

116TH CONGRESS
2D SESSION

S. 4616

To direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2020

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 direct the Secretary of Agriculture to transfer certain National Forest System land to 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 “Gilt Edge Mine Con-
5 veyance Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **FEDERAL LAND.**—The term “Federal land”
9 means all right, title, and interest of the United

1 States in and to approximately 266 acres of Na-
 2 tional Forest System land within the Gilt Edge Mine
 3 Superfund Boundary, as generally depicted on the
 4 map.

5 (2) MAP.—The term “map” means the map en-
 6 titled “Gilt Edge Mine Conveyance Act” and dated
 7 August 20, 2020.

8 (3) SECRETARY.—The term “Secretary” means
 9 the Secretary of Agriculture, acting through the
 10 Chief of the Forest Service.

11 (4) STATE.—The term “State” means State of
 12 South Dakota.

13 **SEC. 3. LAND CONVEYANCE.**

14 (a) IN GENERAL.—Subject to the terms and condi-
 15 tions described in this Act, if the State submits to the
 16 Secretary an offer to acquire the Federal land for the mar-
 17 ket value, as determined by the appraisal under subsection
 18 (c), the Secretary shall convey the Federal land to the
 19 State.

20 (b) TERMS AND CONDITIONS.—The conveyance
 21 under subsection (a) shall be—

- 22 (1) subject to valid existing rights;
- 23 (2) made by quitclaim deed; and

1 (3) subject to any other terms and conditions
2 as the Secretary considers appropriate to protect the
3 interests of the United States.

4 (c) APPRAISAL.—

5 (1) IN GENERAL.—Before submitting an offer
6 under subsection (a), the State shall complete an ap-
7 praisal to determine the market value of the Federal
8 land.

9 (2) STANDARDS.—The appraisal under para-
10 graph (1) shall be conducted in accordance with—

11 (A) the Uniform Appraisal Standards for
12 Federal Land Acquisitions; and

13 (B) the Uniform Standards of Professional
14 Appraisal Practice.

15 (d) MAP.—

16 (1) AVAILABILITY OF MAP.—The map shall be
17 kept on file and available for public inspection in the
18 appropriate office of the Forest Service.

19 (2) CORRECTION OF ERRORS.—The Secretary
20 may correct any errors in the map.

21 (e) CONSIDERATION.—As consideration for the con-
22 veyance under subsection (a), the State shall pay to the
23 Secretary an amount equal to the market value of the Fed-
24 eral land, as determined by the appraisal under subsection
25 (c).

1 (f) SURVEY.—The State shall prepare a survey that
 2 is satisfactory to the Secretary of the exact acreage and
 3 legal description of the Federal land to be conveyed under
 4 subsection (a).

5 (g) COSTS OF CONVEYANCE.—As a condition on the
 6 conveyance under subsection (a), the State shall pay all
 7 costs associated with the conveyance, including the cost
 8 of—

- 9 (1) the appraisal under subsection (c); and
- 10 (2) the survey under subsection (f).

11 (h) PROCEEDS FROM THE SALE OF LAND.—Any pro-
 12 ceeds received by the Secretary from the conveyance under
 13 subsection (a) shall be—

- 14 (1) deposited in the fund established under
 15 Public Law 90–171 (commonly known as the “Sisk
 16 Act”) (16 U.S.C. 484a); and
- 17 (2) available to the Secretary until expended,
 18 without further appropriation, for the maintenance
 19 and improvement of land or administration facilities
 20 in the Black Hills National Forest in the State.

21 (i) ENVIRONMENTAL CONDITIONS.—Notwith-
 22 standing section 120(h)(3)(A) of the Comprehensive Envi-
 23 ronmental Response, Compensation, and Liability Act of
 24 1980 (42 U.S.C. 9620(h)(3)(A)), the Secretary shall not

- 1 be required to provide any covenant or warranty for the
- 2 Federal land conveyed to the State under this Act.

