

114TH CONGRESS
2D SESSION

S. 3254

To provide for a land exchange involving certain National Forest System land in the State of South Dakota, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 14, 2016

Mr. THUNE (for himself and Mr. ROUNDS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for a land exchange involving certain National Forest System land in the State of South Dakota, 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 “Spearfish Canyon and
5 Bismarck Lake Land Exchange Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **FEDERAL LAND.**—The term “Federal land”
9 means—

1 (A) the approximately 1,468 acres of land
2 (including any improvements to the land) in the
3 Forest that is—

4 (i) known as the “Spearfish Canyon
5 Area”; and

6 (ii) generally depicted on the map de-
7 scribed in paragraph (3)(A); and

8 (B) the approximately 524 acres of land
9 (including any improvements to the land) in the
10 Forest that is—

11 (i) known as the “Bismarck Lake
12 Area”; and

13 (ii) generally depicted on the map de-
14 scribed in paragraph (3)(B).

15 (2) FOREST.—The term “Forest” means the
16 Black Hills National Forest in the State.

17 (3) MAPS.—The term “Maps” means each of—

18 (A) the map entitled “Spearfish Canyon
19 Area Federal Land” and dated June 8, 2016;

20 (B) the map entitled “Bismarck Lake Area
21 Federal Land” and dated June 8, 2016;

22 (C) the map entitled “Lyman County Non-
23 Federal Land” and dated June 8, 2016;

1 (D) the map entitled “Pennington County
 2 Non-Federal Land” and dated June 8, 2016;
 3 and

4 (E) the map entitled “Lawrence County
 5 Non-Federal Land” and dated June 8, 2016.

6 (4) NON-FEDERAL LAND.—The term “non-Fed-
 7 eral land” means the 4 parcels of land, comprising
 8 approximately 1,954 acres, as depicted on the maps
 9 described in subparagraphs (C), (D), and (E) of
 10 paragraph (3).

11 (5) SECRETARY.—The term “Secretary” means
 12 the Secretary of Agriculture.

13 (6) STATE.—The term “State” means the State
 14 of South Dakota.

15 **SEC. 3. LAND EXCHANGE, BLACK HILLS NATIONAL FOREST,**
 16 **SOUTH DAKOTA.**

17 (a) LAND EXCHANGE REQUIRED.—If the State con-
 18 veys to the Secretary all right, title, and interest of the
 19 State in and to the non-Federal land, the Secretary shall
 20 convey to the State all right, title, and interest of the
 21 United States in and to the Federal land.

22 (b) APPRAISALS.—

23 (1) IN GENERAL.—As soon as practicable after
 24 the date of enactment of this Act, the Secretary and

1 the State shall select an appraiser to conduct ap-
 2 praisals of the Federal land and non-Federal land.

3 (2) REQUIREMENTS.—

4 (A) IN GENERAL.—Except as provided in
 5 subparagraph (B), an appraisal required under
 6 this subsection shall be conducted in accordance
 7 with nationally recognized appraisal standards,
 8 including—

9 (i) the Uniform Appraisal Standards
 10 for Federal Land Acquisitions; and

11 (ii) the Uniform Standards of Profes-
 12 sional Appraisal Practice.

13 (B) AGRICULTURAL VALUE.—The value of
 14 the Federal land and non-Federal land shall be
 15 determined based on the agricultural value of
 16 the Federal land and non-Federal land to be ex-
 17 changed.

18 (c) EQUAL VALUE EXCHANGE.—

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

22 (A) be equal; or

23 (B) be equalized in accordance with this
 24 subsection.

1 (2) SURPLUS OF FEDERAL LAND.—If the final
2 appraised value of the Federal land exceeds the final
3 appraised value of the non-Federal land, the State
4 shall—

5 (A) convey additional non-Federal land in
6 the State to the Secretary, consistent with the
7 requirements of this Act;

8 (B) make a cash payment to the Secretary;
9 or

10 (C) use a combination of the methods de-
11 scribed in subparagraphs (A) and (B), as
12 agreed to by the Secretary and the State.

13 (3) SURPLUS OF NON-FEDERAL LAND.—If the
14 final appraised value of the non-Federal land ex-
15 ceeds the final appraised value of the Federal land,
16 parcels of the non-Federal land may be excluded
17 from the exchange in sufficient quantity to result in
18 an equal value exchange.

19 (d) SURVEY; ADMINISTRATIVE COSTS.—

20 (1) IN GENERAL.—The exact acreage and legal
21 description of the land to be exchanged under sub-
22 section (a) shall be determined by a survey satisfac-
23 tory to the Secretary.

1 (2) COSTS.—The costs of the survey and any
 2 administrative costs relating to the land exchange
 3 shall be paid by the State.

4 (e) NEPA COMPLIANCE.—

5 (1) DEADLINE FOR COMPLETION.—Not later
 6 than 1 year after the date on which the State offers
 7 to convey the non-Federal land to the Secretary
 8 under subsection (a), the Secretary shall complete
 9 any environmental analysis required under the Na-
 10 tional Environmental Policy Act of 1969 (42 U.S.C.
 11 4321 et seq.) with respect to the land exchange car-
 12 ried out under this section.

13 (2) COSTS.—The costs of any environmental
 14 analysis under this subsection shall be paid by the
 15 Secretary.

16 (f) ADDITIONAL TERMS AND CONDITIONS.—The
 17 land exchange under subsection (a) shall be subject to any
 18 additional terms and conditions that the Secretary and the
 19 State may agree on.

20 **SEC. 4. MANAGEMENT OF NON-FEDERAL AND FEDERAL**
 21 **LAND.**

22 (a) IN GENERAL.—The non-Federal land acquired by
 23 the Secretary under section 3 shall be—

24 (1) added to, and administered as part of, the
 25 Forest; and

1 (2) managed in accordance with the laws (in-
2 cluding regulations) applicable to the National For-
3 est System.

4 (b) GRAZING ON NON-FEDERAL LAND.—If the non-
5 Federal land exchanged under this Act is subject to a
6 lease, permit, or contract for the grazing of domestic live-
7 stock in effect on the date of acquisition of the non-Fed-
8 eral land, the Secretary shall allow the grazing to continue
9 subject to the related terms and conditions of user agree-
10 ments, including permitted stocking rates, grazing fee lev-
11 els, access rights, and ownership and use of range im-
12 provements.

13 (c) CONDITION ON USE OF FEDERAL LAND.—As a
14 condition of the land exchange under this Act, the Federal
15 land acquired by the State under section 3 shall be man-
16 aged by the State for public recreation uses and the con-
17 servation of natural resources.

18 **SEC. 5. MAPS.**

19 (a) AVAILABILITY.—The Maps shall be on file and
20 available for public inspection in the Office of the Forest
21 Supervisor of the Forest.

22 (b) CORRECTIONS.—With the agreement of the State,
23 the Secretary may make technical corrections to the Maps

- 1 and legal descriptions of the Federal land and non-Federal
- 2 land to be exchanged under this section.

