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12/31

APPROVED
DEC 31 1974

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: December 31

December 27, 1974

P. in Colorado 12/31/74

To Archives 1/3/75

MEMORANDUM FOR

THE PRESIDENT

FROM:

KEN COLE *C*

SUBJECT:

Enrolled Bill S. 3489
Teton National Forest
Land Exchange, Wyoming

Attached for your consideration is S. 3489, sponsored by Senator Hansen, which would extend the general exchange authority of the Forest Service to include certain land adjacent to the Teton National Forest, and facilitate an exchange between the town of Jackson, Wyoming and the Forest Service. Any land conveyed to the United States under the bill would become part of the Teton National Forest.

OMB recommends approval and provides additional background information in its enrolled bill report (Tab A).

Max Friedersdorf and Phil Areeda both recommend approval.

RECOMMENDATION

That you sign S. 3489 (Tab B).





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 24 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3489 - Teton National Forest
land exchange, Wyoming
Sponsor - Sen. Hansen (R) Wyoming

Last Day for Action

December 31, 1974 - Tuesday

Purpose

Authorizes an exchange of lands adjacent to the Teton National Forest in the State of Wyoming.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture	Approval
Department of the Interior	No interest

Discussion

The town of Jackson, Wyoming, has entered into negotiations with the Forest Service for the purpose of exchanging some 25 acres of land owned by the town on the lower slopes of the Snow King Ski Area for an equivalent amount of federally owned land within the Teton National Forest. Once acquired, the forest lands would be used to expand the town's cemetery which has little remaining space. However, the Forest Service has no authority to exchange any lands that are located outside of National Forest boundaries.

S. 3489 would extend the general exchange authority of the Forest Service to include the lands described above and a contiguous 15 acre private parcel. Once these lands are conveyed to the United States they would become a part of the Teton National Forest.

In reporting on S. 3489 to the Senate Interior Committee, Agriculture explained that:

". . . These lands are suitable for National Forest purposes and would be a logical addition to the National Forest . . . a primary use on these lands and the adjacent National Forest lands is for skiing, as part of the Snow King Ski Area. The Snow King Ski Area now operates on private land and under permit from the Forest Service and the town of Jackson. If the lands described in S. 3489 become National Forest lands it would facilitate administration of Snow King Ski Area permit by consolidating the permitted lands under one public agency."

Wesley H. Rowland

Assistant Director for
Legislative Reference

Enclosures



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO. 831

Date: December 26, 1974

Time: 9:00 a.m.

FOR ACTION: Mike Duval *ok*
Max Friedersdorf *ok*
Phil Areeda *no obj*

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 26

Time: 3:00 p.m.

SUBJECT:

Enrolled Bill S. 3489 - Teton National Forest
Land Exchange, Wyoming



ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO. 831

Date: December 26, 1974

Time: 9:00 a.m.

FOR ACTION: Mike Duval *OK Ross*
Max Friedersdorf
Phil Areeda

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 26

Time: 3:00 p.m.

SUBJECT:

Enrolled Bill S. 3489 - Teton National Forest
Land Exchange, Wyoming



ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

THE WHITE HOUSE
WASHINGTON

December 26, 1974

MEMORANDUM FOR: WARREN HENDRIKS
FROM: *Alvin L. Soper* MAX L. FRIEDERSDORF
SUBJECT: Action Memorandum - Log No. 831
Enrolled Bill S. 3489 - Teton National Forest
Land Exchange, Wyoming

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO. 831

Date: December 26, 1974

Time: 9:00 a.m.

FOR ACTION: Mike Duval
Max Friedersdorf
Phil Areeda ✓

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 26

Time: 3:00 p.m.

SUBJECT:

Enrolled Bill S. 3489 - Teton National Forest
Land Exchange, Wyoming



ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*No Object
P. Areeda*

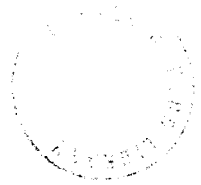
PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250



Honorable Roy L. Ash
Director, Office of
Management and Budget

December 23, 1974

Dear Mr. Ash:

This is in response to the request of your office for a report on the enrolled enactment S. 3489, "To authorize exchange of lands adjacent to the Teton National Forest in Wyoming, and for other purposes."

The Department of Agriculture recommends that the President approve the enactment.

The enactment would extend the provisions of the Act of March 20, 1922 (42 Stat. 465), as amended and supplemented by the Act of February 28, 1925 (43 Stat. 1090), and the Act of June 11, 1960 (74 Stat. 205) to lands in the northwest quarter, of the southwest quarter of section 34, township 41 north, range 116 west, sixth principal meridian. Any lands conveyed to the United States under the Act would become part of the Teton National Forest.

The 40 acre tract of land described in section 1 of the enactment is located outside but adjacent to the present boundary of the Teton National Forest. These lands are suitable for National Forest purposes and would be a logical addition to the National Forest. The described lands are now owned by private parties and by the Town of Jackson. A primary use on these lands and the adjacent National Forest lands is for skiing, as part of the Snow King Ski Area. The Snow King Ski Area now operates on private land and under permit from the Forest Service and the Town of Jackson. If the lands described in the enactment became National Forest lands it would facilitate administration of the Snow King Ski Area permit by consolidating the permitted lands under one public agency.

The Town of Jackson would like to offer a portion of these lands to the Secretary of Agriculture in exchange for a tract of land within the National Forest. The lands that the Town of Jackson would like to acquire would be used for cemetery purposes.

Since the lands described in the Town of Jackson have reserved public domain status, any exchange involving these lands would have to be made under the General Exchange Act of March 20, 1922, as amended (16 U.S.C. 485, 486).

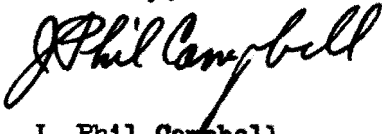
Honorable Roy L. Ash

2

The lands which the Town of Jackson would offer are outside the National Forest boundary and could not be accepted under authority of the General Exchange Act unless the Act were extended as provided in the enactment or unless the boundary of the Teton National Forest were extended to include the additional lands. No additions to a National Forest may be made in Wyoming except by Act of Congress (16 U.S.C. 471).

The authority provided by the enactment would allow the Forest Service of this Department to consider a possible land exchange with the Town of Jackson involving the lands described in the enactment. The described area would only become a part of the National Forest upon acceptance of title to the lands by the United States. The enactment provides a means for this Department to cooperate with the Town of Jackson for the mutual benefit of both the Federal and local government, and we recommend that the President approve the enactment.

Sincerely,



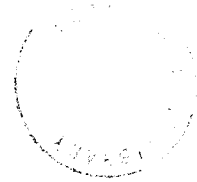
J. Phil Campbell
Acting Secretary





United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240



DEC 20 1974

Dear Mr. Ash:

This responds to your request for the views of this Department on enrolled bill S. 3489, "To authorize exchange of lands adjacent to the Teton National Forest in Wyoming, and for other purposes."

Enrolled bill, S. 3489, would extend the general authority of the Forest Service to include certain land adjacent to the Teton National Forest, and facilitate an exchange of land between the town of Jackson, Wyoming, and the Forest Service. Any land conveyed to the United States under the bill would become part of the Teton National Forest.

Since S. 3489 does not involve any programs or lands administered by the Department of the Interior, we express no interest in it.

Sincerely yours,


Assistant Secretary of the Interior

Honorable Roy L. Ash
Director, Office of
Management and Budget
Washington, D.C.



Save Energy and You Serve America!

To: Hansen
12-24-74
1:00 p.m.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503



DEC 24 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3489 - Teton National Forest
land exchange, Wyoming
Sponsor - Sen. Hansen (R) Wyoming

Last Day for Action

December 31, 1974 - Tuesday

Purpose

Authorizes an exchange of lands adjacent to the Teton National Forest in the State of Wyoming.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture	Approval
Department of the Interior	No interest

Discussion

The town of Jackson, Wyoming, has entered into negotiations with the Forest Service for the purpose of exchanging some 25 acres of land owned by the town on the lower slopes of the Snow King Ski Area for an equivalent amount of federally owned land within the Teton National Forest. Once acquired, the forest lands would be used to expand the town's cemetery which has little remaining space. However, the Forest Service has no authority to exchange any lands that are located outside of National Forest boundaries.

Calendar No. 1013

93D CONGRESS }
2d Session }

SENATE }

REPORT
No. 93-1054

EXCHANGE OF LANDS ADJACENT TO THE TETON NATIONAL FOREST

AUGUST 1, 1974.—Ordered to be printed



Mr. EASTLAND, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

[To accompany S. 3489]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 3489) to authorize exchange of lands adjacent to the Teton National Forest, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

SHORT EXPLANATION

The bill would extend the general exchange authority of the Forest Service to include certain land adjacent to the Teton National Forest, and facilitate an exchange of land between the town of Jackson, Wyoming, and the Forest Service. Any land conveyed to the United States under the bill would become part of the Teton National Forest.

The Committee's amendment is technical in nature, deleting the comma between "northwest quarter" and "southwest quarter" on page 2 of the bill in order to describe accurately the 40 acres of land to which the general exchange authority would be extended by the bill.

NEED FOR THE LEGISLATION

There is little space remaining in the cemetery of Jackson, and the town desires to expand it. To provide for such expansion, the town has entered into negotiations with the Forest Service with regard to exchanging approximately 25 acres of land owned by the town on the lower slopes of the Snow King Ski Area for certain federally-owned land within the Teton National Forest. The other 15 acres of land to

which the general exchange authority would be extended by the bill are privately owned. All the land, while bordering the Teton National Forest, is outside the exterior boundaries of the forest.

Under the general exchange authority of the Forest Service (16 U.S.C. 485), the Secretary of Agriculture is authorized to accept on behalf of the United States title to any lands within the National Forest which he determines are chiefly valuable for National Forest purposes, and, in exchange therefor, convey not to exceed an equal value of National Forest land.

The Act of March 4, 1907 (16 U.S.C. 471), provides that, except by Act of Congress, no National Forest shall be created, nor additions made to one created prior to the passage of the 1907 Act, in certain specified states, including the State of Wyoming.

Accordingly, to enable the town of Jackson and the Forest Service to make the contemplated transfer of lands, it is necessary to extend the general exchange authority of the Forest Service to include the land described in the bill.

The Congress has enacted similar legislation in the past to permit exchanges of land within the National Forests. See, e.g., the Act of August 31, 1964, 78 Stat. 702.

DEPARTMENTAL VIEWS

In a letter to the Committee dated July 25, 1974, the Department of Agriculture states that it has no obligation to the enactment of the legislation. The Department's letter reads as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., July 25, 1974.

HON. HERMAN E. TALMADGE,
*Chairman, Committee on Agriculture and Forestry,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 3489, a bill "To authorize exchange of lands adjacent to the Teton National Forest in Wyoming, and for other purposes."

This Department has no objection to the enactment of S. 3489, with the technical amendment suggested herein.

S. 3489 would extend the provisions of the Act of March 20, 1922 (42 Stat. 465), as amended and supplemented by the Act of February 28, 1925 (43 Stat. 1090), and the Act of June 11, 1960 (74 Stat. 205) to lands in the northwest quarter and southwest quarter of section 34, township 41 north, range 116 west, sixth principal meridian. Any lands conveyed to the United States under the Act would become part of the Teton National Forest.

We understand that the intent of S. 3489 is to apply only to the lands in the northwest quarter of the southwest quarter of section 34 (40 acres) rather than to the northwest quarter (160 acres) and southwest quarter (160 acres). We therefore recommend that the comma on page 2, line 3, following "northwest quarter," be deleted.

The lands described in section 1 of S. 3489 are located outside but adjacent to the present boundary of the Teton National Forest. These

lands are suitable for National Forest purposes and would be a logical addition to the National Forest. The described lands are now owned by private parties and by the Town of Jackson. A primary use on these lands and the adjacent National Forest lands is for skiing, as part of the Snow King Ski Area. The Snow King Ski Area now operates on private land and under permit from the Forest Service and the Town of Jackson. If the lands described in S. 3489 became National Forest lands it would facilitate administration of Snow King Ski Area permit by consolidating the permitted lands under one public agency.

The Town of Jackson would like to offer a portion of these lands to the Secretary of Agriculture in exchange for a tract of land within the National Forest. The lands that the Town of Jackson would like to acquire would be used for cemetery purposes.

Since the lands desired by the Town of Jackson have reserved public domain status, any exchange involving these lands would have to be made under the General Exchange Act of March 20, 1922, as amended (16 U.S.C. 485, 486). The lands which the Town of Jackson would offer are outside the National Forest boundary and could not be accepted under authority of the General Exchange Act unless the Act were extended as provided in S. 3489 or unless the boundary of the Teton National Forest were extended to include the additional lands. No additions to a National Forest may be made in Wyoming except by Act of Congress (16 U.S.C. 471).

We have no objection to the enactment of S. 3489 as providing a means to allow the potential addition of the lands described in the bill to the National Forest.

Enactment of S. 3489 would not result in any new budget authority or outlays.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

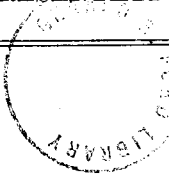
Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

COST ESTIMATE

In accordance with section 252 of the Legislative Reorganization Act of 1970, the Committee estimates that the cost to be incurred by the Federal Government during the current and five subsequent fiscal years as a result of the enactment of S. 3489 would be nominal, involving only minor administrative costs. The Department of Agriculture states that the enactment of the legislation would not result in any new budget authority or outlays.

○



**AUTHORIZING EXCHANGE OF LANDS ADJACENT TO
THE TETON NATIONAL FOREST IN WYOMING, AND
FOR OTHER PURPOSES**

**DECEMBER 13, 1974.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed**

**Mr. HALEY, from the Committee on Interior and Insular Affairs,
submitted the following**

R E P O R T

[To accompany S. 3489]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 3489) to authorize exchange of lands adjacent to the Teton National Forest in Wyoming, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF S. 3489

The purpose of S. 3489 is to authorize exchange of lands adjacent to the Teton National Forest, in Wyoming.

EXPLANATION AND NEED

The town of Jackson desires to expand its cemetery and at present there exists little space for such expansion. To provide for such expansion, the town has entered into negotiations with the Forest Service with regard to exchanging approximately 25 acres of land owned by the town on the lower slopes of the Snow King Ski Area for certain federally-owned land within the Teton National Forest. The other 15 acres of land to which the general exchange authority would be extended by the bill are privately owned. All the land, while bordering the Teton National Forest, is outside the exterior boundaries of the forest.

Under the general exchange authority of the Forest Service (16 U.S.C. 485) the Secretary of Agriculture is authorized to accept on behalf of the United States title to any lands within the National Forest which he determines are chiefly valuable for National Forest

purposes, and, in exchange therefor, convey not to exceed an equal value of National Forest land.

The Act of March 4, 1907 (16 U.S.C. 471), provides that, except by Act of Congress, no National Forest shall be created, nor additions made to one created prior to the passage of the 1907 Act, in certain specified states, including the State of Wyoming.

Accordingly, to enable the town of Jackson and the Forest Service to make the contemplated transfer of lands, it is necessary to extend the general exchange authority of the Forest Service to include the land described in the bill.

The Congress has enacted similar legislation in the past, such as the Act of August 31, 1964, 78 Stat. 702, to permit exchanges of land within the National Forest.

S. 3489 would extend the general exchange authority of the Forest Service to include certain land adjacent to the Teton National Forest, and facilitate an exchange of land between the town of Jackson, Wyoming, and the Forest Service. Any land conveyed to the United States under the bill would become part of the Teton National Forest.

COMMITTEE AMENDMENTS

There were no Committee amendments to S. 3489.

COST

The cost incurred by the Federal Government by the enactment of S. 3489 would be nominal, involving only minor administrative costs. The Department of Agriculture states that the enactment of the legislation would not result in any new budget authority or outlays.

CHANGES IN EXISTING LAW

None.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends, by voice vote, that the bill, S. 3489, be enacted. (H.R. 14875, introduced by Congressman Roncalio of Wyoming, is a House companion to S. 3489. Legislative action was taken on S. 3489 to expedite consideration of this legislation which passed the Senate on August 5, 1974.)

DEPARTMENTAL REPORT

The report received by the Committee from the Department of Agriculture, dated October 3, 1974, follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., October 3, 1974.

HON. JAMES A. HALEY,
Chairman, Committee on Interior, and Insular Affairs
House of Representatives,

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 14875 a bill "To authorize exchange of lands adjacent to the Teton National Forest in Wyoming, and for other purposes."

This Department has no objection to the enactment of H.R. 14875 with the technical amendment suggested herein.

H.R. 14875 would extend the provisions of the Act of March 20, 1922 (42 Stat. 465), as amended and supplemented by the Act of February 28, 1925 (43 Stat. 1090), and the Act of June 11, 1960 (74 Stat. 205) to lands in the northwest quarter and southwest quarter of section 34, township 41 north, range 116 west, sixth principal meridian. Any lands conveyed to the United States under the Act would become part of the Teton National Forest.

We understand that the intent of H.R. 14875 is to apply only to the lands in the northwest quarter of the southwest quarter of section 34 (40 acres) rather than to the northwest quarter (160 acres) and southwest quarter (160 acres). We therefore recommend that the comma on page 2, line 1, following "northwest quarter," be deleted.

The lands described in H.R. 14875 are located outside but adjacent to the present boundary of the Teton National Forest. These lands are suitable for National Forest purposes and would be a logical addition to the National Forest. The described lands are now owned by private parties and by the Town of Jackson. A primary use on these lands and the adjacent National Forest lands is for skiing, as part of the Snow King Ski Area. The Snow King Area now operates on private land and under permit from the Forest Service and the Town of Jackson. If the lands described in H.R. 14875 became National Forest lands it would facilitate administration of Snow King Ski Area permit by consolidating the permitted lands under one public agency.

The Town of Jackson would like to offer a portion of these lands to the Secretary of Agriculture in exchange for a tract of land within the National Forest. The lands that the Town of Jackson would like to acquire would be used for cemetery purposes.

Since the lands desired by the Town of Jackson have reserved public domain status, any exchange involving these lands would have to be made under the General Exchange Act of March 20, 1922, as amended (16 U.S.C. 485, 486). The lands which the Town of Jackson would offer are outside the National Forest boundary and could not be accepted under authority of the General Exchange Act unless the Act were extended as provided in H.R. 14875 or unless the boundary of the Teton National Forest were extended to include the additional lands. No additions to a National Forest may be made in Wyoming except by Act of Congress (16 U.S.C. 471).

We have no objection to the enactment of H.R. 14875 as providing a means to allow the potential addition of the lands described in the bill to the National Forest.

Enactment of H.R. 14875 would not result in any new budget authority or outlays.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

ROBERT W. LONG,
Assistant Secretary for Conservation
Research and Education.

Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,
one thousand nine hundred and seventy-four*

An Act

To authorize exchange of lands adjacent to the Teton National Forest in Wyoming, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act of March 20, 1922 (42 Stat. 465), as amended and supplemented by the Act of February 28, 1925 (43 Stat. 1090), and the Act of June 11, 1960 (74 Stat. 205), are hereby extended to the following described lands:

TOWNSHIP 41 NORTH, RANGE 116 WEST, SIXTH PRINCIPAL MERIDIAN

Section 34, northwest quarter southwest quarter.

SEC. 2. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Teton National Forest and shall be subject to the laws, rules, and regulations applicable thereto.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

December 19, 1974



Dear Mr. Director:

The following bills were received at the White House on December 19th:

✓ S.J. Res. 234	S. 2838 ✓	S. 3578 ✓
S. 184 ✓	S. 3341 ✓	S. 3615 ✓
S. 194 ✓	S. 3397 ✓	H.R. 3538 ✓
S. 1283 ✓	S. 3418 ✓	H.R. 14401 ✓
S. 1357 ✓	S. 3489 ✓	H.R. 15912 ✓
S. 2125 ✓	S. 3518 ✓	H.R. 16609 ✓
S. 2594 ✓	S. 3574 ✓	H.R. 16901 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C.