

115TH CONGRESS
2D SESSION

S. 3803

To establish the San Rafael Swell Recreation 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

DECEMBER 20, 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 Recreation 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.

Sec. 4. Effect on water rights.

Sec. 5. Savings clause.

TITLE I—SAN RAFAEL SWELL RECREATION AREA

Sec. 101. Establishment of Recreation Area.

Sec. 102. Management of Recreation Area.

Sec. 103. San Rafael Swell 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.

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.

Sec. 402. Jurassic National Monument.

Sec. 403. Public land disposal and acquisition.

Sec. 404. Public purpose conveyances.

Sec. 405. Exchange of BLM and School and Institutional Trust Lands Administration land.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COUNCIL.—The term “Council” means the
4 San Rafael Swell Recreation Area Advisory Council
5 established under section 103(a).

6 (2) COUNTY.—The term “County” means
7 Emery County in the State.

8 (3) MANAGEMENT PLAN.—The term “Manage-
9 ment Plan” means the management plan for the
10 Recreation Area developed under section 102(c).

11 (4) MAP.—The term “Map” means the map en-
12 titled “Emery County Public Land Management Act

1 of 2018 Overview Map” and dated December 11,
2 2018.

3 (5) RECREATION AREA.—The term “Recreation
4 Area” means the San Rafael Swell Recreation Area
5 established by section 101(a)(1).

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

8 (A) the Secretary of the Interior, with re-
9 spect to public land administered by the Bureau
10 of Land Management; and

11 (B) the Secretary of Agriculture, with re-
12 spect to National Forest System land.

13 (7) STATE.—The term “State” means the State
14 of Utah.

15 (8) WILDERNESS AREA.—The term “wilderness
16 area” means a wilderness area designated by section
17 201(a).

18 **SEC. 3. ADMINISTRATION.**

19 Nothing in this Act affects or modifies—

20 (1) any right of any federally recognized Indian
21 Tribe; or

22 (2) any obligation of the United States to any
23 federally recognized Indian Tribe.

24 **SEC. 4. EFFECT ON WATER RIGHTS.**

25 Nothing in this Act—

1 (1) affects the use or allocation, in existence on
2 the date of enactment of this Act, of any water,
3 water right, or interest in water;

4 (2) affects any vested absolute or decreed condi-
5 tional water right in existence on the date of enact-
6 ment of this Act, including any water right held by
7 the United States;

8 (3) affects any interstate water compact in ex-
9 istence on the date of enactment of this Act; or

10 (4) shall be considered to be a relinquishment
11 or reduction of any water rights reserved or appro-
12 priated by the United States in the State on or be-
13 fore the date of enactment of this Act.

14 **SEC. 5. SAVINGS CLAUSE.**

15 Nothing in this Act diminishes the authority of the
16 Secretary under Public Law 92–195 (commonly known as
17 the “Wild Free-Roaming Horses and Burros Act”) (16
18 U.S.C. 1331 et seq.).

19 **TITLE I—SAN RAFAEL SWELL**
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
25 Recreation Area in the State.

1 (2) AREA INCLUDED.—The Recreation Area
2 shall consist of approximately 216,754 acres of Fed-
3 eral land managed by the Bureau of Land Manage-
4 ment, as generally depicted on the Map.

5 (b) PURPOSES.—The purposes of the Recreation
6 Area are to provide for the protection, conservation, and
7 enhancement of the recreational, cultural, natural, scenic,
8 wildlife, ecological, historical, and educational resources of
9 the Recreation Area.

10 (c) MAP AND LEGAL DESCRIPTION.—

11 (1) IN GENERAL.—As soon as practicable after
12 the date of enactment of this Act, the Secretary
13 shall file a map and legal description of the Recre-
14 ation Area with the Committee on Natural Re-
15 sources of the House of Representatives and the
16 Committee on Energy and Natural Resources of the
17 Senate.

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

23 (3) PUBLIC AVAILABILITY.—A copy of the map
24 and legal description filed under paragraph (1) shall
25 be on file and available for public inspection in the

1 appropriate offices of the Bureau of Land Manage-
2 ment.

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

4 (a) IN GENERAL.—The Secretary shall administer
5 the Recreation Area—

6 (1) in a manner that conserves, protects, and
7 enhances the purposes for which the Recreation
8 Area is established; and

9 (2) in accordance with—

10 (A) this section;

11 (B) the Federal Land Policy and Manage-
12 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

13 (C) other applicable laws.

14 (b) USES.—The Secretary shall allow only uses of the
15 Recreation Area that are consistent with the purposes for
16 which the Recreation Area is established.

17 (c) MANAGEMENT PLAN.—

18 (1) IN GENERAL.—Not later than 5 years after
19 the date of enactment of this Act, the Secretary
20 shall develop a comprehensive management plan for
21 the long-term protection and management of the
22 Recreation Area.

23 (2) REQUIREMENTS.—The Management Plan
24 shall—

1 (A) describe the appropriate uses and
2 management of the Recreation Area;

3 (B) be developed with extensive public
4 input;

5 (C) take into consideration any informa-
6 tion developed in studies of the land within the
7 Recreation Area; and

8 (D) be developed fully consistent with the
9 settlement agreement entered into on January
10 13, 2017, in the case in the United States Dis-
11 trict Court for the District of Utah styled
12 “Southern Utah Wilderness Alliance, et al. v.
13 U.S. Department of the Interior, et al.” and
14 numbered 2:12-cv-257 DAK.

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

16 (1) **MOTORIZED VEHICLES.**—Except as needed
17 for emergency response or administrative purposes,
18 the use of motorized vehicles in the Recreation Area
19 shall be permitted only on roads and motorized
20 routes designated in the Management Plan for the
21 use of motorized vehicles.

22 (2) **NEW ROADS.**—No new permanent or tem-
23 porary roads or other motorized vehicle routes shall
24 be constructed within the Recreation Area after the
25 date of enactment of this Act.

1 (3) EXISTING ROADS.—

2 (A) IN GENERAL.—Necessary maintenance
3 or repairs to existing roads designated in the
4 Management Plan for the use of motorized ve-
5 hicles, including necessary repairs to keep exist-
6 ing roads free of debris or other safety hazards,
7 shall be permitted after the date of enactment
8 of this Act, consistent with the requirements of
9 this section.

10 (B) EFFECT.—Nothing in this subsection
11 prevents the Secretary from rerouting an exist-
12 ing road or trail to protect Recreation Area re-
13 sources from degradation or to protect public
14 safety, as determined to be appropriate by the
15 Secretary.

16 (e) GRAZING.—

17 (1) IN GENERAL.—The grazing of livestock in
18 the Recreation Area, if established before the date of
19 enactment of this Act, shall be allowed to continue,
20 subject to such reasonable regulations, policies, and
21 practices as the Secretary considers to be necessary
22 in accordance with—

23 (A) applicable law (including regulations);

24 and

25 (B) the purposes of the Recreation Area.

1 (2) INVENTORY.—Not later than 5 years after
2 the date of enactment of this Act, the Secretary, in
3 collaboration with any affected grazing permittee,
4 shall carry out an inventory of facilities and im-
5 provements associated with grazing activities in the
6 Recreation Area.

7 (f) COLD WAR SITES.—The Secretary shall manage
8 the Recreation Area in a manner that educates the public
9 about Cold War and historic uranium mine sites in the
10 Recreation Area, subject to such terms and conditions as
11 the Secretary considers necessary to protect public health
12 and safety.

13 (g) INCORPORATION OF ACQUIRED LAND AND IN-
14 TERESTS.—Any land or interest in land located within the
15 boundary of the Recreation Area that is acquired by the
16 United States after the date of enactment of this Act
17 shall—

18 (1) become part of the Recreation Area; and

19 (2) be managed in accordance with applicable
20 laws, including as provided in this section.

21 (h) WITHDRAWAL.—Subject to valid existing rights,
22 all Federal land within the Recreation Area, including any
23 land or interest in land that is acquired by the United
24 States within the Recreation Area after the date of enact-
25 ment of this Act, is withdrawn from—

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

3 (2) location, entry, and patent under the mining
4 laws; and

5 (3) operation of the mineral leasing, mineral
6 materials, and geothermal leasing laws.

7 (i) **STUDY OF NONMOTORIZED RECREATION OPPOR-**
8 **TUNITIES.**—Not later than 2 years after the date of enact-
9 ment of this Act, the Secretary, in consultation with inter-
10 ested parties, shall conduct a study of nonmotorized recre-
11 ation trail opportunities, including bicycle trails, within
12 the Recreation Area, consistent with the purposes of the
13 Recreation Area.

14 (j) **COOPERATIVE AGREEMENT.**—The Secretary may
15 enter into a cooperative agreement with the State in ac-
16 cordance with section 307(b) of the Federal Land Policy
17 and Management Act of 1976 (43 U.S.C. 1737(b)) and
18 other applicable laws to provide for the protection, man-
19 agement, and maintenance of the Recreation Area.

20 **SEC. 103. SAN RAFAEL SWELL RECREATION AREA ADVI-**
21 **SORY COUNCIL.**

22 (a) **ESTABLISHMENT.**—Not later than 180 days after
23 the date of enactment of this Act, the Secretary shall es-
24 tablish an advisory council, to be known as the “San
25 Rafael Swell Recreation Area Advisory Council”.

1 (b) DUTIES.—The Council shall advise the Secretary
2 with respect to the preparation and implementation of the
3 Management Plan for the Recreation Area.

4 (c) APPLICABLE LAW.—The Council shall be subject
5 to—

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

8 (2) section 309 of the Federal Land Policy and
9 Management Act of 1976 (43 U.S.C. 1739).

10 (d) MEMBERS.—The Council shall include 7 mem-
11 bers, to be appointed by the Secretary, of whom, to the
12 maximum extent practicable—

13 (1) 1 member shall represent the Emery Coun-
14 ty Commission;

15 (2) 1 member shall represent motorized rec-
16 reational users;

17 (3) 1 member shall represent nonmotorized rec-
18 reational users;

19 (4) 1 member shall represent permittees holding
20 grazing allotments within the Recreation Area or
21 wilderness areas designated in this Act;

22 (5) 1 member shall represent conservation orga-
23 nizations;

24 (6) 1 member shall have expertise in the histor-
25 ical uses of the Recreation Area; and

1 (7) 1 member shall be appointed from the elect-
2 ed leadership of a federally recognized Indian Tribe
3 that has significant cultural or historical connections
4 to, and expertise in, the landscape, archeological
5 sites, or cultural sites within the County.

6 **TITLE II—WILDERNESS AREAS**

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

9 (a) ADDITIONS.—In accordance with the Wilderness
10 Act (16 U.S.C. 1131 et seq.), the following land in the
11 State is designated as wilderness and as components of
12 the National Wilderness Preservation System:

13 (1) BIG WILD HORSE MESA.—Certain Federal
14 land managed by the Bureau of Land Management,
15 comprising approximately 18,192 acres, generally
16 depicted on the Map as “Proposed Big Wild Horse
17 Mesa Wilderness”, which shall be known as the “Big
18 Wild Horse Mesa Wilderness”.

19 (2) COLD WASH.—Certain Federal land man-
20 aged by the Bureau of Land Management, com-
21 prising approximately 11,001 acres, generally de-
22 picted on the Map as “Proposed Cold Wash Wilder-
23 ness”, which shall be known as the “Cold Wash Wil-
24 derness”.

1 (3) DESOLATION CANYON.—Certain Federal
2 land managed by the Bureau of Land Management,
3 comprising approximately 142,996 acres, generally
4 depicted on the Map as “Proposed Desolation Can-
5 yon Wilderness”, which shall be known as the “Des-
6 olation Canyon Wilderness”.

7 (4) DEVIL’S CANYON.—Certain Federal land
8 managed by the Bureau of Land Management, com-
9 prising approximately 8,675 acres, generally de-
10 picted on the Map as “Proposed Devil’s Canyon Wil-
11 derness”, which shall be known as the “Devil’s Can-
12 yon Wilderness”.

13 (5) EAGLE CANYON.—Certain Federal land
14 managed by the Bureau of Land Management, com-
15 prising approximately 13,832 acres, generally de-
16 picted on the Map as “Proposed Eagle Canyon Wil-
17 derness”, which shall be known as the “Eagle Can-
18 yon Wilderness”.

19 (6) HORSE VALLEY.—Certain Federal land
20 managed by the Bureau of Land Management, com-
21 prising approximately 12,491 acres, generally de-
22 picted on the Map as “Proposed Horse Valley Wil-
23 derness”, which shall be known as the “Horse Valley
24 Wilderness”.

1 (7) LABYRINTH CANYON.—Certain Federal land
2 managed by the Bureau of Land Management, com-
3 prising approximately 54,643 acres, generally de-
4 picted on the Map as “Proposed Labyrinth Canyon
5 Wilderness”, which shall be known as the “Lab-
6 yrinth Canyon Wilderness”.

7 (8) LITTLE OCEAN DRAW.—Certain Federal
8 land managed by the Bureau of Land Management,
9 comprising approximately 20,660 acres, generally
10 depicted on the Map as “Proposed Little Ocean
11 Draw Wilderness”, which shall be known as the
12 “Little Ocean Draw Wilderness”.

13 (9) LITTLE WILD HORSE CANYON.—Certain
14 Federal land managed by the Bureau of Land Man-
15 agement, comprising approximately 5,479 acres,
16 generally depicted on the Map as “Proposed Little
17 Wild Horse Canyon Wilderness”, which shall be
18 known as the “Little Wild Horse Canyon Wilder-
19 ness”.

20 (10) MEXICAN MOUNTAIN.—Certain Federal
21 land managed by the Bureau of Land Management,
22 comprising approximately 76,413 acres, generally
23 depicted on the Map as “Proposed Mexican Moun-
24 tain Wilderness”, which shall be known as the
25 “Mexican Mountain Wilderness”.

1 (11) MIDDLE WILD HORSE MESA.—Certain
2 Federal land managed by the Bureau of Land Man-
3 agement, comprising approximately 16,343 acres,
4 generally depicted on the Map as “Proposed Middle
5 Wild Horse Mesa Wilderness”, which shall be known
6 as the “Middle Wild Horse Mesa Wilderness”.

7 (12) MUDDY CREEK.—Certain Federal land
8 managed by the Bureau of Land Management, com-
9 prising approximately 98,023 acres, generally de-
10 picted on the Map as “Proposed Muddy Creek Wil-
11 derness”, which shall be known as the “Muddy
12 Creek Wilderness”.

13 (13) NELSON MOUNTAIN.—

14 (A) IN GENERAL.—Certain Federal land
15 managed by the Forest Service, comprising ap-
16 proximately 7,176 acres, and certain Federal
17 land managed by the Bureau of Land Manage-
18 ment, comprising approximately 257 acres, gen-
19 erally depicted on the Map as “Proposed Nelson
20 Mountain Wilderness”, which shall be known as
21 the “Nelson Mountain Wilderness”.

22 (B) TRANSFER OF ADMINISTRATIVE JURIS-
23 DICTION.—Administrative jurisdiction over the
24 257-acre portion of the Nelson Mountain Wil-
25 derness designated by subparagraph (A) is

1 transferred from the Bureau of Land Manage-
2 ment to the Forest Service.

3 (14) RED'S CANYON.—Certain Federal land
4 managed by the Bureau of Land Management, com-
5 prising approximately 17,325 acres, generally de-
6 picted on the Map as “Proposed Red’s Canyon Wil-
7 derness”, which shall be known as the “Red’s Can-
8 yon Wilderness”.

9 (15) RHINO HEAD.—Certain Federal land man-
10 aged by the Bureau of Land Management, com-
11 prising approximately 19,338 acres, generally de-
12 picted on the Map as “Proposed Rhino Head Wil-
13 derness”, which shall be known as the “Rhino Head
14 Wilderness”.

15 (16) SAN RAFAEL REEF.—Certain Federal land
16 managed by the Bureau of Land Management, com-
17 prising approximately 60,442 acres, generally de-
18 picted on the Map as “Proposed San Rafael Reef
19 Wilderness”, which shall be known as the “San
20 Rafael Reef Wilderness”.

21 (17) SID'S MOUNTAIN.—Certain Federal land
22 managed by the Bureau of Land Management, com-
23 prising approximately 49,130 acres, generally de-
24 picted on the Map as “Proposed Sid’s Mountain

1 Wilderness”, which shall be known as the “Sid’s
2 Mountain Wilderness”.

3 (18) TURTLE CANYON.—Certain Federal land
4 managed by the Bureau of Land Management, com-
5 prising approximately 29,029 acres, generally de-
6 picted on the Map as “Proposed Turtle Canyon Wil-
7 derness”, which shall be known as the “Turtle Can-
8 yon Wilderness”.

9 (b) MAP AND LEGAL DESCRIPTION.—

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

14 (A) the Committee on Natural Resources
15 of the House of Representatives; and

16 (B) the Committee on Energy and Natural
17 Resources of the Senate.

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

23 (3) AVAILABILITY.—Each map and legal de-
24 scription filed under paragraph (1) shall be on file

1 and available for public inspection in the appropriate
2 office of the Secretary.

3 **SEC. 202. ADMINISTRATION.**

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

8 (1) any reference in that Act to the effective
9 date shall be considered to be a reference to the date
10 of enactment of this Act; and

11 (2) any reference in that Act to the Secretary
12 of Agriculture shall be considered to be a reference
13 to the Secretary.

14 (b) **RECREATIONAL CLIMBING.**—Nothing in this Act
15 prohibits recreational rock climbing activities in the wil-
16 derness areas, such as the placement, use, and mainte-
17 nance of fixed anchors, including any fixed anchor estab-
18 lished before the date of the enactment of this Act—

19 (1) in accordance with the Wilderness Act (16
20 U.S.C. 1131 et seq.); and

21 (2) subject to any terms and conditions deter-
22 mined to be necessary by the Secretary.

23 (c) **TRAIL PLAN.**—After providing opportunities for
24 public comment, the Secretary shall establish a trail plan
25 that addresses hiking and equestrian trails on the wilder-

1 ness areas in a manner consistent with the Wilderness Act
2 (16 U.S.C. 1131 et seq.).

3 (d) LIVESTOCK.—

4 (1) IN GENERAL.—The grazing of livestock in
5 the wilderness areas, if established before the date of
6 enactment of this Act, shall be allowed to continue,
7 subject to such reasonable regulations, policies, and
8 practices as the Secretary considers to be necessary
9 in accordance with—

10 (A) section 4(d)(4) of the Wilderness Act
11 (16 U.S.C. 1133(d)(4)); and

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

17 (2) INVENTORY.—With respect to each wilder-
18 ness area in which grazing of livestock is allowed to
19 continue under paragraph (1), not later than 2 years
20 after the date of enactment of this Act, the Sec-
21 retary, in collaboration with any affected grazing
22 permittee, shall carry out an inventory of facilities
23 and improvements associated with grazing activities
24 in the wilderness area.

25 (e) ADJACENT MANAGEMENT.—

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

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

10 (f) MILITARY OVERFLIGHTS.—Nothing in this sub-
11 title restricts or precludes—

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

16 (2) flight testing and evaluation; or

17 (3) the designation or creation of new units of
18 special use airspace, or the establishment of military
19 flight training routes, over the wilderness areas.

20 (g) COMMERCIAL SERVICES.—Commercial services
21 (including authorized outfitting and guide activities) with-
22 in the wilderness areas may be authorized to the extent
23 necessary for activities that are appropriate for realizing
24 the recreational or other wilderness purposes of the wilder-

1 ness areas, in accordance with section 4(d)(5) of the Wil-
2 derness Act (16 U.S.C. 1133(d)(5)).

3 (h) LAND ACQUISITION AND INCORPORATION OF AC-
4 QUIRED LAND AND INTERESTS.—

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

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

14 (i) WATER RIGHTS.—

15 (1) STATUTORY CONSTRUCTION.—Nothing in
16 this subtitle—

17 (A) shall constitute or be construed to con-
18 stitute either an express or implied reservation
19 by the United States of any water or water
20 rights with respect to the land designated as
21 wilderness by section 201;

22 (B) shall affect any water rights in the
23 State existing on the date of enactment of this
24 Act, including any water rights held by the
25 United States;

1 (C) shall be construed as establishing a
2 precedent with regard to any future wilderness
3 designations;

4 (D) shall affect the interpretation of, or
5 any designation made pursuant to, any other
6 Act; or

7 (E) shall be construed as limiting, altering,
8 modifying, or amending any of the interstate
9 compacts or equitable apportionment decrees
10 that apportion water among and between the
11 State and other States.

12 (2) STATE WATER LAW.—The Secretary shall
13 follow the procedural and substantive requirements
14 of the State in order to obtain and hold any water
15 rights not in existence on the date of enactment of
16 this Act with respect to the wilderness areas.

17 (j) MEMORANDUM OF UNDERSTANDING.—The Sec-
18 retary shall offer to enter into a memorandum of under-
19 standing with the County, in accordance with the Wilder-
20 ness Act (16 U.S.C. 1131 et seq.), to clarify the approval
21 processes for the use of motorized equipment and mechan-
22 ical transport for search and rescue activities in the
23 Muddy Creek Wilderness established by section
24 201(a)(12).

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

2 Nothing in this subtitle affects the jurisdiction of the
3 State with respect to fish and wildlife on public land lo-
4 cated in the State.

5 **SEC. 204. RELEASE.**

6 (a) FINDING.—Congress finds that, for the purposes
7 of section 603(c) of the Federal Land Policy and Manage-
8 ment Act of 1976 (43 U.S.C. 1782(c)), the approximately
9 17,420 acres of public land administered by the Bureau
10 of Land Management in the County that has not been des-
11 ignated as wilderness by section 201(a) has been ade-
12 quately studied for wilderness designation.

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

15 (1) is no longer subject to section 603(c) of the
16 Federal Land Policy and Management Act of 1976
17 (43 U.S.C. 1782(c)); and

18 (2) shall be managed in accordance with—

19 (A) applicable law; and

20 (B) any applicable land management plan
21 adopted under section 202 of the Federal Land
22 Policy and Management Act of 1976 (43 U.S.C.
23 1712).

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

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

5 (a) IN GENERAL.—Section 3(a) of the Wild and Sce-
6 nic Rivers Act (16 U.S.C. 1274(a)) is amended by adding
7 at the end the following:

8 “(214) GREEN RIVER.—The approximately 63-
9 mile segment, as generally depicted on the map enti-
10 tled ‘Emery County Public Land Management Act of
11 2018 Overview Map’ and dated December 11, 2018,
12 to be administered by the Secretary of the Interior,
13 in the following classifications:

14 “(A) WILD RIVER SEGMENT.—The 5.3-
15 mile segment from the boundary of the Uintah
16 and Ouray Reservation, south to the Nefertiti
17 boat ramp, as a wild river.

18 “(B) RECREATIONAL RIVER SEGMENT.—
19 The 8.5-mile segment from the Nefertiti boat
20 ramp, south to the Swasey’s boat ramp, as a
21 recreational river.

22 “(C) SCENIC RIVER SEGMENT.—The 49.2-
23 mile segment from Bull Bottom, south to the
24 county line between Emery and Wayne Coun-
25 ties, as a scenic river.”.

1 (b) INCORPORATION OF ACQUIRED NON-FEDERAL
 2 LAND.—If the United States acquires any non-Federal
 3 land within or adjacent to a river segment of the Green
 4 River designated by paragraph (214) of section 3(a) of
 5 the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as
 6 added by subsection (a)), the acquired land shall be incor-
 7 porated in, and be administered as part of, the applicable
 8 wild, scenic, or recreational river.

9 **TITLE IV—LAND MANAGEMENT**
 10 **AND CONVEYANCES**

11 **SEC. 401. GOBLIN VALLEY STATE PARK.**

12 (a) IN GENERAL.—The Secretary shall offer to con-
 13 vey to the Utah Division of Parks and Recreation of the
 14 Utah Department of Natural Resources (referred to in
 15 this section as the “State”), approximately 6,261 acres of
 16 land identified on the Map as the “Proposed Goblin Valley
 17 State Park Expansion”, without consideration, for the
 18 management by the State as a State park, consistent with
 19 uses allowed under the Act of June 14, 1926 (commonly
 20 known as the “Recreation and Public Purposes Act”) (44
 21 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.).

22 (b) REVERSIONARY CLAUSE REQUIRED.—A convey-
 23 ance under subsection (a) shall include a reversionary
 24 clause to ensure that management of the land described
 25 in that subsection shall revert to the Secretary if the land

1 is no longer being managed as a State park in accordance
2 with subsection (a).

3 **SEC. 402. JURASSIC NATIONAL MONUMENT.**

4 (a) ESTABLISHMENT PURPOSES.—To conserve, in-
5 terpret, and enhance for the benefit of present and future
6 generations the paleontological, scientific, educational, and
7 recreational resources of the area and subject to valid ex-
8 isting rights, there is established in the State the Jurassic
9 National Monument (referred to in this section as the
10 “Monument”), consisting of approximately 850 acres of
11 Federal land administered by the Bureau of Land Man-
12 agement in the County and generally depicted as “Pro-
13 posed Jurassic National Monument” 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 clerical and typographical
25 errors in the map and legal description, subject to

1 the requirement that, before making the proposed
2 corrections, the Secretary shall submit to the State
3 and any affected 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) WITHDRAWAL.—Subject to valid existing rights,
10 any Federal land within the boundaries of the Monument
11 and any land or interest in land that is acquired by the
12 United States for inclusion in the Monument after the
13 date of enactment of this Act is withdrawn from—

14 (1) entry, appropriation, or disposal under the
15 public 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) shall—

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

24 (B) allow for continued scientific research
25 at the Monument during the development of the

1 management plan for the Monument, subject to
2 any terms and conditions that the Secretary de-
3 termines necessary to protect Monument re-
4 sources.

5 (f) AUTHORIZED USES.—The Secretary shall only
6 allow uses of the Monument that the Secretary determines
7 would further the purposes for which the Monument has
8 been established.

9 (g) INTERPRETATION, EDUCATION, AND SCIENTIFIC
10 RESEARCH.—

11 (1) IN GENERAL.—The Secretary shall provide
12 for public interpretation of, and education and sci-
13 entific research on, the paleontological resources of
14 the Monument.

15 (2) COOPERATIVE AGREEMENTS.—The Sec-
16 retary may enter into cooperative agreements with
17 appropriate public entities to carry out paragraph
18 (1).

19 (h) SPECIAL MANAGEMENT AREAS.—

20 (1) IN GENERAL.—The establishment of the
21 Monument shall not modify the management status
22 of any area within the boundary of the Monument
23 that is managed as an area of critical environmental
24 concern.

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

5 (i) MOTORIZED VEHICLES.—Except as needed for
6 administrative purposes or to respond to an emergency,
7 the use of motorized vehicles in the Monument shall be
8 allowed only on roads and trails designated for use by mo-
9 torized vehicles under the management plan for the Monu-
10 ment developed under subsection (e).

11 (j) WATER RIGHTS.—Nothing in this section con-
12 stitutes an express or implied reservation by the United
13 States of any water or water rights with respect to the
14 Monument.

15 (k) GRAZING.—The grazing of livestock in the Monu-
16 ment, if established before the date of enactment of this
17 Act, shall be allowed to continue, subject to such reason-
18 able regulations, policies, and practices as the Secretary
19 considers to be necessary in accordance with—

20 (1) applicable law (including regulations);

21 (2) the guidelines set forth in Appendix A of
22 the report of the Committee on Interior and Insular
23 Affairs of the House of Representatives accom-
24 panying H.R. 2570 of the 101st Congress (House
25 Report 101–405); and

1 (3) the purposes of the Monument.

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

3 (a) IN GENERAL.—In accordance with applicable law,
4 the Secretary may sell public land located in the County
5 that has been identified as suitable for disposal based on
6 specific criteria as listed in the Federal Land Policy and
7 Management Act of 1976 (43 U.S.C. 1713) in the applica-
8 ble resource management plan in existence on the date of
9 enactment of this Act.

10 (b) USE OF PROCEEDS.—

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

20 (2) AVAILABILITY.—

21 (A) IN GENERAL.—Amounts in the Ac-
22 count shall be available to the Secretary, with-
23 out further appropriation, to purchase from
24 willing sellers land or interests in land within a
25 wilderness area or the Recreation 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 (C) PROTECTION OF CULTURAL RE-
5 SOURCES.—To the extent that there are
6 amounts in the Account in excess of the
7 amounts needed to carry out subparagraph (A),
8 the Secretary may use the excess amounts for
9 the protection of cultural resources on Federal
10 land within the County.

11 **SEC. 404. PUBLIC PURPOSE CONVEYANCES.**

12 (a) IN GENERAL.—Notwithstanding the land use
13 planning requirement of sections 202 and 203 of the Fed-
14 eral Land Policy and Management Act of 1976 (43 U.S.C.
15 1712, 1713), on request by the applicable local govern-
16 mental entity, the Secretary shall convey without consider-
17 ation the following parcels of public land to be used for
18 public purposes:

19 (1) EMERY CITY RECREATION AREA.—The ap-
20 proximately 640-acre parcel as generally depicted on
21 the Map, to the City of Emery, Utah, for the cre-
22 ation or enhancement of public recreation opportuni-
23 ties consistent with uses allowed under the Act of
24 June 14, 1926 (commonly known as the “Recreation

1 and Public Purposes Act”) (44 Stat. 741, chapter
2 578; 43 U.S.C. 869 et seq.).

3 (2) HUNTINGTON AIRPORT.—The approxi-
4 mately 320-acre parcel as generally depicted on the
5 Map, to Emery County, Utah, for expansion of Hun-
6 tington Airport consistent with uses allowed under
7 the Act of June 14, 1926 (commonly known as the
8 “Recreation and Public Purposes Act”) (44 Stat.
9 741, chapter 578; 43 U.S.C. 869 et seq.).

10 (3) EMERY COUNTY SHERIFF’S OFFICE.—The
11 approximately 5-acre parcel as generally depicted on
12 the Map, to Emery County, Utah, for the Emery
13 County Sheriff’s Office substation consistent with
14 uses allowed under the Act of June 14, 1926 (com-
15 monly known as the “Recreation and Public Pur-
16 poses Act”) (44 Stat. 741, chapter 578; 43 U.S.C.
17 869 et seq.).

18 (4) BUCKHORN INFORMATION CENTER.—The
19 approximately 5-acre parcel as generally depicted on
20 the Map, to Emery County, Utah, for the Buckhorn
21 Information Center consistent with uses allowed
22 under the Act of June 14, 1926 (commonly known
23 as the “Recreation and Public Purposes Act”) (44
24 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.).

25 (b) MAP AND LEGAL DESCRIPTION.—

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

5 (A) the Committee on Energy and Natural
6 Resources of the Senate; and

7 (B) the Committee on Natural Resources
8 of the House of Representatives.

9 (2) EFFECT.—Each map and legal description
10 filed under paragraph (1) shall have the same force
11 and effect as if included in this Act, except that the
12 Secretary may correct clerical or typographical er-
13 rors in the map and legal description.

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

19 (c) REVERSION.—

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

1 (2) RESPONSIBILITY FOR REMEDIATION.—In
2 the case of a reversion under paragraph (1), if the
3 Secretary determines that the parcel of land is con-
4 taminated with hazardous waste, the local govern-
5 mental entity to which the parcel of land was con-
6 veyed under subsection (a) shall be responsible for
7 remediation.

8 **SEC. 405. EXCHANGE OF BLM AND SCHOOL AND INSTITU-**
9 **TIONAL TRUST LANDS ADMINISTRATION**
10 **LAND.**

11 (a) DEFINITIONS.—In this section:

12 (1) EXCHANGE MAP.—The term “Exchange
13 Map” means the map prepared by the Bureau of
14 Land Management entitled “Emery County Public
15 Land Management Act—Proposed Land Exchange”
16 and dated December, 10, 2018.

17 (2) FEDERAL LAND.—The term “Federal land”
18 means public land located in the State of Utah that
19 is identified on the Exchange Map as—

20 (A) “BLM Surface and Mineral Lands
21 Proposed for Transfer to SITLA”;

22 (B) “BLM Mineral Lands Proposed for
23 Transfer to SITLA”; and

24 (C) “BLM Surface Lands Proposed for
25 Transfer to SITLA”.

1 (3) NON-FEDERAL LAND.—The term “non-Fed-
2 eral land” means the land owned by the State in the
3 Emery and Uintah Counties that is identified on the
4 Exchange Map as—

5 (A) “SITLA Surface and Mineral Land
6 Proposed for Transfer to BLM”;

7 (B) “SITLA Mineral Lands Proposed for
8 Transfer to BLM”; and

9 (C) “SITLA Surface Lands Proposed for
10 Transfer to BLM”.

11 (4) STATE.—The term “State” means the
12 State, acting through the School and Institutional
13 Trust Lands Administration.

14 (b) EXCHANGE OF FEDERAL LAND AND NON-FED-
15 ERAL LAND.—

16 (1) IN GENERAL.—If the State offers to convey
17 to the United States title to the non-Federal land,
18 the Secretary, in accordance with this section,
19 shall—

20 (A) accept the offer; and

21 (B) on receipt of all right, title, and inter-
22 est in and to the non-Federal land, convey to
23 the State (or a designee) all right, title, and in-
24 terest of the United States in and to the Fed-
25 eral land.

1 (2) CONVEYANCE OF PARCELS IN PHASES.—

2 (A) IN GENERAL.—Notwithstanding that
3 appraisals for all of the parcels of Federal land
4 and non-Federal land may not have been ap-
5 proved under subsection (c)(5), parcels of the
6 Federal land and non-Federal land may be ex-
7 changed under paragraph (1) in phases, to be
8 mutually agreed by the Secretary and the State,
9 beginning on the date on which the appraised
10 values of the parcels included in the applicable
11 phase are approved.

12 (B) NO AGREEMENT ON EXCHANGE.—If
13 any dispute or delay arises with respect to the
14 exchange of an individual parcel of Federal land
15 or non-Federal land under paragraph (1), the
16 Secretary and the State may mutually agree to
17 set aside the individual parcel to allow the ex-
18 change of the other parcels of Federal land and
19 non-Federal land to proceed.

20 (3) EXCLUSION.—

21 (A) IN GENERAL.—The Secretary shall ex-
22 clude from any conveyance of a parcel of Fed-
23 eral land under paragraph (1) any Federal land
24 that contains critical habitat designated for a
25 species listed as an endangered species or a

1 threatened species under the Endangered Spe-
2 cies Act of 1973 (16 U.S.C. 1531 et seq.).

3 (B) REQUIREMENT.—Any Federal land ex-
4 cluded under subparagraph (A) shall be the
5 smallest area necessary to protect the applicable
6 critical habitat.

7 (4) APPLICABLE LAW.—

8 (A) IN GENERAL.—The land exchange
9 under paragraph (1) shall be subject to section
10 206 of the Federal Land Policy and Manage-
11 ment Act of 1976 (43 U.S.C. 1716) and other
12 applicable law.

13 (B) LAND USE PLANNING.—With respect
14 to the Federal land to be conveyed under para-
15 graph (1), the Secretary shall not be required
16 to undertake any additional land use planning
17 under section 202 of the Federal Land Policy
18 and Management Act of 1976 (43 U.S.C. 1712)
19 before the conveyance of the Federal land.

20 (5) VALID EXISTING RIGHTS.—The land ex-
21 change under paragraph (1) shall be subject to valid
22 existing rights.

23 (6) TITLE APPROVAL.—Title to the Federal
24 land and non-Federal land to be exchanged under

1 paragraph (1) shall be in a form acceptable to the
2 Secretary and the State.

3 (c) APPRAISALS.—

4 (1) IN GENERAL.—The value of the Federal
5 land and the non-Federal land to be exchanged
6 under subsection (b)(1) shall be determined by ap-
7 praisals conducted by 1 or more independent and
8 qualified appraisers.

9 (2) STATE APPRAISER.—The Secretary and the
10 State may agree to use an independent and qualified
11 appraiser—

12 (A) retained by the State; and

13 (B) approved by the Secretary.

14 (3) APPLICABLE LAW.—The appraisals under
15 paragraph (1) shall be conducted in accordance with
16 nationally recognized appraisal standards, including,
17 as appropriate—

18 (A) the Uniform Appraisal Standards for
19 Federal Land Acquisitions; and

20 (B) the Uniform Standards of Professional
21 Appraisal Practice.

22 (4) MINERALS.—

23 (A) MINERAL REPORTS.—The appraisals
24 under paragraph (1) may take into account
25 mineral and technical reports provided by the

1 Secretary and the State in the evaluation of
2 mineral deposits in the Federal land and non-
3 Federal land.

4 (B) MINING CLAIMS.—To the extent per-
5 missible under applicable appraisal standards,
6 the appraisal of any parcel of Federal land that
7 is encumbered by a mining or millsite claim lo-
8 cated under sections 2318 through 2352 of the
9 Revised Statutes (commonly known as the
10 “Mining Law of 1872”) (30 U.S.C. 21 et seq.)
11 shall be appraised in accordance with standard
12 appraisal practices, including, as appropriate,
13 the Uniform Appraisal Standards for Federal
14 Land Acquisition.

15 (C) VALIDITY EXAMINATIONS.—Nothing in
16 this subsection requires the United States to
17 conduct a mineral examination for any mining
18 claim on the Federal land.

19 (D) ADJUSTMENT.—

20 (i) IN GENERAL.—If value is attrib-
21 uted to any parcel of Federal land because
22 of the presence of minerals subject to leas-
23 ing under the Mineral Leasing Act (30
24 U.S.C. 181 et seq.), the value of the parcel
25 (as otherwise established under this sub-

1 section) shall be reduced by the percentage
2 of the applicable Federal revenue sharing
3 obligation under section 35(a) of the Min-
4 eral Leasing Act (30 U.S.C. 191(a)).

5 (ii) LIMITATION.—An adjustment
6 under clause (i) shall not be considered to
7 be a property right of the State.

8 (5) APPROVAL.—An appraisal conducted under
9 paragraph (1) shall be submitted to the Secretary
10 and the State for approval.

11 (6) DURATION.—An appraisal conducted under
12 paragraph (1) shall remain valid for 3 years after
13 the date on which the appraisal is approved by the
14 Secretary and the State.

15 (7) COST OF APPRAISAL.—

16 (A) IN GENERAL.—The cost of an ap-
17 praisal conducted under paragraph (1) shall be
18 paid equally by the Secretary and the State.

19 (B) REIMBURSEMENT BY SECRETARY.—If
20 the State retains an appraiser in accordance
21 with paragraph (2), the Secretary shall reim-
22 burse the State in an amount equal to 50 per-
23 cent of the costs incurred by the State.

24 (d) CONVEYANCE OF TITLE.—It is the intent of Con-
25 gress that the land exchange authorized under subsection

1 (b)(1) shall be completed not later than 1 year after the
2 date of final approval by the Secretary and the State of
3 the appraisals conducted under subsection (c).

4 (e) PUBLIC INSPECTION AND NOTICE.—

5 (1) PUBLIC INSPECTION.—Not later than 30
6 days before the date of any exchange of Federal land
7 and non-Federal land under subsection (b)(1), all
8 final appraisals and appraisal reviews for the land to
9 be exchanged shall be available for public review at
10 the office of the State Director of the Bureau of
11 Land Management in the State of Utah.

12 (2) NOTICE.—The Secretary shall make avail-
13 able on the public website of the Secretary, and the
14 Secretary or the State, as applicable, shall publish in
15 a newspaper of general circulation in Salt Lake
16 County, Utah, a notice that the appraisals conducted
17 under subsection (c) are available for public inspec-
18 tion.

19 (f) EQUAL VALUE EXCHANGE.—

20 (1) IN GENERAL.—The value of the Federal
21 land and non-Federal land to be exchanged under
22 subsection (b)(1)—

23 (A) shall be equal; or

24 (B) shall be made equal in accordance with
25 paragraph (2).

1 (2) EQUALIZATION.—

2 (A) SURPLUS OF FEDERAL LAND.—With
3 respect to any Federal land and non-Federal
4 land to be exchanged under subsection (b)(1), if
5 the value of the Federal land exceeds the value
6 of the non-Federal land, the value of the Fed-
7 eral land and non-Federal land shall be equal-
8 ized by—

9 (i) the State conveying to the Sec-
10 retary, as necessary to equalize the value
11 of the Federal land and non-Federal land,
12 after the acquisition of all State trust land
13 located within the wilderness areas or
14 recreation area designated by this Act,
15 State trust land located within any of the
16 wilderness areas or national conservation
17 areas in Washington County, Utah, estab-
18 lished under subtitle O of title I of the
19 Omnibus Public Land Management Act of
20 2009 (Public Law 111–11; 123 Stat.
21 1075); and

22 (ii) the State, to the extent necessary
23 to equalize any remaining imbalance of
24 value after all available Washington Coun-
25 ty, Utah, land described in clause (i) has

1 been conveyed to the Secretary, conveying
2 to the Secretary additional State trust land
3 as identified and agreed on by the Sec-
4 retary and the State.

5 (B) SURPLUS OF NON-FEDERAL LAND.—If
6 the value of the non-Federal land exceeds the
7 value of the Federal land, the value of the Fed-
8 eral land and the non-Federal land shall be
9 equalized—

10 (i) by the Secretary making a cash
11 equalization payment to the State, in ac-
12 cordance with section 206(b) of the Fed-
13 eral Land Policy and Management Act of
14 1976 (43 U.S.C. 1716(b)); or

15 (ii) by removing non-Federal land
16 from the exchange.

17 (g) INDIAN TRIBES.—The Secretary shall consult
18 with any federally recognized Indian Tribe in the vicinity
19 of the Federal land and non-Federal land to be exchanged
20 under subsection (b)(1) before the completion of the land
21 exchange.

22 (h) APPURTENANT WATER RIGHTS.—Any convey-
23 ance of a parcel of Federal land or non-Federal land under
24 subsection (b)(1) shall include the conveyance of water
25 rights appurtenant to the parcel conveyed.

1 (i) GRAZING PERMITS.—

2 (1) IN GENERAL.—If the Federal land or non-
3 Federal land exchanged under subsection (b)(1) is
4 subject to a lease, permit, or contract for the graz-
5 ing of domestic livestock in effect on the date of ac-
6 quisition, the Secretary and the State shall allow the
7 grazing to continue for the remainder of the term of
8 the lease, permit, or contract, subject to the related
9 terms and conditions of user agreements, including
10 permitted stocking rates, grazing fee levels, access
11 rights, and ownership and use of range improve-
12 ments.

13 (2) RENEWAL.—To the extent allowed by Fed-
14 eral or State law, on expiration of any grazing lease,
15 permit, or contract described in paragraph (1), the
16 holder of the lease, permit, or contract shall be enti-
17 tled to a preference right to renew the lease, permit,
18 or contract.

19 (3) CANCELLATION.—

20 (A) IN GENERAL.—Nothing in this section
21 prevents the Secretary or the State from can-
22 celing or modifying a grazing permit, lease, or
23 contract if the Federal land or non-Federal
24 land subject to the permit, lease, or contract is

1 sold, conveyed, transferred, or leased for non-
2 grazing purposes by the Secretary or the State.

3 (B) LIMITATION.—Except to the extent
4 reasonably necessary to accommodate surface
5 operations in support of mineral development,
6 the Secretary or the State shall not cancel or
7 modify a grazing permit, lease, or contract be-
8 cause the land subject to the permit, lease, or
9 contract has been leased for mineral develop-
10 ment.

11 (4) BASE PROPERTIES.—If non-Federal land
12 conveyed by the State under subsection (b)(1) is
13 used by a grazing permittee or lessee to meet the
14 base property requirements for a Federal grazing
15 permit or lease, the land shall continue to qualify as
16 a base property for—

17 (A) the remaining term of the lease or per-
18 mit; and

19 (B) the term of any renewal or extension
20 of the lease or permit.

21 (j) WITHDRAWAL OF FEDERAL LAND FROM MIN-
22 ERAL ENTRY PRIOR TO EXCHANGE.—Subject to valid ex-
23 isting rights, the Federal land to be conveyed to the State
24 under subsection (b)(1) is withdrawn from mineral loca-

- 1 tion, entry, and patent under the mining laws pending
- 2 conveyance of the Federal land to the State.

○