

Union Calendar No. 832

115TH CONGRESS
2^D SESSION

H. R. 5727

[Report No. 115–1071]

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.

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

DECEMBER 10, 2018

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on May 9, 2018]

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.

Sec. 3. Administration.

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

Sec. 101. Establishment of Recreation Area.

Sec. 102. Management of Recreation Area.

*Sec. 103. San Rafael Swell Western Heritage and Historic Mining National
 Recreation 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. Goblin Valley State Park recreation and public purpose agreement.

Sec. 402. Jurassic National Monument.

Sec. 403. Public land disposal and acquisition.

Sec. 404. Public purpose conveyances.

Sec. 405. School and Institutional Trust Lands Administration land.

8 **SEC. 2. DEFINITIONS.**

9 *In this Act:*

10 (1) *COUNCIL.*—*The term “Council” means the*
 11 *San Rafael Swell Western Heritage and Historic*

1 *Mining National Recreation Area Advisory Council*
2 *established under section 103(a).*

3 (2) *COUNTY.*—*The term “County” means Emery*
4 *County in the State.*

5 (3) *MANAGEMENT PLAN.*—*The term “Manage-*
6 *ment Plan” means the management plan for the*
7 *Recreation Area developed under section 102(b).*

8 (4) *MAP.*—*The term “Map” means the map enti-*
9 *tled “Emery County Public Land Management Act of*
10 *2018 Overview Map” and dated September 14, 2018.*

11 (5) *RECREATION AREA.*—*The term “Recreation*
12 *Area” means the San Rafael Swell Western Heritage*
13 *and Historic Mining National Recreation Area estab-*
14 *lished by section 101(a)(1).*

15 (6) *SECRETARY.*—*The term “Secretary”*
16 *means—*

17 (A) *in title I, the Secretary of the Interior,*
18 *acting through the Director of the Bureau of*
19 *Land Management;*

20 (B) *in titles II and III—*

21 (i) *the Secretary of the Interior, acting*
22 *through the Director of the Bureau of Land*
23 *Management, with respect to public land;*
24 *and*

1 (ii) the Secretary of Agriculture, acting
2 through the Chief of the Forest Service, with
3 respect to National Forest System land (as
4 defined in section 103 of the Federal Land
5 Policy and Management Act of 1976 (43
6 U.S.C. 1702)); and

7 (C) in title IV, the Secretary of the Interior.

8 (7) STATE.—The term “State” means the State
9 of Utah.

10 (8) WILDERNESS AREA.—The term “wilderness
11 area” means a wilderness area designated by section
12 201(a).

13 **SEC. 3. ADMINISTRATION.**

14 Nothing in this Act affects or modifies any right of
15 any federally recognized Indian Tribe or any obligation of
16 the United States.

17 **TITLE I—SAN RAFAEL SWELL**
18 **WESTERN HERITAGE AND HIS-**
19 **TORIC MINING NATIONAL**
20 **RECREATION AREA**

21 **SEC. 101. ESTABLISHMENT OF RECREATION AREA.**

22 (a) ESTABLISHMENT.—

23 (1) IN GENERAL.—Subject to valid existing
24 rights, there is established the San Rafael Swell West-

1 *ern Heritage and Historic Mining National Recre-*
2 *ation Area in the State.*

3 (2) *AREA INCLUDED.*—*The Recreation Area shall*
4 *consist of approximately 340,906 acres of certain Fed-*
5 *eral land managed by the Bureau of Land Manage-*
6 *ment, as generally depicted on the Map.*

7 (b) *PURPOSES.*—*The purposes of the Recreation Area*
8 *are to provide for the protection, conservation, and enhance-*
9 *ment of the recreational (including non-motorized and mo-*
10 *torized), cultural, natural, scenic, wildlife, ecological, his-*
11 *torical, and educational resources of the Recreation Area.*

12 (c) *MAP AND LEGAL DESCRIPTION.*—

13 (1) *IN GENERAL.*—*As soon as practicable after*
14 *the date of enactment of this Act, the Secretary shall*
15 *file a map and legal description of the Recreation*
16 *Area with the Committee on Natural Resources of the*
17 *House of Representatives and the Committee on En-*
18 *ergy and Natural Resources of the Senate.*

19 (2) *EFFECT.*—*The map and legal description*
20 *filed under paragraph (1) shall have the same force*
21 *and effect as if included in this title, except that the*
22 *Secretary may correct clerical and typographical er-*
23 *rors in the map and legal description.*

24 (3) *PUBLIC AVAILABILITY.*—*A copy of the map*
25 *and legal description filed under paragraph (1) shall*

1 *be on file and available for public inspection in the*
2 *appropriate offices of the Bureau of Land Manage-*
3 *ment.*

4 **SEC. 102. MANAGEMENT OF RECREATION AREA.**

5 *(a) USES.—The Secretary shall allow only such uses*
6 *of the Recreation Area as the Secretary determines would*
7 *further the purposes of the Recreation Area.*

8 *(b) MANAGEMENT PLAN.—*

9 *(1) IN GENERAL.—Not later than 5 years after*
10 *the date of enactment of this Act, the Secretary shall*
11 *develop a comprehensive management plan for the*
12 *long-term protection and management of the Recre-*
13 *ation Area.*

14 *(2) REQUIREMENTS.—The Management Plan*
15 *shall—*

16 *(A) describe the appropriate uses and man-*
17 *agement of the Recreation Area;*

18 *(B) be developed with extensive public*
19 *input;*

20 *(C) take into consideration any information*
21 *developed in studies of the land within the Recre-*
22 *ation Area; and*

23 *(D) be developed fully consistent with the*
24 *settlement agreement entered into on January*
25 *13, 2017, in the case in the United States Dis-*

1 *trict Court for the District of Utah styled*
2 *“Southern Utah Wilderness Alliance, et al. v.*
3 *U.S. Department of the Interior, et al.” and*
4 *numbered 2:12-cv-257 DAK.*

5 *(c) OUTFITTING AND GUIDE ACTIVITIES.—Commercial*
6 *services (including authorized outfitting and guide activi-*
7 *ties) within the Recreation Area may be authorized to the*
8 *extent necessary for activities that fulfill the recreational*
9 *or other purposes of the Recreation Area.*

10 *(d) MOTORIZED VEHICLES; NEW ROADS.—*

11 *(1) MOTORIZED VEHICLES.—Except as needed*
12 *for emergency response or administrative purposes,*
13 *the use of motorized vehicles in the Recreation Area*
14 *shall be permitted only on roads and motorized routes*
15 *designated in the Management Plan for the use of mo-*
16 *torized vehicles.*

17 *(2) NEW ROADS.—No new roads or motorized ve-*
18 *hicle routes shall be built within the Recreation Area*
19 *after the date of enactment of this Act.*

20 *(e) GRAZING.—*

21 *(1) IN GENERAL.—The grazing of livestock in the*
22 *Recreation Area, if established before the date of en-*
23 *actment of this Act, shall be allowed to continue, sub-*
24 *ject to such reasonable regulations, policies, and prac-*

1 *tices as the Secretary considers to be necessary in ac-*
2 *cordance with—*

3 *(A) applicable law (including regulations);*

4 *(B) the guidelines set forth in Appendix A*
5 *of the report of the Committee on Interior and*
6 *Insular Affairs of the House of Representatives*
7 *accompanying H.R. 2570 of the 101st Congress*
8 *(House Report 101–405); and*

9 *(C) the purposes of the Recreation Area.*

10 *(2) INVENTORY.—Not later than 2 years after the*
11 *date of enactment of this Act, the Secretary, in col-*
12 *laboration with any willing affected grazing per-*
13 *mittee, shall—*

14 *(A) carry out an inventory of facilities and*
15 *improvements associated with grazing activities*
16 *in the Recreation Area; and*

17 *(B) incorporate into the Management Plan*
18 *a list of any facilities and improvements inven-*
19 *toried under subparagraph (A).*

20 *(f) COLD WAR SITES.—The Secretary shall manage*
21 *the Recreation Area in a manner that ensures the preserva-*
22 *tion of Cold War sites, including the Morrison Knudson*
23 *tunnels, various Department of Defense projects sites, and*
24 *hundreds of historical uranium mine sites in the Recreation*
25 *Area subject to such reasonable regulations, policies, and*

1 *practices as the Secretary considers necessary to protect*
2 *public health and safety.*

3 (g) *WILDFIRE MANAGEMENT.*—*Nothing in this section*
4 *prohibits the Secretary, in cooperation with other Federal,*
5 *State, and local agencies, as appropriate, from conducting*
6 *wildland fire operations in the Recreation Area, consistent*
7 *with the purposes of the Recreation Area.*

8 (h) *INCORPORATION OF ACQUIRED LAND AND INTER-*
9 *ESTS.*—*Any land or interest in land located within the*
10 *boundary of the Recreation Area that is acquired by the*
11 *United States after the date of enactment of this Act shall—*

12 (1) *become part of the Recreation Area; and*

13 (2) *be managed as provided in this section.*

14 (i) *WITHDRAWALS.*—*Subject to valid existing rights,*
15 *all public land within the Recreation Area, including any*
16 *land or interest in land that is acquired by the United*
17 *States within the Recreation Area after the date of enact-*
18 *ment of this Act, is withdrawn from—*

19 (1) *entry, appropriation or disposal under the*
20 *public land laws;*

21 (2) *location, entry, and patent under the mining*
22 *laws; and*

23 (3) *operation of the mineral leasing, mineral*
24 *materials, and geothermal leasing laws.*

1 (j) *NONMOTORIZED RECREATION OPPORTUNITIES.*—
2 *Not later than 2 years after the date of enactment of this*
3 *Act, the Secretary, in consultation with interested parties,*
4 *shall conduct a study of nonmotorized recreation trail op-*
5 *portunities within the Recreation Area.*

6 (k) *EFFECT.*—*Nothing in this Act diminishes the au-*
7 *thority of the Secretary under Public Law 92–195 (com-*
8 *monly known as the “Wild Free-Roaming Horses and Bur-*
9 *ros Act”)* (16 U.S.C. 1331 *et seq.*).

10 (l) *WATER RIGHTS.*—*Nothing in this title—*

11 (1) *affects the use or allocation, in existence on*
12 *the date of enactment of this Act, of any water, water*
13 *right, or interest in water;*

14 (2) *affects any vested absolute or decreed condi-*
15 *tional water right in existence on the date of enact-*
16 *ment of this Act, including any water right held by*
17 *the United States;*

18 (3) *affects any interstate water compact in exist-*
19 *ence on the date of enactment of this Act;*

20 (4) *authorizes or imposes any new reserved Fed-*
21 *eral water rights; or*

22 (5) *shall be considered to be a relinquishment or*
23 *reduction of any water rights reserved or appro-*
24 *propriated by the United States in the State on or before*
25 *the date of enactment of this Act.*

1 **SEC. 103. SAN RAFAEL SWELL WESTERN HERITAGE AND**
2 **HISTORIC MINING NATIONAL RECREATION**
3 **AREA ADVISORY COUNCIL.**

4 (a) *ESTABLISHMENT.*—Not later than 180 days after
5 the date of enactment of this Act, the Secretary shall estab-
6 lish an advisory council, to be known as the “San Rafael
7 Swell Western Heritage and Historic Mining National
8 Recreation Area Advisory Council”.

9 (b) *DUTIES.*—The Council shall advise the Secretary
10 with respect to the preparation and implementation of the
11 Management Plan, including budgetary matters, for the
12 Recreation Area.

13 (c) *APPLICABLE LAW.*—The Council shall be subject
14 to—

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

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

19 (d) *MEMBERS.*—The Council shall include 12 mem-
20 bers, to be appointed by the Secretary, of whom, to the max-
21 imum extent practicable—

22 (1) 1 member shall be appointed after consid-
23 ering the recommendations of the Emery County
24 Commission;

25 (2) 1 member shall be appointed from the motor-
26 ized recreational community;

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

3 (4) 1 member shall be appointed after consid-
4 ering the recommendations of the permittees holding
5 grazing allotments within the Recreation Area or wil-
6 derness areas;

7 (5) 1 member shall be appointed from the local
8 conservation advocacy community;

9 (6) 1 member shall have expertise in the histor-
10 ical uses of the Recreation Area;

11 (7) 1 member shall be appointed from the elected
12 leadership of a federally recognized Indian Tribe that
13 has significant cultural or historical connections to,
14 and expertise in, the landscape, archeological sites, or
15 cultural sites within the County; and

16 (8) 5 members shall—

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

19 (B) have a background that reflects—

20 (i) the purposes for which the Recre-
21 ation Area or wilderness areas are estab-
22 lished; and

23 (ii) the interests of the stakeholders
24 that are affected by the planning and man-

1 agement of the Recreation Area and wilder-
2 ness areas.

3 (e) *REPRESENTATION.*—*The Secretary shall ensure*
4 *that the membership of the Council is fairly balanced in*
5 *terms of the points of view represented and the functions*
6 *to be performed by the Council.*

7 **TITLE II—WILDERNESS AREAS**

8 **SEC. 201. ADDITIONS TO THE NATIONAL WILDERNESS** 9 **PRESERVATION SYSTEM.**

10 (a) *ADDITIONS.*—*In accordance with the Wilderness*
11 *Act (16 U.S.C. 1131 et seq.), the following parcels of Federal*
12 *land in the State are designated as wilderness and as com-*
13 *ponents of the National Wilderness Preservation System:*

14 (1) *CANDLAND MOUNTAIN.*—*Certain Federal*
15 *land managed by the Forest Service, comprising ap-*
16 *proximately 11,521 acres, as generally depicted on the*
17 *Map, which shall be known as the “Candland Moun-*
18 *tain Wilderness”.*

19 (2) *COLD WASH.*—*Certain Federal land man-*
20 *aged by the Bureau of Land Management, comprising*
21 *approximately 11,162 acres, as generally depicted on*
22 *the Map, which shall be known as the “Cold Wash*
23 *Wilderness”.*

24 (3) *CRACK CANYON.*—*Certain Federal land man-*
25 *aged by the Bureau of Land Management, comprising*

1 *approximately 25,719 acres, as generally depicted on*
2 *the Map, which shall be known as the “Crack Canyon*
3 *Wilderness”.*

4 (4) *DESOLATION CANYON.*—*Certain Federal land*
5 *managed by the Bureau of Land Management, com-*
6 *prising approximately 142,993 acres, as generally de-*
7 *scribed on the Map, which shall be known as the “Des-*
8 *olation Canyon Wilderness”.*

9 (5) *DEVIL’S CANYON.*—*Certain Federal land*
10 *managed by the Bureau of Land Management, com-*
11 *prising approximately 8,675 acres, as generally de-*
12 *scribed on the Map, which shall be known as the “Dev-*
13 *il’s Canyon Wilderness”.*

14 (6) *EAGLE CANYON.*—*Certain Federal land man-*
15 *aged by the Bureau of Land Management, comprising*
16 *approximately 13,832 acres, as generally depicted on*
17 *the Map, which shall be known as the “Eagle Canyon*
18 *Wilderness”.*

19 (7) *HORSESHOE CANYON (NORTH).*—*Certain*
20 *Federal land managed by the Bureau of Land Man-*
21 *agement, comprising approximately 26,192 acres, as*
22 *generally depicted on the Map, which shall be known*
23 *as the “Horseshoe Canyon (North) Wilderness”.*

24 (8) *MEXICAN MOUNTAIN.*—*Certain Federal land*
25 *managed by the Bureau of Land Management, com-*

1 *prising approximately 76,368 acres, as generally de-*
2 *icted on the Map, which shall be known as the*
3 *“Mexican Mountain Wilderness”.*

4 (9) *MUDDY CREEK.*—*Certain Federal land man-*
5 *aged by the Bureau of Land Management, comprising*
6 *approximately 48,330 acres, as generally depicted on*
7 *the Map, which shall be known as the “Muddy Creek*
8 *Wilderness”.*

9 (10) *NELSON MOUNTAIN.*—*Certain Federal land*
10 *managed by the Forest Service, comprising approxi-*
11 *mately 7,176 acres, and certain Federal land man-*
12 *aged by the Bureau of Land Management, comprising*
13 *approximately 257 acres, as generally depicted on the*
14 *Map, which shall be known as the “Nelson Mountain*
15 *Wilderness”.*

16 (11) *RED’S CANYON.*—*Certain Federal land*
17 *managed by the Bureau of Land Management, com-*
18 *prising approximately 17,325 acres, as generally de-*
19 *icted on the Map, which shall be known as the*
20 *“Red’s Canyon Wilderness”.*

21 (12) *SAN RAFAEL REEF.*—*Certain Federal land*
22 *managed by the Bureau of Land Management, com-*
23 *prising approximately 60,425 acres, as generally de-*
24 *icted on the Map, which shall be known as the “San*
25 *Rafael Reef Wilderness”.*

1 (13) *SID'S MOUNTAIN*.—*Certain Federal land*
2 *managed by the Bureau of Land Management, com-*
3 *prising approximately 49,115 acres, as generally de-*
4 *scribed on the Map, which shall be known as the "Sid's*
5 *Mountain Wilderness".*

6 (14) *TURTLE CANYON*.—*Certain Federal land*
7 *managed by the Bureau of Land Management, com-*
8 *prising approximately 29,029 acres, as generally de-*
9 *scribed on the Map, which shall be known as the "Tur-*
10 *tle Canyon Wilderness".*

11 (b) *MAP AND LEGAL DESCRIPTION*.—

12 (1) *IN GENERAL*.—*As soon as practicable after*
13 *the date of enactment of this Act, the Secretary shall*
14 *file a map and legal description of each wilderness*
15 *area with—*

16 (A) *the Committee on Natural Resources of*
17 *the House of Representatives; and*

18 (B) *the Committee on Energy and Natural*
19 *Resources of the Senate.*

20 (2) *EFFECT*.—*Each map and legal description*
21 *filed under paragraph (1) shall have the same force*
22 *and effect as if included in this Act, except that the*
23 *Secretary may correct clerical and typographical er-*
24 *rors in the maps and legal descriptions.*

1 (3) *AVAILABILITY.*—*Each map and legal descrip-*
2 *tion filed under paragraph (1) shall on file and avail-*
3 *able for public inspection in the appropriate office of*
4 *the Secretary.*

5 **SEC. 202. ADMINISTRATION.**

6 (a) *MANAGEMENT.*—*Subject to valid existing rights,*
7 *the wilderness areas shall be administered by the Secretary*
8 *in accordance with the Wilderness Act (16 U.S.C. 1131 et*
9 *seq.), except that—*

10 (1) *any reference in that Act to the effective date*
11 *shall be considered to be a reference to the date of en-*
12 *actment of this Act; and*

13 (2) *any reference in that Act to the Secretary of*
14 *Agriculture shall be considered to be a reference to the*
15 *Secretary.*

16 (b) *RECREATIONAL CLIMBING.*—*Nothing in this Act*
17 *prohibits recreational rock climbing activities in the wilder-*
18 *ness areas designated by this Act, such as the placement,*
19 *use and maintenance of fixed anchors, including those es-*
20 *tablished before the date of the enactment of this Act—*

21 (1) *in accordance with the Wilderness Act (16*
22 *U.S.C. 1131 et seq.); and*

23 (2) *subject to any terms and conditions deter-*
24 *mined to be necessary by the Secretary.*

25 (c) *TRAIL PLAN; STUDY.*—

1 (1) *PLAN.*—After providing opportunities for
2 public comment, the Secretary shall establish a trail
3 plan that addresses hiking and equestrian trails on
4 the wilderness areas in a manner consistent with the
5 Wilderness Act (16 U.S.C. 1131 et seq.).

6 (2) *REPORT.*—Not later than 2 years after the
7 date of enactment of this Act, the Secretary shall sub-
8 mit to Congress a report that describes the implemen-
9 tation of the trail plan established under paragraph
10 (1).

11 (d) *LIVESTOCK.*—

12 (1) *IN GENERAL.*—The grazing of livestock in the
13 wilderness areas, if established before the date of en-
14 actment of this Act, shall be allowed to continue, sub-
15 ject to such reasonable regulations, policies, and prac-
16 tices as the Secretary considers to be necessary in ac-
17 cordance with—

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

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

1 (2) *INVENTORY.*—*With respect to each wilderness*
2 *area in which grazing of livestock is allowed to con-*
3 *tinue under paragraph (1), not later than 2 years*
4 *after the date of enactment of this Act, the Secretary,*
5 *in collaboration with any affected grazing permittee,*
6 *shall—*

7 (A) *carry out an inventory of facilities and*
8 *improvements associated with grazing activities*
9 *in the wilderness area; and*

10 (B) *review and revise the applicable allot-*
11 *ment management plan and grazing permit in-*
12 *formation.*

13 (e) *WILDFIRE, INSECT, AND DISEASE MANAGEMENT.*—
14 *In accordance with section 4(d)(1) of the Wilderness Act*
15 *(16 U.S.C. 1133(d)(1)) and the report of the Committee on*
16 *Interior and Insular Affairs of the House of Representatives*
17 *accompanying H.R. 1437 of the 98th Congress (House Re-*
18 *port 98–40), the Secretary may take such measures in the*
19 *wilderness areas as are necessary for the control of fire, in-*
20 *sects, and diseases, including, as the Secretary determines*
21 *to be appropriate, the coordination of the activities with*
22 *the State or a local agency.*

23 (f) *ADJACENT MANAGEMENT.*—

24 (1) *IN GENERAL.*—*Congress does not intend for*
25 *the designation of the wilderness areas to create pro-*

1 *protective perimeters or buffer zones around the wilder-*
2 *ness areas.*

3 (2) *NONWILDERNESS ACTIVITIES.*—*The fact that*
4 *nonwilderness activities or uses can be seen or heard*
5 *from areas within a wilderness area shall not pre-*
6 *clude the conduct of those activities or uses outside the*
7 *boundary of the wilderness area.*

8 (g) *MILITARY OVERFLIGHTS.*—*Nothing in this title re-*
9 *stricts or precludes—*

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

13 (2) *flight testing and evaluation; or*

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

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

22 (i) *LAND ACQUISITION AND INCORPORATION OF AC-*
23 *QUIRED LAND AND INTERESTS.*—

24 (1) *ACQUISITION AUTHORITY.*—*The Secretary*
25 *may acquire land and interests in land within the*

1 *boundaries of a wilderness area by donation, purchase*
2 *from a willing seller, or exchange.*

3 (2) *INCORPORATION.*—*Any land or interest in*
4 *land within the boundary of a wilderness area that*
5 *is acquired by the United States after the date of en-*
6 *actment of this Act shall be added to and adminis-*
7 *tered as part of the wilderness area.*

8 (j) *NATIVE AMERICAN CULTURAL AND RELIGIOUS*
9 *USES.*—*Nothing in this title diminishes—*

10 (1) *the rights of any Tribe; or*

11 (2) *any Tribal rights regarding access to Federal*
12 *land for Tribal activities, including spiritual, cul-*
13 *tural, and traditional food-gathering activities.*

14 (k) *CLIMATOLOGICAL DATA COLLECTION.*—*In accord-*
15 *ance with the Wilderness Act (16 U.S.C. 1131 et seq.) and*
16 *subject to such terms and conditions as the Secretary may*
17 *prescribe, the Secretary may authorize the installation and*
18 *maintenance of hydrologic, meteorologic, or climatological*
19 *collection devices in the wilderness areas if the Secretary*
20 *determines that the facilities and access to the facilities are*
21 *essential to flood warning, flood control, or water reservoir*
22 *operation activities.*

23 (l) *WATER RIGHTS.*—

24 (1) *STATUTORY CONSTRUCTION.*—*Nothing in this*
25 *Act—*

1 (A) shall constitute or be construed to con-
2 stitute either an express or implied reservation
3 by the United States of any water or water
4 rights with respect to the land designated as wil-
5 derness by section 201;

6 (B) shall affect any water rights in the
7 State existing on the date of enactment of this
8 Act, including any water rights held by the
9 United States;

10 (C) shall be construed as establishing a
11 precedent with regard to any future wilderness
12 designations;

13 (D) shall affect the interpretation of, or any
14 designation made pursuant to, any other Act; or

15 (E) shall be construed as limiting, altering,
16 modifying, or amending any of the interstate
17 compacts or equitable apportionment decrees that
18 apportions water among and between the State
19 and other States.

20 (2) STATE WATER LAW.—The Secretary shall fol-
21 low the procedural and substantive requirements of
22 the State in order to obtain and hold any water
23 rights not in existence on the date of enactment of this
24 Act with respect to the wilderness areas designated by
25 section 201.

1 (3) *LIMITATION ON NEW WATER RESOURCE FA-*
2 *CILITIES.—*

3 (A) *DEFINITION OF WATER RESOURCE FA-*
4 *CILITY.—*

5 (i) *IN GENERAL.—In this paragraph,*
6 *the term “water resource facility” means an*
7 *irrigation and pumping facility, reservoir,*
8 *water conservation works, aqueduct, canal,*
9 *ditch, pipeline, well, hydropower project,*
10 *transmission or other ancillary facility, and*
11 *any other water diversion, storage, or car-*
12 *riage structure.*

13 (ii) *EXCLUSION.—In this paragraph,*
14 *the term “water resource facility” does not*
15 *include a wildlife guzzler or a management*
16 *activity described in section 203.*

17 (B) *LIMITATION.—Except as otherwise pro-*
18 *vided in this Act, on or after the date of enact-*
19 *ment of this Act, the President or any other offi-*
20 *cer, employee, or agent of the United States may*
21 *not fund, assist, authorize, or issue a license or*
22 *permit for the development of any new water re-*
23 *source facility inside a wilderness area des-*
24 *ignated by section 201.*

1 (m) *MEMORANDUM OF UNDERSTANDING.*—*The Sec-*
2 *retary shall offer to enter into a memorandum of under-*
3 *standing with the County to clarify the approval processes*
4 *for the use of motorized equipment and mechanical trans-*
5 *port for search and rescue activities in the Crack Canyon*
6 *Wilderness established by section 201(a)(3).*

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

8 (a) *JURISDICTION OF STATE.*—*Nothing in this title af-*
9 *fects the jurisdiction of the State with respect to fish and*
10 *wildlife on public land located in the State.*

11 (b) *AUTHORITY OF SECRETARY.*—*In furtherance of the*
12 *purposes and principles of the Wilderness Act (16 U.S.C.*
13 *1131 et seq.), the Secretary may carry out management ac-*
14 *tivities to maintain or restore fish and wildlife populations*
15 *(including activities to maintain and restore fish and wild-*
16 *life habitats to support the populations) in any wilderness*
17 *area if the activities are—*

18 (1) *consistent with applicable wilderness man-*
19 *agement plans; and*

20 (2) *carried out in accordance with—*

21 (A) *the Wilderness Act (16 U.S.C. 1131 et*
22 *seq.); and*

23 (B) *applicable guidelines and policies, in-*
24 *cluding applicable policies described in appendix*
25 *B of House Report 101–405.*

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

2 (a) *FINDING.*—Congress finds that, for the purposes of
3 section 603(c) of the Federal Land Policy and Management
4 Act of 1976 (43 U.S.C. 1782(c)), the approximately 17,420
5 acres of public land administered by the Bureau of Land
6 Management in the County that has not been designated
7 as wilderness by section 201(a) has been adequately studied
8 for wilderness designation.

9 (b) *RELEASE.*—The public land described in sub-
10 section (a)—

11 (1) is no longer subject to section 603(c) of the
12 Federal Land Policy and Management Act of 1976
13 (43 U.S.C. 1782(c)); and

14 (2) shall be managed in accordance with—

15 (A) applicable law; and

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

20 **TITLE III—WILD AND SCENIC**
21 **RIVER DESIGNATION**

22 **SEC. 301. GREEN RIVER WILD AND SCENIC RIVER DESIGNA-**
23 **TION.**

24 (a) *IN GENERAL.*—Section 3(a) of the Wild and Scenic
25 Rivers Act (16 U.S.C. 1274(a)) is amended by adding at
26 the end the following:

1 “(214) *GREEN RIVER*.—*The approximately 63-*
2 *mile segment, as generally depicted on the Map, to be*
3 *administered by the Secretary of the Interior, in the*
4 *following classifications:*

5 “(A) *GREEN RIVER SEGMENT A*.—*The 5.3-*
6 *mile segment from the boundary of the Uintah*
7 *and Ouray Reservation, south to the Nefertiti*
8 *boat ramp and adjacent land rim-to-rim, as a*
9 *wild river.*

10 “(B) *GREEN RIVER SEGMENT B*.—*The 8.5-*
11 *mile segment from Nefertiti boat ramp, south to*
12 *the Swasey’s boat ramp and adjacent land rim-*
13 *to-rim, as a recreational river.*

14 “(C) *GREEN RIVER SEGMENT C*.—*The 49.2-*
15 *mile segment from Bull Bottom, south to the*
16 *Emery-Wayne county line and adjacent land*
17 *rim-to-rim, as a scenic river.”.*

18 (b) *INCORPORATION OF ACQUIRED NON-FEDERAL*
19 *LAND*.—*If the United States acquires any non-Federal land*
20 *within or adjacent to a river segment of the Green River*
21 *designated by paragraph (214) of section 3(a) of the Wild*
22 *and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by*
23 *subsection (a)), the acquired river segment shall be incor-*
24 *porated in, and be administered as part of, the applicable*
25 *wild, scenic, or recreational river.*

1 **TITLE IV—LAND MANAGEMENT**
 2 **AND CONVEYANCES**

3 **SEC. 401. GOBLIN VALLEY STATE PARK RECREATION AND**
 4 **PUBLIC PURPOSE AGREEMENT.**

5 (a) *IN GENERAL.*—*At the request of the State, the Sec-*
 6 *retary shall offer to enter into a recreation and public pur-*
 7 *poses agreement with the Utah Division of Parks and Recre-*
 8 *ation of the Utah Department of Natural Resources (re-*
 9 *ferred to in this section as the “State”), that provides for*
 10 *the management by the State of the land identified on the*
 11 *Map as the “Goblin Valley State Park Expansion” as a*
 12 *State park in accordance with State law.*

13 (b) *REVERSIONARY CLAUSE REQUIRED.*—*An agree-*
 14 *ment entered into under subsection (a) shall include a rever-*
 15 *sionary clause to ensure that management of the land de-*
 16 *scribed in that subsection shall revert to the Secretary if*
 17 *the land is no longer being managed as a State park.*

18 **SEC. 402. JURASSIC NATIONAL MONUMENT.**

19 (a) *PURPOSES.*—*To conserve, interpret, and enhance*
 20 *for the benefit of present and future generations the paleon-*
 21 *tological, scientific, educational, and recreational resources*
 22 *of the area and subject to valid existing rights, there is es-*
 23 *tablished in the County a national monument, to be known*
 24 *as the “Jurassic National Monument” (referred to in this*
 25 *section as the “Monument”), consisting of approximately*

1 850 acres of Federal land in the County, as generally de-
2 picted on the Map.

3 (b) MAP AND LEGAL DESCRIPTION.—

4 (1) IN GENERAL.—Not later than 2 years after
5 the date of enactment of this Act, the Secretary shall
6 file with the Committee on Energy and Natural Re-
7 sources of the Senate and the Committee on Natural
8 Resources of the House of Representatives a map and
9 legal description of the Monument.

10 (2) EFFECT.—The map and legal description
11 filed under paragraph (1) shall have the same force
12 and effect as if included in this section, except that
13 the Secretary may correct clerical and typographical
14 errors in the map and legal description, subject to the
15 requirement that, before making the proposed correc-
16 tions, the Secretary shall submit to the State and any
17 affected county the proposed corrections.

18 (3) PUBLIC AVAILABILITY.—A copy of the map
19 and legal description filed under paragraph (1) shall
20 be on file and available for public inspection in the
21 appropriate offices of the Bureau of Land Manage-
22 ment.

23 (c) WITHDRAWALS.—Subject to valid existing rights,
24 any land within the boundaries of the Monument or any
25 land or interest in land that is acquired by the United

1 *States for inclusion in the Monument after the date of en-*
2 *actment of this Act is withdrawn from—*

3 *(1) entry, appropriation, or disposal under the*
4 *Federal land laws;*

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

7 *(3) operation of the mineral leasing laws, geo-*
8 *thermal leasing laws, and minerals materials laws.*

9 *(d) MANAGEMENT.—*

10 *(1) IN GENERAL.—The Secretary shall manage*
11 *the Monument—*

12 *(A) in a manner that conserves, protects,*
13 *and enhances the resources and values of the*
14 *Monument, including the resources and values*
15 *described in subsection (a); and*

16 *(B) in accordance with—*

17 *(i) this section;*

18 *(ii) the Federal Land Policy and Man-*
19 *agement Act of 1976 (43 U.S.C. 1701 et*
20 *seq.); and*

21 *(iii) any other applicable Federal law.*

22 *(2) NATIONAL LANDSCAPE CONSERVATION SYS-*
23 *TEM.—The Monument shall be managed as a compo-*
24 *nent of the National Landscape Conservation System.*

25 *(e) MANAGEMENT PLAN.—*

1 (1) *IN GENERAL.*—Not later than 2 years after
2 the date of enactment of this Act, the Secretary shall
3 develop a comprehensive management plan for the
4 long-term protection and management of the Monu-
5 ment.

6 (2) *COMPONENTS.*—The management plan devel-
7 oped under paragraph (1)—

8 (A) shall—

9 (i) describe the appropriate uses and
10 management of the Monument, consistent
11 with the provisions of this section; and

12 (ii) allow for continued scientific re-
13 search at the Monument during the develop-
14 ment of the management plan for the Monu-
15 ment; and

16 (B) may—

17 (i) incorporate any appropriate deci-
18 sions contained in any management or ac-
19 tivity plan applicable to the land described
20 in subsection (a); and

21 (ii) use information developed in stud-
22 ies of any land within or adjacent to the
23 Monument that were conducted before the
24 date of enactment of this Act.

1 (f) *AUTHORIZED USES.*—*The Secretary shall only*
2 *allow uses of the Monument that the Secretary determines*
3 *would further the purposes for which the Monument has*
4 *been established.*

5 (g) *INTERPRETATION, EDUCATION, AND SCIENTIFIC*
6 *RESEARCH.*—

7 (1) *IN GENERAL.*—*The Secretary shall provide*
8 *for public interpretation of, and education and sci-*
9 *entific research on, the paleontological resources of the*
10 *Monument.*

11 (2) *COOPERATIVE AGREEMENTS.*—*The Secretary*
12 *may enter into cooperative agreements with appro-*
13 *priate public entities to carry out paragraph (1).*

14 (h) *SPECIAL MANAGEMENT AREAS.*—

15 (1) *IN GENERAL.*—*The establishment of the*
16 *Monument shall not modify the management status of*
17 *any area within the boundary of the Monument that*
18 *is managed as an area of critical environment con-*
19 *cern.*

20 (2) *CONFLICT OF LAWS.*—*If there is a conflict be-*
21 *tween the laws applicable to an area described in*
22 *paragraph (1) and this section, the more restrictive*
23 *provision shall control.*

24 (i) *MOTORIZED VEHICLES.*—*Except as needed for ad-*
25 *ministrative purposes or to respond to an emergency, the*

1 *use of motorized vehicles in the Monument shall be allowed*
2 *only on roads and trails designated for use by motorized*
3 *vehicles under the management plan for the Monument de-*
4 *veloped under subsection (e).*

5 (j) *WATER RIGHTS.*—*Nothing in this section con-*
6 *stitutes an express or implied reservation by the United*
7 *States of any water or water rights with respect to the*
8 *Monument.*

9 (k) *GRAZING.*—*The grazing of livestock in the Monu-*
10 *ment, if established before the date of enactment of this Act,*
11 *shall be allowed to continue, subject to such reasonable regu-*
12 *lations, policies, and practices as the Secretary considers*
13 *to be necessary in accordance with—*

14 (1) *applicable law (including regulations);*

15 (2) *the guidelines set forth in Appendix A of the*
16 *report of the Committee on Interior and Insular Af-*
17 *airs of the House of Representatives accompanying*
18 *H.R. 2570 of the 101st Congress (House Report 101-*
19 *405); and*

20 (3) *the purposes of the Monument.*

21 **SEC. 403. PUBLIC LAND DISPOSAL AND ACQUISITION.**

22 (a) *IN GENERAL.*—*Consistent with applicable law, the*
23 *Secretary may sell public land located in the County that*
24 *was identified as potentially suitable for disposal based on*
25 *specific criteria as listed in the Federal Land Policy and*

1 *Management Act of 1976 (43 U.S.C. 1713) in the applicable*
2 *resource management plan in existence on the date of enact-*
3 *ment of this Act, or subsequent revisions thereto.*

4 *(b) USE OF PROCEEDS.—*

5 *(1) IN GENERAL.—Notwithstanding any other*
6 *provision of law (other than a law that specifically*
7 *provides for a portion of the proceeds of a land sale*
8 *to be distributed to any trust fund of the State), pro-*
9 *ceeds from the sale of public land under subsection (a)*
10 *shall be deposited in a separate account in the Treas-*
11 *ury, to be known as the “Emery County, Utah, Land*
12 *Acquisition Account” (referred to in this section as*
13 *the “Account”).*

14 *(2) AVAILABILITY.—*

15 *(A) IN GENERAL.—Amounts in the Account*
16 *shall be available to the Secretary, without fur-*
17 *ther appropriation, to purchase from willing*
18 *sellers land or interests in land within a wilder-*
19 *ness area or the Recreation Area.*

20 *(B) APPLICABILITY.—Any purchase of land*
21 *or interest in land under subparagraph (A) shall*
22 *be in accordance with applicable law.*

23 *(C) PROTECTION OF CULTURAL RE-*
24 *SOURCES.—To the extent that there are amounts*
25 *in the Account in excess of the amounts needed*

1 to carry out subparagraph (A), the Secretary
2 may use the excess amounts for the protection of
3 cultural resources within the County.

4 **SEC. 404. PUBLIC PURPOSE CONVEYANCES.**

5 (a) *IN GENERAL.*—Notwithstanding the land use plan-
6 ning requirement of sections 202 and 203 of the Federal
7 Land Policy and Management Act of 1976 (43 U.S.C. 1712,
8 1713), on request by the applicable local governmental enti-
9 ty, the Secretary shall convey without consideration the fol-
10 lowing parcels of public land to be used for public purposes:

11 (1) *EMERY CITY RECREATION AREA.*—The ap-
12 proximately 640-acre parcel as generally depicted on
13 the Map, to the City of Emery, Utah, for the creation
14 or enhancement of public recreation opportunities.

15 (2) *HUNTINGTON AIRPORT.*—The approximately
16 1,400-acre parcel as generally depicted on the Map, to
17 Emery County, Utah, for expansion of Huntington
18 Airport.

19 (3) *EMERY COUNTY SHERIFF'S OFFICE.*—The ap-
20 proximately 640-acre parcel as generally depicted on
21 the Map, to Emery County, Utah, for the Emery
22 County Sheriff's Office substation.

23 (4) *BUCKHORN INFORMATION CENTER.*—The ap-
24 proximately 65-acre parcel as generally depicted on
25 the Map, to Emery County, Utah, for the Buckhorn

1 *Information Center and enhancing access to visitor*
2 *information.*

3 *(b) MAP AND LEGAL DESCRIPTION.—*

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

8 *(A) the Committee on Energy and Natural*
9 *Resources of the Senate; and*

10 *(B) the Committee on Natural Resources of*
11 *the House of Representatives.*

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

17 *(3) PUBLIC AVAILABILITY.—Each map and legal*
18 *description filed under paragraph (1) shall be on file*
19 *and available for public inspection in the Price Field*
20 *Office of the Bureau of Land Management.*

21 *(c) REVERSION.—*

22 *(1) IN GENERAL.—If a parcel of land conveyed*
23 *under subsection (a) is used for a purpose other than*
24 *the purpose described in that subsection, the parcel of*

1 *land shall, at the discretion of the Secretary, revert to*
2 *the United States.*

3 (2) *RESPONSIBILITY FOR REMEDIATION.*—*In the*
4 *case of a reversion under paragraph (1), if the Sec-*
5 *retary determines that the parcel of land is contami-*
6 *nated with hazardous waste, the local governmental*
7 *entity to which the parcel of land was conveyed under*
8 *subsection (a) shall be responsible for remediation.*

9 **SEC. 405. SCHOOL AND INSTITUTIONAL TRUST LANDS AD-**
10 **MINISTRATION LAND.**

11 (a) *DEFINITIONS.*—*In this section:*

12 (1) *APPLICATION.*—*The term “application”*
13 *means an application for State relinquishment of a*
14 *State land grant parcel and State selection of unap-*
15 *propriated public land filed under this section.*

16 (2) *INDIAN LAND.*—*The term “Indian land”*
17 *means—*

18 (A) *any land owned by an Indian Tribe lo-*
19 *cated within the boundaries of an Indian res-*
20 *ervation, pueblo, or rancheria; or*

21 (B) *any land located within the boundaries*
22 *of an Indian reservation, pueblo, or rancheria,*
23 *the title to which is held—*

1 (i) *in trust by the United States for the*
2 *benefit of an Indian Tribe or a member of*
3 *an Indian Tribe;*

4 (ii) *by an Indian Tribe or a member*
5 *of an Indian Tribe, subject to restriction*
6 *against alienation under laws of the United*
7 *States; or*

8 (iii) *by a dependent Indian commu-*
9 *nity.*

10 (3) *RELINQUISHMENT AREA.—The term “Relin-*
11 *quishment Area” means any land within—*

12 (A) *the Recreation Area; or*

13 (B) *a wilderness area.*

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

19 (5) *STATE LAND GRANT PARCEL.—The term*
20 *“State land grant parcel” means—*

21 (A) *any land wholly or partially within a*
22 *Relinquishment Area that was granted to the*
23 *State by Congress through a statehood land*
24 *grant for the support of public education or other*
25 *public institutions; or*

1 (B) any land located wholly or partially
2 within a Relinquishment Area that was acquired
3 by the State for a purpose described in subpara-
4 graph (A).

5 (6) UNAPPROPRIATED PUBLIC LAND.—

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

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

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

19 (i) except as provided in subparagraph
20 (B), acquired land;

21 (ii) in a unit of the National Land-
22 scape Conservation System established by
23 the Omnibus Public Land Management Act
24 of 2009 (Public Law 111–11; 123 Stat.
25 991);

1 (iii) *in an area of critical environ-*
2 *mental concern established under section*
3 *202(c)(3) of the Federal Land Policy and*
4 *Management Act of 1976 (43 U.S.C.*
5 *1712(c)(3));*

6 (iv) *in a special recreation manage-*
7 *ment area;*

8 (v) *in an area managed by the Bureau*
9 *of Land Management, through an inventory*
10 *carried out in accordance with the Federal*
11 *Land Policy and Management Act of 1976*
12 *(43 U.S.C. 1701 et seq.), for wilderness*
13 *characteristics in a land use plan finalized*
14 *under that Act; or*

15 (vi) *Indian land.*

16 (b) *RELINQUISHMENT OF STATE LAND GRANT PAR-*
17 *CELS AND SELECTION OF REPLACEMENT LAND.—*

18 (1) *AUTHORITY TO SELECT.—In accordance with*
19 *this section, the State may, on approval by the Sec-*
20 *retary of an application filed under this section—*

21 (A) *relinquish to the Secretary the State*
22 *land grant parcels described in the approved ap-*
23 *plication; and*

1 (B) *in exchange for the relinquished land,*
2 *select unappropriated public land in the State*
3 *for conveyance by the Secretary to the State.*

4 (2) *PROCESSING.—The Secretary shall promptly*
5 *process any application filed under this section in ac-*
6 *cordance with subsection (c).*

7 (3) *VALID EXISTING RIGHTS.—*

8 (A) *IN GENERAL.—Any land conveyed*
9 *under this section shall be subject to valid exist-*
10 *ing rights.*

11 (B) *SUCCESSION.—Each party to whom*
12 *land is conveyed under this section shall succeed*
13 *to the rights and obligations of the conveying*
14 *party with respect to any lease, right-of-way,*
15 *permit or other valid existing right to which the*
16 *conveyed land is subject.*

17 (c) *APPLICATION AND CONVEYANCE PROCEDURES.—*

18 (1) *APPROVAL OR DISAPPROVAL OF APPLICA-*
19 *TIONS.—*

20 (A) *DEADLINE FOR APPROVAL.—Not later*
21 *than 1 year after the date on which an applica-*
22 *tion is filed under this section, the Secretary*
23 *shall issue a final approval or disapproval of the*
24 *application.*

1 (B) *PARTIAL APPROVAL AUTHORIZED.*—An
2 application may be approved by the Secretary in
3 whole or in part.

4 (C) *LIMITATION.*—The Secretary shall not
5 approve any application that the Secretary de-
6 termines would create irreconcilable management
7 conflicts with respect to the management of adja-
8 cent Federal land.

9 (2) *CONVEYANCE.*—

10 (A) *CONVEYANCE BY STATE.*—The convey-
11 ance of any State land grant parcel under this
12 section shall be by patent or deed acceptable to
13 the Secretary.

14 (B) *CONVEYANCE BY SECRETARY.*—

15 (i) *DEADLINE FOR CONVEYANCE OF*
16 *UNAPPROPRIATED PUBLIC LAND.*—Not later
17 than 90 days after the date on which the
18 Secretary issues a final approval with re-
19 spect to an application for the conveyance
20 of unappropriated public land, the Sec-
21 retary shall convey the applicable unappro-
22 priated public land to the State.

23 (ii) *TERMS AND CONDITIONS.*—The
24 conveyance of unappropriated public land
25 by the Secretary to the State under this sec-

1 *tion shall include such terms and conditions*
2 *as the Secretary may require.*

3 (3) *ENVIRONMENTAL ANALYSIS.—*

4 (A) *IN GENERAL.—Except as otherwise pro-*
5 *vided in this subsection, the Secretary shall con-*
6 *vey unappropriated public land under this sec-*
7 *tion in accordance with—*

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

10 (ii) *any other applicable law.*

11 (B) *ENVIRONMENTAL ASSESSMENT OR ENVI-*
12 *RONMENTAL IMPACT STATEMENT.—In preparing*
13 *an environmental assessment or environmental*
14 *impact statement under section 102(2) of the Na-*
15 *tional Environmental Policy Act of 1969 (42*
16 *U.S.C. 4332(2)) for the conveyance of unappro-*
17 *priated public land under this section, the Sec-*
18 *retary is not required to study, develop, or de-*
19 *scribe any action other than—*

20 (i) *the proposed agency action; and*

21 (ii) *the alternative of no action.*

22 (d) *MINERAL LAND.—*

23 (1) *SELECTION AND CONVEYANCE.—*

24 (A) *IN GENERAL.—Subject to the provisions*
25 *of this section, the State may select, and the Sec-*

1 *retary may convey, unappropriated public land*
2 *that is mineral in character.*

3 (B) *EXCLUSION.*—*The State may not select,*
4 *and the Secretary may not convey unappropri-*
5 *ated public land that includes only a portion of*
6 *a mineral lease or permit, unless—*

7 (i) *the portion represents the entire*
8 *portion available for selection under this*
9 *Act; and*

10 (ii) *the lessee or permittee, respectively,*
11 *consents.*

12 (2) *MINING CLAIMS.*—

13 (A) *MINING CLAIMS UNAFFECTED.*—*Nothing*
14 *in this section alters, diminishes, or expands the*
15 *existing rights of a mining claimant under ap-*
16 *plicable law.*

17 (B) *VALIDITY EXAMINATIONS.*—*Nothing in*
18 *this section requires the Secretary to carry out a*
19 *mineral examination for any mining claim lo-*
20 *cated on unappropriated public land to be con-*
21 *veyed under this section.*

22 (C) *WITHDRAWAL.*—*Unappropriated public*
23 *land selected by the State for acquisition under*
24 *this section is withdrawn, subject to valid exist-*
25 *ing rights, from location, entry, and patent*

1 *under the mining laws until that date on*
2 *which—*

3 *(i) the selected unappropriated public*
4 *land is conveyed by the Secretary to the*
5 *State;*

6 *(ii) the Secretary makes a final deter-*
7 *mination not accepting the selection of the*
8 *unappropriated public land; or*

9 *(iii) the State withdraws the selection*
10 *of the unappropriated public land.*

11 *(e) CONSTRUCTION WITH OTHER LAWS.—*

12 *(1) CONSIDERATION.—In the application of laws*
13 *(including regulations) and policies relating to selec-*
14 *tions made under this section, the Secretary shall con-*
15 *sider the equities of the State and the interest of the*
16 *public.*

17 *(2) PRESUMPTION OF PLAN ADEQUACY.—Unless*
18 *a land use plan adopted under section 202 of the Fed-*
19 *eral Land Policy and Management Act of 1976 (43*
20 *U.S.C. 1712) specifically identifies significant public*
21 *values that would be lost or substantially impaired as*
22 *a result of the conveyance of unappropriated public*
23 *land to the State, any State selection under this sec-*
24 *tion shall be considered to be in compliance with the*

1 *plan regardless of whether the selected land is other-*
2 *wise identified for disposal.*

3 *(f) VALUATION.—*

4 *(1) EQUAL VALUE.—*

5 *(A) IN GENERAL.—The overall value of the*
6 *State land grant parcels and parcels of unappro-*
7 *priated public land to be conveyed to the State*
8 *shall be—*

9 *(i) equal; or*

10 *(ii) if the value is not equal—*

11 *(I) equalized by the payment of*
12 *funds to the State or to the Secretary*
13 *as the circumstances require; or*

14 *(II) reflected on the balance of a*
15 *ledger account established under para-*
16 *graph (3).*

17 *(B) APPRAISAL REQUIRED.—Except as pro-*
18 *vided in paragraph (2), the Secretary and the*
19 *State shall jointly determine the value of a State*
20 *land grant parcel and a parcel of unappropri-*
21 *ated public land through an appraisal completed*
22 *in accordance with—*

23 *(i) the Uniform Appraisal Standards*
24 *for Federal Land Acquisitions; and*

1 (ii) *the Uniform Standards for Profes-*
2 *sional Appraisal Practice.*

3 (2) *LOW VALUE PARCELS.—*

4 (A) *VALUATION.—The Secretary may, with*
5 *the consent of the State, use a mass appraisal or*
6 *statement of value made by a qualified appraiser*
7 *carried out in accordance with the Uniform*
8 *Standards for Professional Appraisal Practice*
9 *instead of an appraisal that complies with the*
10 *Uniform Appraisal Standards for Federal Land*
11 *Acquisitions if the State and the Secretary agree*
12 *that the market value of a State land grant par-*
13 *cel or a parcel of unappropriated public land*
14 *is—*

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

16 (ii) *less than \$500 per acre.*

17 (B) *DIVISION.—A State land grant parcel*
18 *or a parcel of unappropriated public land may*
19 *not be artificially divided in order to qualify for*
20 *a mass appraisal or statement of value under*
21 *subparagraph (A).*

22 (3) *LEDGER ACCOUNTS.—*

23 (A) *IN GENERAL.—The Secretary and the*
24 *State may agree to use a ledger account to make*
25 *equal the value of land relinquished by the State*

1 *and conveyed by the Secretary to the State under*
2 *this section.*

3 (B) *IMBALANCES.*—*A ledger account de-*
4 *scribed in subparagraph (A) shall reflect imbal-*
5 *ances in value to be reconciled in a subsequent*
6 *transaction.*

7 (C) *ACCOUNT BALANCING.*—*Each ledger ac-*
8 *count established under this paragraph shall*
9 *be—*

10 (i) *balanced not later than 3 years*
11 *after the date on which the ledger account*
12 *is established; and*

13 (ii) *closed not later than 5 years after*
14 *the date of the last conveyance of land*
15 *under this section.*

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

17 (A) *assume costs or other responsibilities or*
18 *requirements for conveying land under this sec-*
19 *tion that would generally be the responsibility of*
20 *the other party; and*

21 (B) *make adjustments to the relative values*
22 *involved in the conveyance of land under this*
23 *section to compensate the Secretary or the State,*
24 *as applicable, for assuming the costs or other re-*

1 *sponsibilities or requirements under subpara-*
2 *graph (A).*

3 (5) *ADJUSTMENT.*—*If value is attributed to any*
4 *parcel of unappropriated public land that has been*
5 *selected by the State because of the presence of min-*
6 *erals under a lease under the Mineral Leasing Act (30*
7 *U.S.C. 181 et seq.) that is in a producing or produc-*
8 *ible status, the value of the parcel shall be reduced by*
9 *the percentage that represents the likely Federal-rev-*
10 *enue sharing obligation under that Act, but the ad-*
11 *justment shall not be considered to reflect a property*
12 *right of the State.*

13 (g) *MISCELLANEOUS PROVISIONS.*—

14 (1) *HAZARDOUS MATERIALS.*—*The Secretary*
15 *and the State shall make available for review and in-*
16 *spection any record relating to hazardous materials*
17 *on land to be conveyed under this section.*

18 (2) *APPURTENANT WATER RIGHTS.*—*Any convey-*
19 *ance of a State land grant parcel or parcel of unap-*
20 *propriated public land under this section may in-*
21 *clude the conveyance of water rights appurtenant to*
22 *the land conveyed.*

23 (3) *GRAZING PERMITS.*—

24 (A) *IN GENERAL.*—*If land conveyed under*
25 *this section is subject to a lease, permit, or con-*

1 tract for the grazing of domestic livestock in ef-
2 fect on the date of conveyance, the Secretary or
3 the State, as applicable, shall allow the grazing
4 to continue for the remainder of the term of the
5 lease, permit, or contract, subject to the related
6 terms and conditions of user agreements, includ-
7 ing permitted stocking rates, grazing fee levels,
8 access rights, and ownership and use of range
9 improvements.

10 (B) *RENEWAL.*—On expiration of any graz-
11 ing lease, permit, or contract described in sub-
12 paragraph (A), the party that has jurisdiction
13 over the land on the date of expiration, may elect
14 to renew the lease, permit, or contract if per-
15 mitted under applicable law.

16 (C) *CANCELLATION.*—

17 (i) *IN GENERAL.*—Nothing in this sec-
18 tion prevents the Secretary or the State
19 from canceling or modifying a grazing per-
20 mit, lease, or contract if the land subject to
21 the permit, lease, or contract is sold, con-
22 veyed, transferred, or leased for nongrazing
23 purposes by the Secretary or the State.

24 (ii) *LIMITATION.*—Except to the extent
25 reasonably necessary to accommodate sur-

1 *face operations in support of mineral devel-*
2 *opment, the Secretary or the State shall not*
3 *cancel or modify a grazing permit, lease, or*
4 *contract for land conveyed under this sec-*
5 *tion because the land subject to the permit,*
6 *lease, or contract has been leased for min-*
7 *eral development.*

8 *(D) BASE PROPERTIES.—If land conveyed*
9 *by the State under this section is used by a graz-*
10 *ing permittee or lessee to meet the base property*
11 *requirements for a Federal grazing permit or*
12 *lease, the land shall continue to qualify as a base*
13 *property for the remaining term of the lease or*
14 *permit and the term of any renewal or extension*
15 *of the lease or permit.*

16 *(h) EFFECT ON OTHER STATE SELECTION AUTHOR-*
17 *IZATIONS.—The authorization for State relinquishments*
18 *and selections under this section shall be considered to be*
19 *independent of, and not limited by, the authorization for*
20 *State selections under—*

21 *(1) sections 6, 8, and 12 of the Act of July 16,*
22 *1894 (28 Stat. 107, chapter 138); or*

23 *(2) sections 2275 and 2276 of the Revised Stat-*
24 *utes (43 U.S.C. 851, 852).*

Union Calendar No. 832

115TH CONGRESS
2^D SESSION

H. R. 5727

[Report No. 115-1071]

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.

DECEMBER 10, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed