cluding the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined in accordance with section 666 of title 43.

(c) Relinquishment or reduction of rights

Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before October 31, 1994.

(d) Specific reservation

The Federal water rights reserved by this Act are specific to the wilderness area located in the State of California designated under this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.

(Pub. L. 103–433, title VII, § 706, Oct. 31, 1994, 108 Stat. 4498.)

Editorial Notes

REFERENCES IN TEXT

Section 204 of this Act, referred to in subsec. (a), is section 204 of Pub. L. 103–433, title II, Oct. 31, 1994, 108 Stat. 4485, which is not classified to the Code.

This Act, referred to in subsecs. (a), (c), and (d), is defined in section 3 of Pub. L. 103–433, which is set out as a Definitions note under section 410aaa of this title.

§ 410aaa–77. California State School lands

(a) Negotiations to exchange

(1) In general

The Secretary shall negotiate in good faith to reach an agreement with the California State Lands Commission (referred to in this section as the ''Commission'') to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) for California State School lands or interests therein which are located within the boundaries of one or more of the wilderness areas, national monuments, off-highway vehicle recreation areas, or park system units designated by this Act (hereinafter in this section referred to as ''State School lands.'').

(2) Agreement

To the maximum extent practicable, not later than 10 years after October 31, 1994, the Secretary shall reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1716].

(b) Preparation of list

Within six months after October 31, 1994, the Secretary shall send to the Commission and to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives a list of the following:

(1) State School lands or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas, national monuments, off-highway vehicle recreation areas, or park system units designated by this Act.

(2) Lands within the State of California under the jurisdiction of the Secretary that the Secretary determines to be suitable for disposal for exchange, identified in the following priority—

(A) lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues;

(B) Federal claims in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project; and

(C) any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.], has determined to be suitable for disposal through exchange.

(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in the Secretary's discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

(4) The Secretary shall maintain such list and shall annually transmit such list to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives until all of the State School lands identified in paragraph (1) have been acquired.

(c) Disposal of surplus Federal property

(1) Effective upon October 31, 1994, and until all State School lands identified in paragraph (b)(1) of this section are acquired, no Federal lands or interests therein within the State of California may be disposed of from Federal ownership unless—

(A) the Secretary is notified of the availability of such lands or interest therein;

(B) the Secretary has notified the Commission of the availability of such lands or interests therein for exchange; and

(C) the Commission has not notified the Secretary within six months that it wishes to consider entering into an exchange for such lands or interests therein.

(2) If the Commission notifies the Secretary that it wishes to consider an exchange for such lands or interests therein, the Secretary shall attempt to conclude such exchange in accordance with the provisions of this section as quickly as possible.

(3) If an agreement is reached and executed with the Commission, then upon notice to the head of the agency having administrative jurisdiction over such lands or interests therein, the Secretary shall be vested with administrative jurisdiction over such land or interests therein for the purpose of concluding such exchange.

(4) Upon the acquisition of all State School lands or upon notice by the Commission to the

Secretary that it no longer has an interest in such lands or interests therein, such lands or interests shall be released to the agency that originally had jurisdiction over such lands or interests for disposal in accordance with the laws otherwise applicable to such lands or interests.

(d) No effect on military base closures

The provisions of this section shall not apply to the disposal of property under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 102 Stat. 2627; 10 U.S.C. 2687 note) or the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; 104 Stat. 1808; 10 U.S.C. 2687 note).

(Pub. L. 103–433, title VII, §707, Oct. 31, 1994, 108 Stat. 4499; Pub. L. 116–9, title I, §1456, Mar. 12, 2019, 133 Stat. 716.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(1) and (b)(1), is defined in section 3 of Pub. L. 103–433, which is set out as a Definitions note under section 410aaa of this title.

The Federal Land Policy and Management Act of 1976, referred to in subsec. (b)(2)(C), is Pub. L. 94–579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

The Defense Authorization Amendments and Base Closure and Realignment Act, referred to in subsec. (d), is Pub. L. 100–526, Oct. 24, 1988, 102 Stat. 2623. Title II of the Act is set out as a note under section 2687 of Title 10, Armed Forces. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 2687 of Title 10 and Tables.

The Defense Base Closure and Realignment Act of 1990, referred to in subsec. (d), is part A of title XXIX of div. B of Pub. L. 101–510, Nov. 5, 1990, 104 Stat. 1808, which amended section 2687 of Title 10 and enacted provisions set out as a note under section 2687 of Title 10.

AMENDMENTS

2019—Subsec. (a). Pub. L. 116–9, §1456(1), designated first sentence as par. (1) and second sentence as par. (2), inserted par. headings, substituted ''The Secretary shall negotiate in good faith to reach an agreement with the California State Lands Commission (referred to in this section as the 'Commission')'' for ''Upon request of the California State Lands Commission (hereinafter in this section referred to as the 'Commission'), the Secretary shall enter into negotiations for an agreement'' in par. (1) and ''To the maximum extent practicable, not later than 10 years after October 31, 1994, the Secretary shall'' for ''The Secretary shall negotiate in good faith to'' in par. (2), and inserted '', national monuments, off-highway vehicle recreation areas,'' after ''more of the wilderness areas'' in par. (1).

Subsec. (b)(1). Pub. L. 116–9, §1456(2), inserted '', national monuments, off-highway vehicle recreation areas,'' after ''wilderness areas''.

§ 410aaa–78. Access to private property

The Secretary shall provide adequate access to nonfederally owned land or interests in land within the boundaries of the conservation units and wilderness areas designated by this Act which will provide the owner of such land or interest the reasonable use and enjoyment thereof.

(Pub. L. 103–433, title VII, §708, Oct. 31, 1994, 108 Stat. 4500.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is defined in section 3 of Pub. L. 103–433, which is set out as a Definitions note under section 410aaa of this title.

§ 410aaa–79. Federal facilities fee equity

(a) Policy statement

It is the intent of Congress that entrance, tourism or recreational use fees for use of Federal lands and facilities not discriminate against any State or any region of the country.

(b) Fee study

The Secretary, in cooperation with other affected agencies, shall prepare and submit a report by May 1, 1996 to the Committee on Energy and Natural Resources of the United States Senate, the Committee on Natural Resources of the United States House of Representatives, and any other relevant committees, which shall—

(1) identify all Federal lands and facilities that provide recreational or tourism use; and

(2) analyze by State and region any fees charged for entrance, recreational or tourism use, if any, on Federal lands or facilities in a State or region, individually and collectively.

(c) Recommendations

Following completion of the report in subsection (b), the Secretary, in cooperation with other affected agencies, shall prepare and submit a report by May 1, 1997 to the Committee on Energy and Natural Resources of the United States Senate, the Committee on Natural Resources of the United States House of Representatives, and any other relevant committees, which shall contain recommendations which the Secretary deems appropriate for implementing the congressional intent outlined in subsection (a).

(Pub. L. 103–433, title VII, §709, Oct. 31, 1994, 108 Stat. 4500.)

§ 410aaa–80. Land appraisal

Lands and interests in lands acquired pursuant to this Act shall be appraised without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(Pub. L. 103–433, title VII, §710, Oct. 31, 1994, 108 Stat. 4501.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is defined in section 3 of Pub. L. 103–433, which is set out as a Definitions note under section 410aaa of this title.

The Endangered Species Act of 1973, referred to in text, is Pub. L. 93–205, Dec. 28, 1973, 87 Stat. 884, which is classified principally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

§ 410aaa–81. Juniper Flats

Development of renewable energy generation facilities (excluding rights-of-way or facilities for the transmission of energy and tele-