



WATER-RIGHT DOCKET

Chiricahua National Monument

Docket No: 13

RESERVED WATER RIGHT CLAIM

State Water Rights Documentation

00-00-0000: upper gila river general adjudication; 1983



United States Department of the Interior

NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
301 SOUTH HOWES ST., ROOM 305
FT. COLLINS, COLORADO 80526

October 25, 1984

IN REPLY REFER TO:

L54 (479)

WR Water Rights

X CHIR Water Rights

RW

*Placed in File
Western Regional Office
OCT 28 1984*

Regional Director	
Operations	
Res. Mgmt. Plan	
Administration	
Operations Eval.	
Public Affairs	
ECO	
BUDGET	
Action Taken	

Memorandum

To: Regional Director, WRO

From: Chief, Water Resources Division, FTC

Subject: Upper Gila River General Adjudication (Arizona)

Attached please find the materials which constitute the National Park Service claim to water rights in the Upper Gila River general adjudication. Notarized signatures are required for the "Statement of Claimant Form" and you will find that the last page of the Reserved Rights claim also requires a notarized signature.

As you are aware, the filing deadline is November 1, 1985. We shall arrange to transfer the necessary filing fees to the Phoenix Field Solicitor's office. If the attached doesn't meet with your approval, please inform us as soon as possible due to our very limited time frame.

The attached is to be forwarded to the Phoenix Field Solicitor's office as was done for the Little Colorado and Verde claim.

Thomas W. Lucke

Thomas W. Lucke

Attachments

For Departmental Use Only

STATEMENT OF CLAIMANT FORM FOR OTHER USES¹

These have
been changed to
Dave cherry's
name & title for
continuity purposes.

UPPER GILA RIVER WATERSHED UPSTREAM FROM
ASHURST-HAYDEN DAM EXCLUDING THE SAN PEDRO RIVER WATERSHED
SUPERIOR COURT OF MARICOPA COUNTY

1. **Claimant Name:** United States of America c/o National Park Service (Chiricahua NM)
Claimant Address: Western Regional Office, P.O. Box 36063 450 Golden Gate Ave.
San Francisco
State: CA **Zip Code:** 94102 **Telephone:** (415) 556-8660
2. **Basis of Claim:**
 - A. ☐ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
 - B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
 - C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
 - D. ☐ Right to withdraw groundwater.
 - E. ☒ Other, describe: Reserved Water Rights Claim
3. **Claimed Priority Date:** See Attachment (month/day/year)
4. **Use:**
 - A. ☐ Municipal
 - B. ☐ Commercial or Industrial
 - C. ☐ Mining
 - D. ☐ Stockwatering other than from a stockpond
 - E. ☐ Recreation, Fish & Wildlife
 - F. ☒ Other, describe: Reservation Purposes, see attachment
5. **Source of Water:**
 - A. ☒ Stream: name _____, tributary to _____
 - B. ☒ Spring: name _____, tributary to _____
 - C. ☐ Lake or Reservoir: name _____, tributary to _____
 - D. ☒ Groundwater *

* See Attachment
6. **Legal description of the Point of Diversion:** (attach additional sheet if required)
_____, _____, _____, Section _____, Township _____ N/S, Range _____ E/W
Reserved Portions of Chiricahua National Monument (see Attachment)
7. **If there are Irrigation, Domestic or Stockpond uses also supplied from the Point of Diversion, describe:**

8. **Means of Diversion:**
 - A. ☐ Instream pump
 - B. ☐ Gravity flow into ditch, canal or pipeline.
 - C. ☐ Well: Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Intent to Drill File No. _____
 - D. ☒ Other, describe: Natural Flows

¹ See Instructions for explanation of uses in this category

9. Means of Conveyance:

A. ☐ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____

B. ☒ Other, describe: In Channel

10. Place of Use, if other than point of diversion: (attach additional sheet if required)

County _____

Legal Subdivision _____

Section _____

Township _____

Range _____

_____ N/S

_____ E/W

_____ N/S

_____ E/W

11. Claimed Right: See Attachment

A. Maximum Flow Rate: _____

- ☐ cubic-feet per second
☐ gallons per minute
☐ Arizona miner's inches

B. Annual Volume of Water Use: _____ acre-feet

C. Storage Right: _____ acre-feet

12. Attach photographs, maps or sketches necessary to show the point of diversion, storage reservoir(s), place(s) of use and means of conveyance.

13. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Bruce M. Kilgore, Chief, Div. of Nat. Res. & Research

14. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? Regular work days (415) 556-1036

15. Attach Filing Fee to Form. Mail form(s) and fee(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, AZ 85062.

16. Additional comments:

(attach additional sheet if required)

17. Notarized Statement:

I (We) Bruce M. Kilgore on behalf of the National Park Service

the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my/our knowledge and belief true, correct and complete.

(seal)

My Commission Expires: _____

Notary Public

or, _____
 Authorized Personnel of the Department of Water Resources

SUPERIOR COURT OF MARICOPA COUNTY, ARIZONA

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR RESERVED
AND APPROPRIATED WATER RIGHTS IN THE UPPER GILA RIVER GENERAL ADJUDICATION

I. Name and address of Applicant:

United States of America
c/o National Park Service
Western Regional Office
P.O. Box 36063
450 Golden Gate Avenue
San Francisco, CA 94102

II. The United States of America claims reserved water rights on portions of the Chiricahua National Monument to ". . . conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" (16 U.S.C. 1).

- A. Purpose - The Chiricahua National Monument was reserved from the Coronado National Forest by Presidential Proclamation No. 1692 on April 18, 1924 (43 Stat. 1946, exhibit CHIR #1) for the proper protection of certain natural formations of scientific interest as authorized by "An Act for the Preservation of American Antiquities" approved June 5, 1906 (34 Stat. 225, exhibit CHIR #2). That portion of Coronado National Forest which is included in the Chiricahua National Monument was originally reserved as the Chiricahua Forest Reserve by Presidential Proclamation No. 33 (32 Stat. 2019, exhibit CHIR #3) on July 30, 1902. The Chiricahua Forest Reserve was transferred to the Coronado National Forest on June 6, 1917 by Executive Order 2630 (exhibit CHIR #4). The purposes of National Forests are found in "The Act of June 4, 1897" (30 Stat. 11, exhibit CHIR #5).
- B. Sources - Surface and ground water sources including all ephemeral streams, springs, and seeps and confined and unconfined aquifers within those portions of Chiricahua National Monument reserved from the public domain and continuously administered by Federal agencies.
- C. Dates of Priority - For National Forest purposes as identified in the Act of June 4, 1897 (30 Stat. 11, exhibit CHIR #5) the date upon which the Chiricahua Forest Reserve was reserved from the Public Domain, to wit: July 30, 1902. For purposes identified in Presidential Proclamation No. 1692 (43 Stat. 1946, exhibit CHIR #1) the date of the reservation from the Coronado National Forest of those portions of the Chiricahua National Monument tributary to the Upper Gila basin (52 Stat. 1551, exhibit CHIR #6), to wit: June 10, 1938. For Wilderness purposes described in the "Wilderness Act" (78 Stat. 890, exhibit CHIR #7) the date upon which the Chiricahua National Monument Wilderness was designated by Act of Congress (90

Stat 2692, exhibit CHIR #8), to wit: October 20, 1976. The above described priorities are associated with the reserved lands delineated on exhibit CHIR #9.

D. Amount of Water Reserved -

1. Ephemeral streams, springs and seeps (non-consumptive). To protect the formations of scientific interest, the integrity and capacity of channel systems and the wilderness character of this portion of the Chiricahua National Monument, the United States claims the right to maintain the ephemeral flows of all streams, springs and seeps subject to valid existing water rights having priority dates earlier than those described in II.C. above. The amount of water specifically claimed (quantity, flow rate, etc.) has not been determined but constitutes the entire natural flow, if any, issuing from the area depicted in exhibit CHIR #9.
2. Ground water (non-consumptive) - the United States of America claims the right to that amount of ground water required for the purposes described in II.A. above. It is not possible to quantify or describe the amount of ground water that may be required. However, nothing in this claim shall be deemed to bar the United States of America from bringing an action in any court of competent jurisdiction to protect Chiricahua National Monument from ground water withdrawals detrimental to the purposes described in II.A. above.

III. Notarized Statement:

I, Bruce M. Kilgore, on behalf of the United States of America, National Park Service, the claimant named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my knowledge and belief true, correct and complete.

Notary Public

My Commission Expires: _____

STATEMENT OF CLAIMANT FORM FOR OTHER USES¹

For Departmental Use Only

File No. 39

Date Filed:

WFM

UPPER GILA RIVER WATERSHED UPSTREAM FROM ASHURST-HAYDEN DAM EXCLUDING THE SAN PEDRO RIVER WATERSHED SUPERIOR COURT OF MARICOPA COUNTY

1. Claimant Name: United States of America c/o National Park Service (Chiricahua NM)
 Claimant Address: Western Regional Office, P.O. Box 36063 City San Francisco
 State: CA Zip Code: 94102 Telephone: (415) 556-8660
2. Basis of Claim:
 - A. ☐ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
 - B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____
 Permit No. _____, or Certificate of Water Right No. _____
 - C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
 - D. ☐ Right to withdraw groundwater.
 - E. ☒ Other, describe: Reserved Water Rights Claim
3. Claimed Priority Date: See Attachment (month/day/year)
4. Use:

A. ☐ Municipal B. ☐ Commercial or Industrial C. ☐ Mining D. ☐ Stockwatering other than from a stockpond	E. ☐ Recreation, Fish & Wildlife F. ☒ Other, describe: <u>Reservation Purposes, see attachment</u>
--	---
5. Source of Water:
 - A. ☒ Stream: name _____, tributary to _____
 - B. ☒ Spring: name _____, tributary to _____
 - C. ☐ Lake or Reservoir: name _____, tributary to _____
 - D. ☒ Groundwater *
 * See Attachment
6. Legal description of the Point of Diversion: (attach additional sheet if required)
 _____, _____, _____, Section _____, Township _____ N/S, Range _____ E/W
Reserved Portions of Chiricahua National Monument (see Attachment)
7. If there are Irrigation, Domestic or Stockpond uses also supplied from the Point of Diversion, describe:

8. Means of Diversion:
 - A. ☐ Instream pump
 - B. ☐ Gravity flow into ditch, canal or pipeline.
 - C. ☐ Well: Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Intent to Drill File No. _____
 - D. ☒ Other, describe: Natural Flows

¹See Instructions for explanation of uses in this category

9. Means of Conveyance:

A. ☐ Ditch, canal or pipe. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____

B. ☒ Other, describe: In Channel

10. Place of Use, if other than point of diversion: (attach additional sheet if required)

County _____

Legal Subdivision	Section	Township	Range
_____	_____	_____ N/S	_____ E/W
_____	_____	_____ N/S	_____ E/W

11. Claimed Right: See Attachment

A. Maximum Flow Rate: _____

☐ cubic-feet per second

☐ gallons per minute

☐ Arizona miner's inches

B. Annual Volume of Water Use: _____ acre-feet

C. Storage Right: _____ acre-feet

12. Attach photographs, maps or sketches necessary to show the point of diversion, storage reservoir(s), place(s) of use and means of conveyance.

13. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Dave Cherry, Associate Regional Director, Resource Management and Planning, Western Region

14. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? Regular work days (415) 556-6732

15. Attach Filing Fee to Form. Mail form(s) and fee(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, AZ 85062.

16. Additional comments:

(attach additional sheet if required)

17. Notarized Statement:

I (We), John D. Cherry, on behalf of the National Park Service

the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

(seal)

My Commission Expires: _____

Notary Public

or, _____
 Authorized Personnel of the Department of Water Resources

9. Means of Conveyance:

A. ☐ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____

B. ☒ Other, describe: In Channel

10. Place of Use, if other than point of diversion: (attach additional sheet if required)

County _____

Legal Subdivision	Section	Township	Range
_____	_____	_____ N/S	_____ E/W
_____	_____	_____ N/S	_____ E/W

11. Claimed Right: See Attachment

- A. Maximum Flow Rate: _____
- B. Annual Volume of Water Use: _____ acre-feet
- C. Storage Right: _____ acre-feet

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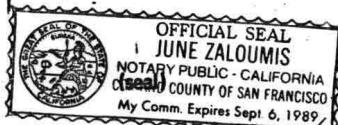
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I (we) John D. Cherry, on behalf of the National Park Service

the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my (our) knowledge and belief true, correct and complete.



My Commission Expires: 9/6/89

June Zaloumis
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

SUPERIOR COURT OF MARICOPA COUNTY, ARIZONA

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR RESERVED
AND APPROPRIATED WATER RIGHTS IN THE UPPER GILA RIVER GENERAL ADJUDICATION

I. Name and address of Applicant:

United States of America
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Stat 2692, exhibit CHIR #8), to wit: October 20, 1976. The above described priorities are associated with the reserved lands delineated on exhibit CHIR #9.

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2. Ground water (non-consumptive) - the United States of America claims the right to that amount of ground water required for the purposes described in II.A. above. It is not possible to quantify or describe the amount of ground water that may be required. However, nothing in this claim shall be deemed to bar the United States of America from bringing an action in any court of competent jurisdiction to protect Chiricahua National Monument from ground water withdrawals detrimental to the purposes described in II.A. above.

III. Notarized Statement:

I, John D. Cherry, on behalf of the United States of America, National Park Service, the claimant named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my knowledge and belief true, correct and complete.



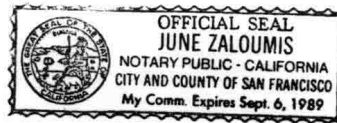
John D. Cherry
Associate Regional Director
Resource Management and Planning

Sworn to before me, a Notary Public, and signed in my presence this

31st day of October 1985.



Notary Public June Zaloumis



My commission expires 9/6/89.

20. Chiricahua National Monument

Establishment: Proclamation (No. 1692) of April 18, 1924..... Page 154
 Enlarging the area: Proclamation (No. 2288) of June 10, 1938..... 154

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

[No. 1692—Apr. 18, 1924—43 Stat. 1946]

WHEREAS, certain natural formations, known as "The Pinnacles", within the Coronado National Forest, in the State of Arizona, are of scientific interest, and it appears that the public interests will be promoted by reserving as much land as may be necessary for the proper protection thereof, as a National Monument.

NOW, THEREFORE, I, Calvin Coolidge, 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 eight, 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, the following described tracts of land in the State of Arizona:

W $\frac{1}{2}$ Sections 19, 30 and 31, Township 16 South, Range 30 East, G. & S. R. M.; Sections 24, 25 and 36, Township 16 South, Range 29 $\frac{1}{2}$ East, G. & S. R. M.; S $\frac{1}{2}$ Section 24, unsurveyed; Section 35, unsurveyed; Section 36, unsurveyed; Township 16 South, Range 29 East, G. & S. R. M.

The reservation made by this proclamation is not intended to prevent the use of the lands for National Forest purposes under the proclamation establishing the Coronado National Forest, and 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.

Warning is hereby given to all unauthorized persons not to appropriate, injure, deface, remove or destroy any feature of this National Monument, or to locate or settle on 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 18 day of April, in the year of our Lord one thousand nine hundred and twenty-four, and of the Independence of the United States of America the one hundred and forty-eighth.

CALVIN COOLIDGE.

By the President:

CHARLES E. HUGHES,
 Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

[No. 2288—June 10, 1938—52 Stat. 1551]

WHEREAS it appears that the hereinafter-described lands comprising a part of the Coronado National Forest, in the State of Arizona, are adjacent to

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VIII. NATIONAL MONUMENTS—CHIRICAHUA

155

the Chiricahua National Monument, established by proclamation dated April 18, 1924, and are required for the proper care and management of the objects of historic and scientific interest being protected by the said monument:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, under and by virtue of the authority vested in me by section 1 of the act of June 4, 1897, 30 Stat. 11, 34, 36 (U. S. C., title 16, sec. 473), and section 2 of the act of June 8, 1906, ch. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in the State of Arizona are hereby excluded from the said Coronado National Forest and are hereby added to and made a part of the said Chiricahua National Monument:

GILA AND SALT RIVER MERIDIAN—ARIZONA

T. 16 S., R. 29 E., sec. 22, all,
 sec. 23, all, partly unsurveyed,
 sec. 24, N $\frac{1}{2}$, unsurveyed,
 sec. 25, all, unsurveyed,
 sec. 26, all,
 sec. 27, N $\frac{1}{2}$;
 T. 17 S., R. 29 E., sec. 1, N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
 sec. 2, N $\frac{1}{2}$;
 T. 16 S., R. 29 $\frac{1}{2}$ E., sec. 13, S $\frac{1}{2}$;
 T. 17 S., R. 29 $\frac{1}{2}$ E., sec. 1, N $\frac{1}{2}$, unsurveyed;
 T. 16 S., R. 30 E., sec. 18, S $\frac{1}{2}$,
 sec. 19, E $\frac{1}{2}$,
 sec. 30, E $\frac{1}{2}$,
 sec. 31, E $\frac{1}{2}$,
 sec. 32, W $\frac{1}{2}$ W $\frac{1}{2}$;
 T. 17 S., R. 30 E., sec. 5, W $\frac{1}{2}$ NW $\frac{1}{4}$, unsurveyed,
 sec. 6, N $\frac{1}{2}$, unsurveyed;

containing approximately 6,407 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.

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 (U. S. C., title 16, secs. 1 and 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.

DONE at the City of Washington this tenth day of June in the year of our Lord nineteen hundred and thirty-eight, and of the Independence [SEAL] of the United States of America the one hundred and sixty-second.

FRANKLIN D. ROOSEVELT.

By the President:

CORDELL HULL,
 Secretary of State.

652315*—47—11

EXHIBIT CHIR #1
 43 STAT 1946

CHAP. 3060.—An Act For the preservation of American antiquities.

June 8, 1906.

[S. 4688.]

[Public, No. 299.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

American antiquities.
Penalty for unauthorized excavations, etc.

SEC. 2. That the President of the United States is hereby 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: *Provided*, That when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

Setting apart of historic, etc., public lands.

Proviso.
Relinquishment of private claims.

SEC. 3. That permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

Permits for excavations, etc.

Proviso.
Preservation in museums.

SEC. 4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this Act.

Regulations.

Approved, June 8, 1906.

CHAP. 3061.—An Act To appropriate the sum of forty thousand dollars as a part contribution toward the erection of a monument at Provincetown, Massachusetts, in commemoration of the landing of the Pilgrims and the signing of the Mayflower compact.

June 8, 1906.

[S. 4570.]

[Public, No. 210.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of forty thousand dollars, to aid in erecting a monument at Provincetown, Massachusetts, in commemoration of the first landing of the Pilgrims on Cape Cod and the signing of the compact in the cabin of the Mayflower in the harbor of said Provincetown: *Provided*, That the said sum of forty thousand dollars shall not be payable until there shall have been raised and made available for the erection of said monument an additional sum of at least forty thousand dollars: *Provided further*, That the design of said monument shall be approved by the Secretary of War, the governor of the Commonwealth of Mas-

Provincetown, Mass.
Appropriation to aid in erecting monument of landing of Pilgrims.

Provisos.
Condition.

Approval of design, etc.

VOL. XXXIV, PT. 1—15

PROCLAMATIONS. Nos. 32, 33.

2019

eight (8) South, Range fourteen (14) East; Township eight (8) South, Ranges fifteen (15), sixteen (16) and seventeen (17) East; Township nine (9) South, Ranges ten (10), eleven (11) and twelve (12) East; Township nine (9) South, Range seventeen (17) East; Township ten (10) South, Ranges nine (9), ten (10), eleven (11) and twelve (12) East; Sections seventeen (17) to twenty (20), both inclusive, and twenty-nine (29) to thirty-two (32), both inclusive, Township ten (10) South, Range thirteen (13) East; Township eleven (11) South, Range nine and one-half (9½) East; all of Township eleven (11) South, Range ten (10) East, which is not included in the Mescalero Apache Indian Reservation; Sections five (5) to eight (8), both inclusive, Sections seventeen (17) to twenty (20), both inclusive, and Sections twenty-nine (29) to thirty-two (32), both inclusive, Township eleven (11) South, Range thirteen (13) East; Township twelve (12) South, Range ten (10) East; Township thirteen (13) South, Ranges ten (10) and eleven (11) East.

Excepting from the force and effect of this proclamation all lands which may have been, prior to the date hereof, embraced in any legal entry or covered by any lawful filing duly of record in the proper United States Land Office, or upon which any valid settlement has been made pursuant to law, and the statutory period within which to make entry or filing of record has not expired: *Provided*, that this exception shall not continue to apply to any particular tract of land unless the entryman, settler or claimant continues to comply with the law under which the entry, filing or settlement was made.

Lands excepted.

Warning is hereby expressly given to all persons not to make settlement upon the lands reserved by this proclamation.

Reserved from settlement.

The reservation hereby established shall be known as The Lincoln Forest Reserve.

The Lincoln Forest Reserve.

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 26th day of July, in the year of our Lord one thousand nine hundred and two, and of [SEAL.] the Independence of the United States the one hundred and twenty-seventh.

THEODORE ROOSEVELT

By the President:

DAVID J. HILL,
Acting Secretary of State.

[No. 33.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

July 30, 1902.

A PROCLAMATION.

Whereas, it is provided by section twenty-four of the Act of Congress, approved March third, eighteen hundred and ninety-one, entitled, "An act to repeal timber-culture laws, and for other purposes", "That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof";

Preamble.
Vol. 26, p. 1108.

And whereas, the public lands in the Territory of Arizona, within the limits hereinafter described, are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation;

32 STAT. 2019

EXHIBIT CHIR #3
32 STAT 2019

2020

PROCLAMATIONS. No. 33.

Forest reserve, Arizona.

Now, therefore, I, THEODORE ROOSEVELT, President of the United States, by virtue of the power in me vested by section twenty-four of the aforesaid Act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a Public Reservation all those certain tracts, pieces or parcels of land lying and being situate in the Territory of Arizona, and within the boundaries particularly described as follows, to-wit:

Boundaries.

Beginning at the north-east corner of Section three (3), Township sixteen (16) South, Range twenty-nine (29) East, Gila and Salt River Meridian, Arizona; thence easterly along the Third (3rd) Standard Parallel South to the north-west corner of Township sixteen (16) South, Range thirty-one (31) East; thence southerly along the range line to the north-west corner of Section thirty (30), Township seventeen (17) South, Range thirty-one (31) East; thence easterly along the section lines to the north-east corner of Section twenty-nine (29), said township; thence southerly along the section lines to the south-east corner of Section thirty-two (32), said township; thence easterly along the township line to the south-east corner of Section thirty-three (33), said township; thence southerly along the unsurveyed section lines to the point for the south-east corner of Section nine (9), Township nineteen (19) South, Range thirty-one (31) East; thence westerly along the unsurveyed section lines to the point for the south-west corner of Section eight (8), said township; thence southerly along the unsurveyed section lines to the point for the south-east corner of Section nineteen (19), said township; thence westerly to the point for the south-west corner of said section; thence southerly along the range line to the south-east corner of Section twelve (12), Township twenty (20) South, Range thirty (30) East; thence westerly along the section lines to the north-east corner of Section fifteen (15), said township; thence southerly to the south-east corner of said section; thence westerly along the section lines to the south-west corner of Section eighteen (18), said township; thence northerly along the range line to the south-east corner of the north-east quarter of Section twenty-four (24), Township nineteen (19) South, Range twenty-nine (29) East; thence westerly along the surveyed and unsurveyed quarter-section lines to the point for the south-west corner of the north-east quarter of Section twenty (20), said township; thence northerly along the unsurveyed quarter-section lines to the point for the south-east corner of the south-west quarter of Section eight (8), said township; thence westerly to the south-west corner of said section; thence northerly along the surveyed and unsurveyed section lines to the north-west corner of Section thirty-two (32), Township eighteen (18) South, Range twenty-nine (29) East; thence easterly to the north-east corner of said section; thence northerly to the north-west corner of Section twenty-eight (28), said township; thence easterly to the north-east corner of said section; thence northerly to the north-east corner of Section twenty-one (21), said township; thence easterly to the point for the south-west corner of Section fourteen (14), said township; thence northerly to the point for the north-west corner of said section; thence westerly to the south-east corner of Section nine (9), said township; thence northerly to the south-east corner of the north-east quarter of said section; thence westerly along the quarter-section lines to the south-west corner of the north-west quarter of Section seven (7), said township; thence northerly along the range line to the north-west corner of the south-west quarter of Section eighteen (18), Township seventeen (17) South, Range twenty-nine (29) East; thence easterly along the quarter-section lines to the north-west corner of the south-west quarter of Section fifteen (15), said township; thence northerly along the section lines to the north-west corner of the south-west quarter of Section ten (10), said township; thence easterly along the quarter-section lines to the north-east corner

PROCLAMATIONS. Nos. 33, 34.

2021

of the south-east quarter of Section eleven (11), said township; thence southerly to the north-west corner of the south-west quarter of the south-west quarter of Section twelve (12), said township; thence easterly to the north-east corner of the south-east quarter of the south-east quarter of said section; thence northerly along the range line to the north-east corner of said township; thence westerly to the south-east corner of the south-west quarter of Section thirty-six (36), Township sixteen (16) South, Range twenty-nine (29) East; thence northerly to the north-east corner of the south-west quarter of said section; thence westerly to the north-west corner of the south-west quarter of said section; thence northerly along the section lines to the north-east corner of the south-east quarter of Section twenty-six (26), said township; thence westerly to the north-west corner of the south-east quarter of said section; thence northerly to the north-east corner of the north-west quarter of said section; thence westerly to the north-west corner of said section; thence northerly along the section lines to the north-east corner of Section three (3), said township, the place of beginning.

Excepting from the force and effect of this proclamation all lands which may have been, prior to the date hereof, embraced in any legal entry or covered by any lawful filing duly of record in the proper United States Land Office, or upon which any valid settlement has been made pursuant to law, and the statutory period within which to make entry or filing of record has not expired: *Provided*, that this exception shall not continue to apply to any particular tract of land unless the entryman, settler or claimant continues to comply with the law under which the entry, filing or settlement was made.

Warning is hereby expressly given to all persons not to make settlement upon the lands reserved by this proclamation.

The reservation hereby established shall be known as The Chiricahua Forest Reserve.

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 30th day of July, in the year of our Lord one thousand nine hundred and two, and of the Independence of the United States the one hundred and twenty-seventh.

By the President:
DAVID J. HILL,
Acty Secretary of State.

T. ROOSEVELT

Lands excepted.

Reserved from settlement.

The Chiricahua Forest Reserve.

[No. 34.]

PROCLAMATION.

August 8, 1902.

Whereas the act of Congress entitled "An Act to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes," approved on the thirtieth day of June, nineteen hundred and two, contains a provision as follows:

That the following supplemental agreement, submitted by certain commissioners of the Creek tribe of Indians, as herein amended, is hereby ratified and confirmed on the part of the United States, and the same shall be of full force and effect if ratified by the Creek tribal council on or before the first day of September, nineteen hundred and two, ...

And Whereas the principal chief of the said tribe has transmitted to me an act of the Creek national council entitled "An Act to ratify and confirm a supplemental agreement with the United States"

Preamble.

And, p. 500.

2630

Executive Order

CORONADO—CHIRICAHUA NATIONAL FORESTS

ARIZONA AND NEW MEXICO

Under authority of the Act of Congress of June 4, 1897 (30 Stat., 11), and upon recommendation of the Secretary of Agriculture, it is hereby ordered that on and after July 1, 1917, all the lands included within the boundaries of the Chiricahua National Forest, Arizona and New Mexico, as fixed and defined by proclamation of July 1, 1910, (No. 1066), be transferred to and administered as a part of the Coronado National Forest, Arizona and New Mexico.

It is intended by this Executive Order, for economy of administration to merge into one National Forest, thereafter to be known as the Coronado National Forest, all the lands which on July 1, 1917, are within the Chiricahua and the Coronado National Forests, and the boundaries of the Coronado National Forest, as they exist at that date, are hereby modified accordingly.

This Executive Order is not intended to add to the Coronado National Forest any lands which on July 1, 1917, are not embraced within the Chiricahua National Forest, or to release from reservation for National Forest purposes any lands at that date within the Chiricahua National Forest.

WOODROW WILSON

THE WHITE HOUSE,
6 June, 1917.

[No. 2630.]

EXHIBIT CHIR #4

Executive Order 2630

Organ. Administration Act

40 U.S.C. 257)

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U.S.C. 257)

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• Act of June 4, 1897 (Ch. 2, 30 Stat. 11, as amended; 16 U.S.C. 473-475, 477-482, 551)

NOTE.--The following provisions originated as parts of Section 1 of the Sundry Civil Expenses Appropriation Act for Fiscal Year 1898.

Creation of National Forests

The President of the United States is hereby authorized and empowered to revoke, modify, or suspend any and all such Executive orders and proclamations, or any part thereof, from time to time as he shall deem best for the public interests The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any national forest, and by such modification may reduce the area or change the boundary lines of such national forest, or may vacate altogether any order creating such national forest. (16 U.S.C. 473)

NOTE.--The National Forest Management Act of 1976 contained the following:

Notwithstanding the provisions of the Act of June 4, 1897 (30 Stat. 34; 16 U.S.C. 473), no land now or hereafter reserved or withdrawn from the public domain as national forests pursuant to the Act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471 (now repealed)), or any act supplementary to and amendatory thereof, shall be returned to the public domain except by an act of Congress. (16 U.S.C. 1609)

NOTE.--The original authority for creation of Forest Reserves (national forests) was provided for in an act commonly referred to as the Creative Act of 1891 (Ch. 561, 26 Stat. 1103; 16 U.S.C. 471) which stated:
"Sec. 24 That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by

public proclamation, declare the establishment of such reservations and the limits thereof."

Authority to Conduct Surveys

Surveys, field notes, and plats returned from the survey of public lands designated as national forests undertaken under the supervision of the Director of the Geological Survey in accordance with provisions of this Act, shall have the same legal force and effect as surveys, field notes, and plats returned through the Secretary of the Interior; and such surveys, which include subdivision surveys under the rectangular system, shall be approved by the Secretary of the Interior or such officer as he may designate as in other cases, and properly certified copies thereof shall be filed in the respective land offices of the districts in which such lands are situated, as in other cases. All laws inconsistent with the provisions hereof are declared inoperative as respects such survey. A copy of every topographic map and other maps showing the distribution of the forests, together with such field notes as may be taken relating thereto, shall be certified thereto by the Director of the Survey and filed in the Bureau of Land Management. (16 U.S.C. 474)

Designation and Purposes of National Forests

All public lands designated and reserved prior to June 4, 1897, by the President of the United States under the provisions of the Act of March 3, 1891, the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public lands that may hereafter be set aside and reserved as national forests under said Act, shall be as far as practicable controlled and administered in accordance with the following provisions. No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the Act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes. (16 U.S.C. 475).

Free Use Timber

The Secretary of Agriculture may permit, under regulations to be prescribed by him, the use of timber and stone found upon national forests, free of charge, by bona fide settlers, miners, residents, and prospectors for

minerals, prospecting by such persons within the national

Nothing shall prevent the Secretary of the Interior from making any other improvement necessary under such Secretary's authority to prohibit a prospecting therefor: and the regulation (478)

The Secretary of the Interior shall have authority to establish national forests and to reserve therefrom such lands as may be necessary for the purpose of the national forests, not less than one acre for

The jurisdiction within national forests shall be subject to the jurisdiction of the State where located, but the jurisdiction of the State shall not be affected by the jurisdiction of the national forests, and the jurisdiction of the national forests shall not be affected by the jurisdiction of the State where located.

All water within national forests shall be used for the purposes of the national forests, and the regulation (481)

the establishment of such
thereof."

Duct Surveys

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Timber

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minerals, for firewood, fencing, buildings, mining,
prospecting, and other domestic purposes, as may be needed
by such persons for such purposes; such timber to be used
within the State or Territory, respectively, where such
national forests may be located. (16 U.S.C. 477)

Access

Nothing herein shall be construed as prohibiting the
egress or ingress of actual settlers residing within the
boundaries of national forests, or from crossing the same to
and from their property or homes; and such wagon roads and
other improvements may be constructed thereon as may be
necessary to reach their homes and to utilize their property
under such rules and regulations as may be prescribed by the
Secretary of Agriculture. Nor shall anything herein
prohibit any person from entering upon such national forests
for all proper and lawful purposes, including that of
prospecting, locating, and developing the mineral resources
thereof: Provided, That such persons comply with the rules
and regulations covering such national forests. (16 U.S.C.
478)

The settlers residing within the exterior boundaries of
national forests, or in the vicinity thereof, may maintain
schools and churches within such national forests, and for
that purpose may occupy any part of the said national
forests, not exceeding two acres for each schoolhouse and
one acre for a church. (16 U.S.C. 479)

Civil and Criminal Jurisdiction

The jurisdiction, both civil and criminal, over persons
within national forests shall not be affected or changed by
reason of their existence, except so far as the punishment
of offenses against the United States therein is concerned;
the intent and meaning of this provision being that the
State wherein any such national forest is situated shall
not, by reason of the establishment thereof, lose its
jurisdiction, nor the inhabitants thereof their rights and
privileges as citizens or be absolved from their duties as
citizens of the State. (16 U.S.C. 480)

Water Use

All waters within the boundaries of national forests may
be used for domestic, mining, milling, or irrigation
purposes, under the laws of the State wherein such national
forests are situated, or under the laws of the United States
and the rules and regulations established thereunder. (16
U.S.C. 481)

Mining Location and Entry

Upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days notice thereof, published in two papers of general circulation in the State or Territory wherein any national forest is situated, and near the said national forests, any public lands embraced within the limits of any such forest which, after due examination by personal inspection of a competent person appointed for the purpose by the Secretary of the Interior, shall be found better adapted for mining or for agricultural purposes than for forest usage, may be restored to the public domain. And any mineral lands in any national forest which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained. (16 U.S.C. 482)

Rules and Regulations

The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon the public forests and national forests which may have been set aside or which may be hereafter set aside under the provisions of the Act of March 3, 1891, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this Act or such rules and regulations shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both.

Any person charged with the violation of such rules and regulations [relating to the national forests, national grasslands, and other Title III lands] may be tried and sentenced by any United States magistrate specially designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended. (16 U.S.C. 551)

NOTE.--Authority to issue permits for rights of way repealed by section 706(a) of Federal Land Policy and Management Act of 1976.

Mineral Springs Leasing

• Act of February 23, 1899 (Ch. 221.

The Secretary of Agriculture shall make rules and regulations as he may deem proper for the rent or lease to responsible parties of any public land, near, or adjacent to, mineral within any national forest as States, or hereafter to be as is accustomed or desires to be for the purpose of pleasure, for the purpose of ground sanitariums or hotels, of the public. And he is further authorized to make such regulations, for the convenience of springs, with reference to the erection of tents or temporary or constructed for the use of for health or pleasure. And he is authorized to prescribe the compensation to be paid for the provisions of this Act. (16 U

20. Chiricahua National Monument

Establishment: Proclamation (No. 1692) of April 18, 1924..... Page 154
 Enlarging the area: Proclamation (No. 2288) of June 10, 1938..... 154

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

[No. 1692—Apr. 18, 1924—43 Stat. 1946]

WHEREAS, certain natural formations, known as "The Pinnacles", within the Coronado National Forest, in the State of Arizona, are of scientific interest, and it appears that the public interests will be promoted by reserving as much land as may be necessary for the proper protection thereof, as a National Monument.

NOW, THEREFORE, I, Calvin Coolidge, 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 eight, 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, the following described tracts of land in the State of Arizona:

W $\frac{1}{2}$ Sections 19, 30 and 31, Township 16 South, Range 30 East, G. & S. R. M.; Sections 24, 25 and 36, Township 16 South, Range 29 $\frac{1}{2}$ East, G. & S. R. M.; S $\frac{1}{2}$ Section 24, unsurveyed; Section 35, unsurveyed; Section 36, unsurveyed; Township 16 South, Range 29 East, G. & S. R. M.

The reservation made by this proclamation is not intended to prevent the use of the lands for National Forest purposes under the proclamation establishing the Coronado National Forest, and 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.

Warning is hereby given to all unauthorized persons not to appropriate, injure, deface, remove or destroy any feature of this National Monument, or to locate or settle on 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 18 day of April, in the year of our Lord one thousand nine hundred and twenty-four, and of the Independence of the United States of America the one hundred and forty-eighth.

CALVIN COOLIDGE.

By the President:
 CHARLES E. HUGHES,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

[No. 2288—June 10, 1938—52 Stat. 1551]

WHEREAS it appears that the hereinafter-described lands comprising a part of the Coronado National Forest, in the State of Arizona, are adjacent to

VIII. NATIONAL MONUMENTS

the Chiricahua National Monument April 18, 1924, and are required for the objects of historic and scientific monument:

NOW, THEREFORE, I, Franklin D. States of America, under and by virtue of section 1 of the act of June 4, 1897, (sec. 473), and section 2 of the act of (U. S. C., title 16, sec. 431), do proclaim that the following-described lands included from the said Coronado National Monument made a part of the said Chiricahua National Monument:

GILA AND SALT RIVER

T. 16 S., R. 29 E., sec. 22, all,
 sec. 23, all,
 sec. 24, N $\frac{1}{2}$,
 sec. 25, all,
 sec. 26, all,
 sec. 27, N $\frac{1}{2}$,
 T. 17 S., R. 29 E., sec. 1, N $\frac{1}{2}$,
 sec. 2, N $\frac{1}{2}$,
 T. 16 S., R. 29 $\frac{1}{2}$ E., sec. 13, S $\frac{1}{2}$,
 T. 17 S., R. 29 $\frac{1}{2}$ E., sec. 1, N $\frac{1}{2}$,
 T. 16 S., R. 30 E., sec. 18, S $\frac{1}{2}$,
 sec. 19, E $\frac{1}{2}$,
 sec. 30, E $\frac{1}{2}$,
 sec. 31, E $\frac{1}{2}$,
 sec. 32, W $\frac{1}{2}$,
 T. 17 S., R. 30 E., sec. 5, W $\frac{1}{2}$,
 sec. 6, N $\frac{1}{2}$,

containing approximately 6,407 acres

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

The Director of the National Park Service, shall have control of the monument as provided in the act of June 4, 1897, and shall establish a National Park Service, as provided in the act of June 4, 1897, and the act of June 25, 1916, 39 Stat. 535 (U. S. C., title 16, sec. 431), and any amendments thereto or amendatory thereto.

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 10 day of June, in the year of our Lord nineteen hundred and thirty-eight, and of the Independence of the United States of America the one hundred and seventy-second.

By the President:
 CORDELL HULL,
Secretary of State.

SEC. 109. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Bureau of Yards and Docks, except: (a) where there is a determination of value by a Federal court, (b) purchases negotiated by the Attorney General or his designee, and (c) where the estimated value is less than \$25,000.

SEC. 110. None of the funds appropriated in this Act may be used to make payments under contracts for any project in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee, certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.

Short title.

SEC. 111. This Act may be cited as the Military Construction Appropriation Act, 1965.

Approved September 2, 1964.

Public Law 88-577

AN ACT

September 3, 1964
[S. 4]

To establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes.

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Wilderness Act".

WILDERNESS SYSTEM ESTABLISHED STATEMENT OF POLICY

SEC. 2. (a) In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas; the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be designated as "wilderness areas" except as provided for in this Act or by a subsequent Act.

(b) The inclusion of an area in the National Wilderness Preservation System notwithstanding, the area shall continue to be managed by the Department and agency having jurisdiction thereover immediately before its inclusion in the National Wilderness Preservation System unless otherwise provided by Act of Congress. No appropriation shall be available for the payment of expenses or salaries for the administration of the National Wilderness Preservation System as a separate unit nor shall any appropriations be available for additional personnel

National Monument

April 18, 1924.....	Page 154
8) of June 10, 1938.....	154

UNITED STATES OF AMERICA

PROCLAMATION

1924—43 Stat. 1946]

s, known as "The Pinnacles", within the State of Arizona, are of scientific interests will be promoted by reserving for the proper protection thereof, as a

ge, President of the United States of America, vested by section two of the Act of June 18, 1924, entitled, "An Act to provide for the protection of the objects of historic and scientific interest being protected by the said monument:

Now, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, under and by virtue of the authority vested in me by section 1 of the act of June 4, 1897, 30 Stat. 11, 34, 36 (U. S. C., title 16, sec. 473), and section 2 of the act of June 8, 1906, ch. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in the State of Arizona are hereby excluded from the said Coronado National Forest and are hereby added to and made a part of the said Chiricahua National Monument:

authorized 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 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 (U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

CALVIN COOLIDGE.

UNITED STATES OF AMERICA

PROCLAMATION

8—52 Stat. 1551]

er-described lands comprising a part of the State of Arizona, are adjacent to

VIII. NATIONAL MONUMENTS—CHIRICAHUA

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the Chiricahua National Monument, established by proclamation dated April 18, 1924, and are required for the proper care and management of the objects of historic and scientific interest being protected by the said monument:

Now, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, under and by virtue of the authority vested in me by section 1 of the act of June 4, 1897, 30 Stat. 11, 34, 36 (U. S. C., title 16, sec. 473), and section 2 of the act of June 8, 1906, ch. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in the State of Arizona are hereby excluded from the said Coronado National Forest and are hereby added to and made a part of the said Chiricahua National Monument:

GILA AND SALT RIVER MERIDIAN—ARIZONA

- T. 16 S., R. 29 E., sec. 22, all,
sec. 23, all, partly unsurveyed,
sec. 24, N $\frac{1}{2}$, unsurveyed,
sec. 25, all, unsurveyed,
sec. 26, all,
sec. 27, N $\frac{1}{2}$;
T. 17 S., R. 29 E., sec. 1, N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
sec. 2, N $\frac{1}{2}$;
T. 16 S., R. 29 $\frac{1}{2}$ E., sec. 13, S $\frac{1}{2}$;
T. 17 S., R. 29 $\frac{1}{2}$ E., sec. 1, N $\frac{1}{2}$, unsurveyed;
T. 16 S., R. 30 E., sec. 18, S $\frac{1}{2}$,
sec. 19, E $\frac{1}{2}$,
sec. 30, E $\frac{1}{2}$,
sec. 31, E $\frac{1}{2}$,
sec. 32, W $\frac{1}{2}$ W $\frac{1}{2}$;
T. 17 S., R. 30 E., sec. 5, W $\frac{1}{2}$ NW $\frac{1}{4}$, unsurveyed,
sec. 6, N $\frac{1}{2}$, unsurveyed;

containing approximately 6,407 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.

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 (U. S. C., title 16, secs. 1 and 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.

DONE at the City of Washington this tenth day of June in the year of our Lord nineteen hundred and thirty-eight, and of the Independence [SEAL] of the United States of America the one hundred and sixty-second.

FRANKLIN D. ROOSEVELT.

By the President:
CORDELL HULL,
Secretary of State.

STAT.

78 STAT.] PUBLIC LAW 88-577—SEPT. 3, 1964

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stated as being required solely for the purpose of managing or administering areas solely because they are included within the National Wilderness Preservation System.

DEFINITION OF WILDERNESS

(c) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

NATIONAL WILDERNESS PRESERVATION SYSTEM—EXTENT OF SYSTEM

SEC. 3. (a) All areas within the national forests classified at least 30 days before the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness", "wild", or "canoe" are hereby designated as wilderness areas. The Secretary of Agriculture shall—

(1) Within one year after the effective date of this Act, file a map and legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made.

(2) Maintain, available to the public, records pertaining to said wilderness areas, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. Maps, legal descriptions, and regulations pertaining to wilderness areas within their respective jurisdictions also shall be available to the public in the offices of regional foresters, national forest supervisors, and forest rangers.

(b) The Secretary of Agriculture shall, within ten years after the enactment of this Act, review, as to its suitability or unsuitability for preservation as wilderness, each area in the national forests classified on the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "primitive" and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as "wilderness" or other reclassification of each area on which review has been completed, together with maps and a definition of boundaries. Such advice shall be given with respect to not less than one-third of all the areas now classified as "primitive" within three years after the enactment of this Act, not less than two-thirds within seven years after the enactment of this Act, and the remaining areas within ten years after the enactment of this Act. Each recommendation of the President for designation as "wilderness" shall become

Classification.

Presidential
recommendation
to Congress.Congressional
approval.

effective only if so provided by an Act of Congress. Areas classified as "primitive" on the effective date of this Act shall continue to be administered under the rules and regulations affecting such areas on the effective date of this Act until Congress has determined otherwise. Any such area may be increased in size by the President at the time he submits his recommendations to the Congress by not more than five thousand acres with no more than one thousand two hundred and eighty acres of such increase in any one compact unit; if it is proposed to increase the size of any such area by more than five thousand acres or by more than one thousand two hundred and eighty acres in any one compact unit the increase in size shall not become effective until acted upon by Congress. Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of primitive areas or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value. Notwithstanding any other provisions of this Act, the Secretary of Agriculture may complete his review and delete such area as may be necessary, but not to exceed seven thousand acres, from the southern tip of the Gore Range-Eagles Nest Primitive Area, Colorado, if the Secretary determines that such action is in the public interest.

Report to
President.

Presidential
recommendation
to Congress.

Congressional
approval.

Suitability.

Publication in
Federal Register.

Hearings.

Publication in
Federal Register.

(c) Within ten years after the effective date of this Act the Secretary of the Interior shall review every roadless area of five thousand contiguous acres or more in the national parks, monuments and other units of the national park system and every such area of, and every roadless island within, the national wildlife refuges and game ranges, under his jurisdiction on the effective date of this Act and shall report to the President his recommendation as to the suitability or unsuitability of each such area or island for preservation as wilderness. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendation with respect to the designation as wilderness of each such area or island on which review has been completed, together with a map thereof and a definition of its boundaries. Such advice shall be given with respect to not less than one-third of the areas and islands to be reviewed under this subsection within three years after enactment of this Act, not less than two-thirds within seven years of enactment of this Act, and the remainder within ten years of enactment of this Act. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress. Nothing contained herein shall, by implication or otherwise, be construed to lessen the present statutory authority of the Secretary of the Interior with respect to the maintenance of roadless areas within units of the national park system.

(d) (1) The Secretary of Agriculture and the Secretary of the Interior shall, prior to submitting any recommendations to the President with respect to the suitability of any area for preservation as wilderness—

(A) give such public notice of the proposed action as they deem appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land;

(B) hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the respective Secretaries involved deem appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: *Provided*, That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies;

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(C) at least thirty days before the date of a hearing advise the Governor of each State and the governing board of each county, or in Alaska the borough, in which the lands are located, and Federal departments and agencies concerned, and invite such officials and Federal agencies to submit their views on the proposed action at the hearing or by no later than thirty days following the date of the hearing.

(2) Any views submitted to the appropriate Secretary under the provisions of (1) of this subsection with respect to any area shall be included with any recommendations to the President and to Congress with respect to such area.

(e) Any modification or adjustment of boundaries of any wilderness area shall be recommended by the appropriate Secretary after public notice of such proposal and public hearing or hearings as provided in subsection (d) of this section. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recommendations shall become effective only in the same manner as provided for in subsections (b) and (c) of this section.

Proposed modification.

USE OF WILDERNESS AREAS

SEC. 4. (a) The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forests and units of the national park and national wildlife refuge systems are established and administered and—

(1) Nothing in this Act shall be deemed to be in interference with the purpose for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215).

16 USC 475.
16 USC 528-531.

(2) Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act (Public Law 539, Seventy-first Congress, July 10, 1930; 46 Stat. 1020), the Thyre-Blatnik Act (Public Law 733, Eightieth Congress, June 22, 1948; 62 Stat. 568), and the Humphrey-Thyre-Blatnik-Andresen Act (Public Law 607, Eighty-fourth Congress, June 22, 1956; 70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

16 USC 577-577b.
16 USC 577c-577b.
16 USC 577d-l, 577g-1, 577h.

(3) Nothing in this Act shall modify the statutory authority under which units of the national park system are created. Further, the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with the Act of August 25, 1916, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area, including, but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 et seq.); section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

39 Stat. 535.
16 USC 1 et seq.

41 Stat. 1063.

(b) Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as other-

wise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

PROHIBITION OF CERTAIN USES

(c) Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

SPECIAL PROVISIONS

(d) The following special provisions are hereby made:

(1) Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

(2) Nothing in this Act shall prevent within national forest wilderness areas any activity, including prospecting, for the purpose of gathering information about mineral or other resources, if such activity is carried on in a manner compatible with the preservation of the wilderness environment. Furthermore, in accordance with such program as the Secretary of the Interior shall develop and conduct in consultation with the Secretary of Agriculture, such areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.

Mineral leases,
claims, etc.

(3) Notwithstanding any other provisions of this Act, until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the same extent as applicable prior to the effective date of this Act, extend to those national forest lands designated by this Act as "wilderness areas"; subject, however, to such reasonable regulations governing ingress and egress as may be prescribed by the Secretary of Agriculture consistent with the use of the land for mineral location and development and exploration, drilling, and production, and use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including where essential the use of mechanized ground or air equipment and restoration as near as practicable of the surface of the land disturbed in performing prospecting, location, and, in oil and gas leasing, discovery work, exploration, drilling, and production, as soon as they have served their purpose. Mining locations lying within the boundaries of said wilderness areas shall be held and used solely for mining or processing operations and uses reasonably incident thereto; and hereafter, subject to valid existing rights, all patents issued under the mining laws of the United States affecting national forest lands designated by this Act as wilderness areas shall convey title to the mineral deposits

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within the claim, together with the right to cut and use so much of the mature timber therefrom as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the national forest rules and regulations, but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except as otherwise expressly provided in this Act: *Provided*, That, unless hereafter specifically authorized, no patent within wilderness areas designated by this Act shall issue after December 31, 1983, except for the valid claims existing on or before December 31, 1983. Mining claims located after the effective date of this Act within the boundaries of wilderness areas designated by this Act shall create no rights in excess of those rights which may be patented under the provisions of this subsection. Mineral leases, permits, and licenses covering lands within national forest wilderness areas designated by this Act shall contain such reasonable stipulations as may be prescribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed. Subject to valid rights then existing, effective January 1, 1984, the minerals in lands designated by this Act as wilderness areas are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(4) Within wilderness areas in the national forests designated by this Act, (1) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (2) the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

Water resources.

(5) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, shall be in accordance with regulations established by the Secretary of Agriculture in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: *Provided*, That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats.

(6) Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

(7) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(8) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

STATE AND PRIVATE LANDS WITHIN WILDERNESS AREAS

Transfers, restriction.

SEC. 5. (a) In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this Act as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture: *Provided, however,* That the United States shall not transfer to a State or private owner any mineral interests unless the State or private owner relinquishes or causes to be relinquished to the United States the mineral interest in the surrounded land.

Acquisition.

(b) In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

(c) Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this Act as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress.

GIFTS, REQUESTS, AND CONTRIBUTIONS

SEC. 6. (a) The Secretary of Agriculture may accept gifts or bequests of land within wilderness areas designated by this Act for preservation as wilderness. The Secretary of Agriculture may also accept gifts or bequests of land adjacent to wilderness areas designated by this Act for preservation as wilderness if he has given sixty days advance notice thereof to the President of the Senate and the Speaker of the House of Representatives. Land accepted by the Secretary of Agriculture under this section shall become part of the wilderness area involved. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this Act, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

(b) The Secretary of Agriculture or the Secretary of the Interior is authorized to accept private contributions and gifts to be used to further the purposes of this Act.

ANNUAL REPORTS

SEC. 7. At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system, including a list and descriptions of the areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make.

Approved September 3, 1964.

NATIONAL PARK SERVICE LAWS

for increases in appropriation ceilings and in certain units of the National Park System for other purposes. (90 Stat. 2732) (P.L. 94-578)

the Senate and House of Representatives of the United States of America in Congress

DEVELOPMENT CEILING INCREASES

limitations on appropriations for development of the National Park System containing Acts are amended as follows:

* * * * *

Islands National Monument, California (1) of section 201 of the Act of 1974 (88 Stat. 1445, 1446), is amended "\$2,936,000" to "\$5,452,000".

* * * * *

October 21, 1976.

NATIONAL MONUMENTS

403

8. Chiricahua

An Act to designate certain lands within units of the National Park System as wilderness; to revise the boundaries of certain of those units; and for other purposes. (90 Stat. 2692) (P.L. 94-567)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), the following lands are hereby designated as wilderness, and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.

* * * * *

(c) Chiricahua National Monument, Arizona, wilderness comprising nine thousand four hundred and forty acres, and potential wilderness additions comprising two acres, depicted on a map entitled "Wilderness Plan, Chiricahua National Monument, Arizona", numbered 145-20,007-A and dated September 1973, to be known as the Chiricahua National Monument Wilderness.

SEC. 2. A map and description of the boundaries of the areas designated in this Act shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, and in the office of the Superintendent of each area designated in the Act. As soon as practicable after this Act takes effect, maps of the wilderness areas and descriptions of their boundaries shall be filed with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such maps and descriptions shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in such maps and descriptions may be made.

SEC. 3. All lands which represent potential wilderness additions, upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness.

SEC. 6. The areas designated by this Act as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and, where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

* * * * *

Approved October 20, 1976.

EXHIBIT CHIR #8
90 STAT 2692

Docket Information

Number of Documents in Docket 32

Documents Dated from 9/3/1964 to 9/3/1964

Docket Compiled: 2/3/2011