agencies' facilities of the priority chemicals on the list under subsection (b) of this section for identified applications and purposes, or alternative chemicals and pollutants the agency identifies under subsection (c) of this section, by at least 50 percent by December 31, 2006.

(b) Within 9 months of the date of this order the Administrator, in coordination with the Workgroup established in section 306 of this order, shall develop a list of not less than 15 priority chemicals used by the Federal Government that may result in significant harm to human health or the environment and that have known, readily available, less harmful substitutes for identified applications and purposes. In addition to identifying the applications and purposes to which such reductions apply, the Administrator, in coordination with the Workgroup shall identify a usage threshold below which this section shall not apply. The chemicals will be selected from listed EPCRA section 313 toxic chemicals and, where appropriate, other regulated hazardous substances or

pollutants. In developing the list, the Administrator, in coordination with the Workgroup shall consider:

- (1) environmental factors including toxicity, persistence, and bio accumulation;
- (2) availability of known, less environmentally harmful substitute chemicals that can be used in place of the priority chemical for identified applications and purposes;
- (3) availability of known, less environmentally harmful processes that can be used in place of the priority chemical for identified applications and purposes;
- (4) relative costs of alternative chemicals or processes; and
- (5) potential risk and environmental and human exposure based upon applications and uses of the chemicals by Federal agencies and facilities. In identifying alternatives, the Administrator should take into consideration the guidance issued under section 503 of Executive Order 13101.

(c) If an agency, which has facilities required to report under EPCRA, uses at its facilities less than five of the priority chemicals on the list developed in subsection (b) of this section for the identified applications and purposes, the agency shall develop, within 12 months of the date of this order, a list of not less than five chemicals that may include priority chemicals under subsection (b) of this section or other toxic chemicals, hazardous substances, and/or other pollutants the agency uses or generates, the release, transfer or waste management of which may result in significant harm to human health or the environment.

(d) In lieu of requirements under subsection (a) of this section, an agency may, upon concurrence with the Workgroup established under section 306 of this order, develop within 12 months of the date of this order, a list of not less than five priority hazardous or radioactive waste types generated by its facilities. Within 18 months of the date of this order, the agency shall develop and support goals to reduce the agency's generation of these wastes by at least 50 percent by December 31, 2006. To the maximum extent possible, such reductions shall be achieved by implementing source reduction practices.

(e) The baseline for measuring reductions for purposes of achieving the 50 percent reduction goal in subsections (a) and (d) of this section for each agency is the first calendar year following the development of the list of priority chemicals under subsection (b) of this section.

(f) Each agency shall undertake pilot projects at selected facilities to gather and make publicly available materials accounting data related to the toxic chemicals, hazardous substances, and/or other pollutants identified under subsections (b), (c), or (d) of this section.

(g) Within 12 months of the date of this order, the Administrator shall develop guidance on implementing this section in coordination with the Workgroup. The EPA shall develop technical assistance materials to assist agencies in meeting the 50 percent reduction goal of this section.

(h) Where an agency can demonstrate to the Workgroup that it has previously reduced the use of a priority chemical identified in subsection 503(b) by 50 percent, then the agency may elect to waive the 50 percent reduction goal for that chemical.

Sec. 504. Emergency Planning and Reporting Responsibilities. Each agency shall comply with the provisions set forth in sections 301 through 312 of the EPCRA, all implementing regulations, and any future amendments to these authorities, in light of any applicable guidance as provided by the EPA.

Sec. 505. Reductions in Ozone-Depleting Substances. To attain the goals of section 206 of this order:

- (a) Each agency shall ensure that its facilities: (1) maximize the use of safe alternatives to ozone-depleting substances, as approved by the EPA's Significant New Alternatives Policy (SNAP) program; (2) consistent with subsection (b) of this section,

evaluate the present and future uses of ozone-depleting substances, including making assessments of existing and future needs for such materials, and evaluate use of, and plans for recycling, refrigerants, and halons; and (3) exercise leadership, develop exemplary practices, and disseminate information on successful efforts in phasing out ozone-depleting substances.

(b) Within 12 months of the date of this order, each agency shall develop a plan to phase out the procurement of Class I ozone-depleting substances for all nonexcepted uses by December 31, 2010. Plans should target cost effective reduction of environmental risk by phasing out Class I ozone depleting substance applications as the equipment using those substances reaches its expected service life. Exceptions to this requirement include all exceptions found in current or future applicable law, treaty, regulation, or Executive order.

(c) Each agency shall amend its personal property management policies and procedures to preclude disposal of ozone depleting substances removed or reclaimed from its facilities or equipment, including disposal as part of a contract, trade, or donation, without prior coordination with the Department of Defense (DOD). Where the recovered ozone-depleting substance is a critical requirement for DOD missions, the agency shall transfer the materials to the DOD. The DOD will bear the costs of such transfer.

PART 6—LANDSCAPING MANAGEMENT PRACTICES

Sec. 601. Implementation.

(a) Within 12 months from the date of this order, each agency shall incorporate the Guidance for Presidential Memorandum on Environmentally and Economically Beneficial Landscape Practices on Federal Landscaped Grounds (60 Fed. Reg. 40837) developed by the FEE into landscaping pro-grams, policies, and practices.

(b) Within 12 months of the date of this order, the FEE shall form a workgroup of appropriate Federal agency representatives to review and update the guidance in subsection (a) of this section, as appropriate.

(c) Each agency providing funding for nonfederal projects involving landscaping projects shall furnish funding recipients with information on environmentally and economically beneficial landscaping practices and work with the recipients to support and encourage application of such practices on Federally funded projects.

Sec. 602. Technical Assistance and Outreach. The EPA, the General Services Administration (GSA), and the USDA shall provide technical assistance in accordance with their respective authorities on environmentally and economically beneficial landscaping practices to agencies and their facilities.

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PART 7—ACQUISITION AND PROCUREMENT

Sec. 701. Limiting Procurement of Toxic Chemicals, Hazardous Substances, and Other Pollutants.

(a) Within 12 months of the date of this order, each agency shall implement training programs to ensure that agency procurement officials and acquisition program managers are aware of the requirements of this order and its applicability to those individuals.

(b) Within 24 months of the date of this order, each agency shall determine the feasibility of implementing centralized procurement and distribution (e.g., “pharmacy”) programs at its facilities for tracking, distribution, and management of toxic or hazardous materials and, where appropriate, implement such programs.

(c) Under established schedules for review of standardized documents, DOD and GSA, and other agencies, as appropriate, shall review their standardized documents and identify opportunities to eliminate or reduce their use of chemicals included on the list of priority chemicals developed by the EPA under subsection 503(b) of this order, and make revisions as appropriate.

(d) Each agency shall follow the policies and procedures for toxic chemical release reporting in accordance with FAR section 23.9 effective as of the date of this order and policies and procedures on Federal compliance with right-to-know laws and pollution prevention requirements in accordance with FAR section 23.10 effective as of the date of this order.

Sec. 702. Environmentally Benign Adhesives. Within 12 months after environmentally benign pressure sensitive adhesives for paper products become commercially available, each agency shall revise its specifications for paper products using adhesives and direct the purchase of paper products using those adhesives, whenever technically practicable and cost effective. Each agency should consider products using the environmentally benign pressure sensitive adhesives approved by the U.S. Postal Service (USPS) and listed on the USPS Qualified Products List for pressure sensitive recyclable adhesives.

Sec. 703. Ozone-Depleting Substances. Each agency shall follow the policies and procedures for the acquisition of items that contain, use, or are manufactured with ozone-depleting substances in accordance with FAR section 23.8 and other applicable FAR provisions.

Sec. 704. Environmentally and Economically Beneficial Landscaping Practices.

(a) Within 18 months of the date of this order, each agency shall have in place acquisition and procurement practices, including provision of landscaping services that conform to the guidance referred to in section 601 of this order, for the use of environmentally and economically beneficial landscaping practices. At a minimum, such practices shall be consistent with the policies in the guidance referred to in section 601 of this order.

(b) In implementing landscaping policies, each agency shall purchase environmentally preferable and recycled content products, including EPA-designated items such as compost and mulch, that contribute to environmentally and economically beneficial practices.

PART 8—EXEMPTIONS

Sec. 801. National Security Exemptions. Subject to subsection 902(c) of this order and except as otherwise required by applicable law, in the interest of national security, the head of any agency may request from the President an exemption from complying with the provisions of any or all provisions of this order for particular agency facilities, provided that the procedures set forth in section 120(j)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9620(j)(1)), are followed, with the following exceptions:

(a) an exemption issued under this section will be for a specified period of time that may exceed 1 year;

(b) notice of any exemption granted under this section for provisions not otherwise required by law is only required to the Director of OMB, the Chair of the CEQ, and the Director of the National Security Council; and

(c) an exemption under this section may be issued due to lack of appropriations, provided that the head of the agency requesting the exemption shows that necessary funds were requested by the agency in its budget submission and agency plan under Executive Order 12088 of October 13, 1978, and were not contained in the President's budget request or the Congress failed to make available the requested appropriation. To the maximum extent practicable, and without compromising national security, each agency shall strive to comply with the purposes, goals, and implementation steps in this order. Nothing in this order affects limitations on the dissemination of classified information pursuant to law, regulation, or Executive order.

Sec. 802. Compliance. After January 1, 2002, OMB, in consultation with the Chair of the Workgroup established by section 306 of this order, may modify the compliance requirements for an agency under this order, if the agency is unable to comply with the requirements of the order. An agency requesting modification must show that it has made substantial good faith efforts to comply with the order. The cost-effectiveness of implementation of the order can be a factor in OMB's decision to modify the requirements for that agency's compliance with the order.

PART 9—GENERAL PROVISIONS

Sec. 901. Revocation. Executive Order 12843 of April 21, 1993, Executive Order 12856 of August 3, 1993, the Executive Memorandum on Environmentally Beneficial Landscaping of April 26, 1994, Executive Order 12969 of August 8, 1995, and section 1-4. "Pollution Control Plan" of Executive Order 12088 of October 13, 1978, are revoked.

Sec. 902. Limitations.

(a) This order is intended only to improve the internal management of the executive branch and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any other person.

(b) This order applies to Federal facilities in any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction. Each agency with facilities outside of these areas, however, is encouraged to make best efforts to comply with the goals of this order for those facilities.

(c) Nothing in this order alters the obligations under EPCRA, PPA, and CAA independent of this order for Government-owned, contractor-operated facilities and Government corporations owning or operating facilities or subjects such facilities to EPCRA, PPA, or CAA if they are otherwise excluded. However, each agency shall include the releases and other waste management of chemicals for all such facilities to meet the agency's reporting responsibilities under section 501 of this order.

(d) Nothing in this order shall be construed to make the provisions of CAA sections 304 and EPCRA sections 325 and 326 applicable to any agency or facility, except to the extent that an agency or facility would independently be subject to such provisions.

Sec. 903. Community Outreach. Each agency is encouraged to establish a process for local community advice and outreach for its facilities relevant to aspects of this and other related Greening the Government Executive orders. All strategies and plans developed under this order shall be made available to the public upon request.

PART 10—DEFINITIONS

For purposes of this order:

Sec. 1001. General. Terms that are not defined in this part but that are defined in Executive Orders 13101 and 13123 have the meaning given in those Executive orders. For the purposes of Part 5 of this order all definitions in EPCRA and PPA and implementing regulations at 40 CFR Parts 370 and 372 apply.

Sec. 1002. “Administrator” means the Administrator of the EPA.

Sec. 1003. “Environmental cost accounting” means the modification of cost attribution systems and financial analysis practices specifically to directly track environmental costs that are traditionally hidden in overhead accounts to the responsible products, processes, facilities or activities.

Sec. 1004. “Facility” means any building, installation, structure, land, and other property owned or operated by, or constructed or manufactured and leased to, the Federal Government, where the Federal Government is formally accountable for compliance under environmental regulation (e.g., permits, reports/records and/or planning requirements) with requirements pertaining to discharge, emission, release, spill, or management of any waste, contaminant, hazardous chemical, or pollutant. This term includes a group of facilities at a single location managed as an integrated operation, as well as government owned contractor operated facilities.

Sec. 1005. “Environmentally benign pressure sensitive adhesives” means adhesives for stamps, labels, and other paper products that can be easily treated and removed during the paper recycling process.

Sec. 1006. “Ozone-depleting substance” means any substance designated as a Class I or Class II substance by EPA in 40 CFR Part 82.

Sec. 1007. “Pollution prevention” means “source reduction,” as defined in the PPA, and other practices that reduce or eliminate the creation of pollutants through: (a) increased efficiency in the use of raw materials, energy, water, or other resources; or (b) protection of natural resources by conservation.

Sec. 1008. “Greening the Government Executive orders” means this order and the series of orders on greening the government including Executive Order 13101 of September 14, 1998, Executive Order 13123 of June 3, 1999, Executive Order 13134 of August 12, 1999, and other future orders as appropriate.

Sec. 1009. “Environmental aspects” means the elements of an organization’s activities, products, or services that can interact with the environment.

WILLIAM J. CLINTON

THE WHITE HOUSE,
April 21, 2000.

No. 13149

April 21, 2000, 65 F.R. 24607

**Greening the Government Through Federal Fleet and
Transportation Efficiency**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Energy Policy and Conservation Act, as amended (42 U.S.C. 6201 *et seq.*), the Energy Policy Act of 1992 (Public Law 102-486), section 301 of title 3, United States Code, and the Energy Conservation Reauthorization Act of 1998 (Public Law 105-388), it is hereby ordered as follows:

PART 1 PREAMBLE

Section 101. Federal Leadership. The purpose of this order is to ensure that the Federal Government exercises leadership in the reduction of petroleum consumption through improvements in fleet fuel efficiency and the use of alternative fuel vehicles (AFVs) and alternative fuels. Reduced petroleum use and the displacement of petroleum by alternative fuels will help promote markets for more alternative fuel and fuel efficient vehicles, encourage new technologies, enhance the United States' energy self-sufficiency and security, and ensure a healthier environment through the reduction of greenhouse gases and other pollutants in the atmosphere.

PART 2 GOALS

Sec. 201. Reduced Petroleum Fuel Consumption. Each agency operating 20 or more motor vehicles within the United States shall reduce its entire vehicle fleet's annual petroleum consumption by at least 20 percent by the end of FY 2005, compared with FY 1999 petroleum consumption levels.

Sec. 202. Performance Strategies. Agencies have numerous options for developing a strategy to meet the petroleum reduction levels established in section 201 of this order. Measures include: the use of alternative fuels in light, medium, and heavy-duty vehicles; the acquisition of vehicles with higher fuel economy, including hybrid vehicles; the substitution of cars for light trucks; an increase in vehicle load factors; a decrease in vehicle miles traveled; and a decrease in fleet size. Each agency will need a strategy that includes most, if not all, of these measures, but can develop a strategy that fits its unique fleet configuration and mission requirements. As part of the strategy, each agency should attempt to accelerate the introduction of vehicles meeting Tier 2 standards. Where feasible, agencies should also consider procurement of innovative vehicles, such as hybrid electric vehicles, capable of large improvements in fuel economy. The strategy should also attempt to minimize costs in achieving the objectives of this order. In developing its strategy, each agency shall include the following:

(a) **AFV Acquisition and Use of Alternative Fuels.** Each agency shall fulfill the acquisition requirements for AFVs established by section 303 of the Energy Policy Act of 1992. Agencies shall use alternative fuels to meet a majority of the fuel requirements of those motor vehicles by the end of FY 2005. Section 402 of this order addresses related issues of alternative fuel infrastructure availability and the ability to track alternative fuel usage data; and

(b) **Acquisition of Higher Fuel Economy Vehicles.** Agencies shall increase the average EPA fuel economy rating of passenger cars and light trucks acquired by at least 1 mile per gallon (mpg) by the end of FY 2002 and at least 3 mpg by the end of FY 2005 compared to FY 1999 acquisitions.

PART 3 ORGANIZATION AND ACCOUNTABILITY

Sec. 301. Leadership Responsibilities. The Office of Management and Budget (OMB), the Department of Energy (DOE), the Environmental Protection Agency (EPA), and the General Services Administration (GSA) shall be responsible for providing leadership to the other Federal agencies in implementing programs to meet the goals of this order. Therefore, they shall perform the following activities:

(a) OMB shall:

(1) designate a senior official to assume the responsibility for coordinating the Collection of agency budget and data submissions pursuant to this order;

(2) amend and issue budget guidance to the agencies that requires each agency to identify in its annual budget submission the funding necessary to meet the requirements of this order;

(3) review annual agency budget submissions to determine adequacy in meeting the goal of this order and to balance requests for increased funding to support achievement of the goals against other mission priorities for the agency; and

(4) review agency submissions for the annual report to the Congress, after budget decisions are made.

(b) DOE shall:

(1) issue guidance to agencies, within 90 days of the issuance of this order, on preparation and submission of agency strategies for complying with this order and the collection and annual reporting of data to demonstrate compliance with this order;

(2) review and evaluate agency strategies prior to their submission to OMB;

(3) provide OMB with copies of the agency strategy evaluations;

(4) provide whatever other support OMB requires to facilitate performance of OMB's role;

(5) establish the data collection and reporting system outlined in the DOE guidance for collecting annual agency performance data on meeting the goals of this order and other applicable statutes and policies;

(6) educate personnel from other agencies on the requirements of this order, the data collection and reporting system, best practices for improving fleet fuel efficiency, and methods for successfully acquiring and using AFVs;

(7) review agencies' annual data submissions for accuracy and produce a scorecard of agency and overall Federal compliance with this order and other applicable statutes and policies; and

(8) report to the President annually on compliance with the order, including the scorecard and level of performance in meeting the goals of the agencies' strategies.

(c) EPA shall support DOE and GSA in their efforts to assist the agencies in the accelerated purchase of Tier 2 vehicles.

(d) GSA shall develop and implement strategies that will ease agencies' financial and administrative burdens associated with the acquisition of AFVs, including:

(1) Agencies shall be allowed to replace their conventionally-fueled vehicles with AFVs by making an initial lump-sum payment for the additional acquisition cost of the AFV and shall be allowed to contribute to the higher replacement costs of the AFV incrementally over the term of the lease, and have the option of averaging AFV incremental costs across the agency fleet as provided by the Energy Policy Act of 1992.

(2) Within 120 days of this order, the Administrator of GSA, in consultation with other agencies, shall:

(A) provide a summary of agency AFV acquisition plans to potential AFV manufacturers to assist in their production planning. At least 4 months in advance of

agency vehicle ordering cycles, GSA must provide to agencies the best available information on the production plans of AFV manufacturers;

(B) develop, in coordination with DOE and EPA, methods that will help Federal fleet managers to select vehicles to improve fleet fuel efficiency and to meet Tier 2 vehicle standards; and

(C) collaborate with its customer agencies and their procurement staff and officials to discuss and plan efforts to ensure that the GSA-leased fleet is making progress toward the goals of this order.

Sec. 302. Designation of Senior Agency Official. Within 90 days of the date of this order, the head of each agency shall designate a senior official to assume responsibility for the agency's AFV and fleet fuel efficiency programs, and for meeting the requirements of this order. Each senior agency official designated by an agency shall be responsible for:

(a) preparing an agency strategy for meeting the goals of this order, in accordance with guidance issued by DOE;

(b) submitting the agency strategy to DOE within 180 days of the issuance of this order for evaluation and submission to OMB;

(c) implementing the data collection and reporting system outlined in the DOE guidance for collecting annual agency performance data on meeting the goals of this order and reporting the data to DOE;

(d) ensuring the agency's strategy for meeting the goals of this order is incorporated in the annual budget submission to OMB; and

(e) assembling the appropriate team and resources in the agency necessary to attain the goals of this order.

Sec. 303. Management and Government Performance. Agencies may use the following management strategies to assist them in meeting the goals of this order:

(a) *Awards.* Agencies may use employee incentive programs to reward exceptional performance in implementing this order.

(b) *Performance Evaluations.* Agencies shall, where appropriate, include successful implementation of the provisions of this order in the position descriptions and performance evaluations of agency heads, the senior official, fleet managers, their superiors, and other relevant employees.

Sec. 304. Applicability. This order applies to each agency operating 20 or more motor vehicles within the United States. Agency means an executive agency as defined in 5 U.S.C. 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

PART 4 IMPLEMENTATION

Sec. 401. Vehicle Reporting Credits. When preparing the annual report to DOE and OMB, each agency acquisition of an alternative fuel light-duty vehicle, regardless of geographic placement, shall count as one credit towards fulfilling the AFV acquisition requirements of the Energy Policy Act of 1992. Agencies shall receive one additional credit for each light-duty AFV that exclusively uses an alternative fuel and for each Zero Emission Vehicle of any size. Agencies shall receive three credits for dedicated medium-duty AFVs and four credits for dedicated heavy-duty AFVs. Agencies can also receive one credit for every 450 gallons of pure bio-diesel used in diesel vehicles.

Sec. 402. Infrastructure. To support the use of alternative fuel in AFVs, agencies should arrange for fueling at commercial facilities that offer alternative fuels for sale to the public.

(a) Agencies should team with State, local, and private entities to support the expansion and use of public access alternative fuel refueling stations;

(b) Agencies should use the authority granted to them in section 304 of the Energy Policy Act of 1992 to establish nonpublic access alternative fuel infrastructure for fueling Federal AFVs where public fueling is unavailable.

(c) Agencies are encouraged to work with DOE and GSA to resolve alternative fuel usage tracking issues with alternative and petroleum fuel providers.

Sec. 403. Procurement of Environmentally Preferable Motor Vehicle Products.

(a) Consistent with Executive Order 13101 and section 6002 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6962, effective 6 months after the date of this order, no Federal agency shall purchase, sell, or arrange for the purchase of virgin petroleum motor vehicle lubricating oils when re-refined motor vehicle lubricating oils are reasonably available and meet the vehicle manufacturer's recommended performance standards.

(b) Consistent with Executive Order 13101 and RCRA section 6962, in acquiring and maintaining motor vehicles, agencies shall acquire and use United States EPA-designated Comprehensive Procurement Guideline items, including but not limited to retread tires, when such products are reasonably available and meet applicable performance standards. In addition, Federal agencies should consider acquiring other recycled content products, such as tires containing a minimum of 5–10 percent post-consumer recovered rubber.

(c) Consistent with Executive Order 13101, Federal agencies are encouraged to use biobased motor vehicle products when such products are reasonably available and meet applicable performance standards.

PART 5 GENERAL PROVISIONS

Sec. 501. Revocation. Executive Order 13031 of December 13, 1996, is revoked.

Sec. 502. Statutory Authority. Agencies must carry out the provisions of this order to the extent consistent with their statutory authority.

Sec. 503. Limitations. This order is intended only to improve the internal management of the executive branch and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any other person.

Sec. 504. Independent Agencies. Independent agencies and agencies excepted from coverage by section 304 are encouraged to comply with the provisions of this order.

Sec. 505. Government-Owned Contractor-Operated Vehicles. Agencies must ensure that all Government-owned contractor-operated vehicles comply with all applicable goals and other requirements of this order and that these goals and requirements are incorporated into each contractor's management contract.

Sec. 506. Exemptions for Military Tactical, Law Enforcement, and Emergency Vehicles. Department of Defense military tactical vehicles are exempt from this order. Law enforcement, emergency, and any other vehicle class or type determined by OMB, in consultation with DOE, are exempted from this order's requirements for Federal fleet fuel efficiency and alternative fuel vehicle acquisition. Agencies claiming vehicle exemptions must provide information on the number of each class or type of vehicle claimed as exempt as well as an estimate of total fuel consumption of exempt vehicles on an annual basis. Agencies should examine options for increasing fuel efficiency in these exempt vehicles and should report actions taken to increase fuel efficiency in these vehicles or fleets. All information required by this section must be submitted annually under Part 3 of this order.

Sec. 507. Compliance. (a) If an agency fails to meet requirements of the Energy Policy Act of 1992 or this order, its report to the DOE and OMB under section 302(c) must

include an explanation for such failure and an updated strategy for achieving compliance using the agency's current and requested budgets.

(b) OMB, in consultation with DOE, may modify the compliance requirements for an agency under Part 2 of this order, if the agency is unable to comply with the requirements of that part. An agency requesting modification must show that it has made substantial good faith efforts to comply with that part. The availability and costs of alternative fuels and AFVs can be a factor in OMB's decision to modify the agency's compliance with Part 2 of this order.

Sec. 508. Definitions. Terms used in this order shall have the same definitions as those in the Energy Policy Act of 1992 and Executive Order 13101, unless specifically changed in guidance to be issued by DOE under section 301(b) of this order.

WILLIAM J. CLINTON

THE WHITE HOUSE,
April 21, 2000.

No. 13158

May 26, 2000, 65 F.R. 34909

Marine Protected Areas

By the authority vested in me as President by the Constitution and the laws of the United States of America and in furtherance of the purposes of the National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*), National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-ee), National Park Service Organic Act (16 U.S.C. 1 *et seq.*), National Historic Preservation Act (16 U.S.C. 470 *et seq.*), Wilderness Act (16 U.S.C. 1131 *et seq.*), Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), Coastal Zone Management Act (16 U.S.C. 1451 *et seq.*), Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), Marine Mammal Protection Act (16 U.S.C. 1362 *et seq.*), Clean Water Act of 1977 (33 U.S.C. 1251 *et seq.*), National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.*), Outer Continental Shelf Lands Act (42 U.S.C. 1331 *et seq.*), and other pertinent statutes, it is ordered as follows:

Section 1. Purpose. This Executive Order will help protect the significant natural and cultural resources within the marine environment for the benefit of present and future generations by strengthening and expanding the Nation's system of marine protected areas (MPAs). An expanded and strengthened comprehensive system of marine protected areas throughout the marine environment would enhance the conservation of our Nation's natural and cultural marine heritage and the ecologically and economically sustainable use of the marine environment for future generations. To this end, the purpose of this order is to, consistent with domestic and international law: (a) strengthen the management, protection, and conservation of existing marine protected areas and establish new or expanded MPAs; (b) develop a scientifically based, comprehensive national system of MPAs representing diverse U.S. marine ecosystems, and the Nation's natural and cultural resources; and (c) avoid causing harm to MPAs through federally conducted, approved, or funded activities.

Sec. 2. Definitions. For the purposes of this order: (a) "Marine protected area" means any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.

(b) "Marine environment" means those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands there-under, over which the United States exercises jurisdiction, consistent with international law.

(c) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

Sec. 3. MPA Establishment, Protection, and Management. Each Federal agency whose authorities provide for the establishment or management of MPAs shall take appropriate actions to enhance or expand protection of existing MPAs and establish or recommend, as appropriate, new MPAs. Agencies implementing this section shall consult with the agencies identified in subsection 4(a) of this order, consistent with existing requirements.

Sec. 4. National System of MPAs. (a) To the extent permitted by law and subject to the availability of appropriations, the Department of Commerce and the Department of the Interior, in consultation with the Department of Defense, the Department of State, the United States Agency for International Development, the Department of Transportation, the Environmental Protection Agency, the National Science Foundation,

and other pertinent Federal agencies shall develop a national system of MPAs. They shall coordinate and share information, tools, and strategies, and provide guidance to enable and encourage the use of the following in the exercise of each agency's respective authorities to further enhance and expand protection of existing MPAs and to establish or recommend new MPAs, as appropriate:

(1) science-based identification and prioritization of natural and cultural resources for additional protection;

(2) integrated assessments of ecological linkages among MPAs, including ecological reserves in which consumptive uses of resources are prohibited, to provide synergistic benefits;

(3) a biological assessment of the minimum area where consumptive uses would be prohibited that is necessary to preserve representative habitats in different geographic areas of the marine environment;

(4) an assessment of threats and gaps in levels of protection currently afforded to natural and cultural resources, as appropriate;

(5) practical, science-based criteria and protocols for monitoring and evaluating the effectiveness of MPAs;

(6) identification of emerging threats and user conflicts affecting MPAs and appropriate, practical, and equitable management solutions, including effective enforcement strategies, to eliminate or reduce such threats and conflicts;

(7) assessment of the economic effects of the preferred management solutions; and

(8) identification of opportunities to improve linkages with, and technical assistance to, international marine protected area programs.

(b) In carrying out the requirements of section 4 of this order, the Department of Commerce and the Department of the Interior shall consult with those States that contain portions of the marine environment, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, tribes, Regional Fishery Management Councils, and other entities, as appropriate, to promote coordination of Federal, State, territorial, and tribal actions to establish and manage MPAs.

(c) In carrying out the requirements of this section, the Department of Commerce and the Department of the Interior shall seek the expert advice and recommendations of non-Federal scientists, resource managers, and other interested persons and organizations through a Marine Protected Area Federal Advisory Committee. The Committee shall be established by the Department of Commerce.

(d) The Secretary of Commerce and the Secretary of the Interior shall establish and jointly manage a website for information on MPAs and Federal agency reports required by this order. They shall also publish and maintain a list of MPAs that meet the definition of MPA for the purposes of this order.

(e) The Department of Commerce's National Oceanic and Atmospheric Administration shall establish a Marine Protected Area Center to carry out, in cooperation with the Department of the Interior, the requirements of subsection 4(a) of this order, coordinate the website established pursuant to subsection 4(d) of this order, and partner with governmental and non-governmental entities to conduct necessary research, analysis, and exploration. The goal of the MPA Center shall be, in cooperation with the Department of the Interior, to develop a framework for a national system of MPAs, and to provide Federal, State, territorial, tribal, and local governments with the information, technologies, and strategies to support the system. This national system framework and the work of the MPA Center is intended to support, not interfere with, agencies' independent exercise of their own existing authorities.

(f) To better protect beaches, coasts, and the marine environment from pollution, the Environmental Protection Agency (EPA), relying upon existing Clean Water Act authorities, shall expeditiously propose new science-based regulations, as necessary, to ensure appropriate levels of protection for the marine environment. Such regulations may include the identification of areas that warrant additional pollution protections and the enhancement of marine water quality standards. The EPA shall consult with the Federal agencies identified in subsection 4(a) of this order, States, territories, tribes, and the public in the development of such new regulations.

Sec. 5. Agency Responsibilities. Each Federal agency whose actions affect the natural or cultural resources that are protected by an MPA shall identify such actions. To the extent permitted by law and to the maximum extent practicable, each Federal agency, in taking such actions, shall avoid harm to the natural and cultural resources that are protected by an MPA. In implementing this section, each Federal agency shall refer to the MPAs identified under subsection 4(d) of this order.

Sec. 6. Accountability. Each Federal agency that is required to take actions under this order shall prepare and make public annually a concise description of actions taken by it in the previous year to implement the order, including a description of written comments by any person or organization stating that the agency has not complied with this order and a response to such comments by the agency.

Sec. 7. International Law. Federal agencies taking actions pursuant to this Executive Order must act in accordance with international law and with Presidential Proclamation 5928 of December 27, 1988, on the Territorial Sea of the United States of America, Presidential Proclamation 5030 of March 10, 1983, on the Exclusive Economic Zone of the United States of America, and Presidential Proclamation 7219 of September 2, 1999, on the Contiguous Zone of the United States.

Sec. 8. General. (a) Nothing in this order shall be construed as altering existing authorities regarding the establishment of Federal MPAs in areas of the marine environment subject to the jurisdiction and control of States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and Indian tribes.

(b) This order does not diminish, affect, or abrogate Indian treaty rights or United States trust responsibilities to Indian tribes.

(c) This order does not create any right or benefit, substantive or procedural, enforceable in law or equity by a party against the United States, its agencies, its officers, or any person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
May 26, 2000.

No. 13175

November 6, 2000, 65 F.R. 67249

Consultation and Coordination With Indian Tribal Governments

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes; it is hereby ordered as follows:

Section 1. Definitions. For purposes of this order:

(a) "Policies that have tribal implications" refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

(b) "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

(c) "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

(d) "Tribal officials" means elected or duly appointed officials of Indian tribal governments or authorized intertribal organizations.

Sec. 2. Fundamental Principles. In formulating or implementing policies that have tribal implications, agencies shall be guided by the following fundamental principles:

(a) The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. Since the formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection. The Federal Government has enacted numerous statutes and promulgated numerous regulations that establish and define a trust relationship with Indian tribes.

(b) Our Nation, under the law of the United States, in accordance with treaties, statutes, Executive Orders, and judicial decisions, has recognized the right of Indian tribes to self-government. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, tribal trust resources, and Indian tribal treaty and other rights.

(c) The United States recognizes the right of Indian tribes to self-government and supports tribal sovereignty and self-determination.

Sec. 3. Policymaking Criteria. In addition to adhering to the fundamental principles set forth in section 2, agencies shall adhere, to the extent permitted by law, to the following criteria when formulating and implementing policies that have tribal implications:

(a) Agencies shall respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments.

(b) With respect to Federal statutes and regulations administered by Indian tribal governments, the Federal Government shall grant Indian tribal governments the maximum administrative discretion possible.

(c) When undertaking to formulate and implement policies that have tribal implications, agencies shall:

(1) encourage Indian tribes to develop their own policies to achieve program objectives;

(2) where possible, defer to Indian tribes to establish standards; and

(3) in determining whether to establish Federal standards, consult with tribal officials as to the need for Federal standards and any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Indian tribes.

Sec. 4. Special Requirements for Legislative Proposals. Agencies shall not submit to the Congress legislation that would be inconsistent with the policy-making criteria in Section 3.

Sec. 5. Consultation. (a) Each agency shall have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications. Within 30 days after the effective date of this order, the head of each agency shall designate an official with principal responsibility for the agency's implementation of this order. Within 60 days of the effective date of this order, the designated official shall submit to the Office of Management and Budget (OMB) a description of the agency's consultation process.

(b) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implications, that imposes substantial direct compliance costs on Indian tribal governments, and that is not required by statute, unless:

(1) funds necessary to pay the direct costs incurred by the Indian tribal government or the tribe in complying with the regulation are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of the regulation,

(A) consulted with tribal officials early in the process of developing the proposed regulation;

(B) in a separately identified portion of the preamble to the regulation as it is to be issued in the **Federal Register**, provides to the Director of OMB a tribal summary impact statement, which consists of a description of the extent of the agency's prior consultation with tribal officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of tribal officials have been met; and

(C) makes available to the Director of OMB any written communications submitted to the agency by tribal officials.

(c) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implications and that preempts tribal law unless the agency, prior to the formal promulgation of the regulation,

(1) consulted with tribal officials early in the process of developing the proposed regulation;

(2) in a separately identified portion of the preamble to the regulation as it is to be issued in the **Federal Register**, provides to the Director of OMB a tribal summary impact statement, which consists of a description of the extent of the agency's prior consultation with tribal officials, a summary of the nature of their concerns and the

agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of tribal officials have been met; and

(3) makes available to the Director of OMB any written communications submitted to the agency by tribal officials.

(d) On issues relating to tribal self-government, tribal trust resources, or Indian tribal treaty and other rights, each agency should explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking.

Sec. 6. Increasing Flexibility for Indian Tribal Waivers.

(a) Agencies shall review the processes under which Indian tribes apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes.

(b) Each agency shall, to the extent practicable and permitted by law, consider any application by an Indian tribe for a waiver of statutory or regulatory requirements in connection with any program administered by the agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the Indian tribal level in cases in which the proposed waiver is consistent with the applicable Federal policy objectives and is otherwise appropriate.

(c) Each agency shall, to the extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency, or as otherwise provided by law or regulation. If the application for waiver is not granted, the agency shall provide the applicant with timely written notice of the decision and the reasons therefor.

(d) This section applies only to statutory or regulatory requirements that are discretionary and subject to waiver by the agency.

Sec. 7. Accountability.

(a) In transmitting any draft final regulation that has tribal implications to OMB pursuant to Executive Order 12866 of September 30, 1993, each agency shall include a certification from the official designated to ensure compliance with this order stating that the requirements of this order have been met in a meaningful and timely manner.

(b) In transmitting proposed legislation that has tribal implications to OMB, each agency shall include a certification from the official designated to ensure compliance with this order that all relevant requirements of this order have been met.

(c) Within 180 days after the effective date of this order the Director of OMB and the Assistant to the President for Intergovernmental Affairs shall confer with tribal officials to ensure that this order is being properly and effectively implemented.

Sec. 8. Independent Agencies. Independent regulatory agencies are encouraged to comply with the provisions of this order.

Sec. 9. General Provisions.

(a) This order shall supplement but not supersede the requirements contained in Executive Order 12866 (Regulatory Planning and Review), Executive Order 12988 (Civil Justice Reform), OMB Circular A-19, and the Executive Memorandum of April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments.

(b) This order shall complement the consultation and waiver provisions in sections 6 and 7 of Executive Order 13132 (Federalism).

(c) Executive Order 13084 (Consultation and Coordination with Indian Tribal Governments) is revoked at the time this order takes effect.

(d) This order shall be effective 60 days after the date of this order.

Sec. 10. Judicial Review. This order is intended only to improve the internal management of the executive branch, and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by a party against the United States, its agencies, or any person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
November 6, 2000.

No. 13178

December 4, 2000, 65 F.R. 76903

Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Marine Sanctuaries Act, (16 U.S.C. 1431 *et seq.*), and the National Marine Sanctuaries Amendments Act of 2000, Public Law 106-513, and in furtherance of the purposes of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1401 *et seq.*), Coastal Zone Management Act (16 U.S.C. 1451 *et seq.*), Endangered Species Act (16 U.S.C. 1531 *et seq.*), Marine Mammal Protection Act (16 U.S.C. 1362 *et seq.*), Clean Water Act (33 U.S.C. 1251 *et seq.*), National Historic Preservation Act (16 U.S.C. 470 *et seq.*), National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-ee), and other pertinent statutes, it is ordered as follows:

Section 1. Preamble. The world's coral reefs—the rain forests of the sea—are in serious decline. These important and sensitive areas of biodiversity warrant special protection. While United States waters contain approximately 3 percent of the world's coral reefs, approximately 70 percent of U.S. coral reefs are in the Northwestern Hawaiian Islands. The 3.5 million acres of coral reefs around the remote, mostly uninhabited Northwestern Hawaiian Islands are spectacular and almost undisturbed by humans. The approximately 1,200 mile stretch of coral islands, seamounts, banks, and shoals are unquestionably some of the healthiest and most extensive coral reefs in the United States. In their own right, the spectacular coral reefs and lands provide an amazing geological record of volcanic and erosive powers that have shaped this area. This vast area supports a dynamic reef ecosystem that supports more than 7,000 marine species, of which approximately half are unique to the Hawaiian Island chain. This incredibly diverse ecosystem is home to many species of coral, fish, birds, marine mammals, and other flora and fauna including the endangered Hawaiian monk seal, the threatened green sea turtle, and the endangered leatherback and hawksbill sea turtles. In addition, this area has great cultural significance to Native Hawaiians as well as linkages to early Polynesian culture—making it additionally worthy of protection and understanding. This is truly a unique and special place, a coral reef ecosystem like no place on earth, and a source of pride, inspiration, and satisfaction for all Americans, especially the people of Hawaii. It is fully worthy of our best efforts to preserve a legacy of America's natural wonders for future generations. Due to the special significance of this area, I have determined that it is in the best interest of our Nation, and of future generations, to provide strong and lasting protection for the coral reef ecosystem of the Northwestern Hawaiian Islands.

On May 26, 2000, I directed the Secretaries of Commerce and the Interior, working cooperatively with the State of Hawaii and consulting with the Western Pacific Fishery Management Council, to develop recommendations for a new, coordinated management regime to increase protection of the coral reef ecosystem of the Northwestern Hawaiian Islands and provide for sustainable use of the area. Upon consideration of their recommendations and comments received during the public visioning process on this initiative, and based on the statutory authorities set forth above, I am issuing this Executive Order.

Sec. 2. Purpose. The purpose of this Executive Order is to ensure the comprehensive, strong, and lasting protection of the coral reef ecosystem and related marine resources and species (resources) of the Northwestern Hawaiian Islands.

Sec. 3. Establishment of Coral Reef Ecosystem Reserve. There is hereby established in the Northwestern Hawaiian Islands a coral reef ecosystem reserve to be known as the Northwestern Hawaiian Islands Coral Reef Eco-system Reserve (Reserve). The Reserve shall include submerged lands and waters of the Northwestern Hawaiian Islands, extending approximately 1,200 nautical miles (nm) long and 100nm wide. The Reserve shall be adjacent to and seaward of the seaward boundaries of the State of Hawaii and the Midway Atoll National Wildlife Refuge, and shall overlay the Hawaiian Islands National Wildlife Refuge to the extent that it extends beyond the seaward boundaries of the State of Hawaii. The boundaries of the Reserve are described in section 6 of this order.

Sec. 4. Management Principles. The Secretary of Commerce, or his designee, (hereafter "Secretary") shall, subject to section 10(b) of this order, manage the Reserve in accordance with the following principles:

(a) The principal purpose of the Reserve is the long-term conservation and protection of the coral reef ecosystem and related marine resources and species of the Northwestern Hawaiian Islands in their natural character;

(b) The Reserve shall be managed using available science and applying a precautionary approach with resource protection favored when there is a lack of information regarding any given activity, to the extent not contrary to law;

(c) Culturally significant, noncommercial subsistence, cultural, and religious uses by Native Hawaiians should be allowed within the Reserve, consistent with applicable law and the long-term conservation and protection of Reserve resources;

(d) The Reserve shall be managed using, when appropriate, geographical zoning and innovative management techniques to ensure that the Reserve resources are protected from degradation or harm;

(e) To the extent consistent with the primary purpose of the Reserve, the Reserve shall be managed to support, promote, and coordinate appropriate scientific research and assessment, and long-term monitoring of Reserve resources, and the impacts or threats thereto from human and other activities, to help better understand, protect, and conserve these resources and species for future generations;

(f) To the extent consistent with the primary purpose of the Reserve, the Reserve shall be managed to enhance public awareness, understanding, and appreciation of Reserve resources, and the impacts or threats thereto from human and other activities;

(g) The Reserve shall be managed to further restoration and remediation of degraded or injured Reserve resources; and

(h) The Reserve shall be managed to facilitate coordinated management among Federal and State agencies and other entities, as appropriate, to provide comprehensive (looking beyond jurisdictional boundaries) conservation of the coral reef ecosystem and related marine resources and species throughout the Northwestern Hawaiian Islands, consistent with applicable authorities and the Management Principles of this section.

Sec. 5. Implementation. (a) *Management of the Reserve.* The Secretary shall manage the Reserve under the National Marine Sanctuaries Act and in accordance with this order.

(b) *Reserve Operations Plan.* The Secretary, in consultation with the Secretary of the Interior and the Governor of Hawaii, shall develop an operations plan to govern the management of the Reserve. In developing the Reserve Operations Plan the Secretary shall consider the advice and recommendations of the Reserve Council established pursuant to paragraph (c) of this section.

The Reserve Operations Plan shall be directed at priority issues and actions that, at a minimum, provide for:

(1) Coordinated management among the Reserve, Hawaiian Islands National Wildlife Refuge, Midway Atoll National Wildlife Refuge, and the State of Hawaii, consistent with relevant authorities;

(2) Coordination among Federal agencies and the Director of the National Science Foundation to make vessels and other resources available for conservation and research activities for the Reserve;

(3) The cleanup and prevention of marine debris in the Reserve;

(4) The restoration or remediation of any degraded or injured resources of the Reserve;

(5) Research, monitoring, and assessment of the Reserve;

(6) Education and outreach about the Reserve and its resources and efforts to conserve them;

(7) Enforcement and surveillance for the Reserve, including the use of new technologies and coordination with the United States Coast Guard and other relevant agencies;

(8) Identification and coordination with Native Hawaiian interests, regarding culturally significant, noncommercial subsistence, cultural, and religious uses and locations within the Reserve;

(9) Identification of potential tourism, recreational, and commercial activities within the Reserve and actions necessary to ensure that these activities do not degrade the Reserve's resources or diminish the Reserve's natural character;

(10) Use of vessel monitoring systems for any vessel entering or transiting the Reserve, if warranted. To this end, the Secretary in consultation with the Department of State, United States Coast Guard, and the Department of Defense, shall evaluate the need for the establishment of vessel monitoring systems and, if warranted, shall initiate the steps necessary to have the appropriate domestic agencies, and request that the International Maritime Organization, adopt a vessel monitoring system requirement for the Reserve;

(11) Any regulations, in addition to the conservation measures and Reserve Preservation Areas established under this order, that the Secretary determines are necessary to manage the Reserve in accordance with this order; and

(12) Coordination of all relevant activities with the process to designate the Reserve as a National Marine Sanctuary, as provided under paragraph (f) of this section.

(c) *Conservation Measures.* The Reserve Operations Plan shall also include the conservation measures in section 7 of this order and the Reserve Preservation Areas in section 8 of this order.

(d) *Memorandum of Agreement.* To further paragraph (b)(1) of this section, and subject to section 10(b) of this order, and in particular to promote coordinated management of the entirety of the shallow areas of the coral reef ecosystem throughout the Northwestern Hawaiian Islands, the Secretary shall work with the Secretary of the Interior and Governor of the State of Hawaii to enter into one or more memoranda of agreement for the coordinated conservation and management of the Reserve, Midway Atoll and Hawaiian Islands National Wildlife Refuges, and State of Hawaii submerged lands and waters within the Northwestern Hawaiian Islands.

(e) *National Marine Sanctuary.* The Secretary shall initiate the process to designate the Reserve as a national marine sanctuary pursuant to sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433, 1434). In doing so the Secretary shall supplement or complement the existing Reserve. The Secretary shall, in consultation with the Governor of the State of Hawaii, determine whether State submerged lands and waters should be included as part of the sanctuary. In designating and managing the

sanctuary, the Secretary shall consider the advice and recommendations of the Reserve Council established pursuant to paragraph (f) of this section.

(f) *Council.* After considering input from the Secretary of the Interior and Governor of the State of Hawaii, the Secretary shall establish a Coral Reef Ecosystem Reserve Council pursuant to section 315 of the National Marine Sanctuaries Act (16 U.S.C. 1445a) to provide advice and recommendations on the Reserve Operations Plan and designation and management of any sanctuary. The Council shall include:

(1) Three Native Hawaiian representatives, including one Native Hawaiian elder, with experience or knowledge regarding Native Hawaiian subsistence, cultural, religious, or other activities in the Northwestern Hawaiian Islands.

(2) Three representatives from the non-Federal science community with experience specific to the Northwestern Hawaiian Islands and with expertise in at least one of the following areas:

(A) Marine mammal science.

(B) Coral reef ecology.

(C) Native marine flora and fauna of the Hawaiian Islands.

(D) Oceanography.

(E) Any other scientific discipline the Secretary determines to be appropriate.

(3) Three representatives from nongovernmental wildlife/marine life, environmental, and/or conservation organizations.

(4) One representative from the commercial fishing industry that conduct activities in the Northwestern Hawaiian Islands.

(5) One representative from the recreational fishing industry that conducts activities in the Northwestern Hawaiian Islands.

(6) One representative from the ocean-related tourism industry.

(7) One representative from the non-Federal community with experience in education and outreach regarding marine conservation issues.

(8) One citizen-at-large representative.

(9) One representative from the State of Hawaii as appointed by the Governor.

(10) One representative each, as nonvoting, *ex officio* members, from the Department of the Interior, United States Coast Guard, Department of Defense, Department of State, the National Marine Fisheries Service, the Hawaiian Islands Humpback Whale National Marine Sanctuary, National Science Foundation, Marine Mammal Commission, and Western Pacific Regional Fishery Management Council.

(g) *Report.* The Secretary shall provide a progress report on the implementation of this order to the Chair of the Council on Environmental Quality within 1 year from the date of this order.

Sec. 6. Area of the Reserve. The Reserve includes the waters and submerged lands of the Northwestern Hawaiian Islands as follows:

(a) The seaward boundary of the Reserve is 50nm from the approximate center geographical positions of Nihoa Island, Necker Island, French Frigate Shoals, Gardner Pinnacles, Maro Reef, Laysan Island, Lisianski Island, Pearl and Hermes Reef, Midway Atoll, and Kure Island. Where the areas are not contiguous, parallel lines drawn tangent to and connecting those semi-circles of the 50nm areas that lie around such areas shall delimit the remainder of the Reserve.

(b) The inland boundary of the Reserve around each of the areas named in subparagraph (a) of this section is the seaward boundary of Hawaii State waters and submerged lands, and the seaward boundary of the Midway Atoll National Wildlife Refuge, as appropriate.

(c) The Reserve boundary is generally depicted on the map attached to this order. The Secretary, after consultation with the Governor of the State of Hawaii, may make

technical modifications to the boundary of the Reserve, including providing straight-line boundaries for the Reserve for clarity and ease of identification, as appropriate.

Sec. 7. Protection and Conservation Measures. The conservation measures in this section apply throughout the Reserve.

(a) (1) *Commercial Fishing.* All currently existing commercial Federal fishing permits and current levels of fishing effort and take, as determined by the Secretary and pursuant to regulations in effect on the date of this order, shall be capped as follows:

(A) No commercial fishing may occur in Reserve Preservation Areas pursuant to section 8 of this order;

(B) There shall be no increase in the number of permits of any particular type of fishing (such as for bottomfishing) beyond the number of permits of that type in effect the year preceding the date of this order;

(C) The annual level of aggregate take under all permits of any particular type of fishing may not exceed the aggregate level of take under all permits of that type of fishing in the years preceding the date of this order, as determined by the Secretary, provided that the Secretary shall equitably divide the aggregate level into individual levels per permit, and further provided that the Secretary may make a one-time reasonable increase to the total aggregate to allow for the use of two Native Hawaiian bottomfishing permits;

(D) There shall be no permits issued for any particular type of fishing for which there were no permits issued in the year preceding the date of this order; and

(E) The type of fishing gear used by any permit holder may not be changed except with the permission of the Secretary, as provided under paragraph 3 of this section.

(2) *Recreational Fishing.* All currently existing (preceding the date of this order) levels of recreational fishing effort, as determined by the Secretary and pursuant to regulations in effect on the day of this order, shall be capped (i.e., no increase of take levels or levels of fishing effort, species targeted, or change in gear types) throughout the Reserve. However, fishing is further restricted as provided in section 8 of this order.

(3) The Secretary, after consultation with the Secretary of the Interior and Governor of the State of Hawaii, and after public review and comment and consideration of any advice or recommendations of the Reserve Council and Western Pacific Regional Fishery Management Council, may further restrict the fishing activities under subparagraphs (a)(1) and (a)(2) of this section if necessary to protect Reserve resources, or may authorize or require alternate gear types if such gear would offer equal or greater protection for Reserve resources.

(b) In addition to the conservation measures in paragraph (a) of this section, the following activities are prohibited throughout the Reserve:

(1) Exploring for, developing, or producing oil, gas, or minerals;

(2) Having a vessel anchored on any living or dead coral with an anchor, an anchor chain, or an anchor rope when visibility is such that the seabed can be seen;

(3) Drilling into, dredging, or otherwise altering the seabed; or constructing, placing, or abandoning any structure, material, or other matter on the seabed, except as an incidental result of anchoring vessels;

(4) Discharging or depositing any material or other matter into the Reserve, or discharging or depositing any material or other matter outside the Reserve that subsequently enters the Reserve and injures any resource of the Reserve, except fish parts (i.e., chumming material or bait) used in and during authorized fishing operations, or discharges incidental to vessel use such as deck wash, approved marine sanitation device effluent, cooling water, and engine exhaust; and

(5) Removal, moving, taking, harvesting, or damaging any living or nonliving Reserve resources, except as provided under paragraph (a) of this section and sections 8(a) and 9 of this order.

(c) The Secretary may conduct, or authorize by permit the activities listed in subparagraphs (b)(3)-(5) of this section to the extent that they are necessary for research, monitoring, education, or management activities that further the Management Principles of section 4 of this order.

Sec. 8. Reserve Preservation Areas.

(a) To further protect Reserve resources, the following areas are hereby established as Reserve Preservation Areas until some or all are made permanent after adequate public review and comment, within which all activities referred to in paragraph (b) of this section are prohibited.

(1) From the seaward boundary of Hawaii State waters and submerged lands to a mean depth of 100 fathoms (fm) around:

(A) Nihoa Island, provided that bottomfishing in accordance with the requirements of section 7(a)(1) of this order shall be allowed to continue seaward of a mean depth of 10fm, unless and until the Secretary determines otherwise after adequate public review and comment;

(B) Necker Island, provided that bottomfishing in accordance with the requirements of section 7(a)(1) of this order shall be allowed to continue seaward of a mean depth of 20fm, unless and until the Secretary determines otherwise after adequate public review and comment;

(C) French Frigate Shoals;

(D) Gardner Pinnacles, provided that bottomfishing in accordance with the requirements of section 7(a)(1) of this order shall be allowed to continue seaward of a mean depth of 10fm, unless and until the Secretary determines otherwise after adequate public review and comment;

(E) Maro Reef, provided that bottomfishing in accordance with the requirements of section 7(a)(1) of this order shall be allowed to continue seaward of a mean depth of 0fm, unless and until the Secretary determines otherwise after adequate public review and comment;

(F) Laysan Island, provided that bottomfishing in accordance with the requirements of section 7(a)(1) of this order shall be allowed to continue seaward of a mean depth of 50fm, unless and until the Secretary determines otherwise after adequate public review and comment;

(G) Lisianski Island, provided that bottomfishing in accordance with the requirements of section 7(a)(1) of this order shall be allowed to continue seaward of a mean depth of 50fm, unless and until the Secretary determines otherwise after adequate public review and comment;

(H) Pearl and Hermes Atoll; and

(I) Kure Island.

(2) Twelve nautical miles around the approximate geographical centers of:

(A) The first bank immediately east of French Frigate Shoals;

(B) Southeast Brooks Bank, which is the first bank immediately west of French Frigate Shoals, provided that the closure area shall not be closer than approximately 3nm of the next bank immediately west;

(C) St. Rogatien Bank, provided that the closure area shall not be closer than approximately 3nm of the next bank immediately east, provided further that bottomfishing in accordance with the requirements of section 7(a)(1) of this order shall be allowed to continue, unless and until the Secretary determines otherwise after adequate public review and comment;

(D) The first bank west of St. Rogatien Bank, east of Gardner Pinnacles;

(E) Raita Bank; and

(F) Pioneer Bank, provided that bottomfishing in accordance with the requirements of section 7(a)(1) of this order shall be allowed to continue, unless and until the Secretary determines otherwise after adequate public review and comment.

(b) Activities Prohibited Within Reserve Preservation Areas.

(1) In addition to the conservation measures in section 7 of this order, which are applicable to the entire Reserve, the following activities are prohibited within the Reserve Preservation Areas listed in paragraph (a) of this section, except as expressly otherwise stated in this paragraph and sections (8)(a) and 9 of this order:

(A) Commercial and recreational fishing;

(B) Anchoring in any area that contains available mooring buoys, or anchoring outside an available anchoring area when such area has been designated by the Secretary;

(C) Any type of touching or taking of living or dead coral;

(D) Discharging or depositing any material or other matter except cooling water or engine exhaust; and

(E) Such other activities that the Secretary identifies after adequate public review and comment, and after consideration of any advice and recommendations of the Reserve Council.

(2) Notwithstanding the prohibitions in this paragraph, the Secretary may conduct, or authorize by permit, research, monitoring, education, or management activities within any Reserve Preservation Area that further the Management Principles of section 4 of this order.

(3) The Reserve Preservation Areas in this section are approximated using fathoms. The Secretary will develop straight line boundaries based on longitude and latitude coordinates to encompass each Reserve Preservation Area, to provide for clarity and ease of identification. The Secretary may make technical modifications to any such boundaries.

Sec. 9. Native Hawaiian Uses. Native Hawaiian noncommercial subsistence, cultural, or religious uses may continue, to the extent consistent with existing law, within the Reserve and Reserve Preservation Areas identified under section 8 of this order. The Secretary shall work with Native Hawaiian interests to identify those areas where such Native Hawaiian uses of the Reserve's resources may be conducted without injury to the Reserve's coral reef ecosystem and related marine resources and species, and may revise the areas where such activities may occur after public review and comment, and consideration of any advice and recommendations of the Reserve Council.

Sec. 10. National Wildlife Refuges.

(a) The Secretary of the Interior, in managing, through the U.S. Fish and Wildlife Service the Hawaiian Islands and Midway Atoll National Wildlife Refuges pursuant to the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-668ee) and other applicable laws, shall follow the Management Principles of section 4 of this order, to the extent consistent with applicable law.

(b) Wherever the Reserve overlaps the Hawaiian Islands National Wildlife Refuge, the Reserve shall be managed to supplement and complement management of the Refuge to ensure coordinated conservation and management of the Reserve and the Refuge, consistent with the purposes and policies of the National Marine Sanctuaries Act, the National Marine Sanctuaries Amendments Act of 2000, and this order, and the authorities of the U.S. Fish and Wildlife Service under the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-668ee) and other laws with respect to management of the Refuge. Nothing in this order shall enlarge or diminish the jurisdiction or authority of the Secretary or Secretary of the Interior in managing the Reserve or Refuge, respectively.

(c) The Secretary of the Interior, through the U.S. Fish and Wildlife Service, shall coordinate with the Secretary and the Governor of the State of Hawaii, as provided under section 5(b) of this order, to ensure coordinated protection and management among the Reserve, Refuges, and State, consistent with relevant authorities.

Sec. 11. Administration and Judicial Review.

(a) *International Law.* Management of the Reserve and any regulations issued pursuant thereto and all other provisions of this order shall be applied consistently with the 1983 Presidential Proclamation on the Exclusive Economic Zone, the 1988 Presidential Proclamation on the Territorial Sea, and the 1999 Presidential Proclamation on Contiguous Zone and in accordance with generally recognized principles of international law, and with the treaties, conventions, and other agreements to which the United States is a party. The Secretary shall consult with the Department of State in implementing this order.

(b) *Agency Responsibilities.* All Federal agencies whose actions may affect the Reserve and any National Marine Sanctuary established by the Secretary pursuant to this order shall carry out such actions in accordance with applicable laws, regulations and Executive Orders, including Executive Orders 13089 of June 11, 1998, and 13158 of May 26, 2000.

(c) *National Security and Emergency Actions.* Consistent with applicable law, nothing in this order is intended to apply to military activities (including those carried out by the United States Coast Guard), including military exercises, conducted within or in the vicinity of the Reserve, consistent with the requirements of Executive Orders 13089 of June 11, 1998, and 13158 of May 26, 2000. Further, nothing in this order is intended to restrict the Department of Defense from conducting activities necessary during time of war or national emergency, or when necessary for reasons of national security as determined by the Secretary of Defense, consistent with applicable law. In addition, consistent with applicable law, nothing in this order shall limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.

(d) *United States Coast Guard.* Nothing in this order is intended to limit the authority of the United States Coast Guard to enforce any Federal law, or install or maintain aids to navigation.

(e) *Funding.* This order shall be carried out subject to the availability of appropriated funds and to the extent permitted by law.

(f) *Territorial Waters.* Nothing in this order shall enlarge or diminish the jurisdiction or authority of the State of Hawaii or the United States over submerged or other lands within the territorial waters off the coast of Hawaii.

(g) *Judicial Review.* This order does not create any right or benefit, substantive or procedural, enforceable in law or equity by a party against the United States, its agencies, its officers, or any person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
December 4, 2000.

No. 13185

December 28, 2000, 66 F.R. 701

To Strengthen the Federal Government-University Research Partnership

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to keep the Federal Government-University research partnership strong, it is hereby ordered as follows:

Section 1. Principles of the Government-University Partnership. The partnership in science and technology that has evolved between the Federal Government and American universities has yielded benefits that are vital to each. It continues to prove exceptionally productive, successfully promoting the discovery of knowledge, stimulating technological innovation, improving the quality of life, educating and training the next generation of scientists and engineers, and contributing to America's economic prosperity and national security. In order to reaffirm and strengthen this partnership, this order sets forth the following guiding and operating principles that are fully described in the April 1999 National Science and Technology Council report, "Renewing the Government-University Partnership." These principles shall provide the framework for the development and analysis of all future Federal policies, rules, and regulations for the Federal Government-University research partnership.

(a) The guiding principles that shall govern interactions between the Federal Government and universities that perform research are:

- (1) Research is an investment in the future;
- (2) The integration of research and education is vital;
- (3) Excellence is promoted when investments are guided by merit review; and
- (4) Research must be conducted with integrity.

(b) The operating principles that shall assist agencies, universities, individual researchers, and auditing and regulatory bodies in implementing the guiding principles are:

- (1) Agency cost-sharing policies and practices must be transparent;
- (2) Partners should respect the merit review process;
- (3) Agencies and universities should manage research in a cost-efficient manner;
- (4) Accountability and accounting are not the same;
- (5) The benefits of simplicity in policies and practices should be weighed against the costs;
- (6) Change should be justified by need and the process made transparent.

(c) Each executive branch department or agency that supports research at universities shall regularly review its existing policies and procedures to ensure that they meet the spirit and intent of the guiding and operating principles stated above.

Sec. 2. Office of Science and Technology (OSTP) Review of the Government-University Research Partnership. (a) The OSTP, in conjunction with the National Science and Technology Council, shall conduct a regular review of the Government-University research partnership and prepare a report on the status of the partnership. The OSTP should receive input from all departments or agencies that have a major impact on the Government-University partnership through their support of research and education, policy making, regulatory activities, and research administration. In addition, OSTP may seek the input of the National Science Board and the President's Committee of Advisors for Science and Technology, as well as other stakeholders, such as State and

local governments, industry, the National Academy of Sciences, and the Federal Demonstration Partnership.

(b) The purpose of the review and the report is to determine the overall health of the Government-University research partnership, being mindful of the guiding and operating principles stated above. The report should include recommendations on how to improve the Government-University partnership.

(c) The Director of OSTP shall deliver the report to the President.

Sec. 3. Judicial Review. This order does not create any enforceable rights against the United States, its agencies, its officers, or any person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
December 28, 2000.

No. 13186

January 10, 2001, 66 F.R. 3853

Responsibilities of Federal Agencies To Protect Migratory Birds

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in furtherance of the purposes of the migratory bird conventions, the Migratory Bird Treaty Act (16 U.S.C. 703–711), the Bald and Golden Eagle Protection Acts (16 U.S.C. 668–668d), the Fish and Wildlife Coordination Act (16 U.S.C. 661–666c), the Endangered Species Act of 1973 (16 U.S.C. 1531–1544), the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347), and other pertinent statutes, it is hereby ordered as follows:

Section 1. Policy. Migratory birds are of great ecological and economic value to this country and to other countries. They contribute to biological diversity and bring tremendous enjoyment to millions of Americans who study, watch, feed, or hunt these birds throughout the United States and other countries. The United States has recognized the critical importance of this shared resource by ratifying international, bilateral conventions for the conservation of migratory birds. Such conventions include the Convention for the Protection of Migratory Birds with Great Britain on behalf of Canada 1916, the Convention for the Protection of Migratory Birds and Game Mammals-Mexico 1936, the Convention for the Protection of Birds and Their Environment- Japan 1972, and the Convention for the Conservation of Migratory Birds and Their Environment-Union of Soviet Socialist Republics 1978. These migratory bird conventions impose substantive obligations on the United States for the conservation of migratory birds and their habitats, and through the Migratory Bird Treaty Act (Act), the United States has implemented these migratory bird conventions with respect to the United States. This Executive Order directs executive departments and agencies to take certain actions to further implement the Act.

Sec. 2. Definitions. For purposes of this order:

(a) “Take” means take as defined in 50 C.F.R. 10.12, and includes both “intentional” and “unintentional” take.

(b) “Intentional take” means take that is the purpose of the activity in question.

(c) “Unintentional take” means take that results from, but is not the purpose of, the activity in question.

(d) “Migratory bird” means any bird listed in 50 C.F.R. 10.13.

(e) “Migratory bird resources” means migratory birds and the habitats upon which they depend.

(f) “Migratory bird convention” means, collectively, the bilateral conventions (with Great Britain/Canada, Mexico, Japan, and Russia) for the conservation of migratory bird resources.

(g) “Federal agency” means an executive department or agency, but does not include independent establishments as defined by 5 U.S.C. 104.

(h) “Action” means a program, activity, project, official policy (such as a rule or regulation), or formal plan directly carried out by a Federal agency. Each Federal agency will further define what the term “action” means with respect to its own authorities and what programs should be included in the agency-specific Memoranda of Understanding required by this order. Actions delegated to or assumed by nonfederal entities, or carried out by nonfederal entities with Federal assistance, are not subject to this order. Such actions, however, continue to be subject to the Migratory Bird Treaty Act.

(i) “Species of concern” refers to those species listed in the periodic report “Migratory Nongame Birds of Management Concern in the United States,” priority migratory bird species as documented by established plans (such as Bird Conservation Regions in the North American Bird Conservation Initiative or Partners in Flight physiographic areas), and those species listed in 50 C.F.R. 17.11.

Sec. 3. Federal Agency Responsibilities. (a) Each Federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations is directed to develop and implement, within 2 years, a Memorandum of Understanding (MOU) with the Fish and Wildlife Service (Service) that shall promote the conservation of migratory bird populations.

(b) In coordination with affected Federal agencies, the Service shall develop a schedule for completion of the MOUs within 180 days of the date of this order. The schedule shall give priority to completing the MOUs with agencies having the most substantive impacts on migratory birds.

(c) Each MOU shall establish protocols for implementation of the MOU and for reporting accomplishments. These protocols may be incorporated into existing actions; however, the MOU shall recognize that the agency may not be able to implement some elements of the MOU until such time as the agency has successfully included them in each agency’s formal planning processes (such as revision of agency land management plans, land use compatibility guidelines, integrated resource management plans, and fishery management plans), including public participation and NEPA analysis, as appropriate. This order and the MOUs to be developed by the agencies are intended to be implemented when new actions or renewal of contracts, permits, delegations, or other third party agreements are initiated as well as during the initiation of new, or revisions to, land management plans.

(d) Each MOU shall include an elevation process to resolve any dispute between the signatory agencies regarding a particular practice or activity.

(e) Pursuant to its MOU, each agency shall, to the extent permitted by law and subject to the availability of appropriations and within Administration budgetary limits, and in harmony with agency missions:

(1) support the conservation intent of the migratory bird conventions by integrating bird conservation principles, measures, and practices into agency activities and by avoiding or minimizing, to the extent practicable, adverse impacts on migratory bird resources when conducting agency actions;

(2) restore and enhance the habitat of migratory birds, as practicable;

(3) prevent or abate the pollution or detrimental alteration of the environment for the benefit of migratory birds, as practicable;

(4) design migratory bird habitat and population conservation principles, measures, and practices, into agency plans and planning processes (natural resource, land management, and environmental quality planning, including, but not limited to, forest and rangeland planning, coastal management planning, watershed planning, etc.) as practicable, and coordinate with other agencies and nonfederal partners in planning efforts;

(5) within established authorities and in conjunction with the adoption, amendment, or revision of agency management plans and guidance, ensure that agency plans and actions promote programs and recommendations of comprehensive migratory bird planning efforts such as Partners-in-Flight, U.S. National Shorebird Plan, North American Waterfowl Management Plan, North American Colonial Waterbird Plan, and other planning efforts, as well as guidance from other sources, including the Food and Agricultural Organization’s International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries;

(6) ensure that environmental analyses of Federal actions required by the NEPA or other established environmental review processes evaluate the effects of actions and agency plans on migratory birds, with emphasis on species of concern;

(7) provide notice to the Service in advance of conducting an action that is intended to take migratory birds, or annually report to the Service on the number of individuals of each species of migratory birds intentionally taken during the conduct of any agency action, including but not limited to banding or marking, scientific collecting, taxidermy, and depredation control;

(8) minimize the intentional take of species of concern by: (i) delineating standards and procedures for such take; and (ii) developing procedures for the review and evaluation of take actions. With respect to intentional take, the MOU shall be consistent with the appropriate sections of 50 C.F.R. parts 10, 21, and 22;

(9) identify where unintentional take reasonably attributable to agency actions is having, or is likely to have, a measurable negative effect on migratory bird populations, focusing first on species of concern, priority habitats, and key risk factors. With respect to those actions so identified, the agency shall develop and use principles, standards, and practices that will lessen the amount of unintentional take, developing any such conservation efforts in cooperation with the Service. These principles, standards, and practices shall be regularly evaluated and revised to ensure that they are effective in lessening the detrimental effect of agency actions on migratory bird populations. The agency also shall inventory and monitor bird habitat and populations within the agency's capabilities and authorities to the extent feasible to facilitate decisions about the need for, and effectiveness of, conservation efforts;

(10) within the scope of its statutorily-designated authorities, control the import, export, and establishment in the wild of live exotic animals and plants that may be harmful to migratory bird resources;

(11) promote research and information exchange related to the conservation of migratory bird resources, including coordinated inventorying and monitoring and the collection and assessment of information on environmental contaminants and other physical or biological stressors having potential relevance to migratory bird conservation. Where such information is collected in the course of agency actions or supported through Federal financial assistance, reasonable efforts shall be made to share such information with the Service, the Biological Resources Division of the U.S. Geological Survey, and other appropriate repositories of such;

(12) provide training and information to appropriate employees on methods and means of avoiding or minimizing the take of migratory birds and conserving and restoring migratory bird habitat;

(13) promote migratory bird conservation in international activities and with other countries and international partners, in consultation with the Department of State, as appropriate or relevant to the agency's authorities;

(14) recognize and promote economic and recreational values of birds, as appropriate; and;

(15) develop partnerships with non-Federal entities to further bird conservation.

(f) Notwithstanding the requirement to finalize an MOU within 2 years, each agency is encouraged to immediately begin implementing the conservation measures set forth above in subparagraphs (1) through (15) of this section, as appropriate and practicable.

(g) Each agency shall advise the public of the availability of its MOU through a notice published in the **Federal Register**.

Sec. 4. Council for the Conservation of Migratory Birds. (a) The Secretary of Interior shall establish an interagency Council for the Conservation of Migratory Birds

(Council) to oversee the implementation of this order. The Council's duties shall include the following:

(1) sharing the latest resource information to assist in the conservation and management of migratory birds;

(2) developing an annual report of accomplishments and recommendations related to this order;

(3) fostering partnerships to further the goals of this order; and

(4) selecting an annual recipient of a Presidential Migratory Bird Federal Stewardship Award for contributions to the protection of migratory birds.

(b) The Council shall include representation, at the bureau director/administrator level, from the Departments of the Interior, State, Commerce, Agriculture, Transportation, Energy, Defense, and the Environmental Protection Agency and from such other agencies as appropriate.

Sec. 5. Application and Judicial Review. (a) This order and the MOU to be developed by the agencies do not require changes to current contracts, permits, or other third party agreements.

(b) This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, separately enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON

THE WHITE HOUSE,

January 10, 2001.

No. 13195

January 18, 2001, 66 F.R. 7391

Trails for America in the 21st Century

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in furtherance of purposes of the National Trails System Act of 1968, as amended (16 U.S.C. 1241–1251), the Transportation Equity Act for the 21st Century (Public Law 105–178), and other pertinent statutes, and to achieve the common goal of better establishing and operating America’s national system of trails, it is hereby ordered as follows:

Section 1. Federal Agency Duties. Federal agencies will, to the extent permitted by law and where practicable—and in cooperation with Tribes, States, local governments, and interested citizen groups—protect, connect, promote, and assist trails of all types throughout the United States. This will be accomplished by:

(a) Providing trail opportunities of all types, with minimum adverse impacts and maximum benefits for natural, cultural, and community resources;

(b) Protecting the trail corridors associated with national scenic trails and the high priority potential sites and segments of national historic trails to the degrees necessary to ensure that the values for which each trail was established remain intact;

(c) Coordinating maps and data for the components of the national trails system and Millennium Trails network to ensure that these trails are connected into a national system and that they benefit from appropriate national programs;

(d) Promoting and registering National Recreation Trails, as authorized in the National Trails System Act, by incorporating where possible the commitments and partners active with Millennium Trails;

(e) Participating in a National Trails Day the first Saturday of June each year, coordinating Federal events with the National Trails Day’s sponsoring organization, the American Hiking Society;

(f) Familiarizing Federal agencies that are active in tourism and travel with the components of a national system of trails and the Millennium Trails network and including information about them in Federal promotional and outreach programs;

(g) Fostering volunteer programs and opportunities to engage volunteers in all aspects of trail planning, development, maintenance, management, and education as outlined in 16 U.S.C. 1250;

(h) Encouraging participation of qualified youth conservation or service corps, as outlined in 41 U.S.C. 12572 and 42 U.S.C. 12656, to perform construction and maintenance of trails and trail-related projects, as encouraged in sections 1108(g) and 1112(e) of the Transportation Equity Act for the 21st Century, and also in trail planning protection, operations, and education;

(i) Promoting trails for safe transportation and recreation within communities;

(j) Providing and promoting a wide variety of trail opportunities and experiences for people of all ages and abilities;

(k) Providing historical interpretation of trails and trail sites and enhancing cultural and heritage tourism through special events, artworks, and programs; and

(l) Providing training and information services to provide high-quality information and training opportunities to Federal employees, Tribal, State, and local government agencies, and the other trail partners.

Sec. 2. The Federal Interagency Council on Trails. The Federal Interagency Council on Trails (Council), first established by agreement between the Secretaries of Agriculture and the Interior in 1969, is hereby recognized as a long-standing interagency working group. Its core members represent the Department of the Interior's Bureau of Land Management and National Park Service, the Department of Agriculture's Forest Service, and the Department of Transportation's Federal Highway Administration. Other Federal agencies, such as those representing cultural and heritage interests, are welcome to join this council. Leadership of the Council may rotate among its members as decided among themselves at the start of each fiscal year. The Council's mission is to coordinate information and program decisions, as well as policy recommendations, among all appropriate Federal agencies (in consultation with appropriate nonprofit organizations) to foster the development of America's trails through the following means:

(a) Enhancing federally designated trails of all types (e.g., scenic, historic, recreation, and Millennium) and working to integrate these trails into a fully connected national system;

(b) Coordinating mapping, signs and markers, historical and cultural interpretations, public information, training, and developing plans and recommendations for a national trails registry and database;

(c) Ensuring that trail issues are integrated in Federal agency programs and that technology transfer and education programs are coordinated at the national level; and

(d) Developing a memorandum of understanding among the agencies to encourage long-term interagency coordination and cooperation to further the spirit and intent of the National Trails System Act and related programs.

Sec. 3. Issue Resolution and Handbook for Federal Administrators of the National Trails System. Federal agencies shall together develop a process for resolving interagency issues concerning trails. In addition, reflecting the authorities of the National Trails System Act, participating agencies shall coordinate preparation of (and updates for) an operating handbook for Federal administrators of the National Trails System and others involved in creating a national system of trails. The handbook shall reflect each agencies' governing policies and provide guidance to each agencies' field staff and partners about the roles and responsibilities needed to make each trail in the national system fully operational.

Sec. 4. Observance of Existing Laws. Nothing in this Executive Order shall be construed to override existing laws, including those that protect the lands, waters, wildlife habitats, wilderness areas, and cultural values of this Nation.

Sec. 5. Judicial Review. This order is intended only to improve the internal management of the executive branch. It does not create any right or benefit, substantive or procedural, enforceable in law or equity by any party against the United States, its agencies, its officers or employees, or any other person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
January 18, 2001.

No. 13196

January 18, 2001, 66 F.R. 7395

Final Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Marine Sanctuaries Act, (16 U.S.C. 1431 *et seq.*), and the National Marine Sanctuaries Amendments Act of 2000, Public Law 106-513, and in furtherance of the purposes of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1401 *et seq.*), Coastal Zone Management Act (16 U.S.C. 1451 *et seq.*), Endangered Species Act (16 U.S.C. 1531 *et seq.*), Marine Mammal Protection Act (16 U.S.C. 1362 *et seq.*), Clean Water Act (33 U.S.C. 1251 *et seq.*), National Historic Preservation Act (16 U.S.C. 470 *et seq.*), National Wildlife Refuge System Administration Act (16 U.S.C. 668dd–e.e.), and other pertinent statutes, it is ordered as follows:

Sec. 1. Preamble. On December 4, 2000, I issued Executive Order 13178 establishing the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (Reserve) pursuant to my authority under the National Marine Sanctuaries Act, as amended by the National Marine Sanctuary Amendments Act of 2000 (Act). In establishing the Reserve, I set forth a number of conservation measures and created specific Reserve Preservation Areas to protect the coral reef ecosystem and related marine resources and species (resources) of the Reserve. The Act provides that no closure areas can become permanent without adequate notice and comment. Accordingly, I proposed to make permanent the Reserve Preservation Areas and initiated a 30-day comment period on this proposal. I also sought comment on the conservation measures for the Reserve. On my behalf, the Secretary of Commerce received the public comments and held seven public hearings, including six throughout Hawaii. After considering the comments expressed at the hearings and received in writing, I have determined to make permanent the Reserve Preservation Areas with certain modifications set forth below. Further, I have modified certain conservation measures to address concerns raised, particularly regarding commercial and recreational fishing within the Reserve. With this action, the establishment of the Reserve under the Act, including the conservation measures and permanent Reserve Preservation Areas, is complete. The Secretary of Commerce will manage the Reserve pursuant to Executive Order 13178, as modified by this order, under the Act. The Secretary shall also initiate the process to designate the Reserve as a National Marine Sanctuary, as required by the Act.

Sec. 2. Purpose. The purpose of this order is to amend Executive Order 13178, and to make permanent Reserve Preservation Areas, as modified below, to ensure the comprehensive, strong, and lasting protection of the resources of the Northwestern Hawaiian Islands.

Sec. 3. Amendments to Sections 7 of Executive Order 13178.

1. Section 7(a)(1) of Executive Order 13178 is hereby amended by revising the first sentence to read as follows: “Commercial Fishing. All currently existing commercial Federal fishing permits and current levels of fishing effort and take, which also includes the non-permitted level of trolling for pelagic species by currently permitted bottom fishers, as determined by the Secretary and pursuant to regulations in effect on December 4, 2000, shall be capped as follows:”

2. Section 7(a)(1)(C) of Executive Order 13178 is hereby revised to read as follows:

“(C) The annual level of aggregate take under all permits of any particular type of fishing may not exceed the aggregate level of take under all permits of that type of fishing as follows:

(1) Bottomfishing—the annual aggregate level for each permitted bottomfisher shall be that permittee’s individual average taken over the 5 years preceding December 4, 2000, as determined by the Secretary, provided that the Secretary, in furtherance of the principles of the reserve, may make a one-time reasonable increase to the total aggregate to allow for the use of two Native Hawaiian bottomfishing permits;

(2) All other commercial fishing—the annual aggregate level shall be the permittee’s individual take in the year preceding December 4, 2000, as determined by the Secretary.”

3. A new section 7(a)(1)(F) is hereby added to Executive Order 13178 and reads as follows:

“(F) Trolling for pelagic species shall be capped based on reported landings for the year preceding December 4, 2000.”

4. Section 7(b)(4) is revised to read as follows:

“(4) Discharging or depositing any material or other matter into the Reserve, or discharging or depositing any material or other matter outside the Reserve that subsequently enters the Reserve and injures any resource of the Reserve, except:

(A) fish parts (i.e., chumming material or bait) used in and during fishing operations authorized under this order;

(B) biodegradable effluent incident to vessel use and generated by a marine sanitation device in accordance with section 312 of the Federal Water Pollution Control Act, as amended;

(C) water generated by routine vessel operations (e.g., deck wash down and graywater as defined in section 312 of the Federal Water Pollution Control Act), excluding oily wastes from bilge pumping; or

(D) cooling water from vessels or engine exhaust; and”.

Sec. 4. Amendments to Sections 8 of Executive Order 13178.

1. Section 8 of Executive Order 13178 is modified by substituting “provided that commercial bottomfishing and commercial and recreational trolling for pelagic species in accordance with the requirements of sections 7(a)(1) and 7(a)(2) of this order, respectively,” for “provided that bottomfishing in accordance with the requirements of section 7(a)(1)” every-where the latter phrase appears in section 8.

2. Section 8(a)(1)(A) is modified by substituting “a mean depth of 25 fm” for “a mean depth of 10fm.”

3. Section 8(a)(1)(B) is modified by substituting “a mean depth of 25 fm” for “a mean depth of 20fm.”

4. Section 8(a)(1)(D) is modified by substituting “a mean depth of 25 fm” for “a mean depth of 10fm.”

5. Section 8(a)(1)(E) is modified by substituting “a mean depth of 25 fm” for “a mean depth of 20fm.”

6. Section 8(a)(1)(G) is modified by substituting “a mean depth of 25 fm” for “a mean depth of 50fm.”

7. Section 8(a)(1)(I) is revised to read “Kure Atoll.”

8. Sections 8(a)(2)(D) and (E) are hereby deleted and a new section 8(a)(3) is hereby substituted as follows:

“(3) Twelve nautical miles around the approximate geographical centers of

(A) The first bank west of St. Rogation Bank, east of Gardner Pinnacles, provided that commercial bottomfishing and commercial and recreational trolling for pelagic species in accordance with the requirements of sections 7(a)(1) and 7(a)(2) of this order, shall be allowed to continue for a period of 5 years from the date of this order; and

(B) Raita Bank, provided that commercial bottomfishing and commercial and recreational trolling for pelagic species in accordance with the requirements of sections 7(a)(1) and 7(a)(2) of this order, shall be allowed to continue for a period of 5 years from the date of this order; and

(C) Provided that both banks described above in (3)(A) and (3)(B) shall only continue to allow commercial bottomfishing and commercial and recreational trolling for pelagic species after the 5-year time period if it is determined that continuation of such activities will have no adverse impact on the resources of these banks.”

Sec. 5. Reserve Preservation Areas. The Reserve Preservation Areas, as modified in sections 3 and 4 of this order, are hereby made permanent in accordance with the Act.

Sec. 6. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable in law or equity by a party against the United States, its agencies, its officers, or any person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
January 18, 2001.

Appendix I includes copies of the original laws passed by Congress to authorize various cemeteries and parks that were transferred from the War Department to the National Park Service by Executive Order 6228 of July 28, 1933. The text of this executive order is found on pages 6-8 in the 1946 volume of *Proclamations and Orders Relating to The National Park Service*. The laws are arranged in this section according to the order listed in Executive Order 6228.

Some of the original laws for the sites transferred by Executive Order 6228 were already printed in the 1946 volume of *Proclamations and Orders Relating to The National Park Service*. Rather than reprinting those laws here, we have noted the pages from the 1946 volume on which those laws can be found.

Special mention needs to be made of the national cemeteries transferred to the National Park Service by Executive Order 6228. Many of them did not have original authorization laws passed by Congress as they were created by executive action of the War Department or by the states in which they were located. In the cases where no original authorizing founds are found, we have made note of the dates when the cemeteries were created and when they were transferred to the National Park Service.

I. NATIONAL MILITARY PARKS

1. Chickamauga and Chattanooga National Military Park, Georgia and Tennessee

FIFTY-FIRST CONGRESS. SESS. I. CH. 806. 1890.

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CHAP. 806.—An Act to establish a national military park at the battle-field of Chickamauga.

August 19, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of preserving and suitably marking for historical and professional military study the fields of some of the most remarkable maneuvers and most brilliant fighting in the war of the rebellion, and upon the ceding of jurisdiction to the United States by the States of Tennessee and Georgia, respectively, and the report of the Attorney General of the United States that the title to the lands thus ceded is perfect, the following described highways in those States are hereby declared to be approaches to and parts of the Chickamauga and Chattanooga National Military Park as established by the second section of this act, to wit: First. The Missionary Ridge Crest road from Sherman Heights at the north end of Missionary Ridge, in Tennessee, where the said road enters upon the ground occupied by the Army of the Tennessee under Major-General William T. Sherman, in the military operations of November twenty-fourth and twenty-fifth, eighteen hundred and sixty-three; thence along said road through the positions occupied by the army of General Braxton Bragg on November twenty-fifth, eighteen hundred and sixty-three, and which were assaulted by the Army of the Cumberland under Major-General George H. Thomas on that date, to where the said road crosses the southern boundary of the State of Tennessee, near Rossville Gap, Georgia, upon the ground occupied by the troops of Major-General Joseph Hooker, from the Army of the Potomac, and thence in the State of Georgia to the junction of said road with the Chattanooga and Lafayette or State road at Rossville Gap; second, the Lafayette or State road from Rossville, Georgia, to Lee and Gordon's Mills, Georgia; third, the road from Lee and Gordon's Mills, Georgia, to Crawfish Springs, Georgia; fourth, the road from Crawfish Springs, Georgia, to the crossing of the Chickamauga at Glass' Mills, Georgia; fifth, the Dry Valley road from Rossville, Georgia, to the southern limits of McFarland's Gap in Missionary Ridge; sixth, the Dry Valley and Crawfish Springs road from McFarland's Gap to the intersection of the road from Crawfish Springs to Lee and Gordon's Mills; seventh, the road from Ringold, Georgia, to Reed's Bridge on the Chickamauga River; eighth, the roads from the crossing of Lookout Creek across the northern slope of Lookout Mountain and thence to the old Summertown Road and to the valley on the east slope of the said mountain, and thence by the route of General Joseph Hooker's troops to Rossville, Georgia, and each and all of these herein described roads shall, after the passage of this act, remain open as free public highways, and all rights of way now existing through the grounds of the said park and its approaches shall be continued.

Chickamauga and Chattanooga National Military Park established.
 Purpose.
 Conditions.
 Jurisdiction.
 Title.
 Highways declared approaches to and parts of park.
 Description of roads.

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FIFTY-FIRST CONGRESS. SESS. I. CH. 806. 1890.

To remain free public highways.
 Rights of way.

SEC. 2. That upon the ceding of jurisdiction by the legislature of the State of Georgia, and the report of the Attorney-General of the United States that a perfect title has been secured under the provisions of the act approved August first, eighteen hundred and eighty-eight, entitled "An act to authorize condemnation of land for sites of public buildings, and for other purposes," the

<p>Conditions. Jurisdiction.</p> <p>Title. Vol. 25 p. 357. Condemnation of lands and roads.</p> <p><i>Supra.</i></p> <p>Name, etc.</p> <p>Description of condemned area.</p> <p><i>Post</i>, p. 978.</p> <p>Acreage.</p> <p>Park and approaches to be under control of Secretary of War.</p> <p>Proceedings in condemnation.</p> <p>Vol. 25, p. 357.</p> <p>Establishment and marking of boundaries. Agreements with present land owners to remain, etc.</p> <p>Conditions of occupancy. Appointment of park commissioners.</p> <p>Composition, etc., of commission.</p> <p>Secretary of commission. Office.</p>	<p>lands and roads embraced in the area bounded as herein described, together with the roads described in section one of this act, are hereby declared to be a national park, to be known as the Chickamauga and Chattanooga National Park; that is to say, the area inclosed by a line beginning on the Lafayette or State road, in Georgia, at a point where the bottom of the ravine next north of the house known on the field of Chickamauga as the Cloud House, and being about six hundred yards north of said house, due east to the Chickamauga River and due west to the intersection of the Dry Valley road at McFarland's Gap; thence along the west side of the Dry Valley and Crawfish Springs roads to the south side of the road from Crawfish Springs to Lee and Gordon's Mills; thence along the south side of the last named road to Lee and Gordon's Mills; thence along the channel of the Chickamauga River to the line forming the northern boundary of the park, as hereinbefore described, containing seven thousand six hundred acres, more or less.</p> <p>SEC. 3. That the said Chickamauga and Chattanooga National Park, and the approaches thereto, shall be under the control of the Secretary of War, and it shall be his duty, immediately after the passage of this act to notify the Attorney General of the purpose of the United States to acquire title to the roads and lands described in the previous sections of this act under the provisions of the act of August first, eighteen hundred and eighty-eight; and the said Secretary, upon receiving notice from the Attorney-General of the United States that perfect titles have been secured to the said lands and roads, shall at once proceed to establish and substantially mark the boundaries of the said park.</p> <p>SEC. 4. That the Secretary of War is hereby authorized to enter into agreements, upon such nominal terms as he may prescribe, with such present owners of the land as may desire to remain upon it, to occupy and cultivate their present holdings, upon condition that they will preserve the present buildings and roads, and the present out-lines of field and forest, and that they will only cut trees or under-brush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.</p> <p>SEC. 5. That the affairs of the Chickamauga and Chattanooga National Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, each of whom shall have actively participated in the battle of Chickamauga or one of the battles about Chattanooga, two to be appointed from civil life by the Secretary of War, and a third, who shall be detailed by the Secretary of War from among those officers of the Army best acquainted with the details of the battles of Chickamauga and Chattanooga, who shall act as Secretary of the Commission. The said commissioners and Secretary shall have an office in the War</p>
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<p>Department building, and while on actual duty shall be paid such compensation, out of the appropriation provided in this act, as the Secretary of War shall deem reasonable and just.</p> <p>SEC. 6. That it shall be the duty of the commissioners named in the preceding section, under the direction of the Secretary of War, to superintend the opening of such roads as may be necessary to the purposes of the park, and the repair of the roads of the same, and to ascertain and definitely mark the lines of battle of all troops engaged in the battles of Chickamauga and Chattanooga, so far as the same shall fall within the lines of the park as defined in the previous sections of this act, and, for the purpose of assisting them in their duties and in ascertaining these lines, the Secretary of War shall have authority to employ, at such compensation as he may deem reasonable and just, to be paid out of the</p>	<p>Commissioners' compensation.</p> <p>Duties of commission.</p> <p>Employment of assistant, expert. Compensation.</p>
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appropriation made by this act, some person recognized as well informed in regard to the details of the battles of Chickamauga and Chattanooga, and who shall have actively participated in one of those battles, and it shall be the duty of the Secretary of War from and after the passage of this act, through the commissioners, and their assistant in historical work, and under the act approved August first, eighteen hundred and eighty-eight, regulating the condemnation of land for public uses, to proceed with the preliminary work of establishing the park and its approaches as the same are defined in this act, and the expenses thus incurred shall be paid out of the appropriation provided by this act.

SEC. 7. That it shall be the duty of the commissioners, acting under the direction of the Secretary of War, to ascertain and substantially mark the locations of the regular troops, both infantry and artillery, within the boundaries of the park, and to erect monuments upon those positions as Congress may provide the necessary appropriations; and the Secretary of War in the same way may ascertain and mark all lines of battle within the boundaries of the park and erect plain and substantial historical tablets at such points in the vicinity of the Park and its approaches as he may deem fitting and necessary to clearly designate positions and movements, which, although without the limits of the Park, were directly connected with the battles of Chickamauga and Chattanooga.

SEC. 8. That it shall be lawful for the authorities of any State having troops engaged either at Chattanooga or Chickamauga, and for the officers and directors of the Chickamauga Memorial Association, a corporation chartered under the laws of Georgia, to enter upon the lands and approaches of the Chickamauga and Chattanooga National Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of War, and shall first receive the written approval of the Secretary, which approval shall be based upon formal written reports, which must be made to him in each case by the commissioners of the park.

SEC. 9. That the Secretary of War, subject to the approval of the President of the United States, shall have the power to make, and shall make, all needed regulations for the care of the park and for the establishment and marking of the lines of battle and other historical features of the park.

Vol. 25, p. 357.

Preliminary work of establishing park, etc. Expenses.

Location of regular troops within park.

Monuments, designating.

Lines of battle, within.
Erection of historical tablets.
Positions and movements, without.

Certain States, etc., may ascertain and mark lines of battle, etc.

Proviso.

Secretary of War to first approve lines, etc.
Written reports.

Care of park, etc.
Regulations, etc.

Punishment for injury,
etc., to monuments,
etc.

Trees, etc.

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Exception.
Breast-works, etc.

Conviction.

Fine.

Distribution of fines,
in moieties.
How recoverable.

Appropriation for
preliminary work and
pay, etc., of
commission, etc.

Approved
disbursements.

Report.

SEC. 10. That if any person shall willfully destroy, mutilate, deface, injure, or remove any monument, column, statues, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall willfully destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall willfully destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon such park, except by permission of the Secretary of War, or shall willfully remove or destroy any breast-works, earth-works, walls, or other defenses or shelter, on any part thereof, constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof, before any justice of the peace of the county in which the offense may be committed, shall for each and every such offense forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than five nor more than fifty dollars, one-half to the use of the park and the other half to the informer, to be enforced and recovered, before such justice, in like manner as debts of like nature are now by law recoverable in the several counties where the offense may be committed.

SEC. 11. That to enable the Secretary of War to begin to carry out the purposes of this act, including the condemnation and purchase of the necessary land, marking the boundaries of the park, opening or repairing necessary roads, maps and surveys, and the pay and expenses of the commissioners and their assistant, the sum of one hundred and twenty-five thousand dollars, or such portion thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, and disbursements under this act shall require the approval of the Secretary of War, and he shall make annual report of the same to Congress.

Approved, August 19, 1890.

2. Fort Donelson National Military Park, Tennessee

SEVENTIETH CONGRESS. SESS. I. CH. 248. 1928.

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CHAP. 248.— An Act To establish a national military park at the battle field of Fort Donelson, Tennessee.

March 26, 1928.
[H. R. 5500]
[Public, No. 187.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

Fort Donelson, Tenn., battle-field. Commission created. Army Engineer officer.

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War who served honorably in the military forces of the United States; and

United States Civil War veteran.

(3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

Qualifications of commission.

SEC. 2. In appointing the members of the commission created by section 1 of this Act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Fort Donelson, Tennessee, and the historical events associated therewith.

Duty of commission, to inspect battle field, etc.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Fort Donelson, Tennessee, and to carefully study the available records and historical data with respect to the location and movement of all troops which engaged in the Battle of Fort Donelson, and the important events connected therewith, with a view of preserving and marking such field for historical and professional military study. The commission shall submit a report of its findings and recommendations to the Secretary of War not later than December 1, 1928. Such report shall describe the portion or portions of land within the area of the battle field which the commission thinks should be acquired and embraced in a national park and the price at which such land can be purchased and its reasonable market value; the report of the commission shall also embrace a map or maps showing the lines of battle and the locations of all troops engaged in the Battle of Fort Donelson and the location of the land which it recommends be acquired for the national park; the report of the commission shall contain recommendations for the location of historical tablets at such points on the battle field, both within and without the land to be acquired for the park, as they may deem fitting and necessary to clearly designate positions and movements of troops and important events connected with the Battle of Fort Donelson.

Report of findings to Secretary of War.

Subjects to be considered.

Assignment of officials.

Expenses authorized.

SEC. 4. The Secretary of War is authorized to assign any officials of the War Department to the assistance of the commission if he deems it advisable. He is authorized to pay the reasonable expenses of the commission and their assistants incurred in the actual performance of the duties herein imposed upon them.

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SEVENTIETH CONGRESS. SESS. I. CH. 248. 1928.

Acquiring lands by purchase or condemnation.

SEC. 5. That, upon receipt of the report of said commission, the Secretary of War be, and he is hereby, authorized and directed to acquire, by purchase, when purchasable at prices deemed by him reasonable, otherwise by condemnation, such tract or tracts of lands as are recommended by the

Establishment, etc., as a national military park.	commission as necessary and desirable for a national park; to establish and substantially mark the boundaries of the said park; to definitely mark all lines of battle and locations of troops within the boundaries of the park and erect substantial historical tablets at such points within the park and in the vicinity of the park and its approaches as are recommended by the commission, together with such other points as the Secretary of War may deem appropriate: <i>Provided</i> , That the entire cost of acquiring said land, including cost of condemnation proceedings, if any, ascertainment of title, surveys, and compensation for the land, the cost of marking the battle field, and the expenses of the commission, shall not exceed the sum of \$50,000.
<i>Proviso.</i> Cost limitation.	
Upon cession of jurisdiction by Tennessee, etc., to be Fort Donel-son National Park.	SEC. 6. That, upon the ceding of jurisdiction by the Legislature of the State of Tennessee and the report of the Attorney General of the United States that a perfect title has been acquired, the lands acquired under the provisions of this Act, together with the area already inclosed within the national cemetery at the battle field of Fort Donelson, are hereby declared to be a national park, to be known as the Fort Donelson National Park.
Control of Secretary of War. Superintendent.	SEC. 7. That the said Fort Donelson National Park shall be under the control of the Secretary of War, and he is hereby authorized to make all needed regulations for the care of the park. The superintendent of the Fort Donelson National Cemetery shall likewise be the superintendent of and have the custody and care of the Fort Donelson National Park, under the direction of the Secretary of War.
Agreements with present holders of lands, for protection thereof, etc.	SEC. 8. That the Secretary of War is hereby authorized to enter into agreements, upon such nominal terms as he may prescribe, with such present owners of the land as may desire to remain upon it, to occupy and cultivate their present holdings, upon condition that they will preserve the present buildings and roads, and the present outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.
States may mark lines of battle of their troops.	SEC. 9. That it shall be lawful for the authorities of any State having troops engaged in the Battle of Fort Donelson to enter upon the lands and approaches of the Fort Donelson National Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein: <i>Provided</i> , That before any such lines are permanently designated, the position of the lines and the proposed methods marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of War and shall first receive the written approval of the Secretary.
<i>Proviso.</i> Marking, etc., subject to approval of Secretary of War.	
Penalty for destroying, injuring, etc., property.	SEC. 10. That if any person shall willfully destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall willfully destroy or remove any fence, railing, inclosure, or other work for the protection

or ornament of said park, or any portion thereof, or shall willfully destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon such park, except by permission of the Secretary of War, or shall willfully remove or destroy any breastworks, earthworks, walls, or other defenses or shelter, or any part thereof, constructed by the armies formerly engaged in the battle on the lands or approaches to the park, any person so offending shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall for each and every such offense be fined not less

Amount authorized to be expended.
Post, pp. 929, 1666.

than \$5 nor more than \$100.

SEC. 11. That the sum of \$50,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended for the purposes of this Act.

Approved, March 26, 1928.

3. Fredericksburg and Spotsylvania County Battle Fields Memorial, Virginia

SIXTH-NINTH CONGRESS. SESS. II. CH. 127. 1927.

1091

CHAP. 127.—An Act To establish a national military park at and near Fredericksburg, Virginia, and to mark and preserve historical points connected with the battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, Virginia.

February 14, 1927
[H. R. 9045.]
[Public, No. 609.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to commemorate the Civil War battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, all located at or near Fredericksburg, Virginia, and to mark and preserve for historical purposes the breastworks, earthworks, gun emplacements, walls, or other defenses or shelters used by the armies in said battles, so far as the marking and preservation of the same are practicable, the land herein authorized to be acquired, or so much thereof as may be taken, and the highways and approaches herein authorized to be constructed, are hereby declared to be a national military park to be known as the Fredericksburg and Spotsylvania County Battle Fields Memorial whenever the title to the same shall have been acquired by the United States, the said land so to be acquired being the land necessary for a park of the plan indicated on the index map sheet filed with the report of the Battle Field Commission appointed pursuant to an Act entitled "An Act to provide for the inspection of the battle fields in and around Fredericksburg and Spotsylvania Court House, Virginia," approved on the 7th day of June, 1924, said index map sheet being referred to in said report, and particularly in the "Combined Plan—Antietam system," described in said report, the first of the plans mentioned in said report under the heading "Combined Plan—Antietam system" being the plan which is hereby adopted, the said land herein authorized to be acquired being such land as the Secretary of War may deem necessary to establish a park on the combined plan, Antietam system, above referred to, the particular boundaries of such land to be fixed by surveys made previous to the attempt to acquire the same, and authority is hereby given to the Secretary of War to acquire for the purposes of this Act the land above mentioned, or so much thereof as he may deem necessary, together with all such existing breastworks, earthworks, gun emplacements, walls, defenses, shelters, or other historical points as the Secretary of War may deem necessary, whether shown on said index map sheet or not, and together also with such additional land as the Secretary of War may deem necessary for monuments, markers, tablets, roads, highways, paths, approaches, and to carry out the general purposes of this Act. As title is acquired to parts of the land herein authorized to be acquired, the Secretary of War may proceed with the establishment of the park upon such portions so acquired, and the remaining portions of the lands desired shall be respectively brought within said park as titles to said portions are severally acquired.

Fredericksburg and Spotsylvania County Battle Fields Memorial, Va. Established as a national military park when title to land, etc., acquired.

1092
Description of plan.
Vol. 43, p. 646.

Authority to acquire land, etc.

1092

SIXTH-NINTH CONGRESS. SESS. II. CH. 127. 1927.

Condemnation proceedings to acquire land.
Vol. 25, p. 357.

SEC. 2. The Secretary of War is hereby authorized to cause condemnation proceedings to be instituted in the name of the United States under the provisions of the Act of August 1, 1888, entitled "An Act to authorize condemnation of lands for sites for public buildings, and for other purposes" (Twenty-fifth Statutes at Large, page 357), to acquire title to the lands,

interests therein, or rights pertaining thereto within the said Fredericksburg and Spotsylvania County Battle Fields Memorial, herein above authorized to be acquired, and the United States shall be entitled to immediate possession upon the filing of the petition in condemnation in the United States District Court for the Eastern District of Virginia: *Provided*, That when the owner of such lands, interests therein, or rights pertaining thereto shall fix a price for the same, which in the opinion of the commission, hereinafter referred to, and the Secretary of War, shall be reasonable, the Secretary may purchase the same without further delay: *Provided further*, That the Secretary of War is hereby authorized to accept on behalf of the United States, donations of lands, interests therein or rights pertaining thereto required for the said Fredericksburg and Spotsylvania County Battle Fields Memorial: *And provided further*, That no public money shall be expended for title to any lands until a written opinion of the Attorney General shall be had in favor of the validity of title thereto.

Provisos.
Purchases from owners.

Acceptance of donations.

Payment to await approval of title.

Leases with owners for lands unnecessary to purchase.

1093
Provisos.
Cultivation, etc., of holdings.

Condition.

Proceeds from leases of acquired lands.

SEC. 3. The Secretary of War is hereby authorized to enter into leases with the owners of such of the lands, works, defenses, and buildings thereon within the said Fredericksburg and Spotsylvania County Battle Fields Memorial, as in his discretion it is unnecessary to forthwith acquire title to, and such leases shall be on such terms and conditions as the Secretary of War may prescribe, and may contain options to purchase, subject to later acceptance if in the judgment of the Secretary of War it is as economical to purchase as condemn title to the property: *Provided*, That the Secretary of War may enter into agreements upon such nominal terms as he may prescribe, permitting the present owners or their tenants to occupy or cultivate their present holdings, upon condition that they will preserve the present breastworks, earthworks, walls, defenses, shelters, buildings, and roads, and the present outlines of the battle fields, and that they will only cut trees or underbrush or disturb or remove the soil, under such regulations as the Secretary of War may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority: *Provided further*, That if such agreements to lease cover any lands the title to which shall have been acquired by the United States, the proceeds from such agreements shall be applied by the Secretary of War toward the maintenance of the park.

SIXTH-NINTH CONGRESS. SESS. II. CH. 127. 1927.

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SEC. 4. The affairs of the said Fredericksburg and Spotsylvania County Battle Fields Memorial shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, consisting of Army officers, civilians, or both, to be appointed by the Secretary of War, one of whom shall be designated as chairman and another as secretary of the commission.

SEC. 5. It shall be the duty of the commissioners, under the direction of the Secretary of War, to survey, locate, and preserve the lines of the opposing armies in said battles, to open, construct, and repair such roads, highways, paths, and other approaches as may be necessary to make the historical points accessible to the public and to students of said battles and for the purposes of

Commission to have charge of affairs of park.

Duties prescribed.

the park, to ascertain and mark with historical monuments, markers, tablets, or otherwise, as the Secretary of War may determine, all breastworks, earthworks, gun emplacements, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the park or in its vicinity, and to establish and construct such observation towers as the Secretary of War may deem necessary for said park, and the said commission in establishing the park shall have authority, under the direction of the Secretary of War, to employ such labor and services at rates to be fixed by the Secretary of War, and to obtain such supplies and materials as may be necessary to carry out the provisions of this Act.

SEC. 6. The commission, acting through the Secretary of War, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the said Fredericksburg and Spotsylvania County Battle Fields Memorial: *Provided*, That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Fredericksburg and Spotsylvania County Battle Fields Memorial fund," which fund shall be applied to and expended under the direction of the Secretary of War for carrying out the provisions of this Act.

Acceptance of gifts, etc., authorized.

Proviso.
Moneys to be deposited to credit of special fund.

SEC. 7. It shall be lawful for the authorities of any State having had troops engaged in said battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, or in any of said battles, to enter upon the lands and approaches of the Fredericksburg and Spotsylvania County Battle Fields Memorial for the purposes of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription for the same, shall be submitted to the Secretary of War, and shall first receive

States may mark lines of battle of their troops.

Provisos.
Approval of marking, etc., by the Secretary of War.

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SIXTH-NINTH CONGRESS. SESS. II. CH. 127. 1927.

No discrimination in designating lines.

written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the commissioners of the park: *Provided*, That no discrimination shall be made against any State as to the manner of designing lines, but any grant made to any State by the Secretary of War may be used by any other State.

Penalty for destroying, injuring, etc., property.

SEC. 8. If any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty

thereof before any justice of the peace of the county in which the offense may be committed, or any court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than \$5 nor more than \$50, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as debts of like nature are now by law recoverable in the several counties where the offense may be committed.

Recovery.

SEC. 9. The Secretary of War, subject to the approval of the President, shall have the power to make and shall make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park.

Rules, etc., to be prescribed.

SEC. 10. Upon completion of the acquisition of the land and the work of the commission, the Secretary of War shall render a report thereon to Congress, and thereafter the park shall be placed in charge of a superintendent at a salary to be fixed by the Secretary of War and paid out of the appropriation available for the maintenance of the park.

Report to Congress on acquisition of land.
Superintendent to be appointed.

SEC. 11. To enable the Secretary of War to begin to carry out the provisions of this Act, including the condemnation, purchase, or lease of the necessary lands, surveys, maps, marking the boundaries of the park, opening, constructing, or repairing necessary roads, pay and expenses of commissioners, salaries for labor and services, traveling expenses, supplies and materials, the sum of \$50,000 is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, to remain available until expended, and such additional sums are hereby authorized to be appropriated from time to time as may be necessary for the completion of the project and for the proper maintenance of said park. All disbursements under this Act shall be annually reported by the Secretary of War to Congress.

Authorization for expenses.

Approved, February 14, 1927.

4. Gettysburg National Military Park, Pennsylvania

FIFTY-THIRD CONGRESS. SESS. III. CH. 80. 1895.

651

CHAP. 80.—An Act To establish a national military park at Gettysburg, Pennsylvania.

February 11, 1895.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized to receive from the Gettysburg Battlefield Memorial Association, a corporation chartered by the State of Pennsylvania, a deed of conveyance to the United States of all the lands belonging to said association, embracing about eight hundred acres, more or less, and being a considerable part of the battlefield of Gettysburg, together with all rights of way over avenues through said lands acquired by said association, and all improvements made by it in and upon the same. Upon the due execution and delivery to the Secretary of War of such deed of conveyance, the Secretary of War is authorized to pay to the said Battlefield Memorial Association the sum of two thousand dollars, or so much thereof as may be necessary to discharge the debts of said association, the amount of such debts to be verified by the officers thereof, and the sum of two thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated to meet and defray such charges.

Gettysburg National Park.

Acceptance of land from Battle-field Memorial Association.

SEC. 2. That as soon as the lands aforesaid shall be conveyed to the United States the Secretary of War shall take possession of the same, and such other lands on the battlefield as the United States have acquired, or shall hereafter acquire, by purchase or condemnation proceedings; and the lands aforesaid, shall be designated and known as the "Gettysburg National Park."

Appropriation.

Secretary of War to take possession, etc.

SEC. 3. That the Gettysburg national park shall, subject to the supervision and direction of the Secretary of War, be in charge of the commissioners heretofore appointed by the Secretary of War for the location and acquisition of lands at Gettysburg, and their successors; the said commissioners shall have their office at Gettysburg, and while on duty shall be paid such compensation out of the appropriation provided in this Act as the Secretary of War shall deem reasonable and just. And it shall be the duty of the said commissioners, under the direction of the Secretary of War, to superintend the opening of such additional roads as may be necessary for the purposes of the park and for the improvement of the avenues heretofore laid out therein, and to properly mark the boundaries of the said park, and to ascertain and definitely mark the lines of battle of all troops engaged in the battle of Gettysburg, so far as the same shall fall within the limits of the park.

Designation.

Commissioners to be appointed.

Compensation.

Duty.

SEC. 4. That the Secretary of War is hereby authorized and directed to acquire, at such times and in such manner as he may deem best calculated to serve the public interest, such lands in the vicinity of Gettysburg, Pennsylvania, not exceeding in area the parcels shown on the map prepared by Major-General Daniel E. Sickles, United States Army, and now on file in the office of the Secretary of War, which were occupied by the infantry, cavalry and artillery on the first, second and third days of July, eighteen hundred and sixty-three, and such other adjacent lands as he may deem necessary to preserve the important topographical features of the battlefield: *Provided*, That nothing contained in this Act shall be

Acquiring additional land, etc.

Proviso.
Rights not prejudiced.

Commissioners to
acquire lands
designated.

deemed and held to prejudice the rights acquired by any State or any military organization to the ground on which its monuments or markers are placed, nor the right of way to the same.

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Condemnation
proceedings.
Vol. 25, p. 357.

SEC. 5. That for the purpose of acquiring the lands designated and described in the foregoing section not already acquired and owned by the United States, and such other adjacent land as may be deemed necessary by the Secretary of War for the preservation and marking of the lines of battle of the Union and confederate armies at Gettysburg, the Secretary of War is authorized to employ the services of the commissioners heretofore appointed by him for the location, who shall proceed, in conformity with his instructions and subject in all things to his approval, to acquire such lands by purchase, or by condemnation proceedings, to be taken by the Attorney-General in behalf of the United States, in any case in which it shall be ascertained that the same can not be purchased at prices deemed reasonable and just by the said commissioners and approved by the Secretary of War. And such condemnation proceedings may be taken pursuant to the Act of Congress approved August first, eighteen hundred and eighty-eight, regulating the condemnation of land for public uses, or the Joint Resolution authorizing the purchase or condemnation of land in the vicinity of Gettysburg, Pennsylvania, approved June fifth, eighteen hundred and ninety-four.

Ante, p. 584.

Regulations, etc.

SEC. 6. That it shall be the duty of the Secretary of War to establish and enforce proper regulations for the custody, preservation, and care of the monuments now erected or which may be hereafter erected within the limits of the said national military park; and such rules shall provide for convenient access by visitors to all such monuments within the park, and the ground included therein, on such days and within such hours as may be designated and authorized by the Secretary of War.

Penalty for
destroying
columns, etc.

SEC. 7. That if any person shall destroy, mutilate, deface, injure, or remove, except by permission of the Secretary of War, any column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park or any portion thereof, or shall destroy, cut, hack, bark, break down or otherwise injure any tree, bush, or shrubbery that may be, growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees, growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the land or approaches to the park, or shall violate any regulation made and published by the Secretary of War for the government of visitors within the limits of said park, any person so offending and found guilty thereof, before any justice of the peace of the county in which the offense may be committed, shall, for each and every such offense, forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than five nor more than five hundred dollars, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as debts of like nature are now by law recoverable in the county where the offense may be committed.

SEC. 8. That the Secretary of War is hereby authorized and directed to cause to be made a suitable bronze tablet, containing

Bronze tablet
containing
Lincoln's address,
etc.

on it the address delivered by Abraham Lincoln, President of the United States, at Gettysburg on the nineteenth day of November, eighteen hundred

and sixty-three, on the occasion of the dedication of the national cemetery at that place, and such tablet, having on it besides the address a medallion likeness of President Lincoln, shall be erected on the most suitable site within the limits of said park, which said address was in the following words, to wit:

Medallion.

“Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

“Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

“But, in a larger sense, we can not dedicate, we can not consecrate, we can not hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note, nor long remember, what we say here; but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us; that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth.”

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And the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the cost of said tablet and medallion and pedestal.

SEC. 9. That, to enable the Secretary of War to carry out the purposes of this Act, including the purchase or condemnation of the land described in sections four and five of this Act, opening, improving, and repairing necessary roads and avenues, providing surveys and maps, suitably marking the boundaries of the park, and for the pay and expenses of the commissioners and their assistants, the sum of seventy-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated; and all disbursements made under this Act shall require the approval of the Secretary of War, who shall make annual report of the same to Congress.

Appropriation for tablet and medallion.

Appropriation for expenses, etc.

Approved, February 11, 1895.

Secretary, which approval shall be based upon formal written reports to be made to him in each case by the commissioners of the park: *Provided*, That no discrimination shall be made against any States to the manner of designating lines, but any grant made to any State by the Secretary of War may be used by any other State.

SEC. 7. If any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statues, memorial structures, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, enclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, breakdown or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof, before any United States commissioner or court, justice of the peace of the county in which the offense may be committed, or any other court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine, in the discretion of the said United States commissioner or court, justice of the peace or other court, according to the aggravation of the offense, of not less than \$5 nor more than \$500, one-half for the use of the park and the other half to the informant, to be enforced and recovered before such United States commissioner or court, justice of the peace or other court, in like manner as debts of like nature are now by law recoverable in the several counties where the offense may be committed.

SEC. 8. The Secretary of War, subject to the approval of the President, shall have the power to make and shall make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park.

SEC. 9. Upon completion of the acquisition of the land and the work of the commission, the Secretary of War shall render a report thereon to Congress, and thereafter the park shall be placed in charge of a superintendent at a salary to be fixed by the Secretary of War and paid out of the appropriation available for the maintenance of the park.

SEC. 10. To enable the Secretary of War to begin to carry out the provisions of this Act, there is hereby authorized to be appropriated not more than the sum of \$15,000, out of any moneys in the Treasury not otherwise appropriated, to be available until expended, after the United States has acquired title, and disbursements under this Act shall be annually reported by the Secretary of War to Congress.

Approved, July 3, 1926.

No discrimination in designating lines.

Penalty for destroying, injuring, etc., property.

Recovery.

Rules, etc., to be prescribed.

Report to Congress on acquisition of the land.
Superintendent to be appointed.

Authorization for expenses.
Post, p. 1140.

824

5. Guilford Courthouse National Military Park, North Carolina

996

SIXTY-FOURTH CONGRESS. SESS. II. CH. 152. 1917.

March 2, 1917.

[H. R. 8229.]

[Public, No. 375.]

CHAP. 152.—An Act To establish a national military park at the battle field of Guilford Courthouse.

Guilford Court-
house Military
Park, N.C.
Established.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for historical and professional military study one of the most memorable battles of the Revolutionary War, the battle field of Guilford Courthouse, in the State of North Carolina, is hereby declared to be a national military park whenever the title to the same shall have been acquired by the United States; that is to say, the area enclosed by the following lines:

Area described.

Those certain tracts or parcels of land in the county of Guilford and State of North Carolina, Morehead Township, more particularly described as follows:

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First tract: Beginning at a stone on the west side of the Greensboro macadam road; thence north eighty-six degrees five minutes west eight hundred and seventy-seven and one-tenth feet to a stone; thence north seven degrees fifty-five minutes west four hundred and eight and eight-tenths feet to a stone; thence north seven degrees five minutes east one hundred and ninety and eight-tenths feet to a stone; thence north sixty degrees forty-five minutes east two hundred and sixty-five and four-tenths feet to a stone; thence north fourteen degrees fifteen minutes west seven hundred and one and six-tenths feet to a stone; thence north eight degrees forty-five minutes west three hundred and forty-eight and one-tenth feet to a stone; thence north seventy-one degrees thirty-five minutes east nine hundred and thirty-seven and eight-tenths feet to a stone; thence south fifty degrees forty-five minutes east one hundred and fifty-seven and two-tenths feet to a stone; thence north seventy degrees forty-five minutes east eight hundred and seventy-five and five-tenths feet to a stone; thence north twenty-seven degrees twenty-eight minutes west two hundred and two and nine-tenths feet to a stone; thence north twenty-seven degrees eight minutes west two hundred and twenty-six and eight-tenths feet to a stone; thence north sixty-nine degrees forty-five minutes east two hundred and sixty-five and nine-tenths feet to a stone; thence north sixty-eight degrees fifty minutes east three hundred and seventy and eight-tenths feet to a stone; thence south fifty-three degrees fifty minutes east eight hundred and ninety-two feet to a stone; thence south eighty-three degrees twenty minutes east two hundred and ninety-one and four-tenths feet to a stone; thence south twenty-nine degrees twenty minutes west six hundred and fifty-five and seven-tenths feet to a stone; thence south twelve degrees fifty-five minutes west eight hundred and forty-three feet to a stone; thence about west ten feet to a stone; thence south six degrees five minutes west one hundred and thirty-three and four-tenths feet to a stone; thence north sixty degrees west thirty-eight feet to a stone; thence north forty-nine degrees west fifty-two and six-tenths feet to a stone; thence north eighty-seven degrees ten minutes west one thousand four hundred and twenty-seven and three-tenths feet to a stone; thence north twelve degrees forty minutes east one hundred and ninety-six and five-tenths feet to a stone; thence south seventy-one degrees west two hundred and thirty-seven and nine-tenths feet to a stone; thence south three degrees fifty-five minutes west one thousand and eleven and three-tenths feet to the beginning.

Second tract: Beginning at a stone on the south side of Holt Avenue; thence south nine degrees forty-five minutes west one hundred and nine and eight-tenths feet to a stone; thence south eighty-four degrees forty-five minutes east two hundred and forty-nine feet to a stone; thence northeasterly to Holt Avenue; thence with Holt Avenue north eighty-seven degrees ten minutes west to the beginning, on which is located the Joe Spring.

Together with all privileges and appurtenances thereunto belonging.

The aforesaid tracts of land containing in the aggregate one hundred and twenty-five acres, more or less, and being the property of the Guilford Battle-Ground Company, according to a survey by W. B. Trogdon and W. B. Trogdon, junior, made June eighth, nineteen hundred and eleven. And the area thus inclosed shall be known as the Guilford Courthouse National Military Park.

SEC. 2. That the establishment of the Guilford Courthouse National Military Park shall be carried forward under the control and direction of the Secretary of War, who is hereby authorized to receive from the Guilford Battle-Ground Company, a corporation chartered by the State of North Carolina, a deed of conveyance to the United States of all the lands belonging to said corporation, embracing one hundred and twenty-five acres, more or less, and described more particularly in the preceding section.

Acceptance of conveyance.

SEC. 3. That the Secretary of War is hereby authorized and directed to acquire at such times and in such manner such additional lands adjacent to the Guilford Courthouse National Military Park as may be necessary for the purposes of the park and for its improvement.

Adjacent lands.

SEC. 4. That the affairs of the Guilford Courthouse National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, one of whom shall be an actual resident of Guilford County, State of North Carolina, one an actual resident of the State of Maryland, and one an actual resident of the State of Delaware. They shall be appointed by the Secretary of War, the actual resident of Guilford County, State of North Carolina, so appointed to serve, unless sooner relieved, for a term of four years. The resident commissioner shall act as chairman and as secretary of the commission. One of the other commissioners so appointed shall serve for a term of three years, and the other for a term of two years, unless sooner relieved. Upon the expiration of the terms of said commissioners the Secretary of War shall, in the manner herein-before prescribed, appoint their successors, to serve, unless sooner relieved, for a term of four years each from the date of their respective appointments. The office of said commissioners shall be in the city of Greensboro, North Carolina. The resident commissioner shall receive as compensation \$1,000 per annum, the nonresident commissioners \$100 per annum each, and they shall not be entitled to any other pay or allowances of any kind whatsoever.

Commission created to control.

998 Appointments and terms.

Office and compensation.

Duties and
authority of
commission.

SEC. 5. That it shall be the duty of the commission named in the preceding section, under the direction of the Secretary of War, to open or repair such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the Battle of Guilford Courthouse and other historical points of interest pertaining to the battle within the park or its vicinity; and the said commission in establishing this military park shall also have authority, under the direction of the Secretary of War, to employ such labor and services and to obtain such supplies and material as may be necessary to the establishment of said park, under such regulations as he may consider best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care of the park.

Regulations for
care, etc.

Marking positions
of troops.

SEC. 6. That it shall be lawful for any State that had troops engaged in the battle of Guilford Courthouse to enter upon the lands of the Guilford Courthouse National Military Park for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them, by monuments, tablets, or otherwise, shall be submitted to and approved by the Secretary of War; and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of War.

Proviso.
Approval of
Secretary of War.

Penalty for
mutilations, etc.,
of property in.

SEC. 7. That if any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statues, memorial structures, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornamentation of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, brush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon said park, or hunt within the limits of the park, any person so offending and found guilty thereof before any justice of the peace of the county of Guilford, State of North Carolina, shall, for each and every such offense, forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than \$5 nor more than \$50, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as debts of like nature are now by law recoverable in the said county of Guilford, State of North Carolina.

Half of fine to
informer.

Approved, March 2, 1917.

6. Kings Mountain National Military Park, South Carolina

SEVENTY-FIRST CONGRESS. SESS. III. CH. 437. 1931.

1508

CHAP. 437.—An Act To establish a national military park to commemorate the Battle of Kings Mountain.

March 3, 1931.

[H. R. 6128.]

[Public, No. 824.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to commemorate the Battle of Kings Mountain which was fought on the 7th day of October 1780, the Kings Mountain battle ground, in the State of South Carolina, including such adjacent contiguous lands as may be useful and proper in effectually carrying out the purposes of this Act, is hereby declared to be a national military park, to be known as the Kings Mountain National Military Park, when such land including said battle ground shall become the property of the United States.

Kings Mountain
National Military
Park, N.C.
Establishment of.

Purposes declared.

SEC. 2. The Secretary of War shall ascertain on what land the Battle of Kings Mountain was fought and, subject to the provisions of section 355 of the Revised Statutes, shall proceed to acquire title to such land together with such adjacent and contiguous lands as he may deem useful and proper in effectually carrying out the purposes of this Act, either by purchase or gift or by condemnation under the provisions of the Act entitled "An Act to authorize condemnation of land for sites of public buildings, and for other purposes," approved August 1, 1888.

Location of
battlefield to
determine site.

Acquisition of
lands by purchase
or condemnation.

Vol. 25, p. 357.
U.S. C., p. 1302.

SEC. 3. Such park shall be under the control and direction of the Secretary of War. The Secretary is authorized to prescribe from time to time such regulations for the care and management of such park as he may deem necessary.

Control of
Secretary of War.
Regulations to be
prescribed.
Revocable permits
to holders of land.

SEC. 4. Upon such terms and conditions as he may prescribe, the Secretary of War is authorized to permit any person occupying any land within the boundaries of such park to continue to occupy such land, but the Secretary may revoke such permit at any time.

Road
construction, etc.
Historic markers.

SEC. 5. The Secretary of War shall open or repair such roads in such park as may be necessary, and ascertain and mark with tablets or otherwise, as he may determine, all lines of battle of the American troops and British troops engaged in the Battle of Kings Mountain and other historical points of interest pertaining to the battle which are within the boundaries of the park. The Secretary is authorized to employ such labor and services and to obtain such supplies and materials as may be necessary to carry out the provisions of this section.

Services and
supplies
authorized.

SEC. 6. The authorities of any State which had troops engaged in the Battle of Kings Mountain may enter the Kings Mountain National Military Park for the purpose of ascertaining and marking the lines of battle of such troops, but before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be approved by the Secretary of War. Any State organization or individual may, with the approval of the Secretary of War, erect monuments or place tablets within such park.

State cooperation.
Supervision of
Secretary of War.

Permission
extended to
individuals, etc.

SEC. 7. There is authorized to be appropriated the sum of \$225,000, or so much thereof as may be necessary, in order to carry out the provisions of this Act.

1509
Appropriation
authorized.

Approved, March 3, 1931.

7. Moores Creek National Military Park, North Carolina

684

SIXTY-NINTH CONGRESS. SESS. I. CH. 448. 1926.

June 2, 1926.

[H. R. 3796.]

[Public, No. 324.]

CHAP. 448.—An Act To establish a national military park at the battle field of Moores Creek, North Carolina.

Moores Creek, N.C.
National Military
Park established on
battle field of, in
Revolutionary War.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for historical and professional military study one of the most memorable battles of the Revolutionary War, the battle field of Moores Creek, in the State of North Carolina, is hereby declared to be a national military park whenever the title to the same shall have been acquired by the United States; that is to say, the area inclosed by the following lines:

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Tracts of land to be
acquired.

Those tracts or parcels of land in the county of Pender, and State of North Carolina, more particularly described as follows:

First tract.

First tract: Beginning at a stone at the run of Moores Creek, on the east bank of same, about twenty poles (in a straight line) above the new iron bridge, and running thence parallel to William Walker's line, south sixty-two and one-half degrees west eleven chains to a stake; thence south seven and one-half degrees east three and six-tenths chains to a stone at the south edge of the old stage road; thence along the south edge of said road south forty-six degrees east about five chains and eighty links to a stone; thence south thirty-seven and one-fourth degrees west fourteen chains and twelve links to a stone; thence north sixty-two and one-half degrees west ten chains and seventy-five links to a stone, a corner (4) of an eight-acre tract which the parties of the first part conveyed to Governor D. L. Russell, for the purposes aforesaid, by a deed dated January, 1898, and recorded in Pender County; thence with the lines of said tract north thirty-nine and one-half degrees east thirteen chains and twenty-seven links to a stake, the third corner of the said eight-acre tract; thence north fifty-one degrees west four chains to a stake about twenty feet from the old entrenchment (the second corner of the eight-acre tract); thence with the first line reversed north forty-four degrees west two chains to a sweet gum at the run of Moores Creek (the first corner of the eight-acre tract); thence up and with the run of said creek to the first station, containing twenty acres.

Second tract.

Second tract: Beginning at a sweet gum on the eastern edge of Moores Creek, running thence south forty-four degrees east two poles to a stake; thence south fifty-one degrees east four poles five links to a stake; thence south thirty-nine degrees west thirteen poles twenty-seven links to a stake; thence north fifty-one degrees west nine poles thirty-one links to a stake in the edge of Moores Creek; thence northerly with the creek to the beginning, containing eight acres more or less

Third tract.

Third tract: Beginning at a cypress on the edge of the run of Moores Creek about twenty feet from the west end of the old entrenchments and running thence in a line parallel to and ten feet distance from the outside or east edge of the old line of entrenchments in all the various courses of the same to a stake ten feet distant on the east side of the north end of said entrenchments; thence a direct line to the run of said Moores Creek; thence down said creek to the beginning, containing two acres, be the same more or less (the intention is to include all lands now known and designated as Moores Creek battlefield and now so recognized as such and owned by the State of North Carolina), together with all the privileges and appurtenances thereunto belonging.

SIXTY-NINTH CONGRESS. SESS. I. CH. 448. 1926.

685

The aforesaid tracts of land containing in the aggregate thirty acres, more or less, and being the property of the State of North Carolina, and the area thus inclosed shall be known as the Moores Creek National Military Park.

SEC. 2. The establishment of the Moores Creek National Military Park shall be carried forward under the control and direction of the Secretary of War, who is hereby authorized to receive from the State of North Carolina a deed of conveyance to the United States of all the lands belonging to the said State, embracing thirty acres, more or less, and described more particularly in the preceding section.

SEC. 3. That the affairs of the Moores Creek National Military Park shall be subject to the supervision and direction of the Secretary of War, and it shall be the duty of the War Department, under the direction of the Secretary of War, to open or repair such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the Battle of Moores Creek, and other historical points of interest pertaining to the battle within the park or its vicinity; and the Secretary of War in establishing this military park is authorized to employ such labor and services and to obtain such supplies and material as may be considered best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care of the park.

SEC. 4. It shall be lawful for any State that had troops engaged in the battle of the Moores Creek National Military Park, to enter upon the same for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, shall be submitted to and approved by the Secretary of War; and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of War.

SEC. 5. If any person shall, except by permission of the Secretary of War, destroy, deface, injure, or remove any monument, column, statues, memorial structures, or work of art, which shall be placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other mark for the protection or ornamentation of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, brush, or shrubbery that may be growing upon said park, or shall cut down or remove or fell any timber battle relic tree, or tree growing upon said park, or hunt within the limits of the park, any person so offending and found guilty thereof before any justice of the peace of the county of Pender, State of North Carolina, shall, for each and every offense, forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than \$5 nor more than \$50, one half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as fines of like nature are now by law recoverable in the said county of Pender, State of North Carolina.

Approved, June 2, 1926.

Area to be known as Moores Creek National Military Park.

Secretary of War to control, and accept conveyance of land from North Carolina.

Maintenance, etc. *Post*, p. 879

Marking with historical tablets. 686

Employment of services, etc.

Marking lines of battle by State troops.

Proviso. Submission for approval by the Secretary.

Defacing monuments, injuring property, etc., prohibited.

Penalty imposed by a justice of the peace of Pender County, N. C.

8. Petersburg National Military Park, Virginia

822

SIXTY-NINTH CONGRESS. SESS. I. CH. 745. 1926.

July 3, 1926.

[H. R. 7817.]

[Public, No. 467.]

CHAP. 746.—An Act To establish a national military park at the battle fields of the siege of Petersburg, Virginia.

Petersburg
National Military
Park, Va.
Established to
preserve battle
fields of, when title
acquired.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to commemorate the campaign and siege and defense of Petersburg, Virginia, in 1864 and 1865 and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies therein the battle fields at Petersburg, in the State of Virginia, are hereby declared a national military park whenever the title to the same shall have been acquired by the United States by donation and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Virginia— that is to say, one hundred and eighty-five acres or so much thereof as the Secretary of War may deem necessary in and about the city of Petersburg, State of Virginia.

Acceptance of
donations of lands,
etc., authorized.

SEC. 2. That the Secretary of War is hereby authorized to accept, on behalf of the United States, donations of lands, interests therein, or rights pertaining thereto required for the Petersburg National Military Park.

Commission to
have supervision of,
etc.

SEC. 3. The affairs of the Petersburg National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, consisting of Army officers, civilians, or both, to be appointed by the Secretary of War, one of whom shall be designated as chairman and another as secretary of the commission.

Duties of
commission.

SEC. 4. It shall be the duties of the commissioners, under the direction of the Secretary of War, to superintend the opening or repair of such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all breastworks, earthworks, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the park or in its vicinity, and the said commission in establishing the park shall have authority, under the direction of the Secretary of War, to employ such labor and service at rates to be fixed by the Secretary of War, and to obtain such supplies and materials as may be necessary to carry out the provisions of this Act.

Acceptance of gifts,
etc., authorized.
Proviso.
Moneys to be
deposited to credit
of special fund.

SEC. 5. The commission, acting through the Secretary of War, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the Petersburg National Military Park: *Provided,* That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Petersburg National Military Park Fund," which fund shall be applied to and expended under the direction of the Secretary of War, for carrying out the provisions of this Act.

States may mark
lines of battle of
their troops.

SEC. 6. It shall be lawful for the authorities of any State having had troops engaged at Petersburg, to enter upon the lands and approaches of the Petersburg National Military Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein:

SIXTY-NINTH CONGRESS. SESS. I. CH. 746. 1926.

823

Provided, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription on for the same, shall be submitted to the Secretary of War and shall first receive written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the commissioners of the park: *Provided*, That no discrimination shall be made against any States to the manner of designating lines, but any grant made to any State by the Secretary of War may be used by any other State.

SEC. 7. If any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statues, memorial structures, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, enclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, breakdown or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof, before any United States commissioner or court, justice of the peace of the county in which the offense may be committed, or any other court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine, in the discretion of the said United States commissioner or court, justice of the peace or other court, according to the aggravation of the offense, of not less than \$5 nor more than \$500, one-half for the use of the park and the other half to the informant, to be enforced and recovered before such United States commissioner or court, justice of the peace or other court, in like manner as debts of like nature are now by law recoverable in the several counties where the offense may be committed.

SEC. 8. The Secretary of War, subject to the approval of the President, shall have the power to make and shall make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park.

SEC. 9. Upon completion of the acquisition of the land and the work of the commission, the Secretary of War shall render a report thereon to Congress, and thereafter the park shall be placed in charge of a superintendent at a salary to be fixed by the Secretary of War and paid out of the appropriation available for the maintenance of the park.

SEC. 10. To enable the Secretary of War to begin to carry out the provisions of this Act, there is hereby authorized to be appropriated not more than the sum of \$15,000, out of any moneys in the Treasury not otherwise appropriated, to be available until expended, after the United States has acquired title, and disbursements under this Act shall be annually reported by the Secretary of War to Congress.

Approved, July 3, 1926.

Provisos.
Approval of marking, etc., by the secretary of War required.

No discrimination in designating lines.

Penalty for destroying, injuring, etc., property.

Recovery.

Rules, etc., to be prescribed.

Report to Congress on acquisition of the land. Superintendent to be appointed.

Authorization for expenses.
Post, p. 1140.

824

9. Shiloh National Military Park, Tennessee

FIFTY-THIRD CONGRESS. SESS. III. CH. 12. 1894.

597

CHAP. 12.—An Act To establish a national military park at the battlefield of Shiloh.

December 27, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order that the armies of the southwest which served in the civil war, like their comrades of the eastern armies at Gettysburg and those of the central west at Chickamauga, may have the history of one of their memorable battles preserved on the ground where they fought, the battlefield of Shiloh, in the State of Tennessee, is hereby declared to be a national military park, whenever title to the same shall have been acquired by the United States and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Tennessee; that is to say, the area inclosed by the following lines, or so much thereof as the commissioners of the park may deem necessary, to wit: Beginning at low-water mark on the north bank of Snake Creek where it empties into the Tennessee River; thence westwardly in a straight line to the point where the river road to Crumps Landing, Tennessee, crosses Snake Creek; thence along the channel of Snake Creek to Owl Creek; thence along the channel of Owl Creek to the crossing of the road to Purdy, Tennessee; thence southwardly in a straight line to the intersection of an east and west line drawn from the point where the road to Hamburg, Tennessee, crosses Lick Creek, near the mouth of the latter; thence eastward along the said east and west line to the point where the Hamburg Road crosses Lick Creek; thence along low-water mark of the Tennessee River to the point of beginning, containing three thousand acres, more or less, and the area thus inclosed shall be known as the Shiloh National Military Park: *Provided,* That the boundaries of the land authorized to be acquired may be changed by the said commissioners.

Shiloh National Military Park established at the battlefield.

Location.

Proviso.
Changes.

Secretary of War to acquire land, etc.

Vol. 25, p. 357.

Vol. 14, p. 400.

SEC. 2. That the establishment of the Shiloh National Military Park shall be carried forward under the control and direction of the Secretary of War, who, upon the passage of this Act, shall proceed to acquire title to the same either under the Act approved August first, eighteen hundred and eighty-eight, entitled "An Act to authorize the condemnation of land for sites of public buildings, and for other purposes," or under the Act approved February twenty-seventh, eighteen hundred and sixty-seven, entitled "An Act to establish and protect national cemeteries," as he may select, and as title is procured to any portion of the lands and roads within the legal boundaries of the park he may proceed with the establishment of the park upon such portions as may thus be acquired.

SEC. 3. That the Secretary of War is hereby authorized to enter into agreements whereby he may lease, upon such terms as he may prescribe, with such present owners or tenants of the lands as may desire to remain upon it, to occupy and cultivate their present holdings upon condition that they will preserve the present buildings and roads and the present outlines of field and forest, and that they only will cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

Leases, etc., authorized.

598

FIFTY-THIRD CONGRESS. SESS. III. CH. 12. 1894.

Commissioners to be appointed.

SEC. 4. That the affairs of the Shiloh National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, to be appointed by the Secretary of War, each of whom shall have served at the time of the battle in one of the armies engaged therein, one

<p>Selection.</p> <p><i>Post</i>, p. 946. Compensation, etc.</p>	<p>of whom shall have served in the Army of the Tennessee, commanded by General U. S. Grant, who shall be chairman of the commission; one in the Army of the Ohio, commanded by General D. C. Buell; and one in the Army of the Mississippi, commanded by General A. S. Johnston. The said commissioners shall have an office in the War Department building, and while on actual duty shall be paid such compensation out of the appropriations provided by this Act as the Secretary of War shall deem reasonable and just; and for the purpose of assisting them in their duties and in ascertaining the lines of battle of all troops engaged and the history of their movements in the battle, the Secretary of War shall have authority to employ, at such compensation as he may deem reasonable, to be paid out of the appropriations made by this Act, some person recognized as well informed concerning the history of the several armies engaged at Shiloh, and who shall also act as secretary of the commission.</p>
<p>Duty of commission.</p>	<p>SEC. 5. That it shall be the duty of the commission named in the preceding section, under the direction of the Secretary of War, to open or repair such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the battle of Shiloh and other historical points of interest pertaining to the battle within the Park or its vicinity, and the said commission in establishing this military park shall also have authority, under the direction of the Secretary of War, to employ such labor and services and to obtain such supplies and material as may be necessary to the establishment of the said park under such regulations as he may consider best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care of the park.</p>
<p>Marking lines of battle, etc.</p> <p><i>Provisos</i>. Approval of designs, etc.</p>	<p>SEC. 6. That it shall be lawful for any State that had troops engaged in the battle of Shiloh to enter upon the lands of the Shiloh National Military Park for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: <i>Provided</i>, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to and approved by the Secretary of War, and all such lines, designs and inscriptions for the same shall first receive the written approval of the Secretary, which approval shall be based upon formal written reports, which must be made to him in each case by the commissioners of the park: <i>Provided</i>, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of War may be used by any other State.</p>
<p>Discriminations forbidden.</p> <p>Penalty for destroying monuments, etc.</p>	<p>SEC. 7. That if any person shall, except by permission of the secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statues, memorial structures, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or ally portion thereof; or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park. or</p>

hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter on any part thereof constructed by the armies for. merely engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof, before any justice of the peace of the county in which the offense may be committed or any court of competent jurisdiction shall for each and every such offense forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than five nor more than fifty dollars, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such

justice in like manner as debts of like nature are now by law recoverable in the several counties where the offense may be committed.

SEC. 8. That to enable the Secretary of War to begin to carry out the purpose of this Act, including the condemnation or purchase of the necessary land, marking the boundaries of the park, opening or repairing necessary roads, restoring the field to its condition at the time of the battle, maps and surveys, and the pay and expenses of the commissioners and their assistant, the sum of seventy-five thousand dollars or such portion thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, and disbursements under this Act shall require the approval of the Secretary of War, and he shall make annual report of the same to Congress.

Approved, December 27, 1894.

Appropriations for expenses.

10. Stones River National Military Park, Tennessee

SIXTY-NINTH CONGRESS. SESS. III. CH. 374. 1927.

1399

CHAP. 374.—An Act To establish a national military park at the battlefield of Stones River, Tennessee.

March 3, 1927.
[H.R. 6246.]
[Public, No. 777.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

Stones River National Park. Commission created.

- (1) A commissioned officer of the Corps of Engineers, United States Army;
- (2) A veteran of the Civil War who served honorably in the military forces of the United States; and
- (3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

Army Engineer officer.
United States Civil War veteran.
Confederate States Civil War veteran.
Qualifications of commission.

SEC. 2. In appointing the members of the commission created by section 1 of this Act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Stones River, Tennessee, and the historical events associated therewith.

Inspection and report of battle field of Stones River, for preserving, etc.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Stones River, Tennessee, and to carefully study the available records and historical data with respect to the location and movement of all troops which engaged in the battle of Stones River, and the important events connected therewith, with a view of preserving and marking such field for historical and professional military study. The commission shall submit a report of its findings and recommendations to the Secretary of War not later than December 1, 1927.

Report of commission.

1400

Such report shall describe the portion or portions of land within the area of the battle field which the commission thinks should be acquired and embraced in a national park and the price at which such land can be purchased and its reasonable market value; the report of the commission shall also embrace a map or maps showing the lines of battle and the locations of all troops engaged in the battle of Stones River and the location of the land which it recommends be acquired for the national park; the report of the commission shall contain recommendations for the location of historical tablets at such points on the battle field, both within and without the land to be acquired for the park, as they may deem fitting and necessary to clearly designate positions and movements of troops and important events connected with the battle of Stones River.

SEC. 4. The Secretary of War is authorized to assign any officials of the War Department to the assistance of the commission if he deems it advisable. He is authorized to pay the reasonable expenses of the commission and their assistants incurred in the actual performance of the duties herein imposed upon them.

Assistance of War Department officials, etc.

SEC. 5. That, upon receipt of the report of said commission, the Secretary of War be, and he is hereby; authorized and directed to acquire, by purchase, when purchasable at prices deemed by him reasonable, otherwise by condemnation, such tract or tracts of lands as are recommended by the commission as necessary and desirable for a national park; to establish and substantially mark the boundaries of the said park; to definitely mark all lines of battle and locations of troops within the boundaries of the park and erect substantial historical tablets at such points within the park and in the vicinity of the park and its approaches as are recommended by

Acquiring lands by purchase of condemnation.
Duties of commission.

1400

SIXTY-NINTH CONGRESS. SESS. III. CH. 374. 1927.

Proviso.
Cost limitation.

the commission, together with such other points as the Secretary of War may deem appropriate: *Provided*, That the entire cost of acquiring said land, including cost of condemnation proceedings, if any, ascertainment of title,

surveys and compensation for the land, the cost of marking the battle field, and the expenses of the commission, shall not exceed the sum of \$100,000.

SEC. 6. That upon the ceding of jurisdiction by the legislature of the State of Tennessee and the report of the Attorney General of the United States that a perfect title has been acquired, the lands acquired under the provisions of this Act, together with the area already enclosed within the national cemetery at the battle field of Stones River and the Government reservation in said battle field upon which is erected a large monument to the memory of the officers and soldiers of General Hazen's brigade who fell on the spot, are hereby declared to be a national park, to be known as the Stones River National Park.

SEC. 7. That the said Stones River National Park shall be under the control of the Secretary of War, and he is hereby authorized to make all needed regulations for the care of the park. The super-intendent of the Stones River National Cemetery shall likewise be the superintendent of and have the custody and care of the Stones River National Park, under the direction of the Secretary of War.

SEC. 8. That the Secretary of War is hereby authorized to enter into agreements, upon such nominal terms as he may prescribe, with such present owners of the land as may desire to remain upon it, to occupy and cultivate their present holdings, upon condition that they will preserve the present buildings and roads, and the present outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

SEC. 9. That it shall be lawful for the authorities of any State having troops engaged in the battle of Stones River to enter upon the lands and approaches of the Stones River National Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of War, and shall first receive the written approval of the Secretary.

SEC. 10. That if any person shall willfully destroy, mutilate, deface, injure, or remove any monument, column, statue memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall willfully destroy or remove any fence, railing, enclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall willfully destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon such park, except by permission of the Secretary of War, or shall willfully remove or destroy any breastworks, earth-works, walls or other defenses or shelter, or any part thereof, constructed by the armies formerly engaged in the battle on the lands or approaches to the park, any person so offending shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall for each and every such offense be fined not less than \$5 nor more than \$100.

To be the Stones River National Park, on cession of jurisdiction by Tennessee, etc.

Control of Secretary of War.

Superintendent.

Agreement with present holders of lands, for protection thereof, etc.

1401 States may mark lines of battle of their troops.

Proviso. Approval of marking, etc., by Secretary of War.

Penalty for destroying, injuring, etc., property.

SIXTY-NINTH CONGRESS. SESS. III. CH. 374. 1927.

1401

SEC. 11. That the sum of \$100,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended for the purposes of this Act: *Provided*, That no obligation for the purchase of lands shall be incurred until the commission has filed the boundaries of said park.

Amount authorized to be expended.

Proviso. Conditions.

Approved, March 3, 1927.

11. Vicksburg National Military Park, Mississippi

FIFTY-FIFTH CONGRESS. SESS. III. CH. 176. 1899.

841

CHAP. 176— An Act To establish a national military park to commemorate the campaign, siege, and defense of Vicksburg.

February 21, 1899.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to commemorate the campaign and siege and defense of Vicksburg, and to preserve the history of the battles and operations of the siege and defense on the ground where they were fought and were carried on, the battlefield of Vicksburg in the State of Mississippi, is hereby declared to be a national military park whenever the title to the same shall have been acquired by the United States and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Mississippi; that is to say, the area inclosed by the following lines, or so much thereof as the commissioners of the park may deem necessary, to wit: Beginning near the point where the graveyard road, now known as the City Cemetery road, crosses the line of the Confederate earthworks, thence north about eighty rods, thence in an easterly direction about one hundred and twenty rods, thence in a southerly direction, and keeping as far from the line of the Confederate earthworks as the purposes of the park may require and as the park commission, to be hereinafter named, may determine, but not distant from the nearest point on said line of Confederate earthworks more than one hundred and sixty rods at any part, to a point about forty rods south and from eighty to one hundred and sixty rods east of Fort Garrott, also known as the "Square Fort;" thence in a westerly direction to a point in the rear of said Fort Garrott, thence in a northerly direction across the line of the Confederate earthworks and to a point about two hundred feet in the rear of the said line of Confederate earthworks, thence in a general northerly direction, and at an approximate distance of about two hundred feet in the rear of the line of Confederate earthworks as the conformation of the ground may require, to the place of beginning. This to constitute the main body of the park. In addition thereto a strip of land about two hundred and sixty-four feet in width along and including the remaining parts of the Confederate earthworks, namely, from the north part of said main body of the park to and including Fort Hill or Fort Nogales on the high hill overlooking the national cemetery, and from the south part of said main body of the park to the edge of the bluff at the river below the city of Vicksburg; and also in addition thereto a strip of land about two hundred and sixty-four feet in width, as near as may be, along and including the Federal lines opposed to the Confederate lines herein and above named and not included in the main body of the park; and in further addition thereto such points of interest as the commission may deem necessary for the purposes of the park and the Secretary of War may approve; the whole containing about one thousand two hundred acres, and costing not to exceed forty thousand dollars.

National Military Park, Vicksburg, Miss., established.

Location.

SEC. 2. That the establishment of the Vicksburg national military park shall be carried forward under the control and direction of the Secretary of War; and the Secretary of War shall, upon the passage of this Act, proceed to acquire title to the same by voluntary conveyance or under the Act approved August first, eighteen

Limit of cost.

Secretary of War to establish park.

—to acquire title, etc.

Vol. 25, p. 357.
Vol. 14, p. 399.

—to make leases to
occupants of land.

842
—conditions.

Proviso.
—retaking
possession, etc.

Commissioners.

Secretary.

Duties of
Commissioners.

Regulations.

hundred and eighty-eight, entitled “An Act to authorize the condemnation of land for sites of public buildings, and for other purposes,” or under Act approved February twenty-second, eighteen hundred and sixty-seven, entitled “An Act to establish and protect national cemeteries,” as he may elect or deem practicable; and when title is procured to all of the lands and roads within the boundaries of the proposed park, as described in section one of this Act, he may proceed with the establishment of the park; and he shall detail an officer of the Engineer Corps of the Army to assist the commissioners in establishing the park.

SEC. 3. That the Secretary of War is hereby authorized to enter into agreements of leasing upon such terms as he may prescribe, with such occupants or tenants of the lands as may desire to remain upon it, to occupy and cultivate their present holdings upon condition that they will preserve the present buildings and roads and the present outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary of War may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority: *Provided*, That the United States shall at all times have and retain full right, power, and authority to take possession of any and all parts or portions of said premises and to remove and expel therefrom any such occupant, tenant, or other person or persons found thereon whenever the Secretary of War or the commissioners shall deem it proper or necessary; and such right, power, and authority shall be reserved in express terms in all leases and agreements giving or granting such occupant or tenant the right to remain in possession as herein contemplated; and thereupon said occupant or tenant or other persons who may be required to vacate said premises shall each and all at once surrender and deliver up the possession thereof.

SEC. 4. That the affairs of the Vicksburg national military park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, to be appointed by the Secretary of War, each of whom shall have served at the time of the siege and defense in one of the armies engaged therein, two of whom shall have served in the army commanded by General Grant and one in the army commanded by General Pemberton. The commissioners shall elect one of their number chairman; they shall also elect, subject to the approval of the Secretary of War, a secretary, who shall also be historian, and who shall possess the requisite qualifications of a commissioner, and they and the secretary shall have an office in the city of Vicksburg, Mississippi, or on the grounds of the park, and be paid such compensation as the Secretary of War shall deem reasonable and just.

SEC. 5. That it shall be the duty of the commissioners named in the preceding section, under the direction of the Secretary of War, to restore the forts and the lines of fortification, the parallels and the approaches of the two armies, or so much thereof as may be necessary to the purposes of this park; to open and construct and to repair such roads as may be necessary to said purposes, and to ascertain and mark with historical tablets, or otherwise, as the Secretary of War may determine, the lines of battle of the troops engaged in the assaults, and the lines held by the troops during the siege and defense of Vicksburg, the headquarters of General Grant and of General Pemberton, and other historical points of interest

pertaining to the siege and defense of Vicksburg within the park or its vicinity;

and the said commissioners in establishing this military park shall also have authority under the direction of the Secretary of War to do all things necessary to the purposes of the park, and for its establishment under such regulations as he may consider best for the interest of the Government, and the Secretary of War shall make and enforce all needful regulations for the care of the park.

SEC. 6. That it shall be lawful for any State that had troops engaged in the siege and defense of Vicksburg to enter upon the lands of the Vicksburg national military park for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to and approved by the Secretary of War, and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of War, which approval shall be based upon formal written reports which must be made to him in each case by the commissioners of the park; and no monument, tablet, or other designating indication shall be erected or placed within said park or vicinity without such written authority of the Secretary of War: *Provided*, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of War may be used by any other State. The provisions of this section shall also apply to organizations and persons; and as the Vicksburg National Cemetery is on ground partly occupied by Federal lines during the siege of Vicksburg, the provisions of this section, as far as may be practicable, shall apply to monuments or tablets designating such lines within the limits of that cemetery.

Marking lines of battle, State troops.

Provisos.
-approval.

-no discrimina-tion against States.
843
Provisions applicable to persons and organizations. Vicksburg National Cemetery.

Penalty for injuring property.

SEC. 7. That if any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, tablet, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work intended for the protection or ornamentation of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrub that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter on any part thereof constructed by the armies formerly engaged in the battles, on the lands or approaches to the park, any person so offending and found guilty thereof, before any United States commissioner or court, justice of the peace of the county in which the offense may be committed, or any court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine in the discretion of the said commissioner or court of the United States or justice of the peace, according to the aggravation of the offense, of not less than five nor more than five hundred dollars, one-half for the use of the park and the other half to the informant, to be enforced and recovered before such United States commissioner or court or justice of the peace or other court in like manner as debts of like nature are now by law recoverable in the several counties where the offense may be committed.

843

FIFTY-FIFTH CONGRESS. SESS. III. CH. 176. 1899.

Appropriation for expenses of establishing.

SEC. 8. That to enable the Secretary of War to begin to carry out the purpose of this Act, including the condemnation or purchase of the necessary land, marking the boundaries of the park, opening or repairing necessary roads, restoring the field to its condition at the time of the battle, maps and surveys, material, labor, clerical, and all other necessary assistants, and the pay and expenses of the commissioners and their secretary and assistants, the sum of sixty-five thousand dollars, or such portion thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, and disbursements under this Act shall require the approval of the Secretary of War, and he shall make annual report of the same to Congress.

-approval, etc.

Approved, February 21, 1899.

II. NATIONAL PARKS

1. Abraham Lincoln National Park, Kentucky

SIXTY-FOURTH CONGRESS. SESS. I. CH. 247. 1916.

385

CHAP. 247.—An Act To accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same; and further, to accept an assignment or transfer of an endowment fund of \$50,000 in relation thereto.

July 17, 1916.
[H. R. 8351.]
[Public, No. 160.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States of America hereby accepts title to the lands mentioned in the deed of gift or conveyance now in possession of the Secretary of War, together with all the buildings and appurtenances thereon, especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, which deed of conveyance was executed on the eleventh day of April, nineteen hundred and sixteen, by the Lincoln Farm Association, a corporation, to the United States of America, describing certain lands situated near the town of Hodgenville, county of Larue, State of Kentucky, which lands are more particularly identified and described in said deed or conveyance. The title to such lands, buildings, and appurtenances is accepted upon the terms and conditions stated in said deed or conveyance, namely: That the land therein described, together with the buildings and appurtenances thereon, shall be forever dedicated to the purposes of a national park or reservation, the United States of America agreeing to protect and preserve the said lands, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, so far as may be; and further agreeing that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation.

Birthplace of
Abraham Lincoln.
Acceptance of title
to land, etc.,
Hodgenville, Ky.

To be a national
park.

SEC. 2. That the United States of America hereby also accepts title to the endowment fund of \$50,000 mentioned in the assignment and transfer, now in the possession of the Secretary of War, which assignment and transfer was executed on the eleventh day of April, nineteen hundred and sixteen, by the Lincoln Farm Association, a corporation, to the United States of America, transferring and turning over all its right, title, and interest in and to said endowment fund, heretofore invested in certain stocks, bonds, and securities held and owned by the Lincoln Farm Association, and more particularly identified and described in said assignment and transfer. The title to said endowment fund is accepted upon the terms and conditions stated in said assignment and transfer, namely, that the United States of America shall forever keep the said tract of land described in said deed, together with the buildings and appurtenances thereunto belonging, dedicated to the purpose of a national park or reservation, and that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation; and further, shall forever protect, preserve, and maintain said land, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born

Endowment fund
accepted.

Conditions.

and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, as far as may be, as a national park or reservation.

Execution of
acceptance.

SEC. 3. That the President of the United States of America and the Secretary of War are hereby authorized to execute, in the name of the United States of America, such instrument or instruments as may be or may become necessary to comply with or carry out the terms and conditions of such gift or gifts and to secure the full benefit therefrom.

Control, etc., by
Secretary of War.

SEC. 4. That upon the passage of this Act and the vesting of the title to the property accepted thereunder in the United States, it shall be under the control of the Secretary of War and administered under such regulations not inconsistent with law as he may from time to time prescribe.

Approved, July 17, 1916.

2. Fort McHenry National Park, Maryland

SIXTY-EIGHTH CONGRESS. SESS. II. CH. 425. 1925.

1109

CHAP. 425.—An Act To repeal and reenact chapter 100, 1914, Public, Numbered 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal “Star-Spangled Banner,” written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes.

March 3, 1925.
[H. R. 5261.]
[Public, No. 543.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation in the State of Maryland to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside be, and hereby is, repealed and reenacted to read as follows:

Fort McHenry, Md. Grant to Baltimore of portion of, for public park, repealed. Vol. 38, p. 382, repealed.

“That the Secretary of War be, and he is hereby, authorized and directed so soon as it may no longer be needed for uses and needs growing out of the late war, to begin the restoration of Fort McHenry, in the State of Maryland, now occupied and used as a military reservation, including the restoration of the old Fort McHenry proper to such a condition as would make it suitable for preservation permanently as a national park and perpetual national memorial shrine as the birthplace of the immortal ‘Star-Spangled Banner,’ written by Francis Scott Key, and that the Secretary of War be, and he is hereby, further authorized and directed, as are his successors, to hold the said Fort McHenry in perpetuity as a military reservation, national park, and memorial, and to maintain it as such, except that part mentioned in section 3 hereof, and that part now in use by the Department of Commerce for a light and fog-signal station under revocable license from the War Department with the maintenance of the electric lines thereto and such portion of the reservation, including improvement, as may be reserved by the Secretary of War for the use of the Chief of Engineers, the said reservation to be maintained as a national public park, subject to such regulations as may from time to time be issued by the Secretary of War.

Restoration of, directed to become a national park.

Maintenance by Secretary of War.

“That any and all repairs, improvements, changes, and alterations in the grounds, buildings, and other appurtenances to the reservation shall be made only according to detailed plans which shall be approved by the Secretary of War, and all such repairs, improvements, or alterations shall be made at the expense of the United States, and all such improvements, together with the reservation itself, shall become and remain permanently the property of the United States: *Provided,* That permission is hereby granted the Secretary of the Treasury to use permanently a strip of land sixty feet wide belonging to said fort grounds, beginning at the north

Repairs, etc., at Government expense.

Provisos.
Right of way to immigration station granted.

corner of the present grounds of the fort and extending south sixty-three degrees thirty minutes east, six hundred and fifty feet to the south corner of the site set aside for the immigration station at Baltimore, said strip of land being located along the northwest boundary of the land ceded to the Baltimore Dry Dock Company and the land of the said immigration station, the same to be used, if so desired, in lieu of acquiring, by purchase or condemnation, any of the lands of the dry dock company so that the Secretary of the Treasury may, in connection with land acquired from the Baltimore and Ohio Railroad Company, have access to and from said immigration station and grounds over the right of way so acquired to the city streets and railroads beyond, the Secretary of the Treasury to have the same power to construct, contract for, and arrange for railroad and other facilities upon said outlet as fully as provided in the Act approved March 4, 1913, setting aside a site for an immigration station and providing for an outlet therefrom: Use *Provided, however,* That if the Secretary of the Treasury accepts and makes use of said strip of land for the purposes aforesaid the War Department shall have equal use of the railroad track and other roads constructed over which to reach the city streets and railroads beyond from the other parts of the fort grounds: *Provided further,* That the Secretary of War may in case of a national emergency close the said military reservation and use it for any and all military purposes during the period of the emergency, and for such period of time thereafter as the public needs may require: *And provided further,* That the Secretary of War is hereby authorized and directed to dispose of the useless temporary buildings and contents constructed during the recent war and from the proceeds thereof there is hereby authorized to be appropriated such sum as may be necessary not exceeding \$50,000 for use by the Secretary of War in the restoration of said Fort McHenry reservation and for other purposes consistent with this Act.

Approved, March 3, 1925.

Construction of
railroad facilities, etc.

Vol. 37, p. 889.

Use by War
Department allowed.

Closing in case of
national emergency.

Disposal of useless
temp-orary buildings,
etc.

Amount authorized
for restoration, etc.

III. BATTLEFIELD SITES

1. Antietam Battlefield, Maryland

FIFTY-FIRST CONGRESS. SESS. I. CH. 837. 1890.

371

CHAP. 937.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes.

August 30, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, namely:

Treasury Department

* * * * * * *	
SIGNAL SERVICE.	398
* * * * * * *	
NATIONAL CEMETERIES.	400
* * * * * * *	

NATIONAL CEMETERY, ANTIETAM, MARYLAND: For completing the road in front of east half of cemetery, additional drainage works constructing stone curbing and grading walks along the road, and for engineering and contingencies five thousand dollars. 401

For the purpose of surveying, locating, and preserving the lines of battle of the Army of the Potomac and of the Army of Northern Virginia at Antietam, and for marking the same, and for locating and marking the position of each of the forty-three different commands of the Regular Army engaged in the battle of Antietam, and for the purchase of sites for tablets for the marking of such positions, fifteen thousand dollars. And all lands acquired by the United States for this purpose, whether by purchase, gift, or otherwise, shall be under the care and supervision of the secretary of War.

* * * * * * *

Approved, August 30, 1890.

417

2. Appomattox, Virginia

SEVENTY-FIRST CONGRESS. SESS. II. CH. 520. 1930.

777

CHAP. 520.—An Act To provide for the commemoration of the termination of the War between the States at Appomattox Court House, Virginia.

June 18, 1930.

[S. 3810.]

[Public, No. 379.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of commemorating the termination of the War between the States which was brought about by the surrender of the army under General Robert E. Lee to Lieutenant General U.S. Grant at Appomattox Court House, in the State of Virginia, on April 9, 1865, and for the further purpose of honoring those who engaged in this tremendous conflict, the Secretary of War is authorized and directed to acquire at the scene of said surrender approximately one acre of land, free of cost to the United States, at the above-named place, fence the parcel of land so acquired or demarcate its limits, and erect a monument thereon.

Appomattox Court House, VA.
Acquisition of land at, for monument in commemoration of surrender of Confederate Army, etc.

Post, p. 1305.

SEC. 2. There is hereby authorized to be appropriated the sum of \$100,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this Act.

Sums authorized.

SEC. 3. The land acquired under section 1 of this Act shall be under the jurisdiction and control of the Secretary of War, and there is authorized to be appropriated for the maintenance of such tract of land and monument a sum not to exceed \$250 per annum.

To carry out provisions of Act.

Maintenance.

Approved, June 18, 1930.

3. Brices Cross Roads

1254

SEVENTIETH CONGRESS. SESS. II. CH. 289. 1929.

February 21, 1929.

[H. R. 8736.]

[Public, No. 792.]

CHAP. 289.—An Act To provide for the commemoration of the battles of Brices Cross Roads, Mississippi, and Tupelo, Mississippi.

Battles of Brices
Cross Roads and
Tupelo, Miss.
Sites to be acquired for
markers to com-
memorate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of commemorating the battles of Brices Cross Roads, Mississippi, and Tupelo, Mississippi, the Secretary of War is authorized and directed to (1) acquire not to exceed one acre of land, free of cost to the United States, at each of the above-named battle fields, (2) fence each parcel of land so acquired, (3) build an approach to each such parcel of land, and (4) erect a suitable marker on each such parcel of land.

Sum authorized.
Post, p. 1666.

SEC. 2. There is authorized to be appropriated \$10,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this Act.

Control of Secretary
of War.
Maintenance.

SEC. 3. Each parcel of land acquired under section 1 of this Act shall be under the jurisdiction and control of the Secretary of War, and there is authorized to be appropriated for the maintenance of each such parcel of land, fence, approach, and marker a sum not to exceed \$250 per annum.

Approved, February 21, 1929.

4. Chalmette Monument and Grounds, Louisiana

FIFTY-NINTH CONGRESS. SESS. II. CH. 2928. 1907.

1411

CHAP. 2928.—An Act Providing for the completion by the Secretary of War of a monument to the memory of the American soldiers who fell in the battle of New Orleans at Chalmette, Louisiana, and making the necessary appropriation therefor.

March 4, 1907.

[S. 8292.]

[Public, No. 263.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twenty-five thousand dollars be, and the same is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury of the United States not otherwise appropriated, for the completion of a monument to the memory of the soldiers who fell in the battle of New Orleans in the war of eighteen hundred and twelve, said monument to be completed under the direction and approval of the Secretary of War: *Provided,* That the State of Louisiana shall cede and transfer its jurisdiction to the property on which said monument is to be completed in accordance with the provisions of act numbered forty-one of the legislature of that State, approved July nineteenth, nineteen hundred and two: *Provided further,* That when said monument is completed the responsibility of maintaining the same and keeping the grounds surrounding it shall remain with the United Daughters of Seventeen hundred and seventy-six and Eighteen hundred and twelve, free of any expense or responsibility on the part of the Government of the United States.

Approved, March 4, 1907, 11 a. m.

Chalmette, La.
Appropriation for
monument at, to
soldiers who fell at
battle of New
Orleans.

Provisos.

State to furnish site.

Maintenance.

5. Cowpens, South Carolina

1558

SEVENTIETH CONGRESS. SESS. II. CH. 699. 1929.

March 4, 1929.

[H. R. 12106.]

[Public, No. 1027.]

CHAP. 699.—An Act To erect a national monument at Cowpens battle ground.

Battle of Cowpens,
S.C.
Acquiring land
authorized, for erecting
monu-ment to
commemorate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve that part of the Cowpens battle grounds near Ezell, Cherokee County, South Carolina, where General Daniel Morgan, commanding, participated in the Battle of Cowpens on the 17th day of January, 1781, the Secretary of War be, and he is hereby, authorized and directed to acquire, by gift, not more than one acre of land on which he shall erect or cause to be erected a suitable monument to commemorate said battle.

Sum authorized for
expenses.

SEC. 2. To enable the Secretary of War to carry out the provisions of this Act, to accept a deed for the necessary lands, to make necessary surveys, maps, markers, pointers, or signs marking boundaries, for opening, constructing, or repairing necessary roads and streets and constructing markers and a suitable monument, for salaries for labor and services, for traveling expenses, supplies, and materials, the sum of \$25,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until expended, and the disbursements under this Act shall be reported by the Secretary of War to Congress.

Available until
expended.

Approved, March 4, 1929.

6. Fort Necessity, Wharton County, Pennsylvania

SEVENTY-FIRST CONGRESS. SESS. III. CH. 504. 1931.

1522

CHAP. 504.—An Act To Provide for the commemoration of the Battle of Fort Necessity, Pennsylvania.

March 4, 1931.
[S. 6078.]
[Public, No. 851.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of commemorating the Battle of Fort Necessity, in the State of Pennsylvania, on the 3d day of July, 1757, the Secretary of War is authorized to accept title to not less than one acre of land, which will include the site of said fort, free of cost to the United States, and to erect a monument thereon.

Battle of Fort Necessity, PA. Monument commemorating, authorized.

SEC. 2. There is hereby authorized to be appropriated the sum of \$25,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this Act.

1523
Sum authorized.

SEC. 3. The land acquired under section 1 of this Act shall be under the jurisdiction and control of the Secretary of War, and there is authorized to be appropriated for the maintenance of such monument and its site a sum not to exceed \$250 per annum.

Jurisdiction and maintenance of land acquired.

Approved, March 4, 1931.

7. Kenesaw Mountain, Georgia

901

SIXTY-FOURTH CONGRESS. SESS. II. CH. 36. 1917.

February 8, 1917.
 [H. R. 9547.]
 [Public, No. 307.]

CHAP. 36.—An Act Authorizing the acceptance by the United States Government from the Kenesaw Memorial Association of Illinois of a proposed gift of land on the Kenesaw battle field in the State of Georgia.

Kenesaw battle-
 field, Ga.
 Acceptance of land
 comprising.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to accept from the Kenesaw Memorial Association, a corporation organized under the laws of the State of Illinois, a gift of certain land, with all the improvements thereon, comprising a part of the Kenesaw battle field, said land being described as lot numbered one hundred and sixteen and the east half of lot numbered one hundred and seven in the nineteenth district and second section, in the county of Cobb and State of Georgia, and upon which a monument has been erected to certain organizations that participated in the fighting on Kenesaw Mountain: *Provided,* That no expense shall be incurred by the United States in carrying out the provisions of this Act.

Proviso.
 No expense.

Approved, February 8, 1917.

8. Monocacy, Maryland

73d CONGRESS. SESS. II. CH. 694. JUNE 21, 1934.

1198

[CHAPTER 694.]

An Act

To establish a national military park at the battlefield of Monocacy, Maryland.

June 21, 1934.

[H.R. 7982.]

[Public, No. 445.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to commemorate the Battle of Monocacy, Maryland, and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies therein, the battlefield at Monocacy, in the State of Maryland, is hereby declared a national military park to be known as the "Monocacy National Military Park", whenever the title to the lands deemed necessary by the Secretary of the Interior shall have been acquired by the United States and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Maryland.

Monocacy National Military Park, Md. Establishment, when title to land, etc., acquired.

1199

SEC. 2. The Secretary of the Interior is hereby authorized to condemnation proceedings to be instituted in the name of the United States under the provisions of the Act of August 1, 1888, entitled "An Act to authorize condemnation of lands for sites for public buildings and for other purposes" (25 Stat. L. 357), to acquire title to the lands, interests therein, or rights pertaining there to within the said Monocacy National Military Park, and the United States shall be entitled to immediate possession upon the filing of the petition in condemnation in the United States District Court for the District of Maryland: *Provided*, That when the owner of such lands, interests therein, or rights pertaining thereto shall fix a price for the same, which, in the opinion of the Secretary of the Interior, shall be reasonable, the Secretary may purchase the same without further delay: *Provided further*, That the Secretary of the Interior is authorized to accept, on behalf of the United States, donations of lands, interests therein, or rights pertaining thereto required for the Monocacy National Military Park: *And provided further*, That title and evidence of title to lands and interests therein acquired for said park shall be satisfactory to the Secretary of the Interior.

Condemnation proceedings to acquire lands. Vol. 25, p. 357.

Provisos.
Purchase from owners.

Acceptance of donations.

Title.

SEC. 3. The Secretary of the Interior is hereby authorized to enter into leases with the owners of such of the lands, works, defenses, and building's thereon within the Monocacy National Military Park, as in his discretion it is unnecessary to forthwith acquire title to, and such leases shall be on such terms and conditions as the Secretary of the Interior may prescribe, and may contain options to purchase, subject to later acceptance, if, in the judgment of the Secretary of the Interior, it is as economical to purchase as condemn title to the property: *Provided*, That the Secretary of the Interior may enter into agreements upon such nominal terms as he may prescribe, permitting the present owners or their tenants to occupy or cultivate their present holdings, upon condition that they will preserve the present breastworks, earthworks, walls, defenses, shelters, buildings and roads, and the present outlines of the battlefields, and that they will only cut trees or underbrush or disturb or remove the soil, under such regulations as the Secretary of the Interior may prescribe, and that they will assist in protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

Leases with owners for lands unnecessary to purchase.

Provisos.
Cultivation of holdings.

Condition.

1199

73d CONGRESS. SESS. II. CH. 694. JUNE 21, 1934.

Supervision of National Parks, etc., office.

SEC. 4. The affairs of the Monocacy National Military Park shall, subject to the supervision and direction of the Office of National Parks, Buildings, and Reservations of the Interior Department, be in charge of a superintendent, to be appointed by the Secretary of the Interior.

Duties prescribed.

SEC. 5. It shall be the duty of the superintendent, under the direction of the

Office of National Parks, Buildings, and Reservations of the Interior Department, to superintend the opening or repair of such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of the Interior may determine, all breastworks, earth-works, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the park or in its vicinity.

Acceptance of gifts,
etc., authorized.

SEC. 6. The said Office of National Parks, Buildings, and Reservations, acting through the Secretary of the Interior, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the Monocacy National Military Park: *Provided*, That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Monocacy National Military Park fund", which fund shall be applied to and expended under the direction of the Secretary of the Interior, for carrying out the provisions of this Act.

1200
Proviso.
Contributions to be
deposited to credit of
special fund.

SEC. 7. It shall be lawful for the authorities of any State having had troops at the Battle of Monocacy to enter upon the lands and approaches of the Monocacy National Military Park for the purpose of ascertaining and marking the line of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription for the same, shall be submitted to the Secretary of the Interior and shall first receive written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the Office of National Parks, Buildings, and Reservations: *Provided*, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of the Interior may be used by any other State.

States may mark
lines of battle of
their troops.

No discrimination in
designing lines.

SEC. 8. If any person shall, except by permission of the Secretary of the Interior, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence railing, enclosure, or other work for the protection or ornament said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breast-works, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof, before any United States commissioner or court, of the jurisdiction in which the offense may be committed, shall for each and every such offense forfeit and pay a fine, in the discretion of the United States commissioner or court, according to the aggravation of the offense, of not less than \$5 nor more than \$500.

Penalty for
destroying injuring,
etc., property.

SEC. 9. The Secretary of the Interior shall have the power to make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park.

Rules, etc., to be prescribed.

SEC. 10. For the purposes of carrying out the provisions of this Act, the sum of \$50,000 is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated.

Appropriation authorized.

Approved, June 21, 1934.

9. Tupelo, Mississippi

1254

SEVENTIETH CONGRESS. SESS. II. CH. 289. 1929.

February 21, 1929.
[H. R. 8736.]
[Public, No. 792.]

CHAP. 289.—An Act To provide for the commemoration of the battles of Brices Cross Roads, Mississippi, and Tupelo, Mississippi.

Battles of Brices Cross
Roads and Tupelo,
Miss.
Sites to be acquired for
markers to com-
memorate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of commemorating the battles of Brices Cross Roads, Mississippi, and Tupelo, Mississippi, the Secretary of War is authorized and directed to (1) acquire not to exceed one acre of land, free of cost to the United States, at each of the above-named battle fields, (2) fence each parcel of land so acquired, (3) build an approach to each such parcel of land, and (4) erect a suitable marker on each such parcel of land.

Sum authorized.
Post, p. 1666.

SEC. 2. There is authorized to be appropriated \$10,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this Act.

Control of Secretary of
War.
Maintenance.

SEC. 3. Each parcel of land acquired under section 1 of this Act shall be under the jurisdiction and control of the Secretary of War, and there is authorized to be appropriated for the maintenance of each such parcel of land, fence, approach, and marker a sum not to exceed \$250 per annum.

Approved, February 21, 1929.

I. NATIONAL MILITARY PARKS

1. Chickamauga and Chattanooga National Military Park,
Georgia and Tennessee

FIFTY-FIRST CONGRESS. SESS. I. CH. 806. 1890.

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CHAP. 806.—An Act to establish a national military park at the battle-field of Chickamauga.

August 19, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of preserving and suitably marking for historical and professional military study the fields of some of the most remarkable maneuvers and most brilliant fighting in the war of the rebellion, and upon the ceding of jurisdiction to the United States by the States of Tennessee and Georgia, respectively, and the report of the Attorney General of the United States that the title to the lands thus ceded is perfect, the following described highways in those States are hereby declared to be approaches to and parts of the Chickamauga and Chattanooga National Military Park as established by the second section of this act, to wit: First. The Missionary Ridge Crest road from Sherman Heights at the north end of Missionary Ridge, in Tennessee, where the said road enters upon the ground occupied by the Army of the Tennessee under Major-General William T. Sherman, in the military operations of November twenty-fourth and twenty-fifth, eighteen hundred and sixty-three; thence along said road through the positions occupied by the army of General Braxton Bragg on November twenty-fifth, eighteen hundred and sixty-three, and which were assaulted by the Army of the Cumberland under Major-General George H. Thomas on that date, to where the said road crosses the southern boundary of the State of Tennessee, near Rossville Gap, Georgia, upon the ground occupied by the troops of Major-General Joseph Hooker, from the Army of the Potomac, and thence in the State of Georgia to the junction of said road with the Chattanooga and Lafayette or State road at Rossville Gap; second, the Lafayette or State road from Rossville, Georgia, to Lee and Gordon's Mills, Georgia; third, the road from Lee and Gordon's Mills, Georgia, to Crawfish Springs, Georgia; fourth, the road from Crawfish Springs, Georgia, to the crossing of the Chickamauga at Glass' Mills, Georgia; fifth, the Dry Valley road from Rossville, Georgia, to the southern limits of McFarland's Gap in Missionary Ridge; sixth, the Dry Valley and Crawfish Springs road from McFarland's Gap to the intersection of the road from Crawfish Springs to Lee and Gordon's Mills; seventh, the road from Ringold, Georgia, to Reed's Bridge on the Chickamauga River; eighth, the roads from the crossing of Lookout Creek across the northern slope of Lookout Mountain and thence to the old Summertown Road and to the valley on the east slope of the said mountain, and thence by the route of General Joseph Hooker's troops to Rossville, Georgia, and each and all of these herein described roads shall, after the passage of this act, remain open as free public highways, and all rights of way now existing through the grounds of the said park and its approaches shall be continued.

Chickamauga and Chattanooga National Military Park established. Purpose. Conditions. Jurisdiction. Title. Highways declared approaches to and parts of park. Description of roads.

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FIFTY-FIRST CONGRESS. SESS. I. CH. 806. 1890.

To remain free
public highways.
Rights of way.

Conditions.
Jurisdiction.

Title.
Vol. 25 p. 357.
Condemnation of
lands and roads.

Supra.

Name, etc.

Description of
condemned area.

Post, p. 978.

Acreage.

Park and
approaches to be
under control of
Secretary of War.

Proceedings in
condemnation.

Vol. 25, p. 357.

Establishment and
marking of
boundaries.
Agreements with
present land owners
to remain, etc.

Conditions of
occupancy.
Appointment of
park
commissioners.

Composition, etc.,
of commission.

Secretary of
commission.
Office.

SEC. 2. That upon the ceding of jurisdiction by the legislature of the State of Georgia, and the report of the Attorney-General of the United States that a perfect title has been secured under the provisions of the act approved August first, eighteen hundred and eighty-eight, entitled "An act to authorize condemnation of land for sites of public buildings, and for other purposes," the lands and roads embraced in the area bounded as herein described, together with the roads described in section one of this act, are hereby declared to be a national park, to be known as the Chickamauga and Chattanooga National Park; that is to say, the area inclosed by a line beginning on the Lafayette or State road, in Georgia, at a point where the bottom of the ravine next north of the house known on the field of Chickamauga as the Cloud House, and being about six hundred yards north of said house, due east to the Chickamauga River and due west to the intersection of the Dry Valley road at McFarland's Gap; thence along the west side of the Dry Valley and Crawfish Springs roads to the south side of the road from Crawfish Springs to Lee and Gordon's Mills; thence along the south side of the last named road to Lee and Gordon's Mills; thence along the channel of the Chickamauga River to the line forming the northern boundary of the park, as hereinbefore described, containing seven thousand six hundred acres, more or less.

SEC. 3. That the said Chickamauga and Chattanooga National Park, and the approaches thereto, shall be under the control of the Secretary of War, and it shall be his duty, immediately after the passage of this act to notify the Attorney General of the purpose of the United States to acquire title to the roads and lands described in the previous sections of this act under the provisions of the act of August first, eighteen hundred and eighty-eight; and the said Secretary, upon receiving notice from the Attorney-General of the United States that perfect titles have been secured to the said lands and roads, shall at once proceed to establish and substantially mark the boundaries of the said park.

SEC. 4. That the Secretary of War is hereby authorized to enter into agreements, upon such nominal terms as he may prescribe, with such present owners of the land as may desire to remain upon it, to occupy and cultivate their present holdings, upon condition that they will preserve the present buildings and roads, and the present out-lines of field and forest, and that they will only cut trees or under-brush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

SEC. 5. That the affairs of the Chickamauga and Chattanooga National Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, each of whom shall have actively participated in the battle of Chickamauga or one of the battles about Chattanooga, two to be appointed from civil life by the Secretary of War, and a third, who shall be detailed by the Secretary of War from among those officers of the Army best acquainted with the details of the battles of Chickamauga and Chattanooga, who shall act as Secretary of the Commission. The said commissioners and Secretary shall have an office in the War

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Department building, and while on actual duty shall be paid such compensation, out of the appropriation provided in this act, as the Secretary of War shall deem reasonable and just.

SEC. 6. That it shall be the duty of the commissioners named in the preceding section, under the direction of the Secretary of War, to superintend the opening of such roads as may be necessary to the purposes of the park, and the repair of the roads of the same, and to ascertain and definitely mark the lines of battle of all troops engaged in the battles of Chickamauga and Chattanooga, so far as the same shall fall within the lines of the park as defined in the previous sections of this act, and, for the purpose of assisting them in their duties and in ascertaining these lines, the Secretary of War shall have authority to employ, at such compensation as he may deem reasonable and just, to be paid out of the appropriation made by this act, some person recognized as well informed in regard to the details of the battles of Chickamauga and Chattanooga, and who shall have actively participated in one of those battles, and it shall be the duty of the Secretary of War from and after the passage of this act, through the commissioners, and their assistant in historical work, and under the act approved August first, eighteen hundred and eighty-eight, regulating the condemnation of land for public uses, to proceed with the preliminary work of establishing the park and its approaches as the same are defined in this act, and the expenses thus incurred shall be paid out of the appropriation provided by this act.

SEC. 7. That it shall be the duty of the commissioners, acting under the direction of the Secretary of War, to ascertain and substantially mark the locations of the regular troops, both infantry and artillery, within the boundaries of the park, and to erect monuments upon those positions as Congress may provide the necessary appropriations; and the Secretary of War in the same way may ascertain and mark all lines of battle within the boundaries of the park and erect plain and substantial historical tablets at such points in the vicinity of the Park and its approaches as he may deem fitting and necessary to clearly designate positions and movements, which, although without the limits of the Park, were directly connected with the battles of Chickamauga and Chattanooga.

SEC. 8. That it shall be lawful for the authorities of any State having troops engaged either at Chattanooga or Chickamauga, and for the officers and directors of the Chickamauga Memorial Association, a corporation chartered under the laws of Georgia, to enter upon the lands and approaches of the Chickamauga and Chattanooga National Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of War, and shall first receive the written approval of the Secretary, which approval shall be based upon formal written reports, which must be made to him in each case by the commissioners of the park.

SEC. 9. That the Secretary of War, subject to the approval of the President of the United States, shall have the power to make, and shall make, all needed regulations for the care of the park and for the establishment and marking of the lines of battle and other historical features of the park.

Commissioners' compensation.

Duties of commission.

Employment of assistant, expert. Compensation.

Vol. 25, p. 357.

Preliminary work of establishing park, etc. Expenses.

Location of regular troops within park.

Monuments, designating.

Lines of battle, within. Erection of historical tablets. Positions and movements, without.

Certain States, etc., may ascertain and mark lines of battle, etc.

Proviso.

Secretary of War to first approve lines, etc. Written reports.

Care of park, etc. Regulations, etc.

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Punishment for
injury, etc., to
monuments, etc.

Trees, etc.

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Exception.
Breast-works, etc.

Conviction.

Fine.

Distribution of
fines, in moieties.
How recoverable.

Appropriation for
preliminary work
and pay, etc., of
commission, etc.

Approved
disbursements.

Report.

SEC. 10. That if any person shall willfully destroy, mutilate, deface, injure, or remove any monument, column, statues, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall willfully destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall willfully destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon such park, except by permission of the Secretary of War, or shall willfully remove or destroy any breast-works, earth-works, walls, or other defenses or shelter, on any part thereof, constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof, before any justice of the peace of the county in which the offense may be committed, shall for each and every such offense forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than five nor more than fifty dollars, one-half to the use of the park and the other half to the informer, to be enforced and recovered, before such justice, in like manner as debts of like nature are now by law recoverable in the several counties where the offense may be committed.

SEC. 11. That to enable the Secretary of War to begin to carry out the purposes of this act, including the condemnation and purchase of the necessary land, marking the boundaries of the park, opening or repairing necessary roads, maps and surveys, and the pay and expenses of the commissioners and their assistant, the sum of one hundred and twenty-five thousand dollars, or such portion thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, and disbursements under this act shall require the approval of the Secretary of War, and he shall make annual report of the same to Congress.

Approved, August 19, 1890.

2. Fort Donelson National Military Park, Tennessee

SEVENTIETH CONGRESS. SESS. I. CH. 248. 1928.

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CHAP. 248.— An Act To establish a national military park at the battle field of Fort Donelson, Tennessee.

March 26, 1928.
[H. R. 5500]
[Public, No. 187.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

SEC. 2. In appointing the members of the commission created by section 1 of this Act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Fort Donelson, Tennessee, and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Fort Donelson, Tennessee, and to carefully study the available records and historical data with respect to the location and movement of all troops which engaged in the Battle of Fort Donelson, and the important events connected therewith, with a view of preserving and marking such field for historical and professional military study. The commission shall submit a report of its findings and recommendations to the Secretary of War not later than December 1, 1928. Such report shall describe the portion or portions of land within the area of the battle field which the commission thinks should be acquired and embraced in a national park and the price at which such land can be purchased and its reasonable market value; the report of the commission shall also embrace a map or maps showing the lines of battle and the locations of all troops engaged in the Battle of Fort Donelson and the location of the land which it recommends be acquired for the national park; the report of the commission shall contain recommendations for the location of historical tablets at such points on the battle field, both within and without the land to be acquired for the park, as they may deem fitting and necessary to clearly designate positions and movements of troops and important events connected with the Battle of Fort Donelson.

SEC. 4. The Secretary of War is authorized to assign any officials of the War Department to the assistance of the commission if he deems it advisable. He is authorized to pay the reasonable expenses of the commission and their assistants incurred in the actual performance of the duties herein imposed upon them.

Fort Donelson, Tenn., battle-field.
Commission created.
Army Engineer officer.

United States Civil War veteran.

Qualifications of commission.

Duty of commission, to inspect battle field, etc.

Report of findings to Secretary of War.

Subjects to be considered.

Assignment of officials.

Expenses authorized.

Acquiring lands by purchase or condemnation.

Establishment, etc., as a national military park.

Proviso.
Cost limitation.

Upon cession of jurisdiction by Tennessee, etc., to be Fort Donelson National Park.

Control of Secretary of War. Superintendent.

Agreements with present holders of lands, for protection thereof, etc.

States may mark lines of battle of their troops.

Proviso.
Marking, etc., subject to approval of Secretary of War.

Penalty for destroying, injuring, etc., property.

SEC. 5. That, upon receipt of the report of said commission, the Secretary of War be, and he is hereby, authorized and directed to acquire, by purchase, when purchasable at prices deemed by him reasonable, otherwise by condemnation, such tract or tracts of lands as are recommended by the commission as necessary and desirable for a national park; to establish and substantially mark the boundaries of the said park; to definitely mark all lines of battle and locations of troops within the boundaries of the park and erect substantial historical tablets at such points within the park and in the vicinity of the park and its approaches as are recommended by the commission, together with such other points as the Secretary of War may deem appropriate: *Provided*, That the entire cost of acquiring said land, including cost of condemnation proceedings, if any, ascertainment of title, surveys, and compensation for the land, the cost of marking the battle field, and the expenses of the commission, shall not exceed the sum of \$50,000.

SEC. 6. That, upon the ceding of jurisdiction by the Legislature of the State of Tennessee and the report of the Attorney General of the United States that a perfect title has been acquired, the lands acquired under the provisions of this Act, together with the area already inclosed within the national cemetery at the battle field of Fort Donelson, are hereby declared to be a national park, to be known as the Fort Donelson National Park.

SEC. 7. That the said Fort Donelson National Park shall be under the control of the Secretary of War, and he is hereby authorized to make all needed regulations for the care of the park. The superintendent of the Fort Donelson National Cemetery shall likewise be the superintendent of and have the custody and care of the Fort Donelson National Park, under the direction of the Secretary of War.

SEC. 8. That the Secretary of War is hereby authorized to enter into agreements, upon such nominal terms as he may prescribe, with such present owners of the land as may desire to remain upon it, to occupy and cultivate their present holdings, upon condition that they will preserve the present buildings and roads, and the present outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

SEC. 9. That it shall be lawful for the authorities of any State having troops engaged in the Battle of Fort Donelson to enter upon the lands and approaches of the Fort Donelson National Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of War and shall first receive the written approval of the Secretary.

SEC. 10. That if any person shall willfully destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall willfully destroy or remove any fence, railing, inclosure, or other work for the protection

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or ornament of said park, or any portion thereof, or shall willfully destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon such park, except by permission of the Secretary of War, or shall willfully remove or destroy any breastworks, earthworks, walls, or other defenses or shelter, or any part thereof, constructed by the armies formerly engaged in the battle on the lands or approaches to the park, any person so offending shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall for each and every such offense be fined not less than \$5 nor more than \$100.

SEC. 11. That the sum of \$50,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended for the purposes of this Act.

Approved, March 26, 1928.

Amount
authorized to be
expended.
Post, pp. 929,
1666.

3. Fredericksburg and Spotsylvania County Battle Fields Memorial, Virginia

SIXTH-NINTH CONGRESS. SESS. II. CH. 127. 1927.

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CHAP. 127.—An Act To establish a national military park at and near Fredericksburg, Virginia, and to mark and preserve historical points connected with the battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, Virginia.

February 14, 1927
[H. R. 9045.]
[Public, No. 609.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to commemorate the Civil War battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, all located at or near Fredericksburg, Virginia, and to mark and preserve for historical purposes the breastworks, earthworks, gun emplacements, walls, or other defenses or shelters used by the armies in said battles, so far as the marking and preservation of the same are practicable, the land herein authorized to be acquired, or so much thereof as may be taken, and the highways and approaches herein authorized to be constructed, are hereby declared to be a national military park to be known as the Fredericksburg and Spotsylvania County Battle Fields Memorial whenever the title to the same shall have been acquired by the United States, the said land so to be acquired being the land necessary for a park of the plan indicated on the index map sheet filed with the report of the Battle Field Commission appointed pursuant to an Act entitled "An Act to provide for the inspection of the battle fields in and around Fredericksburg and Spotsylvania Court House, Virginia," approved on the 7th day of June, 1924, said index map sheet being referred to in said report, and particularly in the "Combined Plan—Antietam system," described in said report, the first of the plans mentioned in said report under the heading "Combined Plan—Antietam system" being the plan which is hereby adopted, the said land herein authorized to be acquired being such land as the Secretary of War may deem necessary to establish a park on the combined plan, Antietam system, above referred to, the particular boundaries of such land to be fixed by surveys made previous to the attempt to acquire the same, and authority is hereby given to the Secretary of War to acquire for the purposes of this Act the land above mentioned, or so much thereof as he may deem necessary, together with all such existing breastworks, earthworks, gun emplacements, walls, defenses, shelters, or other historical points as the Secretary of War may deem necessary, whether shown on said index map sheet or not, and together also with such additional land as the Secretary of War may deem necessary for monuments, markers, tablets, roads, highways, paths, approaches, and to carry out the general purposes of this Act. As title is acquired to parts of the land herein authorized to be acquired, the Secretary of War may proceed with the establishment of the park upon such portions so acquired, and the remaining portions of the lands desired shall be respectively brought within said park as titles to said portions are severally acquired.

Fredericksburg and Spotsylvania County Battle Fields Memorial, Va.

Established as a national military park when title to land, etc., acquired.

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Description of plan.
Vol. 43, p. 646.

Authority to acquire land, etc.

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SIXTH-NINTH CONGRESS. SESS. II. CH. 127. 1927.

Condemnation proceedings to acquire land. Vol. 25, p. 357.

Provisos.
Purchases from owners.

Acceptance of donations.

Payment to await approval of title.

Leases with owners for lands unnecessary to purchase.

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Provisos.
Cultivation, etc., of holdings.

Condition.

Proceeds from leases of acquired lands.

SEC. 2. The Secretary of War is hereby authorized to cause condemnation proceedings to be instituted in the name of the United States under the provisions of the Act of August 1, 1888, entitled "An Act to authorize condemnation of lands for sites for public buildings, and for other purposes" (Twenty-fifth Statutes at Large, page 357), to acquire title to the lands, interests therein, or rights pertaining thereto within the said Fredericksburg and Spotsylvania County Battle Fields Memorial, herein above authorized to be acquired, and the United States shall be entitled to immediate possession upon the filing of the petition in condemnation in the United States District Court for the Eastern District of Virginia: *Provided*, That when the owner of such lands, interests therein, or rights pertaining thereto shall fix a price for the same, which in the opinion of the commission, hereinafter referred to, and the Secretary of War, shall be reasonable, the Secretary may purchase the same without further delay: *Provided further*, That the Secretary of War is hereby authorized to accept on behalf of the United States, donations of lands, interests therein or rights pertaining thereto required for the said Fredericksburg and Spotsylvania County Battle Fields Memorial: *And provided further*, That no public money shall be expended for title to any lands until a written opinion of the Attorney General shall be had in favor of the validity of title thereto.

SEC. 3. The Secretary of War is hereby authorized to enter into leases with the owners of such of the lands, works, defenses, and buildings thereon within the said Fredericksburg and Spotsylvania County Battle Fields Memorial, as in his discretion it is unnecessary to forthwith acquire title to, and such leases shall be on such terms and conditions as the Secretary of War may prescribe, and may contain options to purchase, subject to later acceptance if in the judgment of the Secretary of War it is as economical to purchase as condemn title to the property: *Provided*, That the Secretary of War may enter into agreements upon such nominal terms as he may prescribe, permitting the present owners or their tenants to occupy or cultivate their present holdings, upon condition that they will preserve the present breastworks, earthworks, walls, defenses, shelters, buildings, and roads, and the present outlines of the battle fields, and that they will only cut trees or underbrush or disturb or remove the soil, under such regulations as the Secretary of War may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority: *Provided further*, That if such agreements to lease cover any lands the title to which shall have been acquired by the United States, the proceeds from such agreements shall be applied by the Secretary of War toward the maintenance of the park.

SEC. 4. The affairs of the said Fredericksburg and Spotsylvania County Battle Fields Memorial shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, consisting of Army officers, civilians, or both, to be appointed by the Secretary of War, one of whom shall be designated as chairman and another as secretary of the commission.

Commission to have charge of affairs of park.

SEC. 5. It shall be the duty of the commissioners, under the direction of the Secretary of War, to survey, locate, and preserve the lines of the opposing armies in said battles, to open, construct, and repair such roads, highways, paths, and other approaches as may be necessary to make the historical points accessible to the public and to students of said battles and for the purposes of the park, to ascertain and mark with historical monuments, markers, tablets, or otherwise, as the Secretary of War may determine, all breastworks, earthworks, gun emplacements, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the park or in its vicinity, and to establish and construct such observation towers as the Secretary of War may deem necessary for said park, and the said commission in establishing the park shall have authority, under the direction of the Secretary of War, to employ such labor and services at rates to be fixed by the Secretary of War, and to obtain such supplies and materials as may be necessary to carry out the provisions of this Act.

Duties prescribed.

SEC. 6. The commission, acting through the Secretary of War, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the said Fredericksburg and Spotsylvania County Battle Fields Memorial: *Provided*, That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Fredericksburg and Spotsylvania County Battle Fields Memorial fund," which fund shall be applied to and expended under the direction of the Secretary of War for carrying out the provisions of this Act.

Acceptance of gifts, etc., authorized.

Proviso.
Moneys to be deposited to credit of special fund.

SEC. 7. It shall be lawful for the authorities of any State having had troops engaged in said battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, or in any of said battles, to enter upon the lands and approaches of the Fredericksburg and Spotsylvania County Battle Fields Memorial for the purposes of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription for the same, shall be submitted to the Secretary of War, and shall first receive

States may mark lines of battle of their troops.

Provisos.
Approval of marking, etc., by the Secretary of War.

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SIXTH-NINTH CONGRESS. SESS. II. CH. 127. 1927.

No discrimination
in designating
lines.

written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the commissioners of the park: *Provided*, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of War may be used by any other State.

Penalty for
destroying,
injuring, etc.,
property.

SEC. 8. If any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof before any justice of the peace of the county in which the offense may be committed, or any court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than \$5 nor more than \$50, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as debts of like nature are now by law recoverable in the several counties where the offense may be committed.

Recovery.

Rules, etc., to be
prescribed.

SEC. 9. The Secretary of War, subject to the approval of the President, shall have the power to make and shall make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park.

Report to
Congress on
acquisition of
land.
Superintendent to
be appointed.

SEC. 10. Upon completion of the acquisition of the land and the work of the commission, the Secretary of War shall render a report thereon to Congress, and thereafter the park shall be placed in charge of a superintendent at a salary to be fixed by the Secretary of War and paid out of the appropriation available for the maintenance of the park.

Authorization for
expenses.

SEC. 11. To enable the Secretary of War to begin to carry out the provisions of this Act, including the condemnation, purchase, or lease of the necessary lands, surveys, maps, marking the boundaries of the park, opening, constructing, or repairing necessary roads, pay and expenses of commissioners, salaries for labor and services, traveling expenses, supplies and materials, the sum of \$50,000 is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, to remain available until expended, and such additional sums are hereby authorized to be appropriated from time to time as may be necessary for the completion of the project and for the proper maintenance of said park. All disbursements under this Act shall be annually reported by the Secretary of War to Congress.

Approved, February 14, 1927.

4. Gettysburg National Military Park, Pennsylvania

FIFTY-THIRD CONGRESS. SESS. III. CH. 80. 1895.

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CHAP. 80.—An Act To establish a national military park at Gettysburg, February 11, 1895.
Pennsylvania.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized to receive from the Gettysburg Battlefield Memorial Association, a corporation chartered by the State of Pennsylvania, a deed of conveyance to the United States of all the lands belonging to said association, embracing about eight hundred acres, more or less, and being a considerable part of the battlefield of Gettysburg, together with all rights of way over avenues through said lands acquired by said association, and all improvements made by it in and upon the same. Upon the due execution and delivery to the Secretary of War of such deed of conveyance, the Secretary of War is authorized to pay to the said Battlefield Memorial Association the sum of two thousand dollars, or so much thereof as may be necessary to discharge the debts of said association, the amount of such debts to be verified by the officers thereof, and the sum of two thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated to meet and defray such charges.

SEC. 2. That as soon as the lands aforesaid shall be conveyed to the United States the Secretary of War shall take possession of the same, and such other lands on the battlefield as the United States have acquired, or shall hereafter acquire, by purchase or condemnation proceedings; and the lands aforesaid, shall be designated and known as the "Gettysburg National Park."

SEC. 3. That the Gettysburg national park shall, subject to the supervision and direction of the Secretary of War, be in charge of the commissioners heretofore appointed by the Secretary of War for the location and acquisition of lands at Gettysburg, and their successors; the said commissioners shall have their office at Gettysburg, and while on duty shall be paid such compensation out of the appropriation provided in this Act as the Secretary of War shall deem reasonable and just. And it shall be the duty of the said commissioners, under the direction of the Secretary of War, to superintend the opening of such additional roads as may be necessary for the purposes of the park and for the improvement of the avenues heretofore laid out therein, and to properly mark the boundaries of the said park, and to ascertain and definitely mark the lines of battle of all troops engaged in the battle of Gettysburg, so far as the same shall fall within the limits of the park.

SEC. 4. That the Secretary of War is hereby authorized and directed to acquire, at such times and in such manner as he may deem best calculated to serve the public interest, such lands in the vicinity of Gettysburg, Pennsylvania, not exceeding in area the parcels shown on the map prepared by Major-General Daniel E. Sickles, United States Army, and now on file in the office of the Secretary of War, which were occupied by the infantry, cavalry and artillery on the first, second and third days of July, eighteen hundred and sixty-three, and such other adjacent lands as he may deem necessary to preserve the important topographical features of the battlefield: *Provided*, That nothing contained in this Act shall be

Gettysburg
National Park.

Acceptance of
land from Battle-
field Memorial
Association.

Appropriation.

Secretary of War
to take
possession, etc.

Designation.

Commissioners to
be appointed.

Compensation.

Duty.

Acquiring
additional land,
etc.

Proviso.
Rights not
prejudiced.

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Commissioners
to acquire lands
designated.

deemed and held to prejudice the rights acquired by any State or any military organization to the ground on which its monuments or markers are placed, nor the right of way to the same.

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Condemnation
proceedings.
Vol. 25, p. 357.

SEC. 5. That for the purpose of acquiring the lands designated and described in the foregoing section not already acquired and owned by the United States, and such other adjacent land as may be deemed necessary by the Secretary of War for the preservation and marking of the lines of battle of the Union and confederate armies at Gettysburg, the Secretary of War is authorized to employ the services of the commissioners heretofore appointed by him for the location, who shall proceed, in conformity with his instructions and subject in all things to his approval, to acquire such lands by purchase, or by condemnation proceedings, to be taken by the Attorney-General in behalf of the United States, in any case in which it shall be ascertained that the same can not be purchased at prices deemed reasonable and just by the said commissioners and approved by the Secretary of War. And such condemnation proceedings may be taken pursuant to the Act of Congress approved August first, eighteen hundred and eighty-eight, regulating the condemnation of land for public uses, or the Joint Resolution authorizing the purchase or condemnation of land in the vicinity of Gettysburg, Pennsylvania, approved June fifth, eighteen hundred and ninety-four.

Ante, p. 584.

Regulations,
etc.

SEC. 6. That it shall be the duty of the Secretary of War to establish and enforce proper regulations for the custody, preservation, and care of the monuments now erected or which may be hereafter erected within the limits of the said national military park; and such rules shall provide for convenient access by visitors to all such monuments within the park, and the ground included therein, on such days and within such hours as may be designated and authorized by the Secretary of War.

Penalty for
destroying
columns, etc.

SEC. 7. That if any person shall destroy, mutilate, deface, injure, or remove, except by permission of the Secretary of War, any column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park or any portion thereof, or shall destroy, cut, hack, bark, break down or otherwise injure any tree, bush, or shrubbery that may be, growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees, growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the land or approaches to the park, or shall violate any regulation made and published by the Secretary of War for the government of visitors within the limits of said park, any person so offending and found guilty thereof, before any justice of the peace of the county in which the offense may be committed, shall, for each and every such offense, forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than five nor more than five hundred dollars, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as debts of like nature are now by law recoverable in the county where the offense may be committed.

Bronze tablet
containing
Lincoln's
address,
etc.

SEC. 8. That the Secretary of War is hereby authorized and directed to cause to be made a suitable bronze tablet, containing

FIFTY-THIRD CONGRESS. SESS. III. CH. 80. 1895.

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on it the address delivered by Abraham Lincoln, President of the United States, at Gettysburg on the nineteenth day of November, eighteen hundred and sixty-three, on the occasion of the dedication of the national cemetery at that place, and such tablet, having on it besides the address a medallion likeness of President Lincoln, shall be erected on the most suitable site within the limits of said park, which said address was in the following words, to wit:

Medallion.

“Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

“Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

“But, in a larger sense, we can not dedicate, we can not consecrate, we can not hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note, nor long remember, what we say here; but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us; that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth.”

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And the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the cost of said tablet and medallion and pedestal.

Appropriation for tablet and medallion.

SEC. 9. That, to enable the Secretary of War to carry out the purposes of this Act, including the purchase or condemnation of the land described in sections four and five of this Act, opening, improving, and repairing necessary roads and avenues, providing surveys and maps, suitably marking the boundaries of the park, and for the pay and expenses of the commissioners and their assistants, the sum of seventy-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated; and all disbursements made under this Act shall require the approval of the Secretary of War, who shall make annual report of the same to Congress.

Appropriation for expenses, etc.

Approved, February 11, 1895.

5. Guilford Courthouse National Military Park, North Carolina

996

SIXTY-FOURTH CONGRESS. SESS. II. CH. 152. 1917.

March 2, 1917.

[H. R. 8229.]

[Public, No. 375.]

CHAP. 152.—An Act To establish a national military park at the battle field of Guilford Courthouse.

Guilford Court-
house Military
Park, N.C.
Established.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for historical and professional military study one of the most memorable battles of the Revolutionary War, the battle field of Guilford Courthouse, in the State of North Carolina, is hereby declared to be a national military park whenever the title to the same shall have been acquired by the United States; that is to say, the area enclosed by the following lines:

Area described.

Those certain tracts or parcels of land in the county of Guilford and State of North Carolina, Morehead Township, more particularly described as follows:

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First tract: Beginning at a stone on the west side of the Greensboro macadam road; thence north eighty-six degrees five minutes west eight hundred and seventy-seven and one-tenth feet to a stone; thence north seven degrees fifty-five minutes west four hundred and eight and eight-tenths feet to a stone; thence north seven degrees five minutes east one hundred and ninety and eight-tenths feet to a stone; thence north sixty degrees forty-five minutes east two hundred and sixty-five and four-tenths feet to a stone; thence north fourteen degrees fifteen minutes west seven hundred and one and six-tenths feet to a stone; thence north eight degrees forty-five minutes west three hundred and forty-eight and one-tenth feet to a stone; thence north seventy-one degrees thirty-five minutes east nine hundred and thirty-seven and eight-tenths feet to a stone; thence south fifty degrees forty-five minutes east one hundred and fifty-seven and two-tenths feet to a stone; thence north seventy degrees forty-five minutes east eight hundred and seventy-five and five-tenths feet to a stone; thence north twenty-seven degrees twenty-eight minutes west two hundred and two and nine-tenths feet to a stone; thence north twenty-seven degrees eight minutes west two hundred and twenty-six and eight-tenths feet to a stone; thence north sixty-nine degrees forty-five minutes east two hundred and sixty-five and nine-tenths feet to a stone; thence north sixty-eight degrees fifty minutes east three hundred and seventy and eight-tenths feet to a stone; thence south fifty-three degrees fifty minutes east eight hundred and ninety-two feet to a stone; thence south eighty-three degrees twenty minutes east two hundred and ninety-one and four-tenths feet to a stone; thence south twenty-nine degrees twenty minutes west six hundred and fifty-five and seven-tenths feet to a stone; thence south twelve degrees fifty-five minutes west eight hundred and forty-three feet to a stone; thence about west ten feet to a stone; thence south six degrees five minutes west one hundred and thirty-three and four-tenths feet to a stone; thence north sixty degrees west thirty-eight feet to a stone; thence north forty-nine degrees west fifty-two and six-tenths feet to a stone; thence north eighty-seven degrees ten minutes west one thousand four hundred and twenty-seven and three-tenths feet to a stone; thence north twelve degrees forty minutes east one hundred and ninety-six and five-tenths feet to a stone; thence south seventy-one degrees west two hundred and thirty-seven and nine-tenths feet to a stone; thence south three degrees fifty-five minutes west one thousand and eleven and three-tenths feet to the beginning.

Second tract: Beginning at a stone on the south side of Holt Avenue; thence south nine degrees forty-five minutes west one hundred and nine and eight-tenths feet to a stone; thence south eighty-four degrees forty-five minutes east two hundred and forty-nine feet to a stone; thence northeasterly to Holt Avenue; thence with Holt Avenue north eighty-seven degrees ten minutes west to the beginning, on which is located the Joe Spring.

Together with all privileges and appurtenances thereunto belonging.

The aforesaid tracts of land containing in the aggregate one hundred and twenty-five acres, more or less, and being the property of the Guilford Battle-Ground Company, according to a survey by W. B. Trogdon and W. B. Trogdon, junior, made June eighth, nineteen hundred and eleven. And the area thus inclosed shall be known as the Guilford Courthouse National Military Park.

SEC. 2. That the establishment of the Guilford Courthouse National Military Park shall be carried forward under the control and direction of the Secretary of War, who is hereby authorized to receive from the Guilford Battle-Ground Company, a corporation chartered by the State of North Carolina, a deed of conveyance to the United States of all the lands belonging to said corporation, embracing one hundred and twenty-five acres, more or less, and described more particularly in the preceding section.

Acceptance of conveyance.

SEC. 3. That the Secretary of War is hereby authorized and directed to acquire at such times and in such manner such additional lands adjacent to the Guilford Courthouse National Military Park as may be necessary for the purposes of the park and for its improvement.

Adjacent lands.

SEC. 4. That the affairs of the Guilford Courthouse National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, one of whom shall be an actual resident of Guilford County, State of North Carolina, one an actual resident of the State of Maryland, and one an actual resident of the State of Delaware. They shall be appointed by the Secretary of War, the actual resident of Guilford County, State of North Carolina, so appointed to serve, unless sooner relieved, for a term of four years. The resident commissioner shall act as chairman and as secretary of the commission. One of the other commissioners so appointed shall serve for a term of three years, and the other for a term of two years, unless sooner relieved. Upon the expiration of the terms of said commissioners the Secretary of War shall, in the manner herein-before prescribed, appoint their successors, to serve, unless sooner relieved, for a term of four years each from the date of their respective appointments. The office of said commissioners shall be in the city of Greensboro, North Carolina. The resident commissioner shall receive as compensation \$1,000 per annum, the nonresident commissioners \$100 per annum each, and they shall not be entitled to any other pay or allowances of any kind whatsoever.

Commission created to control.

998 Appointments and terms.

Office and compensation.

Duties and
authority of
commission.

SEC. 5. That it shall be the duty of the commission named in the preceding section, under the direction of the Secretary of War, to open or repair such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the Battle of Guilford Courthouse and other historical points of interest pertaining to the battle within the park or its vicinity; and the said commission in establishing this military park shall also have authority, under the direction of the Secretary of War, to employ such labor and services and to obtain such supplies and material as may be necessary to the establishment of said park, under such regulations as he may consider best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care of the park.

Regulations for
care, etc.

Marking positions
of troops.

SEC. 6. That it shall be lawful for any State that had troops engaged in the battle of Guilford Courthouse to enter upon the lands of the Guilford Courthouse National Military Park for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them, by monuments, tablets, or otherwise, shall be submitted to and approved by the Secretary of War; and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of War.

Proviso.
Approval of
Secretary of War.

Penalty for
mutilations, etc.,
of property in.

SEC. 7. That if any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statues, memorial structures, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornamentation of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, brush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon said park, or hunt within the limits of the park, any person so offending and found guilty thereof before any justice of the peace of the county of Guilford, State of North Carolina, shall, for each and every such offense, forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than \$5 nor more than \$50, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as debts of like nature are now by law recoverable in the said county of Guilford, State of North Carolina.

Half of fine to
informer.

Approved, March 2, 1917.

6. Kings Mountain National Military Park, South Carolina

SEVENTY-FIRST CONGRESS. SESS. III. CH. 437. 1931.

1508

CHAP. 437.—An Act To establish a national military park to commemorate the Battle of Kings Mountain.

March 3, 1931.

[H. R. 6128.]

[Public, No. 824.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to commemorate the Battle of Kings Mountain which was fought on the 7th day of October 1780, the Kings Mountain battle ground, in the State of South Carolina, including such adjacent contiguous lands as may be useful and proper in effectually carrying out the purposes of this Act, is hereby declared to be a national military park, to be known as the Kings Mountain National Military Park, when such land including said battle ground shall become the property of the United States.

Kings Mountain
National Military
Park, N.C.
Establishment of.

Purposes declared.

SEC. 2. The Secretary of War shall ascertain on what land the Battle of Kings Mountain was fought and, subject to the provisions of section 355 of the Revised Statutes, shall proceed to acquire title to such land together with such adjacent and contiguous lands as he may deem useful and proper in effectually carrying out the purposes of this Act, either by purchase or gift or by condemnation under the provisions of the Act entitled "An Act to authorize condemnation of land for sites of public buildings, and for other purposes," approved August 1, 1888.

Location of
battlefield to
determine site.

Acquisition of
lands by purchase
or condemnation.

Vol. 25, p. 357.
U.S. C., p. 1302.

SEC. 3. Such park shall be under the control and direction of the Secretary of War. The Secretary is authorized to prescribe from time to time such regulations for the care and management of such park as he may deem necessary.

Control of
Secretary of War.
Regulations to be
prescribed.
Revocable permits
to holders of land.

SEC. 4. Upon such terms and conditions as he may prescribe, the Secretary of War is authorized to permit any person occupying any land within the boundaries of such park to continue to occupy such land, but the Secretary may revoke such permit at any time.

Road
construction, etc.
Historic markers.

SEC. 5. The Secretary of War shall open or repair such roads in such park as may be necessary, and ascertain and mark with tablets or otherwise, as he may determine, all lines of battle of the American troops and British troops engaged in the Battle of Kings Mountain and other historical points of interest pertaining to the battle which are within the boundaries of the park. The Secretary is authorized to employ such labor and services and to obtain such supplies and materials as may be necessary to carry out the provisions of this section.

Services and
supplies
authorized.

SEC. 6. The authorities of any State which had troops engaged in the Battle of Kings Mountain may enter the Kings Mountain National Military Park for the purpose of ascertaining and marking the lines of battle of such troops, but before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be approved by the Secretary of War. Any State organization or individual may, with the approval of the Secretary of War, erect monuments or place tablets within such park.

State cooperation.
Supervision of
Secretary of War.

Permission
extended to
individuals, etc.

SEC. 7. There is authorized to be appropriated the sum of \$225,000, or so much thereof as may be necessary, in order to carry out the provisions of this Act.

1509
Appropriation
authorized.

Approved, March 3, 1931.

7. Moores Creek National Military Park, North Carolina

684

SIXTY-NINTH CONGRESS. SESS. I. CH. 448. 1926.

June 2, 1926.
[H. R. 3796.]
[Public, No. 324.]

CHAP. 448.—An Act To establish a national military park at the battle field of Moores Creek, North Carolina.

Moores Creek, N.C.
National Military
Park established on
battle field of, in
Revolutionary War.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for historical and professional military study one of the most memorable battles of the Revolutionary War, the battle field of Moores Creek, in the State of North Carolina, is hereby declared to be a national military park whenever the title to the same shall have been acquired by the United States; that is to say, the area inclosed by the following lines:

685
Tracts of land to be
acquired.

Those tracts or parcels of land in the county of Pender, and State of North Carolina, more particularly described as follows:

First tract.

First tract: Beginning at a stone at the run of Moores Creek, on the east bank of same, about twenty poles (in a straight line) above the new iron bridge, and running thence parallel to William Walker's line, south sixty-two and one-half degrees west eleven chains to a stake; thence south seven and one-half degrees east three and six-tenths chains to a stone at the south edge of the old stage road; thence along the south edge of said road south forty-six degrees east about five chains and eighty links to a stone; thence south thirty-seven and one-fourth degrees west fourteen chains and twelve links to a stone; thence north sixty-two and one-half degrees west ten chains and seventy-five links to a stone, a corner (4) of an eight-acre tract which the parties of the first part conveyed to Governor D. L. Russell, for the purposes aforesaid, by a deed dated January, 1898, and recorded in Pender County; thence with the lines of said tract north thirty-nine and one-half degrees east thirteen chains and twenty-seven links to a stake, the third corner of the said eight-acre tract; thence north fifty-one degrees west four chains to a stake about twenty feet from the old entrenchment (the second corner of the eight-acre tract); thence with the first line reversed north forty-four degrees west two chains to a sweet gum at the run of Moores Creek (the first corner of the eight-acre tract); thence up and with the run of said creek to the first station, containing twenty acres.

Second tract.

Second tract: Beginning at a sweet gum on the eastern edge of Moores Creek, running thence south forty-four degrees east two poles to a stake; thence south fifty-one degrees east four poles five links to a stake; thence south thirty-nine degrees west thirteen poles twenty-seven links to a stake; thence north fifty-one degrees west nine poles thirty-one links to a stake in the edge of Moores Creek; thence northerly with the creek to the beginning, containing eight acres more or less

Third tract.

Third tract: Beginning at a cypress on the edge of the run of Moores Creek about twenty feet from the west end of the old entrenchments and running thence in a line parallel to and ten feet distance from the outside or east edge of the old line of entrenchments in all the various courses of the same to a stake ten feet distant on the east side of the north end of said entrenchments; thence a direct line to the run of said Moores Creek; thence down said creek to the beginning, containing two acres, be the same more or less (the intention is to include all lands now known and designated as Moores Creek battlefield and now so recognized as such and owned by the State of North Carolina), together with all the privileges and appurtenances thereunto belonging.

SIXTY-NINTH CONGRESS. SESS. I. CH. 448. 1926.

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The aforesaid tracts of land containing in the aggregate thirty acres, more or less, and being the property of the State of North Carolina, and the area thus inclosed shall be known as the Moores Creek National Military Park.

SEC. 2. The establishment of the Moores Creek National Military Park shall be carried forward under the control and direction of the Secretary of War, who is hereby authorized to receive from the State of North Carolina a deed of conveyance to the United States of all the lands belonging to the said State, embracing thirty acres, more or less, and described more particularly in the preceding section.

SEC. 3. That the affairs of the Moores Creek National Military Park shall be subject to the supervision and direction of the Secretary of War, and it shall be the duty of the War Department, under the direction of the Secretary of War, to open or repair such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the Battle of Moores Creek, and other historical points of interest pertaining to the battle within the park or its vicinity; and the Secretary of War in establishing this military park is authorized to employ such labor and services and to obtain such supplies and material as may be considered best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care of the park.

SEC. 4. It shall be lawful for any State that had troops engaged in the battle of the Moores Creek National Military Park, to enter upon the same for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, shall be submitted to and approved by the Secretary of War; and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of War.

SEC. 5. If any person shall, except by permission of the Secretary of War, destroy, deface, injure, or remove any monument, column, statues, memorial structures, or work of art, which shall be placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other mark for the protection or ornamentation of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, brush, or shrubbery that may be growing upon said park, or shall cut down or remove or fell any timber battle relic tree, or tree growing upon said park, or hunt within the limits of the park, any person so offending and found guilty thereof before any justice of the peace of the county of Pender, State of North Carolina, shall, for each and every offense, forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than \$5 nor more than \$50, one half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as fines of like nature are now by law recoverable in the said county of Pender, State of North Carolina.

Approved, June 2, 1926.

Area to be known as Moores Creek National Military Park.

Secretary of War to control, and accept conveyance of land from North Carolina.

Maintenance, etc. *Post*, p. 879

Marking with historical tablets. 686

Employment of services, etc.

Marking lines of battle by State troops.

Proviso. Submission for approval by the Secretary.

Defacing monuments, injuring property, etc., prohibited.

Penalty imposed by a justice of the peace of Pender County, N. C.

8. Petersburg National Military Park, Virginia

822

SIXTY-NINTH CONGRESS. SESS. I. CH. 745. 1926.

July 3, 1926.

[H. R. 7817.]

[Public, No. 467.]

CHAP. 746.—An Act To establish a national military park at the battle fields of the siege of Petersburg, Virginia.

Petersburg
National Military
Park, Va.
Established to
preserve battle
fields of, when title
acquired.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to commemorate the campaign and siege and defense of Petersburg, Virginia, in 1864 and 1865 and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies therein the battle fields at Petersburg, in the State of Virginia, are hereby declared a national military park whenever the title to the same shall have been acquired by the United States by donation and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Virginia— that is to say, one hundred and eighty-five acres or so much thereof as the Secretary of War may deem necessary in and about the city of Petersburg, State of Virginia.

Acceptance of
donations of lands,
etc., authorized.

SEC. 2. That the Secretary of War is hereby authorized to accept, on behalf of the United States, donations of lands, interests therein, or rights pertaining thereto required for the Petersburg National Military Park.

Commission to
have supervision of,
etc.

SEC. 3. The affairs of the Petersburg National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, consisting of Army officers, civilians, or both, to be appointed by the Secretary of War, one of whom shall be designated as chairman and another as secretary of the commission.

Duties of
commission.

SEC. 4. It shall be the duties of the commissioners, under the direction of the Secretary of War, to superintend the opening or repair of such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all breastworks, earthworks, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the park or in its vicinity, and the said commission in establishing the park shall have authority, under the direction of the Secretary of War, to employ such labor and service at rates to be fixed by the Secretary of War, and to obtain such supplies and materials as may be necessary to carry out the provisions of this Act.

Acceptance of gifts,
etc., authorized.
Proviso.
Moneys to be
deposited to credit
of special fund.

SEC. 5. The commission, acting through the Secretary of War, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the Petersburg National Military Park: *Provided,* That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Petersburg National Military Park Fund," which fund shall be applied to and expended under the direction of the Secretary of War, for carrying out the provisions of this Act.

States may mark
lines of battle of
their troops.

SEC. 6. It shall be lawful for the authorities of any State having had troops engaged at Petersburg, to enter upon the lands and approaches of the Petersburg National Military Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein:

SIXTY-NINTH CONGRESS. SESS. I. CH. 746. 1926.

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Provided, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription on for the same, shall be submitted to the Secretary of War and shall first receive written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the commissioners of the park: *Provided*, That no discrimination shall be made against any States to the manner of designating lines, but any grant made to any State by the Secretary of War may be used by any other State.

SEC. 7. If any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statues, memorial structures, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, enclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, breakdown or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof, before any United States commissioner or court, justice of the peace of the county in which the offense may be committed, or any other court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine, in the discretion of the said United States commissioner or court, justice of the peace or other court, according to the aggravation of the offense, of not less than \$5 nor more than \$500, one-half for the use of the park and the other half to the informant, to be enforced and recovered before such United States commissioner or court, justice of the peace or other court, in like manner as debts of like nature are now by law recoverable in the several counties where the offense may be committed.

SEC. 8. The Secretary of War, subject to the approval of the President, shall have the power to make and shall make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park.

SEC. 9. Upon completion of the acquisition of the land and the work of the commission, the Secretary of War shall render a report thereon to Congress, and thereafter the park shall be placed in charge of a superintendent at a salary to be fixed by the Secretary of War and paid out of the appropriation available for the maintenance of the park.

SEC. 10. To enable the Secretary of War to begin to carry out the provisions of this Act, there is hereby authorized to be appropriated not more than the sum of \$15,000, out of any moneys in the Treasury not otherwise appropriated, to be available until expended, after the United States has acquired title, and disbursements under this Act shall be annually reported by the Secretary of War to Congress.

Approved, July 3, 1926.

Provisos.
Approval of marking, etc., by the secretary of War required.

No discrimination in designating lines.

Penalty for destroying, injuring, etc., property.

Recovery.

Rules, etc., to be prescribed.

Report to Congress on acquisition of the land. Superintendent to be appointed.

Authorization for expenses.
Post, p. 1140.

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9. Shiloh National Military Park, Tennessee

FIFTY-THIRD CONGRESS. SESS. III. CH. 12. 1894.

597

CHAP. 12.—An Act To establish a national military park at the battlefield of Shiloh. December 27, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order that the armies of the southwest which served in the civil war, like their comrades of the eastern armies at Gettysburg and those of the central west at Chickamauga, may have the history of one of their memorable battles preserved on the ground where they fought, the battlefield of Shiloh, in the State of Tennessee, is hereby declared to be a national military park, whenever title to the same shall have been acquired by the United States and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Tennessee; that is to say, the area inclosed by the following lines, or so much thereof as the commissioners of the park may deem necessary, to wit: Beginning at low-water mark on the north bank of Snake Creek where it empties into the Tennessee River; thence westwardly in a straight line to the point where the river road to Crumps Landing, Tennessee, crosses Snake Creek; thence along the channel of Snake Creek to Owl Creek; thence along the channel of Owl Creek to the crossing of the road to Purdy, Tennessee; thence southwardly in a straight line to the intersection of an east and west line drawn from the point where the road to Hamburg, Tennessee, crosses Lick Creek, near the mouth of the latter; thence eastward along the said east and west line to the point where the Hamburg Road crosses Lick Creek; thence along low-water mark of the Tennessee River to the point of beginning, containing three thousand acres, more or less, and the area thus inclosed shall be known as the Shiloh National Military Park: *Provided,* That the boundaries of the land authorized to be acquired may be changed by the said commissioners.

SEC. 2. That the establishment of the Shiloh National Military Park shall be carried forward under the control and direction of the Secretary of War, who, upon the passage of this Act, shall proceed to acquire title to the same either under the Act approved August first, eighteen hundred and eighty-eight, entitled "An Act to authorize the condemnation of land for sites of public buildings, and for other purposes," or under the Act approved February twenty-seventh, eighteen hundred and sixty-seven, entitled "An Act to establish and protect national cemeteries," as he may select, and as title is procured to any portion of the lands and roads within the legal boundaries of the park he may proceed with the establishment of the park upon such portions as may thus be acquired.

SEC. 3. That the Secretary of War is hereby authorized to enter into agreements whereby he may lease, upon such terms as he may prescribe, with such present owners or tenants of the lands as may desire to remain upon it, to occupy and cultivate their present holdings upon condition that they will preserve the present buildings and roads and the present outlines of field and forest, and that they only will cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

Shiloh National
Military Park
established at the
battlefield.

Location.

Proviso.
Changes.

Secretary of War
to acquire land,
etc.

Vol. 25, p. 357.

Vol. 14, p. 400.

Leases, etc.,
authorized.

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FIFTY-THIRD CONGRESS. SESS. III. CH. 12. 1894.

Commissioners to
be appointed.

Selection.

Post, p. 946.
Compensation,
etc.Duty of
commission.Marking lines of
battle, etc.*Provisos*.
Approval of
designs, etc.Discriminations
forbidden.Penalty for
destroying
monuments, etc.

SEC. 4. That the affairs of the Shiloh National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, to be appointed by the Secretary of War, each of whom shall have served at the time of the battle in one of the armies engaged therein, one of whom shall have served in the Army of the Tennessee, commanded by General U. S. Grant, who shall be chairman of the commission; one in the Army of the Ohio, commanded by General D. C. Buell; and one in the Army of the Mississippi, commanded by General A. S. Johnston. The said commissioners shall have an office in the War Department building, and while on actual duty shall be paid such compensation out of the appropriations provided by this Act as the Secretary of War shall deem reasonable and just; and for the purpose of assisting them in their duties and in ascertaining the lines of battle of all troops engaged and the history of their movements in the battle, the Secretary of War shall have authority to employ, at such compensation as he may deem reasonable, to be paid out of the appropriations made by this Act, some person recognized as well informed concerning the history of the several armies engaged at Shiloh, and who shall also act as secretary of the commission.

SEC. 5. That it shall be the duty of the commission named in the preceding section, under the direction of the Secretary of War, to open or repair such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the battle of Shiloh and other historical points of interest pertaining to the battle within the Park or its vicinity, and the said commission in establishing this military park shall also have authority, under the direction of the Secretary of War, to employ such labor and services and to obtain such supplies and material as may be necessary to the establishment of the said park under such regulations as he may consider best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care of the park.

SEC. 6. That it shall be lawful for any State that had troops engaged in the battle of Shiloh to enter upon the lands of the Shiloh National Military Park for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to and approved by the Secretary of War, and all such lines, designs and inscriptions for the same shall first receive the written approval of the Secretary, which approval shall be based upon formal written reports, which must be made to him in each case by the commissioners of the park: *Provided*, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of War may be used by any other State.

SEC. 7. That if any person shall, except by permission of the secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statues, memorial structures, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or ally portion thereof; or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park. or

FIFTY-THIRD CONGRESS. SESS. III. CH. 12. 1894.

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hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter on any part thereof constructed by the armies for. merely engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof, before any justice of the peace of the county in which the offense may be committed or any court of competent jurisdiction shall for each and every such offense forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than five nor more than fifty dollars, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as debts of like nature are now by law recoverable in the several counties where the offense may be committed.

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SEC. 8. That to enable the Secretary of War to begin to carry out the purpose of this Act, including the condemnation or purchase of the necessary land, marking the boundaries of the park, opening or repairing necessary roads, restoring the field to its condition at the time of the battle, maps and surveys, and the pay and expenses of the commissioners and their assistant, the sum of seventy-five thousand dollars or such portion thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, and disbursements under this Act shall require the approval of the Secretary of War, and he shall make annual report of the same to Congress.

Appropriations
for expenses.

Approved, December 27, 1894.

10. Stones River National Military Park, Tennessee

SIXTY-NINTH CONGRESS. SESS. III. CH. 374. 1927.

1399

CHAP. 374.—An Act To establish a national military park at the battlefield of Stones River, Tennessee.

March 3, 1927.
[H.R. 6246.]
[Public, No. 777.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

SEC. 2. In appointing the members of the commission created by section 1 of this Act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Stones River, Tennessee, and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Stones River, Tennessee, and to carefully study the available records and historical data with respect to the location and movement of all troops which engaged in the battle of Stones River, and the important events connected therewith, with a view of preserving and marking such field for historical and professional military study. The commission shall submit a report of its findings and recommendations to the Secretary of War not later than December 1, 1927. Such report shall describe the portion or portions of land within the area of the battle field which the commission thinks should be acquired and embraced in a national park and the price at which such land can be purchased and its reasonable market value; the report of the commission shall also embrace a map or maps showing the lines of battle and the locations of all troops engaged in the battle of Stones River and the location of the land which it recommends be acquired for the national park; the report of the commission shall contain recommendations for the location of historical tablets at such points on the battle field, both within and without the land to be acquired for the park, as they may deem fitting and necessary to clearly designate positions and movements of troops and important events connected with the battle of Stones River.

SEC. 4. The Secretary of War is authorized to assign any officials of the War Department to the assistance of the commission if he deems it advisable. He is authorized to pay the reasonable expenses of the commission and their assistants incurred in the actual performance of the duties herein imposed upon them.

SEC. 5. That, upon receipt of the report of said commission, the Secretary of War be, and he is hereby; authorized and directed to acquire, by purchase, when purchasable at prices deemed by him reasonable, otherwise by condemnation, such tract or tracts of lands as are recommended by the commission as necessary and desirable for a national park; to establish and substantially mark the boundaries of the said park; to definitely mark all lines of battle and locations of troops within the boundaries of the park and erect substantial historical tablets at such points within the park and in the vicinity of the park and its approaches as are recommended by

Stones River
National Park.
Commission
created.

Army Engineer
officer.
United States
Civil War
veteran.
Confederate
States Civil War
veteran.
Qualifications of
commission.

Inspection and
report of battle
field of Stones
River, for
preserving, etc.

Report of
commission.

1400

Assistance of War
Department
officials, etc.

Acquiring lands
by purchase of
condemnation.
Duties of
commission.

1400

SIXTY-NINTH CONGRESS. SESS. III. CH. 374. 1927.

Proviso.
Cost limitation.

the commission, together with such other points as the Secretary of War may deem appropriate: *Provided*, That the entire cost of acquiring said land, including cost of condemnation proceedings, if any, ascertainment of title, surveys and compensation for the land, the cost of marking the battle field, and the expenses of the commission, shall not exceed the sum of \$100,000.

To be the Stones
River National
Park, on cession of
jurisdiction by
Tennessee, etc.

SEC. 6. That upon the ceding of jurisdiction by the legislature of the State of Tennessee and the report of the Attorney General of the United States that a perfect title has been acquired, the lands acquired under the provisions of this Act, together with the area already enclosed within the national cemetery at the battle field of Stones River and the Government reservation in said battle field upon which is erected a large monument to the memory of the officers and soldiers of General Hazen's brigade who fell on the spot, are hereby declared to be a national park, to be known as the Stones River National Park.

Control of
Secretary of War.

Superintendent.

SEC. 7. That the said Stones River National Park shall be under the control of the Secretary of War, and he is hereby authorized to make all needed regulations for the care of the park. The superintendent of the Stones River National Cemetery shall likewise be the superintendent of and have the custody and care of the Stones River National Park, under the direction of the Secretary of War.

Agreement with
present holders of
lands, for
protection thereof,
etc.

SEC. 8. That the Secretary of War is hereby authorized to enter into agreements, upon such nominal terms as he may prescribe, with such present owners of the land as may desire to remain upon it, to occupy and cultivate their present holdings, upon condition that they will preserve the present buildings and roads, and the present outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

1401
States may mark
lines of battle of
their troops.

SEC. 9. That it shall be lawful for the authorities of any State having troops engaged in the battle of Stones River to enter upon the lands and approaches of the Stones River National Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of War, and shall first receive the written approval of the Secretary.

Proviso.
Approval of
marking, etc., by
Secretary of War.

Penalty for
destroying,
injuring, etc.,
property.

SEC. 10. That if any person shall willfully destroy, mutilate, deface, injure, or remove any monument, column, statue memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall willfully destroy or remove any fence, railing, enclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall willfully destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon such park, except by permission of the Secretary of War, or shall willfully remove or destroy any breastworks, earthworks, walls or other defenses or shelter, or any part thereof, constructed by the armies formerly engaged in the battle on the lands or approaches to the park, any person so offending shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall for each and every such offense be fined not less than \$5 nor more than \$100.

SIXTY-NINTH CONGRESS. SESS. III. CH. 374. 1927.

1401

SEC. 11. That the sum of \$100,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended for the purposes of this Act: *Provided*, That no obligation for the purchase of lands shall be incurred until the commission has filed the boundaries of said park.

Approved, March 3, 1927.

Amount
authorized to be
expended.

Proviso.
Conditions.

11. Vicksburg National Military Park, Mississippi

FIFTY-FIFTH CONGRESS. SESS. III. CH. 176. 1899.

841

CHAP. 176—An Act To establish a national military park to commemorate the campaign, siege, and defense of Vicksburg.

February 21, 1899.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to commemorate the campaign and siege and defense of Vicksburg, and to preserve the history of the battles and operations of the siege and defense on the ground where they were fought and were carried on, the battlefield of Vicksburg in the State of Mississippi, is hereby declared to be a national military park whenever the title to the same shall have been acquired by the United States and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Mississippi; that is to say, the area inclosed by the following lines, or so much thereof as the commissioners of the park may deem necessary, to wit: Beginning near the point where the graveyard road, now known as the City Cemetery road, crosses the line of the Confederate earthworks, thence north about eighty rods, thence in an easterly direction about one hundred and twenty rods, thence in a southerly direction, and keeping as far from the line of the Confederate earthworks as the purposes of the park may require and as the park commission, to be hereinafter named, may determine, but not distant from the nearest point on said line of Confederate earthworks more than one hundred and sixty rods at any part, to a point about forty rods south and from eighty to one hundred and sixty rods east of Fort Garrott, also known as the "Square Fort;" thence in a westerly direction to a point in the rear of said Fort Garrott, thence in a northerly direction across the line of the Confederate earthworks and to a point about two hundred feet in the rear of the said line of Confederate earthworks, thence in a general northerly direction, and at an approximate distance of about two hundred feet in the rear of the line of Confederate earthworks as the conformation of the ground may require, to the place of beginning. This to constitute the main body of the park. In addition thereto a strip of land about two hundred and sixty-four feet in width along and including the remaining parts of the Confederate earthworks, namely, from the north part of said main body of the park to and including Fort Hill or Fort Nogales on the high hill overlooking the national cemetery, and from the south part of said main body of the park to the edge of the bluff at the river below the city of Vicksburg; and also in addition thereto a strip of land about two hundred and sixty-four feet in width, as near as may be, along and including the Federal lines opposed to the Confederate lines herein and above named and not included in the main body of the park; and in further addition thereto such points of interest as the commission may deem necessary for the purposes of the park and the Secretary of War may approve; the whole containing about one thousand two hundred acres, and costing not to exceed forty thousand dollars.

SEC. 2. That the establishment of the Vicksburg national military park shall be carried forward under the control and direction of the Secretary of War; and the Secretary of War shall, upon the passage of this Act, proceed to acquire title to the same by voluntary conveyance or under the Act approved August first, eighteen

National Military Park, Vicksburg, Miss., established.

Location.

Limit of cost.

Secretary of War to establish park.

—to acquire title, etc.

841

FIFTY-FIFTH CONGRESS. SESS. III. CH. 176. 1899.

Vol. 25, p. 357.
Vol. 14, p. 399.

—to make leases
to occupants of
land.

842

—conditions.

Proviso.
—retaking
possession, etc.

Commissioners.

Secretary.

Duties of
Commissioners.

Regulations.

hundred and eighty-eight, entitled “An Act to authorize the condemnation of land for sites of public buildings, and for other purposes,” or under Act approved February twenty-second, eighteen hundred and sixty-seven, entitled “An Act to establish and protect national cemeteries,” as he may elect or deem practicable; and when title is procured to all of the lands and roads within the boundaries of the proposed park, as described in section one of this Act, he may proceed with the establishment of the park; and he shall detail an officer of the Engineer Corps of the Army to assist the commissioners in establishing the park.

SEC. 3. That the Secretary of War is hereby authorized to enter into agreements of leasing upon such terms as he may prescribe, with such occupants or tenants of the lands as may desire to remain upon it, to occupy and cultivate their present holdings upon condition that they will preserve the present buildings and roads and the present outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary of War may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority: *Provided*, That the United States shall at all times have and retain full right, power, and authority to take possession of any and all parts or portions of said premises and to remove and expel therefrom any such occupant, tenant, or other person or persons found thereon whenever the Secretary of War or the commissioners shall deem it proper or necessary; and such right, power, and authority shall be reserved in express terms in all leases and agreements giving or granting such occupant or tenant the right to remain in possession as herein contemplated; and thereupon said occupant or tenant or other persons who may be required to vacate said premises shall each and all at once surrender and deliver up the possession thereof.

SEC. 4. That the affairs of the Vicksburg national military park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, to be appointed by the Secretary of War, each of whom shall have served at the time of the siege and defense in one of the armies engaged therein, two of whom shall have served in the army commanded by General Grant and one in the army commanded by General Pemberton. The commissioners shall elect one of their number chairman; they shall also elect, subject to the approval of the Secretary of War, a secretary, who shall also be historian, and who shall possess the requisite qualifications of a commissioner, and they and the secretary shall have an office in the city of Vicksburg, Mississippi, or on the grounds of the park, and be paid such compensation as the Secretary of War shall deem reasonable and just.

SEC. 5. That it shall be the duty of the commissioners named in the preceding section, under the direction of the Secretary of War, to restore the forts and the lines of fortification, the parallels and the approaches of the two armies, or so much thereof as may be necessary to the purposes of this park; to open and construct and to repair such roads as may be necessary to said purposes, and to ascertain and mark with historical tablets, or otherwise, as the Secretary of War may determine, the lines of battle of the troops engaged in the assaults, and the lines held by the troops during the siege and defense of Vicksburg, the headquarters of General Grant and of General Pemberton, and other historical points of interest

pertaining to the siege and defense of Vicksburg within the park or its vicinity; and the said commissioners in establishing this military park shall also have authority under the direction of the Secretary of War to do all things necessary to the purposes of the park, and for its establishment under such regulations as he may consider best for the interest of the Government, and the Secretary of War shall make and enforce all needful regulations for the care of the park.

SEC. 6. That it shall be lawful for any State that had troops engaged in the siege and defense of Vicksburg to enter upon the lands of the Vicksburg national military park for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to and approved by the Secretary of War, and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of War, which approval shall be based upon formal written reports which must be made to him in each case by the commissioners of the park; and no monument, tablet, or other designating indication shall be erected or placed within said park or vicinity without such written authority of the Secretary of War: *Provided*, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of War may be used by any other State. The provisions of this section shall also apply to organizations and persons; and as the Vicksburg National Cemetery is on ground partly occupied by Federal lines during the siege of Vicksburg, the provisions of this section, as far as may be practicable, shall apply to monuments or tablets designating such lines within the limits of that cemetery.

SEC. 7. That if any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, tablet, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work intended for the protection or ornamentation of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrub that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter on any part thereof constructed by the armies formerly engaged in the battles, on the lands or approaches to the park, any person so offending and found guilty thereof, before any United States commissioner or court, justice of the peace of the county in which the offense may be committed, or any court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine in the discretion of the said commissioner or court of the United States or justice of the peace, according to the aggravation of the offense, of not less than five nor more than five hundred dollars, one-half for the use of the park and the other half to the informant, to be enforced and recovered before such United States commissioner or court or justice of the peace or other court in like manner as debts of like nature are now by law recoverable in the several counties where the offense may be committed.

Marking lines of battle, State troops.

Provisos.
-approval.

-no discrimination against States.
843
Provisions applicable to persons and organizations.
Vicksburg National Cemetery.

Penalty for injuring property.

Appropriation for
expenses of
establishing.

-approval, etc.

SEC. 8. That to enable the Secretary of War to begin to carry out the purpose of this Act, including the condemnation or purchase of the necessary land, marking the boundaries of the park, opening or repairing necessary roads, restoring the field to its condition at the time of the battle, maps and surveys, material, labor, clerical, and all other necessary assistants, and the pay and expenses of the commissioners and their secretary and assistants, the sum of sixty-five thousand dollars, or such portion thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, and disbursements under this Act shall require the approval of the Secretary of War, and he shall make annual report of the same to Congress.

Approved, February 21, 1899.

II. NATIONAL PARKS

1. Abraham Lincoln National Park, Kentucky

SIXTY-FOURTH CONGRESS. SESS. I. CH. 247. 1916.

385

CHAP. 247.—An Act To accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same; and further, to accept an assignment or transfer of an endowment fund of \$50,000 in relation thereto.

July 17, 1916.
[H. R. 8351.]
[Public, No. 160.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States of America hereby accepts title to the lands mentioned in the deed of gift or conveyance now in possession of the Secretary of War, together with all the buildings and appurtenances thereon, especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, which deed of conveyance was executed on the eleventh day of April, nineteen hundred and sixteen, by the Lincoln Farm Association, a corporation, to the United States of America, describing certain lands situated near the town of Hodgenville, county of Larue, State of Kentucky, which lands are more particularly identified and described in said deed or conveyance. The title to such lands, buildings, and appurtenances is accepted upon the terms and conditions stated in said deed or conveyance, namely: That the land therein described, together with the buildings and appurtenances thereon, shall be forever dedicated to the purposes of a national park or reservation, the United States of America agreeing to protect and preserve the said lands, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, so far as may be; and further agreeing that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation.

Birthplace of
Abraham Lincoln.
Acceptance of title
to land, etc.,
Hodgenville, Ky.

To be a national
park.

SEC. 2. That the United States of America hereby also accepts title to the endowment fund of \$50,000 mentioned in the assignment and transfer, now in the possession of the Secretary of War, which assignment and transfer was executed on the eleventh day of April, nineteen hundred and sixteen, by the Lincoln Farm Association, a corporation, to the United States of America, transferring and turning over all its right, title, and interest in and to said endowment fund, heretofore invested in certain stocks, bonds, and securities held and owned by the Lincoln Farm Association, and more particularly identified and described in said assignment and transfer. The title to said endowment fund is accepted upon the terms and conditions stated in said assignment and transfer, namely, that the United States of America shall forever keep the said tract of land described in said deed, together with the buildings and appurtenances thereunto belonging, dedicated to the purpose of a national park or reservation, and that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation; and further, shall forever protect, preserve, and maintain said land, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born

Endowment fund
accepted.

Conditions.

and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, as far as may be, as a national park or reservation.

Execution of
acceptance.

SEC. 3. That the President of the United States of America and the Secretary of War are hereby authorized to execute, in the name of the United States of America, such instrument or instruments as may be or may become necessary to comply with or carry out the terms and conditions of such gift or gifts and to secure the full benefit therefrom.

Control, etc., by
Secretary of War.

SEC. 4. That upon the passage of this Act and the vesting of the title to the property accepted thereunder in the United States, it shall be under the control of the Secretary of War and administered under such regulations not inconsistent with law as he may from time to time prescribe.

Approved, July 17, 1916.

2. Fort McHenry National Park, Maryland

SIXTY-EIGHTH CONGRESS. SESS. II. CH. 425. 1925.

1109

CHAP. 425.—An Act To repeal and reenact chapter 100, 1914, Public, Numbered 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal “Star-Spangled Banner,” written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes.

March 3, 1925.
[H. R. 5261.]
[Public, No. 543.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation in the State of Maryland to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside be, and hereby is, repealed and reenacted to read as follows:

Fort McHenry, Md. Grant to Baltimore of portion of, for public park, repealed. Vol. 38, p. 382, repealed.

“That the Secretary of War be, and he is hereby, authorized and directed so soon as it may no longer be needed for uses and needs growing out of the late war, to begin the restoration of Fort McHenry, in the State of Maryland, now occupied and used as a military reservation, including the restoration of the old Fort McHenry proper to such a condition as would make it suitable for preservation permanently as a national park and perpetual national memorial shrine as the birthplace of the immortal ‘Star-Spangled Banner,’ written by Francis Scott Key, and that the Secretary of War be, and he is hereby, further authorized and directed, as are his successors, to hold the said Fort McHenry in perpetuity as a military reservation, national park, and memorial, and to maintain it as such, except that part mentioned in section 3 hereof, and that part now in use by the Department of Commerce for a light and fog-signal station under revocable license from the War Department with the maintenance of the electric lines thereto and such portion of the reservation, including improvement, as may be reserved by the Secretary of War for the use of the Chief of Engineers, the said reservation to be maintained as a national public park, subject to such regulations as may from time to time be issued by the Secretary of War.

Restoration of, directed to become a national park.

Maintenance by Secretary of War.

“That any and all repairs, improvements, changes, and alterations in the grounds, buildings, and other appurtenances to the reservation shall be made only according to detailed plans which shall be approved by the Secretary of War, and all such repairs, improvements, or alterations shall be made at the expense of the United States, and all such improvements, together with the reservation itself, shall become and remain permanently the property of the United States: *Provided,* That permission is hereby granted the Secretary of the Treasury to use permanently a strip of land sixty feet wide belonging to said fort grounds, beginning at the north

Repairs, etc., at Government expense.

Provisos.
Right of way to immigration station granted.

corner of the present grounds of the fort and extending south sixty-three degrees thirty minutes east, six hundred and fifty feet to the south corner of the site set aside for the immigration station at Baltimore, said strip of land being located along the northwest boundary of the land ceded to the Baltimore Dry Dock Company and the land of the said immigration station, the same to be used, if so desired, in lieu of acquiring, by purchase or condemnation, any of the lands of the dry dock company so that the Secretary of the Treasury may, in connection with land acquired from the Baltimore and Ohio Railroad Company, have access to and from said immigration station and grounds over the right of way so acquired to the city streets and railroads beyond, the Secretary of the Treasury to have the same power to construct, contract for, and arrange for railroad and other facilities upon said outlet as fully as provided in the Act approved March 4, 1913, setting aside a site for an immigration station and providing for an outlet therefrom: Use *Provided, however,* That if the Secretary of the Treasury accepts and makes use of said strip of land for the purposes aforesaid the War Department shall have equal use of the railroad track and other roads constructed over which to reach the city streets and railroads beyond from the other parts of the fort grounds: *Provided further,* That the Secretary of War may in case of a national emergency close the said military reservation and use it for any and all military purposes during the period of the emergency, and for such period of time thereafter as the public needs may require: *And provided further,* That the Secretary of War is hereby authorized and directed to dispose of the useless temporary buildings and contents constructed during the recent war and from the proceeds thereof there is hereby authorized to be appropriated such sum as may be necessary not exceeding \$50,000 for use by the Secretary of War in the restoration of said Fort McHenry reservation and for other purposes consistent with this Act.

Approved, March 3, 1925.

Construction of
railroad facilities, etc.

Vol. 37, p. 889.

Use by War
Department allowed.

Closing in case of
national emergency.

Disposal of useless
temp-orary buildings,
etc.

Amount authorized
for restoration, etc.

III. BATTLEFIELD SITES

1. Antietam Battlefield, Maryland

FIFTY-FIRST CONGRESS. SESS. I. CH. 837. 1890.

371

CHAP. 937.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes.

August 30, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, namely:

Treasury Department

* * * * * * *	
SIGNAL SERVICE.	398
* * * * * * *	
NATIONAL CEMETERIES.	400
* * * * * * *	

NATIONAL CEMETERY, ANTIETAM, MARYLAND: For completing the road in front of east half of cemetery, additional drainage works constructing stone curbing and grading walks along the road, and for engineering and contingencies five thousand dollars. 401

For the purpose of surveying, locating, and preserving the lines of battle of the Army of the Potomac and of the Army of Northern Virginia at Antietam, and for marking the same, and for locating and marking the position of each of the forty-three different commands of the Regular Army engaged in the battle of Antietam, and for the purchase of sites for tablets for the marking of such positions, fifteen thousand dollars. And all lands acquired by the United States for this purpose, whether by purchase, gift, or otherwise, shall be under the care and supervision of the secretary of War.

* * * * * * *

Approved, August 30, 1890.

417

2. Appomattox, Virginia

SEVENTY-FIRST CONGRESS. SESS. II. CH. 520. 1930.

777

CHAP. 520.—An Act To provide for the commemoration of the termination of the War between the States at Appomattox Court House, Virginia.

June 18, 1930.

[S. 3810.]

[Public, No. 379.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of commemorating the termination of the War between the States which was brought about by the surrender of the army under General Robert E. Lee to Lieutenant General U.S. Grant at Appomattox Court House, in the State of Virginia, on April 9, 1865, and for the further purpose of honoring those who engaged in this tremendous conflict, the Secretary of War is authorized and directed to acquire at the scene of said surrender approximately one acre of land, free of cost to the United States, at the above-named place, fence the parcel of land so acquired or demarcate its limits, and erect a monument thereon.

Appomattox Court House, VA.
Acquisition of land at, for monument in commemoration of surrender of Confederate Army, etc.

Post, p. 1305.

SEC. 2. There is hereby authorized to be appropriated the sum of \$100,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this Act.

Sums authorized.

SEC. 3. The land acquired under section 1 of this Act shall be under the jurisdiction and control of the Secretary of War, and there is authorized to be appropriated for the maintenance of such tract of land and monument a sum not to exceed \$250 per annum.

To carry out provisions of Act.

Maintenance.

Approved, June 18, 1930.

3. Brices Cross Roads

1254

SEVENTIETH CONGRESS. SESS. II. CH. 289. 1929.

February 21, 1929.

[H. R. 8736.]

[Public, No. 792.]

CHAP. 289.—An Act To provide for the commemoration of the battles of Brices Cross Roads, Mississippi, and Tupelo, Mississippi.

Battles of Brices
Cross Roads and
Tupelo, Miss.
Sites to be acquired for
markers to com-
memorate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of commemorating the battles of Brices Cross Roads, Mississippi, and Tupelo, Mississippi, the Secretary of War is authorized and directed to (1) acquire not to exceed one acre of land, free of cost to the United States, at each of the above-named battle fields, (2) fence each parcel of land so acquired, (3) build an approach to each such parcel of land, and (4) erect a suitable marker on each such parcel of land.

Sum authorized.
Post, p. 1666.

SEC. 2. There is authorized to be appropriated \$10,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this Act.

Control of Secretary
of War.
Maintenance.

SEC. 3. Each parcel of land acquired under section 1 of this Act shall be under the jurisdiction and control of the Secretary of War, and there is authorized to be appropriated for the maintenance of each such parcel of land, fence, approach, and marker a sum not to exceed \$250 per annum.

Approved, February 21, 1929.

4. Chalmette Monument and Grounds, Louisiana

FIFTY-NINTH CONGRESS. SESS. II. CH. 2928. 1907.

1411

CHAP. 2928.—An Act Providing for the completion by the Secretary of War of a monument to the memory of the American soldiers who fell in the battle of New Orleans at Chalmette, Louisiana, and making the necessary appropriation therefor.

March 4, 1907.

[S. 8292.]

[Public, No. 263.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twenty-five thousand dollars be, and the same is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury of the United States not otherwise appropriated, for the completion of a monument to the memory of the soldiers who fell in the battle of New Orleans in the war of eighteen hundred and twelve, said monument to be completed under the direction and approval of the Secretary of War: *Provided,* That the State of Louisiana shall cede and transfer its jurisdiction to the property on which said monument is to be completed in accordance with the provisions of act numbered forty-one of the legislature of that State, approved July nineteenth, nineteen hundred and two: *Provided further,* That when said monument is completed the responsibility of maintaining the same and keeping the grounds surrounding it shall remain with the United Daughters of Seventeen hundred and seventy-six and Eighteen hundred and twelve, free of any expense or responsibility on the part of the Government of the United States.

Approved, March 4, 1907, 11 a. m.

Chalmette, La.
Appropriation for
monument at, to
soldiers who fell at
battle of New
Orleans.

Provisos.

State to furnish site.

Maintenance.

5. Cowpens, South Carolina

1558

SEVENTIETH CONGRESS. SESS. II. CH. 699. 1929.

March 4, 1929.

[H. R. 12106.]

[Public, No. 1027.]

CHAP. 699.—An Act To erect a national monument at Cowpens battle ground.

Battle of Cowpens,
S.C.
Acquiring land
authorized, for erecting
monu-ment to
commemorate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve that part of the Cowpens battle grounds near Ezell, Cherokee County, South Carolina, where General Daniel Morgan, commanding, participated in the Battle of Cowpens on the 17th day of January, 1781, the Secretary of War be, and he is hereby, authorized and directed to acquire, by gift, not more than one acre of land on which he shall erect or cause to be erected a suitable monument to commemorate said battle.

Sum authorized for
expenses.

SEC. 2. To enable the Secretary of War to carry out the provisions of this Act, to accept a deed for the necessary lands, to make necessary surveys, maps, markers, pointers, or signs marking boundaries, for opening, constructing, or repairing necessary roads and streets and constructing markers and a suitable monument, for salaries for labor and services, for traveling expenses, supplies, and materials, the sum of \$25,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until expended, and the disbursements under this Act shall be reported by the Secretary of War to Congress.

Available until
expended.

Approved, March 4, 1929.

6. Fort Necessity, Wharton County, Pennsylvania

SEVENTY-FIRST CONGRESS. SESS. III. CH. 504. 1931.

1522

CHAP. 504.—An Act To Provide for the commemoration of the Battle of Fort Necessity, Pennsylvania.

March 4, 1931.

[S. 6078.]

[Public, No. 851.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of commemorating the Battle of Fort Necessity, in the State of Pennsylvania, on the 3d day of July, 1757, the Secretary of War is authorized to accept title to not less than one acre of land, which will include the site of said fort, free of cost to the United States, and to erect a monument thereon.

Battle of Fort
Necessity, PA.
Monument
commemorating,
authorized.

SEC. 2. There is hereby authorized to be appropriated the sum of \$25,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this Act.

1523
Sum authorized.

SEC. 3. The land acquired under section 1 of this Act shall be under the jurisdiction and control of the Secretary of War, and there is authorized to be appropriated for the maintenance of such monument and its site a sum not to exceed \$250 per annum.

Jurisdiction and
maintenance of land
acquired.

Approved, March 4, 1931.

7. Kenesaw Mountain, Georgia

901

SIXTY-FOURTH CONGRESS. SESS. II. CH. 36. 1917.

February 8, 1917.
 [H. R. 9547.]
 [Public, No. 307.]

CHAP. 36.—An Act Authorizing the acceptance by the United States Government from the Kenesaw Memorial Association of Illinois of a proposed gift of land on the Kenesaw battle field in the State of Georgia.

Kenesaw battle-
 field, Ga.
 Acceptance of land
 comprising.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to accept from the Kenesaw Memorial Association, a corporation organized under the laws of the State of Illinois, a gift of certain land, with all the improvements thereon, comprising a part of the Kenesaw battle field, said land being described as lot numbered one hundred and sixteen and the east half of lot numbered one hundred and seven in the nineteenth district and second section, in the county of Cobb and State of Georgia, and upon which a monument has been erected to certain organizations that participated in the fighting on Kenesaw Mountain: *Provided,* That no expense shall be incurred by the United States in carrying out the provisions of this Act.

Proviso.
 No expense.

Approved, February 8, 1917.

8. Monocacy, Maryland

73d CONGRESS. SESS. II. CH. 694. JUNE 21, 1934.

1198

[CHAPTER 694.]

An Act

To establish a national military park at the battlefield of Monocacy, Maryland.

June 21, 1934.

[H.R. 7982.]

[Public, No. 445.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to commemorate the Battle of Monocacy, Maryland, and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies therein, the battlefield at Monocacy, in the State of Maryland, is hereby declared a national military park to be known as the "Monocacy National Military Park", whenever the title to the lands deemed necessary by the Secretary of the Interior shall have been acquired by the United States and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Maryland.

Monocacy National Military Park, Md. Establishment, when title to land, etc., acquired.

1199

SEC. 2. The Secretary of the Interior is hereby authorized to condemnation proceedings to be instituted in the name of the United States under the provisions of the Act of August 1, 1888, entitled "An Act to authorize condemnation of lands for sites for public buildings and for other purposes" (25 Stat. L. 357), to acquire title to the lands, interests therein, or rights pertaining there to within the said Monocacy National Military Park, and the United States shall be entitled to immediate possession upon the filing of the petition in condemnation in the United States District Court for the District of Maryland: *Provided*, That when the owner of such lands, interests therein, or rights pertaining thereto shall fix a price for the same, which, in the opinion of the Secretary of the Interior, shall be reasonable, the Secretary may purchase the same without further delay: *Provided further*, That the Secretary of the Interior is authorized to accept, on behalf of the United States, donations of lands, interests therein, or rights pertaining thereto required for the Monocacy National Military Park: *And provided further*, That title and evidence of title to lands and interests therein acquired for said park shall be satisfactory to the Secretary of the Interior.

Condemnation proceedings to acquire lands. Vol. 25, p. 357.

Provisos. Purchase from owners.

Acceptance of donations.

Title.

SEC. 3. The Secretary of the Interior is hereby authorized to enter into leases with the owners of such of the lands, works, defenses, and building's thereon within the Monocacy National Military Park, as in his discretion it is unnecessary to forthwith acquire title to, and such leases shall be on such terms and conditions as the Secretary of the Interior may prescribe, and may contain options to purchase, subject to later acceptance, if, in the judgment of the Secretary of the Interior, it is as economical to purchase as condemn title to the property: *Provided*, That the Secretary of the Interior may enter into agreements upon such nominal terms as he may prescribe, permitting the present owners or their tenants to occupy or cultivate their present holdings, upon condition that they will preserve the present breastworks, earthworks, walls, defenses, shelters, buildings and roads, and the present outlines of the battlefields, and that they will only cut trees or underbrush or disturb or remove the soil, under such regulations as the Secretary of the Interior may prescribe, and that they will assist in protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

Leases with owners for lands unnecessary to purchase.

Provisos. Cultivation of holdings.

Condition.

1199

73d CONGRESS. SESS. II. CH. 694. JUNE 21, 1934.

Supervision of National Parks, etc., office.

SEC. 4. The affairs of the Monocacy National Military Park shall, subject to the supervision and direction of the Office of National Parks, Buildings, and Reservations of the Interior Department, be in charge of a superintendent, to be appointed by the Secretary of the Interior.

Duties prescribed.

SEC. 5. It shall be the duty of the superintendent, under the direction of the

Acceptance of gifts, etc., authorized.	Office of National Parks, Buildings, and Reservations of the Interior Department, to superintend the opening or repair of such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of the Interior may determine, all breastworks, earth-works, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the park or in its vicinity.
1200 <i>Proviso.</i> Contributions to be deposited to credit of special fund.	SEC. 6. The said Office of National Parks, Buildings, and Reservations, acting through the Secretary of the Interior, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the Monocacy National Military Park: <i>Provided</i> , That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Monocacy National Military Park fund", which fund shall be applied to and expended under the direction of the Secretary of the Interior, for carrying out the provisions of this Act.
States may mark lines of battle of their troops.	SEC. 7. It shall be lawful for the authorities of any State having had troops at the Battle of Monocacy to enter upon the lands and approaches of the Monocacy National Military Park for the purpose of ascertaining and marking the line of battle of troops engaged therein: <i>Provided</i> , That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription for the same, shall be submitted to the Secretary of the Interior and shall first receive written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the Office of National Parks, Buildings, and Reservations: <i>Provided</i> , That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of the Interior may be used by any other State.
No discrimination in designing lines.	SEC. 8. If any person shall, except by permission of the Secretary of the Interior, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence railing, enclosure, or other work for the protection or ornament said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breast-works, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof, before any United States commissioner or court, of the jurisdiction in which the offense may be committed, shall for each and every such offense forfeit and pay a fine, in the discretion of the United States commissioner or court, according to the aggravation of the offense, of not less than \$5 nor more than \$500.
Penalty for destroying injuring, etc., property.	

SEC. 9. The Secretary of the Interior shall have the power to make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park.

Rules, etc., to be prescribed.

SEC. 10. For the purposes of carrying out the provisions of this Act, the sum of \$50,000 is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated.

Appropriation authorized.

Approved, June 21, 1934.

9. Tupelo, Mississippi

1254

SEVENTIETH CONGRESS. SESS. II. CH. 289. 1929.

February 21, 1929.

[H. R. 8736.]

[Public, No. 792.]

CHAP. 289.—An Act To provide for the commemoration of the battles of Brices Cross Roads, Mississippi, and Tupelo, Mississippi.

Battles of Brices Cross
Roads and Tupelo,
Miss.
Sites to be acquired for
markers to com-
memorate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of commemorating the battles of Brices Cross Roads, Mississippi, and Tupelo, Mississippi, the Secretary of War is authorized and directed to (1) acquire not to exceed one acre of land, free of cost to the United States, at each of the above-named battle fields, (2) fence each parcel of land so acquired, (3) build an approach to each such parcel of land, and (4) erect a suitable marker on each such parcel of land.

Sum authorized.
Post, p. 1666.

SEC. 2. There is authorized to be appropriated \$10,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this Act.

Control of Secretary of
War.
Maintenance.

SEC. 3. Each parcel of land acquired under section 1 of this Act shall be under the jurisdiction and control of the Secretary of War, and there is authorized to be appropriated for the maintenance of each such parcel of land, fence, approach, and marker a sum not to exceed \$250 per annum.

Approved, February 21, 1929.

IV. NATIONAL MONUMENTS**1. White Plains, New York**

SIXTY-NINTH CONGRESS. SESS. I. CH. 328. 1926.

562

CHAP. 328.—An Act For the erection of tablets or markers upon the Revolutionary battle field of White Plains, State of New York.

May 18, 1926.
[H. R. 3990.]
[Public, No. 243.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized to erect and maintain at some suitable point upon the battle field of White Plains, in the State of New York, tablets or markers to indicate the position of the Revolutionary army then under the immediate command of General Washington upon that momentous occasion, and to place thereon a suitable inscription.

White Plains, N.Y.
Tablet authorized
on site of
Revolutionary
battle field at.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much of the sum of \$2,500 as may be necessary to carry out the provisions of this Act.

Amount authorized
for.
Post, p. 877.

Approved, May 18, 1926.

The text of the original proclamations authorizing these national monuments, which were transferred from the War Department to the National Park Service by Executive Order 6228 of July 28, 1933, can be found in the *1946 volume of Proclamations and Orders Relating to the National Park Service* on the following pages:

- | | |
|---|-----------------------|
| 2. Big Hole Battlefield, Beaverhead County, Montana | p. 124 in 1946 volume |
| 3. Cabrillo Monument, Ft. Rosecrans, California | p. 130 in 1946 volume |
| 4. Castle Pinckney, Charleston, South Carolina | p. 145 in 1946 volume |
| 5. Father Millet Cross, Fort Niagara, New York | p. 181 in 1946 volume |
| 6. Fort Marion, St. Augustine, Florida | p. 144 in 1946 volume |
| 7. Fort Matanzas, Florida | p. 186 in 1946 volume |
| 8. Fort Pulaski, Georgia | p. 188 in 1946 volume |
| 9. Meriwether Lewis, Hardin County, Tennessee | p. 232 in 1946 volume |
| 10. Mound City Group, Chillicothe, Ohio | p. 238 in 1946 volume |
| 11. Statue of Liberty, Fort Wood, New York | p. 301 in 1946 volume |

V. MISCELLANEOUS MEMORIALS

1. Camp Blount Tablets, Lincoln County, Tennessee

SEVENTY-FIRST CONGRESS. SESS. II. CH. 579. 1930.

801

CHAP. 579.—An Act For the erection of tablets or markers and the commemoration of Camp Blount and the Old Stone Bridge, Lincoln County, Tennessee.

June 23, 1930.
[H. R. 7924.]
[Public, No.
419.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized to erect at Camp Blount, Lincoln County, Tennessee, tablets or markers describing and commemorating the historical events which have taken place there.

Camp Blount, Tenn. Tablets, to be erected at, commemorating historic events.

SEC. 2. That in connection with Camp Blount the Secretary of War is hereby authorized to accept, upon behalf of the United States, a donation of and title to the historic and picturesque Old Stone Bridge crossing Elk River at the site of Camp Blount, together with the approaches thereto and any land adjoining said bridge; and to erect appropriate tablets or markers. The Secretary of War is authorized to acquire by gift such lands adjoining said bridge or approaches or in the area of Camp Blount as may be reasonably required to properly commemorate the Old Stone Bridge and Camp Blount and to effectuate the purposes of this Act.

Acceptance of title to Old Stone Bridge across Elk River.

Of adjoining lands.

SEC. 3. The Secretary of War is authorized to do all things necessary to accomplish said purpose, by contract or otherwise with or without advertising, under such conditions as he may prescribe, including the engagement, by contract, of services of such architects, sculptors, artists, or firms or partnerships thereof, and other technical and professional personnel as he may deem necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States, and to spend in accordance with the provisions of this Act such sum of money as may be placed in his hands as a contribution additional to the funds appropriated by Congress.

Secretary of War to carry out provisions of Act.

SEC. 4. The plans and designs of such tablets or markers shall be subject to the approval of the National Commission of Fine Arts.

Plans, etc., to be approved by National Commission of Fine Arts.

SEC. 5. The Secretary of War is hereby authorized to enter into an agreement with the appropriate officials of the town of Fayetteville, the county of Lincoln, or the State of Tennessee for the care and maintenance of the said tablets and markers, the Old Stone Bridge, and lands appertaining thereto: *Provided*, That such care and maintenance shall be without expense to the National Government.

Maintenance.

SEC. 6. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much of the sum of \$10,000 as may be necessary to carry out the provisions of this Act.

Proviso.
No Federal expense. Sum authorized.

Approved, June 23, 1930.

2. Kill Devil Hill Monument, Kitty Hawk, North Carolina

1264

SIXTY-NINTH CONGRESS. SESS. II. CH. 251. 1927.

March 2, 1927.
[S. 4876.]
[Public No. 668.]

CHAP. 251.—An Act Providing for the erection of a monument on Kill Devil Hill, at Kitty Hawk, North Carolina, commemorative of the first successful human attempt in history at power-driven airplane flight.

Kitty Hawk, N.C.
1265
Monument to
commemorate first
successful
airplane flight to
be erected on Kill
Devil Hill at.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be erected on Kill Devil Hill, at Kitty Hawk, in the State of North Carolina, a monument in commemoration of the first successful human attempt in all history at power-driven airplane flight, achieved by Orville Wright on December 17, 1903; and a commission to be composed of the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce is hereby created to carry out the purposes of this Act.

Commission
created.
Duties of com-
mission.

SEC. 2. That it shall be the duty of the said commission to select a suitable location for said monument, which shall be as near as possible to the actual site of said flight; to acquire the necessary land therefor; to superintend the erection of the said monument; and to make all necessary and appropriate arrangements for the unveiling and dedication of the same when it shall have been completed.

Sums authorized
to be
appropriated.

SEC. 3. That such sum or sums as Congress may hereafter appropriate for the purposes of this Act are hereby authorized to be appropriated.

Approval of
designs, etc.

SEC. 4. The design and plans for the monument shall be subject to the approval of the commission of Fine Arts and the Joint Committee on the Library.

Approved, March 2, 1927.

3. Lee Mansion, Arlington National Cemetery, Virginia

SIXTY-EIGHTH CONGRESS. SESS. II. CH. 562. 1925.

1356

CHAP. 562.—Joint Resolution Authorizing the restoration of the Lee Mansion in the Arlington National Cemetery, Virginia

March 4, 1925.
[H. J. Res. 264.]
[Pub. Res., No.
74.]

Whereas the era of internecine strife among the States, having yielded to one of better understanding, of common loyalty, and of a more perfect Union; and

Whereas, now honor is accorded Robert E. Lee as one of the great military leaders of history, whose exalted character, noble life, and eminent services are recognized and esteemed, and whose manly attributes of precept and example were compelling factors in cementing the American people in bonds of patriotic devotion and action against common external enemies in the war with Spain and in the World War, thus consummating the hope of a reunited country that would again swell the chorus of the Union: Therefore be it

Resolved by the Senate and House of Representatives of the United States Of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed, as nearly as may be practicable, to restore the Lee Mansion in the Arlington National Cemetery, Virginia, to the condition in which it existed immediately prior to the Civil War and to procure, if possible, articles of furniture and equipment which were then in the mansion and in use by the occupants thereof. He is also authorized, in his discretion, to procure replicas of the furniture and other articles in use in the mansion during the period mentioned, with a view to restoring, as far as may be practicable, the appearance of the interior of the mansion to the condition of its occupancy by the Lee family.

Approved, March 4, 1925.

Lee Mansion,
Arlington, Va.
Preamble.

Restoration of, in
Arlington
National
Cemetery, to
condition prior to
Civil War.

Replicas of
furniture, etc., to
be procured.

4. New Echota Marker, Georgia

431

SEVENTY-FIRST CONGRESS. SESS. II. CH. 347. 1930.

May 28, 1930.
[H. R. 9444.]
[Public, No. 277.]

CHAP. 347.—An Act To authorize the erection of a marker upon the site of New Echota, capital of the Cherokee Indians prior to their removal west of the Mississippi River, to commemorate its location, and events connected with its history.

Cherokee Indians.
Marker at New
Echota, former
capital of,
authorized.

Selection of site.

Sum authorized.
Post, p. 910.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is authorized to erect upon some portion of the site of New Echota, last capital of the Cherokee Indians prior to their removal in 1838 west of the Mississippi River, a suitable marker commemorating said location, with adequate inscriptions relative to the principal facts of its history.

SEC. 2. The site for said marker shall consist of not more than one acre of land, which shall be selected under the direction of the Secretary of War, and shall be furnished free of cost for this purpose.

SEC. 3. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$2,500, or so much thereof as may be necessary, to carry out the provisions of this Act.

Approved, May 28, 1930.

PUBLIC LAWS—CH. 971—SEPT. 21, 1950

896

[CHAPTER 971]

September 21, 1950

[H. R. 3274]

[Public Law 801]

AN ACT

To provide for the conveyance of certain historic properties to the State of Georgia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey to the State of Georgia, without consideration, for public use as a part of the park system of that State, and under such terms and conditions as the Secretary may deem advisable, the following described historic properties and improvements thereon:

State of Georgia.
Conveyance.

(a) The Atlanta Campaign National Historic Site comprising the "Ringgold Gap Site", the "Rocky Face Ridge Site", the "Resaca Site", the "Cassville Site", and the "New Hope Church Site", aggregating a total of approximately fifteen acres of land, which are described in the order dated October 13, 1944 (9 F. R. 12868), of the Acting Secretary of the Interior;

(b) The site, comprising approximately one acre of land, and improvements thereon, known as the New Echota Marker property, established pursuant to the Act of May 28, 1930 (46 Stat. 431).

Approved September 21, 1950.

VI. NATIONAL CEMETERIES

The legislative history of national cemeteries currently within the National Park System is not as clearly defined as that found in other sections of Appendix I. The origins of the national cemeteries in the National Park System comes from the War Department's General Orders No. 33, of April 3, 1862, which read:

[Section II] In order to secure, as far as possible, the decent interment of those who have fallen, or may fall, in battle, it is made the duty of commanding generals to lay off lots of ground in some suitable spot near every battle-field, so soon as it may be in their power and to cause the remains of those killed to be interred, with headboards to the graves bearing numbers, and where practicable, the names of the persons buried in them. A register of each burial ground will be preserved, in which will be noted the marks corresponding with headboards.

The Act of July 17, 1862 gave the President the authority, "whenever in his opinion it shall be expedient, to purchase cemetery grounds and cause them to be securely enclosed, to be used as a national cemetery for the soldiers who shall die in the service of the country." By the end of the Civil War, 14 national cemeteries had been established pursuant to this act; however, none of these original 14 remains in the jurisdiction of the National Park as of the date of this publication.

Shortly after the end of the Civil War on April 9, 1865, teams were formed by the Quartermaster General to exhume the remains of Union dead from the battlefields and camps and rebury them in national cemeteries. On July 3, 1865, General Orders No. 40, directed that reports be filed on the number of interments registered during the war "giving the localities, dates of battles, and dates of interments." Because this order resulted in less than 30 percent of the internments being recorded, it became necessary to collect and analyze battle casualty reports for the unrecorded burials. General Orders No., 65 on October 30, 1865 required quartermaster officers to submit reports on the "location and condition of cemeteries known to them" and "recommendations of the means necessary to provide for the preservation of the remains therein from desecration."

Congress gave its approval of the reburial program through the joint resolution of April 13, 1866:

Resolved. . . That the Secretary of War be, and he is hereby authorized and required to take immediate measures to preserve from desecration the graves of soldiers of the United States who fell in battle or died of disease in the field and in hospital during the war of the rebellion; to secure suitable burial places in which they maybe properly interred; and to have the grounds enclosed, so that the resting-places of the honored dead may be kept sacred forever.

This act was seen as a stopgap measure, and it was not until February 22, 1867 that President Andrew Johnson approved an "Act to establish and to protect National Cemeteries." This was followed on July 1, 1870 by an Act of Congress authorizing the United States to take title to any national cemeteries where the States had given their consent, and on May 18, 1872 by an Act authorizing the Secretary of War to appoint superintendents. These three acts are reprinted in this section of the book.

Since 1972, the National Park Service has managed 14 national cemeteries, at sites different than the original 14 mentioned above. 10 of the cemeteries now under Park Service jurisdiction were transferred from the War Department to the Department of the Interior by Executive Order 6228 of July 28, 1933. Subsequent to 1933, the National Park Service assumed responsibility for four more national cemeteries. A list is provided at the end of this section, showing the date of establishment of each of these cemeteries and the dates they were transferred to National Park Service jurisdiction.

The national cemetery at Chattanooga, Tennessee, which was originally transferred to the Department of the Interior by Executive Order 6228, was transferred back to the War Department in 1944 by Public Law 470 of the 78th Congress, (58 Stat. 797, Chapter 524).

Subsequent to Executive Order 6228 of July 28, 1933, President Franklin Roosevelt issued Executive Order 8428 of June 3, 1940, which resulted in the transfer of Custer Battlefield National Cemetery in Montana (now part of Little Bighorn Battlefield National Monument) to the National Park Service. For the text of this Executive Order and other historical information, see p. 331 of the 1946 volume of *Proclamations and Orders Relating to The National Park Service*.

THE ACT OF FEBRUARY 22, 1867

THIRTY-NINTH CONGRESS. SESS. II. CH. 61. 1867.

399

CHAP. LXI.—An Act to establish and to protect National Cemeteries.

Feb. 22, 1867.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the arrangement of the national cemeteries established for the burial of deceased soldiers and sailors, the Secretary of War is hereby directed to have the same enclosed with a good and substantial stone or iron fence; and to cause each grave to be marked with a small headstone, or block, with the number of the grave inscribed thereon, corresponding with the number opposite to the name of the party, in a register of burials to be kept at each cemetery and at the office of the quartermaster-general, which shall set forth the name, rank, company, regiment, and date of death of the officer of soldier; or, if unknown, it shall be so recorded.

SEC. 2. *And be it further enacted,* That the Secretary of War is hereby directed to cause to be erected at the principal entrance of each of the national cemeteries aforesaid, a suitable building to be occupied as a porter's lodge; and it shall be his duty to appoint a meritorious and trustworthy superintendent who shall be selected from enlisted men of the army, disabled in service, and who shall have the pay and allowances of an ordnance sergeant, to reside therein, for the purpose of guarding and protecting the cemetery and giving information to parties visiting the same. The Secretary of War shall detail some officer of the army, not under the rank of major, to visit annually all of said cemeteries, and to inspect and report to him the condition of the same, and the amount of money necessary to protect them, to sod the graves, gravel and grade the walks and avenues, and to keep the grounds in complete order; and the said Secretary shall transmit the said report to Congress at the commencement of each session, together with an estimate of the appropriation necessary for that purpose.

SEC. 3. *And be it further enacted,* That any person who shall willfully destroy, mutilate, deface, injure, or remove any monument, gravestone, or other structure, or shall willfully destroy, cut, break, injure, or remove any tree, shrub, or plant within the limits of any of said national cemeteries, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any district or circuit court of the United States within any State or district where any of said national cemeteries are situated, shall be liable to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment of not less than fifteen nor more than sixty days, according to the nature and aggravation of the offence. And the superintendent in charge of any national cemetery is hereby authorized to arrest forthwith any person engaged in committing any misdemeanor herein prohibited, and to bring such person before any United States commissioner or judge of any district or circuit court of the United States within any State or district where any of said cemeteries are situated, for the purpose of holding said person to answer for said misdemeanor, and then and there shall make complaint in due time.

National cemeteries to be enclosed.

Graves to be marked.

Register to be kept.

400

Porter's lodge to be erected at the principal entrance of each cemetery. Superintendent, how selected, pay &c.

An officer to be detailed to inspect annually all the cemeteries, and make reports. Reports to be submitted to Congress, with estimates.

Penalty for willfully defacing, removing, &c. any structure, or injuring, &c. any shrub, &c. in any national cemetery. When to be prosecuted for.

Superintendent may arrest persons committing such acts, and take them before certain magistrates, &c.

The Secretary of War may purchase or take any real estate necessary for national cemeteries.

SEC. 4. *And be it further enacted*, That it will be the duty of the Secretary of War to purchase from the owner or owners thereof, at such price as may be mutually agreed upon between the Secretary and such owner or owners, such real estate as in his judgment is suitable and necessary for the purpose of carrying into effect the provisions of this act, and to obtain from said owner or owners title in fee simple for the same. And in case the Secretary of War shall not be able to agree with said owner or owners upon the price to be paid for any real estate needed for the purpose of this act, or to obtain from said owner or owners title in fee simple for the same, the Secretary of War is hereby authorized to enter upon and appropriate any real estate, which, in his judgment, is suitable and necessary for the purposes of this act.

Proceedings where real estate is entered upon and appropriated.

SEC. 5. *And be it further enacted*, That the Secretary of War or the owner or owners of any real estate thus entered upon and appropriated are hereby authorized to make application for an appraisement of said real estate thus entered upon and appropriated to any district or circuit court within any State or district where such real estate is situated; and any of said courts is hereby authorized and required upon such application, and in such mode and under such rules and regulations as it may adopt, to make a just and equitable appraisement of the cash value of the several interests of each and every owner of the real estate and improvements thereon entered upon and appropriated for the purposes of this act, and in accordance with its provisions.

Fee simple of such estate, upon payment, &c. of appraised value, to be vested in the United States.
401

SEC. 6. *And be it further enacted*, That the fee simple of all real estate thus entered upon and appropriated for the purposes of this act and of which appraisement shall have been made under the order and direction of any of said courts, shall, upon payment to the owner or owners, respectively, of the appraised value, or in case said owner or owners refuse or neglect for thirty days after the appraisement of the cash value of the said real estate or improvements by any of said courts to demand the same from the Secretary of War, upon depositing the said appraised value in the said court, making such appraisement to the credit of said owner or owners, respectively, be vested in the United States, and its jurisdiction over said real estate shall be exclusive and the same as its jurisdiction over real estate purchased, ceded, or appropriated for the purposes of navy yards, forts, and arsenals. And the Secretary of War is hereby authorized and required to pay to the several owner or owners, respectively, the appraised value of the several pieces or parcels of real estate, as specified in the appraisement of any of said courts, or to pay into any of said courts by deposit, as hereinbefore provided, the said appraised value; and the sum necessary for such purpose may be taken from any moneys appropriated for the purposes of this act.

Jurisdiction exclusive, &c.

Owner to be paid the appraised value.

Appropriation.

SEC. 7. *And be it further enacted*, That the sum of seven hundred and fifty thousand dollars is hereby appropriated to carry out the purposes of this act out of any moneys in the treasury not otherwise appropriated.

APPROVED, February 22, 1867.

THE ACT OF JULY 1, 1870

FORTY-FIRST CONGRESS. SESS. II. CH. 200. 1870.

188

CHAP. CC.—An Act to amend an Act entitled “An Act to establish and to protect National Cemeteries.”

July 1, 1870.
1867, ch. 61.
Vol. xiv. p. 399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from the time any State legislature shall have given, or shall hereafter give, the consent of such State to the purchase by the United States of any national cemetery mentioned in the act entitled “An act to establish and protect national cemeteries,” approved February twenty-second, eighteen hundred and sixty-seven, the jurisdiction and power of legislation of the United States over such cemetery shall in all courts and places be held to be the same as is granted by section eight, article one, of the Constitution of the United States; and all the provisions of said act of February twenty-second, eighteen hundred and sixty-seven, shall be applicable to the same.

Jurisdiction, &c. of the United States over national cemeteries to the purchase of which any State has given its consent.

Copies of this act to be sent to the governors of such States.

SEC. 2. *And be it further enacted,* That it shall be the duty of the Secretary of War to cause copies of this present act to be sent to the governors of all such States, wherein any of such national cemeteries may be situated, to the end that the legislatures of such States may give the consent herein mentioned.

APPROVED, June 1, 1870.

THE ACT OF MAY 18, 1872

FORTY-SECOND CONGRESS. SESS. II. CH. 173. 1872.

135

CHAP. CLXXIII.—An Act to amend an Act entitled “An Act to establish and to protect National Cemeteries,” approved February twenty-second, eighteen hundred and sixty-seven.

May 18, 1872.
1867, ch. 61.
Vol. xiv. p. 399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized to select the superintendents of the national cemeteries from meritorious and trustworthy soldiers, either commissioned officers or enlisted men of the volunteer or regular army, who have been honorably mustered out or discharged from the service of the United States, and who may have been disabled for active field service in the line of duty.

Superintendents of national cemeteries to be selected from honorably discharged trustworthy disabled soldiers; their pay, quarters, and fuel.

SEC. 2. That the superintendents of the national cemeteries shall receive for their compensation from sixty dollars to seventy-five dollars per month, according to the extent and importance of the cemeteries to which they may be respectively assigned, to be determined by the Secretary of War; and they shall also be furnished with quarters and fuel, as now provided at the several cemeteries.

Repealing clause.

SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED, May 18, 1872.

NATIONAL CEMETERIES ADMINISTERED BY THE NATIONAL PARK SERVICE

Andersonville National Cemetery, Georgia – The cemetery was established on July 26, 1965 and was transferred to the National Park Service on July 1, 1971. The cemetery is now part of Andersonville National Historic Site.

Andrew Johnson National Cemetery, Tennessee – The cemetery was established on June 12, 1906 and was transferred to the National Park Service on May 23, 1942. The cemetery is now part of Andrew Johnson National Historic Site.

Antietam National Cemetery, Maryland – The cemetery was established by the State of Maryland on March 23, 1865 and transferred to the War Department on June 22, 1877 (See the Act of July 14, 1870 and the Act of March 2, 1877, at the end of this list, which authorized the transfer of the cemetery to the federal government and its preservation as a national cemetery). The cemetery was transferred to the National Park Service on August 10, 1933. The cemetery is now part of Antietam National Battlefield.

Battleground National Cemetery, Washington, D.C.– The cemetery was dedicated by President Abraham Lincoln in July 1864 and was transferred to the National Park Service on August 10, 1933. The cemetery is now part of Rock Creek Park.

Chalmette National Cemetery, Louisiana – The cemetery was established on May 26, 1868 and was transferred to the National Park Service on August 10, 1933. The cemetery is now part of Jean Lafitte National Historical Park.

Custer Battlefield National Cemetery, Montana – The cemetery was established on January 29, 1879 and was transferred to the National Park Service on July 1, 1940. The cemetery is now part of Little Bighorn Battlefield National Monument.

Fort Donelson National Cemetery, Tennessee – The cemetery was established on March 9, 1867 and was transferred to the National Park Service on August 10, 1933. The cemetery is now part of Fort Donelson National Battlefield.

Fredericksburg National Cemetery, Virginia – The cemetery was established on July 15, 1865 and was transferred to the National Park Service on August 10, 1933. The cemetery is now part of Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.

Gettysburg National Cemetery, Pennsylvania – The cemetery was established by the State of Pennsylvania and dedicated by President Abraham Lincoln on November 19, 1863. It was transferred to the War Department on April 18, 1872 and was transferred to the National Park Service on August 10, 1933. (See the Act of July 14, 1870 at the end of this list, which authorized the transfer of the cemetery to the federal government). The cemetery is now part of Gettysburg National Military Park.

Popular Grove National Cemetery, Virginia – The cemetery was established on June 18, 1866 and was transferred to the National Park Service on August 10, 1933. The cemetery is now part of Petersburg National Battlefield.

Shiloh National Cemetery, Tennessee – The cemetery was established on March 9, 1867 and was transferred to the National Park Service on August 10, 1933. The cemetery is now part of Shiloh National Military Park.

Stones River National Cemetery, Tennessee - The cemetery was established on June 23, 1865 and was transferred to the National Park Service on August 10, 1933. The cemetery is now part of Stones River National Battlefield.

Vicksburg National Cemetery, Mississippi - The cemetery was established in 1865 and was transferred to the National Park Service on August 10, 1933. The cemetery is now part of Vicksburg National Military Park.

Yorktown National Cemetery, Virginia - The cemetery was established on July 13, 1866 and was transferred to the National Park Service on August 10, 1933. The cemetery is now part of Colonial National Historical Park.

THE ACT OF JULY 14, 1870

390

FORTY-FIRST CONGRESS. SESS. II. RES. 117. 1870

 July 14, 1870

[No. 117] *A Resolution authorizing the Secretary of War to take charge of Gettysburg and Antietam National Cemeteries.*

Secretary of War to take charge of the Gettysburg and Antietam national cemeteries.

1867, ch. 61.
Vol. xiv. p. 399.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and is hereby, directed to accept and take charge of the soldiers' national cemetery at Gettysburg, Pennsylvania, and the Antietam national cemetery at Sharpsburg, Maryland, whenever the commissioner and trustees having charge of said cemeteries are ready to transfer their care to the general government. That when the afore-mentioned cemeteries are placed under the control of the Secretary of War, that they be taken care of and maintained in accordance with the provisions of the act of Congress entitled "An act to establish and protect national cemeteries," approved February twenty-two, eighteen hundred and sixty-seven.

APPROVED, July 14, 1870.

THE ACT OF MARCH 2, 1877

FOURTY-FOURTH CONGRES. SESS. II.

CHAPTER 83

CHAP. 83—An act for the relief of the board of trustees of the Antietam National Cemetery.

March 2, 1877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of discharging the indebtedness incurred by the board of trustees of the Antietam National Cemetery in establishing the same and improving the grounds thereof and the proper burial therein of the soldiers who fell on the battle field of Antietam, there be appropriated the sum of fifteen thousand dollars, out of any money in the Treasury not otherwise appropriated, or so much thereof that may be necessary, to be expended under the direction of the Secretary of War, in the liquidation of such indebtedness; and it shall be the duty of the Secretary of War to hereby provide for the preservation and superintendence of the said cemetery as one of the national cemeteries of the United States under the laws now in force in regard to such national cemeteries: *Provided,* That the said sum of fifteen thousand dollars, or so much thereof as may be necessary, to discharge the present existing indebtedness shall not be paid until the legal title to the said property shall be vested in the United States.

Appropriation
Payment of debt
of Antietam
National
Cemetery.

Cemetery to be
one of the United
States national
cemeteries.
Proviso.

National monument proclamations for sites that are managed by other federal agencies.

1. Admiralty Island

No. 4611

December 1, 1978, 93 Stat. 1446, 16 U.S.C. 431 note
43 F.R. 57009

ADMIRALTY ISLAND NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

Admiralty Island is outstanding for its superlative combination of scientific and historic objects. Admiralty Island contains unique resources of scientific interest which need protection to assure continued opportunities for study.

Admiralty Island has been continuously inhabited by Tlingit Indians for approximately 10,000 years. Archeological sites and objects are plentiful in the areas of Angoon, Chaik Bay, Whitewater Bay and other bays and inlets on the island. These resources provide historical documentation of continuing values for study. The continued presence of these natives on the island add to the scientific and historical value of the area.

The cultural history of the Tlingit Indians is rich in ceremony and creative arts and complex in its social, legal and political systems. Admiralty provides a unique combination of archeological and historical resources in a relatively unspoiled natural ecosystem that enhances their value for scientific study.

Subsequent to exploration and mapping by Captain George Vancouver at the end of the 18th century, Russian fur traders, Yankee whalers, and miners and prospectors have left objects and sites on Admiralty which provide valuable historical documentation of white settlement and exploitation of the island and its resources. Admiralty Island is rich in historic structures and sites, including whaling station, canneries, old mining structures and old village sites, for example Killisnoo Village where a whaling and herring saltery station were established in 1880.

Unusual aspects of the island ecology include its exceptional distribution of animal species, including dense populations of brown bears and eagles but excluding entirely - because of the island's separation from the mainland - a large number of species indigenous to the general area. This peculiar distribution enhances the island's value for scientific study.

The unique island ecology includes the highest density of nesting bald eagles (more than are found in all the other States combined); large numbers of Alaska brown bear; and the largest unspoiled coastal island ecosystem in North America. Admiralty Island was added to the Tongass National Forest in 1909, and specific portions of the island have been designated as bear and eagle management areas and numerous scientific studies of the bear and eagle habitat have been conducted by scientists from around the world. The island is an outdoor living laboratory for the study of bald eagle and Alaska brown bear.

Protection of the entire island, exclusive of the Mansfield Peninsula, is necessary to preserve intact the unique scientific and historic objects and sites located there. Designation of a smaller area would not serve the scientific purpose of preserving intact this unique coastal island ecosystem.

Hunting and fishing shall continue to be regulated, permitted and controlled in accord with the statutory authorities applicable to the Monument area.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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 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 protected.

NOW, THEREFORE, I, JIMMY CARTER, 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 Admiralty Island National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area described on the document entitled "Admiralty Island National Monument (Copper River Meridian)", attached to and forming a part of this Proclamation. The area reserved consists of approximately 1,100,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the Monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this Monument, are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of the those objects protected by this Monument and for the proper administration of the Monument in accordance with applicable laws.

The establishment of this Monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the National Monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of Alaska v. Morton, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

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 first day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

ADMIRALTY ISLAND NATIONAL MONUMENT

COPPER RIVER MERIDIAN

- T. 42 S., R. 66 E., all land on the south side of Stevens Passage including small island adjacent to Admiralty Cove.
- T. 42 S., R. 67 E., all land on the south side of Stevens passage.
- T. 43 S., R. 65 E., all land south of the hydrographic divide between Fowler Creek and Greens Creek excluding land on the Mansfield Peninsula.
- T. 43 S., R. 66 E., all lands south of hydrographic divide between Young Bay and Greens Creek.
- T. 43 S., R. 67 E., all lands except those draining into Admiralty Creek.
- T. 43 S., Rs. 68 E.,
- T. 43 S., R. 69 E., all lands on the west side of Stevens passage including Grand Island.
- T. 44 S., Rs. 65 through 68 e.,
- T. 44 S., R. 69 E., all land on the west side of Stevens passage including Grand Island.
- T. 45 S., Rs. 66 though 70 E.,
- T. 46 S., Rs. 66 though 71 E.,
- T. 47 S., Rs. 66 though 71 E.,
- T. 48 S., Rs. 66 though 71 E.,
- T. 49 S., Rs. 66 though 72 E.,
- T. 50 S., Rs. 66 though 72 E.,
- T. 51 S., Rs. 66 though 72 E.,
- T. 52 S., Rs. 66 though 72 E.,
- T. 53 S., Rs. 66 though 73 E.,
- T. 54 S., Rs. 66 though 71 E.,
- T. 55 S., Rs. 66 though 70 E.,
- T. 56 S., Rs. 68 an 69 E., including Yasha Island.

2. Agua Fria

No. 7263

January 11, 2000, 114 Stat. 3231, 16 U.S.C. 431 note
65 F.R. 2817

ESTABLISHMENT OF THE AGUA FRIA NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The windswept, grassy mesas and formidable canyons of Agua Fria National Monument embrace an extraordinary array of scientific and historic resources. The ancient ruins within the monument, with their breathtaking vistas and spectacular petroglyphs, provide a link to the past, offering insights into the lives of the peoples who once inhabited this part of the desert Southwest. The area's architectural features and artifacts are tangible objects that can help researchers reconstruct the human past. Such objects and, more importantly, the spatial relationships among them, provide outstanding opportunities for archeologists to study the way humans interacted with one another, neighboring groups, and with the environment that sustained them in prehistoric times.

The monument contains one of the most significant systems of late prehistoric sites in the American Southwest. Between A.D. 1250 and 1450, its pueblo communities were populated by up to several thousand people. During this time, many dwelling locations in the Southwest were abandoned and groups became aggregated in a relatively small number of densely populated areas. The monument encompasses one of the best examples of these areas, containing important archeological evidence that is crucial to understanding the cultural, social, and economic processes that accompanied this period of significant change.

At least 450 prehistoric sites are known to exist within the monument and there are likely many more. There are at least four major settlements within the area, including Pueblo La Plata, Pueblo Pato, the Baby Canyon Ruin group, and the Lousy Canyon group. These consist of clusters of stone-masonry pueblos, some containing at least 100 rooms. These settlements are typically situated at the edges of steep canyons, and offer a panorama of ruins, distinctive rock art panels, and visually spectacular settings.

Many intact petroglyph sites within the monument contain rock art symbols pecked into the surfaces of boulders and cliff faces. The sites range from single designs on boulders to cliffs covered with hundreds of geometric and abstract symbols. Some of the most impressive sites are associated with major pueblos, such as Pueblo Pato.

The monument holds an extraordinary record of prehistoric agricultural features, including extensive terraces bounded by lines of rocks and other types of landscape modifications. The agricultural areas, as well as other sites, reflect the skills of ancient residents at producing and obtaining food supplies sufficient to sustain a population of several thousand people.

The monument also contains historic sites representing early Anglo-American history through the 19th century, including remnants of Basque sheep camps, historic mining features, and military activities.

In addition to its rich record of human history, the monument contains other objects of scientific interest. This expansive mosaic of semi-desert grassland, cut by ribbons of valuable riparian forest, is an outstanding biological resource. The diversity of vegetative

communities, topographical features, and relative availability of water provide habitat for a wide array of sensitive wildlife species, including the lowland leopard frog, the Mexican garter snake, the common black hawk, and the desert tortoise. Other wildlife is abundant and diverse, including pronghorn, mule deer, and white-tail deer. Javelina, mountain lions, small mammals, reptiles, amphibians, fish, and neotropical migratory birds also inhabit the area. Elk and black bear are present, but less abundant. Four species of native fish, including the longfin dace, the Gila mountain sucker, the Gila chub, and the speckled dace, exist in the Agua Fria River and its tributaries.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Agua Fria National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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, 6 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Agua Fria 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 of the area described on the map entitled "Agua Fria National Monument" attached to and forming a part of this proclamation. The federal land and interests in land reserved consist of approximately 71,100 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

For the purpose of protecting the objects identified above, all motorized and mechanized vehicle use off road will be prohibited, except for emergency or authorized administrative purposes.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Arizona with respect to fish and wildlife management.

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

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, 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, other than by exchange that furthers the protective purposes of the monument. Lands and interests in lands within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

There is hereby reserved, as of the date of this proclamation and subject to valid existing rights, a quantity of water sufficient to fulfill the purposes for which this monument is established. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation.

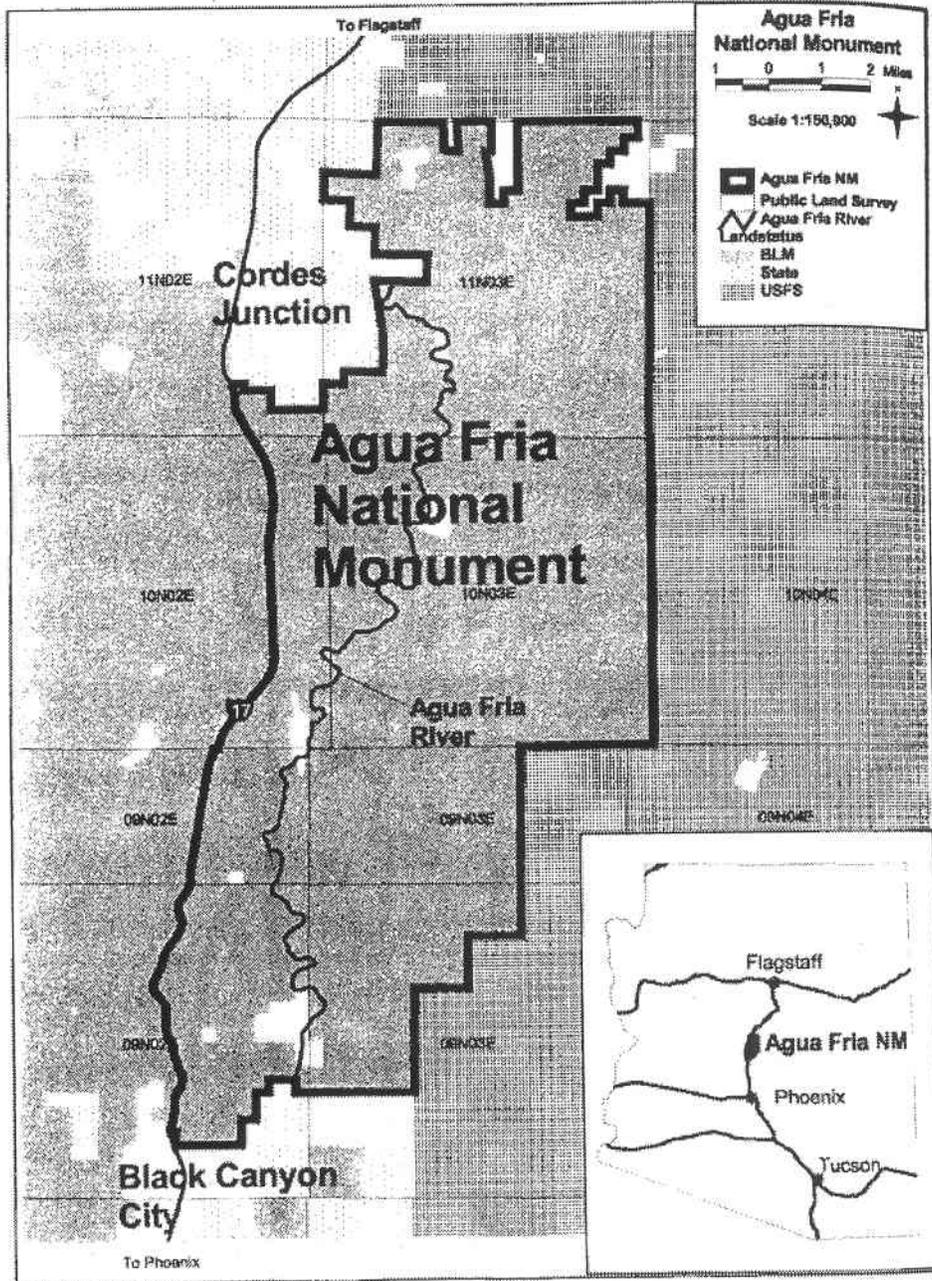
Laws, regulations, and policies followed by the Bureau of Land Management in issuing and administering grazing leases on all lands under its jurisdiction shall continue to apply with regard to the lands in the monument.

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 eleventh day of January, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.

WILLIAM J. CLINTON



3. Becharof

No. 4613

December 1, 1978, 93 Stat. 1450, 16 U.S.C. 431

43 F.R. 57019

BECHAROF NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

This monument on the Alaska Peninsula supports one of the densest known populations of the great Alaska brown bear. This area encompasses habitat used by a discrete population of bears for denning and foraging, both north and south of Becharof Lake.

At the southern end of Becharof Lake, several hundred bears concentrate during salmon spawning season. Certain of the bears make their dens in the area on islands a few feet above the water level, a unique phenomenon of great interest in the study of this great carnivore. Deeply worn bear trails also indicate decades of extensive use, making this area important to the study of the bears' long term habits and population fluctuation. Rich salmon spawning habitats and the presence of such prey species as caribou and moose are key factors in the intensive use of the area by the bears.

The biology of the brown bears, their habitat and associated plant and animal species within the monument, together with other ecological features of the area, combine to offer excellent opportunities for scientific study and research.

The area is interesting and significant geologically, as it contains one of Alaska's most recent volcanically active areas, the Gas Rocks under Mount Peulik. Studies here of recent volcanism may contribute to the growing understanding of this powerful geological force.

The land withdrawn and reserved by this Proclamation for the protection of the geological, biological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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 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.

NOW, THEREFORE, I, JIMMY CARTER, 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 Becharof National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as Becharof National Monument on the map numbered FWS-81-00-0414 attached to and forming a

part of this Proclamation. The area reserved consists of approximately 1,200,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument, are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of Alaska v. Morton, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of sport hunting, and of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close this national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population or to sport hunting of a particular fish or wildlife population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

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 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Note: The maps which formed a part of this proclamation are not reproduced here since the reduction necessary from the original would render them unreadable.

4. California Coastal

No. 7264

January 11, 2000, 114 Stat. 3233, 16 U.S.C. 431 note
65 F.R. 2821

ESTABLISHMENT OF THE CALIFORNIA COASTAL NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The islands, rocks, and pinnacles of the California Coastal National Monument overwhelm the viewer, as white-capped waves crash into the vertical cliffs or deeply crevassed surge channels and frothy water empties back into the ocean. Amidst that beauty lies irreplaceable scientific values vital to protecting the fragile ecosystems of the California coastline. At land's end, the islands, rocks, exposed reefs, and pinnacles off the coast above mean high tide provide havens for significant populations of sea mammals and birds. They are part of a narrow and important flight lane in the Pacific Flyway, providing essential habitat for feeding, perching, nesting, and shelter.

The California Coastal National Monument is a biological treasure. The thousands of islands, rocks, exposed reefs, and pinnacles are part of the nearshore ocean zone that begins just off shore and ends at the boundary between the continental shelf and continental slope. Waters of this zone are rich in nutrients from upwelling currents and freshwater inflows, supporting a rich array of habitats and organisms. Productive oceanographic factors, such as major ocean currents, stimulate critical biological productivity and diversity in both nearshore and offshore ocean waters.

The monument contains many geologic formations that provide unique habitat for biota. Wave action exerts a strong influence on habitat distribution within the monument. Beaches occur where wave action is light, boulder fields occur in areas of greater wave activity, and rocky outcroppings occur where wave action is greatest. The pounding surf within boulder fields and rocky shores often creates small, but important, habitats known as tidepools, which support creatures uniquely adapted for survival under such extreme physical conditions. Although shoreline habitats may appear distinct from those off shore, they are dependent upon each other, with vital and dynamic exchange of nutrients and organisms being essential to maintaining their healthy ecosystems. As part of California's nearshore ocean zone, the monument is rich in biodiversity and holds many species of scientific interest that can be particularly sensitive to disturbance.

The monument's vegetative character varies greatly. Larger rocks and islands contain diverse growth. *Dudleya*, *Atriplex-Baeria-Rumex*, mixed grass-herb, *Polypodium*, *Distichlis*, ice plant, *Synthyris-Poppy*, *Eymus*, *Poa-Baeria*, chaparral, and wetlands vegetation are all present. Larger rocks and islands contain a diverse blend of the vegetation types.

The monument provides feeding and nesting habitat for an estimated 200,000 breeding seabirds. Development on the mainland has forced seabirds that once fed and nested in the shoreline ecosystem to retreat to the areas protected by the monument. Pelagic seabird species inhabit salt or brackish water environments for at least part of their annual cycle and breed on offshore islands and rocks. Gulls, the endangered California least tern, the threatened brown pelican, and the snowy plover, among

countless others, all feed on the vegetation and establish their nests in the monument. Both bald eagles and peregrine falcons are found within the monument.

The monument also provides forage and breeding habitat for several mammal species. Pinnipeds are abundant, including the threatened southern sea otter and the Guadalupe fur seal. The monument contains important shelter for male California sea lions in the winter and breeding rookeries for threatened northern (Steller) sea lions in the spring.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the California Coastal National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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 California Coastal National Monument, for the purpose of protecting the objects identified above, all unappropriated or unreserved lands and interests in lands owned or controlled by the United States in the form of islands, rocks, exposed reefs, and pinnacles above mean high tide within 12 nautical miles of the shoreline of the State of California. The Federal land and interests in land reserved are encompassed in the entire 840 mile Pacific coastline, which is the smallest area compatible with the proper care and management of the objects to be protected.

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

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, 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, other than by exchange that furthers the protective purposes of the monument. Lands and interests in lands within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation. Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

Nothing in this proclamation shall enlarge or diminish the jurisdiction or authority of the State of California or the United States over submerged or other lands within the territorial waters off the coast of California. Nothing in this proclamation shall affect the rights or obligations of any State or Federal oil or gas lessee within the territorial waters off the California coast.

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 eleventh day of January, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.

WILLIAM J. CLINTON

5. Canyons of the Ancients

No. 7317

June 9, 2000, 114 Stat. 3319, 16 U.S.C. 431 note

65 F.R. 37243

ESTABLISHMENT OF THE CANYONS OF THE ANCIENTS NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

Containing the highest known density of archaeological sites in the Nation, the Canyons of the Ancients National Monument holds evidence of cultures and traditions spanning thousands of years. This area, with its intertwined natural and cultural resources, is a rugged landscape, a quality that greatly contributes to the protection of its scientific and historic objects. The monument offers an unparalleled opportunity to observe, study, and experience how cultures lived and adapted over time in the American Southwest.

The complex landscape and remarkable cultural resources of the Canyons of the Ancients National Monument have been a focal point for archaeological interest for over 125 years. Archaeological and historic objects such as cliff dwellings, villages, great kivas, shrines, sacred springs, agricultural fields, check dams, reservoirs, rock art sites, and sweat lodges are spread across the landscape. More than five thousand of these archaeologically important sites have been recorded, and thousands more await documentation and study. The Mockingbird Mesa area has over forty sites per square mile, and several canyons in that area hold more than three hundred sites per square mile.

People have lived and labored to survive among these canyons and mesas for thousands of years, from the earliest known hunters crossing the area 10,000 years ago or more, through Ancestral Puebloan farmers, to the Ute, Navajo, and European settlers whose descendants still call this area home. There is scattered evidence that Paleo-Indians used the region on a sporadic basis for hunting and gathering until around 7500 B.C. During the Archaic period, generally covering the next six thousand years, occupation of the Four Corners area was dominated by hunters and gatherers.

By about 1500 B.C., the more sedentary Basketmakers spread over the landscape. As Ancestral Northern Puebloan people occupied the area around 750 A.D., farming began to blossom, and continued through about 1300 A.D., as the area became part of a much larger prehistoric cultural region that included Mesa Verde to the southeast. Year-round villages were established, originally consisting of pit house dwellings, and later evolving to well-recognized cliff-dwellings. Many archaeologists now believe that throughout this time span, the Ancestral Northern Puebloan people periodically aggregated into larger communities and dispersed into smaller community units. Specifically, during Pueblo I (about 700-900 A.D.) the occupation and site density in the monument area increased. Dwellings tended to be small, with three or four rooms. Then, during Pueblo II (about 900-1150 A.D.), settlements were diminished and highly dispersed. Late in Pueblo II and in early Pueblo III, around 1150 A.D., the size and number of settlements again increased and residential clustering began. Later pueblos were larger multi-storied masonry dwellings with forty to fifty rooms. For the remainder of Pueblo III (1150-1300 A.D.), major aggregation occurred in the monument, typically at large sites at the heads of

canyons. One of these sites includes remains of about 420 rooms, 90 kivas, a great kiva, and a plaza, covering more than ten acres in all.

These villages were wrapped around the upper reaches of canyons and spread down onto talus slopes, enclosed year-round springs and reservoirs, and included low, defensive walls. The changes in architecture and site planning reflected a shift from independent households to a more communal lifestyle.

Farming during the Puebloan period was affected by population growth and changing climate and precipitation patterns. As the population grew, the Ancestral Puebloans expanded into increasingly marginal areas. Natural resources were compromised and poor soil and growing conditions made survival increasingly difficult. When dry conditions persisted, Pueblo communities moved to the south, southwest, and southeast, where descendants of these Ancestral Puebloan peoples live today.

Soon after the Ancestral Puebloans left the monument area, the nomadic Ute and Navajo took advantage of the natural diversity found in the variable topography by moving to lower areas, including the monument's mesas and canyons, during the cooler seasons. A small number of forked stick hogans, brush shelters, and wickiups are the most obvious remnants of this period of occupation.

The natural resources and spectacular land forms of the monument help explain why past and present cultures have chosen to live in the area. The geology of the monument evokes the very essence of the American Southwest. Structurally part of the Paradox Basin, from a distance the landscape looks deceptively benign. From the McElmo Dome in the southern part of the monument, the land slopes gently to the north, giving no indication of its true character. Once inside the area, however, the geology becomes more rugged and dissected. Rising sharply to the north of McElmo Creek, the McElmo Dome itself is buttressed by sheer sandstone cliffs, with mesa tops rimmed by caprock, and deeply incised canyons.

The monument is home to a wide variety of wildlife species, including unique herpetological resources. Crucial habitat for the Mesa Verde nightsnake, long-nosed leopard lizard, and twin-spotted spiny lizard can be found within the monument in the area north of Yellow Jacket Canyon. Peregrine falcons have been observed in the area, as have golden eagles, American kestrels, red-tailed hawks, and northern harriers. Game birds like Gambel's quail and mourning dove are found throughout the monument both in dry, upland habitats, and in lush riparian habitat along the canyon bottoms.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Canyons of the Ancients National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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 Canyons of the Ancients 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 of the area described on the map entitled "Canyons of the Ancients National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 164,000 acres, which is the

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

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 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 leasing, other than by exchange that furthers the protective purposes of the monument, and except for oil and gas leasing as prescribed herein.

For the purpose of protecting the objects identified above, the Secretary of the Interior shall prohibit all motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes.

Lands and interests in lands within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

Because most of the Federal lands have already been leased for oil and gas, which includes carbon dioxide, and development is already occurring, the monument shall remain open to oil and gas leasing and development; provided, the Secretary of the Interior shall manage the development, subject to valid existing rights, so as not to create any new impacts that interfere with the proper care and management of the objects protected by this proclamation; and provided further, the Secretary may issue new leases only for the purpose of promoting conservation of oil and gas resources in any common reservoir now being produced under existing leases, or to protect against drainage.

The Secretary of the Interior shall prepare a transportation plan that addresses the actions, including road closures or travel restrictions, necessary to protect the objects identified in this proclamation.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation. The establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Colorado with respect to fish and wildlife management. This proclamation does not reserve water as a matter of Federal law. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation. The Bureau of Land Management shall work with appropriate State authorities to ensure that any water resources needed for monument purposes are available.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights of any Indian tribe.

Laws, regulations, and policies followed by the Bureau of Land Management in issuing and administering grazing permits or leases on all lands under its jurisdiction shall continue to apply with regard to the lands in the monument.

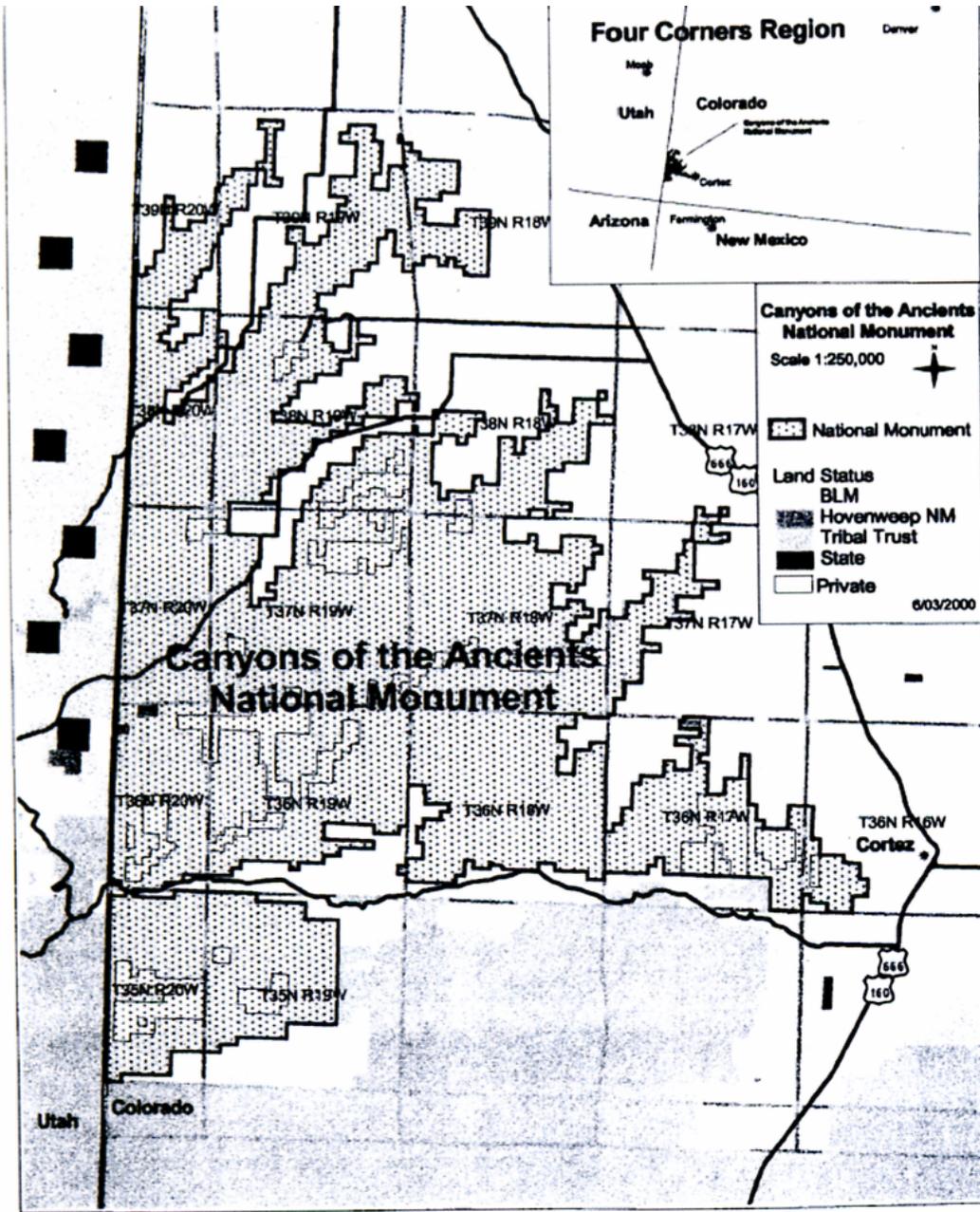
Nothing in this proclamation shall be deemed to affect the management of Hovenweep National Monument by the National Park Service (Proclamation 1654 of March 2, 1923, Proclamation 2924 of May 1, 1951, and Proclamation 2998 of November 26, 1952).

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 ninth day of June, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.

WILLIAM J. CLINTON



6. Carrizo Plain

No. 7393

January 17, 2001, 115 Stat. 2566, 16 U.S.C. 431 note
66 F.R. 7339

ESTABLISHMENT OF THE CARRIZO PLAIN NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

Full of natural splendor and rich in human history, the majestic grasslands and stark ridges in the Carrizo Plain National Monument contain exceptional objects of scientific and historic interest. Since the mid-1800s, large portions of the grasslands that once spanned the entire four hundred mile expanse of California's nearby San Joaquin Valley and other valleys in the vicinity have been eliminated by extensive land conversion to agricultural, industrial, and urban land uses. The Carrizo Plain National Monument, which is dramatically bisected by the San Andreas Fault zone, is the largest undeveloped remnant of this ecosystem, providing crucial habitat for the long-term conservation of the many endemic plant and animal species that still inhabit the area.

The monument offers a refuge for endangered, threatened, and rare animal species such as the San Joaquin kit fox, the California condor, the blunt-nosed leopard lizard, the giant kangaroo rat, the San Joaquin antelope squirrel, the longhorn fairy shrimp, and the vernal pool fairy shrimp. It supports important populations of pronghorn antelope and tule elk. The area is also home to many rare and sensitive plant species, including the California jewelflower, the Hoover's woolly-star, the San-Joaquin woolly-threads, the pale-yellow layia, the forked fiddleneck, the Carrizo peppergrass, the Lost Hills saltbush, the Temblor buckwheat, the recurved larkspur, and the Munz's tidy-tips. Despite past human use, the size, isolation, and relatively undeveloped nature of the area make it ideal for long-term conservation of the dwindling flora and fauna characteristic of the San Joaquin Valley region.

The Carrizo Plain National Monument also encompasses Soda Lake, the largest remaining natural alkali wetland in southern California and the only closed basin within the coastal mountains. As its name suggests, Soda Lake concentrates salts as water is evaporated away, leaving white deposits of sulfates and carbonates. Despite this harsh environment, small plant and animal species are well adapted to the setting, which is also important to migratory birds. During the winter months the lake fills with water and teems with thousands of beautiful lesser sandhill cranes, long-billed curlews, and mountain plovers.

The Carrizo Plain National Monument owes its existence to the geologic processes that occur along the San Andreas Fault, where two of the Earth's five great tectonic plates slide past one another, parallel to the axis of the Plain. Shifting along the fault created the Plain by rumpling the rocks to the northeast into the Temblor Range and isolating the Plain from the rest of the San Joaquin Valley. The area is world-famous for its spectacular exposures of fault-generated landforms.

Stream valleys emerge from the adjacent mountains, only to take dramatic right-angle turns where they intersect the fault. Ponds and sags form where the ground is extended and subsides between branches of the fault. Benches form where the fault offsets valley walls. Many dramatic landscape features are products of the interplay

between very rapid fault movement and slower erosion. The dry climate of the area produces low erosion rates, thereby preserving the spectacular effects of fault slip, folding, and warping. On the Plain, these fault-related events happen intermittently, but with great force. In 1857, the strongest earthquake in California's recorded history ripped through the San Andreas Fault, wrenching the western side of the Carrizo Plain National Monument thirty-one feet northward.

The area is also distinguished for its significant fossil assemblages. The Caliente Formation, exposed on the southeast side of the Caliente Range, is host to abundant and diverse terrestrial fossil mammal remains of the Miocene Epoch (from 13 million to 25 million years ago). Fossils of five North American provincial mammalian ages (Arikareean, Hemingfordian, Barstovian, Clarendonian, Hemphillian) are represented in sedimentary rocks in that formation. These terrestrial fossil remains are interlaced with marine sedimentary rocks bearing fossils of mollusks, pectens, turitellas, and oysters.

In addition to its geologic and biological wealth, the area is rich in human history. Archaeologists theorize that humans have occupied the Carrizo Plain National Monument area since the Paleo-Indian Period (circa 11,000 to 9,000 B.C.). Bedrock mortar milling features, village middens, and elaborate pictographs are the primary manifestations of prehistoric occupation. Some of these, such as the Painted Rock and Sulphur Springs rock art sites, are recognized as world class. European expeditions through the area date back to the late 1700s, with settlement beginning in the 1850s. Livestock ranching, farming, and mining activities in the last century and a half are evidenced by numerous artifacts and historic ranch properties within the area.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Carrizo Plain National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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 Carrizo Plain 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 of the area described on the map entitled "Carrizo Plain National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 204,107 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

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, other than by exchange that furthers the protective purposes of the monument. For the purpose of protecting the objects identified above, the Secretary shall prohibit all motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes.

Lands and interests in lands within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation.

The Secretary of the Interior shall prepare a management plan that addresses the actions, including road closures or travel restrictions, necessary to protect the objects identified in this proclamation.

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

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of California with respect to fish and wildlife management.

There is hereby reserved, as of the date of this proclamation and subject to valid existing rights, a quantity of water sufficient to fulfill the purposes for which this monument is established. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation.

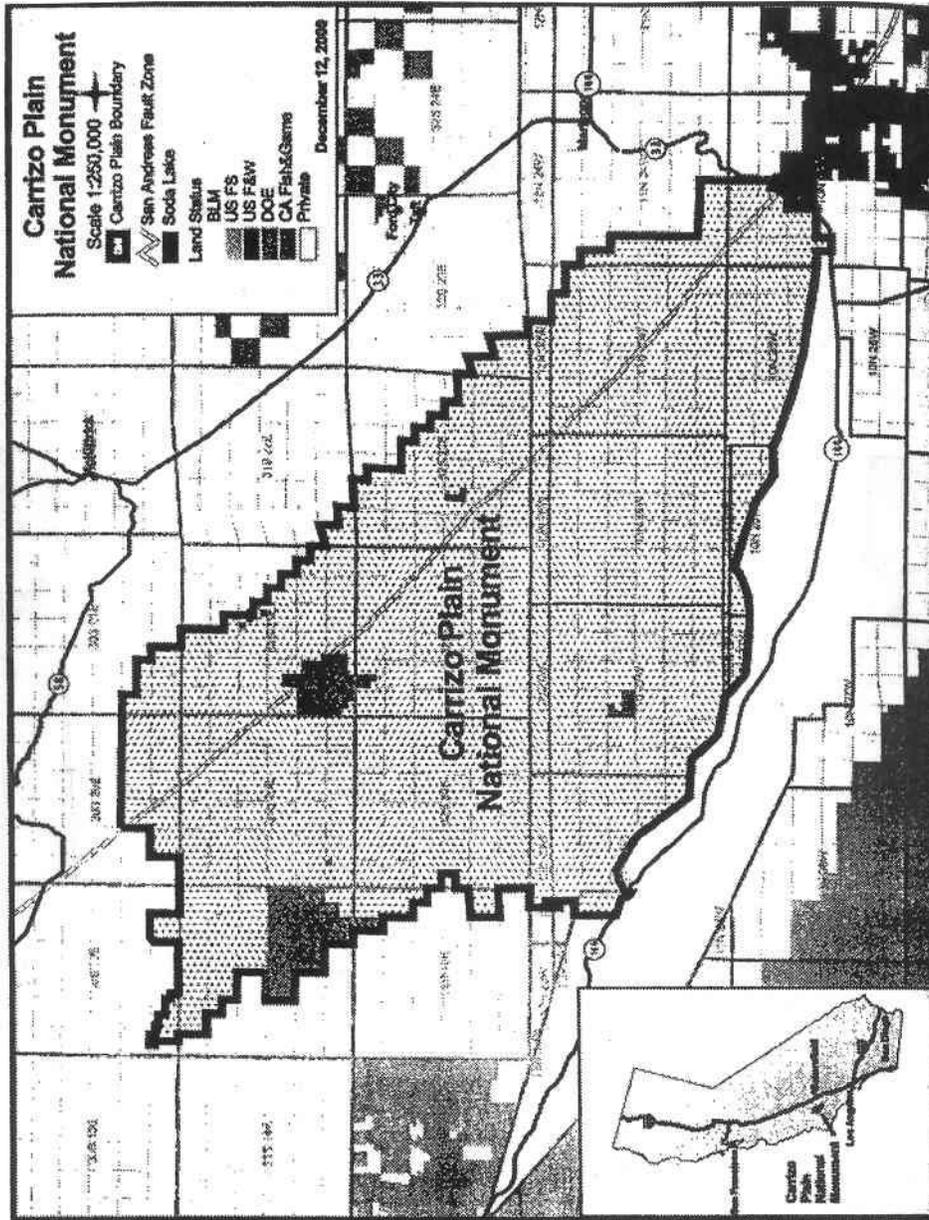
Laws, regulations, and policies followed by the Bureau of Land Management in issuing and administering grazing permits or leases on all lands under its jurisdiction shall continue to apply with regard to the lands in the monument.

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 seventeenth day of January, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.

WILLIAM J. CLINTON



7. Cascade-Siskiyou

No. 7318

June 9, 2000, 114 Stat. 3323, 16 U.S.C. 431 note
65 F.R. 37249

ESTABLISHMENT OF THE CASCADE-SISKIYOU NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

With towering fir forests, sunlit oak groves, wildflower-strewn meadows, and steep canyons, the Cascade-Siskiyou National Monument is an ecological wonder, with biological diversity unmatched in the Cascade Range. This rich enclave of natural resources is a biological crossroads—the interface of the Cascade, Klamath, and Siskiyou ecoregions, in an area of unique geology, biology, climate, and topography.

The monument is home to a spectacular variety of rare and beautiful species of plants and animals, whose survival in this region depends upon its continued ecological integrity. Plant communities present a rich mosaic of grass and shrublands, Garry and California black oak woodlands, juniper scablands, mixed conifer and white fir forests, and wet meadows. Stream bottoms support broad-leaf deciduous riparian trees and shrubs. Special plant communities include rosaceous chaparral and oak-juniper woodlands. The monument also contains many rare and endemic plants, such as Greene's Mariposa lily, Gentner's fritillary, and Bellinger's meadowfoam.

The monument supports an exceptional range of fauna, including one of the highest diversities of butterfly species in the United States. The Jenny Creek portion of the monument is a significant center of fresh water snail diversity, and is home to three endemic fish species, including a long-isolated stock of redband trout. The monument contains important populations of small mammals, reptile and amphibian species, and ungulates, including important winter habitat for deer. It also contains old growth habitat crucial to the threatened Northern spotted owl and numerous other bird species such as the western bluebird, the western meadowlark, the pileated woodpecker, the flammulated owl, and the pygmy nuthatch.

The monument's geology contributes substantially to its spectacular biological diversity. The majority of the monument is within the Cascade Mountain Range. The western edge of the monument lies within the older Klamath Mountain geologic province. The dynamic plate tectonics of the area, and the mixing of igneous, metamorphic, and sedimentary geological formations, have resulted in diverse lithologies and soils. Along with periods of geological isolation and a range of environmental conditions, the complex geologic history of the area has been instrumental in producing the diverse vegetative and biological richness seen today.

One of the most striking features of the Western Cascades in this area is Pilot Rock, located near the southern boundary of the monument. The rock is a volcanic plug, a remnant of a feeder vent left after a volcano eroded away, leaving an outstanding example of the inside of a volcano. Pilot Rock has sheer, vertical basalt faces up to 400 feet above the talus slope at its base, with classic columnar jointing created by the cooling of its andesite composition. The Siskiyou Pass in the southwest corner of the monument contains portions of the Oregon/California Trail, the region's main north/south travel route first established by Native Americans in prehistoric times, and used by Peter Skene

Ogden in his 1827 exploration for the Hudson's Bay Company. Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Cascade-Siskiyou National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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 Cascade-Siskiyou 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 of the area described on the map entitled "Cascade-Siskiyou National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 52,000 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

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, other than by exchange that furthers the protective purposes of the monument.

There is hereby reserved, as of the date of this proclamation and subject to valid existing rights, a quantity of water sufficient to fulfill the purposes for which this monument is established. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation.

The commercial harvest of timber or other vegetative material is prohibited, except when part of an authorized science-based ecological restoration project aimed at meeting protection and old growth enhancement objectives. Any such project must be consistent with the purposes of this proclamation. No portion of the monument shall be considered to be suited for timber production, and no part of the monument shall be used in a calculation or provision of a sustained yield of timber. Removal of trees from within the monument area may take place only if clearly needed for ecological restoration and maintenance or public safety.

For the purpose of protecting the objects identified above, the Secretary of the Interior shall prohibit all motorized and mechanized vehicle use off road and shall close the Schoheim Road, except for emergency or authorized administrative purposes.

Lands and interests in lands within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities (including, where applicable, the Act of August 28, 1937, as amended (43 U.S.C. 1181a-1181j)), to implement the purposes of this proclamation.

The Secretary of the Interior shall prepare, within 3 years of this date, a management plan for this monument, and shall promulgate such regulations for its management as he deems appropriate. The management plan shall include appropriate transportation

planning that addresses the actions, including road closures or travel restrictions, necessary to protect the objects identified in this proclamation.

The Secretary of the Interior shall study the impacts of livestock grazing on the objects of biological interest in the monument with specific attention to sustaining the natural ecosystem dynamics. Existing authorized permits or leases may continue with appropriate terms and conditions under existing laws and regulations. Should grazing be found incompatible with protecting the objects of biological interest, the Secretary shall retire the grazing allotments pursuant to the processes of applicable law. Should grazing permits or leases be relinquished by existing holders, the Secretary shall not reallocate the forage available under such permits or for livestock grazing purposes unless the Secretary specifically finds, pending the outcome of the study, that such reallocation will advance the purposes of the proclamation.

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

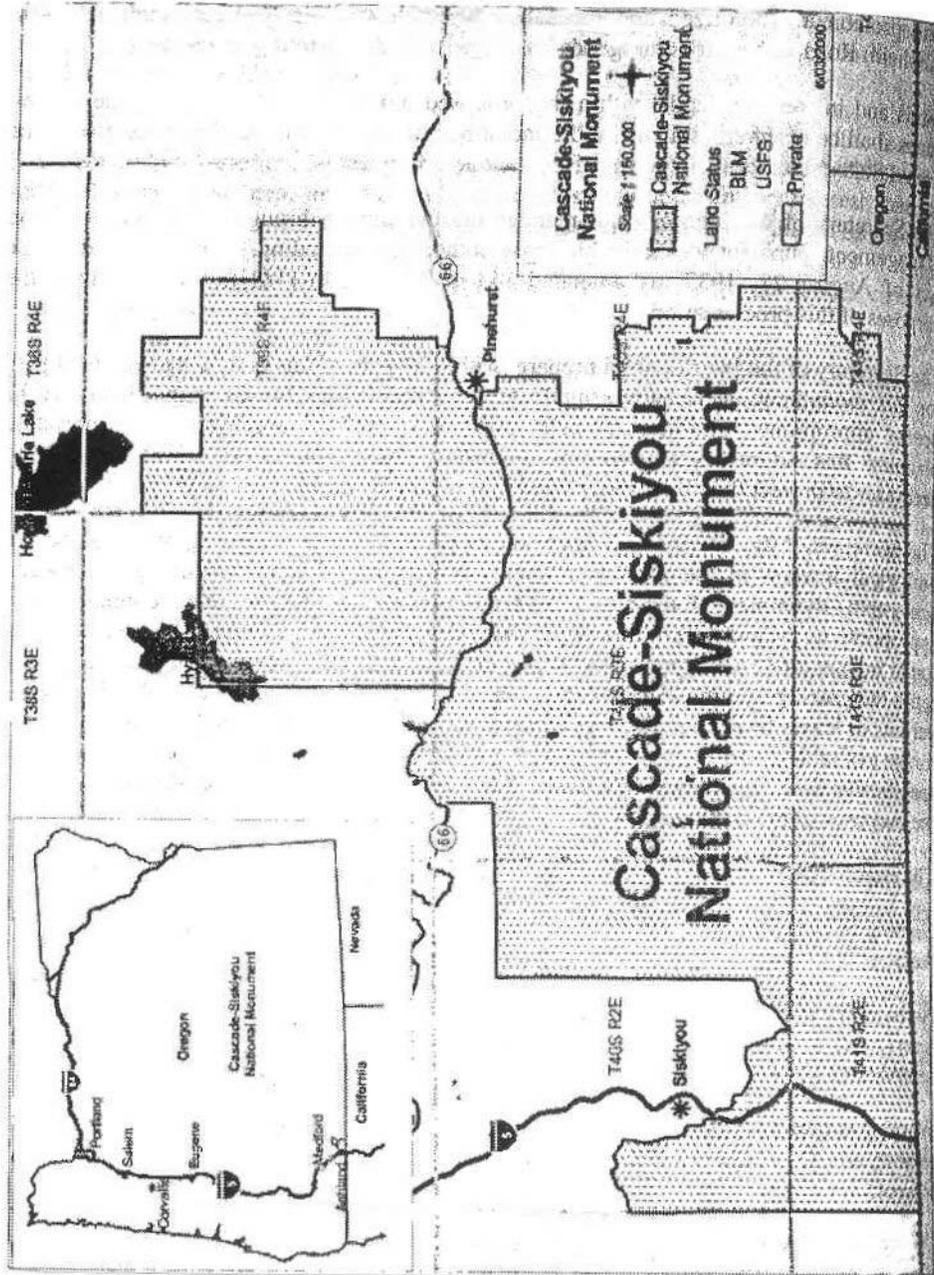
Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Oregon with respect to fish and wildlife management.

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 ninth day of June, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.

WILLIAM J. CLINTON



8. Craters of the Moon

No. 7373

November 9, 2000, 114 Stat. 3418, 16 U.S.C. 431 note,
65 F.R. 69221

BOUNDARY ENLARGEMENT OF THE CRATERS OF THE MOON NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Craters of the Moon National Monument was established on May 2, 1924 (Presidential Proclamation 1694), for the purpose of protecting the unusual landscape of the Craters of the Moon lava field. This “lunar” landscape was thought to resemble that of the Moon and was described in the Proclamation as “weird and scenic landscape peculiar to itself.” The unusual scientific value of the expanded monument is the great diversity of exquisitely preserved volcanic features within a relatively small area. The expanded monument includes almost all the features of basaltic volcanism, including the craters, cones, lava flows, caves, and fissures of the 65-mile-long Great Rift, a geological feature that is comparable to the great rift zones of Iceland and Hawaii. It comprises the most diverse and geologically recent part of the lava terrain that covers the southern Snake River Plain, a broad lava plain made up of innumerable basalt lava flows that erupted during the past 5 million years.

Since 1924, the monument has been expanded and boundary adjustments made through four presidential proclamations issued pursuant to the Antiquities Act (34 Stat. 225, 16 U.S.C. 431). Presidential Proclamation 1843 of July 23, 1928, expanded the monument to include certain springs for water supply and additional features of scientific interest. Presidential Proclamation 1916 of July 9, 1930, Presidential Proclamation 2499 of July 18, 1941, and Presidential Proclamation 3506 of November 19, 1962, made further adjustments to the boundaries. In 1996, a minor boundary adjustment was made by section 205 of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333, 110 Stat. 4093, 4106).

This Proclamation enlarges the boundary to assure protection of the entire Great Rift volcanic zone and associated lava features, all objects of scientific interest. The Craters of the Moon, Open Crack, Kings Bowl, and Wapi crack sets and the associated Craters of the Moon, Kings Bowl, and Wapi lava fields constitute this volcanic rift zone system. Craters of the Moon is the largest basaltic volcanic field of dominantly Holocene age (less than 10,000 years old) in the conterminous United States. Each of the past eruptive episodes lasted up to several hundred years in duration and was separated from other eruptive episodes by quiet periods of several hundred years to about 3,000 years. The first eruptive episode began about 15,000 years ago and the latest ended about 2,100 years ago.

Craters of the Moon holds the most diverse and youngest part of the lava terrain that covers the southern Snake River Plain of Idaho, a broad plain made up of innumerable basalt lava flows during the past 5 million years. The most recent eruptions at the Craters of the Moon took place about 2,100 years ago and were likely witnessed by the Shoshone people, whose legend speaks of a serpent on a mountain who, angered by lightning, coiled around and squeezed the mountain until the rocks crumbled and melted, fire shot from cracks, and liquid rock flowed from the fissures as the mountain exploded. The volcanic field now lies dormant, in the latest of a series of quiet periods

that separate the eight eruptive episodes during which the 60 lava flows and 25 cinder cones of this composite volcanic field were formed. Some of the lava flows traveled distances of as much as 43 miles from their vents, and some flows diverged around areas of higher ground and rejoined downstream to form isolated islands of older terrain surrounded by new lava. These areas are called "kipukas."

The kipukas provide a window on vegetative communities of the past that have been erased from most of the Snake River Plain. In many instances, the expanse of rugged lava surrounding the small pocket of soils has protected the kipukas from people, animals, and even exotic plants. As a result, these kipukas represent some of the last nearly pristine and undisturbed vegetation in the Snake River Plain, including 700-year-old juniper trees and relict stands of sagebrush that are essential habitat for sensitive sage grouse populations. These tracts of relict vegetation are remarkable benchmarks that aid in the scientific study of changes to vegetative communities from recent human activity as well as the role of natural fire in the sagebrush steppe ecosystem.

The Kings Bowl lava field and the Wapi lava field are included in the enlarged monument. The Kings Bowl field erupted during a single fissure eruption on the southern part of the Great Rift about 2,250 years ago. This eruption probably lasted only a few hours to a few days. The field preserves explosion pits, lava lakes, squeeze-ups, basalt mounds, and an ash blanket. The Wapi field probably formed from a fissure eruption simultaneously with the eruption of the Kings Bowl field. With more prolonged activity over a period of months to a few years, the Wapi field formed a low shield volcano. The Bear Trap lava tube, located between the Craters of the Moon and the Wapi lava fields, is a cave system more than 15 miles long. The lava tube is remarkable for its length and for the number of well preserved lava-cave features, such as lava stalactites and curbs, the latter marking high stands of the flowing lava forever frozen on the lava tube walls. The lava tubes and pit craters of the monument are known for their unusual preservation of winter ice and snow into the hot summer months, due to shielding from the sun and the insulating properties of the basalt.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as an addition to the Craters of the Moon National Monument:

NOW, THEREFORE, I, William J. Clinton, 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 an addition to the Craters of the Moon 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 of the area described on the map entitled "Craters of the Moon National Monument Boundary Enlargement" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 661,287 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

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, other than by exchange that furthers the protective purposes of the monument. For the purpose of protecting the objects identified above, the Secretary shall prohibit all motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes.

Lands and interests in lands within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

The Secretary of the Interior shall prepare a transportation plan that addresses the actions, including road closures or travel restrictions, necessary to protect the objects identified in this proclamation.

The Secretary of the Interior shall manage the area being added to the monument through the Bureau of Land Management and the National Park Service, pursuant to legal authorities, to implement the purposes of this proclamation. The National Park Service and the Bureau of Land Management shall manage the monument cooperatively and shall prepare an agreement to share, consistent with applicable laws, whatever resources are necessary to manage properly the monument; however, the National Park Service shall have primary management authority over the portion of the monument that includes the exposed lava flows, and shall manage the area under the same laws and regulations that apply to the current monument. The Bureau of Land Management shall have primary management authority over the remaining portion of the monument, as indicated on the map entitled, "Craters of the Moon National Monument Boundary Enlargement."

Wilderness Study Areas included in the monument will continue to be managed under section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701-1782).

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

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Idaho with respect to fish and wildlife management.

This proclamation does not reserve water as a matter of Federal law. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation. The Secretary shall work with appropriate State authorities to ensure that water resources needed for monument purposes are available.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights of any Indian tribe.

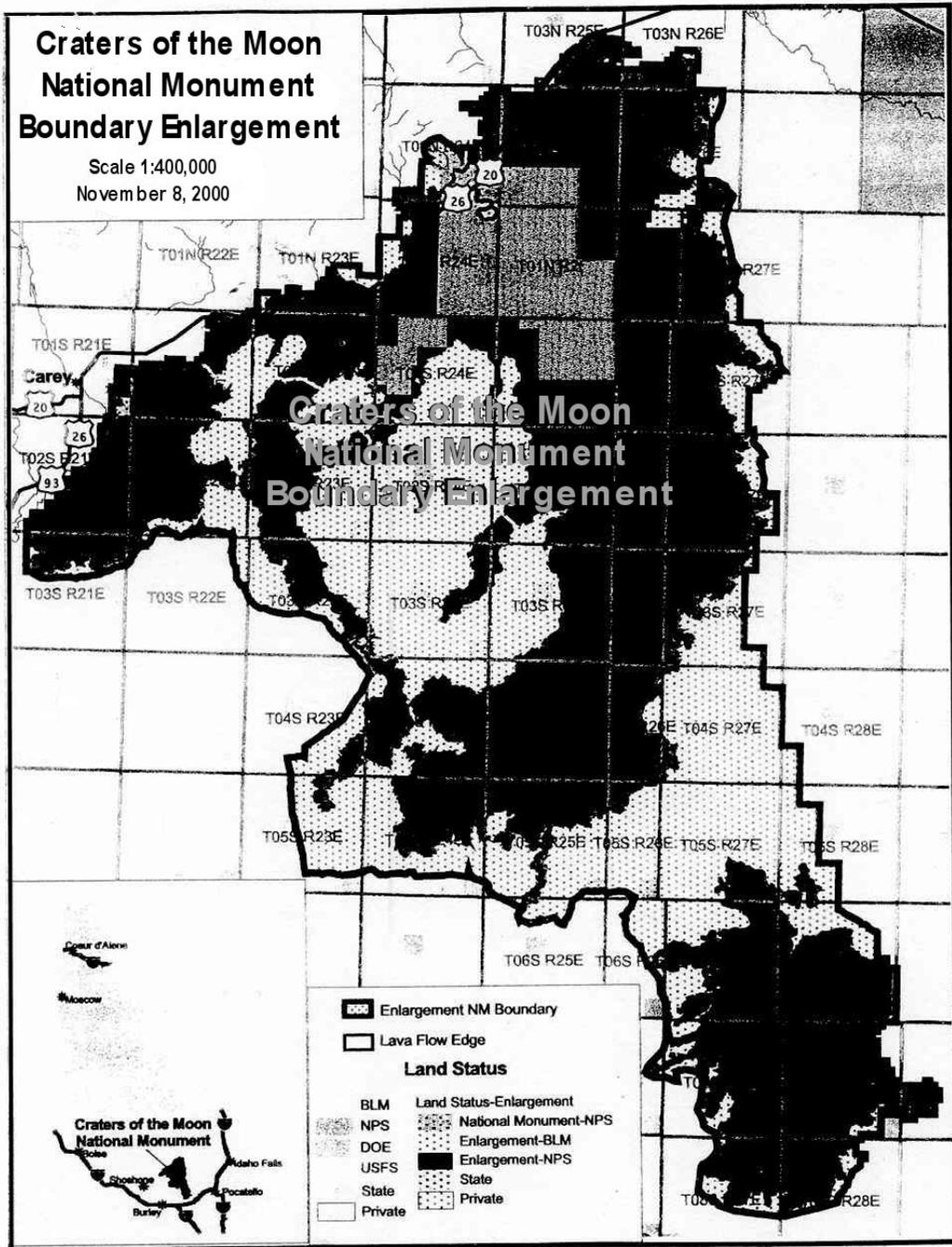
Laws, regulations, and policies followed by the Bureau of Land Management in issuing and administering grazing permits or leases on all lands under its jurisdiction shall continue to apply with regard to the lands in the monument administered by the Bureau of Land Management.

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 ninth day of November, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fifth.

WILLIAM J. CLINTON



9. Giant Sequoia

No. 7295

April 15, 2000, 114 Stat. 3286, 16 U.S.C. 431 note
65 F.R. 24095

ESTABLISHMENT OF THE GIANT SEQUOIA NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The rich and varied landscape of the Giant Sequoia National Monument holds a diverse array of scientific and historic resources. Magnificent groves of towering giant sequoias, the world's largest trees, are interspersed within a great belt of coniferous forest, jeweled with mountain meadows. Bold granite domes, spires, and plunging gorges texture the landscape. The area's elevation climbs from about 2,500 to 9,700 feet over a distance of only a few miles, capturing an extraordinary number of habitats within a relatively small area. This spectrum of ecosystems is home to a diverse array of plants and animals, many of which are rare or endemic to the southern Sierra Nevada. The monument embraces limestone caverns and holds unique paleontological resources documenting tens of thousands of years of ecosystem change. The monument also has many archaeological sites recording Native American occupation and adaptations to this complex landscape, and historic remnants of early Euroamerican settlement as well as the commercial exploitation of the giant sequoias. The monument provides exemplary opportunities for biologists, geologists, paleontologists, archaeologists, and historians to study these objects.

Ancestral forms of giant sequoia were a part of the western North American landscape for millions of years. Giant sequoias are the largest trees ever to have lived, and are among the world's longest-lived trees, reaching ages of more than 3,200 years or more. Because of this great longevity, giant sequoias hold within their tree rings multi-millennial records of past environmental changes such as climate, fire regimes, and consequent forest response. Only one other North American tree species, the high-elevation bristlecone pine of the desert mountain ranges east of the Sierra Nevada, holds such lengthy and detailed chronologies of past changes and events.

Sequoias and their surrounding ecosystems provide a context for understanding ongoing environmental changes. For example, a century of fire suppression has led to an unprecedented failure in sequoia reproduction in otherwise undisturbed groves. Climatic change also has influenced the sequoia groves; their present highly disjunct distribution is at least partly due to generally higher summertime temperatures and prolonged summer droughts in California from about 10,000 to 4,500 years ago. During that period, sequoias were rarer than today. Only following a slight cooling and shortening of summer droughts, about 4,500 years ago, has the sequoia been able to spread and create today's groves.

These giant sequoia groves and the surrounding forest provide an excellent opportunity to understand the consequences of different approaches to forest restoration. These forests need restoration to counteract the effects of a century of fire suppression and logging. Fire suppression has caused forests to become denser in many areas, with increased dominance of shade-tolerant species. Woody debris has accumulated, causing an unprecedented buildup of surface fuels. One of the most immediate consequences of

these changes is an increased hazard of wildfires of a severity that was rarely encountered in pre-Euroamerican times. Outstanding opportunities exist for studying the consequences of different approaches to mitigating these conditions and restoring natural forest resilience.

The great elevational range of the monument embraces a number of climatic zones, providing habitats for an extraordinary diversity of plant species and communities. The monument is rich in rare plants and is home to more than 200 plant species endemic to the southern Sierra Nevada mountain range, arrayed in plant communities ranging from low-elevation oak woodlands and chaparral to high-elevation subalpine forest. Numerous meadows and streams provide an interconnected web of habitats for moisture-loving species.

This spectrum of interconnected vegetation types provides essential habitat for wildlife, ranging from large, charismatic animals to less visible and less familiar forms of life, such as fungi and insects. The mid-elevation forests are dominated by massive conifers arrayed in a complex landscape mosaic, providing one of the last refugia for the Pacific fisher in California. The fisher appears to have been extirpated from the northern Sierra Nevada mountain range. The forests of the monument are also home to great gray owl, American marten, northern goshawk, peregrine falcon, spotted owl, and a number of rare amphibians. The giant sequoias themselves are the only known trees large enough to provide nesting cavities for the California condor, which otherwise must nest on cliff faces. In fact, the last pair of condors breeding in the wild was discovered in a giant sequoia that is part of the new monument. The monument's giant sequoia ecosystem remains available for the return and study of condors.

The physiography and geology of the monument have been shaped by millions of years of intensive uplift, erosion, volcanism, and glaciation. The monument is dominated by granite rocks, most noticeable as domes and spires in areas such as the Needles. The magnificent Kern Canyon forms the eastern boundary of the monument's southern unit. The canyon follows an ancient fault, forming the only major north-south river drainage in the Sierra Nevada. Remnants of volcanism are expressed as hot springs and soda springs in some drainages.

Particularly in the northern unit of the monument, limestone outcrops, remnants of an ancient seabed, are noted for their caves. Subfossil vegetation entombed within ancient woodrat middens in these caves has provided the only direct evidence of where giant sequoias grew during the Pleistocene Era, and documents substantial vegetation changes over the last 50,000 or more years. Vertebrate fossils also have been found within the middens. Other paleontological resources are found in meadow sediments, which hold detailed records of the last 10 millennia of changing vegetation, fire regimes, and volcanism in the Sierra Nevada. The multi-millennial, annual- and seasonal-resolution records of past fire regimes held in giant sequoia tree-rings are unique worldwide.

During the past 8,000 years, Native American peoples of the Sierra Nevada have lived by hunting and fishing, gathering, and trading with other people throughout the region. Archaeological sites such as lithic scatters, food-processing sites, rock shelters, village sites, petroglyphs, and pictographs are found in the monument. These sites have the potential to shed light on the roles of prehistoric peoples, including the role they played in shaping the ecosystems on which they depended.

One of the earliest recorded references to giant sequoias is found in the notes of the Walker Expedition of 1833, which described "trees of the redwood species, incredibly large . . ." The world became aware of giant sequoias when sections of the massive trees were transported east and displayed as curiosities for eastern audiences. Logging of giant sequoias throughout the Sierra Nevada mountain range began in 1856. Logging has continued intermittently to this day on nonfederal lands within the area of the

monument. Early entrepreneurs, seeing profit in the gigantic trees, began acquiring lands within the present monument under the Timber and Stone Act in the 1880s. Today our understanding of the history of the Hume Lake and Converse Basin areas of the monument is supported by a treasure trove of historical photographs and other documentation. These records provide a unique and unusually clear picture of more than half a century of logging that resulted in the virtual removal of most forest in some areas of the monument. Outstanding opportunities exist for studying forest resilience to large-scale logging and the consequences of different approaches to forest restoration.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) 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 appears that it would be in the public interest to reserve such lands as a national monument to be known as the Giant Sequoia National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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 Giant Sequoia National Monument, for the purpose of protecting the objects identified in the above preceding paragraphs, all lands and interests in lands owned or controlled by the United States within the boundaries of the area described on the map entitled "Proposed Giant Sequoia National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 327,769 acres, which is the smallest area compatible with the proper care and management of the objects to be protected as identified in the above preceding paragraphs.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale, leasing, or other disposition under the public land laws including, but not limited to, withdrawal from locating, entry, and patent under the mining laws and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument. Lands and interests in lands within the boundaries of the monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

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

Timber sales under contract as of the date of the proclamation and timber sales with a decision notice signed after January 1, 1999, but prior to December 31, 1999, may be completed consistent with the terms of the decision notice and contract. No portion of the monument shall be considered to be suited for timber production, and no part of the monument shall be used in a calculation or provision of a sustained yield of timber from the Sequoia National Forest. Removal of trees, except for personal use fuel wood, from within the monument area may take place only if clearly needed for ecological restoration and maintenance or public safety.

The Secretary of Agriculture shall manage the monument, along with the underlying Forest, through the Forest Service, pursuant to applicable legal authorities, to implement the purposes and provisions of this proclamation. The Secretary of Agriculture shall prepare, within 3 years of this date, a management plan for this monument, and shall promulgate such regulations for its management as deemed appropriate. The plan will provide for and encourage continued public and recreational access and use consistent with the purposes of the monument.

Unique scientific and ecological issues are involved in management of giant sequoia groves, including groves located in nearby and adjacent lands managed by the Bureau of Land Management and the National Park Service. The Secretary, in consultation with the National Academy of Sciences, shall appoint a Scientific Advisory Board to provide scientific guidance during the development of the initial management plan. Board membership shall represent a range of scientific disciplines pertaining to the objects to be protected, including, but not necessarily limited to, the physical, biological, and social sciences.

The Secretary, through the Forest Service, shall, in developing any management plans and any management rules and regulations governing the monument, consult with the Secretary of the Interior, through the Bureau of Land Management and the National Park Service. The final decision to issue any management plans and any management rules and regulations rests with the Secretary of Agriculture. Management plans or rules and regulations developed by the Secretary of the Interior governing uses within national parks or other national monuments administered by the Secretary of the Interior shall not apply within the Giant Sequoia National Monument.

The management plan shall contain a transportation plan for the monument that provides for visitor enjoyment and understanding about the scientific and historic objects in the monument, consistent with their protection. For the purposes of protecting the objects included in the monument, motorized vehicle use will be permitted only on designated roads, and non-motorized mechanized vehicle use will be permitted only on designated roads and trails, except for emergency or authorized administrative purposes or to provide access for persons with disabilities. No new roads or trails will be authorized within the monument except to further the purposes of the monument. Prior to the issuance of the management plan, existing roads and trails may be closed or altered to protect the objects of interest in the monument, and motorized vehicle use will be permitted on trails until but not after December 31, 2000.

Nothing in this proclamation shall be deemed to diminish or enlarge the jurisdiction of the State of California with respect to fish and wildlife management.

There is hereby reserved, as of the date of this proclamation and subject to valid existing rights, a quantity of water sufficient to fulfill the purposes for which this monument is established. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation.

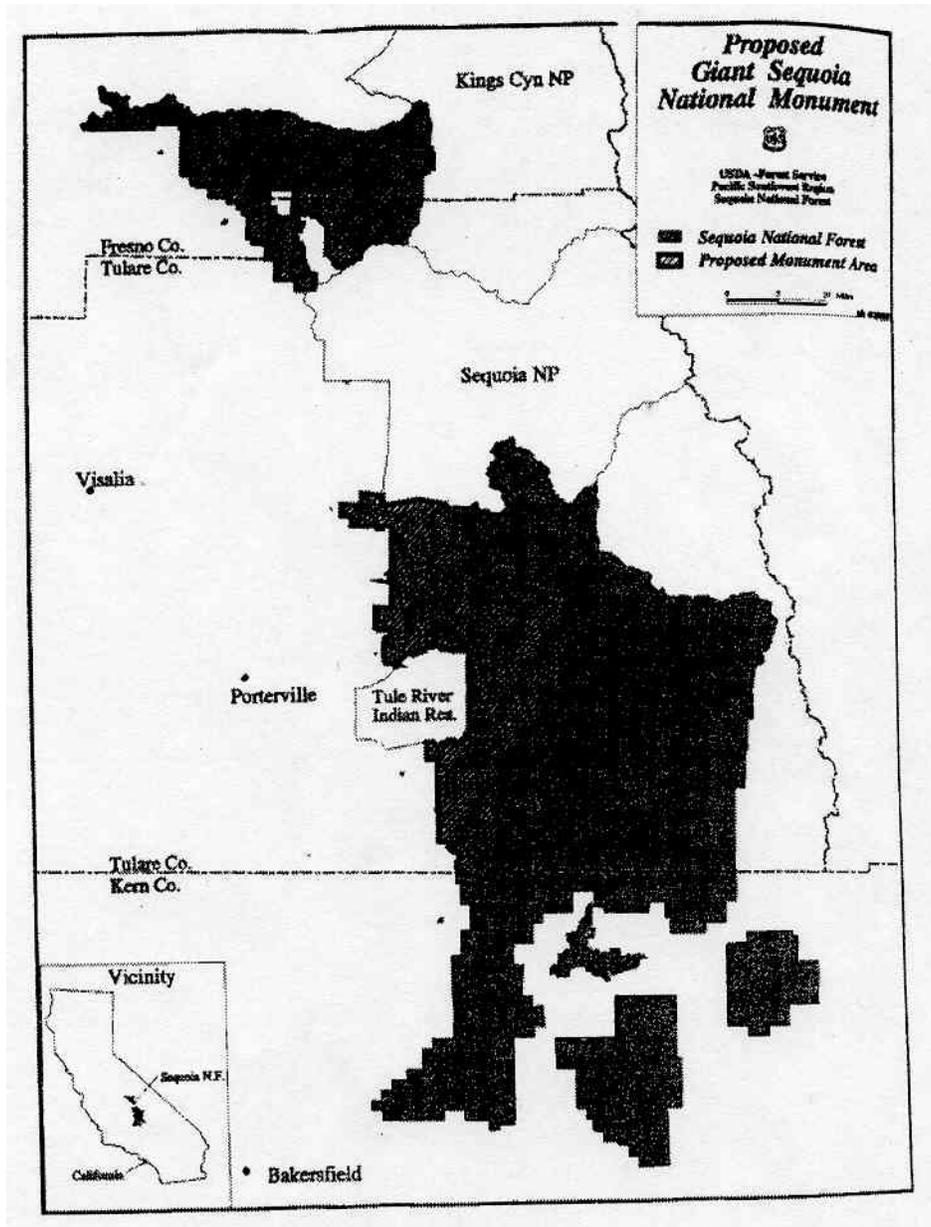
Laws, regulations, and policies pertaining to administration by the Department of Agriculture of grazing permits and timber sales under contract as of the date of this proclamation on National Forest System lands within the boundaries of the monument shall continue to apply to lands within the monument.

Nothing in this proclamation shall be deemed to affect existing special use authorizations; existing uses shall be governed by applicable laws, regulations, and management plans.

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 fifteenth day of April, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty fourth.



10. Gila Cliff Dwellings

No. 3467

April 17, 1962, 76 Stat. 1465, 16 U.S.C. 431 note
27 F.R. 3791

ADDITION TO GILA CLIFF DWELLINGS NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the Gila Cliff Dwellings National Monument in the State of New Mexico, established by Proclamation No. 781 of November 16, 1907, was reserved and set apart for its scientific and educational interest, being the best representation of the Cliff Dwellers' remains of that region; and

WHEREAS approximately three hundred and seventy-five acres of land near the present boundaries of the monument, under the jurisdiction of the Forest Service, Department of Agriculture, contain additional cliff dwellings and pit-house sites which are needed to round out the interpretive story of the Gila Cliff Dwellings National Monument; and

WHEREAS it appears that the public interest would be promoted by adding to the Gila Cliff Dwellings National Monument these lands now within the Gila National Forest; and

WHEREAS these lands are essential for the proper care, management, protection, interpretation, and preservation of the Gila Cliff Dwellings National Monument:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the Act of Congress approved June 8, 1906 (34 Stat. 225; 16 U.S.C. 431),¹ do hereby proclaim that, subject to any valid interest or rights, the following-described tract of land, which comprises the original site of the monument and the additional lands needed for the purposes stated above, shall constitute the Gila Cliff Dwellings National Monument:

"T. 12 S., R. 14 W., N. Mex. Prin. Mer.

Detached Section—T.J. Ruins

"Section 25

S1/2 S1/2 SW 1/4 NE1/4
SE1/4 SE1/4 SE1/4 NW1/4
NE1/4 NE1/4 NE1/4 SW1/4
E1/2 W1/2 SE1/4 NE1/4 NE1/4 SW 1/4
E1/2 SE1/4 NE1/4 NE1/4 SW1/4
E1/2 NE 1/4 SE1/4 NE1/4 SW1/4
N1/2 NW1/4 SE1/4
N1/2 S1/2 NW1/4 SE1/4
N1/2 S1/2 S1/2 NW1/4 SE1/4

"Gila Cliff Dwelling Area

"Section 22

S1/2 SE1/4

¹ 16 U.S.C.A. § 431.

SE1/4 SW1/4
 “Section 27
 NE1/4
 E1/2 NW1/4
 NE1/4 SW1/4
 N1/2 SE1/4

Proclamation No. 781 of November 16, 1907 (35 Stat. 2162) establishing the Gila Cliff Dwellings National Monument is amended accordingly.

The lands which pursuant to this proclamation comprise the Gila Cliff Dwellings National Monument hereafter shall not be administered as a part of the Gila National Forest and they are hereby transferred to the administrative jurisdiction of the Department of the Interior.

The lands described above shall be subject to all the laws and regulations applicable to the Gila Cliff Dwellings National Monument: *Provided*, That any of the lands reserved for such national monument which lie within 150 feet, by horizontal measurement, of the center of the West Fork of the Gila River shall be available to the Secretary of Agriculture as a route of ingress to or egress from the Gila National Forest and he may place such trails or roads thereon and permit such use thereof as he may find desirable or necessary for administration and protection of the national forest and utilization of the resources thereof, including use by the general public for passage and transportation of property for use on national forest lands. Public use of the area within 150 horizontal feet of the center of the West Fork of the Gila River is to be in accordance with such conditions of use as the Secretary of Agriculture, after consultation with the Secretary of the Interior, finds necessary or desirable.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any of the features or objects of this monument and not to locate or settle upon any of the lands reserved by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventeenth day of April in the year of our Lord nineteen hundred and sixty-two and of the Independence of the United States
 [SEAL] of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:
 DEAN RUSK
Secretary of State.

11. Grand Canyon-Parashant

No. 7265

January 11, 2000, 114 Stat. 3236, 16 U.S.C. 431 note
65 F.R. 2825

ESTABLISHMENT OF THE GRAND CANYON-PARASHANT NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Grand Canyon-Parashant National Monument is a vast, biologically diverse, impressive landscape encompassing an array of scientific and historic objects. This remote area of open, undeveloped spaces and engaging scenery is located on the edge of one of the most beautiful places on earth, the Grand Canyon. Despite the hardships created by rugged isolation and the lack of natural waters, the monument has a long and rich human history spanning more than 11,000 years, and an equally rich geologic history spanning almost 2 billion years. Full of natural splendor and a sense of solitude, this area remains remote and unspoiled, qualities that are essential to the protection of the scientific and historic resources it contains.

The monument is a geological treasure. Its Paleozoic and Mesozoic sedimentary rock layers are relatively undeformed and unobscured by vegetation, offering a clear view to understanding the geologic history of the Colorado Plateau. Deep canyons, mountains, and lonely buttes testify to the power of geological forces and provide colorful vistas. A variety of formations have been exposed by millennia of erosion by the Colorado River. The Cambrian, Devonian, and Mississippian formations (Muav Limestone, Temple Butte Formation, and the Redwall Limestone) are exposed at the southern end of the lower Grand Wash Cliffs. The Pennsylvanian and Permian formations (Calville Limestone, Esplanade Sandstone, Hermit Shale, Toroweap Formation, and the Kaibab Formation) are well exposed within the Parashant, Andrus, and Whitmore Canyons, and on the Grand Gulch Bench. The Triassic Chinle and Moenkopi Formations are exposed on the Shivwits Plateau, and the purple, pink, and white shale, mudstone, and sandstone of the Triassic Chinle Formation are exposed in Hells Hole.

The monument encompasses the lower portion of the Shivwits Plateau, which forms an important watershed for the Colorado River and the Grand Canyon. The Plateau is bounded on the west by the Grand Wash Cliffs and on the east by the Hurricane Cliffs. These cliffs, formed by large faults that sever the Colorado Plateau slicing north to south through the region, were and are major topographic barriers to travel across the area. The Grand Wash Cliffs juxtapose the colorful, lava-capped Precambrian and Paleozoic strata of the Grand Canyon against the highly faulted terrain, recent lake beds, and desert volcanic peaks of the down-dropped Grand Wash trough. These cliffs, which consist of lower and upper cliffs separated by the Grand Gulch Bench, form a spectacular boundary between the basin and range and the Colorado Plateau geologic provinces. At the south end of the Shivwits Plateau are several important tributaries to the Colorado River, including the rugged and beautiful Parashant, Andrus, and Whitmore canyons.

The Plateau here is capped by volcanic rocks with an array of cinder cones and basalt flows, ranging in age from 9 million to only about 1000 years old. Lava from the Whitmore and Toroweap areas flowed into the Grand Canyon and dammed the river many times over the past several million years. The monument is pocketed with sinkholes

and breccia pipes, structures associated with volcanism and the collapse of underlying rock layers through ground water dissolution.

Fossils are abundant in the monument. Among these are large numbers of invertebrate fossils, including bryozoans and brachiopods located in the Calville limestone of the Grand Wash Cliffs, and brachiopods, pelecypods, fenestrate bryozoa, and crinoid ossicles in the Toroweap and Kaibab formations of Whitmore Canyon. There are also sponges in nodules and pectenoid pelecypods throughout the Kaibab formation of Parashant Canyon.

The Grand Canyon-Parashant National Monument contains portions of geologic faults, including the Dellenbaugh fault, which cuts basalt flows dated 6 to 7 million years old, the Toroweap fault, which has been active within the last 30,000 years, the Hurricane fault, which forms the Hurricane Cliffs and extends over 150 miles across northern Arizona and into Utah, and the Grand Wash fault, which bounds the west side of the Shivwits Plateau and has approximately 15,000 feet of displacement across the monument.

Archaeological evidence shows much human use of the area over the past centuries. Because of their remoteness and the lack of easy road access, the sites in this area have experienced relatively little vandalism. Their good condition distinguishes them from many prehistoric resources in other areas. Prehistoric use is documented by irreplaceable rock art images, quarries, villages, watchtowers, agricultural features, burial sites, caves, rockshelters, trails, and camps. Current evidence indicates that the monument was utilized by small numbers of hunter-gatherers during the Archaic Period (7000 B.C. to 300 B.C.). Population and utilization of the monument increased during the Ancestral Puebloan Period from the Basketmaker II Phase through the Pueblo II Phase (300 B.C. to 1150 A.D.), as evidenced by the presence of pit houses, habitation rooms, agricultural features, and pueblo structures. Population size decreased during the Pueblo III Phase (1150 A.D. to 1225 A.D.). Southern Paiute groups replaced the Pueblo groups and were occupying the monument at the time of Euro-American contact. Archeological sites in the monument include large concentrations of ancestral Puebloan (Anasazi or Hitsuatsinom) villages, a large, intact Pueblo II village, numerous archaic period archeological sites, ancestral Puebloan sites, and Southern Paiute sites. The monument also contains areas of importance to existing Indian tribes.

In 1776, the Escalante-Dominguez expedition of Spanish explorers passed near Mount Trumbull. In the first half of the 19th century, Jedediah Smith, Antonio Armijo, and John C. Fremont explored portions of this remote area. Jacob Hamblin, a noted Mormon pioneer, explored portions of the Shivwits Plateau in 1858 and, with John Wesley Powell, in the 1870s. Clarence Dutton completed some of the first geological explorations of this area and provided some of the most stirring written descriptions.

Having traversed this area by wagon at the request of the territorial legislature, Sharlot Hall recommended it for inclusion within the State of Arizona when it gained Statehood in 1912. Early historic sawmills provided timber that was hauled 70 miles along the Temple Trail wagon road from Mt. Trumbull down the Hurricane Cliffs to St. George, Utah. Ranch structures and corrals, fences, water tanks, and the ruins of sawmills are scattered across the monument and tell the stories of the remote family ranches and the lifestyles of early homesteaders. There are several old mining sites dating from the 1870s, showing the history of mining during the late 19th and early 20th centuries. The remote and undeveloped nature of the monument protects these historical sites in nearly their original context. The monument also contains outstanding biological resources preserved by remoteness and limited travel corridors. The monument is the junction of two physiographic ecoregions: the Mojave Desert and the Colorado Plateau. Individually, these regions contain ecosystems extreme to each other, ranging from stark,

arid desert to complex, dramatic higher elevation plateaus, tributaries, and rims of the Grand Canyon. The western margin of the Shivwits Plateau marks the boundary between the Sonoran/Mojave/Great Basin floristic provinces to the west and south, and the Colorado Plateau province to the northeast. This intersection of these biomes is a distinctive and remarkable feature.

Riparian corridors link the plateau to the Colorado River corridor below, allowing wildlife movement and plant dispersal. The Shivwits Plateau is in an arid environment with between 14 to 18 inches of precipitation a year. Giant Mojave Yucca cacti proliferate in undisturbed conditions throughout the monument. Diverse wildlife inhabit the monument, including a trophy-quality mule deer herd, Kaibab squirrels, and wild turkey. There are numerous threatened or endangered species as well, including the Mexican spotted owl, the California condor, the desert tortoise, and the southwestern willow flycatcher. There are also candidate or sensitive species, including the spotted bat, the western mastiff bat, the Townsend's big eared bat, and the goshawk, as well as two federally recognized sensitive rare plant species: *Penstemon distans* and *Rosa stellata*. The ponderosa pine ecosystem in the Mt. Trumbull area is a biological resource of scientific interest, which has been studied to gain important insights regarding dendroclimatic reconstruction, fire history, forest structure change, and the long-term persistence and stability of presettlement pine groups.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Grand Canyon-Parashant National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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 Grand Canyon-Parashant 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 of the area described on the map entitled "Grand Canyon-Parashant National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 1,014,000 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

For the purpose of protecting the objects identified above, all motorized and mechanized vehicle use off road will be prohibited, except for emergency or authorized administrative purposes.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Arizona with respect to fish and wildlife management.

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

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, other than by exchange that furthers the protective purposes of the monument. Sale of vegetative material is permitted only if part of an authorized science-based ecological restoration project. Lands

and interests in lands within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

This proclamation does not reserve water as a matter of Federal law nor relinquish any water rights held by the Federal Government existing on this date. The Federal land managing agencies shall work with appropriate State authorities to ensure that water resources needed for monument purposes are available.

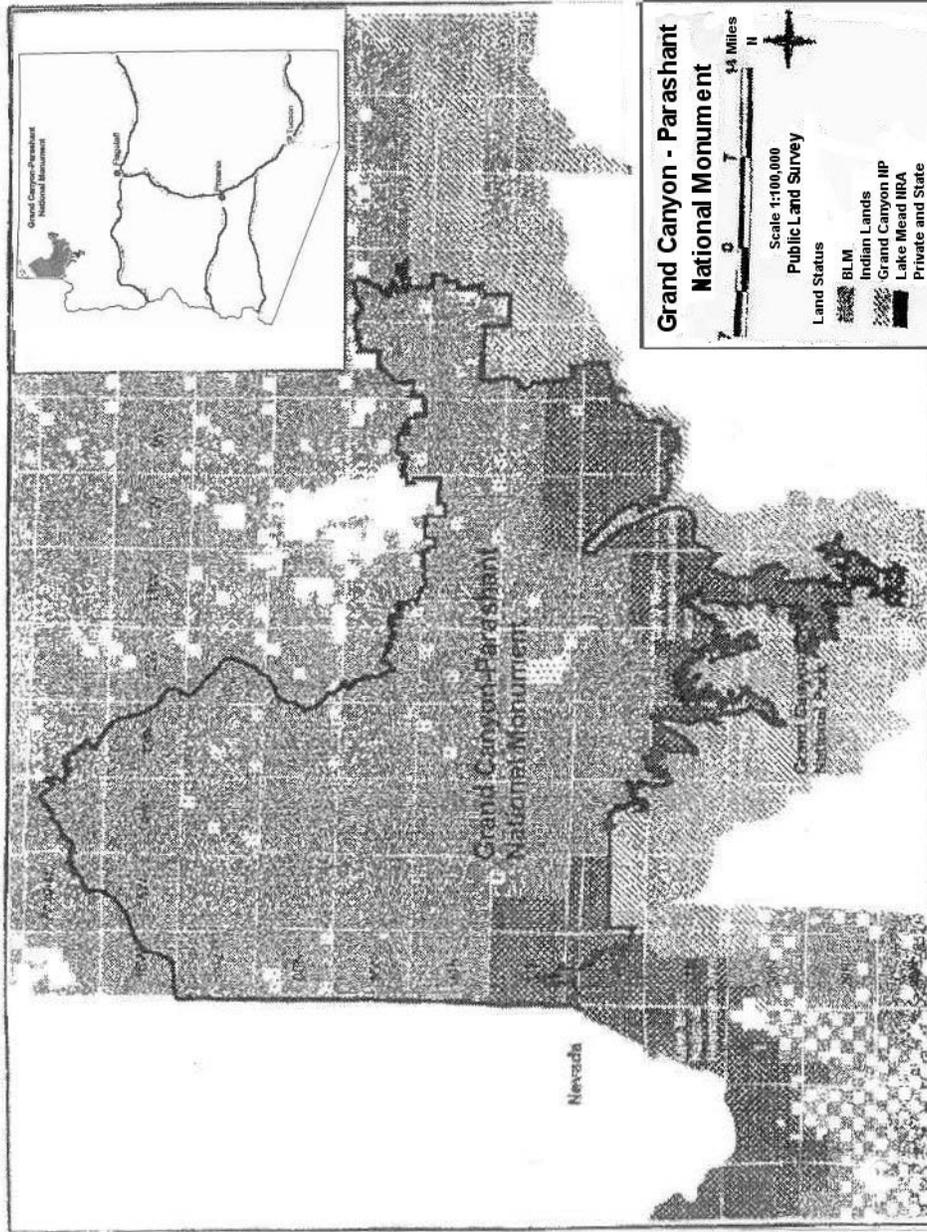
The Secretary of the Interior shall manage the monument through the Bureau of Land Management and the National Park Service, pursuant to applicable legal authorities, to implement the purposes of this proclamation. The National Park Service and the Bureau of Land Management shall manage the monument cooperatively and shall prepare an agreement to share, consistent with applicable laws, whatever resources are necessary to properly manage the monument; however, the National Park Service shall continue to have primary management authority over the portion of the monument within the Lake Mead National Recreation Area, and the Bureau of Land Management shall have primary management authority over the remaining portion of the monument.

The Bureau of Land Management shall continue to issue and administer grazing leases within the portion of the monument within the Lake Mead National Recreation Area, consistent with the Lake Mead National Recreation Area authorizing legislation. Laws, regulations, and policies followed by the Bureau of Land Management in issuing and administering grazing leases on all lands under its jurisdiction shall continue to apply to the remaining portion of the monument.

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 eleventh day of January, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.

WILLIAM J. CLINTON



12. Grand-Staircase-Escalante

No. 6920

September 18, 1996, 110 Stat. 4561, 16 U.S.C. 431 note
61 F.R. 50223

ESTABLISHMENT OF THE GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Grand Staircase-Escalante National Monument's vast and austere landscape embraces a spectacular array of scientific and historic resources. This high, rugged, and remote region, where bold plateaus and multi-hued cliffs run for distances that defy human perspective, was the last place in the continental United States to be mapped. Even today, this unspoiled natural area remains a frontier, a quality that greatly enhances the monument's value for scientific study. The monument has a long and dignified human history: it is a place where one can see how nature shapes human endeavors in the American West, where distance and aridity have been pitted against our dreams and courage. The monument presents exemplary opportunities for geologists, paleontologists, archeologists, historians, and biologists.

The monument is a geologic treasure of clearly exposed stratigraphy and structures. The sedimentary rock layers are relatively undeformed and unobscured by vegetation, offering a clear view to understanding the processes of the earth's formation. A wide variety of formations, some in brilliant colors, have been exposed by millennia of erosion. The monument contains significant portions of a vast geologic stairway, named the Grand Staircase by pioneering geologist Clarence Dutton, which rises 5,500 feet to the rim of Bryce Canyon in an unbroken sequence of great cliffs and plateaus. The monument includes the rugged canyon country of the upper Paria Canyon system, major components of the White and Vermilion Cliffs and associated benches, and the Kaiparowits Plateau. That Plateau encompasses about 1,600 square miles of sedimentary rock and consists of successive south-to-north ascending plateaus or benches, deeply cut by steep-walled canyons. Naturally burning coal seams have scorched the tops of the Burning Hills brick-red.

Another prominent geological feature of the plateau is the East Kaibab Monocline, known as the Cockscomb. The monument also includes the spectacular Circle Cliffs and part of the Waterpocket Fold, the inclusion of which completes the protection of this geologic feature begun with the establishment of Capitol Reef National Monument in 1938 (Proclamation No. 2246, 50 Stat. 1856). The monument holds many arches and natural bridges, including the 130-foot-high Escalante Natural Bridge, with a 100 foot span, and Grosvenor Arch, a rare "double arch." The upper Escalante Canyons, in the northeastern reaches of the monument, are distinctive: in addition to several major arches and natural bridges, vivid geological features are laid bare in narrow, serpentine canyons, where erosion has exposed sandstone and shale deposits in shades of red, maroon, chocolate, tan, gray, and white. Such diverse objects make the monument outstanding for purposes of geologic study.

The monument includes world class paleontological sites. The Circle Cliffs reveal remarkable specimens of petrified wood, such as large unbroken logs exceeding 30 feet in length. The thickness, continuity and broad temporal distribution of the Kaiparowits

Plateau's stratigraphy provide significant opportunities to study the paleontology of the late Cretaceous Era. Extremely significant fossils, including marine and brackish water mollusks, turtles, crocodylians, lizards, dinosaurs, fishes, and mammals, have been recovered from the Dakota, Tropic Shale and Wahweap Formations, and the Tibbet Canyon, Smoky Hollow and John Henry members of the Straight Cliffs Formation. Within the monument, these formations have produced the only evidence in our hemisphere of terrestrial vertebrate fauna, including mammals, of the Cenomanian-Santonian ages. This sequence of rocks, including the overlaying Wahweap and Kaiparowits formations, contains one of the best and most continuous records of Late Cretaceous terrestrial life in the world.

Archeological inventories carried out to date show extensive use of places within the monument by ancient Native American cultures. The area was a contact point for the Anasazi and Fremont cultures, and the evidence of this mingling provides a significant opportunity for archeological study. The cultural resources discovered so far in the monument are outstanding in their variety of cultural affiliation, type and distribution. Hundreds of recorded sites include rock art panels, occupation sites, campsites and granaries. Many more undocumented sites that exist within the monument are of significant scientific and historic value worthy of preservation for future study.

The monument is rich in human history. In addition to occupations by the Anasazi and Fremont cultures, the area has been used by modern tribal groups, including the Southern Paiute and Navajo. John Wesley Powell's expedition did initial mapping and scientific field work in the area in 1872. Early Mormon pioneers left many historic objects, including trails, inscriptions, ghost towns such as the Old Paria townsite, rock houses, and cowboy line camps, and built and traversed the renowned Hole-in-the-Rock Trail as part of their epic colonization efforts. Sixty miles of the Trail lie within the monument, as does Dance Hall Rock, used by intrepid Mormon pioneers and now a National Historic Site.

Spanning five life zones from low-lying desert to coniferous forest, with scarce and scattered water sources, the monument is an outstanding biological resource. Remoteness, limited travel corridors and low visitation have all helped to preserve intact the monument's important ecological values. The blending of warm and cold desert floras, along with the high number of endemic species, place this area in the heart of perhaps the richest floristic region in the Intermountain West. It contains an abundance of unique, isolated communities such as hanging gardens, tinajas, and rock crevice, canyon bottom, and dunal pocket communities, which have provided refugia for many ancient plant species for millennia. Geologic uplift with minimal deformation and subsequent downcutting by streams have exposed large expanses of a variety of geologic strata, each with unique physical and chemical characteristics. These strata are the parent material for a spectacular array of unusual and diverse soils that support many different vegetative communities and numerous types of endemic plants and their pollinators. This presents an extraordinary opportunity to study plant speciation and community dynamics independent of climatic variables. The monument contains an extraordinary number of areas of relict vegetation, many of which have existed since the Pleistocene, where natural processes continue unaltered by man. These include relict grasslands, of which No Mans Mesa is an outstanding example, and pinon-juniper communities containing trees up to 1,400 years old. As witnesses to the past, these relict areas establish a baseline against which to measure changes in community dynamics and biogeochemical cycles in areas impacted by human activity. Most of the ecological communities contained in the monument have low resistance to, and slow recovery from, disturbance. Fragile cryptobiotic crusts, themselves of significant biological interest, play a critical role throughout the monument, stabilizing the highly erodible desert soils and

providing nutrients to plants. An abundance of packrat middens provides insight into the vegetation and climate of the past 25,000 years and furnishes context for studies of evolution and climate change. The wildlife of the monument is characterized by a diversity of species. The monument varies greatly in elevation and topography and is in a climatic zone where northern and southern habitat species intermingle. Mountain lion, bear, and desert bighorn sheep roam the monument. Over 200 species of birds, including bald eagles and peregrine falcons, are found within the area. Wildlife, including neotropical birds, concentrate around the Paria and Escalante Rivers and other riparian corridors within the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) 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.

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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 Grand Staircase-Escalante 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 of the area described on the document entitled "Grand Staircase-Escalante National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 1.7 million acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale, leasing, or other disposition under the public land laws, other than by exchange that furthers the protective purposes of the monument. Lands and interests in lands not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

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

Nothing in this proclamation shall be deemed to diminish the responsibility and authority of the State of Utah for management of fish and wildlife, including regulation of hunting and fishing, on Federal lands within the monument.

Nothing in this proclamation shall be deemed to affect existing permits or leases for, or levels of, livestock grazing on Federal lands within the monument; existing grazing uses shall continue to be governed by applicable laws and regulations other than this proclamation.

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

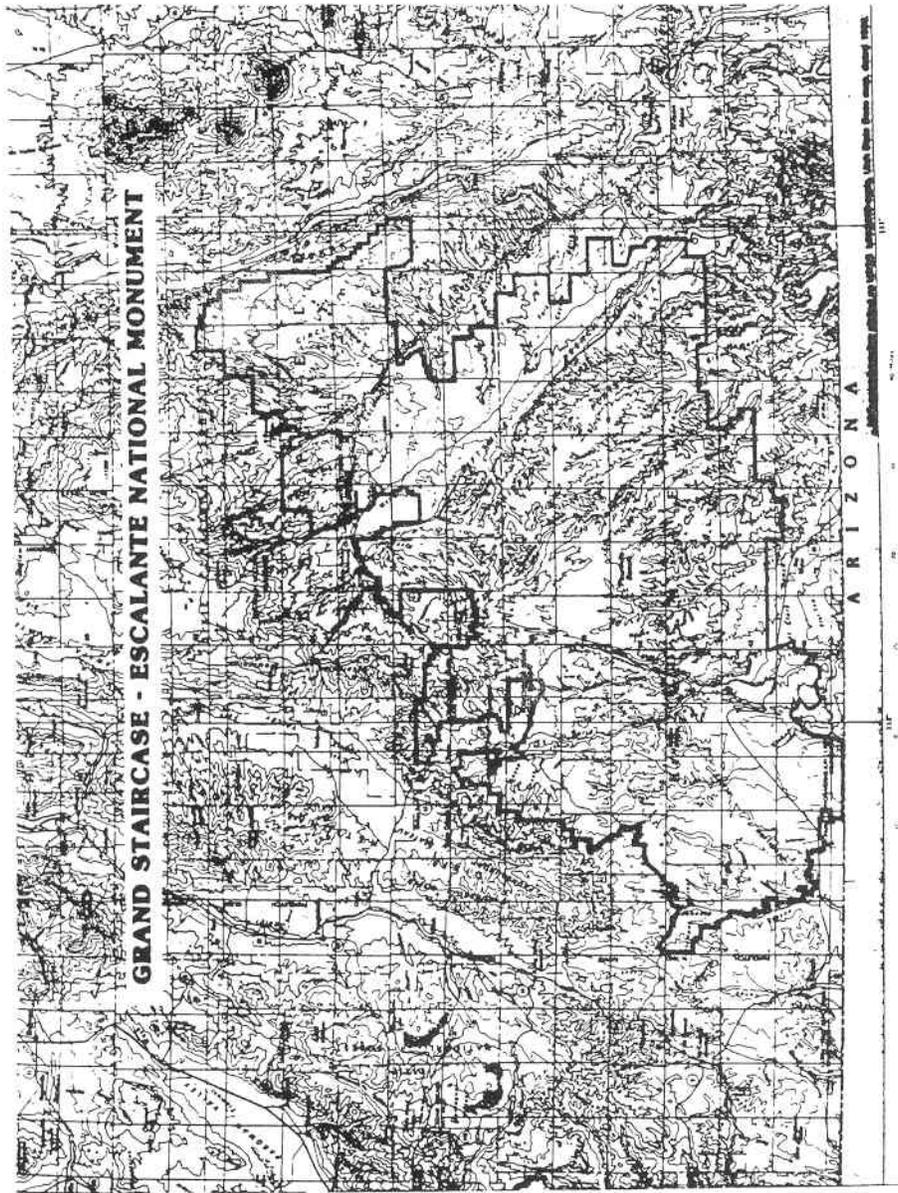
The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation. The Secretary of the Interior shall prepare, within 3 years of this date, a management plan for this monument, and shall promulgate such regulations for its management as he deems appropriate. This proclamation does not reserve water as a matter of Federal law. I direct the Secretary to address in the management plan the extent to which water is necessary for the proper care and management of the objects of

this monument and the extent to which further action may be necessary pursuant to Federal or State law to assure the availability of water.

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 eighteenth day of September, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America the two hundred and twenty-first.

WILLIAM J. CLINTON



Billing code 3195-01-C

13. Hanford Reach

No. 7319

June 9, 2000, 114 Stat. 3327, 16 U.S.C. 431 note
65 F.R. 37253

ESTABLISHMENT OF THE HANFORD REACH NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Hanford Reach National Monument is a unique and biologically diverse landscape, encompassing an array of scientific and historic objects. This magnificent area contains an irreplaceable natural and historic legacy, preserved by unusual circumstances. Maintained as a buffer area in a Federal reservation conducting nuclear weapons development and, more recently, environmental cleanup activities, with limits on development and human use for the past 50 years, the monument is now a haven for important and increasingly scarce objects of scientific and historic interest. Bisected by the stunning Hanford Reach of the Columbia River, the monument contains the largest remnant of the shrub-steppe ecosystem that once blanketed the Columbia River Basin. The monument is also one of the few remaining archaeologically rich areas in the western Columbia Plateau, containing well-preserved remnants of human history spanning more than 10,000 years. The monument is equally rich in geologic history, with dramatic landscapes that reveal the creative forces of tectonic, volcanic, and erosive power.

The monument is a biological treasure, embracing important riparian, aquatic, and upland shrub-steppe habitats that are rare or in decline in other areas. Within its mosaic of habitats, the monument supports a wealth of increasingly uncommon native plant and animal species, the size and diversity of which is unmatched in the Columbia Basin. Migrating salmon, birds, and hundreds of other native plant and animal species rely on its natural ecosystems.

The monument includes the 51-mile long "Hanford Reach," the last free-flowing, nontidal stretch of the Columbia River. The Reach contains islands, riffles, gravel bars, oxbow ponds, and backwater sloughs that support some of the most productive spawning areas in the Northwest, where approximately 80 percent of the upper Columbia Basin's fall chinook salmon spawn. It also supports healthy runs of naturally-spawning sturgeon and other highly-valued fish species. The loss of other spawning grounds on the Columbia and its tributaries has increased the importance of the Hanford Reach for fisheries.

The monument contains one of the last remaining large blocks of shrub-steppe ecosystems in the Columbia River Basin, supporting an unusually high diversity of native plant and animal species. A large number of rare and sensitive plant species are found dispersed throughout the monument. A recent inventory resulted in the discovery of two plant species new to science, the Umtanum desert buckwheat and the White Bluffs bladderpod. Fragile microbiotic crusts, themselves of biological interest, are well developed in the monument and play an important role in stabilizing soils and providing nutrients to plants. The monument contains significant breeding populations of nearly all steppe and shrub-steppe dependent birds, including the loggerhead shrike, the sage sparrow, the sage thrasher, and the ferruginous hawk. The Hanford Reach and surrounding wetlands provide important stopover habitat for migratory birds, as well as habitat for many resident species. The area is important wintering habitat for bald

eagles, white pelicans, and many species of waterfowl such as mallards, green-winged teal, pintails, goldeneye, gadwall, and buffleheads. The monument's bluff habitats provide valuable nesting sites for several bird species, including prairie falcons, and important perch sites for raptors such as peregrine falcons.

Many species of mammals are also found within the monument, including elk, beaver, badgers, and bobcats. Insect populations, though less conspicuous, include species that have been lost elsewhere due to habitat conversion, fragmentation, and application of pesticides. A recent biological inventory uncovered 41 species and 2 subspecies of insects new to science and many species not before identified in the State of Washington. Such rich and diverse insect populations are important to supporting the fauna in the monument.

In addition to its vital biological resources, the monument contains significant geological and paleontological objects. The late-Miocene to late-Pliocene Ringold Formation, known as the White Bluffs, was formed from river and lake sediments deposited by the ancestral Columbia River and its tributaries. These striking cliffs form the eastern bank of the Columbia for nearly half of the length of the Reach, and are significant for the mammalian fossils that they contain. Fossil remains from rhinoceros, camel, and mastodon, among others, have been found within these bluffs.

The Hanford Dune Field, located on the western shore of the Columbia in the southeastern part of the monument, is also of geologic significance. This active area of migrating barchan dunes and partially stabilized transverse dunes rises 10 to 16 feet above the ground, creating sandy habitats ranging from 2 to several hundred acres in size.

The monument also contains important archaeological and historic information. More than 10,000 years of human activity in this largely arid environment have left extensive archaeological deposits. Areas upland from the river show evidence of concentrated human activity, and recent surveys indicate extensive use of arid lowlands for hunting. Hundreds of prehistoric archaeological sites have been recorded, including the remains of pithouses, graves, spirit quest monuments, hunting camps, game drive complexes, quarries, and hunting and kill sites. A number of Native American groups still have cultural ties to the monument. The monument also contains some historic structures and other remains from more recent human activities, including homesteads from small towns established along the riverbanks in the early 20th century.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Hanford Reach National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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 Hanford Reach 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 of the area described on the map entitled "Hanford Reach National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 195,000 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

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, other than by exchange that furthers the protective purposes of the monument.

For the purpose of protecting the objects identified above, the Secretary of the Interior and the Secretary of Energy shall prohibit all motorized and mechanized vehicle use off road, except for emergency or other federally authorized purposes, including remediation purposes. There is hereby reserved, as of the date of this proclamation and subject to valid existing rights, a quantity of water in the Columbia River sufficient to fulfill the purposes for which this monument is established. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation.

For the purpose of protecting the objects identified above, the Secretary of the Interior shall prohibit livestock grazing.

The monument shall be managed by the U.S. Fish and Wildlife Service under existing agreements with the Department of Energy, except that the Department of Energy shall manage the lands within the monument that are not subject to management agreements with the Service, and in developing any management plans and rules and regulations governing the portions of the monument for which the Department of Energy has management responsibility, the Secretary of Energy shall consult with the Secretary of the Interior.

As the Department of Energy and the U.S. Fish and Wildlife Service determine that lands within the monument managed by the Department of Energy become suitable for management by the U.S. Fish and Wildlife Service, the U.S. Fish and Wildlife Service will assume management by agreement with the Department of Energy. All agreements between the U.S. Fish and Wildlife Service and the Department of Energy shall be consistent with the provisions of this proclamation.

Nothing in this proclamation shall affect the responsibility of the Department of Energy under environmental laws, including the remediation of hazardous substances or the restoration of natural resources at the Hanford facility; nor affect the Department of Energy's statutory authority to control public access or statutory responsibility to take other measures for environmental remediation, monitoring, security, safety, or emergency preparedness purposes; nor affect any Department of Energy activities on lands not included within the monument.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Washington with respect to fish and wildlife management.

Nothing in this proclamation shall enlarge or diminish the rights of any Indian tribe.

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

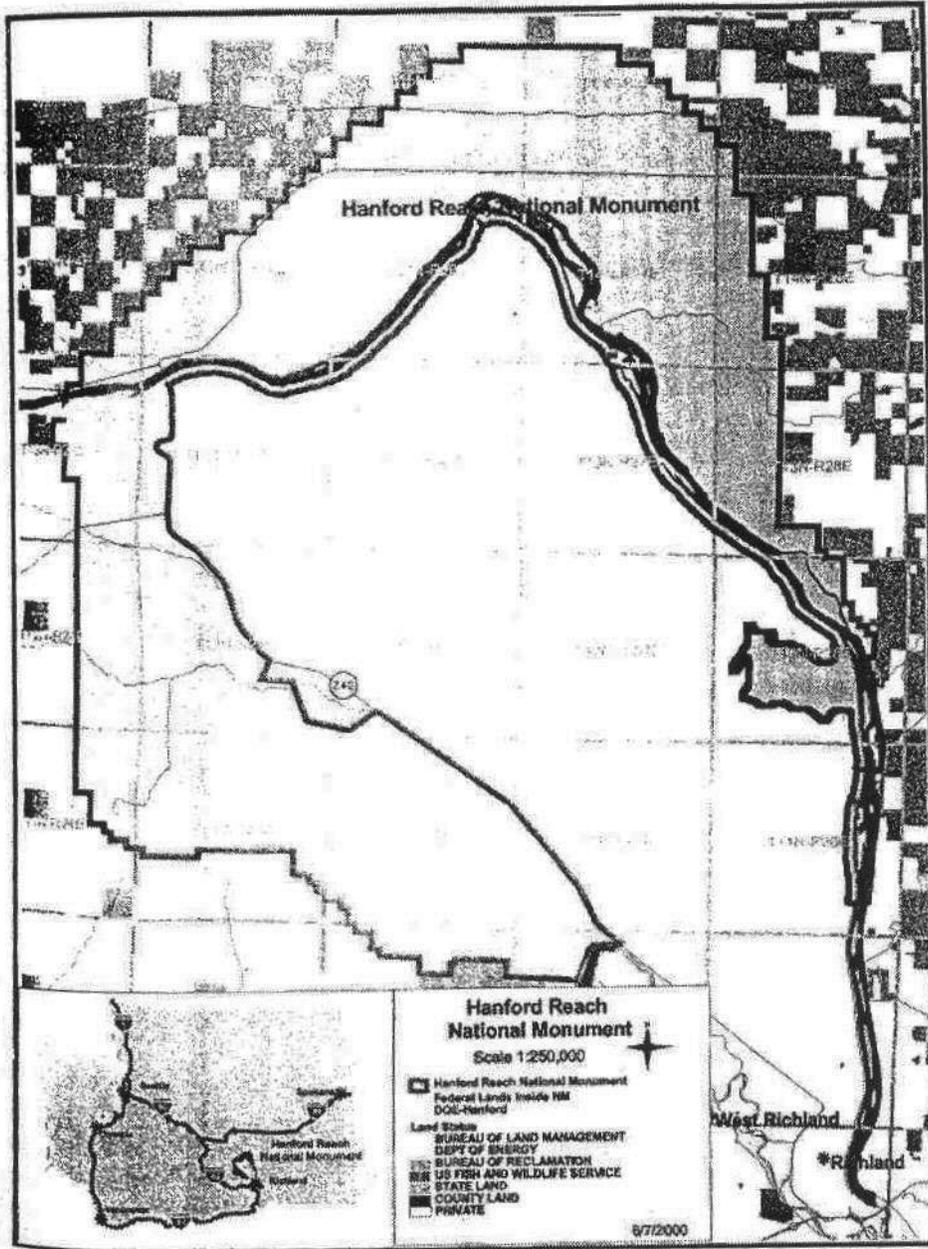
Nothing in this proclamation shall interfere with the operation and maintenance of existing facilities of the Columbia Basin Reclamation Project, the Federal Columbia River Transmission System, or other existing utility services that are located within the monument. Existing Federal Columbia River Transmission System facilities located within the monument may be replaced, modified and expanded, and new facilities constructed within the monument, as authorized by other applicable law. Such replacement, modification, expansion, or construction of new facilities shall be carried out in a manner consistent with proper care and management of the objects of this proclamation, to be determined in accordance with the management arrangements previously set out in this proclamation.

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 ninth day of June, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.

WILLIAM J. CLINTON



14. Ironwood Forest

No. 7320

June 9, 2000, 114 Stat. 3333, 16 U.S.C. 431 note
65 F.R. 37259

ESTABLISHMENT OF THE IRONWOOD FOREST NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The landscape of the Ironwood Forest National Monument is swathed with the rich, drought-adapted vegetation of the Sonoran Desert. The monument contains objects of scientific interest throughout its desert environment. Stands of ironwood, palo verde, and saguaro blanket the monument floor beneath the rugged mountain ranges, including the Silver Bell Mountains. Ragged Top Mountain is a biological and geological crown jewel amid the depositional plains in the monument.

The monument presents a quintessential view of the Sonoran Desert with ancient legume and cactus forests. The geologic and topographic variability of the monument contributes to the area's high biological diversity. Ironwoods, which can live in excess of 800 years, generate a chain of influences on associated understory plants, affecting their dispersal, germination, establishment, and rates of growth. Ironwood is the dominant nurse plant in this region, and the Silver Bell Mountains support the highest density of ironwood trees recorded in the Sonoran Desert. Ironwood trees provide, among other things, roosting sites for hawks and owls, forage for desert bighorn sheep, protection for saguaro against freezing, burrows for tortoises, flowers for native bees, dense canopy for nesting of white-winged doves and other birds, and protection against sunburn for night blooming cereus.

The ironwood-bursage habitat in the Silver Bell Mountains is associated with more than 674 species, including 64 mammalian and 57 bird species. Within the Sonoran Desert, Ragged Top Mountain contains the greatest richness of species. The monument is home to species federally listed as threatened or endangered, including the Nichols turk's head cactus and the lesser long-nosed bat, and contains historic and potential habitat for the cactus ferruginous pygmy-owl. The desert bighorn sheep in the monument may be the last viable population indigenous to the Tucson basin.

In addition to the biological and geological resources, the area holds abundant rock art sites and other archeological objects of scientific interest. Humans have inhabited the area for more than 5,000 years. More than 200 sites from the prehistoric Hohokam period (600 A.D. to 1450 A.D.) have been recorded in the area. Two areas within the monument have been listed on the National Register of Historic Places, the Los Robles Archeological District and the Cocoraque Butte Archeological District. The archeological artifacts include rhyolite and brown chert chipped stone, plain and decorated ceramics, and worked shell from the Gulf of California. The area also contains the remnants of the Mission Santa Ana, the last mission constructed in Pimeria Alta.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Ironwood Forest National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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 Ironwood Forest 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 of the area described on the map entitled "Ironwood Forest National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 128,917 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

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, other than by exchange that furthers the protective purposes of the monument.

For the purpose of protecting the objects identified above, the Secretary of the Interior shall prohibit all motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes.

Lands and interests in lands within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation.

The Secretary of the Interior shall prepare a transportation plan that addresses the actions, including road closures or travel restrictions, necessary to protect the objects identified in this proclamation.

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

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Arizona with respect to fish and wildlife management.

This proclamation does not reserve water as a matter of Federal law. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation. The Bureau of Land Management shall work with appropriate State authorities to ensure that any water resources needed for monument purposes are available.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights of any Indian tribe.

Laws, regulations, and policies followed by the Bureau of Land Management in issuing and administering grazing permits or leases on all lands under its jurisdiction shall continue to apply with regard to the lands in the monument.

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 ninth day of June, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.

WILLIAM J. CLINTON

15. Kasha-Katuwe Tent Rocks

No. 7394

January 17, 2001, 115 Stat. 2569, 16 U.S.C. 431 note
66 F.R. 7343

ESTABLISHMENT OF THE KASHA-KATUWE TENT ROCKS NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

Located on the Pajarito Plateau in north central New Mexico, the Kasha-Katuwe Tent Rocks National Monument is a remarkable outdoor laboratory, offering an opportunity to observe, study, and experience the geologic processes that shape natural landscapes, as well as other cultural and biological objects of interest. The area is rich in pumice, ash, and tuff deposits, the light-colored, cone-shaped tent rock formations that are the products of explosive volcanic eruptions that occurred between 6 and 7 million years ago. Small canyons lead inward from cliff faces, and over time, wind and water have scooped openings of all shapes and sizes in the rocks and have contoured the ends of the ravines and canyons into smooth semicircles. In these canyons, erosion-resistant caprocks protect the softer tents below. While the formations are uniform in shape, they vary in height from a few feet to 90 feet, and the layering of volcanic material intersperses bands of grey with beige colored rock.

Amid the formations and in contrast to the muted colors of the rocks of the monument, vibrant green leaves and red bark of manzanita, a shrubby species from the Sierra Madre of Mexico, cling to the cracks and crevices of the cliff faces. Red-tailed hawks, kestrels, violet-green swallows, and Western bluebirds soar above the canyons and use the pinion and ponderosa covered terrain near the cliffs.

The complex landscape and spectacular geologic scenery of the Kasha-Katuwe Tent Rocks National Monument has been a focal point for visitors for centuries. Human settlement is believed to have begun in the monument as a series of campsites during the Archaic period, from approximately 5500 B.C. During the fifteenth century, several large ancestral pueblos were established in the area. Their descendants, the Pueblo de Cochiti, still inhabit the surrounding area. Although the Spanish explorer Don Juan de Onate reached the Pajarito Plateau in 1598, it was not until the late eighteenth century that families began to claim land grants around Tent Rocks from the Spanish Crown. Remnants of human history are scattered throughout the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Kasha-Katuwe Tent Rocks National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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

Kasha-Katuwe Tent Rocks 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 of the area described on the map entitled "Kasha-Katuwe Tent Rocks National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 4,148 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

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, other than by exchange that furthers the protective purposes of the monument.

For the purpose of protecting the objects identified above, the Secretary shall prohibit all motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes.

Lands and interests in lands within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities and in close cooperation with the Pueblo de Cochiti, to implement the purposes of this proclamation.

The Secretary of the Interior shall prepare, within 3 years of this date, a management plan for this monument, and shall promulgate such regulations for its management as he deems appropriate. The management plan shall include appropriate transportation planning that addresses the actions, including road closures or travel restrictions, necessary to protect the objects identified in this proclamation and to further the purposes of the American Indian Religious Freedom Act of August 11, 1978 (42 U.S.C. 1996).

Only a very small amount of livestock grazing occurs inside the monument. The Secretary of the Interior shall retire the portion of the grazing allotments within the monument, pursuant to applicable law, unless the Secretary specifically finds that livestock grazing will advance the purposes of the proclamation.

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

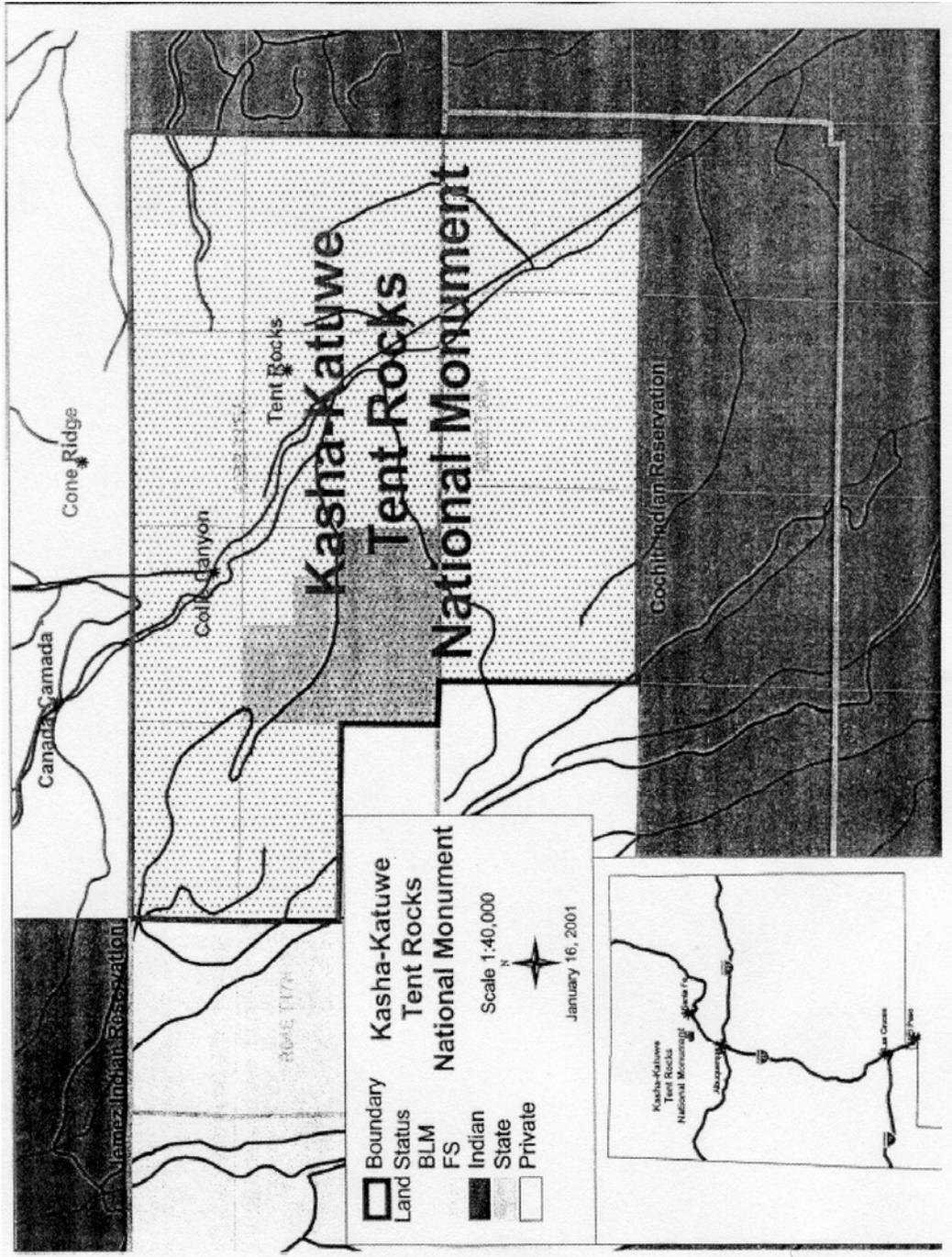
Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of New Mexico with respect to fish and wildlife management.

This proclamation does not reserve water as a matter of Federal law. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation. The Secretary shall work with appropriate State authorities to ensure that any water resources needed for monument purposes are available.

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 seventeenth day of January, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



16. Misty Fiords

No. 4623

Dec. 1, 1978, 93 Stat. 1466, 16 U.S.C. 431 note
43 F.R. 57087

MISTY FIORDS NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

Misty Fiords is an unspoiled coastal ecosystem containing significant scientific and historical features unique in North America. It is an essentially untouched two million-acre area in the Coast Mountains of Southeast Alaska within which are found nearly all of the important geological and ecological characteristics of the region, including, the complete range of coastal to interior climates and ecosystems in a remarkably compact area.

Among the objects of geologic importance are extraordinarily deep and long fiords with sea cliffs rising thousands of feet. Active glaciers along the Canadian border are remnants of the massive ice bodies that covered the region as recently as about 10,000 years ago, at the end of the Pleistocene epoch. However, there have been periodic glacial advances and retreats in more recent historic periods. Some of the area has been free from glaciation for only a short period of time, creating the unusual scientific phenomenon of recent plant succession on newly-exposed land with the accompanying animal species. The Behm Canal, the major inlet at the heart of the area, is more than fifty miles long and extraordinary among natural canals for its length and depth.

The watershed of the Unuk River, which comprises the northern portion of the Misty Fiords area, has its headwaters in Canada. It is steeply mountainous and glaciated and contains the full range of ecosystems and climates from interior to coastal. Mineral springs and lava flows add to the uniqueness of the area and its value for scientific investigation. South of the Unuk, the Chickamin River System and the Le Duc River originate in active glaciers and terminate in Behm Canal. Further south, Rudyerd Bay Fjords and Walker Cove are surrounded by high, cold lakes and mountains extending eastward to Canada.

First inhabitants of Misty Fiords may have settled in the area as long ago as 10,000 years. The area contains cultural sites and objects of historical significance, including traditional native hunting and fishing grounds. Later historical evidence includes a mid-1800's military post-port entry on Tongass Island and a salmon cannery in Behm Canal established in the late 1800's.

Misty Fiords is unique in that the area includes wildlife representative of nearly every ecosystem in southeast Alaska, most notably bald eagles, brown and black bears, moose, wolves, mountain goats and Sitka black-tailed deer. Numerous other bird species nest and feed in the area, notably falcons and waterfowl. Misty Fiords is a major producer of all five species of Pacific salmon and is especially important for king salmon. Numerous other saltwater, freshwater and anadromous fish species and shellfish are plentiful in this area, which is an extraordinarily fertile interface of marine and freshwater environments. Unusual plantlife includes Pacific silver and subalpine fir trees near the northern limit of their range. The area includes an unusual variety of virgin forests, ranging from coastal spruce-hemlock to alpine forests.

As an intact coastal ecosystem, Misty Fiords possesses a collective array of objects of outstanding value for continuing scientific study. The boundaries of the area follow watershed perimeters and include the smallest area compatible with protection of this unique ecosystem and the remarkable geologic and biological objects and features it contains.

Hunting and fishing shall continue to be regulated, permitted and controlled in accord with the statutory authorities applicable to the monument area.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, at 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 part thereof parcels of lands, 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.

NOW, THEREFORE, I, JIMMY CARTER, 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 Misty Fiords National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area described on the document entitled "Misty Fiords National Monument (Copper River Meridian)," attached to and forming a part of this Proclamation. The area reserved consists of approximately 2,285,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the Monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this Monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this Monument and for the proper administration of the Monument in accordance with applicable laws.

The establishment of this Monument is subject to valid existing rights, including, but not limited to, valid selection under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d) (1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d) (1)); however, the National Monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A—48—72 (D. Alaska, Complaint filed April 10, 1972).

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 first day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

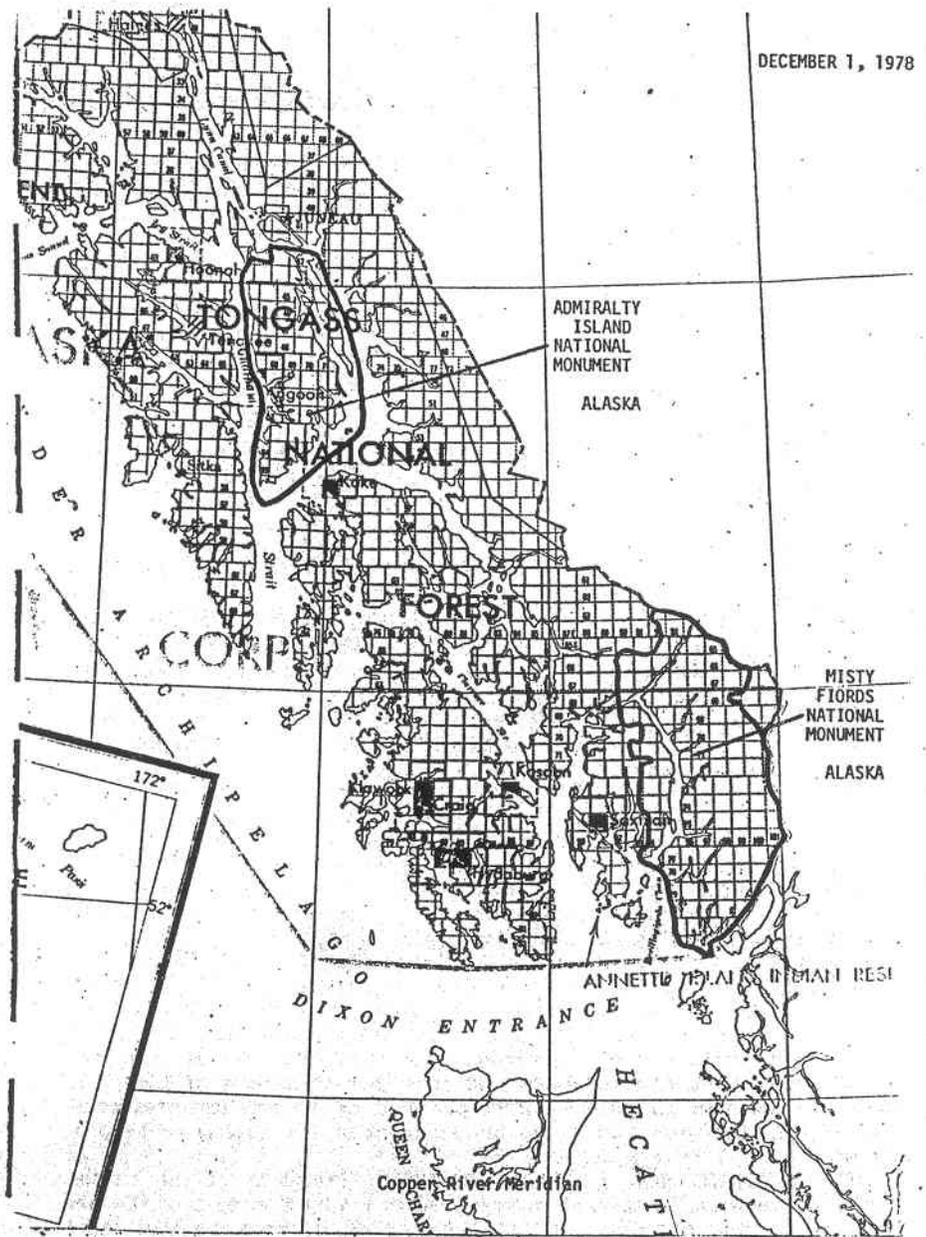
JIMMY CARTER

MISTY FIORDS NATIONAL MONUMENT

COPPER RIVER MERIDIAN

- T. 63 S., R. 92 E., all lands in the Blue Rive drainage
- T. 63 S., Rs. 93 and 94 E.,
- T. 64 S. R. 92 E., all land in the Blue River drainage
- T. 64 S., Rs. 93 through 95 E.,
- T. 65 S., R. 91 E., all land south of the hydrographic divide between East Fork Bradfield River and Grant Creek
- T. 65 S., R. 92 E., all land south of the hydrographic divide between the Unuk River and North Fork Bradfield River
- T. 65 S., R. 93 E., all land south and east of the hydrographic divide
- T. 65 S., Rs. 94 through 97 E.,
- T. 66 S., R. 90 E., all land south and east of the hydrographic divide between Eagle River and Grant Creek
- T. 66 S., R. 91 E., all land in the Grant Creek drainage
- T. 66 S., R. 92 E., all land except the Bradfield River drainage
- T. 66 S. Rs. 93 through 97 E.,
- T. 66 S., R. 98 E., all land west of the hydrographic divide west of the Salmon River drainage
- T. 67 S., R. 91 E., all land east of the hydrographic divide between Burroughs Bay and Eagle River-Bell Arm drainages
- T. 67 S., Rs. 92 through 97 E.,
- T. 67 S., R. 98 E., all land west of the hydrographic divide between Chickamin River and Salmon River drainages
- T. 68 S., R. 91 E., all land east of a line running southwest from a peak on the north township line to the approximate center of Anchor Pass thence southerly through the centerline of Anchor Pass and across Behm Canal and continuing southerly up the ridgeline between Cow Creek and Beaver Creek to the south township
- T. 68 S., Rs. 92 through 96 E.,
- T. 68 S., R. 97 E., all land north and west of hydrographic divide between Salmon River and Chickamin River drainages
- T. 68 S., R. 98 E., all land north and west of hydrographic divide between Salmon River and Chickamin River drainages
- T. 69 S., R. 91 E., all land east of the hydrographic divide between Cow Creek on the east and Beaver Creek-Klu Creek on the west
- T. 69 S., Rs. 92 and 93 E., all land east and north of the hydrographic divide excluding Orchard Creek drainage
- T. 69 S., Rs. 94 through 97 E.,
- T. 69 S., Rs. 98 and 99 E., all land west of the hydrographic divide between Soule River and Davis River drainages
- T. 70 S., R. 92 E., all lands except Orchard Creek drainage
- T. 70 S., R. 93 E. all land east of the hydrographic divide
- T. 70 S., Rs. 94 through 98 E.,
- T. 70 S., R. 99 E. all land south and west of the Seward Mountains ridge and Portland Canal opposite Round Pt. triangulation point
- T. 71 S., R. 92 E., all land east of the hydrographic divide
- T. 71 S., R. 93 E., all land north and east of the hydrographic divide
- T. 71 S., Rs. 94 through 100 E.,
- T. 72 S., R. 93 E., all land east of the hydrographic divide
- T. 72 S., R. 94 through 100 E.

- T. 73 S., R. 93 E., all lands east of the hydrographic divide
- T. 73 S., Rs. 94 through 101 E.,
- T. 74 S., R. 93 E., all land east of the hydrographic divide
- T. 74 S., R. 94 through 101 E.,
- T. 75 S., R. 94 E., all land east of a line running from the northwest corner of the township to a trail between Thorne Arm and Mesa Lake thence east along the trail to southwest tip of Mesa Lake thence southerly along the hydrographic divide to approximately the midpoint of the south township line
- T. 75 S., Rs. 95 through 101 E.,
- T. 76 S., R. 94 E., all land east of the hydrographic divide
- T. 76 S., Rs. 95 through 102 E.,
- T. 77 S., R. 94 E., all land east of the hydrographic divide running southwesterly from Alava Ridge to a point on the shore between triangulation points "Luck" and "Cat"
- T. 77 S., Rs. 95 through 102 E.,
- T. 78 S., Rs. 95 through 101 E.,
- T. 79 S., Rs. 95 through 101 E.,
- T. 80 S., Rs. 96 through 100 E.,
- T. 81 S., Rs. 97 through 100 E.,
- T. 82 S., Rs. 97 through 99 E.



17. Pompeys Pillar

No. 7396

January 17, 2001, 115 Stat. 2576, 16 U.S.C. 431 note
66 F.R. 7351

ESTABLISHMENT OF THE POMPEYS PILLAR NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

Pompeys Pillar National Monument is a massive sandstone outcrop that rises from an almost two-acre base on the banks of the Yellowstone River 150 feet toward Montana's Big Sky, east of Billings. The monument's premier location at a natural ford in the Yellowstone River, and its geologic distinction as the only major sandstone formation in the area, have made Pompeys Pillar a celebrated landmark and outstanding observation point for more than eleven thousand years of human occupation. Hundreds of markings, petroglyphs, and inscriptions left by visitors have transformed this geologic phenomenon into a living journal of the American West.

The monument's most notable visitor, Captain William Clark of the Lewis and Clark Expedition, arrived at Pompeys Pillar on July 25, 1806, on his return trip from the Pacific coast. Clark's journal recorded his stop at this "remarkable rock" with its "extensive view in every direction." He described an idyllic landscape of grassy plains, snow-capped mountains, and cliffs abutting the wandering river. Clark marked his presence by engraving his name and the date of his visit on the outcrop. This simple inscription is the only remaining physical evidence of Lewis and Clark's epic journey. In his journal, Clark named the rock Pompey's Tower, Pompey being Clark's nickname for Sacagawea's young son, Jean Baptiste Charbonneau, who was born at the expedition's winter camp at Fort Mandan on February 11, 1805. The name was changed to Pompeys Pillar by author Nicholas Biddle when his account of the Expedition was published in 1814.

Ethnographic and archaeological evidence indicates that the Pillar was a place of ritual and religious activity. Hundreds of petroglyphs on the face of the rock, noted by Clark in his journal, reflect the importance of the monument to early peoples. The Crow people, the dominant residents of the region when Clark passed through, call the pillar the "Mountain Lions Lodge" in their language, and it figures prominently in Crow oral history. Pompeys Pillar also includes the markings and signature of a host of characters from the pioneer past, including fur trappers, Yellowstone River steamboat men, frontier army troops, railroad workers, missionaries, and early settlers. In 1873, Lieutenant Colonel George Armstrong Custer and his men camped at its base, where they came under attack from Sioux snipers.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Pompeys Pillar National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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 Pompeys Pillar 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 of the area described on the map entitled "Pompeys Pillar National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 51 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

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.

Lands and interests in lands within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation.

The establishment of this monument is subject to any valid existing rights, including the mineral estate held by the United States in trust for the Crow Tribe.

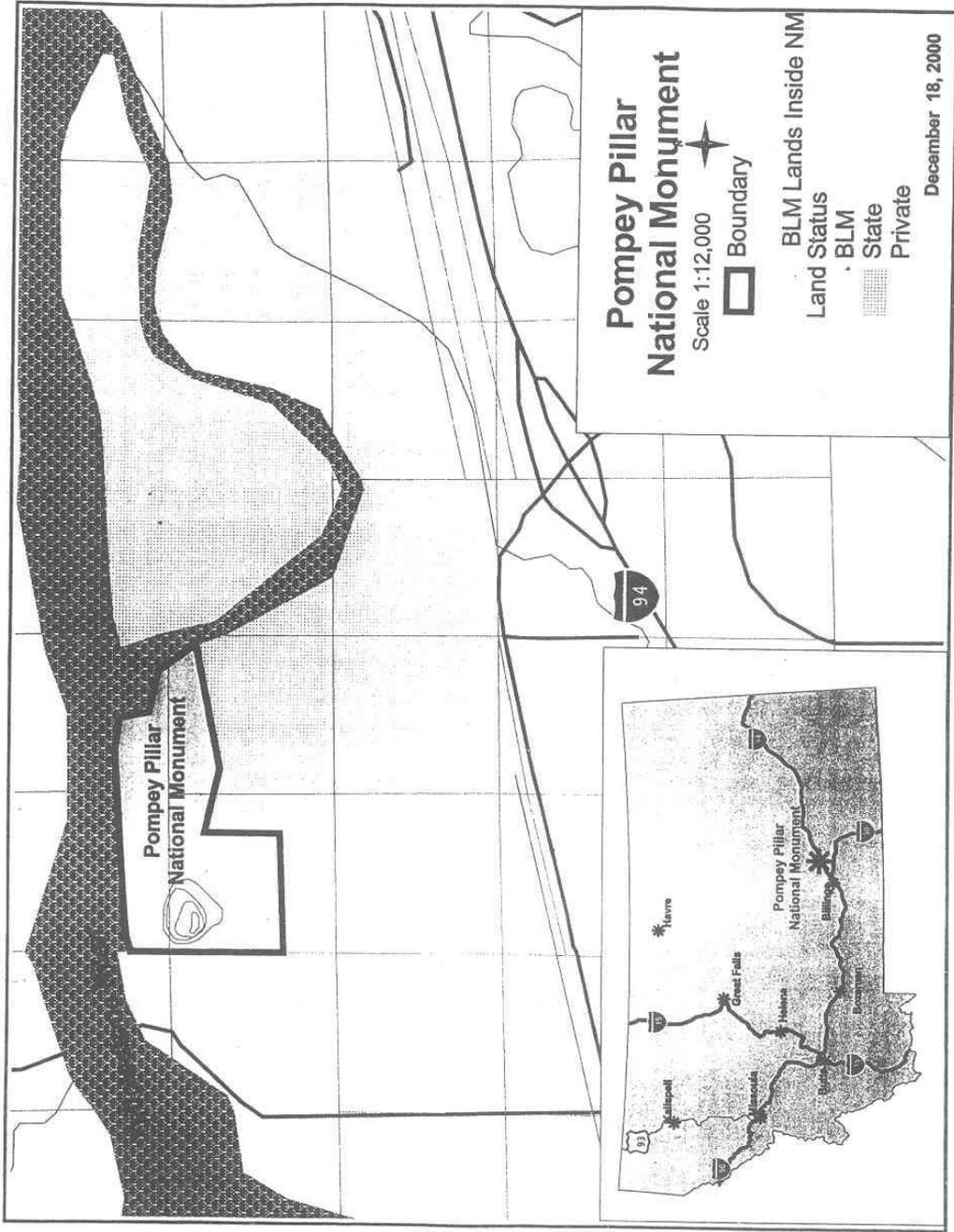
Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Montana with respect to fish and wildlife management.

This proclamation does not reserve water as a matter of Federal law. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation. The Secretary shall work with appropriate State authorities to ensure that any water resources needed for monument purposes are available.

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 seventeenth day of January, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.

WILLIAM J. CLINTON



18. President Lincoln And Soldiers' Home

No. 7329

July 7, 2000, 114 Stat. 3349, 16 U.S.C. 431 note

65 F.R. 43673

PRESIDENT LINCOLN AND SOLDIERS' HOME NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

Each year from 1862 through 1864, President Abraham Lincoln and his family left the White House to take up residence during the warm weather months at Anderson Cottage, a home in northwest Washington, D.C., on the grounds of a site then known as the Soldiers' Home. It is estimated that President Lincoln spent one quarter of his presidency at this home, riding out to it many evenings from late June until early November. The house and surrounding land are now part of the U.S. Soldiers' and Airmen's Home, a component of the Armed Forces Retirement Home, an independent establishment in the executive branch. This house and its grounds are objects of great historic significance and interest.

It was here, in September of 1862, that President Lincoln completed the drafting of the Emancipation Proclamation. His second floor bedroom and much of the rest of the house are configured as they were when he was in residence, and original mantels, woodwork, and windows are retained. A magnificent copper beech tree under which he read and relaxed is still growing at the site. It was also from this house that, in July of 1864, he traveled 2 miles north to view the battle of Fort Stevens, during which he actually came under fire as he stood beside the Union troops defending the capital. The house has been designated a National Historic Landmark by the National Park Service.

The land was purchased by the Federal Government through the Soldiers' Home Trust Fund in 1851 to establish a home for invalid and disabled soldiers of the U.S. Army, the first such attempt to provide for members of the regular army. The house was first used as a summer retreat by President Buchanan from 1857 to 1860, and continued to be used as such by several presidents, including President Hayes from 1877 to 1880 and President Arthur from 1882 to 1884. It became known as Anderson Cottage in honor of Major Robert Anderson, the Union commanding officer at Fort Sumter at the outbreak of the Civil War.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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 lands, 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 appears that it would be in the public interest to reserve such lands as a national monument to be known as the President Lincoln and Soldiers' Home National Monument:

NOW, THEREFORE, I, William J. Clinton, 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

President Lincoln and Soldiers' Home 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 of the area described on the map entitled "President Lincoln and Soldiers' Home National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 2.3 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

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 or other Federal 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.

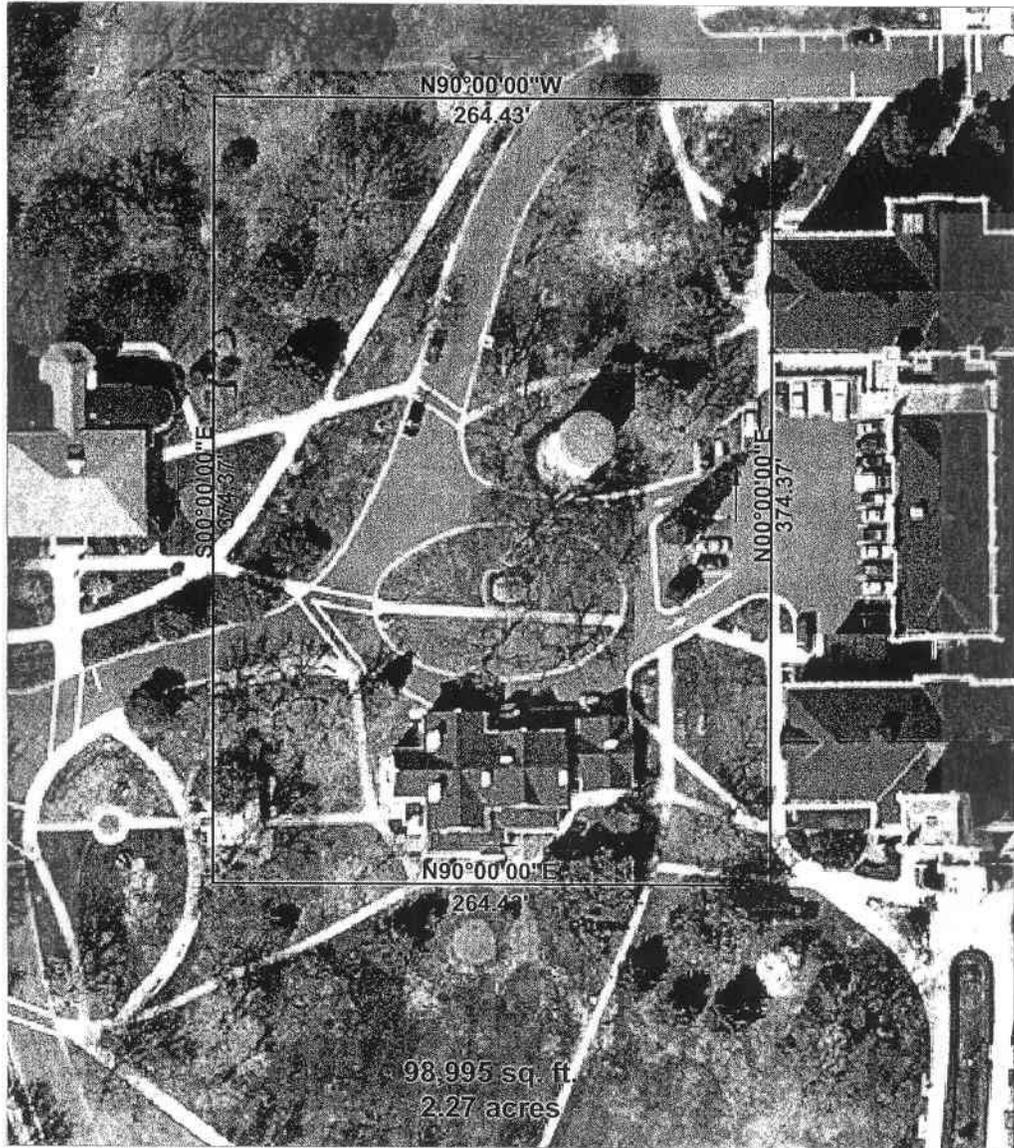
The monument historically has been a part of the U.S. Soldiers' and Airmen's Home, a facility administered by the Armed Forces Retirement Home, an independent establishment of the Executive Branch. The Armed Forces Retirement Home, through the U.S. Soldiers' and Airmen's Home, shall manage the monument as an integral part of that surrounding facility and consistent with the purposes and provisions of this proclamation. In managing the monument, the Armed Forces Retirement Home shall consult with the Secretary of the Interior through the National Park Service.

For the purpose of preserving, restoring, and enhancing the public's appreciation of the monument, the Armed Forces Retirement Home shall prepare, in consultation with the Secretary of the Interior through the National Park Service, a management plan for this monument within 3 years of this date. Further, to the extent authorized, the Armed Forces Retirement Home shall promulgate, in consultation with the Secretary of the Interior through the National Park Service, regulations for the proper care and management of the objects identified above.

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 July, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fifth.

WILLIAM J. CLINTON



National Park Service
National Capital Region
Land Resources Program Center

60 0 60
Scale of Feet

**The President Lincoln's and Soldiers'
Home National Monument**



Map Number: 869/865018
June 24, 2003

19. Sonoran Desert

No. 7397

January 17, 2001, 115 Stat. 2578, 16 U.S.C. 431 note
66 F.R. 7354

ESTABLISHMENT OF THE SONORAN DESERT NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Sonoran Desert National Monument is a magnificent example of untrammelled Sonoran desert landscape. The area encompasses a functioning desert ecosystem with an extraordinary array of biological, scientific, and historic resources. The most biologically diverse of the North American deserts, the monument consists of distinct mountain ranges separated by wide valleys, and includes large saguaro cactus forest communities that provide excellent habitat for a wide range of wildlife species.

The monument's biological resources include a spectacular diversity of plant and animal species. The higher peaks include unique woodland assemblages, while the lower elevation lands offer one of the most structurally complex examples of palo verde/mixed cacti association in the Sonoran Desert. The dense stands of leguminous trees and cacti are dominated by saguaros, palo-verde trees, ironwood, prickly pear, and cholla. Important natural water holes, known as tinajas, exist throughout the monument. The endangered acuna pineapple cactus is also found in the monument.

The most striking aspect of the plant communities within the monument are the abundant saguaro cactus forests. The saguaro is a signature plant of the Sonoran Desert. Individual saguaro plants are indeed magnificent, but a forest of these plants, together with the wide variety of trees, shrubs, and herbaceous plants that make up the forest community, is an impressive site to behold. The saguaro cactus forests within the monument are a national treasure, rivaling those within the Saguaro National Park.

The rich diversity, density, and distribution of plants in the Sand Tank Mountains area of the monument is especially striking and can be attributed to the management regime in place since the area was withdrawn for military purposes in 1941. In particular, while some public access to the area is allowed, no livestock grazing has occurred for nearly 50 years. To extend the extra-ordinary diversity and overall ecological health of the Sand Tanks Mountains area, land adjacent and with biological resources similar to the area withdrawn for military purposes should be subject to a similar management regime to the fullest extent possible.

The monument contains an abundance of packrat middens, allowing for scientific analysis of plant species and climates in past eras. Scientific analysis of the midden shows that the area received far more precipitation 20,000 years ago, and slowly became more arid. Vegetation for the area changed from juniper-oak-pinion pine woodland to the vegetation found today in the Sonoran Desert, although a few plants from the more mesic period, including the Kofa Mountain barberry, Arizona rosewood, and junipers, remain on higher elevations of north-facing slopes.

The lower elevations and flatter areas of the monument contain the creosote-bursage plant community. This plant community thrives in the open expanses between the mountain ranges, and connects the other plant communities together. Rare patches of desert grassland can also be found throughout the monument, especially in the Sand

Tank Mountains area. The washes in the area support a much denser vegetation community than the surrounding desert, including mesquite, ironwood, paloverde, desert honeysuckle, chuperosa, and desert willow, as well as a variety of herbaceous plants. This vegetation offers the dense cover bird species need for successful nesting, foraging, and escape, and birds heavily use the washes during migration.

The diverse plant communities present in the monument support a wide variety of wildlife, including the endangered Sonoran pronghorn, a robust population of desert bighorn sheep, especially in the Maricopa Mountains area, and other mammalian species such as mule deer, javelina, mountain lion, gray fox, and bobcat. Bat species within the monument include the endangered lesser long-nosed bat, the California leaf-nosed bat, and the cave myotis. Over 200 species of birds are found in the monument, including 59 species known to nest in the Vekol Valley area. Numerous species of raptors and owls inhabit the monument, including the elf owl and the western screech owl. The monument also supports a diverse array of reptiles and amphibians, including the Sonoran desert tortoise and the red-backed whiptail. The Bureau of Land Management has designated approximately 25,000 acres of land in the Maricopa Mountains area as critical habitat for the desert tortoise. The Vekol Valley and Sand Tank Mountain areas contain especially diverse and robust populations of amphibians. During summer rainfall events, thousands of Sonoran green toads in the Vekol Valley can be heard moving around and calling out.

The monument also contains many significant archaeological and historic sites, including rock art sites, lithic quarries, and scattered artifacts. Vekol Wash is believed to have been an important prehistoric travel and trade corridor between the Hohokam and tribes located in what is now Mexico. Signs of large villages and permanent habitat sites occur throughout the area, and particularly along the bajadas of the Table Top Mountains. Occupants of these villages were the ancestors of today's O'odham, Quechan, Cocopah, Maricopa, and other tribes. The monument also contains a much used trail corridor 23 miles long in which are found remnants of several important historic trails, including the Juan Bautista de Anza National Historic Trail, the Mormon Battalion Trail, and the Butterfield Overland Stage Route.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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.

WHEREAS, it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Sonoran Desert National Monument.

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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 Sonoran Desert National Monument, for the purpose of protecting the objects identified above, all lands and interest in lands owned or controlled by the United States within the boundaries of the area described on the map entitled "Sonoran Desert National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 486,149 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

For the purpose of protecting the objects identified above, all motorized and mechanized vehicle use off road will be prohibited, except for emergency or authorized administrative purposes.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Arizona with respect to fish and wildlife management.

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

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, other than by exchange that furthers the protective purposes of the monument. Lands and interests in lands within the monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

This proclamation does not reserve water as a matter of Federal law nor relinquish any water rights held by the Federal Government existing on this date. The Federal land management agencies shall work with appropriate State authorities to ensure that water resources needed for monument purposes are available.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation. That portion identified as Area A on the map, however, shall be managed under the management arrangement established by section 3 of Public Law No. 99-606, 100 Stat. 3460-61, until November 6, 2001, at which time, pursuant to section 5(a) of Public Law No. 99-606, 100 Stat. 3462-63, the military withdrawal terminates. At that time, the Secretary of the Interior shall assume management responsibility for Area A through the Bureau of Land Management. The Secretary of the Interior shall prepare a management plan that addresses the actions, including road closures or travel restrictions, necessary to protect the objects identified in this proclamation.

Laws, regulations, and policies followed by the Bureau of Land Management in issuing and administering grazing permits or leases on all lands under its jurisdiction shall continue to apply with regard to the lands in the monument; provided, however, that grazing permits on Federal lands within the monument south of Interstate Highway 8 shall not be renewed at the end of their current term; and provided further, that grazing on Federal lands north of Interstate 8 shall be allowed to continue only to the extent that the Bureau of Land Management determines that grazing is compatible with the paramount purpose of protecting the objects identified in this proclamation.

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

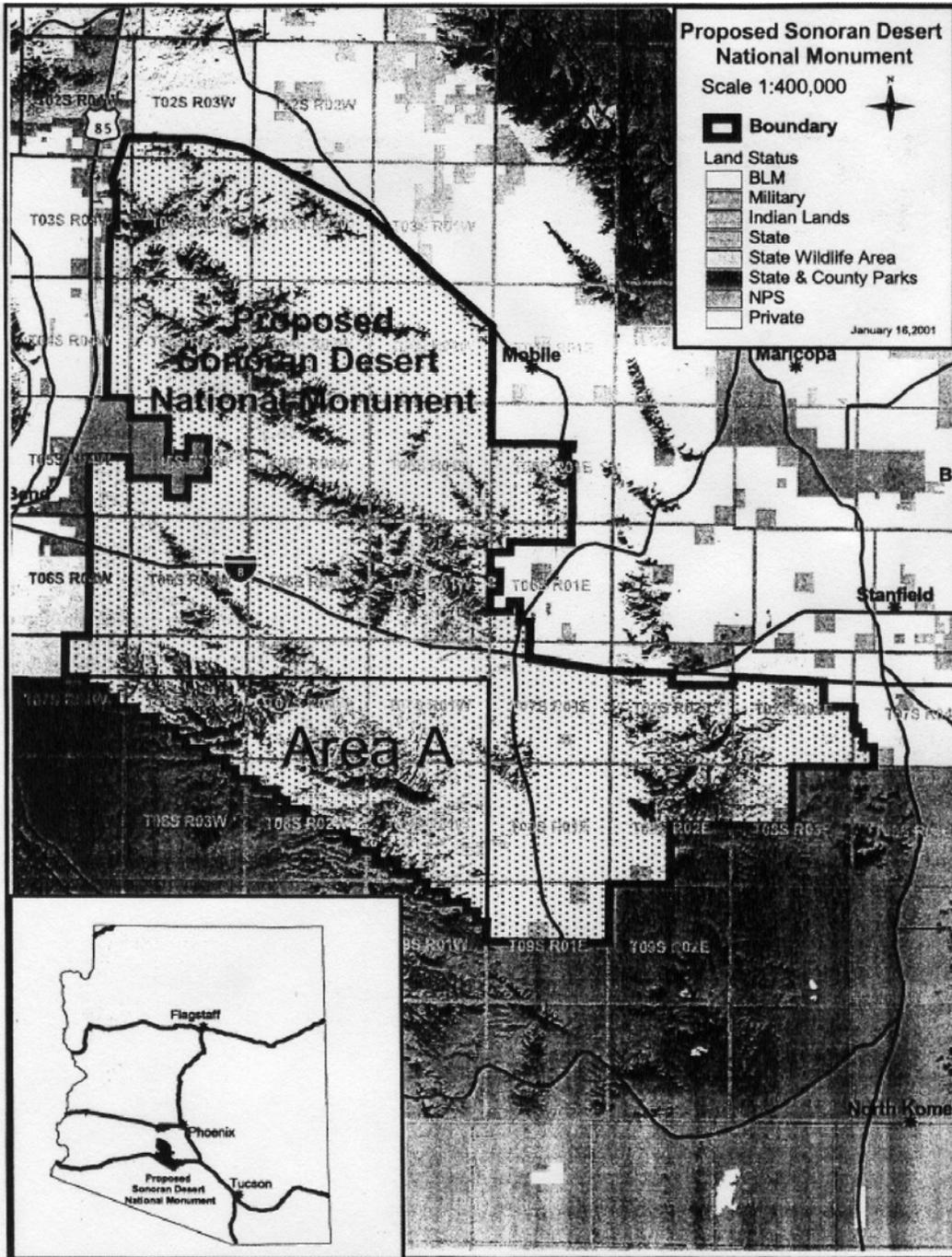
Nothing in this proclamation shall preclude low level overflights of military aircraft, the designation of new units of special use airspace, or the use or establishment of military flight training routes over the lands included in this proclamation.

In order to protect the public during operations at the adjacent Barry M. Goldwater Range, and to continue management practices that have resulted in an exceptionally well preserved natural resource, the current procedures for public access to the portion of the monument depicted as Area A on the attached map shall remain in full force and effect, except to the extent that the United States Air Force agrees to different procedures which the Bureau of Land Management determines are compatible with the protection of the objects identified in this proclamation.

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 seventeenth day of January, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.

WILLIAM J. CLINTON



20. Upper Missouri River Breaks

No. 7398

January 17, 2001, 115 Stat. 2583, 16 U.S.C. 431 note

66 F.R. 7359

ESTABLISHMENT OF THE UPPER MISSOURI RIVER BREAKS NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Upper Missouri River Breaks National Monument contains a spectacular array of biological, geological, and historical objects of interest. From Fort Benton upstream into the Charles M. Russell National Wildlife Refuge, the monument spans 149 miles of the Upper Missouri River, the adjacent Breaks country, and portions of Arrow Creek, Antelope Creek, and the Judith River. The area has remained largely unchanged in the nearly 200 years since Meriwether Lewis and William Clark traveled through it on their epic journey. In 1976, the Congress designated the Missouri River segment and corridor in this area a National Wild and Scenic River (Public Law 94-486, 90 Stat. 2327). The monument also encompasses segments of the Lewis and Clark National Historic Trail, the Nez Perce National Historic Trail, and the Cow Creek Island Area of Critical Environmental Concern.

Lewis and Clark first encountered the Breaks country of the monument on their westward leg. In his journal, Clark described the abundant wildlife of the area, including mule deer, elk, and antelope, and on April 29, 1805, the Lewis and Clark expedition recorded the first big horn sheep observation by non-Indians in North America. Lewis' description of the magnificent White Cliffs area on the western side of the monument is especially vivid, and not just for his sometimes colorful spellings:

"The hills and river Clifts which we passed today exhibit a most romantic appearance... The bluffs of the river rise to height of from 2 to 300 feet and in most places nearly perpendicular; they are formed of remarkable white sandstone which is sufficiently soft to give way readily to the impression of water..." "The water in the course of time ... has trickled down the soft sand clifts and worn it into a thousand grotesque figures, which with the help of a little immagination and an oblique view, at a distance are made to represent elegant ranges of lofty freestone buildings, having their parapets well stocked with statuary; collumns of various sculptures both grooved and plain, are also seen supporting long galleries in front of these buildings; in other places on a much nearer approach and with the help of less imagination we see the remains or ruins of elegant buildings; some columns standing and almost entire with their pedestals and capitals; others retaining their pedestals but deprived by time or accident of their capitals, some lying prostrate an broken othe[r]s in the form of vast pyramids of conic structure bearing a serrees of other pyramids on their tops. . .

"As we passed on it seemed as if those seems of visionary inchantment would never have and [an] end; for here it is too that nature presents to the view of the traveler vast ranges of walls of tolerable workmanship, so perfect indeed are those walls that I should have thought that nature had attempted here to rival the human art of masonry . . ."

The monument is covered with sedimentary rocks deposited in shallow seas that covered central and eastern Montana during the Cretaceous period.

Glaciers, volcanic activity, and erosion have since folded, faulted, uplifted, and sculpted the landscape to the majestic form it takes today.

The area remains remote and nearly as undeveloped as it was in 1805. Many of the biological objects described in Lewis' and Clark's journals continue to make the monument their home. The monument boasts the most viable elk herd in Montana and one of the premier big horn sheep herds in the continental United States. It contains essential winter range for sage grouse as well as habitat for prairie dogs. Lewis sent Jefferson a prairie dog specimen which was, as Lewis noted at the time, "new to science." Abundant plant life along the River and across the Breaks country supports this wildlife. The lower reach of the Judith River, just above its confluence with the Missouri, contains one of the few remaining fully functioning cottonwood gallery forest ecosystems on the Northern Plains. Arrow Creek, originally called Slaughter River by Lewis and Clark, contains the largest concentration of antelope and mule deer in the monument as well as important spawning habitat for the endangered pallid sturgeon. An undammed tributary to the Missouri River, Arrow Creek is a critical seed source for cottonwood trees for the flood plain along the Missouri.

The cliff faces in the monument provide perching and nesting habitat for many raptors, including the sparrow hawk, ferruginous hawk, peregrine falcon, prairie falcon, and golden eagle. Several pairs of bald eagles nest along the River in the monument and many others visit during the late fall and early winter. Shoreline areas provide habitat for great blue heron, pelican, and a wide variety of waterfowl. The River and its tributaries in the monument host forty-eight fish species, including goldeye, drum, sauger, walleye, northern pike, channel catfish, and small mouth buffalo. The monument has one of the six remaining paddlefish populations in the United States. The River also supports the blue sucker, shovel nose sturgeon, sicklefin, sturgeon chub, and the endangered pallid sturgeon.

The Bullwacker area of the monument contains some of the wildest country on all the Great Plains, as well as important wildlife habitat. During the stress-inducing winter months, mule deer and elk move up to the area from the river, and antelope and sage grouse move down to the area from the benchlands. The heads of the coulees and breaks also contain archeological and historical sites, from teepee rings and remnants of historic trails to abandoned homesteads and lookout sites used by Meriwether Lewis.

Long before the time of Lewis and Clark, the area was inhabited by numerous native tribes, including the Blackfeet, Assiniboin, Gros Ventre (Atsina), Crow, Plains Cree, and Plains Ojibwa. The confluence of the Judith and Missouri Rivers was the setting for important peace councils in 1846 and 1855. In 1877, the Nez Perce crossed the Missouri and entered the Breaks country in their attempt to escape to Canada. The Cow Island Skirmish occurred in the Breaks and was the last encounter prior to the Nez Perce surrender to the U.S. Army at the Battle of Bear Paw just north of the monument. Pioneers and the Army followed Lewis and Clark in the 1830s establishing Fort Piegan, Fort McKenzie, and Fort Benton. Remnants of this rich history are scattered throughout the monument, and the River corridor retains many of the same qualities and much of the same appearance today as it did then.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Upper Missouri River Breaks National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, 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 Upper Missouri River Breaks 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 of the area described on the map entitled "Upper Missouri River Breaks National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 377,346 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

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, other than by exchange that furthers the protective purposes of the monument. The establishment of this monument is subject to valid existing rights. The Secretary of the Interior shall manage development on existing oil and gas leases within the monument, subject to valid existing rights, so as not to create any new impacts that would interfere with the proper care and management of the objects protected by this proclamation.

The Secretary of the Interior shall prepare a transportation plan that addresses the actions, including road closures or travel restrictions, necessary to protect the objects identified in this proclamation.

For the purpose of protecting the objects identified above, the Secretary shall prohibit all motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes.

Lands and interests in lands within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, including the National Wild and Scenic Rivers Act, to implement the purposes of this proclamation.

Because waters of the Upper Missouri River through the monument area have already been reserved through the Congress's designation of the area as a component of the National Wild and Scenic River System in 1976, this proclamation makes no additional reservation of water, except in two small tributaries, the Judith River and Arrow Creek. These tributaries contain outstanding objects of biological interest that are dependent on water, such as a fully functioning cottonwood gallery forest ecosystem that is rare in the Northern Plains. Therefore, there is hereby reserved, as of the date of this proclamation and subject to valid existing rights, a quantity of water in the Judith River and Arrow Creek sufficient to fulfill the purposes for which this monument is established. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Montana with respect to fish and wildlife management.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights of any Indian tribe.

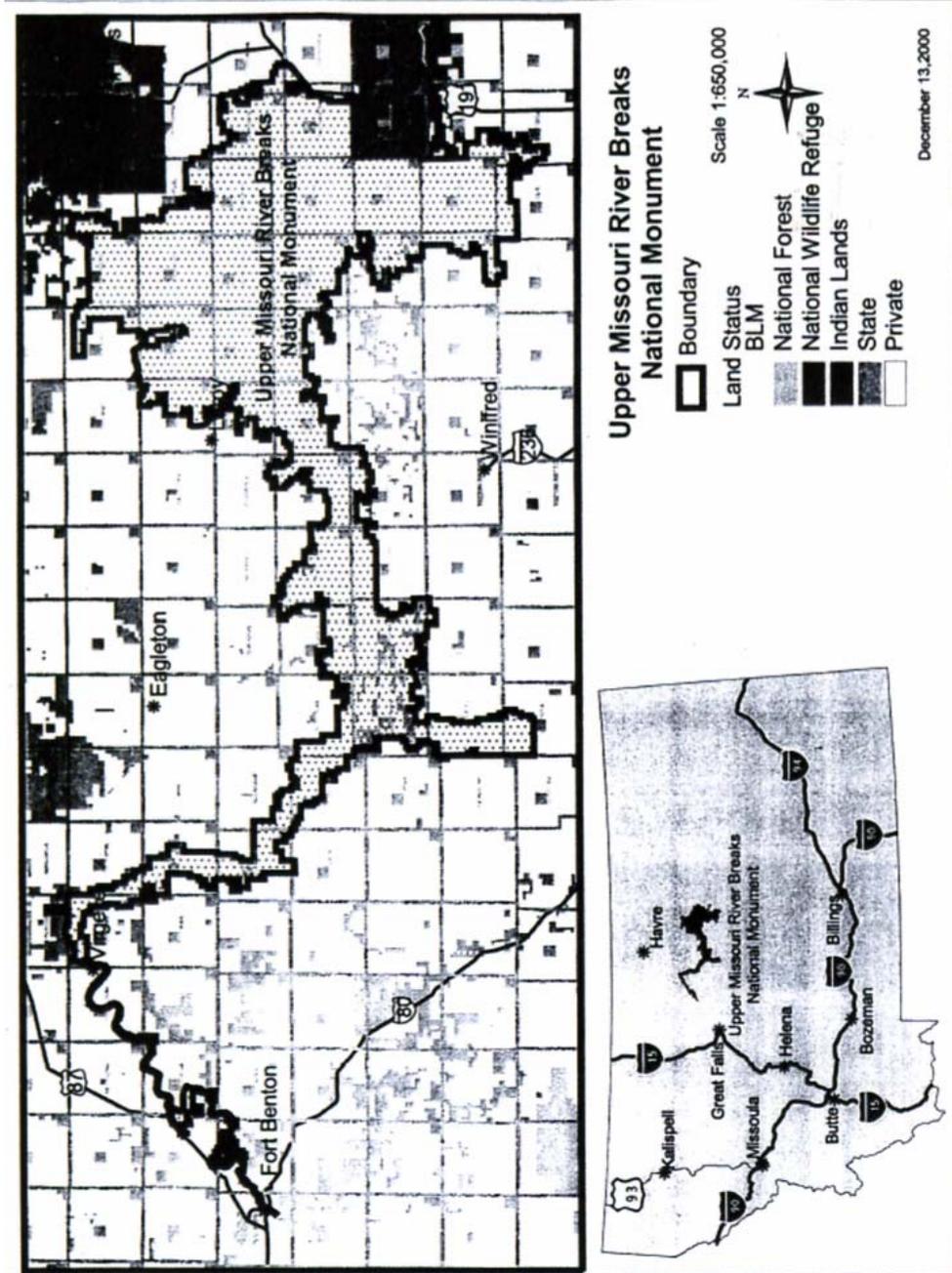
Laws, regulations, and policies followed by the Bureau of Land Management in issuing and administering grazing permits or leases on all lands under its jurisdiction shall continue to apply with regard to the lands in the monument.

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 seventeenth day of January, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.

WILLIAM J. CLINTON



21. Vermilion Cliffs

No. 7374

November 9, 2000, 114 Stat. 3422, 16 U.S.C. 431 note
65 F.R. 69227

VERMILION CLIFFS NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

Amid the sandstone slickrock, brilliant cliffs, and rolling sandy plateaus of the Vermilion Cliffs National Monument lie outstanding objects of scientific and historic interest. Despite its arid climate and rugged isolation, the monument contains a wide variety of biological objects and has a long and rich human history. Full of natural splendor and a sense of solitude, this area remains remote and unspoiled, qualities that are essential to the protection of the scientific and historic objects it contains.

The monument is a geological treasure. Its centerpiece is the majestic Paria Plateau, a grand terrace lying between two great geologic structures, the East Kaibab and the Echo Cliffs monoclines. The Vermilion Cliffs, which lie along the southern edge of the Paria Plateau, rise 3,000 feet in a spectacular escarpment capped with sandstone underlain by multicolored, actively eroding, dissected layers of shale and sandstone. The stunning Paria River Canyon winds along the east side of the plateau to the Colorado River. Erosion of the sedimentary rocks in this 2,500 foot deep canyon has produced a variety of geologic objects and associated landscape features such as amphitheaters, arches, and massive sandstone walls.

In the northwest portion of the monument lies Coyote Buttes, a geologically spectacular area where crossbeds of the Navajo Sandstone exhibit colorful banding in surreal hues of yellow, orange, pink, and red caused by the precipitation of manganese, iron, and other oxides. Thin veins or fins of calcite cut across the sandstone, adding another dimension to the landscape. Humans have explored and lived on the plateau and surrounding canyons for thousands of years, since the earliest known hunters and gatherers crossed the area 12,000 or more years ago. Some of the earliest rock art in the Southwest can be found in the monument. High densities of Ancestral Puebloan sites can also be found, including remnants of large and small villages, some with intact standing walls, fieldhouses, trails, granaries, burials, and camps.

The monument was a crossroad for many historic expeditions. In 1776, the Dominguez-Escalante expedition of Spanish explorers traversed the monument in search of a safe crossing of the Colorado River. After a first attempt at crossing the Colorado near the mouth of the Paria River failed, the explorers traveled up the Paria Canyon in the monument until finding a steep hillside they could negotiate with horses. This took them out of the Paria Canyon to the east and up into the Ferry Swale area, after which they achieved their goal at the Crossing of the Fathers east of the monument. Antonio Armijo's 1829 Mexican trading expedition followed the Dominguez route on the way from Santa Fe to Los Angeles.

Later, Mormon exploring parties led by Jacob Hamblin crossed south of the Vermilion Cliffs on missionary expeditions to the Hopi villages. Mormon pioneer John D. Lee established Lee's Ferry on the Colorado River just south of the monument in 1871. This paved the way for homesteads in the monument, still visible in remnants of historic ranch structures and associated objects that tell the stories of early settlement. The route taken

by the Mormon explorers along the base of the Paria Plateau would later become known as the Old Arizona Road or Honeymoon Trail. After the temple in St. George, Utah was completed in 1877, the Honeymoon Trail was used by Mormon couples who had already been married by civil authorities in the Arizona settlements, but also made the arduous trip to St. George to have their marriages solemnized in the temple. The settlement of the monument area by Mormon pioneers overlapped with another historic exploration by John Wesley Powell, who passed through the monument during his scientific surveys of 1871.

The monument contains outstanding biological objects that have been preserved by remoteness and limited travel corridors. The monument's vegetation is a unique combination of cold desert flora and warm desert grassland, and includes one threatened species, Welsh's milkweed. This unusual plant, known only in Utah and Arizona, colonizes and stabilizes shifting sand dunes, but is crowded out once other vegetation encroaches.

Despite sporadic rainfall and widely scattered ephemeral water sources, the monument supports a variety of wildlife species. At least twenty species of raptors have been documented in the monument, as well as a variety of reptiles and amphibians. California condors have been reintroduced into the monument in an effort to establish another wild population of this highly endangered species. Desert bighorn sheep, pronghorn antelope, mountain lion, and other mammals roam the canyons and plateaus. The Paria River supports sensitive native fish, including the flannelmouth sucker and the speckled dace.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Vermilion Cliffs National Monument:

NOW, THEREFORE, I, William J. Clinton, 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 Vermilion Cliffs 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 of the area described on the map entitled "Vermilion Cliffs National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 293,000 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

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, other than by exchange that furthers the protective purposes of the monument. For the purpose of protecting the objects identified above, the Secretary shall prohibit all motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes.

Lands and interests in lands within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation.

The Secretary of the Interior shall prepare a transportation plan that addresses the actions, including road closures or travel restrictions, necessary to protect the objects identified in this proclamation.

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

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Arizona with respect to fish and wildlife management.

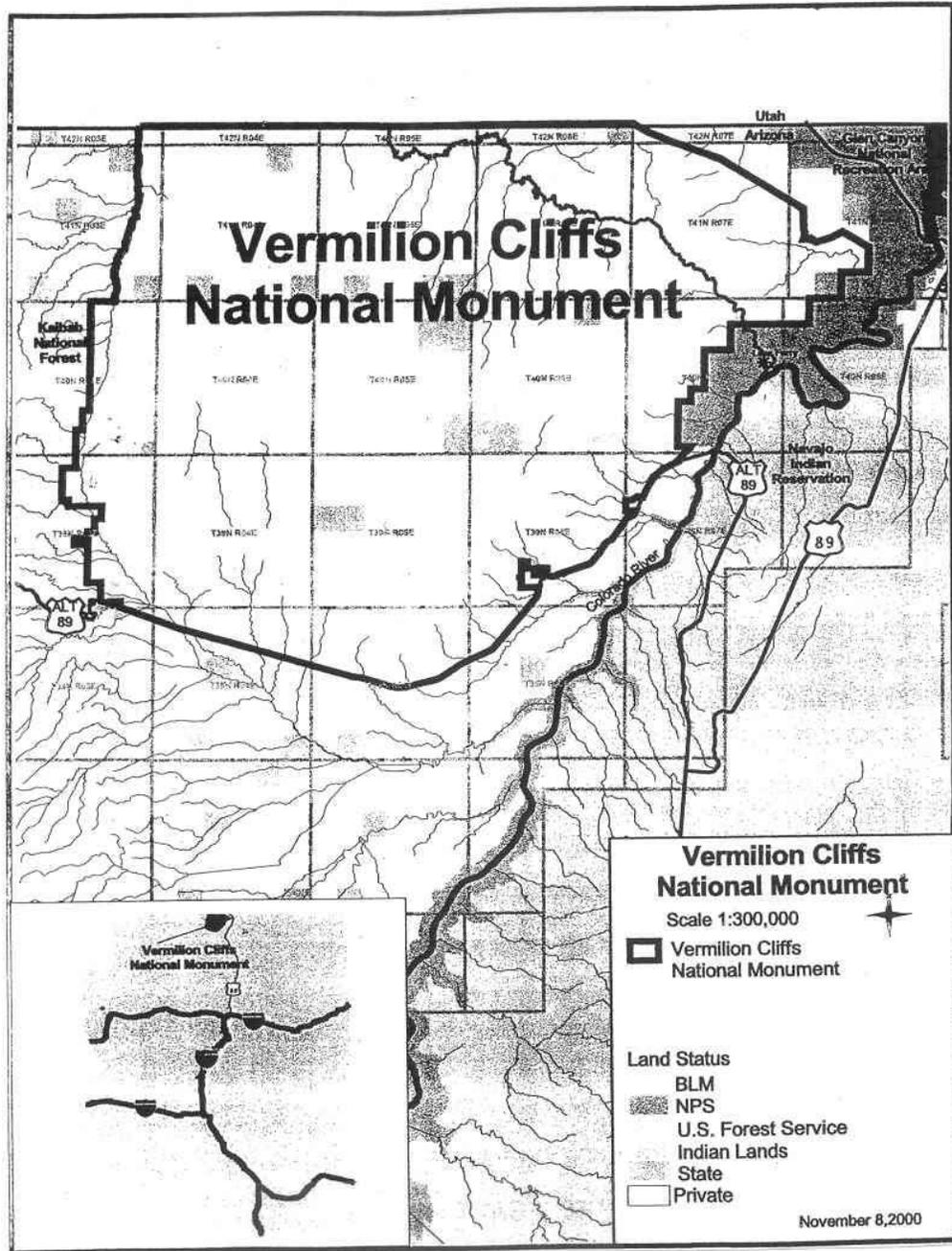
This proclamation does not reserve water as a matter of Federal law. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation. The Secretary shall work with appropriate State authorities to ensure that any water resources needed for monument purposes are available.

Laws, regulations, and policies followed by the Bureau of Land Management in issuing and administering grazing permits or leases on all lands under its jurisdiction shall continue to apply with regard to the lands in the monument.

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 ninth day of November, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fifth.

WILLIAM J. CLINTON



22. Yukon Flats

No. 4627

December 1, 1978, 93 Stat. 1473, 16 U.S.C. 431 note

43 F.R. 57119

YUKON FLATS NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The Yukon Flats National Monument exemplifies the largest and most complete example on an interior Alaska solar basin with its associated ecosystem. The mountain-ringed Yukon Flats basin straddles the Arctic Circle and is bisected by the Yukon River.

The physiography of this basin, coupled with the continuous sunlight of the summer months, results in a climatological phenomenon in the basin of warmer summer temperatures and less cloudiness, precipitation and wind than in surrounding areas. These factors produce a lush wetland area, which makes the Yukon Flats basin one of North America's most productive wildlife habitats. The pristine ecological nature of the Yukon Flats offers an excellent opportunity for study of the factors contributing to the immense productivity of the solar basin areas.

The Yukon Flats contributes significant populations of several species of waterfowl to all four of the continent's flyways, including 10-25 percent of the North American breeding population of canvasback ducks. This area is also significant for its capacity to provide nesting for ducks displaced from Canadian pothole provinces in drought years. The productivity, migration flows and key habitat for particular species offer abundant scientific research possibilities.

Additionally, the area produces a unique race of salmon, which migrate over 2,000 miles from the sea to spawn. This genetic capability is unknown elsewhere.

From prehistoric times, the area's rich populations of furbearers have attracted humans to the area. The establishment of Fort Yukon, the first English speaking settlement in Alaska, was directly related to the Hudson Bay Company's fur trade. The area's preservation offers to the scientist the opportunity to investigate the life and society of the peoples, which utilized these resources.

The land withdrawn and reserved by this Proclamation for the protection of the geological, historical, biological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for the local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), 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 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.

NOW, THEREFORE, I, JIMMY CARTER, 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 Yukon Flats National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Yukon Flats National Monument on the map numbered FWS-81-00-1514 attached to and forming a part of this Proclamation. The area reserved consists of approximately 10,600,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument, are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of sport hunting, and of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close this national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

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 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

Note: The maps which formed a part of this proclamation are not reproduced here since the reduction necessary from the original would render them unreadable.

Note: This 1909 proclamation was omitted from the 1946 volume of *Proclamations and Orders Relating to the National Park Service*

No. 869

March 2, 1909, 35 Stat. 2247, Vol. 34, p. 3306

Mount Olympus National Monument

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS, the slopes of Mount Olympus and the adjacent summits of the Olympic Mountains, in the State of Washington, within the Olympic National Forest, embrace certain objects of unusual scientific interest, including numerous glaciers, and the region which from time immemorial has formed the summer range and breeding grounds of the Olympic Elk (*Cervus roosevelti*), a species peculiar to these mountains and rapidly decreasing in numbers;

NOW, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by section two of the Act of Congress, approved June eighth, nineteen hundred and six, entitled, "An Act For the preservation of American antiquities," do proclaim that there are hereby reserved from all forms of appropriation under the public land laws, subject to all prior valid adverse claims, and set apart as a National Monument, all the tracts of land, in the counties of Jefferson, Clallam, Mason and Chehalis, in the State of Washington, shown as the Mount Olympus National Monument on the diagram forming a part hereof, and more particularly located and described as follows, to wit:¹

Beginning at the southeast corner of Section 1, Township 21 North, Range 9 West, Willamette Base and Meridian, Washington; thence motherly along the surveyed and unsurveyed range line between Ranges 8 and 9 West to the southeast corner of unsurveyed Townships 25 and 26 North to the southwest corner of unsurveyed Township 26 North, Range 9 West; thence northly on the unsurveyed range line between Ranges 9 and 10 West to the southwest corner of Township 29 North, Range 9 West; thence easterly on the surveyed and unsurveyed township line between Townships 28 and 29 North to the northeast corner of unsurveyed Township 28 North Range 6 West; thence southerly along the unsurveyed range line between Ranges 5 and 6 West to southeast corner of Township 28 North, Range 6 West; thence easterly along the unsurveyed township line between unsurveyed Townships 27 and 28 North, to the northeast corner of Township 27 North, Range 5 West; thence southerly along the unsurveyed range line between Ranges 4 and 5 West to the southeast corner of unsurveyed Township 25, North, Range 5 West; thence westerly along unsurveyed township line between Townships 24 and 25 North to the Northeast corner of Township 24 North, Range 6 West; thence southerly along the unsurveyed range line between Ranges 5 and 6 West to the southeast corner of Township 23 North, Range 6 West; thence westerly along the unsurveyed township line between Townships 22 and 23 North to the northeast corner of Township 22 North, Range 7 West; thence southerly along the surveyed and unsurveyed range line between Ranges 6 and 7 West to the northeast corner of Section 12, Township 21 North, Range 7 West; thence westerly along section line to the southwest corner of Section 6 of

¹ Vol. 34, p. 225

said Township; thence northerly along the range line to the northwest corner of said Section, said Township; thence westerly along the township line between Townships 21 and 22 north to the northwest corner of Section 4, T. 21 North, Range 8 West; thence southerly along the section line to the southeast corner of Section 16, said Township; thence westerly along the section line to the southwest corner of Section 18, said Township 21 North, Range 9 West, the place of beginning.

The reservation made by this proclamation is not intended to prevent the use of the lands for forest purposes under the proclamations establishing the Olympic National Forest, but the two reservations shall both be effective on the land withdrawn, but the National Monument hereby established shall be the dominant reservation and any use of the land which interferes with its preservation or protection as a National Monument is hereby forbidden.²

Warning is hereby given to all unauthorized persons not to appropriate, injure, remove, or destroy any feature of this National Monument, or to locate or settle upon any of the lands reserved by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this second day of March, in the year of our Lord one thousand nine hundred and nine, and of the Independence of the United States the one hundred and thirty-third.

[SEAL]

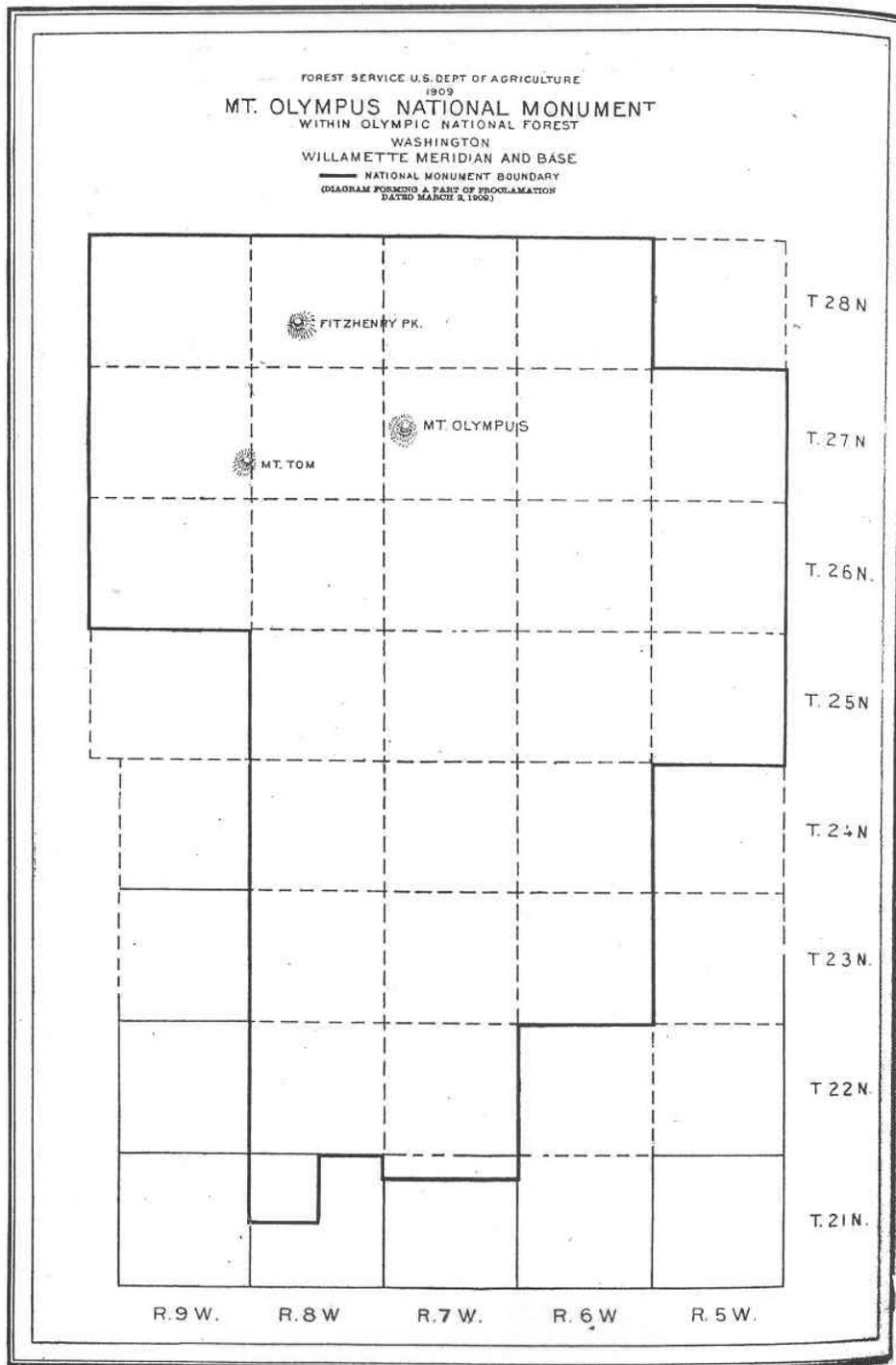
THEODORE ROOSEVELT

By the President:

ROBERT BACON

Secretary of State.

² Vol. 34, p. 3306



Note: These two executive orders were omitted from the 1946 volume of *Proclamations and Orders Relating to the National Park Service*

No. 9146

April 24, 1942, 7 F.R. 3067

**AUTHORIZING THE SECRETARY OF THE INTERIOR TO
WITHDRAW AND RESERVE PUBLIC LANDS**

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, and as President of the United States, I hereby authorize the Secretary of the Interior to sign all orders withdrawing or reserving public lands of the United States, and all orders revoking or modifying such orders: *Provided*, that all such orders shall have the prior approval of the Director of the Bureau of the Budget and the Attorney General, as now required with respect to proposed Executive Orders by Executive Order No. 7298 of February 18, 1936, and shall be submitted to the Division of the **Federal Register** for filing and publication: *Provided, further*, that no such order which affects lands under the administrative jurisdiction of any executive department or agency of the Government, other than the Department of the Interior, shall be signed by the Secretary of the Interior without the prior concurrence of the head of the department or agency concerned.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 24, 1942.

No. 9337

April 24, 1943, 8 F.R. 5516

**AUTHORIZING THE SECRETARY OF THE INTERIOR TO
WITHDRAW AND RESERVE LANDS OF THE PUBLIC DOMAIN
AND OTHER LANDS OWNED OR CONTROLLED BY THE
UNITED STATES**

By virtue of the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, and as President of the United States, it is ordered as follows:

Section 1. The Secretary of the Interior is hereby authorized to withdraw or reserve lands of the public domain and other lands owned or controlled by the United States to the same extent that such lands might be withdrawn or reserved by the President, and also, to the same extent, to modify or revoke withdrawals or reservations of such lands: *Provided*, That all orders of the Secretary of the Interior issued under the authority of this order shall have the prior approval of the Director of the Bureau of the Budget and the Attorney General, as now required with respect to proposed Executive orders by Executive Order No. 7298 of February 18, 1936, and shall be submitted to the Division of the Federal Register for filing and publication: *Provided, further*, That no such order which affects lands under the administrative jurisdiction of any executive department or agency of the Government, other than the Department of the Interior, shall be issued by the Secretary of the Interior without the prior concurrence of the head of the department or agency concerned.

Section 2. This order supersedes Executive Order No. 9146 of April 24, 1942, entitled "Authorizing the Secretary of the Interior to Withdraw and Reserve Public Lands."¹

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 24, 1943.

1. 7 F.R. 3067.

List of proclamations in this volume by Presidential Administration.

PROCLAMATIONS

Number	Date	Subject
President Harry S Truman		
2659	Aug. 13, 1945	Santa Rosa Island NM
2681	Mar. 12, 1946	Great Sand Dunes NM
2773	Mar. 24, 1948	Fort Matanzas NM
2787	May 27, 1948	Aztec Ruins NM
2795	July 2, 1948	Fort McHenry NM
2825	Feb. 9, 1949	Channel Islands NM
2860	Oct. 25, 1949	Effigy Mounds NM
2924	April 26, 1951	Hovenweep NM
2925	April 27, 1951	Lava Beds NM
2932	June 26, 1951	Muir Woods NM
2961	Jan. 17, 1952	Death Valley NM
2965	Feb. 25, 1952	Sitka NM
2995	Nov. 5, 1952	Coronado NM
2998	Nov. 20, 1952	Hovenweep NM
3003	Jan. 6, 1953	Olympic NP
President Dwight D. Eisenhower		
3024	June 24, 1953	White Sands NM
3089	Mar. 31, 1955	Glacier Bay NM
3132	April 6, 1956	Hovenweep NM
3138	June 7, 1956	Great Sand Dunes NM
3144	June 27, 1956	Rocky Mountain NP
3148	July 14, 1956	Edison Laboratory NM
3228	Mar. 28, 1958	Tumacacori NM
3249	July 2, 1958	Capitol Reef NM
3254	Aug. 14, 1958	Fort Pulaski NM
3273	Feb. 2, 1959	Cabrillo NM
3307	Aug. 7, 1959	Colorado NM,
3308	Aug. 11, 1959	Horseshoe Bend NMP
3311	Sept. 8, 1959	Muir Woods NM

3344 April 8, 1960 Black Canyon of Gunnison NM
 3360 July 22, 1960 Arches NM
 3374 Sept. 23, 1960 Rocky Mountain NP

 3388 Jan. 9, 1961 Bandelier NM
 3391 Jan. 18, 1961 Chesapeake and Ohio Canal NM

President John F. Kennedy

3413 May 11, 1961 Russell Cave NM
 3439 Nov. 15, 1961 Saguaro NM
 3443 Dec. 28, 1961 Buck Island Reef NM

 3457 Mar. 27, 1962 Timpanogos Cave NM
 3467 April 17, 1962 Gila Cliff Dwellings NM
 3486 Aug. 14, 1962 Natural Bridges NM
 3506 Nov. 19, 1962 Craters of the Moon NM

 3539 June 4, 1963 Bandelier NM

President Lyndon B. Johnson

3656 May 11, 1965 Statue of Liberty NM

 3887 Jan. 20, 1969 Arches NM
 3888 Jan. 20, 1969 Capitol Reef NM
 3889 Jan. 20, 1969 Marble Canyon NM
 3890 Jan. 20, 1969 Katmai NM
 3891 Jan. 20, 1969 FDR Memorial Park

President Richard M. Nixon

3925 Aug. 27, 1969 Lady Bird Johnson Grove – Redwood NP

 4064 July 6, 1971 Washington Monument

President Gerald R. Ford

4319 Sept. 28, 1974 Cabrillo NM

 4346 Feb. 1, 1975 Buck Island Reef NM
 4359 Mar. 28, 1975 Buck Island Reef NM

President Jimmy Carter

4611 Dec. 1, 1978 Admiralty Island NM
 4612 Dec. 1, 1978 Aniakchak NM
 4613 Dec. 1, 1978 Becharof NM
 4614 Dec. 1, 1978 Bering Land Bridge NM
 4615 Dec. 1, 1978 Cape Krusenstern NM
 4616 Dec. 1, 1978 Denali NM

4617	Dec. 1, 1978	Gates of the Arctic NM
4618	Dec. 1, 1978	Glacier Bay NM
4619	Dec. 1, 1978	Katmai NM
4620	Dec. 1, 1978	Kenai Fjords NM
4621	Dec. 1, 1978	Kobuk Valley NM
4622	Dec. 1, 1978	Lake Clark NM
4623	Dec. 1, 1978	Misty Fjords NM
4624	Dec. 1, 1978	Noatak NM
4625	Dec. 1, 1978	Wrangell-St. Elias NM
4626	Dec. 1, 1978	Yukon-Charley NM
4627	Dec. 1, 1978	Yukon Flats NM

President Ronald Reagan

5564	Nov. 3, 1986	Northern Mariana Islands, Federated States of Micronesia and the Republic of the Marshall Islands
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President William J. Clinton

6726	Sept. 27, 1994	Republic of Palau
6920	Sept. 18, 1996	Grand Staircase Escalante NM
7112	July, 30, 1998	American Heritage Rivers
7114	Aug. 5, 1998	Klondike Gold Rush IHP
7263	Jan. 11, 2000	Agua Fria NM
7264	Jan. 11, 2000	California Coastal NM
7265	Jan. 11, 2000	Grand Canyon –Parashant NM
7266	Jan. 11, 2000	Pinnacles NM
7295	Apr. 15, 2000	Giant Sequoia NM
7317	June 9, 2000	Canyons of the Ancients NM
7318	June 9, 2000	Cascade-Siskiyou NM
7319	June 9, 2000	Hanford Reach NM
7320	June 9, 2000	Ironwood Forest NM
7329	July 7, 2000	President Lincoln and Soldiers' Home NM
7373	Nov. 9, 2000	Craters of the Moon NM
7374	Nov. 9, 2000	Vermilion Cliffs NM
7392	Jan. 17, 2001	Buck Island Reef NM
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