

112TH CONGRESS
1ST SESSION

S. 759

To provide to the Secretary of Interior a mechanism to cancel contracts for the sale of materials CA–20139 and CA–22901, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 7 (legislative day, APRIL 5), 2011

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

A BILL

To provide to the Secretary of Interior a mechanism to cancel contracts for the sale of materials CA–20139 and CA–22901, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Soledad Canyon High
5 Desert, California Public Lands Conservation and Man-
6 agement Act of 2011”.

7 **SEC. 2. FINDING AND PURPOSES.**

8 (a) FINDINGS.—The Congress finds the following:

9 (1) SOLEDAD CANYON AREA.—

1 (A) Two valid Federal contracts, privately
2 held, numbered CA-20139 and CA-22901, and
3 issued under the Materials Act of 1947, author-
4 ize extraction of approximately 56,000,000 tons
5 of sand and gravel from the Federal mineral es-
6 tate in lands located in Soledad Canyon adja-
7 cent to the City of Santa Clarita, California.

8 (B) It is in the best interest of the citizens
9 of California and the Federal Government to
10 cancel the Contracts and prohibit future mining
11 in the area that was subject to the two Federal
12 Contracts in the Soledad Canyon area of Cali-
13 fornia.

14 (C) The holder of the Contracts should re-
15 ceive, as compensation for such cancellation, the
16 fair market value of the Contracts and all costs,
17 fees, and covered liabilities incurred by the Con-
18 tract Holder in good faith in its efforts to de-
19 velop the Contracts.

20 (D) A site-specific solution that is fair to
21 the Contract Holder and that seeks to protect
22 the environment and minimize impacts on local
23 transportation systems is in the best interest of
24 the Nation.

1 (E) Considerable sums of money have been
2 expended by the Contract Holder and the City
3 of Santa Clarita on legal and other services in
4 trying to ensure their interests are protected
5 with respect to the Contracts CA-20139 and
6 CA-22901.

7 (F) Facilitation of an open-space corridor
8 between the two arms of the Angeles National
9 Forest that enhances environmental and wildlife
10 values is in the national interest.

11 (2) VICTORVILLE AREA.—

12 (A) The Bureau of Land Management has
13 extensive land ownership in small and large
14 parcels interspersed with or adjacent to private
15 land in and around Victorville, California, mak-
16 ing many of these parcels difficult to manage
17 and appropriate for disposal.

18 (B) Certain public lands near Victorville,
19 California, have been previously identified for
20 disposal as a result of the Bureau of Land
21 Management's West Mojave Land Management
22 Plan which was approved in 2006 with public
23 involvement and participation.

24 (C) In order to promote responsible and
25 orderly economic development, certain public

1 lands should be sold at fair market value to the
2 City of Victorville or the County of San
3 Bernardino; both located in California.

4 (b) PURPOSES.—The purposes of this Act are the fol-
5 lowing:

6 (1) To provide to the Bureau of Land Manage-
7 ment the authority to cancel Contracts CA–20139
8 and CA–22901 and prohibit future mining in the
9 area that was subject to the two Federal Contracts
10 in the Soledad Canyon area of California.

11 (2) To provide a means for the Contract Holder
12 to recover for the cancellation of the Contracts, the
13 fair market value of the Contracts and the Contract
14 Holder’s expenditures and covered liabilities incurred
15 pursuing the development of the Contracts.

16 (3) To provide the Bureau of Land Manage-
17 ment tools to verify expenses incurred by the Con-
18 tract Holder and provide relief.

19 (4) To provide timelines for the verification of
20 costs incurred by the Contract Holder and the deter-
21 mination of compensation and to provide a dispute
22 resolution process.

23 (5) To provide for the orderly disposal of cer-
24 tain Federal lands in San Bernardino County, Cali-

1 fornia, and to provide for the acquisition of environ-
2 mentally sensitive lands in the State of California.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) CITY OF SANTA CLARITA.—The term “City
6 of Santa Clarita” means the City of Santa Clarita,
7 California.

8 (2) CITY OF VICTORVILLE.—The term “City of
9 Victorville” means the City of Victorville, California.

10 (3) COUNTY OF SAN BERNARDINO.—The term
11 “County of San Bernardino” means the County of
12 San Bernardino, California.

13 (4) CONTRACTS.—The term “Contracts” means
14 the Bureau of Land Management mineral contracts
15 numbered CA–20139 and CA–22901.

16 (5) CONTRACT HOLDER.—The term “Contract
17 Holder” means the private party to the Contracts
18 CA–20139 and CA–22901, and its successors that
19 hold legal interests in such Contracts.

20 (6) COVERED LIABILITIES.—The term “covered
21 liabilities” includes any court-ordered or court-ap-
22 proved payment, settlement, or other liability on the
23 part of the Contract Holder for damages, costs,
24 compensation, or reimbursement to any third party
25 for agreements entered into by the Contract Holder

1 in good faith prior to January 1, 2008, in order to
2 exercise rights under the Contracts.

3 (7) ENVIRONMENTALLY SENSITIVE LAND.—The
4 term “environmentally sensitive land” means land or
5 an interest in land, the acquisition of which by the
6 United States would, in the judgment of the Sec-
7 retary or the Secretary of Agriculture—

8 (A) promote the preservation of natural,
9 scientific, aesthetic, historical, cultural, water-
10 shed, wildlife, and other values contributing to
11 public enjoyment and biological diversity;

12 (B) enhance recreational opportunities and
13 public access;

14 (C) provide the opportunity to achieve bet-
15 ter management of public land through consoli-
16 dation of Federal ownership; or

17 (D) otherwise serve the public interest.

18 (8) MATERIALS ACT OF 1947.—The term “Ma-
19 terials Act of 1947” means the Act of July 31, 1947
20 (chapter 406; 61 Stat. 681; 30 U.S.C. 601–604).

21 (9) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 (10) SPECIAL ACCOUNT.—The term “special ac-
24 count” means the account in the Treasury of the
25 United States established under section 5(h).

1 **SEC. 4. CANCELLATION OF THE CONTRACTS; COMPENSA-**
2 **TION TO CONTRACT HOLDER.**

3 (a) **CONTRACT CANCELLATIONS.**—The Secretary
4 shall cancel Bureau of Land Management mineral Con-
5 tracts CA–20139 and CA–22901 and withdraw those
6 areas that were subject to the Contracts from further min-
7 eral entry under all mineral leasing and sales authorities
8 available to the Secretary, effective on the date of the en-
9 actment of this Act.

10 (b) **COMPENSATION.**—As compensation for the can-
11 cellation of the Contracts, the Contract Holder shall re-
12 ceive the following amounts, whether determined by
13 agreed negotiated value or awarded by judgment of the
14 United States Court of Federal Claims in accordance with
15 the referral provisions of subsection (g)—

16 (1) the fair market value of the cancelled Con-
17 tracts, determined in accordance with subsection (e);

18 (2) the Contract Holder’s expenditures in trying
19 to bring the Contracts into commercial production,
20 as described in subsection (f);

21 (3) interest on the compensation provided for in
22 paragraphs (1), (2), and (4) from the date of the en-
23 actment of this Act until the last day of the month
24 preceding the date on which payment is made, com-
25 pounded quarterly and computed at the rate applica-

1 ble to marketable obligations of the United States of
2 three year maturity for the period involved; and

3 (4) covered liabilities incurred in trying to bring
4 the Contracts into commercial production, as de-
5 scribed in subsection (f); provided, however, that
6 compensation for covered liabilities may be paid to
7 Contract Holder under this section for up to 15
8 years following the effective date of this Act.

9 (c) MEANS OF PAYMENT; ASSURANCES OF PAY-
10 MENT.—

11 (1) FULL FAITH AND CREDIT.—The full faith
12 and credit of the United States is hereby pledged to
13 the payment of the compensation provided for in
14 subsection (b).

15 (2) MEANS OF PAYMENT.—Compensation paid
16 to Contract Holder under this Act shall be paid by
17 means of disbursement of funds from the special ac-
18 count created in the Treasury of the United States
19 pursuant to section 5(h) except as otherwise pro-
20 vided in paragraph (3).

21 (3) PAYMENT BY DEADLINE.—Notwithstanding
22 paragraph (2) or any other provision of this Act, in
23 the event that the Contract Holder has not received
24 all of the compensation provided for in this section
25 on or before the third anniversary of the enactment

1 of this Act, all compensation then remaining to be
2 paid to Contract Holder shall be paid from the per-
3 manent judgment appropriation established pursu-
4 ant to section 1304 of title 31, United States Code.

5 (4) NEGOTIATED AGREEMENT.—Any negotiated
6 agreement between the Secretary and the Contract
7 Holder as to the amount of compensation described
8 in subsection (b) shall be deemed to be a com-
9 promise settlement of imminent litigation within the
10 meaning of section 1304 of title 31, United States
11 Code, and section 2414 of title 28, United States
12 Code, and, notwithstanding anything to the contrary
13 contained in any other provision of law, including
14 section 2517 of title 28, United States Code, any
15 final judgment by the United States Court of Fed-
16 eral Claims determining the fair market value of
17 Contracts CA–20139 and CA–22901 in accordance
18 with the referral provisions of subsection (g) shall be
19 deemed to be a final judgment and award within the
20 meaning of section 1304 of title 31, United States
21 Code.

22 (d) INCREASE IN ADJUSTED BASIS OF CONTRACT
23 UPON CANCELLATION.—For purposes of the Internal
24 Revenue Code of 1986, the adjusted basis of any Contract
25 to which subsection (a) applies shall be increased (imme-

1 diately before the cancellation of such Contract under such
2 section) by the excess (if any) of—

3 (1) the fair market value of such Contract (de-
4 termined immediately before such cancellation), over

5 (2) the adjusted basis of such Contract (as de-
6 termined immediately before the application of this
7 section).

8 (e) DETERMINATION OF FAIR MARKET VALUE.—The
9 Secretary shall, within six months after the date of enact-
10 ment of this Act, determine by mineral appraisal, utilizing
11 the discounted cash flow method of appraisal (in accord-
12 ance with the appraisal guidelines for appraisals of large
13 quantities of mineral materials contained in section IV(E)
14 of BLM Mineral Material Appraisal Handbook H-3630),
15 the fair market value of the Contracts and notify the Con-
16 tract Holder of those determinations. In determining the
17 fair market value of the Contracts, the Secretary shall as-
18 sume that—

19 (1) the Contract Holder has obtained all the
20 permits and entitlements necessary to mine,
21 produce, and sell sand and gravel under the Con-
22 tract; and

23 (2) mining operations under the Contract have
24 commenced at the time of the determination, with
25 maximum annual production volumes that—

1 (A) are based on the projected supply and
2 demand outlook at the time of determination;
3 and

4 (B) reflect depletion of the reserves that
5 are subject to the Contract within the effective
6 periods of the Contract.

7 (f) EXPENDITURES AND COVERED LIABILITIES DE-
8 SCRIBED.—The compensation provided for in subsection
9 (b)(2) is equal to the sum of the following:

10 (1) All amounts paid to the United States by
11 Contract Holder with respect to the cancelled Con-
12 tract as bonus bids or other prepayments.

13 (2) Interest on amounts referred to in para-
14 graph (1), from the date of payment of such
15 amounts to the United States, at a rate determined
16 by the Secretary.

17 (3) Amounts expended by the Contract Holder
18 in securing the Contract and trying to bring it into
19 production, including—

20 (A) all actual costs, including fees, associ-
21 ated with the engineering and environmental
22 studies and permitting proceedings that were
23 incurred in good faith in the Contract Holder's
24 efforts to exercise rights granted under the
25 Contract terms; and

1 (B) all actual legal costs, including fees
2 and covered liabilities, incurred in good faith in
3 the Contract Holder's efforts to exercise rights
4 granted in the Contract including all fees and
5 costs associated with securing permits and enti-
6 tlements, litigation to compel, secure, or defend
7 permits or entitlements, and litigation in con-
8 nection with disputes relating to mineral and
9 surface estate rights to the property that is the
10 subject of the Contract.

11 (g) REFERRAL TO THE UNITED STATES COURT OF
12 FEDERAL CLAIMS.—

13 (1) REFERRAL.—If within 12 months after the
14 date of enactment of this Act, the Secretary and the
15 Contract Holder do not reach agreed negotiated
16 value under subsection (b) regarding the fair market
17 value of Contracts CA-20139 and CA-22901, the
18 Contract Holder shall have 3 months thereafter to
19 notify the Secretary that it disagrees with the Sec-
20 retary's determination of such value. In the event of
21 such notification, the Secretary shall refer the issue
22 of fair market value to the United States Court of
23 Federal Claims for determination.

24 (2) RESOLUTION BY COURT.—In any referral
25 under this subsection, the court shall determine de

1 novo the fair market value of Contracts CA–20139
2 and CA–22901.

3 (h) SUBMISSION OF EXPENSES INCURRED.—

4 (1) IN GENERAL.—To assist in the verification
5 of the amounts expended referred to in subsection
6 (f)(3), the Contract Holder shall submit to the Sec-
7 retary within 60 days after the date of enactment of
8 this Act an itemized list of such amounts, with
9 enough detail and supporting documentation so the
10 Secretary can determine that the expenses are asso-
11 ciated with the Contracts.

12 (2) ARBITRATION.—The Secretary shall issue
13 the determination of the amounts expended referred
14 to in paragraph (f)(3) within 60 days after receipt
15 of the itemized list required under paragraph (1). If
16 the Secretary disapproves such list, the Secretary
17 shall, upon the request of the Contract Holder, de-
18 termine such amounts through arbitration in accord-
19 ance with subchapter IV of chapter 5 of title 5,
20 United States Code.

21 (i) ASSIGNMENT.—The Contract Holder may at any
22 time assign its rights or entitlement under this Act to all
23 or any part of the compensation provided for in para-
24 graphs (1) and (2) of subsection (b).

1 **SEC. 5. SALE OF LAND NEAR VICTORVILLE, CALIFORNIA.**

2 (a) IN GENERAL.—Notwithstanding sections 202 and
3 203 of the Federal Land Policy and Management Act of
4 1976 (43 U.S.C. 1712, 1713) and subject to subsections
5 (c), (d), and (e), the Secretary shall offer for sale by com-
6 petitive bidding and for a minimum price of not less than
7 fair market value, as determined by an appraisal con-
8 ducted under subsection (g), all right, title, and interest
9 of the United States in and to the land identified for dis-
10 position on the map entitled “Victorville disposal area,
11 California” and dated March 2011.

12 (b) AVAILABILITY OF MAP.—The Secretary shall
13 keep the map described in subsection (a) on file and avail-
14 able for public inspection in—

15 (1) the office of the Director of the Bureau of
16 Land Management; and

17 (2) the district office of the Bureau of Land
18 Management located in Barstow, California.

19 (c) RIGHT OF LOCAL LAND USE AUTHORITY TO
20 PURCHASE CERTAIN LAND.—

21 (1) IN GENERAL.—Before a sale of land under
22 subsection (a), the Secretary shall provide the appli-
23 cable local land use authority an exclusive preemptive
24 right, as determined under State law, to pur-
25 chase any right, title, or interest of the United
26 States in and to any portion of the parcels of land

1 identified as “Area A” and “Area B” on the map
2 described in subsection (a) that is located within the
3 jurisdiction of the local land use authority.

4 (2) TIMING.—A preemptive right under para-
5 graph (1) shall be in effect for a period of 30 days
6 before any phased sale of the land described in para-
7 graph (1) is to be conducted under subsection (f).

8 (3) AUTHORITY.—During the period described
9 in paragraph (2), the local land use authority may
10 purchase some or all of the right, title, and interest
11 of the United States, as provided in subsection (a),
12 in and to the land to be offered for sale at fair mar-
13 ket value, as determined by an appraisal conducted
14 by the Secretary.

15 (4) EXERCISING RIGHT.—The preemptive right
16 under paragraph (1) shall be exercised on the imme-
17 diate payment by the local land use authority of the
18 entire purchase price of the applicable parcel of
19 land.

20 (5) FAILURE TO PAY.—Failure by the local
21 land use authority to purchase and pay for the right,
22 title, and interest of the United States in and to the
23 land described in paragraph (1) within the time pe-
24 riod described in paragraph (2) and to comply with

1 any other terms and conditions as the Secretary may
2 require—

3 (A) shall terminate the preemptive right of
4 the local land use authority with respect to the
5 right, title, and interest offered for sale during
6 that phase; but

7 (B) shall not terminate the preemptive
8 right of the local land use authority with re-
9 spect to subsequent phased offers of the re-
10 maining right, title, and interest in and to the
11 land described in paragraph (1).

12 (d) WITHDRAWAL AND RESERVATION.—

13 (1) WITHDRAWAL.—Subject to valid existing
14 rights, the land described in subsection (a) is with-
15 drawn from—

16 (A) entry, appropriation, or disposal under
17 the public land laws;

18 (B) location, entry, and patent under the
19 mining laws; and

20 (C) operation of the mineral leasing, min-
21 eral materials, and geothermal leasing laws.

22 (2) RESERVATION.—In any sale or other dis-
23 posal of land under this section, there shall be re-
24 served by the United States the right of the United

1 States to prospect for, mine, and remove minerals
2 from the conveyed land.

3 (e) CONSULTATION.—In addition to any consultation
4 otherwise required by law, before initiating efforts to dis-
5 pose of land under this section, the Secretary shall consult
6 with the City of Victorville, the County of San Bernardino,
7 and surface owners in the jurisdiction in which the land
8 is located regarding the potential impact of the disposal
9 and other appropriate aspects of the disposal.

10 (f) PHASING OF SALES.—

11 (1) AREA A LAND.—Not later than 1 year after
12 the date of enactment of this Act and subject to the
13 preemptive right under subsection (c), the Secretary
14 shall offer for sale under subsection (a) the land de-
15 picted as “Area A” on the map described in sub-
16 section (a).

17 (2) AREA B LAND.—Not later than 2 years
18 after the date of enactment of this Act and subject
19 to the preemptive right under subsection (c), the
20 Secretary shall offer for sale under subsection (a)
21 the land depicted as “Area B” on the map described
22 in subsection (a).

23 (3) REMAINING LAND.—After consulting with
24 the City of Victorville and the County of San
25 Bernardino, the Secretary may, not later than 20

1 years after the date of enactment of this Act, offer
2 for sale under subsection (a) the remaining land
3 identified for disposal in the West Mojave Land
4 Management Plan of 2006, except the land depicted
5 as an “Area of Critical Environmental Concern” in
6 the map described in subsection (a).

7 (4) COMPLIANCE WITH ENVIRONMENTAL RE-
8 QUIREMENTS.—Land disposal activities of the Sec-
9 retary under this subsection shall be consistent with
10 all applicable environmental laws (including regula-
11 tions).

12 (g) DETERMINATION OF FAIR MARKET VALUE.—

13 (1) AREA A LAND.—The fair market value of
14 the land described in subsection (f)(1) shall be based
15 on an appraisal of the fair market value of the land
16 as of the date of enactment of this Act, to be com-
17 pleted not later than 180 days after the date of en-
18 actment of this Act.

19 (2) AREA B LAND.—The fair market value of
20 the land described in subsection (f)(2) shall be based
21 on an appraisal of the fair market value of the land
22 as of the date that is approximately 180 days before
23 the date on which the land is offered for sale in ac-
24 cordance with subsection (f)(2), to be completed not

1 later than 180 days before the date on which the
2 land is to be offered for sale.

3 (h) SPECIAL ACCOUNT.—

4 (1) ESTABLISHMENT.—The gross proceeds of a
5 sale of land under subsection (a) shall be deposited
6 in a special account established in the Treasury, to
7 be used in accordance with paragraph (3).

8 (2) AVAILABILITY.—Amounts in the special ac-
9 count established under paragraph (1) shall be avail-
10 able, without appropriation and until expended—

11 (A) to the Secretary for purposes of sub-
12 paragraphs (A) through (E) of paragraph (3);
13 and

14 (B) to the Secretary of Agriculture for
15 purposes of subparagraphs (B) and (C) of para-
16 graph (3).

17 (3) DISPOSITION OF PROCEEDS.—Proceeds
18 from a sale of land described in subsection (a) shall
19 be disbursed by the Secretary in the following order
20 of priority:

21 (A) As compensation to the Contract Hold-
22 er under section 4(b) for cancellation of the
23 Contracts by the Secretary.

1 (B) For the acquisition of private
2 inholdings and land interests in the Mojave Na-
3 tional Preserve.

4 (C) For the acquisition of holdings and
5 land interests from willing sellers contained
6 within the Conceptual Area Protection Plan as
7 identified in the East Santa Clarita Land Con-
8 servation Concept Plan and Implementation
9 Strategy.

10 (D) For the acquisition of environmentally
11 sensitive land in the State of California in ac-
12 cordance with section 6.

13 (E) For the reimbursement of costs in-
14 curred by the California State Office and the
15 Barstow Field Office of the Bureau of Land
16 Management for preparing for the conveyance
17 of land described in subsection (a), including
18 the costs of—

19 (i) surveys and appraisals;

20 (ii) complying with the National Envi-
21 ronmental Policy Act of 1969 (42 U.S.C.
22 4321); and

23 (iii) except as otherwise provided in
24 subsection (a), complying with sections 202
25 and 203 of the Federal Land Policy and

1 Management Act of 1976 (43 U.S.C. 1712,
2 1713).

3 (4) LIMITATION ON USE OTHER THAN FOR
4 COMPENSATION.—No funds may be expended under
5 this subsection for purposes of subparagraphs (B)
6 through (E) of paragraph (3) until the date on
7 which the Secretary has paid to the Contract Holder
8 all compensation provided for under section 4(b) for
9 cancellation of the Contracts by the Secretary.

10 (5) SPECIAL ACCOUNT RESERVE FOR CONTRACT
11 HOLDER.—

12 (A) LIMITATION ON DISBURSEMENTS.—
13 Notwithstanding paragraphs (3) and (4),
14 amounts in the special account established
15 under paragraph (1) may be expended for the
16 purposes described in subparagraphs (B)
17 through (E) of paragraph (3) after compensa-
18 tion has been paid by the Secretary to the Con-
19 tract Holder as provided in paragraphs (1), (2),
20 and (3) of section 4(b), but before the date on
21 which the compensation required under section
22 4(b)(4) has been paid to the Contract Holder,
23 if the amount agreed to under subparagraph
24 (B) is held as a reserve for payment to the Con-
25 tract Holder under section 4(b)(4).

1 (B) DETERMINATION OF RESERVE.—

2 (i) IN GENERAL.—For purposes of
3 calculating the reserve amount referred to
4 in subparagraph (A), the value of the com-
5 pensation provided for in section 4(b)(4) is
6 considered to be the amount agreed to by
7 the Secretary and the Contract Holder,
8 subject to the conditions that—

9 (I) the amount shall not be less
10 than 15 percent of the sum of the
11 value of the elements of compensation
12 described in paragraphs (1) through
13 (3) of section 4(b); and

14 (II) an agreement as to the
15 amount of the reserve in subclause (I)
16 shall be made before the disbursement
17 of any funds from the special account
18 for any matter other than compensa-
19 tion to the Contract Holder.

20 (ii) EFFECT.—Nothing in this para-
21 graph reduces the amount of the com-
22 pensation payable to the Contract Holder
23 under section 4(b)(4).

1 (6) INVESTMENT OF SPECIAL ACCOUNT.—Any
2 amounts deposited in the special account established
3 under paragraph (1) shall—

4 (A) earn interest in an amount determined
5 by the Secretary of the Treasury on the basis
6 of the current average market yield on out-
7 standing marketable obligations of the United
8 States with a maturity of 3 years; and

9 (B) be expended according to the provi-
10 sions of this section.

11 (7) PROCEDURES.—Except with respect to the
12 disbursement of funds as compensation to the Con-
13 tract Holder for cancellation of the Contracts, the
14 Secretary shall coordinate the use of the special ac-
15 count with the Secretary of Agriculture, the State of
16 California, units of local government, and other in-
17 terested persons, to ensure accountability and dem-
18 onstrated results.

19 **SEC. 6. ACQUISITIONS.**

20 (a) IN GENERAL.—After the consultation process has
21 been completed in accordance with subsection (b), the Sec-
22 retary may acquire with the proceeds of the special ac-
23 count referred to in section 5(h) environmentally sensitive
24 land and interests in environmentally sensitive land.
25 Lands may not be acquired under this section without the

1 consent of the owner thereof. Funds made available from
2 the special account may be used for this purpose with any
3 other funds made available under any other provision of
4 law.

5 (b) CONSULTATION.—Before initiating efforts to ac-
6 quire land under this section, the Secretary or the Sec-
7 retary of Agriculture shall consult with the State of Cali-
8 fornia and with counties and cities affected by such acqui-
9 sition, including appropriate planning and regulatory
10 agencies, and with other interested persons, concerning
11 the necessity of making the acquisition, the potential im-
12 pacts on State and local government, and other appro-
13 priate aspects of the acquisition. Consultation under this
14 subsection is in addition to any other consultation required
15 by law.

16 (c) ADMINISTRATION.—On acceptance of title by the
17 United States, land and interests in land acquired under
18 this section that is within the boundaries of a unit of the
19 National Forest System, National Park System, National
20 Wildlife Refuge System, National Wild and Scenic Rivers
21 System, National Trails System, National Wilderness
22 Preservation System, or any other system established by
23 Act of Congress, or any national conservation or national
24 recreation area established by Act of Congress—

1 (1) shall, notwithstanding any other provision
2 of law, become part of the unit or area without fur-
3 ther action by the Secretary or Secretary of Agri-
4 culture; and

5 (2) shall be managed in accordance with all
6 laws and regulations and land use plans applicable
7 to the unit or area.

8 (d) DETERMINATION OF FAIR MARKET VALUE.—
9 The fair market value of land or an interest in land to
10 be acquired by the Secretary or the Secretary of Agri-
11 culture under this section shall be determined under sec-
12 tion 206 of the Federal Land Policy and Management Act
13 of 1976 (16 U.S.C. 1716) and shall be consistent with
14 other applicable requirements and standards.

○