

113TH CONGRESS
2^D SESSION

H. R. 4901

To maximize land management efficiencies, promote land conservation,
generate education funding, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2014

Mr. BISHOP of Utah (for himself and Mr. DEFAZIO) introduced the following
bill; which was referred to the Committee on Natural Resources

A BILL

To maximize land management efficiencies, promote land
conservation, generate education funding, 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 “Advancing Conserva-
5 tion and Education Act of 2014”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) At statehood, Congress granted each of the
9 western States lands to be held in trust by the

1 States and used for the support of public schools
2 and other public institutions.

3 (2) Since the statehood land grants, Congress
4 and the executive branch have created multiple Fed-
5 eral conservation areas on Federal lands within the
6 western States, including national parks, national
7 monuments, national conservation areas, national
8 grasslands, wilderness areas, wilderness study areas,
9 and national wildlife refuges.

10 (3) Because statehood land grant lands owned
11 by the western States are typically scattered across
12 the public land, creation of Federal conservation
13 areas often include State land grant parcels with
14 substantially different management mandates, mak-
15 ing land and resource management more difficult,
16 expensive, and controversial for both Federal land
17 managers and the western States.

18 (4) Allowing the western States to relinquish
19 State trust lands within Federal conservation areas
20 and to select replacement lands from the unappro-
21 priated public land within the respective western
22 States, would—

23 (A) enhance management of Federal con-
24 servation areas by allowing unified management
25 of such areas; and

1 (B) increase revenue from the statehood
2 land grants for the support of public schools
3 and other worthy public purposes.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) APPLICATION.—The term “application”
7 means an application for State relinquishment and
8 selection of lands made under this Act in accordance
9 with section 5.

10 (2) FEDERAL CONSERVATION AREA.—The term
11 “Federal conservation area” means lands within the
12 outer boundary of—

13 (A) a unit of the National Park System;

14 (B) a unit of the National Wilderness
15 Preservation System;

16 (C) a unit of the National Wildlife Refuge
17 System;

18 (D) a unit of the National Landscape Con-
19 servation System; or

20 (E) National Forest System land that have
21 been designated as a national monument, na-
22 tional volcanic monument, national recreation
23 area, national scenic area, inventoried roadless
24 area, unit of the Wild and Scenic Rivers Sys-
25 tem, or wilderness study area or Land Use Des-

1 ignation II (as described by section 201 of the
2 Tongass Timber Reform Act of 1990 (Public
3 Law 101–626)).

4 (3) FLPMA.—The term “FLPMA” means the
5 Federal Land Policy and Management Act of 1976
6 (43 U.S.C. 1701 et seq.).

7 (4) PRIORITY CONSERVATION UNIT.—The term
8 “priority conservation unit” means the lands within
9 the outer boundary of any unit of the National Wil-
10 derness Preservation System or the National Park
11 System.

12 (5) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

14 (6) STATE LAND GRANT PARCEL.—The term
15 “State land grant parcel” means—

16 (A) any land granted to a western State by
17 Congress through a statehood or territorial land
18 grant for the support of public education or
19 other public institutions, or subsequently ac-
20 quired by the western State for such purpose;
21 or

22 (B) lands granted to the State of Alaska
23 under sections 6 (a), (b), and (k) of the Act of
24 July 7, 1958 (commonly known as the “Alaska
25 Statehood Act”; Public Law 85–508, as amend-

1 ed by the Acts of September 14, 1960 and
2 March 25, 1964).

3 (7) UNAPPROPRIATED PUBLIC LAND.—

4 (A) IN GENERAL.—The term “unappropri-
5 ated public land” has the meaning of the term
6 “public land” as that term is defined by section
7 102(e) of FLPMA (43 U.S.C. 1702(e)).

8 (B) EXCLUSIONS.—The term “unappropri-
9 ated public land” does not include Federal land
10 that is—

11 (i) within a Federal conservation area;

12 (ii) within an area of critical environ-
13 mental concern established pursuant to
14 section 202(e)(3) of FLPMA (43 U.S.C.
15 1712(e)(3));

16 (iii) within an area identified as hav-
17 ing wilderness characteristics by the Bu-
18 reau of Land Management under an ap-
19 proved land use plan enacted under
20 FLPMA; or

21 (iv) within an area withdrawn or re-
22 served by an Act of Congress, the Presi-
23 dent, or Public Land Order for a par-
24 ticular public purpose or program, includ-

1 ing for the conservation of natural re-
2 sources.

3 (8) WESTERN STATE.—The term “western
4 State” means any of the States of Alaska, Arizona,
5 California, Colorado, Idaho, Montana, New Mexico,
6 North Dakota, Oregon, South Dakota, Utah, Wash-
7 ington, and Wyoming.

8 **SEC. 4. RELINQUISHMENT OF STATE LAND GRANT PAR-**
9 **CELS AND SELECTION OF REPLACEMENT**
10 **LANDS.**

11 (a) AUTHORITY TO SELECT.—In accordance with
12 this Act, upon approval by the Secretary of an application
13 under section 5 a western State may relinquish to the
14 United States State land grant parcels wholly or primarily
15 within Federal conservation areas and select in exchange
16 unappropriated public land within the western State.

17 (b) VALID EXISTING RIGHTS.—Land conveyed under
18 this Act shall be subject to valid existing rights and each
19 party to which land is conveyed shall succeed to the rights
20 and obligations of the conveying party with respect to any
21 lease, right-of-way, permit, or other valid existing right to
22 which the land is subject.

23 (c) MANAGEMENT AFTER RELINQUISHMENT.—Any
24 portion of a State land grant parcel acquired by the

1 United States under this Act that is located within a Fed-
2 eral conservation area shall—

3 (1) be incorporated in, and be managed as part
4 of, the Federal conservation area in which the land
5 is located; and

6 (2) if located within the National Forest Sys-
7 tem, be administered by the Secretary of Agriculture
8 in accordance with—

9 (A) the Act of March 1, 1911 (16 U.S.C.
10 480 et seq.; commonly known as the “Weeks
11 Law”); or

12 (B) any laws (including regulations) appli-
13 cable to the National Forest System and the
14 Federal conservation area in which it is located.

15 (d) LIMITATION.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), until a western State has relinquished
18 and conveyed to the United States substantially all
19 of the State land grant parcels located in priority
20 conservation units in that State, the State may not
21 apply to relinquish State land grant parcels in other
22 Federal conservation areas in that State.

23 (2) EXCEPTION.—The Secretary may waive the
24 limitation in paragraph (1) upon a determination
25 that—

1 (A) a western State has relinquished and
2 conveyed to the United States at least 75 per-
3 cent, measured by land area, of the State land
4 grant parcels that were located in priority con-
5 servation units in that State on the date of the
6 enactment of this Act and not identified for
7 conveyance pursuant to an exchange agreement
8 or other statutory authority; and

9 (B) the relinquishment and conveyance to
10 the United States of substantially all State land
11 grant parcels located in priority conservation
12 units in that State is impractical or infeasible.

13 **SEC. 5. PROCESS.**

14 (a) **PROCESS FOR APPLICATION.**—

15 (1) **IN GENERAL.**—Not later than one year
16 after the date of the enactment of this Act and in
17 accordance with this section, the Secretary shall cre-
18 ate a process by which the western States may re-
19 quest the relinquishment of State land grant parcels
20 inside Federal conservation areas and select unap-
21 propriated public lands in exchange therefor.

22 (2) **TIMING.**—The process established by the
23 Secretary under this section shall ensure that the re-
24 linquishment of State land grant parcels and the

1 conveyance of unappropriated public land is concur-
2 rent.

3 (b) PUBLIC NOTICE.—Prior to accepting or con-
4 veying any land under this Act, the Secretary shall provide
5 public notice and an opportunity to comment on the pro-
6 posed conveyances between the western State and the
7 United States.

8 (c) ENVIRONMENTAL ANALYSIS.—

9 (1) IN GENERAL.—Except as otherwise pro-
10 vided in this subsection, the Secretary shall acquire
11 State land grant parcels and convey unappropriated
12 public land under this Act in accordance with—

13 (A) the National Environmental Policy Act
14 of 1969 (42 U.S.C. 4331 et seq.); and

15 (B) other applicable laws.

16 (2) ENVIRONMENTAL ASSESSMENT OR ENVI-
17 RONMENTAL IMPACT STATEMENT.—In preparing an
18 environmental assessment or environmental impact
19 statement pursuant to section 102(2) of the Na-
20 tional Environmental Policy Act of 1969 (42 U.S.C.
21 4332(2)) for the acquisition of State land grant par-
22 cels and the conveyance of unappropriated public
23 land under this Act, the Secretary is not required to
24 study, develop, and describe more than—

25 (A) the proposed agency action; and

1 (B) the alternative of no action.

2 (d) AGREEMENTS WITH STATES.—The Secretary is
3 authorized to enter into cooperative agreements with any
4 of the western States to facilitate processing of applica-
5 tions and conveyance of selected lands.

6 (e) APPROVAL OR REJECTION.—The Secretary—

7 (1) shall issue a final determination on an ap-
8 plication not later than three years after a western
9 State submits that application to the Secretary;

10 (2) may approve an application in whole or in
11 part, or as modified by the Secretary as necessary
12 to balance the equities of the States and interest of
13 the public;

14 (3) shall not accept an application under this
15 Act for selection of any parcel of unappropriated
16 public land that in the judgment of the Secretary—

17 (A) is not reasonably compact and consoli-
18 dated; or

19 (B) will create significant management
20 conflicts with respect to the management of ad-
21 jacent Federal land;

22 (4) shall not accept any State land grant par-
23 cels that, in the judgment of the Secretary, are not
24 suitable for inclusion in a Federal conservation area;

1 (5) shall, prior to approving an application, con-
2 sult with the head of any Federal agency with juris-
3 diction over Federal land—

4 (A) within which a western State proposes
5 to relinquish a State land grant parcel; or

6 (B) that is adjacent to unappropriated
7 public land proposed for conveyance to a west-
8 ern State; and

9 (6) shall convey any Federal lands approved for
10 selection not later than 90 days after entering into
11 a final agreement between the Secretary and the
12 western State on the lands to be conveyed, subject
13 to such other terms and conditions as may be appro-
14 priate.

15 (f) CONVEYANCE BY WESTERN STATE.—

16 (1) IN GENERAL.—The conveyance of any State
17 land grant parcel under this Act shall be by patent
18 or deed acceptable to the Secretary.

19 (2) CONCURRENCE.—The Secretary of Agri-
20 culture shall concur in any determination to accept
21 the conveyance of a State land grant parcel within
22 the boundaries of any unit of the National Forest
23 System.

24 (g) CONVEYANCE BY UNITED STATES.—The convey-
25 ance of unappropriated public land by the United States

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

3 **SEC. 6. MINERAL LANDS.**

4 (a) SELECTION AND CONVEYANCE.—

5 (1) IN GENERAL.—Subject to the provisions of
6 this Act, a western State may select, and the Sec-
7 retary may convey, lands that are mineral in char-
8 acter under this Act.

9 (2) EXCLUSION.—A western State may not se-
10 lect, and the Secretary may not convey—

11 (A) land that includes only a portion of a
12 mineral lease or permit; or

13 (B) only the Federal mineral estate, unless
14 the United States does not own the associated
15 surface estate.

16 (b) MINING CLAIMS.—

17 (1) IN GENERAL.—To facilitate the conversion
18 of Federal mining claims to State mining leases on
19 land selected by a western State, a Federal mining
20 claimant may file with the Secretary a voluntary re-
21 linquishment of a Federal mining claim conditioned
22 on conveyance of the land to the western State.

23 (2) NO RELINQUISHMENT.—If the land subject
24 to a Federal mining claim for which a conditional re-
25 linquishment has been filed with the Secretary is not

1 conveyed to the western State under this Act, the
2 conditional relinquishment of land under paragraph
3 (1) shall be of no effect.

4 **SEC. 7. CONSTRUCTION WITH OTHER LAWS.**

5 (a) CONSIDERATION.—In the application of laws, reg-
6 ulations, and policies relating to selections made under
7 this Act, the Secretary shall consider the equities of the
8 western States and the interest of the public.

9 (b) PRESUMPTION OF PLAN ADEQUACY.—Unless a
10 land use plan enacted under section 202 of FLPMA (43
11 U.S.C. 1712) specifically identifies significant public val-
12 ues that would be lost or substantially impaired due to
13 the conveyance of unappropriated public land to a western
14 State, any western State selection under this Act shall be
15 deemed to be in compliance with such plan even if the
16 selected land is not otherwise identified for disposal.

17 **SEC. 8. VALUATION.**

18 (a) EQUAL VALUE.—The overall value of the State
19 land grant parcels and the unappropriated public land to
20 be conveyed shall be equal, or if they are not equal, the
21 values shall be equalized by the payment of money to the
22 western State or to the Secretary as the circumstances re-
23 quire, so long as payment does not exceed 25 percent of
24 the total value of the land or interests transferred out of
25 Federal ownership.

1 (b) LOW VALUE PARCELS.—If a western State and
2 the Secretary agree that the market value of a State land
3 grant parcel or a parcel of unappropriated public land is
4 less than \$300 per acre, the Secretary may use a summary
5 appraisal or statement of value made by a qualified ap-
6 praiser in accordance with Internal Revenue Service
7 standards instead of an appraisal compliant with the Uni-
8 form Appraisal Standards for Federal Land Acquisition.

9 (c) LEDGER ACCOUNTS.—The Secretary and any
10 western State may agree to use a ledger account to make
11 equal the value of lands relinquished by the western State
12 and conveyed by the United States to the western State
13 under this Act.

14 (d) COSTS.—The Secretary or the western State may,
15 in accordance with section 206(f)(2)(B) of FLPMA (43
16 U.S.C. 1716(f)(2)(B))—

17 (1) assume costs or other responsibilities or re-
18 quirements for conveying land under this Act that
19 ordinarily are borne by the other party; and

20 (2) make adjustments to the relative values in-
21 volved in the conveyance of land under this Act to
22 compensate the Secretary or the western State for
23 assuming such costs or other responsibilities or re-
24 quirements.

1 (e) ADJUSTMENT.—If value is attributed to any par-
2 cel of Federal land that has been selected by a western
3 State because of the presence of minerals under a lease
4 pursuant to the Mineral Lands Leasing Act (30 U.S.C.
5 191 et seq.) that is in a producing or producible status,
6 and the lease is to be conveyed under this Act, the value
7 of such parcel shall be reduced by the percentage which
8 represents the likely Federal revenue sharing obligation
9 under the Mineral Lands Leasing Act, but such adjust-
10 ment shall not be considered as reflecting a property right
11 of the western State.

12 **SEC. 9. MISCELLANEOUS PROVISIONS.**

13 (a) HAZARDOUS MATERIALS.—The Secretary and
14 the western States shall make available for review and in-
15 spection any record relating to hazardous materials on
16 land to be conveyed under this Act.

17 (b) APPURTENANT WATER RIGHTS.—Any convey-
18 ance of a State land grant parcel or unappropriated public
19 land under this Act may include the conveyance of water
20 rights appurtenant to the land conveyed.

21 (c) GRAZING PERMITS.—

22 (1) IN GENERAL.—If land conveyed under this
23 Act is subject to a lease, permit, or contract for the
24 grazing of domestic livestock in effect on the date of
25 the conveyance, the Secretary (or the Secretary of

1 Agriculture for lands located within the National
2 Forest System) and the western State shall allow
3 the grazing to continue for the remainder of the
4 term of the lease, permit, or contract, subject to the
5 related terms and conditions of user agreements, in-
6 cluding permitted stocking rates, grazing fee levels,
7 access rights, and ownership and use of range im-
8 provements.

9 (2) RENEWAL.—On expiration of any grazing
10 lease, permit, or contract described in paragraph
11 (1), the party that has jurisdiction over the land on
12 the date of expiration may elect to renew the lease,
13 permit, or contract if permitted under applicable
14 law.

15 (3) CANCELLATION.—

16 (A) IN GENERAL.—Nothing in this Act
17 shall prevent the Secretary (or the Secretary of
18 Agriculture for lands located within the Na-
19 tional Forest System) or the western State
20 from canceling or modifying a grazing permit,
21 lease, or contract if the land subject to the per-
22 mit, lease, or contract is sold, conveyed, trans-
23 ferred, or leased for nongrazing purposes.

24 (B) LIMITATION.—Except to the extent
25 reasonably necessary to accommodate surface

1 operations in support of mineral development,
2 the Secretary (or the Secretary of Agriculture
3 for lands located within the National Forest
4 System) or the western State shall not cancel or
5 modify a grazing permit, lease, or contract for
6 land conveyed pursuant to this Act because the
7 land subject to the permit, lease, or contract
8 has been leased for mineral development.

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

17 **SEC. 10. TERMINATION OF AUTHORITY.**

18 The provisions of this Act shall cease to be effective
19 with regard to any State land grant parcel located within
20 a Federal conservation area for which an application has
21 not been filed by the date that is 10 years after the date
22 of the enactment of this Act unless that application is for
23 a State land grant parcel that is located within a Federal
24 conservation area established after the date of enactment
25 of this Act, in which case the provisions of this Act will

1 remain effective for 10 years after the date on which the
2 Federal conservation area is established.

3 **SEC. 11. SAVINGS PROVISIONS.**

4 Nothing in this Act shall be deemed to repeal or limit,
5 expressly or by implication, any existing authority for the
6 selection or exchange of lands.

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