H. R. 2954

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2014

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To authorize Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and reconveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

1

2
SECTION 1. SHORT TITLE.

This Act may be cited as the “Public Access and Lands Improvement Act”.

TITLE I—SANTA ROSA ISLAND
TITLE FAIRNESS AND LAND PRESERVATION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the “Santa Rosa Island Title Fairness and Land Preservation Act”.

SEC. 102. CONVEYANCE OF PROPERTY.

(a) Conveyance Free of Restrictions.—Notwithstanding the restrictions on conveyance of property located on Santa Rosa Island, Florida, contained in the Act of July 30, 1946 (chapter 699; 70 Stat. 712), and the deed to the property from the United States to Escambia County, Florida, dated January 15, 1947, Escambia County may, at its discretion, convey or otherwise dispose of all of its right, title, and interest (in whole or in part), in and to any portion of the property that was conveyed to it pursuant to that Act and deed, to any person or entity, free from any restriction on conveyance or reconveyance imposed by the United States in that Act or deed. Any conveyance under this subsection shall be subject to the conditions set forth in subsection (c).

(b) Leasehold Interests.—No person or entity holding a leasehold interest in the property as of the date
of the enactment of this Act shall be required to involun-
tarily accept a fee interest in lieu of their leasehold inter-
est in the property.

(c) CONDITIONS.—Any conveyance under subsection
(a) shall be subject to the following conditions:

(1) Not later than two calendar years after the
date of the enactment of this Act, Escambia County
shall convey to Santa Rosa County all right, title,
and interest held in and to any portion of the prop-
erty that was conveyed to Escambia County under
the Act and deed that fall in the jurisdictional
boundaries of Santa Rosa County, Florida. The con-
vveyance by Escambia County to Santa Rosa County
shall be absolute and shall terminate any subjuga-
tion of Santa Rosa County to Escambia County or
any regulation of Santa Rosa County by Escambia
County. Santa Rosa County shall not be required to
pay any sum for the subject property other than ac-
tual costs associated with the conveyance.

(2) Santa Rosa County or any other person to
which property is conveyed under this title may re-
convey property, or any portion of property, con-
veyed to it under this section.

(3) For all properties defined under subsection
(a) the leaseholders, or owners are free to pursue in-
corporation, annexation, or any other governmental status so long as all other legal conditions required for doing so are followed.

(4) Each property defined under subsection (a) is under the jurisdiction of the county and any other local government entity in which the property is located.

(5) Any proceeds from the conveyance of any property defined under subsection (a) by Escambia County or Santa Rosa County, other than direct and incidental costs associated with such conveyance, shall be considered windfall profits and shall revert to the United States.

(6) Escambia County and Santa Rosa County shall in perpetuity preserve those areas on Santa Rosa Island currently dedicated to conservation, preservation, public, recreation, access and public parking in accordance with resolutions heretofore adopted by the Board of County Commissioners of each respective county.

(d) DETERMINATION OF COMPLIANCE.—Escambia County and Santa Rosa County shall have no deadline or requirement to make any conveyance or reconveyance of any property defined under subsection (a) other than the conveyance required under subsection (c)(1). Each county
may establish terms for conveyance or reconveyance, sub-
ject to the conditions set forth in this title and applicable
State law.

**TITLE II—ANCHORAGE LAND**

**CONVEYANCE ACT**

**SEC. 201. SHORT TITLE.**

This title may be cited as the “Anchorage Land Con-
veyance Act of 2014”.

**SEC. 202. DEFINITIONS.**

In this title:

(1) **City.**—The term “City” means the city of
Anchorage, Alaska.

(2) **Non-Federal Land.**—The term “non-Fed-
eral land” means certain parcels of land located in
the City and owned by the City, which are more par-
ticularly described as follows:

(A) Block 42, Original Townsite of An-
chorage, Anchorage Recording District, Third
Judicial District, State of Alaska, consisting of
approximately 1.93 acres, commonly known as
the Egan Center, Petrovich Park, and Old City
Hall.

(B) Lots 9, 10, and 11, Block 66, Original
Townsite of Anchorage, Anchorage Recording
District, Third Judicial District, State of Alas-
ka, consisting of approximately 0.48 acres, commonly known as the parking lot at 7th Avenue and I Street.

(C) Lot 13, Block 15, Original Townsite of Anchorage, Anchorage Recording District, Third Judicial District, State of Alaska, consisting of approximately 0.24 acres, an unimproved vacant lot located at H Street and Christensen Drive.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 203. CONVEYANCE OF REVERSIONARY INTERESTS, ANCHORAGE, ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall convey to the City, without consideration, the reversionary interests of the United States in and to the non-Federal land for the purpose of unencumbering the title to the non-Federal land to enable economic development of the non-Federal land.

(b) LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the exact legal descriptions of the non-Federal land shall be determined in a manner satisfactory to the Secretary.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and condi-
tions to the conveyance under subsection (a) as the Sec-
etary considers appropriate to protect the interests of the
United States.

(d) Costs.—The City shall pay all costs associated
with the conveyance under subsection (a), including the
costs of any surveys, recording costs, and other reasonable
costs.

TITLE III—FERNLEY ECONOMIC
SELF-DETERMINATION ACT

SEC. 301. DEFINITIONS.

In this title:

(1) CITY.—The term “City” means the City of
Fernley, Nevada.

(2) FEDERAL LAND.—The term “Federal land”
means the approximately 9,407 acres of land located
in the City of Fernley, Nevada, that is identified by
the Secretary and the City for conveyance under this
title.

(3) MAP.—The term “map” means the map en-
titled “Proposed Fernley, Nevada, Land Sales” and

SEC. 302. CONVEYANCE OF CERTAIN FEDERAL LAND TO
CITY OF FERNLEY, NEVADA.

(a) CONVEYANCE AUTHORIZED.—Subject to valid ex-
isting rights and not later than 180 days after the date
on which the Secretary of the Interior receives an offer from the City to purchase the Federal land depicted on the map, the Secretary, acting through the Bureau of Land Management and the Bureau of Reclamation, shall convey, notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), to the City in exchange for consideration in an amount equal to the fair market value of the Federal land, all right, title, and interest of the United States in and to such Federal land.

(b) Appraisal To Determine Fair Market Value.—The Secretary shall determine the fair market value of the Federal land to be conveyed—

(1) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) based on an appraisal that is conducted in accordance with nationally recognized appraisal standards, including—

(A) the Uniform Appraisal Standards for Federal Land Acquisition; and

(B) the Uniform Standards of Professional Appraisal Practice.
(c) Availability of Map.—The map shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) Reservation of Easements and Rights-of-Way.—The City and the Bureau of Reclamation may retain easements or rights-of-way on the Federal land to be conveyed, including easements or rights-of-way the Bureau of Reclamation determines are necessary to carry out—

(1) the operation and maintenance of the Truckee Canal; or

(2) the Newlands Project.

(e) Costs.—The City shall, at closing for the conveyance authorized under subsection (a), pay or reimburse the Secretary, as appropriate, for the reasonable transaction and administrative personnel costs associated with the conveyance authorized under such subsection, including the costs of appraisal, title searches, maps, and boundary and cadastral surveys.

(f) Conveyance Not a Major Federal Action.—A conveyance or a combination of conveyances made under this section shall not be considered a major Federal action for purposes of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).
SEC. 303. RELEASE OF UNITED STATES.

Upon making the conveyance under section 302, notwithstanding any other provision of law, the United States is released from any and all liabilities or claims of any kind or nature arising from the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, petroleum product (or derivative of a petroleum product of any kind), solid waste, mine materials or mining related features (including tailings, overburden, waste rock, mill remnants, pits, or other hazards resulting from the presence of mining related features) on the Federal land in existence on or before the date of the conveyance.

SEC. 304. WITHDRAWAL.

Subject to valid existing rights, the Federal land to be conveyed under section 302 of this title shall be withdrawn from all forms of—

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

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

(3) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.
TITLE IV—LAND DISPOSAL
TRANSPARENCY AND EFFICIENCY ACT

SEC. 401. PROHIBITION ON ACQUISITION OF LAND.

(a) Short Title.—This title may be cited as the “Land Disposal Transparency and Efficiency Act”.

(b) Prohibition on Acquisition of Land.—No land or interests in land may be added by acquisition, donation, transfer of administrative jurisdiction, or otherwise to the inventory of land and interests in land administered by the Bureau of Land Management until a centralized database of all lands identified as suitable for disposal by Resource Management Plans for lands under the administrative jurisdiction of the Bureau is easily accessible to the public on a website of the Bureau. The database required under this subsection shall be updated and maintained to reflect changes in the status of lands identified for disposal under the administrative jurisdiction of the Bureau.

(c) Report.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Interior shall provide to the Committee on Natural Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate a report detail-
TITLE V—PRESERVING ACCESS TO CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA ACT

SEC. 501. SHORT TITLE.

This title may be cited as the “Preserving Access to Cape Hatteras National Seashore Recreational Area Act”.

SEC. 502. REINSTATEMENT OF INTERIM MANAGEMENT STRATEGY.

(a) MANAGEMENT.—After the date of the enactment of this Act, Cape Hatteras National Seashore Recreational Area shall be managed in accordance with the Interim Protected Species Management Strategy/Environmental Assessment issued by the National Park Service on June 13, 2007, for the Cape Hatteras National Seashore Recreational Area, North Carolina, unless the Secretary of the Interior (hereafter in this title referred to as the “Secretary”) issues a new final rule that meets the requirements set forth in section 503.

(b) RESTRICTIONS.—The Secretary shall not impose any additional restrictions on pedestrian or motorized vehicular access to any portion of Cape Hatteras National Seashore Recreational Area for species protection beyond
those in the Interim Management Strategy, other than as specifically authorized pursuant to section 503 of this title.

SEC. 503. ADDITIONAL RESTRICTIONS ON ACCESS TO CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA FOR SPECIES PROTECTION.

(a) IN GENERAL.—If, based on peer-reviewed science and after public comment, the Secretary determines that additional restrictions on access to a portion of the Cape Hatteras National Seashore Recreational Area are necessary to protect species listed as endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretary may only restrict, by limitation, closure, buffer, or otherwise, pedestrian and motorized vehicular access for recreational activities for the shortest possible time and on the smallest possible portions of the Cape Hatteras National Seashore Recreational Area.

(b) LIMITATION ON RESTRICTIONS.—Restrictions imposed under this section for protection of species listed as endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not be greater than the restrictions in effect for that species at any other National Seashore.

(c) CORRIDORS AROUND CLOSURES.—To the maximum extent possible, the Secretary shall designate pedes-
trian and vehicular corridors of minimal distance on the
beach or interdunal area around closures implemented
under this section to allow access to areas not closed.

SEC. 504. INAPPLICABILITY OF FINAL RULE AND CONSENT
DECREE.

(a) Final Rule.—The final rule titled “Special Reg-
ulations, Areas of the National Park System, Cape Hatteras National Seashore—Off-Road Vehicle Management”
(77 Fed. Reg. 3123–3144) shall have no force or effect
after the date of the enactment of this Act.

(b) Consent Decree.—The April 30, 2008, consent
decree filed in the United States District Court for the
Eastern District of North Carolina regarding off-road ve-
hicle use at Cape Hatteras National Seashore in North
Carolina shall not apply after the date of the enactment
of this Act.

TITLE VI—GREEN MOUNTAIN
LOOKOUT HERITAGE PRO-
tection ACT

SEC. 601. SHORT TITLE.

This title may be cited as the “Green Mountain Look-
out Heritage Protection Act”.

HR 2954 RFS
SEC. 602. CLARIFICATION OF LEGAL AUTHORITY OF GREEN MOUNTAIN LOOKOUT.

(a) LEGAL AUTHORITY OF LOOKOUT.—Section 4(b) of the Washington State Wilderness Act of 1984 (Public Law 98–339; 98 Stat. 300; 16 U.S.C. 1131 note) is amended by striking the period at the end and inserting the following: “, and except that with respect to the lands described in section 3(5), the designation of such lands as a wilderness area shall not preclude the operation and maintenance of Green Mountain Lookout.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Washington State Wilderness Act of 1984.

SEC. 603. PRESERVATION OF GREEN MOUNTAIN LOOKOUT LOCATION.

The Secretary of Agriculture, acting through the Chief of the Forest Service, may not move Green Mountain Lookout from its current location on Green Mountain in the Mount Baker-Snoqualmie National Forest unless the Secretary determines that moving Green Mountain Lookout is necessary to preserve the Lookout or to ensure the safety of individuals on or around Green Mountain. If the Secretary makes such a determination, the Secretary shall move the Green Mountain Lookout to a location outside of the lands described in section 3(5) of the
Washington State Wilderness Act of 1984 and designated as a wilderness area in section 4(b) of such Act.

**TITLE VII—RIVER PADDLING PROTECTION ACT**

**SEC. 701. SHORT TITLE.**

This title may be cited as the “River Paddling Protection Act”.

**SEC. 702. REGULATIONS SUPERSEDED.**

(a) In General.—The rivers and streams of Yellowstone National Park and Grand Teton National Park shall be open to hand-propelled vessels as determined by the director of the National Park Service within 3 years of the date of enactment of this Act. Beginning on the date that is 3 years after the date of enactment of this Act, the following regulations shall have no the force or effect regarding closing rivers and streams of Yellowstone National Park and Grand Teton National Park to hand-propelled vessels:


(b) Coordination of Recreational Use.—The Fish and Wildlife Service shall coordinate any recreational use of hand-propelled vessels on the Gros Ventre River within the National Elk Refuge with Grand Teton National Park to ensure such use is consistent with the requirements of the National Wildlife Refuge Administration Act.

Title VIII—Grazing Improvement Act

Sec. 801. SHORT TITLE.

This title may be cited as the “Grazing Improvement Act”.

Sec. 802. TERMS OF GRAZING PERMITS AND LEASES.

Section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752) is amended—

(1) by striking “ten years” each place it appears and inserting “20 years”; and

(2) after subsection (h), insert the following new subsections:

“(i) Only applicants, permittees and lessees whose interest in grazing livestock is directly affected by a final grazing decision concerning renewal, transfer or reissuance of a grazing permit or lease may appeal the decision to an administrative law judge or appeal officer as applicable.
“(j) Legal Fees.—

“(1) Any person, other than a directly affected party, challenging an action of the Secretary concerned regarding a final grazing decision in Federal court who is not a prevailing party shall pay to the prevailing parties (including a directly affected party who intervenes in such suit) fees and other expenses incurred by that party in connection with the challenge unless the Court finds that the position of the person was substantially justified.

“(2) For purposes of this subsection, the term “directly affected party” means any applicant, permittee, or lessee (or any organization representing applicants, permittees or lessees) whose interest in grazing livestock is directly affected by the final grazing decision.”.

SEC. 803. RENEWAL, TRANSFER, AND REISSUANCE OF GRAZING PERMITS AND LEASES.

(a) Amendment.—Title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.) is amended by adding at the end the following:

“SEC. 405. RENEWAL, TRANSFER, AND REISSUANCE OF GRAZING PERMITS AND LEASES.

“(a) Definitions.—In this section:
“(1) CURRENT GRAZING MANAGEMENT.—The term ‘current grazing management’ means grazing in accordance with the terms and conditions of an existing permit or lease.

“(2) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

“(A) the Secretary of Agriculture, with respect to National Forest System land; and

“(B) the Secretary of the Interior, with respect to land under the jurisdiction of the Department of the Interior.

“(b) RENEWAL, TRANSFER, REISSUANCE, AND PENDING PROCESSING.—A grazing permit or lease issued by the Secretary of the Interior, or a grazing permit issued by the Secretary of Agriculture regarding National Forest System land, that expires, is transferred, or is waived shall be renewed or reissued under, as appropriate—

“(1) section 402;

“(2) section 19 of the Act of April 24, 1950 (commonly known as the ‘Granger-Thye Act’; 16 U.S.C. 580l);

“(3) title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.); or

“(c) Terms; Conditions.—The terms and conditions (except the termination date) contained in an expired, transferred, or waived permit or lease described in subsection (b) shall continue in effect under a renewed or reissued permit or lease until the date on which the Secretary concerned completes the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, in compliance with each applicable law.

“(d) Cancellation; Suspension; Modification.—Notwithstanding subsection (c), a permit or lease described in subsection (b) may be cancelled, suspended, or modified in accordance with applicable law.

“(e) Renewal Transfer Reissuance After Processing.—When the Secretary concerned has completed the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, the Secretary concerned shall renew or reissue the permit or lease for a term of 20 years after completion of processing.

“(f) Compliance With National Environmental Policy Act of 1969.—The renewal, reissuance, or transfer of a grazing permit or lease by the Secretary concerned shall be categorically excluded from the requirement to
prepare an environmental assessment or an environmental impact statement if—

“(1) the decision continues to renew, reissue, or transfer the current grazing management of the allotment;

“(2) monitoring of the allotment has indicated that the current grazing management has met, or has satisfactorily progressed towards meeting, objectives contained in the applicable land use or resource management plan of the allotment, as determined by the Secretary concerned; or

“(3) the decision is consistent with the policy of the Department of the Interior or the Department of Agriculture, as appropriate, regarding extraordinary circumstances.

“(g) ENVIRONMENTAL REVIEWS.—

“(1) The Secretary concerned, in the sole discretion of the Secretary concerned, shall determine the priority and timing for completing required environmental reviews regarding any grazing allotment, permit, or lease based on the environmental significance of the allotment, permit, or lease and available funding for that purpose.

“(2) The Secretary concerned shall seek to conduct environmental reviews on an allotment or mul-
multiple allotment basis, to the extent practicable, for purposes of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws.

“(h) NEPA EXEMPTIONS.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the following:

“(1) Crossing and trailing authorizations of domestic livestock.

“(2) Transfer of grazing preference.


“(i) TEMPORARY TRAILING AND CROSSING.—

“(1) Any application for temporary trailing or crossing that has been submitted in a timely manner or not less than 30 days prior to the anticipated trailing or crossing shall be granted, modified or denied not less than fifteen days prior to the date of requested crossing or trailing. The minimum times specified in this subsection shall not preclude the approval of an application in a shorter time where an immediate need exists.

“(2) Temporary trailing or crossing authorizations across lands administered by the Bureau of Land Management or the Forest Service system of
lands shall not be subject to protest or appeal except
by the applicant or an affected permittee or lessee.”.

(b) Table of Contents.—The table of contents for
the Federal Land Policy and Management Act of 1976
is amended by adding after the item for section 404, the
following:

“Sec. 405. Renewal, transfer, and reissuance of grazing permits and leases.”.

TITLE IX—RIM FIRE

EMERGENCY SALVAGE ACT

SEC. 901. SHORT TITLE.

This title may be cited as the “Rim Fire Emergency
Salvage Act”.

SEC. 902. EXPEDITED FOREST SERVICE TIMBER SALVAGE

AND RESTORATION PILOT PROJECTS IN RE-

SPONSE TO THE CALIFORNIA RIM FIRE.

(a) Pilot Projects Required.—As part of the res-
toration and rehabilitation activities undertaken on the
lands within the Stanislaus National Forest adversely im-
pacted by the 2013 Rim Fire in California, the Secretary
of Agriculture shall conduct a timber salvage and restora-
tion pilot project on burned National Forest System land
within the Rim Fire perimeter.

(b) Management Plan.—

(1) Use of EIS Proposed Alternative.—The
Secretary of Agriculture shall conduct the pilot
project required by subsection (a) in the manner
provided in the proposed alternative contained in the draft environmental impact statement noticed in the Federal Register on December 6, 2013, for Rim Fire recovery.

(2) MODIFICATION.—During the course of the pilot project, the Secretary may adopt such modifications to the management plan as the Secretary considers appropriate in response to public comment and consultation with interested Federal, State, and tribal agencies.


(d) ADMINISTRATIVE AND JUDICIAL REVIEW AND ACTION.—The pilot project required by subsection (a), and activities conducted under the pilot project, are not subject to—

(1) administrative review;
(2) judicial review by any court of the United States; or

(3) a temporary restraining order or preliminary injunction based on environmental impacts in a case for which a final decision has not been issued.

SEC. 903. SENSE OF CONGRESS REGARDING USE OF FUNDS GENERATED FROM SALVAGE SALES CONDUCTED AFTER CATASTROPHIC WILD FIRES ON NATIONAL FOREST SYSTEM LAND OR BUREAU OF LAND MANAGEMENT LANDS.

It is the sense of Congress that the Secretary of Agriculture, with respect to National Forest System lands, and the Secretary of the Interior, with respect to Bureau of Land Management land, should use existing authorities available to the Secretary to retain revenues (other than revenues required to be deposited in the general fund of the Treasury) generated by salvage sales conducted in response to catastrophic wild fires on such land to cover the cost of restoration projects on such land.

TITLE X—CHESAPEAKE BAY ACCOUNTABILITY AND RECOVERY ACT

SEC. 1001. SHORT TITLE.

This title may be cited as the “Chesapeake Bay Accountability and Recovery Act of 2014”.

HR 2954 RFS
SEC. 1002. CHESAPEAKE BAY CROSSCUT BUDGET.

(a) CROSSCUT BUDGET.—The Director, in consultation with the Chesapeake Executive Council, the chief executive of each Chesapeake Bay State, and the Chesapeake Bay Commission, shall submit to Congress a financial report containing—

(1) an interagency crosscut budget that displays—

(A) the proposed funding for any Federal restoration activity to be carried out in the succeeding fiscal year, including any planned inter-agency or intra-agency transfer, for each of the Federal agencies that carry out restoration activities;

(B) to the extent that information is available, the estimated funding for any State restoration activity to be carried out in the succeeding fiscal year;

(C) all expenditures for Federal restoration activities from the preceding 2 fiscal years, the current fiscal year, and the succeeding fiscal year; and

(D) all expenditures, to the extent that information is available, for State restoration activities during the equivalent time period described in subparagraph (C);
(2) a detailed accounting of all funds received and obligated by all Federal agencies for restoration activities during the current and preceding fiscal years, including the identification of funds which were transferred to a Chesapeake Bay State for restoration activities;

(3) to the extent that information is available, a detailed accounting from each State of all funds received and obligated from a Federal agency for restoration activities during the current and preceding fiscal years; and

(4) a description of each of the proposed Federal and State restoration activities to be carried out in the succeeding fiscal year (corresponding to those activities listed in subparagraphs (A) and (B) of paragraph (1)), including the—

(A) project description;

(B) current status of the project;

(C) Federal or State statutory or regulatory authority, programs, or responsible agencies;

(D) authorization level for appropriations;

(E) project timeline, including benchmarks;

(F) references to project documents;
(G) descriptions of risks and uncertainties of project implementation;

(H) adaptive management actions or framework;

(I) coordinating entities;

(J) funding history;

(K) cost sharing; and

(L) alignment with existing Chesapeake Bay Agreement and Chesapeake Executive Council goals and priorities.

(b) Minimum Funding Levels.—The Director shall only describe restoration activities in the report required under subsection (a) that—

(1) for Federal restoration activities, have funding amounts greater than or equal to $100,000; and

(2) for State restoration activities, have funding amounts greater than or equal to $50,000.

(c) Deadline.—The Director shall submit to Congress the report required by subsection (a) not later than 30 days after the submission by the President of the President’s annual budget to Congress.

(d) Report.—Copies of the financial report required by subsection (a) shall be submitted to the Committees on Appropriations, Natural Resources, Energy and Commerce, and Transportation and Infrastructure of the

(e) EFFECTIVE DATE.—This section shall apply beginning with the first fiscal year after the date of enactment of this Act for which the President submits a budget to Congress.

SEC. 1003. RESTORATION THROUGH ADAPTIVE MANAGEMENT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with other Federal and State agencies, and with the participation of stakeholders, shall develop a plan to provide technical and financial assistance to Chesapeake Bay States to employ adaptive management in carrying out restoration activities in the Chesapeake Bay watershed.

(b) PLAN DEVELOPMENT.—The plan referred to in subsection (a) shall include—

(1) specific and measurable objectives to improve water quality, habitat, and fisheries identified by Chesapeake Bay States;

(2) a process for stakeholder participation;
(3) monitoring, modeling, experimentation, and other research and evaluation technical assistance requested by Chesapeake Bay States;

(4) identification of State restoration activities planned by Chesapeake Bay States to attain the State’s objectives under paragraph (1);

(5) identification of Federal restoration activities that could help a Chesapeake Bay State to attain the State’s objectives under paragraph (1);

(6) recommendations for a process for modification of State and Federal restoration activities that have not attained or will not attain the specific and measurable objectives set forth under paragraph (1); and

(7) recommendations for a process for integrating and prioritizing State and Federal restoration activities and programs to which adaptive management can be applied.

(c) IMPLEMENTATION.—In addition to carrying out Federal restoration activities under existing authorities and funding, the Administrator shall implement the plan developed under subsection (a) by providing technical and financial assistance to Chesapeake Bay States using resources available for such purposes that are identified by the Director under section 1002.
(d) Updates.—The Administrator shall update the plan developed under subsection (a) every 2 years.

(e) Report to Congress.—

(1) In general.—Not later than 60 days after the end of a fiscal year, the Administrator shall transmit to Congress an annual report on the implementation of the plan required under this section for such fiscal year.

(2) Contents.—The report required under paragraph (1) shall contain information about the application of adaptive management to restoration activities and programs, including level changes implemented through the process of adaptive management.

(3) Effective date.—Paragraph (1) shall apply to the first fiscal year that begins after the date of enactment of this Act.

(f) Inclusion of Plan in Annual Action Plan and Annual Progress Report.—The Administrator shall ensure that the Annual Action Plan and Annual Progress Report required by section 205 of Executive Order No. 13508 includes the adaptive management plan outlined in subsection (a).
SEC. 1004. INDEPENDENT EVALUATOR FOR THE CHESAPEAKE BAY PROGRAM.

(a) IN GENERAL.—There shall be an Independent Evaluator for restoration activities in the Chesapeake Bay watershed, who shall review and report on restoration activities and the use of adaptive management in restoration activities, including on such related topics as are suggested by the Chesapeake Executive Council.

(b) APPOINTMENT.—

(1) IN GENERAL.—The Independent Evaluator shall be appointed by the Administrator from among nominees submitted by the Chesapeake Executive Council.

(2) NOMINATIONS.—The Chesapeake Executive Council may submit to the Administrator 4 nominees for appointment to any vacancy in the office of the Independent Evaluator.

(c) REPORTS.—The Independent Evaluator shall submit a report to the Congress every 2 years in the findings and recommendations of reviews under this section.

(d) CHESAPEAKE EXECUTIVE COUNCIL.—In this section, the term “Chesapeake Executive Council” has the meaning given that term by section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102–567; 15 U.S.C. 1511d).
SEC. 1005. DEFINITIONS.

In this title, the following definitions apply:

(1) Adaptive Management.—The term “adaptive management” means a type of natural resource management in which project and program decisions are made as part of an ongoing science-based process. Adaptive management involves testing, monitoring, and evaluating applied strategies and incorporating new knowledge into programs and restoration activities that are based on scientific findings and the needs of society. Results are used to modify management policy, strategies, practices, programs, and restoration activities.

(2) Administrator.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(3) Chesapeake Bay State.—The term “Chesapeake Bay State” or “State” means the States of Maryland, West Virginia, Delaware, and New York, the Commonwealths of Virginia and Pennsylvania, and the District of Columbia.

(4) Chesapeake Bay Watershed.—The term “Chesapeake Bay watershed” means the Chesapeake Bay and the geographic area, as determined by the Secretary of the Interior, consisting of 36 tributary...
basins, within the Chesapeake Bay States, through which precipitation drains into the Chesapeake Bay.

(5) **CHIEF EXECUTIVE.**—The term “chief executive” means, in the case of a State or Commonwealth, the Governor of each such State or Commonwealth and, in the case of the District of Columbia, the Mayor of the District of Columbia.

(6) **DIRECTOR.**—The term “Director” means the Director of the Office of Management and Budget.

(7) **STATE RESTORATION ACTIVITIES.**—The term “State restoration activities” means any State programs or projects carried out under State authority that directly or indirectly protect, conserve, or restore living resources, habitat, water resources, or water quality in the Chesapeake Bay watershed, including programs or projects that promote responsible land use, stewardship, and community engagement in the Chesapeake Bay watershed. Restoration activities may be categorized as follows:

(A) Physical restoration.

(B) Planning.

(C) Feasibility studies.

(D) Scientific research.

(E) Monitoring.
(F) Education.

(G) Infrastructure development.

(8) Federal restoration activities.—The term “Federal restoration activities” means any Federal programs or projects carried out under existing Federal authority that directly or indirectly protect, conserve, or restore living resources, habitat, water resources, or water quality in the Chesapeake Bay watershed, including programs or projects that provide financial and technical assistance to promote responsible land use, stewardship, and community engagement in the Chesapeake Bay watershed. Restoration activities may be categorized as follows:

(A) Physical restoration.

(B) Planning.

(C) Feasibility studies.

(D) Scientific research.

(E) Monitoring.

(F) Education.

(G) Infrastructure development.

TITLE XI—ALASKA NATIVE VETERAN ALLOTMENT

SEC. 1101. ALASKA NATIVE VETERAN ALLOTMENT.

(a) Definitions.—In this section:
(1) **APPLICATION.**—The term “application” means the Alaska Native Veteran Allotment application numbered AA–084021–B.

(2) **FEDERAL LAND.**—The term “Federal land” means the 80 acres of Federal land that is—

(A) described in the application; and

(B) depicted as Lot 2 in U.S. Survey No. 13957, Alaska, that was officially filed on October 9, 2009.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **ISSUANCE OF PATENT.**—Notwithstanding section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g) and subject to subsection (c), the Secretary shall—

(1) approve the application; and

(2) issue a patent for the Federal land to the person that submitted the application.

(c) **TERMS AND CONDITIONS.**—

(1) **IN GENERAL.**—The patent issued under subsection (b) shall—

(A) only be for the surface rights to the Federal land; and

(B) be subject to the terms and conditions of any certificate issued under section 41 of the Alaska Native Claims Settlement Act (43
U.S.C. 1629g), including terms and conditions providing that—

(i) the patent is subject to valid existing rights, including any right of the United States to income derived, directly or indirectly, from a lease, license, permit, right-of-way, or easement on the Federal land; and

(ii) the United States shall reserve an interest in deposits of oil, gas, and coal on the Federal land, including the right to explore, mine, and remove the minerals on portions of the Federal land that the Secretary determines to be prospectively valuable for development.

(2) ADDITIONAL TERMS AND CONDITIONS.—

The Secretary may require any additional terms and conditions for the issuance of the patent under subsection (a) that the Secretary determines to be
appropriate to protect the interests of the United States.

Passed the House of Representatives February 6, 2014.

Attest: KAREN L. HAAS,

Clerk.