

115TH CONGRESS  
2D SESSION

# H. R. 5727

To establish the San Rafael Swell Western Heritage and Historic Mining National Conservation Area in the State of Utah, to designate wilderness areas in the State, to provide for certain land conveyances, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2018

Mr. CURTIS (for himself and Ms. HANABUSA) introduced the following bill;  
which was referred to the Committee on Natural Resources

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## A BILL

To establish the San Rafael Swell Western Heritage and Historic Mining National Conservation Area in the State of Utah, to designate wilderness areas in the State, to provide for certain land conveyances, 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,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Emery County Public Land Management Act of 2018”.

6       (b) TABLE OF CONTENTS.—The table of contents for  
7       this Act is as follows:

- Sec. 1. Short title; table of contents.  
 Sec. 2. Definitions.

TITLE I—SAN RAFAEL SWELL WESTERN HERITAGE AND  
 HISTORIC MINING NATIONAL CONSERVATION AREA

- Sec. 101. Establishment of Conservation Area.  
 Sec. 102. Management of Conservation Area.  
 Sec. 103. San Rafael Swell Western Heritage and Historic Mining National  
 Conservation Area Advisory Council.

TITLE II—WILDERNESS AREAS

- Sec. 201. Additions to the National Wilderness Preservation System.  
 Sec. 202. Administration.  
 Sec. 203. Fish and wildlife management.  
 Sec. 204. Release of land for nonwilderness use.

TITLE III—WILD AND SCENIC RIVER DESIGNATION

- Sec. 301. Green River wild and scenic river designation.

TITLE IV—LAND MANAGEMENT AND CONVEYANCES

- Sec. 401. Temple Mountain Cooperative Management Area.  
 Sec. 402. Goblin Valley State Park recreation and public purpose agreement.  
 Sec. 403. Jurassic National Monument.  
 Sec. 404. Public land disposal and acquisition.  
 Sec. 405. Public purpose conveyances.  
 Sec. 406. Exchange of School and Institutional Trust Lands Administration  
 land.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CONSERVATION AREA.—The term “Con-  
 4 servation Area” means the San Rafael Swell West-  
 5 ern Heritage and Historic Mining National Con-  
 6 servation Area established by section 101(a)(1).

7 (2) COUNCIL.—The term “Council” means the  
 8 San Rafael Swell Western Heritage and Historic  
 9 Mining National Conservation Area Advisory Council  
 10 established under section 103(a).

11 (3) COUNTY.—The term “County” means  
 12 Emery County in the State.

1           (4) MANAGEMENT PLAN.—The term “Manage-  
2           ment Plan” means the management plan for the  
3           Conservation Area developed under section 102(b).

4           (5) MAP.—The term “Map” means the map en-  
5           titled “San Rafael Swell Western Heritage and His-  
6           toric Mining National Conservation Area Map” and  
7           dated \_\_\_\_\_, 2018.

8           (6) SECRETARY.—The term “Secretary”  
9           means—

10                   (A) in titles I and IV, the Secretary of the

11                   Interior; and

12                   (B) in titles II and III—

13                           (i) the Secretary of the Interior, act-  
14                           ing through the Director of the Bureau of  
15                           Land Management, with respect to public  
16                           land; and

17                           (ii) the Secretary of Agriculture, act-  
18                           ing through the Chief of the Forest Serv-  
19                           ice, with respect to National Forest System  
20                           land (as defined in section 103 of the Fed-  
21                           eral Land Policy and Management Act of  
22                           1976 (43 U.S.C. 1702)).

23           (7) STATE.—The term “State” means the State  
24           of Utah.

1           (8) WILDERNESS AREA.—The term “wilderness  
2           area” means a wilderness area designated by section  
3           201(a).

4 **TITLE I—SAN RAFAEL SWELL**  
5 **WESTERN HERITAGE AND**  
6 **HISTORIC MINING NATIONAL**  
7 **CONSERVATION AREA**

8 **SEC. 101. ESTABLISHMENT OF CONSERVATION AREA.**

9           (a) ESTABLISHMENT.—

10           (1) IN GENERAL.—Subject to valid existing  
11           rights, there is established the San Rafael Swell  
12           Western Heritage and Historic Mining National  
13           Conservation Area in the State.

14           (2) AREA INCLUDED.—The Conservation Area  
15           shall consist of approximately 336,467 acres of Bu-  
16           reau of Land Management land in the State, as gen-  
17           erally depicted on the Map.

18           (b) PURPOSES.—The purposes of the Conservation  
19           Area are to conserve, protect, and enhance the rec-  
20           reational, cultural, historical, educational, natural, scenic,  
21           and wildlife resources of the Conservation Area.

22           (c) MAP AND LEGAL DESCRIPTION.—

23           (1) IN GENERAL.—As soon as practicable after  
24           the date of enactment of this Act, the Secretary  
25           shall file a map and legal description of the Con-

1       servation Area with the Committee on Natural Re-  
2       sources of the House of Representatives and the  
3       Committee on Energy and Natural Resources of the  
4       Senate.

5           (2) EFFECT.—The map and legal description  
6       filed under paragraph (1) shall have the same force  
7       and effect as if included in this title, except that the  
8       Secretary may correct minor errors in the map or  
9       legal description.

10          (3) PUBLIC AVAILABILITY.—A copy of the map  
11       and legal description filed under paragraph (1) shall  
12       be on file and available for public inspection in the  
13       appropriate offices of the Bureau of Land Manage-  
14       ment.

15 **SEC. 102. MANAGEMENT OF CONSERVATION AREA.**

16          (a) USES.—The Secretary shall allow only such uses  
17       of the Conservation Area as the Secretary determines  
18       would further the purposes of the Conservation Area.

19          (b) MANAGEMENT PLAN.—

20           (1) IN GENERAL.—Not later than 3 years after  
21       the date of enactment of this Act, the Secretary  
22       shall develop a comprehensive management plan for  
23       the long-term protection and management of the  
24       Conservation Area.

1           (2) REQUIREMENTS.—The Management Plan  
2 shall—

3           (A) describe the appropriate uses and  
4 management of the Conservation Area;

5           (B) be developed with extensive public  
6 input; and

7           (C) take into consideration any informa-  
8 tion developed in studies of the land within the  
9 Conservation Area.

10       (c) OUTFITTING AND GUIDE ACTIVITIES.—Commer-  
11 cial services (including authorized outfitting and guide ac-  
12 tivities) within the Conservation Area may be authorized  
13 to the extent necessary for activities that fulfill the rec-  
14 reational or other purposes of the Conservation Area.

15       (d) MOTORIZED VEHICLES.—

16           (1) IN GENERAL.—Except as needed for emer-  
17 gency response or administrative purposes, the use  
18 of motorized vehicles in the Conservation Area shall  
19 be permitted only on roads and motorized routes  
20 designated in the Management Plan for the use of  
21 motorized vehicles.

22           (2) NEW ROADS.—No additional roads or mo-  
23 torized vehicle routes shall be built within the Con-  
24 servation Area after the date of enactment of this  
25 Act.

1 (e) GRAZING.—

2 (1) IN GENERAL.—The grazing of livestock in  
3 the Conservation Area, if established before the date  
4 of enactment of this Act, shall be allowed to con-  
5 tinue, subject to such reasonable regulations, poli-  
6 cies, and practices as the Secretary considers to be  
7 necessary in accordance with—

8 (A) applicable law (including regulations);

9 (B) the guidelines set forth in Appendix A  
10 of the report of the Committee on Interior and  
11 Insular Affairs of the House of Representatives  
12 accompanying H.R. 2570 of the 101st Congress  
13 (House Report 101–405); and

14 (C) the purposes of the Conservation Area.

15 (2) INVENTORY.—Not later than 1 year after  
16 the date of enactment of this Act, the Secretary, in  
17 collaboration with any affected grazing permittee,  
18 shall—

19 (A) carry out an inventory of facilities and  
20 improvements associated with grazing activities  
21 in the Conservation Area; and

22 (B) incorporate into the Management Plan  
23 a list of any facilities and improvements inven-  
24 toried under subparagraph (A).

1           (f) COLD WAR SITES.—The Secretary shall manage  
2 the Conservation Area in a manner that ensures the pres-  
3 ervation of Cold War sites, including the Morrison  
4 Knudson tunnels, various Department of Defense projects  
5 sites, and hundreds of historical uranium mine sites in the  
6 Conservation Area.

7           (g) CASUAL COLLECTION.—

8                 (1) DEFINITION OF CASUAL COLLECTION.—

9                     (A) IN GENERAL.—In this subsection, the  
10 term “casual collection” means the collection of  
11 common invertebrate and plant paleontological  
12 resources or rocks and minerals—

13                             (i) by—

14                                     (I) surface collection; or

15                                     (II) the use of nonpowered hand  
16 tools;

17                             (ii) for noncommercial personal use of  
18 a reasonable quantity, as determined by  
19 the Secretary; and

20                             (iii) that results in negligible disturb-  
21 ance, as determined by the Secretary, of—

22                                     (I) the surface of the Earth; and

23                                     (II) other resources.



1                   (B) INCLUSIONS.—The term “casual col-  
2                   lection” includes the hobby collecting of rocks,  
3                   subject to the discretion of the Secretary.

4                   (2) CASUAL COLLECTION ALLOWED.—The Sec-  
5                   retary may allow casual collection in the Conserva-  
6                   tion Area if the casual collection is consistent with—

7                   (A) the recreational or other purposes of  
8                   the Conservation Area, as determined by the  
9                   Secretary; and

10                   (B) the Management Plan.

11                   (h) WILDFIRE MANAGEMENT.—Nothing in this sec-  
12                   tion prohibits the Secretary, in cooperation with other  
13                   Federal, State, and local agencies, as appropriate, from  
14                   conducting wildland fire operations in the Conservation  
15                   Area, consistent with the purposes of the Conservation  
16                   Area.

17                   (i) INCORPORATION OF ACQUIRED LAND AND INTER-  
18                   ESTS.—Any land or interest in land located within the  
19                   boundary of the Conservation Area that is acquired by the  
20                   United States after the date of enactment of this Act  
21                   shall—

22                   (1) become part of the Conservation Area; and

23                   (2) be managed as provided in this section.

24                   (j) WITHDRAWALS.—Subject to valid existing rights,  
25                   all public land within the Conservation Area, including any

1 land or interest in land that is acquired by the United  
2 States within the Conservation Area after the date of en-  
3 actment of this Act, is withdrawn from—

4 (1) entry, appropriation or disposal under the  
5 public land laws;

6 (2) location, entry, and patent under the mining  
7 laws; and

8 (3) operation of the mineral leasing, mineral  
9 materials, and geothermal leasing laws.

10 (k) EFFECT.—Nothing in this Act—

11 (1) diminishes the authority of the Secretary  
12 under Public Law 92–195 (commonly known as the  
13 “Wild Free-Roaming Horses and Burros Act”) (16  
14 U.S.C. 1331 et seq.); or

15 (2) alters, diminishes, or influences the settle-  
16 ment agreement entered into on January 13, 2017,  
17 in the case in the United States District Court for  
18 the District of Utah styled “Southern Utah Wilder-  
19 ness Alliance, et al. v. U.S. Department of the Inte-  
20 rior, et al.” and numbered 2:12–cv–257 DAK.

21 **SEC. 103. SAN RAFAEL SWELL WESTERN HERITAGE AND**  
22 **HISTORIC MINING NATIONAL CONSERVATION**  
23 **AREA ADVISORY COUNCIL.**

24 (a) ESTABLISHMENT.—Not later than 180 days after  
25 the date of enactment of this Act, the Secretary shall es-

1 tablish an advisory council, to be known as the “San  
2 Rafael Swell Western Heritage and Historic Mining Na-  
3 tional Conservation Area Advisory Council”.

4 (b) DUTIES.—The Council shall advise the Secretary  
5 with respect to the preparation and implementation of the  
6 Management Plan.

7 (c) APPLICABLE LAW.—The Council shall be subject  
8 to—

9 (1) the Federal Advisory Committee Act (5  
10 U.S.C. App.); and

11 (2) the Federal Land Policy and Management  
12 Act of 1976 (43 U.S.C. 1701 et seq.).

13 (d) MEMBERS.—The Council shall include 10 mem-  
14 bers, to be appointed by the Secretary, of whom, to the  
15 maximum extent practicable—

16 (1) 1 member shall be appointed after consid-  
17 ering the recommendations of the Emery County  
18 Commission;

19 (2) 1 member shall be appointed from the mo-  
20 torized recreational community;

21 (3) 1 member shall be appointed from the non-  
22 motorized recreational community;

23 (4) 1 member shall be appointed after consid-  
24 ering the recommendations of the permittees holding

1 grazing allotments within the Conservation Area or  
2 wilderness areas; and

3 (5) 5 members shall—

4 (A) reside in, or within reasonable prox-  
5 imity to, the County; and

6 (B) have a background that reflects—

7 (i) the purposes for which the Con-  
8 servation Area or wilderness areas are es-  
9 tablished; and

10 (ii) the interests of the stakeholders  
11 that are affected by the planning and man-  
12 agement of the Conservation Area and wil-  
13 derness areas.

14 (e) REPRESENTATION.—The Secretary shall ensure  
15 that the membership of the Council is fairly balanced in  
16 terms of the points of view represented and the functions  
17 to be performed by the Council.

18 (f) TERMINATION.—The Council shall terminate on  
19 the date that is 1 year after the date on which the Man-  
20 agement Plan is adopted by the Secretary.

## 21 **TITLE II—WILDERNESS AREAS**

### 22 **SEC. 201. ADDITIONS TO THE NATIONAL WILDERNESS** 23 **PRESERVATION SYSTEM.**

24 (a) ADDITIONS.—In accordance with the Wilderness  
25 Act (16 U.S.C. 1131 et seq.), the following parcels of Fed-

1 eral land in the State are designated as wilderness and  
2 as components of the National Wilderness Preservation  
3 System:

4 (1) CANDLAND MOUNTAIN.—Certain Federal  
5 land managed by the Forest Service, comprising ap-  
6 proximately 12,338 acres, as generally depicted on  
7 the Map, which shall be known as the “Candland  
8 Mountain Wilderness”.

9 (2) CRACK CANYON.—Certain Federal land  
10 managed by the Bureau of Land Management, com-  
11 prising approximately 25,747 acres, as generally de-  
12 picted on the Map, which shall be known as the  
13 “Crack Canyon Wilderness”.

14 (3) DESOLATION CANYON.—Certain Federal  
15 land managed by the Bureau of Land Management,  
16 comprising approximately 173,320 acres, as gen-  
17 erally depicted on the Map, which shall be known as  
18 the “Desolation Canyon Wilderness”.

19 (4) DEVIL’S CANYON.—Certain Federal land  
20 managed by the Bureau of Land Management, com-  
21 prising approximately 8,630 acres, as generally de-  
22 picted on the Map, which shall be known as the  
23 “Devil’s Canyon Wilderness”.

24 (5) HORSESHOE CANYON (NORTH).—Certain  
25 Federal land managed by the Bureau of Land Man-

1       agement, comprising approximately 26,226 acres, as  
2       generally depicted on the Map, which shall be known  
3       as the “Horseshoe Canyon (North) Wilderness”.

4               (6) MEXICAN MOUNTAIN.—Certain Federal  
5       land managed by the Bureau of Land Management,  
6       comprising approximately 74,503 acres, as generally  
7       depicted on the Map, which shall be known as the  
8       “Mexican Mountain Wilderness”.

9               (7) MUDDY CREEK.—Certain Federal land  
10      managed by the Bureau of Land Management, com-  
11      prising approximately 65,652 acres, as generally de-  
12      picted on the Map, which shall be known as the  
13      “Muddy Creek Wilderness”.

14              (8) NELSON MOUNTAIN.—Certain Federal land  
15      managed by the Forest Service, comprising approxi-  
16      mately 7,447 acres, as generally depicted on the  
17      Map, which shall be known as the “Nelson Mountain  
18      Wilderness”.

19              (9) SAN RAFAEL REEF.—Certain Federal land  
20      managed by the Bureau of Land Management, com-  
21      prising approximately 59,880 acres, as generally de-  
22      picted on the Map, which shall be known as the  
23      “San Rafael Reef Wilderness”.

24              (10) SID’S MOUNTAIN.—Certain Federal land  
25      managed by the Bureau of Land Management, com-

1 prising approximately 75,403 acres, as generally de-  
2 picted on the Map, which shall be known as the  
3 “Sid’s Mountain Wilderness”.

4 (b) MAP AND LEGAL DESCRIPTION.—

5 (1) IN GENERAL.—As soon as practicable after  
6 the date of enactment of this Act, the Secretary  
7 shall file a map and legal description of each wilder-  
8 ness area with—

9 (A) the Committee on Natural Resources  
10 of the House of Representatives; and

11 (B) the Committee on Energy and Natural  
12 Resources of the Senate.

13 (2) EFFECT.—Each map and legal description  
14 filed under paragraph (1) shall have the same force  
15 and effect as if included in this Act, except that the  
16 Secretary may correct minor errors in the map or  
17 legal description.

18 (3) AVAILABILITY.—Each map and legal de-  
19 scription filed under paragraph (1) shall on file and  
20 available for public inspection in the appropriate of-  
21 fice of the Secretary.

22 **SEC. 202. ADMINISTRATION.**

23 (a) MANAGEMENT.—Subject to valid existing rights,  
24 the wilderness areas shall be administered by the Sec-

1 retary in accordance with the Wilderness Act (16 U.S.C.  
2 1131 et seq.), except that—

3 (1) any reference in that Act to the effective  
4 date shall be considered to be a reference to the date  
5 of enactment of this Act; and

6 (2) any reference in that Act to the Secretary  
7 of Agriculture shall be considered to be a reference  
8 to the Secretary.

9 (b) LIVESTOCK.—

10 (1) IN GENERAL.—The grazing of livestock in  
11 the wilderness areas, if established before the date of  
12 enactment of this Act, shall be allowed to continue,  
13 subject to such reasonable regulations, policies, and  
14 practices as the Secretary considers to be necessary  
15 in accordance with—

16 (A) section 4(d)(4) of the Wilderness Act  
17 (16 U.S.C. 1133(d)(4)); and

18 (B) the guidelines set forth in Appendix A  
19 of the report of the Committee on Interior and  
20 Insular Affairs of the House of Representatives  
21 accompanying H.R. 2570 of the 101st Congress  
22 (House Report 101–405).

23 (2) INVENTORY.—With respect to each wilder-  
24 ness area in which grazing of livestock is allowed to  
25 continue under paragraph (1), not later than 1 year



1 after the date of enactment of this Act, the Sec-  
2 retary, in collaboration with any affected grazing  
3 permittee, shall—

4 (A) carry out an inventory of facilities and  
5 improvements associated with grazing activities  
6 in the wilderness area; and

7 (B) review and revise the applicable allot-  
8 ment management plan and grazing permit in-  
9 formation.

10 (c) WILDFIRE, INSECT, AND DISEASE MANAGE-  
11 MENT.—In accordance with section 4(d)(1) of the Wilder-  
12 ness Act (16 U.S.C. 1133(d)(1)) and the report of the  
13 Committee on Interior and Insular Affairs of the House  
14 of Representatives accompanying H.R. 1437 of the 98th  
15 Congress (House Report 98–40), the Secretary may take  
16 such measures in the wilderness areas as are necessary  
17 for the control of fire, insects, and diseases, including, as  
18 the Secretary determines to be appropriate, the coordina-  
19 tion of the activities with the State or a local agency.

20 (d) ADJACENT MANAGEMENT.—

21 (1) IN GENERAL.—Congress does not intend for  
22 the designation of the wilderness areas to create pro-  
23 tective perimeters or buffer zones around the wilder-  
24 ness areas.

1           (2) NONWILDERNESS ACTIVITIES.—The fact  
2           that nonwilderness activities or uses can be seen or  
3           heard from areas within a wilderness area shall not  
4           preclude the conduct of those activities or uses out-  
5           side the boundary of the wilderness area.

6           (e) MILITARY OVERFLIGHTS.—Nothing in this title  
7           restricts or precludes—

8           (1) low-level overflights of military aircraft over  
9           the wilderness areas, including military overflights  
10          that can be seen or heard within the wilderness  
11          areas;

12          (2) flight testing and evaluation; or

13          (3) the designation or creation of new units of  
14          special use airspace, or the establishment of military  
15          flight training routes, over the wilderness areas.

16          (f) OUTFITTING AND GUIDE ACTIVITIES.—Commer-  
17          cial services (including authorized outfitting and guide ac-  
18          tivities) within the wilderness areas may be authorized to  
19          the extent necessary for activities that fulfill the rec-  
20          reational or other wilderness purposes of the wilderness  
21          areas.

22          (g) CASUAL COLLECTION.—

23                 (1) DEFINITION OF CASUAL COLLECTION.—

24                     (A) IN GENERAL.—In this subsection, the  
25                     term “casual collection” means the collection of

1 common invertebrate and plant paleontological  
2 resources or rocks and minerals—

3 (i) by—

4 (I) surface collection; or

5 (II) the use of nonpowered hand  
6 tools;

7 (ii) for noncommercial personal use of  
8 a reasonable quantity, as determined by  
9 the Secretary; and

10 (iii) that results in negligible disturb-  
11 ance, as determined by the Secretary, of—

12 (I) the surface of the Earth; and

13 (II) other resources.

14 (B) INCLUSION.—The term “casual collec-  
15 tion” includes the hobby collecting of rocks,  
16 subject to the discretion of the Secretary.

17 (2) CASUAL COLLECTION ALLOWED.—The Sec-  
18 retary may allow casual collection in the wilderness  
19 areas if the casual collection is consistent with—

20 (A) the recreational or other wilderness  
21 purposes of the wilderness areas, as determined  
22 by the Secretary; and

23 (B)(i) with respect to land managed by the  
24 Bureau of Land Management, the applicable re-

1 source management plan, as in existence on the  
2 date of enactment of this Act; or

3 (ii) with respect to land managed by the  
4 Forest Service, the Manti-La Sal National For-  
5 est Plan, 1986.

6 (h) LAND ACQUISITION AND INCORPORATION OF AC-  
7 QUIRED LAND AND INTERESTS.—

8 (1) ACQUISITION AUTHORITY.—The Secretary  
9 may acquire land and interests in land within the  
10 boundaries of a wilderness area by donation, pur-  
11 chase from a willing seller, or exchange.

12 (2) INCORPORATION.—Any land or interest in  
13 land within the boundary of a wilderness area that  
14 is acquired by the United States after the date of  
15 enactment of this Act shall be added to and adminis-  
16 tered as part of the wilderness area.

17 (i) NATIVE AMERICAN CULTURAL AND RELIGIOUS  
18 USES.—Nothing in this title diminishes—

19 (1) the rights of any Tribe; or

20 (2) any Tribal rights regarding access to Fed-  
21 eral land for Tribal activities, including spiritual,  
22 cultural, and traditional food-gathering activities.

23 (j) CLIMATOLOGICAL DATA COLLECTION.—In ac-  
24 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)  
25 and subject to such terms and conditions as the Secretary

1 may prescribe, the Secretary may authorize the installa-  
2 tion and maintenance of hydrologic, meteorologic, or cli-  
3 matological collection devices in the wilderness areas if the  
4 Secretary determines that the facilities and access to the  
5 facilities are essential to flood warning, flood control, or  
6 water reservoir operation activities.

7 (k) WATER RIGHTS.—

8 (1) STATUTORY CONSTRUCTION.—Nothing in  
9 this Act—

10 (A) constitutes an express or implied res-  
11 ervation by the United States of any water or  
12 water rights with respect to the wilderness  
13 areas;

14 (B) affects any water rights in the State  
15 (including any water rights held by the United  
16 States) in existence on the date of enactment of  
17 this Act;

18 (C) establishes a precedent with regard to  
19 any future wilderness designations;

20 (D) affects the interpretation of, or any  
21 designation made under, any other Act; or

22 (E) limits, alters, modifies, or amends any  
23 interstate compact or equitable apportionment  
24 decree that apportions water among and be-  
25 tween the State and other States.

1           (2) STATE WATER LAW.—The Secretary shall  
2 follow the procedural and substantive requirements  
3 of State law in order to obtain and hold any water  
4 rights not in existence on the date of enactment of  
5 this Act with respect to the wilderness areas.

6           (3) LIMITATION ON NEW WATER RESOURCE FA-  
7 CILITIES.—

8           (A) DEFINITION OF WATER RESOURCE FA-  
9 CILITY.—

10           (i) IN GENERAL.—In this paragraph,  
11 the term “water resource facility” means  
12 an irrigation and pumping facility, res-  
13 ervoir, water conservation works, aqueduct,  
14 canal, ditch, pipeline, well, hydropower  
15 project, transmission or other ancillary fa-  
16 cility, and any other water diversion, stor-  
17 age, or carriage structure.

18           (ii) EXCLUSION.—In this paragraph,  
19 the term “water resource facility” does not  
20 include a wildlife guzzler or a management  
21 activity described in section 203.

22           (B) LIMITATION.—Except as otherwise  
23 provided in this Act, on or after the date of en-  
24 actment of this Act, the President or any other  
25 officer, employee, or agent of the United States

1           may not fund, assist, authorize, or issue a li-  
2           cense or permit for the development of any new  
3           water resource facility inside a wilderness area.

4           (1) MEMORANDUM OF UNDERSTANDING.—The Sec-  
5           retary shall offer to enter into a memorandum of under-  
6           standing with the County to clarify the approval processes  
7           for the use of motorized equipment and mechanical trans-  
8           port for search and rescue activities in the Crack Canyon  
9           Wilderness established by section 201(a)(2).

10   **SEC. 203. FISH AND WILDLIFE MANAGEMENT.**

11           (a) JURISDICTION OF STATE.—Nothing in this title  
12           affects the jurisdiction of the State with respect to fish  
13           and wildlife on public land located in the State.

14           (b) AUTHORITY OF SECRETARY.—In furtherance of  
15           the purposes and principles of the Wilderness Act (16  
16           U.S.C. 1131 et seq.), the Secretary may carry out man-  
17           agement activities to maintain or restore fish and wildlife  
18           populations (including activities to maintain and restore  
19           fish and wildlife habitats to support the populations) in  
20           any wilderness area if the activities are—

21                   (1) consistent with applicable wilderness man-  
22                   agement plans; and

23                   (2) carried out in accordance with—

24                           (A) the Wilderness Act (16 U.S.C. 1131 et  
25                           seq.); and

1 (B) applicable guidelines and policies, in-  
2 cluding applicable policies described in appendix  
3 B of House Report 101–405.

4 **SEC. 204. RELEASE OF LAND FOR NONWILDERNESS USE.**

5 (a) FINDING.—Congress finds that, for the purposes  
6 of section 603(c) of the Federal Land Policy and Manage-  
7 ment Act of 1976 (43 U.S.C. 1782(c)), the approximately  
8 14,779 acres of public land administered by the Bureau  
9 of Land Management in the County that has not been des-  
10 ignated as wilderness by section 201(a) has been ade-  
11 quately studied for wilderness designation.

12 (b) RELEASE.—The public land described in sub-  
13 section (a)—

14 (1) is no longer subject to section 603(c) of the  
15 Federal Land Policy and Management Act of 1976  
16 (43 U.S.C. 1782(c)); and

17 (2) shall be managed in accordance with—

18 (A) applicable law; and

19 (B) any applicable land management plan  
20 adopted under section 202 of the Federal Land  
21 Policy and Management Act of 1976 (43 U.S.C.  
22 1712).



1       **TITLE III—WILD AND SCENIC**  
2                   **RIVER DESIGNATION**

3   **SEC. 301. GREEN RIVER WILD AND SCENIC RIVER DESIGNA-**  
4                   **TION.**

5       Section 3(a) of the Wild and Scenic Rivers Act (16  
6 U.S.C. 1274(a)) is amended by adding at the end the fol-  
7 lowing:

8                   “(213) GREEN RIVER.—The 54-mile segment,  
9       as generally depicted on the map entitled ‘San  
10       Rafael Swell Western Heritage and Historic Mining  
11       National Conservation Area’ and dated \_\_\_\_\_,  
12       2018, to be administered by the Secretary of the In-  
13       terior, in accordance with the classifications des-  
14       ignated on that map.”.

15       **TITLE IV—LAND MANAGEMENT**  
16                   **AND CONVEYANCES**

17   **SEC. 401. TEMPLE MOUNTAIN COOPERATIVE MANAGEMENT**  
18                   **AREA.**

19       (a) IN GENERAL.—At the request of the State, the  
20 Secretary may enter into a cooperative agreement with the  
21 State for the cooperative management of the Federal land  
22 described in subsection (b), which shall be known as the  
23 “Temple Mountain Cooperative Management Area” (re-  
24 ferred to in this section as the “Management Area”).

1 (b) DESCRIPTION OF LAND.—The Federal land re-  
2 ferred to in subsection (a) is the Bureau of Land Manage-  
3 ment land in the County comprising approximately 7,792  
4 acres and identified as “Temple Mountain Cooperative  
5 Management Area” on the Map, excluding any wilderness  
6 areas.

7 (c) PURPOSES.—

8 (1) IN GENERAL.—The purposes of the Man-  
9 agement Area are—

10 (A) to promote and manage outdoor recre-  
11 ation, such as camping, off-highway vehicle use,  
12 mountain biking, rock climbing, equestrian use,  
13 and hiking; and

14 (B) to conserve the recreational and scenic  
15 resources of the Management Area.

16 (2) PRIORITY.—For purposes of administering  
17 the Management Area, the Secretary shall give equal  
18 priority consideration to each of the purposes de-  
19 scribed in paragraph (1).

20 (d) TERMS.—The cooperative agreement entered into  
21 under subsection (a)—

22 (1) shall—

23 (A) clarify the roles, responsibilities, and  
24 limitations of the Secretary and the State with

1 respect to recreation management within the  
2 Management Area;

3 (B) apply only to recreational activities, in-  
4 cluding motorized, mechanized, equestrian, and  
5 human-powered uses within the Management  
6 Area;

7 (C) require that recreational activities  
8 within the Management Area shall continue to  
9 be managed in accordance with—

10 (i) the requirements applicable to the  
11 Conservation Area; and

12 (ii) applicable Federal laws;

13 (D) allow for recreational improvements of  
14 routes and trails for motorized and non-  
15 motorized use to enhance recreational opportu-  
16 nities and minimize resource conflict;

17 (E) address the establishment, distribu-  
18 tion, and use of any revenues generated by rec-  
19 reational activities (including entrance fees)  
20 within the Management Area; and

21 (F) specify that the State agency respon-  
22 sible for administering the Management Area  
23 shall be the Utah Division of Parks and Recre-  
24 ation of the Utah Department of Natural Re-  
25 sources;

1 (2) shall not affect—

2 (A) management within the Management  
3 Area that is not related to the conduct of rec-  
4 reational activities; or

5 (B) recreational activities conducted out-  
6 side the Management Area; and

7 (3) shall not apply to a wilderness area within  
8 the Management Area.

9 (e) TERMINATION.—The Secretary may terminate  
10 the cooperative agreement entered into under subsection  
11 (a) before the end of the term of the cooperative agree-  
12 ment if the Secretary determines that early termination  
13 of the agreement is necessary.

14 **SEC. 402. GOBLIN VALLEY STATE PARK RECREATION AND**  
15 **PUBLIC PURPOSE AGREEMENT.**

16 (a) IN GENERAL.—At the request of the State, the  
17 Secretary shall offer to enter into a recreation and public  
18 purposes agreement with the Utah Division of Parks and  
19 Recreation of the Utah Department of Natural Resources  
20 (referred to in this section as the “State”), that provides  
21 for the management by the State of the land identified  
22 on the Map as the “Goblin Valley State Park Expansion”  
23 as a State park in accordance with State law.

24 (b) REVERSIONARY CLAUSE REQUIRED.—An agree-  
25 ment entered into under subsection (a) shall include a re-

1 versionary clause to ensure that management of the land  
2 described in that subsection shall revert to the Secretary  
3 if the land is no longer being managed as a State park.

4 **SEC. 403. JURASSIC NATIONAL MONUMENT.**

5 (a) PURPOSES.—To conserve, interpret, and enhance  
6 for the benefit of present and future generations the pale-  
7 ontological, scientific, educational, and recreational re-  
8 sources of the area and subject to valid existing rights,  
9 there is established in the County a national monument,  
10 to be known as the “Jurassic National Monument” (re-  
11 ferred to in this section as the “Monument”), consisting  
12 of approximately 2,543 acres of Federal land in the Coun-  
13 ty, as generally depicted on the Map.

14 (b) MAP AND LEGAL DESCRIPTION.—

15 (1) IN GENERAL.—Not later than 2 years after  
16 the date of enactment of this Act, the Secretary  
17 shall file with the Committee on Energy and Natural  
18 Resources of the Senate and the Committee on Nat-  
19 ural Resources of the House of Representatives a  
20 map and legal description of the Monument.

21 (2) EFFECT.—The map and legal description  
22 filed under paragraph (1) shall have the same force  
23 and effect as if included in this section, except that  
24 the Secretary may correct minor errors in the map  
25 or legal description, subject to the requirement that,

1 before making the proposed corrections, the Sec-  
2 retary shall submit to the State and any affected  
3 county the proposed corrections.

4 (3) PUBLIC AVAILABILITY.—A copy of the map  
5 and legal description filed under paragraph (1) shall  
6 be on file and available for public inspection in the  
7 appropriate offices of the Bureau of Land Manage-  
8 ment.

9 (c) WITHDRAWALS.—Subject to valid existing rights,  
10 any land within the boundaries of the Monument or any  
11 land or interest in land that is acquired by the United  
12 States for inclusion in the Monument after the date of  
13 enactment of this Act is withdrawn from—

14 (1) entry, appropriation, or disposal under the  
15 Federal land laws;

16 (2) location, entry, and patent under the mining  
17 laws; and

18 (3) operation of the mineral leasing laws, geo-  
19 thermal leasing laws, and minerals materials laws.

20 (d) MANAGEMENT.—

21 (1) IN GENERAL.—The Secretary shall manage  
22 the Monument—

23 (A) in a manner that conserves, protects,  
24 and enhances the resources and values of the

1 Monument, including the resources and values  
2 described in subsection (a); and

3 (B) in accordance with—

4 (i) this section;

5 (ii) the Federal Land Policy and Man-  
6 agement Act of 1976 (43 U.S.C. 1701 et  
7 seq.); and

8 (iii) any other applicable Federal law.

9 (2) NATIONAL LANDSCAPE CONSERVATION SYS-  
10 TEM.—The Monument shall be managed as a com-  
11 ponent of the National Landscape Conservation Sys-  
12 tem.

13 (e) MANAGEMENT PLAN.—

14 (1) IN GENERAL.—Not later than 2 years after  
15 the date of enactment of this Act, the Secretary  
16 shall develop a comprehensive management plan for  
17 the long-term protection and management of the  
18 Monument.

19 (2) COMPONENTS.—The management plan de-  
20 veloped under paragraph (1)—

21 (A) shall—

22 (i) describe the appropriate uses and  
23 management of the Monument, consistent  
24 with the provisions of this section; and

1           (ii) allow for continued scientific re-  
2           search at the Monument during the devel-  
3           opment of the management plan for the  
4           Monument; and

5           (B) may—

6           (i) incorporate any appropriate deci-  
7           sions contained in any management or ac-  
8           tivity plan applicable to the land described  
9           in subsection (a); and

10           (ii) use information developed in stud-  
11           ies of any land within or adjacent to the  
12           Monument that were conducted before the  
13           date of enactment of this Act.

14           (f) AUTHORIZED USES.—The Secretary shall only  
15           allow uses of the Monument that the Secretary determines  
16           would further the purposes for which the Monument has  
17           been established.

18           (g) INTERPRETATION, EDUCATION, AND SCIENTIFIC  
19           RESEARCH.—

20           (1) IN GENERAL.—The Secretary shall provide  
21           for public interpretation of, and education and sci-  
22           entific research on, the paleontological resources of  
23           the Monument.

24           (2) COOPERATIVE AGREEMENTS.—The Sec-  
25           retary may enter into cooperative agreements with



1 appropriate public entities to carry out paragraph  
2 (1).

3 (h) SPECIAL MANAGEMENT AREAS.—

4 (1) IN GENERAL.—The establishment of the  
5 Monument shall not modify the management status  
6 of any area within the boundary of the Monument  
7 that is—

8 (A) designated as a wilderness study area  
9 and managed in accordance with section 603(c)  
10 of the Federal Land Policy and Management  
11 Act of 1976 (43 U.S.C. 1782(c)); or

12 (B) managed as an area of critical environ-  
13 ment concern.

14 (2) CONFLICT OF LAWS.—If there is a conflict  
15 between the laws applicable to an area described in  
16 paragraph (1) and this section, the more restrictive  
17 provision shall control.

18 (i) MOTORIZED VEHICLES.—Except as needed for  
19 administrative purposes or to respond to an emergency,  
20 the use of motorized vehicles in the Monument shall be  
21 allowed only on roads and trails designated for use by mo-  
22 torized vehicles under the management plan for the Monu-  
23 ment developed under subsection (e).

24 (j) WATER RIGHTS.—Nothing in this section con-  
25 stitutes an express or implied reservation by the United

1 States of any water or water rights with respect to the  
2 Monument.

3 **SEC. 404. PUBLIC LAND DISPOSAL AND ACQUISITION.**

4 (a) IN GENERAL.—Consistent with applicable law,  
5 the Secretary may sell public land located in the County  
6 that was identified as suitable for potential disposal in the  
7 applicable resource management plan in existence on the  
8 date of enactment of this Act.

9 (b) USE OF PROCEEDS.—

10 (1) IN GENERAL.—Notwithstanding any other  
11 provision of law (other than a law that specifically  
12 provides for a portion of the proceeds of a land sale  
13 to be distributed to any trust fund of the State),  
14 proceeds from the sale of public land under sub-  
15 section (a) shall be deposited in a separate account  
16 in the Treasury, to be known as the “Emery County,  
17 Utah, Land Acquisition Account” (referred to in this  
18 section as the “Account”).

19 (2) AVAILABILITY.—

20 (A) IN GENERAL.—Amounts in the Ac-  
21 count shall be available to the Secretary, with-  
22 out further appropriation, to purchase from  
23 willing sellers land or interests in land within a  
24 wilderness area or the Conservation Area.

1 (B) APPLICABILITY.—Any purchase of  
2 land or interest in land under subparagraph (A)  
3 shall be in accordance with applicable law.

4 **SEC. 405. PUBLIC PURPOSE CONVEYANCES.**

5 (a) IN GENERAL.—Notwithstanding the land use  
6 planning requirement of sections 202 and 203 of the Fed-  
7 eral Land Policy and Management Act of 1976 (43 U.S.C.  
8 1712, 1713), on request by the applicable local govern-  
9 mental entity, the Secretary shall convey without consider-  
10 ation the following parcels of public land to be used for  
11 public purposes:

12 (1) The approximately 640 acres of land com-  
13 prising the Emery City Recreation Area.

14 (2) The approximately 1,400 acres of land com-  
15 prising the Huntington Airport.

16 (3) The approximately 640 acres of land com-  
17 prising the State Road 6 Emery County Sheriff's  
18 Office substation site.

19 (4) The approximately 65 acres of land com-  
20 prising the Buckhorn Information Center.

21 (b) MAP AND LEGAL DESCRIPTION.—

22 (1) IN GENERAL.—As soon as practicable after  
23 the date of enactment of this Act, the Secretary  
24 shall file a map and legal description of each parcel  
25 of land to be conveyed under subsection (a) with—

1 (A) the Committee on Energy and Natural  
2 Resources of the Senate; and

3 (B) the Committee on Natural Resources  
4 of the House of Representatives.

5 (2) EFFECT.—Each map and legal description  
6 filed under paragraph (1) shall have the same force  
7 and effect as if included in this Act, except that the  
8 Secretary may correct minor errors in the map or  
9 legal description.

10 (3) PUBLIC AVAILABILITY.—Each map and  
11 legal description filed under paragraph (1) shall be  
12 on file and available for public inspection in the  
13 Price Field Office of the Bureau of Land Manage-  
14 ment.

15 (c) REVERSION.—

16 (1) IN GENERAL.—If a parcel of land conveyed  
17 under subsection (a) is used for a purpose other  
18 than the purpose described in that subsection, the  
19 parcel of land shall, at the discretion of the Sec-  
20 retary, revert to the United States.

21 (2) RESPONSIBILITY FOR REMEDIATION.—In  
22 the case of a reversion under paragraph (1), if the  
23 Secretary determines that the parcel of land is con-  
24 taminated with hazardous waste, the local govern-  
25 mental entity to which the parcel of land was con-

1       veyed under subsection (a) shall be responsible for  
2       remediation.

3 **SEC. 406. EXCHANGE OF SCHOOL AND INSTITUTIONAL**  
4 **TRUST LANDS ADMINISTRATION LAND.**

5       (a) DEFINITIONS.—In this section:

6           (1) APPLICATION.—The term “application”  
7       means an application for State relinquishment of a  
8       State land grant parcel and State selection of unap-  
9       propriated public land filed under this section.

10          (2) RELINQUISHMENT AREA.—The term “Re-  
11       linquishment Area” means any land within—

12           (A) the Conservation Area; or

13           (B) a wilderness area.

14          (3) STATE.—The term “State” means the  
15       State, acting as trustee under the Utah State School  
16       and Institutional Trust Lands Management Act  
17       (Utah Code Ann. 53C–1–101 et seq.) through the  
18       Utah School and Institutional Trust Lands Adminis-  
19       tration.

20          (4) STATE LAND GRANT PARCEL.—The term  
21       “State land grant parcel” means—

22           (A) any land wholly or partially within a  
23       Relinquishment Area that was granted to the  
24       State by Congress through a statehood land

1 grant for the support of public education or  
2 other public institutions; or

3 (B) any land located wholly or partially  
4 within a Relinquishment Areal that was ac-  
5 quired by the State for a purpose described in  
6 subparagraph (A).

7 (5) UNAPPROPRIATED PUBLIC LAND.—

8 (A) IN GENERAL.—The term “unappropri-  
9 ated public land” has the meaning given the  
10 term “public lands” in section 103 of the Fed-  
11 eral Land Policy and Management Act of 1976  
12 (43 U.S.C. 1702).

13 (B) INCLUSION.—The term “unappropri-  
14 ated public land” includes any land or minerals  
15 acquired by the United States under title III of  
16 the Bankhead-Jones Farm Tenant Act (7  
17 U.S.C. 1010 et seq.).

18 (C) EXCLUSIONS.—The term “unappropri-  
19 ated public land” does not include Federal land  
20 that is—

21 (i) except as provided in subparagraph

22 (B), acquired land;

23 (ii) in a unit of the National Land  
24 Conservation System established by the

1 Omnibus Public Land Management Act of  
2 2009 (Public Law 111–11; 123 Stat. 991);  
3 (iii) in an area of critical environ-  
4 mental concern established under section  
5 202(c)(3) of the Federal Land Policy and  
6 Management Act of 1976 (43 U.S.C.  
7 1712(c)(3)); or  
8 (iv) in a special recreation manage-  
9 ment area.

10 (b) RELINQUISHMENT OF STATE LAND GRANT PAR-  
11 CELS AND SELECTION OF REPLACEMENT LAND.—

12 (1) AUTHORITY TO SELECT.—In accordance  
13 with this section, the State may, on approval by the  
14 Secretary of an application filed under this section—

15 (A) relinquish to the Secretary the State  
16 land grant parcels described in the approved  
17 application; and

18 (B) in exchange for the relinquished land,  
19 select unappropriated public land in the State  
20 for conveyance by the Secretary to the State.

21 (2) PROCESSING.—The Secretary shall prompt-  
22 ly process any application filed under this section in  
23 accordance with subsection (c).

24 (3) VALID EXISTING RIGHTS.—

1 (A) IN GENERAL.—Any land conveyed  
2 under this section shall be subject to valid exist-  
3 ing rights.

4 (B) SUCCESSION.—Each party to whom  
5 land is conveyed under this section shall suc-  
6 ceed to the rights and obligations of the con-  
7 veying party with respect to any lease, right-of-  
8 way, permit or other valid existing right to  
9 which the conveyed land is subject.

10 (c) APPLICATION AND CONVEYANCE PROCEDURES.—

11 (1) APPROVAL OR DISAPPROVAL OF APPLICA-  
12 TIONS.—

13 (A) DEADLINE FOR APPROVAL.—Not later  
14 than 1 year after the date on which an applica-  
15 tion is filed under this section, the Secretary  
16 shall issue a final approval or disapproval of the  
17 application.

18 (B) PARTIAL APPROVAL AUTHORIZED.—  
19 An application may be approved by the Sec-  
20 retary in whole or in part.

21 (C) LIMITATION.—The Secretary shall not  
22 approve any application that the Secretary de-  
23 termines would create irreconcilable manage-  
24 ment conflicts with respect to the management  
25 of adjacent Federal land.



1 (2) CONVEYANCE.—

2 (A) CONVEYANCE BY STATE.—The convey-  
3 ance of any State land grant parcel under this  
4 section shall be by patent or deed acceptable to  
5 the Secretary.

6 (B) CONVEYANCE BY SECRETARY.—

7 (i) DEADLINE FOR CONVEYANCE OF  
8 UNAPPROPRIATED PUBLIC LAND.—Not  
9 later than 90 days after the date on which  
10 the Secretary issues a final approval with  
11 respect to an application for the convey-  
12 ance of unappropriated public land, the  
13 Secretary shall convey the applicable unap-  
14 propriated public land to the State.

15 (ii) TERMS AND CONDITIONS.—The  
16 conveyance of unappropriated public land  
17 by the Secretary to the State under this  
18 section shall include such terms and condi-  
19 tions as the Secretary may require.

20 (3) ENVIRONMENTAL ANALYSIS.—

21 (A) IN GENERAL.—Except as otherwise  
22 provided in this subsection, the Secretary shall  
23 convey unappropriated public land under this  
24 section in accordance with—

1 (i) the National Environmental Policy  
2 Act of 1969 (42 U.S.C. 4321 et seq.); and

3 (ii) any other applicable law.

4 (B) ENVIRONMENTAL ASSESSMENT OR EN-  
5 VIRONMENTAL IMPACT STATEMENT.—In pre-  
6 paring an environmental assessment or environ-  
7 mental impact statement under section 102(2)  
8 of the National Environmental Policy Act of  
9 1969 (42 U.S.C. 4332(2)) for the conveyance of  
10 unappropriated public land under this section,  
11 the Secretary is not required to study, develop,  
12 or describe any action other than—

13 (i) the proposed agency action; and

14 (ii) the alternative of no action.

15 (d) MINERAL LAND.—

16 (1) SELECTION AND CONVEYANCE.—

17 (A) IN GENERAL.—Subject to the provi-  
18 sions of this section, the State may select, and  
19 the Secretary may convey, unappropriated pub-  
20 lic land that is mineral in character.

21 (B) EXCLUSION.—The State may not se-  
22 lect, and the Secretary may not convey—

23 (i) unappropriated public land that in-  
24 cludes only a portion of a mineral lease or  
25 permit; or

1                   (ii) only the Federal mineral estate to  
2                   unappropriated public land, unless the  
3                   United States does not own the associated  
4                   surface estate of the unappropriated public  
5                   land.

6                   (2) MINING CLAIMS.—

7                   (A) MINING CLAIMS UNAFFECTED.—Noth-  
8                   ing in this section alters, diminishes, or expands  
9                   the existing rights of a mining claimant under  
10                  applicable law.

11                  (B) VALIDITY EXAMINATIONS.—Nothing in  
12                  this section requires the Secretary to carry out  
13                  a mineral examination for any mining claim lo-  
14                  cated on unappropriated public land to be con-  
15                  veyed under this section.

16                  (C) WITHDRAWAL.—Unappropriated pub-  
17                  lic land selected by the State for acquisition  
18                  under this section is withdrawn, subject to valid  
19                  existing rights, from location, entry, and patent  
20                  under the mining laws until that date on  
21                  which—

22                         (i) the selected unappropriated public  
23                         land is conveyed by the Secretary to the  
24                         State;

1 (ii) the Secretary makes a final deter-  
2 mination not accepting the selection of the  
3 unappropriated public land; or

4 (iii) the State withdraws the selection  
5 of the unappropriated public land.

6 (e) CONSTRUCTION WITH OTHER LAWS.—

7 (1) CONSIDERATION.—In the application of  
8 laws (including regulations) and policies relating to  
9 selections made under this section, the Secretary  
10 shall consider the equities of the State and the inter-  
11 est of the public.

12 (2) PRESUMPTION OF PLAN ADEQUACY.—Un-  
13 less a land use plan adopted under section 202 of  
14 the Federal Land Policy and Management Act of  
15 1976 (43 U.S.C. 1712) specifically identifies signifi-  
16 cant public values that would be lost or substantially  
17 impaired as a result of the conveyance of unappro-  
18 priated public land to the State, any State selection  
19 under this section shall be considered to be in com-  
20 pliance with the plan regardless of whether the se-  
21 lected land is otherwise identified for disposal.

22 (f) VALUATION.—

23 (1) EQUAL VALUE.—

24 (A) IN GENERAL.—The overall value of the  
25 State land grant parcels and parcels of unap-

1           appropriated public land to be conveyed to the  
2           State shall be—

3                   (i) equal; or

4                   (ii) if the value is not equal—

5                           (I) equalized by the payment of  
6                           funds to the State or to the Secretary  
7                           as the circumstances require; or

8                           (II) reflected on the balance of a  
9                           ledger account established under para-  
10                          graph (3).

11           (B) APPRAISAL REQUIRED.—Except as  
12           provided in paragraph (2), the Secretary and  
13           the State shall jointly determine the value of a  
14           State land grant parcel and a parcel of unap-  
15           propriated public land through an appraisal  
16           completed in accordance with—

17                   (i) the Uniform Appraisal Standards  
18                   for Federal Land Acquisitions; and

19                   (ii) the Uniform Standards for Profes-  
20                   sional Appraisal Practice.

21           (2) LOW VALUE PARCELS.—

22                   (A) VALUATION.—The Secretary may, with  
23                   the consent of the State, use a mass appraisal  
24                   or statement of value made by a qualified ap-  
25                   praiser carried out in accordance with the Uni-

1 form Standards for Professional Appraisal  
2 Practice instead of an appraisal that complies  
3 with the Uniform Appraisal Standards for Fed-  
4 eral Land Acquisitions if the State and the Sec-  
5 retary agree that the market value of a State  
6 land grant parcel or a parcel of unappropriated  
7 public land is—

8 (i) less than \$500,000; and

9 (ii) less than \$500 per acre.

10 (B) DIVISION.—A State land grant parcel  
11 or a parcel of unappropriated public land may  
12 not be artificially divided in order to qualify for  
13 a mass appraisal or statement of value under  
14 subparagraph (A).

15 (3) LEDGER ACCOUNTS.—

16 (A) IN GENERAL.—The Secretary and the  
17 State may agree to use a ledger account to  
18 make equal the value of land relinquished by  
19 the State and conveyed by the Secretary to the  
20 State under this section.

21 (B) IMBALANCES.—A ledger account de-  
22 scribed in subparagraph (A) shall reflect imbal-  
23 ances in value to be reconciled in a subsequent  
24 transaction.

1           (C) ACCOUNT BALANCING.—Each ledger  
2 account established under this paragraph shall  
3 be—

4           (i) balanced not later than 3 years  
5 after the date on which the ledger account  
6 is established; and

7           (ii) closed not later than 5 years after  
8 the date of the last conveyance of land  
9 under this section.

10       (4) COSTS.—The Secretary or the State may—

11           (A) assume costs or other responsibilities  
12 or requirements for conveying land under this  
13 section that would generally be the responsi-  
14 bility of the other party; and

15           (B) make adjustments to the relative val-  
16 ues involved in the conveyance of land under  
17 this section to compensate the Secretary or the  
18 State, as applicable, for assuming the costs or  
19 other responsibilities or requirements under  
20 subparagraph (A).

21       (5) ADJUSTMENT.—If value is attributed to any  
22 parcel of unappropriated public land that has been  
23 selected by the State because of the presence of min-  
24 erals under a lease under the Mineral Leasing Act  
25 (30 U.S.C. 181 et seq.) that is in a producing or

1        producible status, the value of the parcel shall be re-  
2        duced by the percentage that represents the likely  
3        Federal-revenue sharing obligation under that Act,  
4        but the adjustment shall not be considered to reflect  
5        a property right of the State.

6        (g) MISCELLANEOUS PROVISIONS.—

7            (1) HAZARDOUS MATERIALS.—The Secretary  
8        and the State shall make available for review and in-  
9        spection any record relating to hazardous materials  
10       on land to be conveyed under this section.

11           (2) APPURTENANT WATER RIGHTS.—Any con-  
12       veyance of a State land grant parcel or parcel of un-  
13       appropriated public land under this section may in-  
14       clude the conveyance of water rights appurtenant to  
15       the land conveyed.

16           (3) GRAZING PERMITS.—

17            (A) IN GENERAL.—If land conveyed under  
18       this section is subject to a lease, permit, or con-  
19       tract for the grazing of domestic livestock in ef-  
20       fect on the date of conveyance, the Secretary or  
21       the State, as applicable, shall allow the grazing  
22       to continue for the remainder of the term of the  
23       lease, permit, or contract, subject to the related  
24       terms and conditions of user agreements, in-  
25       cluding permitted stocking rates, grazing fee



1 levels, access rights, and ownership and use of  
2 range improvements.

3 (B) RENEWAL.—On expiration of any  
4 grazing lease, permit, or contract described in  
5 subparagraph (A), the party that has jurisdic-  
6 tion over the land on the date of expiration,  
7 may elect to renew the lease, permit, or con-  
8 tract if permitted under applicable law.

9 (C) CANCELLATION.—

10 (i) IN GENERAL.—Nothing in this sec-  
11 tion prevents the Secretary or the State  
12 from canceling or modifying a grazing per-  
13 mit, lease, or contract if the land subject  
14 to the permit, lease, or contract is sold,  
15 conveyed, transferred, or leased for non-  
16 grazing purposes by the Secretary or the  
17 State.

18 (ii) LIMITATION.—Except to the ex-  
19 tent reasonably necessary to accommodate  
20 surface operations in support of mineral  
21 development, the Secretary or the State  
22 shall not cancel or modify a grazing per-  
23 mit, lease, or contract for land conveyed  
24 under this section because the land subject

1           to the permit, lease, or contract has been  
2           leased for mineral development.

3           (D) BASE PROPERTIES.—If land conveyed  
4           by the State under this section is used by a  
5           grazing permittee or lessee to meet the base  
6           property requirements for a Federal grazing  
7           permit or lease, the land shall continue to qual-  
8           ify as a base property for the remaining term  
9           of the lease or permit and the term of any re-  
10          newal or extension of the lease or permit.

11          (h) EFFECT ON OTHER STATE SELECTION AUTHOR-  
12          IZATIONS.—The authorization for State relinquishments  
13          and selections under this section shall be considered to be  
14          independent of, and not limited by, the authorization for  
15          State selections under—

16                (1) sections 6, 8, and 12 of the Act of July 16,  
17                1894 (28 Stat. 107, chapter 138); or

18                (2) sections 2275 and 2276 of the Revised  
19                Statutes (43 U.S.C. 851, 852).

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