

115TH CONGRESS
2D SESSION

S. 2809

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 SENATE OF THE UNITED STATES

MAY 9, 2018

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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).

○