

104TH CONGRESS  
1ST SESSION

# H. R. 2736

To direct the Secretary of Agriculture to dispose of certain Federal land holdings in the State of Oklahoma, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 1995

Mr. LUCAS introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Agriculture and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To direct the Secretary of Agriculture to dispose of certain Federal land holdings in the State of Oklahoma, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **TITLE I—DISPOSAL OF LANDS IN**  
2 **OKLAHOMA**

3 **SECTION 101. SALE OF BLACK KETTLE AND RITA BLANCA**  
4 **NATIONAL GRASSLANDS AND PROPERTY**  
5 **SURROUNDING OPTIMA LAKE AND RECRE-**  
6 **ATION AREA.**

7 (a) GENERAL DIRECTIVE.—Not later than Septem-  
8 ber 30, 1996, and in accordance with this Act—

9 (1) the Secretary of Agriculture shall offer for  
10 sale to the public at fair market value all right, title,  
11 and interest of the United States in and to the sur-  
12 face estate of those portions of the Cibola National  
13 Forest, other than the property subject to section  
14 102, which are more particularly described as—

15 (A) the Black Kettle National Grasslands,  
16 located in the State of Oklahoma; and

17 (B) the Rita Blanca National Grasslands,  
18 located in the State of Oklahoma; and

19 (2) the Secretary of the Army, acting through  
20 the Chief of Engineers, shall offer for sale to the  
21 public at fair market value all right, title, and inter-  
22 est of the United States in and to the real property  
23 acquired by the United States for the project for  
24 flood control, Optima Lake, North Canadian River

1 Basin, Oklahoma, authorized by the Flood Control  
2 Act of 1936 (49 Stat. 1570).

3 (b) RIGHT OF FIRST REFUSAL.—Prior to offering  
4 lands for sale to the public under subsection (a), the Sec-  
5 retary shall afford the individuals from whom the lands  
6 were acquired by the United States or their descendants  
7 the opportunity to acquire the lands at fair market value.

8 (c) WAIVER.—The sale and transfer of lands under  
9 this Act shall not be subject to the Federal Property and  
10 Administrative Services Act of 1949 (40 U.S.C. 471).

11 **SEC. 102. TRANSFERS OF PROPERTY FOR CERTAIN PUBLIC**  
12 **PURPOSES.**

13 (a) SKIPOUT LAKE, DEAD INDIAN LAKE, AND  
14 SPRING CREEK LAKE.—Not later than September 30,  
15 1996, and upon request of the State of Oklahoma, the  
16 Secretary of Agriculture shall transfer, without consider-  
17 ation, to the Department of Tourism and Recreation of  
18 the State of Oklahoma those lands located in Roger Mills  
19 County, Oklahoma, known as Skipout Lake, Dead Indian  
20 Lake, and Spring Creek Lake, more particularly described  
21 as follows:

22 (1) SKIPOUT LAKE.—West Half and Northeast  
23 Quarter of Section 5, Township 13 North, Range 25  
24 West, Indian Meridian, Roger Mills County, Okla-  
25 homa.

1           (2) DEAD INDIAN LAKE.—East Half of Section  
2           26 and the East Half of Northwest Quarter of Sec-  
3           tion 26, Township 15 North, Range 24 West, Indian  
4           Meridian, Roger Mills County, Oklahoma.

5           Southeast Quarter of the Southwest Quarter of  
6           Section 23, Township 15 North, Range 24 West, In-  
7           dian Meridian, Roger Mills County, Oklahoma.

8           (3) SPRING CREEK LAKE.—East Half of the  
9           Southwest Quarter of Section 15, Township 15  
10          North, Range 25 West, Indian Meridian, Roger  
11          Mills County, Oklahoma.

12          West Half of the Southwest Quarter of Section  
13          14, Township 15 North, Range 25 West, Indian Me-  
14          ridian, Roger Mills County, Oklahoma.

15          (b) OPTIMA LAKE, NORTH CANADIAN RIVER BASIN,  
16          OKLAHOMA.—

17           (1) PROJECT DEAUTHORIZATION.—The project  
18           for flood control, Optima Lake, North Canadian  
19           River Basin, Oklahoma, authorized by the Flood  
20           Control Act of 1936 (49 Stat. 1570), is not author-  
21           ized after the date of the enactment of this Act.

22           (2) TRANSFER OF PROPERTY.—

23           (A) IN GENERAL.—The Secretary shall  
24           transfer to the State of Oklahoma, without con-  
25           sideration, all right, title, and interest of the

1 United States to that portion of the real prop-  
2 erty described in subparagraph (C), including  
3 all works, structures, and other improvements  
4 to the real property.

5 (B) TERMS AND CONDITIONS.—The deed  
6 of conveyance for the transfer of real property  
7 and improvements under subparagraph (A)  
8 shall include such terms and conditions as may  
9 be necessary to ensure that—

10 (i) the State of Oklahoma will hold  
11 the United States harmless from all claims  
12 arising from or through the operation of  
13 the real property and improvements; and

14 (ii) the State of Oklahoma will pro-  
15 hibit in perpetuity the construction of any  
16 residential or commercial structure in the  
17 flood plain created by the dam located on  
18 the real property and if the State does not  
19 prohibit such construction all or any por-  
20 tion of the real property will in its then ex-  
21 isting condition, at the option of the Unit-  
22 ed States, revert to the United States.

23 (C) The real property referred to in sub-  
24 paragraph (A) consists of lands associated with  
25 the earthen dam, and the recreation area adja-

1 cent to the dam, as generally depicted on the  
2 map of the Corps of Engineers, Tulsa District,  
3 entitled “Optima Lake Public Hunting Area”,  
4 dated 1993.

5 **TITLE II—WASHITA BATTLE-**  
6 **FIELD NATIONAL HISTORIC**  
7 **SITE**

8 **SEC. 201. SHORT TITLE.**

9 This title may be cited as the “Washita Battlefield  
10 National Historic Site Act of 1995.”.

11 **SEC. 202. FINDINGS AND PURPOSES.**

12 (a) FINDINGS.—The Congress finds that—

13 (1) the Battle of the Washita, November 27,  
14 1868, was one of the largest engagements between  
15 Plains tribes and the United States Army on the  
16 Southern Great Plains. The site is a registered Na-  
17 tional Historic Landmark;

18 (2) Lt. Colonel George A. Custer, leading the  
19 7th United States Cavalry, attacked the sleeping  
20 Cheyenne village of peace chief Black Kettle. Cus-  
21 ter’s attack resulted in more than 150 Indian cas-  
22 ualties, many of them women and children;

23 (3) the Battle of the Washita symbolizes the  
24 struggle of the Southern Great Plains tribes to

1 maintain their traditional lifeways and not to submit  
2 to reservation confinement; and

3 (4) the Washita battle site possesses a high de-  
4 gree of integrity and the cultural landscape is essen-  
5 tially intact. The Cheyenne village site has not been  
6 altered substantially except by periodic flooding of  
7 the Washita River.

8 (b) PURPOSES.—The purposes of this title are to—

9 (1) recognize the importance of the Battle of  
10 the Washita as a nationally significant element of  
11 frontier military history and as a symbol of the  
12 struggles of the Southern Great Plains tribes to  
13 maintain control of their traditional use areas; and

14 (2) establish the site of the Battle of the  
15 Washita as a national historic site and provide op-  
16 portunities for American Indian groups including the  
17 Cheyenne-Arapaho Tribe to be involved in the for-  
18 mulation of plans and educational programs for the  
19 national historic site.

20 **SEC. 203. ESTABLISHMENT.**

21 (a) IN GENERAL.—In order to provide for the preser-  
22 vation and interpretation of the Battle of the Washita,  
23 there is hereby established the Washita Battlefield Na-  
24 tional Historic Site in the State of Oklahoma (hereafter  
25 in this title referred to as the “national historic site”).

1 (b) BOUNDARY.—

2 (1) IN GENERAL.—The national historic site  
3 shall consist of—

4 (A) approximately 326 acres, as generally  
5 depicted on the map entitled “Washita Battle-  
6 field National Historic Site”, numbered  
7 20,000A and dated 12/95; and

8 (B) the private lands subject to conserva-  
9 tion easements referred to in section 205(b).

10 (2) MAP.—The map referred to in paragraph  
11 (1) shall be on file in the offices of the Director of  
12 the National Park Service, Department of the Inte-  
13 rior, and other appropriate offices of the National  
14 Park Service. The Secretary of the Interior (here-  
15 after in this title referred to as the “Secretary”)  
16 may, from time to time, make minor revisions in the  
17 boundary of the national historic site in accordance  
18 with section 7(c) of the Land and Water Conserva-  
19 tion Act of 1965 (16 U.S.C. 460l–4 and following).

20 **SEC. 204. ADMINISTRATION.**

21 (a) IN GENERAL.—The Secretary, acting through the  
22 Director of the National Park Service, shall manage the  
23 national historic site in accordance with this title and the  
24 provisions of law generally applicable to units of the Na-  
25 tional Park System, including “An Act to establish a Na-

1 tional Park Service, and for other purposes”, approved  
2 August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), and  
3 the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–  
4 467).

5 (b) MANAGEMENT PURPOSES.—The Secretary shall  
6 manage the national historic site for the following pur-  
7 poses, among others:

8 (1) To protect and preserve the national his-  
9 toric site, including the topographic features impor-  
10 tant to the battle site, artifacts and other physical  
11 remains of the battle, and the visual scene as closely  
12 as possible as it was at the time of the battle.

13 (2) To interpret the cultural and natural re-  
14 sources of the historic site, providing for public un-  
15 derstanding and appreciation of the area in such  
16 manner as to perpetuate these qualities and values  
17 for future generations.

18 (c) CONSULTATION AND TRAINING.—The Secretary,  
19 acting through the Director of the National Park Service,  
20 shall consult regularly with the Cheyenne-Arapaho Tribe  
21 on the formulation of the management plan provisions re-  
22 ferred to in section 206(5) of this title and on preparation  
23 of educational programs provided to the public. The Sec-  
24 retary is authorized to enter into cooperative agreements  
25 with the Cheyenne-Arapaho Tribe, its subordinate boards,

1 committees, enterprises, and traditional leaders to further  
2 the purposes of this title.

3 **SEC. 205. ACQUISITION OF PROPERTY.**

4 (a) **PARK BOUNDARIES.**—Within the boundaries of  
5 the national historic site, the Secretary is authorized to  
6 acquire lands and interest in lands by donation, purchase  
7 with donated or appropriated funds, or exchange, except  
8 that—

9 (1) no lands or interest in lands within the his-  
10 toric site may be acquired without the consent of the  
11 owner thereof, and

12 (2) lands and interests in lands owned by the  
13 State of Oklahoma or any political subdivision there-  
14 of may be acquired only by donation.

15 (b) **CONSERVATION EASEMENTS.**—The Congress  
16 finds that the State of Oklahoma, acting through the  
17 Oklahoma Historical Society, will work with local land  
18 owners to acquire and hold in perpetuity conservation  
19 easements in the vicinity of the national historic site as  
20 deemed necessary for the visual and interpretive integrity  
21 of the site. The intent of the easements will be to keep  
22 occupancy of the land in private ownership and use of the  
23 land in general agriculture.

1 **SEC. 206. MANAGEMENT PLAN.**

2       Within five years after the date funds are made avail-  
3 able for purposes of this title, the Secretary, acting  
4 through the Director of the National Park Service, shall  
5 prepare a general management plan for the national his-  
6 toric site. The plan shall address, but not be limited to,  
7 each of the following:

8           (1) A resource protection program.

9           (2) A visitor use plan including programs and  
10 facilities that will be provided for public use, includ-  
11 ing the location and cost of public facilities.

12           (3) A research and curation plan.

13           (4) A highway signing program.

14           (5) Involvement by the Cheyenne-Arapaho  
15 Tribe in the formulation of educational programs for  
16 the national historic site.

17           (6) Involvement by the State of Oklahoma and  
18 other local and national entities willing to share in  
19 the responsibilities of developing and supporting the  
20 national historic site.

21 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

22       There are authorized to be appropriated such sums  
23 as may be necessary to carry out this title.

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