

113TH CONGRESS
1ST SESSION

H. R. 3294

To establish a streamlined process through which a State may claim authority over and responsibility for management of Federal lands located in the State without claiming ownership of the land, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2013

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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

A BILL

To establish a streamlined process through which a State may claim authority over and responsibility for management of Federal lands located in the State without claiming ownership of the land, 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.**

4 This Act may be cited as the “State-Run Federal
5 Lands Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) QUALIFYING FEDERAL LAND.—The term
2 “qualifying Federal land” means Federal land under
3 the jurisdiction of—

4 (A) the National Park Service, including
5 national monuments and recreation areas;

6 (B) the Bureau of Land Management;

7 (C) the Forest Service; or

8 (D) the United States Fish and Wildlife
9 Service, including wildlife refuges and pre-
10 serves.

11 (2) SECRETARY CONCERNED.—The term “Sec-
12 retary concerned” means—

13 (A) in the case of land under the jurisdic-
14 tion of the National Park Service or the United
15 States Fish and Wildlife Service, the Secretary
16 of the Interior; and

17 (B) in the case of land under the jurisdic-
18 tion of the Forest Service, the Secretary of Ag-
19 riculture.

20 **SEC. 3. PETITION BY STATES FOR MANAGEMENT OF CER-**
21 **TAIN QUALIFYING FEDERAL LANDS.**

22 (a) SUBMISSION OF PETITION BY STATE TO MANAGE
23 FEDERAL LANDS.—Beginning 30 days after the date of
24 the enactment of this Act, a State may submit to the Sec-
25 retary concerned a petition to enter into a cooperative

1 agreement with the Secretary concerned for purposes of
2 managing certain qualifying Federal lands located in the
3 State.

4 (b) DETERMINATION.—The Secretary concerned
5 shall approve or deny a petition (including a corrected pe-
6 tition that is resubmitted) submitted under this section
7 not later than 90 days after the date on which the Sec-
8 retary concerned receives the petition.

9 (c) DENIAL OF PETITION.—The Secretary concerned
10 shall approve a petition submitted under subsection (a)
11 if the Secretary concerned determines that—

12 (1) the State has demonstrated that it has suf-
13 ficient funds to meet the cost-sharing requirement
14 under subsection (f)(3) for the duration of the coop-
15 erative agreement;

16 (2) the petition is complete;

17 (3) the proposed cooperative agreement sub-
18 mitted with the petition contains all of the terms re-
19 quired under subsection (f); or

20 (4) the petition is from a State that had a pre-
21 vious cooperative agreement terminated and the Sec-
22 retary determines that the reasons for that termi-
23 nation warrant denial of the new (or corrected) peti-
24 tion.

25 (d) OPPORTUNITY TO AMEND PETITION.—

1 (1) NOTICE OF DENIAL.—If the Secretary con-
2 cerned denies a petition under subsection (b), the
3 Secretary concerned shall provide to the State that
4 submitted such petition written notice of the denial.
5 Such written notice shall include—

6 (A) a clear and comprehensive statement
7 of the reasons why the petition was denied; and

8 (B) a clear and comprehensive description
9 of any deficiencies in the petition or the related
10 proposed cooperative agreement.

11 (2) RESUBMISSION OF CORRECTED PETITION.—
12 After receiving a notice from the Secretary under
13 paragraph (1), a State may amend and resubmit the
14 denied petition.

15 (e) PETITION AND COOPERATIVE AGREEMENT
16 DEEMED APPROVED.—If the Secretary concerned does
17 not approve or deny a petition submitted under subsection
18 (a) or (d)(2) within the 90 days after receiving the peti-
19 tion, the petition and the proposed cooperative agreement
20 submitted with the petition shall be deemed approved.

21 (f) PETITION CONTENTS.—A petition submitted
22 under subsection (a) shall include—

23 (1) a letter signed by the Governor of the State
24 submitting such petition addressed to the Secretary
25 concerned that contains a description and a cor-

1 responding map of the qualifying Federal lands over
2 which the State seeks to manage;

3 (2) the proposed cooperative agreement that is
4 the subject of the petition;

5 (3) documentation that demonstrates the ability
6 of the State to provide sufficient funds to administer
7 such lands for the duration of the cooperative agree-
8 ment; and

9 (4) any other documentation that the Secretary
10 concerned may require.

11 (g) COOPERATIVE AGREEMENT CONTENTS.—A coop-
12 erative agreement submitted under subsection (e)(2) shall
13 contain—

14 (1) a statement that the State shall manage
15 certain qualifying Federal lands located in that
16 State after the effective date of the transfer of man-
17 agement to the State for a specified term of years;

18 (2) a cost-sharing requirement stating that the
19 State shall provide a certain amount (equal to not
20 less than 50 percent), in cash or in-kind, of the total
21 amount required for the management of the quali-
22 fying Federal lands concerned;

23 (3) the amount to be contributed by the State
24 shall be determined by the Governor of the State
25 and the Secretary concerned, only after the Sec-

1 retary concerned submits to the State a categorical
2 assessment of all costs, in the recent past and antici-
3 pated during the duration of the cooperative agree-
4 ment, of managing the qualifying Federal lands con-
5 cerned, including employee salary data;

6 (4) in the event of a natural disaster, as cat-
7 egorized by the Federal Emergency Management
8 Agency, the State shall assume authority over recov-
9 ery initiatives (nullifying any existing established
10 Federal response protocol) so that—

11 (A) the cost of damages to any structure
12 on the qualifying Federal lands concerned be
13 shared by both State and Federal entities at a
14 ratio in accordance to the cost-sharing agree-
15 ment; and

16 (B) the cost and administration of repair
17 of damages resulting from natural disasters,
18 not including structures referred to in subpara-
19 graph (A), shall be assumed by the State rather
20 than the Federal Government;

21 (5) all revenue accrued from fees, royalties, and
22 other revenues related to the qualifying Federal
23 lands concerned shall be distributed to the State and
24 Federal entities in accordance to the percentages
25 dictated by the cost-sharing agreement and shall be

1 used so that the percentage of funds designated to
2 the Federal entity shall be made available to the
3 Secretary concerned for use at the sole discretion of
4 the Secretary concerned;

5 (6) the procedures to be followed for purposes
6 of the transition from Federal to State management
7 of the qualifying Federal lands concerned, includ-
8 ing—

9 (A) a guarantee that all Federal employees
10 managing the qualifying Federal lands con-
11 cerned may remain employed without infringe-
12 ment upon their existing conditions of employ-
13 ment;

14 (B) a guarantee that the State may use its
15 percentage of the amounts required for the
16 management of the qualifying Federal lands
17 concerned to hire additional staff whose terms
18 of employment shall be decided by the peti-
19 tioning State; and

20 (C) authority over the qualifying Federal
21 lands concerned shall be directed by the State
22 that submitted the petition and a State-ap-
23 pointed manager, but the implementation of its
24 directives may include the existing Federal su-

1 perintendent concerned and performed in con-
2 junction with State employees;

3 (7) the transfer of any special use permits
4 issued to the Secretary concerned with respect to the
5 qualifying Federal lands concerned to the State;

6 (8) a provision stating that lands currently
7 open to mineral entry under the Act of May 10,
8 1872 (commonly referred to as the “General Mining
9 Act of 1872” (30 U.S.C. 22 et seq.)), shall remain
10 open to mineral entry under State law unless subse-
11 quently changed by a State mineral closing order;
12 and

13 (9) if the qualifying Federal lands concerned
14 cross State lines, all States involved shall submit a
15 joint petition or the States must agree to divide the
16 park by State lines to enable State authority in ac-
17 cordance to the cost-sharing agreement.

18 (h) **APPLICABILITY OF STATE LAW ON QUALIFYING**
19 **FEDERAL LANDS UNDER COOPERATIVE AGREEMENT.**—
20 State environmental, wildlife, and land management laws
21 shall supercede Federal environmental, wildlife, and land
22 management laws on the qualifying Federal lands admin-
23 istered by a State under a cooperative agreement in place
24 under this section to the extent that such laws are more
25 restrictive than the corresponding Federal laws.

1 (i) OWNERSHIP.—Notwithstanding a State manage-
2 ment of qualified Federal lands under a cooperative agree-
3 ment entered into under this section, the United States
4 shall retain all right, title, and interest in and to such
5 lands.

6 (j) TERMINATION OF COOPERATIVE AGREEMENT.—
7 A cooperative agreement applicable under this section
8 shall terminate, at the discretion of the Secretary con-
9 cerned, under the following circumstances:

10 (1) The State concerned defaults on a payment,
11 thereby requiring Federal entities to assume respon-
12 sibility for the financial liabilities.

13 (2) The State concerned is in substantial
14 breach of the cooperative agreement as determined
15 by the Secretary concerned.

16 (3) The cooperative agreement terminates
17 under a term contained in that agreement.

18 (k) INTENTIONAL TERMINATION OF COOPERATIVE
19 AGREEMENT.—

20 (1) If the State no longer finds that the cooper-
21 ative agreement is beneficial or in the best interest
22 of the State, the State must submit a petition to the
23 Secretary concerned exhibiting credible purpose and
24 reason for such intent.

1 (2) Not later than 90 days after receiving a pe-
2 tition under paragraph (1), the Secretary concerned
3 shall determine whether to approve or deny the peti-
4 tion.

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