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115TH CONGRESS
2^D SESSION

H. R. 4257

[Report No. 115-]

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 2017

Mr. STEWART (for himself and Mr. POLIS) introduced the following bill; which
was referred to the Committee on Natural Resources

APRIL --, 2018

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on November 6, 2017]

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 Conservation*
5 *and Education Act”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds that—*

8 *(1) at statehood, Congress granted each of the*
9 *western States land to be held in trust by the States*
10 *and used for the support of public schools and other*
11 *public institutions;*

12 *(2) since the statehood land grants, Congress and*
13 *the executive branch have created multiple Federal*
14 *conservation areas on Federal land within the west-*
15 *ern States, including National Parks, National Monu-*
16 *ments, national conservation areas, national grass-*
17 *land, components of the National Wilderness Preser-*
18 *vation System, wilderness study areas, and national*
19 *wildlife refuges;*

20 *(3) since statehood land grant land owned by the*
21 *western States are typically scattered across the pub-*
22 *lic land, creation of Federal conservation areas often*
23 *include State land grant parcels with substantially*
24 *different management mandates, making land and re-*
25 *source management more difficult, expensive, and*

1 *controversial for both Federal land managers and the*
2 *western States; and*

3 (4) *allowing the western States to relinquish*
4 *State trust land within Federal conservation areas*
5 *and to select replacement land from the public land*
6 *within the respective western States, would—*

7 (A) *enhance management of Federal con-*
8 *servation areas by allowing unified management*
9 *of those areas; and*

10 (B) *increase revenue from the statehood*
11 *land grants for the support of public schools and*
12 *other worthy public purposes.*

13 **SEC. 3. DEFINITIONS.**

14 *In this Act:*

15 (1) *APPLICATION.—The term “application”*
16 *means an application for State relinquishment and*
17 *selection of land made under this Act in accordance*
18 *with section 5.*

19 (2) *ELIGIBLE AREA.—The term “eligible area”*
20 *means land within the outer boundary of—*

21 (A) *a unit of the National Park System;*

22 (B) *a component of the National Wilderness*
23 *Preservation System;*

24 (C) *a unit of the National Wildlife Refuge*
25 *System;*

1 (D) a unit of the National Landscape Con-
2 servation System;

3 (E) an area determined by the Bureau of
4 Land Management, through an inventory carried
5 out in accordance with FLPMA, to have wilder-
6 ness characteristics—

7 (i) as of the date of enactment of this
8 Act; or

9 (ii) in a land use plan finalized under
10 FLPMA;

11 (F) National Forest System land and public
12 land administered by the Bureau of Land Man-
13 agement that has been designated as a national
14 monument, national volcanic monument, na-
15 tional recreation area, national scenic area,
16 inventoried roadless area, unit of the Wild and
17 Scenic Rivers System, wilderness study area, or
18 Land Use Designation II (as described by section
19 508 of the Alaska National Interest Lands Con-
20 servation Act (Public Law 101–626; 104 Stat.
21 4428)); or

22 (G) a sentinel landscape designated by the
23 Secretary of Agriculture, the Secretary of De-
24 fense, and the Secretary of the Interior.

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

4 (4) *PRIORITY AREA*.—*The term “priority area”*
5 *means land within the outer boundary of any—*

6 (A) *National Monument;*

7 (B) *national conservation area managed by*
8 *the Bureau of Land Management;*

9 (C) *component of the National Wilderness*
10 *Preservation System; or*

11 (D) *unit of the National Park System.*

12 (5) *PUBLIC LAND*.—

13 (A) *IN GENERAL*.—*The term “public land”*
14 *has the meaning given the term “public lands”*
15 *in section 103 of FLPMA (43 U.S.C. 1702).*

16 (B) *EXCLUSIONS*.—*The term “public land”*
17 *does not include Federal land that—*

18 (i) *is within an eligible area;*

19 (ii) *is within an area of critical envi-*
20 *ronmental concern established pursuant to*
21 *section 202(c)(3) of FLPMA (43 U.S.C.*
22 *1712(c)(3));*

23 (iii) *is within an area withdrawn or*
24 *reserved by an Act of Congress, the Presi-*
25 *dent, or public land order for a particular*

1 *public purpose or program, including for*
2 *the conservation of natural resources;*

3 *(iv) has been acquired using funds*
4 *from the Land and Water Conservation*
5 *Fund established under section 200302 of*
6 *title 54, United States Code;*

7 *(v) is within the boundary of an In-*
8 *Indian reservation, pueblo, or rancheria; or*

9 *(vi) is within a special recreation*
10 *management area.*

11 (6) *SECRETARY.*—*The term “Secretary” means*
12 *the Secretary of the Interior.*

13 (7) *STATE LAND GRANT PARCEL.*—*The term*
14 *“State land grant parcel” means—*

15 *(A) any land granted to a western State by*
16 *Congress through a statehood or territorial land*
17 *grant for the support of public education or other*
18 *public institutions, or subsequently acquired by*
19 *the western State for that purpose; or*

20 *(B) land granted to the State of Alaska*
21 *under subsections (a), (b), and (k) of section 6 of*
22 *the Act of July 7, 1958 (commonly known as the*
23 *“Alaska Statehood Act”) (48 U.S.C. note prec.*
24 *21; Public Law 85–508).*

1 (8) *TRADITIONAL CULTURAL PROPERTY.*—*The*
2 *term “traditional cultural property” has the meaning*
3 *given the term—*

4 (A) *“historic property” in section 800.16 of*
5 *title 36, Code of Federal Regulations (as in effect*
6 *on the date of enactment of this Act); or*

7 (B) *“sacred site” in section 1(b) of Execu-*
8 *tive Order 13007 (42 U.S.C. 1996 note; relating*
9 *to Indian sacred sites).*

10 (9) *WATER RIGHT.*—*The term “water right”*
11 *means any right in or to groundwater, surface water,*
12 *or effluent under Federal, State, or other law.*

13 (10) *WESTERN STATE.*—*The term “western*
14 *State” means any of the States of Alaska, Arizona,*
15 *California, Colorado, Idaho, Montana, New Mexico,*
16 *North Dakota, Oregon, South Dakota, Utah, Wash-*
17 *ington, and Wyoming.*

18 **SEC. 4. RELINQUISHMENT OF STATE LAND GRANT PARCELS**

19 **AND SELECTION OF REPLACEMENT LAND.**

20 (a) *AUTHORITY TO SELECT.*—*In accordance with this*
21 *Act and in order to facilitate the fulfillment of the mandates*
22 *of State land grant parcels and Federal land described in*
23 *subparagraphs (A) through (G) of section 3(2), on approval*
24 *by the Secretary of an application under section 5, a west-*
25 *ern State may relinquish to the United States State land*

1 *grant parcels wholly or primarily within eligible areas and*
2 *select in exchange public land within the western State.*

3 (b) *VALID EXISTING RIGHTS.*—*Land conveyed under*
4 *this Act shall be subject to valid existing rights.*

5 (c) *MANAGEMENT AFTER RELINQUISHMENT.*—*Any*
6 *portion of a State land grant parcel acquired by the United*
7 *States under this Act that is located within an eligible area*
8 *shall—*

9 (1) *be incorporated in, and be managed as part*
10 *of, the applicable unit described in subparagraphs (A)*
11 *through (G) of section 3(2) in which the land is lo-*
12 *cated without further action by the Secretary with ju-*
13 *risdiction over the unit; and*

14 (2) *if located within the National Forest System,*
15 *be administered by the Secretary of Agriculture in ac-*
16 *cordance with—*

17 (A) *the Act of March 1, 1911 (commonly*
18 *known as the “Weeks Law”) (16 U.S.C. 552 et*
19 *seq.); and*

20 (B) *any laws (including regulations) appli-*
21 *cable to the National Forest System and the unit*
22 *of the National Forest System in which the land*
23 *is located.*

24 (d) *LIMITATION.*—

1 (1) *IN GENERAL.*—*Except as provided in para-*
2 *graphs (2) and (3), until a western State has relin-*
3 *quished and conveyed to the United States substan-*
4 *tially all of the State land grant parcels located in*
5 *priority areas in the western State, the western State*
6 *may not apply to relinquish State land grant parcels*
7 *in other eligible areas in the western State.*

8 (2) *EXCEPTION.*—*The Secretary may waive the*
9 *limitation in paragraph (1) on a determination that*
10 *the relinquishment and conveyance to the United*
11 *States of substantially all State land grant parcels lo-*
12 *cated in priority areas in the western State is im-*
13 *practical or infeasible.*

14 (3) *OTHER STATE LAND GRANT PARCELS.*—*The*
15 *Secretary may accept an application from a western*
16 *State to relinquish State land grant parcels within*
17 *an eligible area in the western State if—*

18 (A) *the application is limited to relin-*
19 *quishing one or more State land grant parcels*
20 *within a single eligible area;*

21 (B) *the western State submitting the appli-*
22 *cation is, as determined by the Secretary, mak-*
23 *ing substantial progress in relinquishing State*
24 *land grant parcels within priority areas in the*
25 *western State; and*

1 (C) *the Secretary has not accepted any*
2 *other applications from the western State under*
3 *this paragraph during the 5-year period ending*
4 *on the date of the application.*

5 **SEC. 5. PROCESS.**

6 (a) *PROCESS FOR APPLICATION.—*

7 (1) *IN GENERAL.—Not later than 540 days after*
8 *the date of the enactment of this Act and in accord-*
9 *ance with this section, the Secretary shall promulgate*
10 *regulations establishing a process by which the west-*
11 *ern States may request the relinquishment of State*
12 *land grant parcels wholly or partially within eligible*
13 *areas and select public land in exchange for the State*
14 *land grant parcels.*

15 (2) *TIMING.—Except as provided in section 8(c),*
16 *the process established by the Secretary under this sec-*
17 *tion shall ensure that the relinquishment of State*
18 *land grant parcels and the conveyance of public land*
19 *is concurrent.*

20 (b) *PUBLIC NOTICE.—Prior to accepting or conveying*
21 *any land under this Act, the Secretary shall provide public*
22 *notice and an opportunity to comment on the proposed con-*
23 *veyances between the western State and the United States.*

24 (c) *ENVIRONMENTAL ANALYSIS.—*

1 (1) *IN GENERAL.*—*Except as otherwise provided*
2 *in this subsection, the Secretary shall acquire State*
3 *land grant parcels and convey public land under this*
4 *Act in accordance with—*

5 (A) *the National Environmental Policy Act*
6 *of 1969 (42 U.S.C. 4321 et seq.); and*

7 (B) *other applicable laws.*

8 (2) *ENVIRONMENTAL ASSESSMENT OR ENVIRON-*
9 *MENTAL IMPACT STATEMENT.*—*In preparing an envi-*
10 *ronmental assessment or environmental impact state-*
11 *ment pursuant to section 102(2) of the National En-*
12 *vironmental Policy Act of 1969 (42 U.S.C. 4332(2))*
13 *for the acquisition of State land grant parcels and the*
14 *conveyance of public land under this Act, if the west-*
15 *ern State has indicated an unwillingness to consider*
16 *State land grant parcels for relinquishment or public*
17 *land for acquisition (other than the State land grant*
18 *parcels and public land described in the proposed*
19 *agency action), the Secretary is not required to study,*
20 *develop, and describe more than—*

21 (A) *the proposed agency action; and*

22 (B) *the alternative of no action.*

23 (d) *AGREEMENTS WITH STATES.*—

24 (1) *IN GENERAL.*—*The Secretary is authorized to*
25 *enter into agreements with any of the western States*

1 to facilitate processing of applications and convey-
2 ance of selected land.

3 (2) *AGREEMENT.*—On completion of a preappli-
4 cation process that includes identification of land to
5 be conveyed, the Secretary and the western State may
6 enter into a nonbinding agreement that includes—

7 (A) a time schedule for completing the con-
8 veyances;

9 (B) an assignment of responsibility for per-
10 formance of required functions and for costs as-
11 sociated with processing the conveyances; and

12 (C) a statement specifying whether assump-
13 tion of costs will be allowed pursuant to section
14 8(d).

15 (e) *APPROVAL OR REJECTION.*—The Secretary—

16 (1) shall issue a final determination on an ap-
17 plication not later than 3 years after the date a west-
18 ern State submits that application to the Secretary;

19 (2) may approve an application in whole or in
20 part, or as modified by the Secretary as necessary to
21 balance the equities of the States and interest of the
22 public;

23 (3) shall not accept an application under this
24 Act for selection of any parcel of public land that in
25 the judgment of the Secretary—

1 (A) is not reasonably compact and consoli-
2 dated;

3 (B) will create significant management con-
4 flicts with respect to the management of adjacent
5 Federal land;

6 (C) will significantly adversely affect public
7 use of a recreation site or recreation area eligible
8 for the collection of recreation fees under the Fed-
9 eral Lands Recreation Enhancement Act (16
10 U.S.C. 6801 et seq.) or other authority;

11 (D) will significantly adversely affect public
12 access, hunting, fishing, recreational shooting,
13 outdoor recreation, or result in adverse impacts
14 to critical fish and wildlife habitat; or

15 (E) is not in the public interest, as deter-
16 mined under 43 Code of Federal Regulations
17 2200.0-6(b), as in effect on the date of enactment
18 of this Act;

19 (4) shall not accept any State land grant parcels
20 that, in the judgment of the Secretary, are not suit-
21 able for inclusion in the applicable unit described in
22 subparagraphs (A) through (G) of section 3(2) in
23 which the land is located;

1 (5) shall, prior to approving an application,
2 consult with the head of any Federal agency with ju-
3 risdiction 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 public land proposed
7 for conveyance to a western State;

8 (6) shall, prior to approving an application—

9 (A) consult, in accordance with Federal
10 law, with any Indian tribe affected by the subject
11 of the application, including any Indian tribe
12 that notifies the Secretary that there is tradi-
13 tional cultural property located within the pub-
14 lic land proposed for conveyance to the western
15 State; and

16 (B) if the Secretary determines that tradi-
17 tional cultural property is located within the
18 public land proposed for conveyance to the west-
19 ern State, consider the extent to which protection
20 would be available for the traditional cultural
21 property after conveyance of the public land to
22 the western State, including terms or conditions
23 that the Secretary, with the agreement of the
24 western State, may impose on the conveyance of
25 the public land to the western State;

1 (7) *may reject an application in whole or in*
2 *part if the Secretary, after consideration of available*
3 *protection for traditional cultural property located*
4 *within the public land proposed for conveyance to the*
5 *western State pursuant to paragraph (6)(B), deter-*
6 *mines that insufficient protection would be available*
7 *for the traditional cultural property after conveyance*
8 *of the public land to the western State;*

9 (8) *shall, for applications by a western State for*
10 *the conveyance of a parcel of public land that will re-*
11 *sult in significantly diminished public access to adja-*
12 *cent Federal land—*

13 (A) *reject that portion of the application; or*

14 (B) *reserve a right-of-way through the pub-*
15 *lic land to be conveyed ensuring continued pub-*
16 *lic access to adjacent Federal land; and*

17 (9) *shall convey any public land approved for se-*
18 *lection not later than 1 year after entering into a*
19 *final agreement between the Secretary and the west-*
20 *ern State on the land to be conveyed, subject to such*
21 *other terms and conditions as may be appropriate.*

22 (f) *COSTS.—*

23 (1) *IN GENERAL.—All costs of conveyances under*
24 *this Act, including appraisals, surveys, and related*

1 *costs, shall be paid equally by the Secretary and the*
2 *western State.*

3 (2) *ALLOCATION.*—*The Federal agency that re-*
4 *ceives State land in a conveyance under this Act shall*
5 *assume the Federal share of administrative costs, in-*
6 *cluding appraisals, surveys, and related costs, unless*
7 *otherwise agreed to by the heads of the respective*
8 *agencies.*

9 (g) *CONVEYANCE BY WESTERN STATE.*—

10 (1) *IN GENERAL.*—*The conveyance of any State*
11 *land grant parcel under this Act shall—*

12 (A) *be by patent or deed acceptable to the*
13 *Secretary; and*

14 (B) *not be considered an exchange or acqui-*
15 *sition for purposes of sections 205 and 206 of*
16 *FLPMA (43 U.S.C. 1715, 1716).*

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

22 (h) *CONVEYANCE BY UNITED STATES.*—*The convey-*
23 *ance of public land by the United States shall—*

1 (1) *not be considered a sale, exchange, or convey-*
2 *ance under section 203, 206, or 209 of FLPMA (43*
3 *U.S.C. 1713, 1716, and 1719); and*

4 (2) *include such terms or conditions as the Sec-*
5 *retary may require.*

6 **SEC. 6. MINERAL LAND.**

7 (a) *SELECTION AND CONVEYANCE.—*

8 (1) *IN GENERAL.—Subject to this Act, a western*
9 *State may select, and the Secretary may convey, land*
10 *that is mineral in character under this Act.*

11 (2) *EXCLUSION.—A western State may not se-*
12 *lect, and the Secretary may not convey land that in-*
13 *cludes only—*

14 (A) *a portion of a mineral lease or permit;*

15 (B) *the Federal mineral estate, unless the*
16 *United States does not own the associated sur-*
17 *face estate; or*

18 (C) *the Federal surface estate, unless the*
19 *United States does not own the associated min-*
20 *eral estate.*

21 (b) *MINING CLAIMS.—*

22 (1) *MINING CLAIMS UNAFFECTED.—Nothing in*
23 *this Act alters, diminishes, or expands the existing*
24 *rights of a mining claimant under applicable law.*

1 (2) *VALIDITY EXAMS.*—*Nothing in this Act re-*
2 *quires the United States to carry out a mineral exam-*
3 *ination for any mining claim located on public land*
4 *to be conveyed under this Act.*

5 (3) *WITHDRAWAL.*—*Public land selected by a*
6 *western State for acquisition under this Act is with-*
7 *drawn, subject to valid existing rights, from location,*
8 *entry, and patent under the mining laws until that*
9 *date on which—*

10 (A) *the land is conveyed by the Federal*
11 *Government to the western State;*

12 (B) *the Secretary makes a final determina-*
13 *tion not accepting the selection of the land; or*

14 (C) *the western State withdraws the selec-*
15 *tion of the land.*

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

17 (a) *CONSIDERATION.*—*In the application of laws, reg-*
18 *ulations, and policies relating to selections made under this*
19 *Act, the Secretary shall consider the equities of the western*
20 *States and the interest of the public.*

21 (b) *LAND USE PLAN.*—*The Secretary may approve an*
22 *application submitted in accordance with this Act even if—*

23 (1) *the selected public land is not otherwise iden-*
24 *tified for disposal; or*

1 (2) *the land to be acquired is not identified to*
2 *be acquired in the applicable land use plan.*

3 **SEC. 8. VALUATION.**

4 (a) *EQUAL VALUE.—*

5 (1) *IN GENERAL.—The overall value of the State*
6 *land grant parcels and the public land to be conveyed*
7 *shall be—*

8 (A) *equal; or*

9 (B) *if the value is not equal—*

10 (i) *equalized by the payment of funds*
11 *to the western State or to the Secretary as*
12 *the circumstances require; or*

13 (ii) *reflected on the balance of a ledger*
14 *account established under subsection (c).*

15 (2) *APPRAISAL REQUIRED.—Except as provided*
16 *in subsection (b), the Secretary shall determine the*
17 *value of a State land grant parcel and public land*
18 *through an appraisal completed in accordance with—*

19 (A) *the Uniform Appraisal Standards for*
20 *Federal Land Acquisitions; and*

21 (B) *the Uniform Standards for Professional*
22 *Appraisal Practice.*

23 (3) *EQUALIZATION.—For each transaction, an*
24 *equalization payment described in paragraph*
25 *(1)(B)(i) or a ledger entry described in paragraph*

1 (1)(B)(ii) may not exceed 25 percent of the total value
2 of the land or interest transferred out of Federal own-
3 ership.

4 (b) *LOW VALUE PARCELS.*—

5 (1) *VALUATION.*—*The Secretary may, with the*
6 *consent of a western State, use a summary appraisal*
7 *or statement of value made by a qualified appraiser*
8 *carried out in accordance with the Uniform Stand-*
9 *ards for Professional Appraisal Practice instead of an*
10 *appraisal that complies with the Uniform Appraisal*
11 *Standards for Federal Land Acquisitions if the west-*
12 *ern State and the Secretary agree that the market*
13 *value of a State land grant parcel or a parcel of pub-*
14 *lic land is—*

15 (A) *less than \$500,000; and*

16 (B) *less than \$500 per acre.*

17 (2) *DIVISION.*—*A State land grant parcel or a*
18 *parcel of public land may not be artificially divided*
19 *in order to qualify for a summary appraisal or state-*
20 *ment of value under paragraph (1).*

21 (c) *LEDGER ACCOUNTS.*—

22 (1) *IN GENERAL.*—*The Secretary and any west-*
23 *ern State may agree to use a ledger account to make*
24 *equal the value of land relinquished by the western*

1 *State and conveyed by the United States to the west-*
2 *ern State under this Act.*

3 (2) *IMBALANCES.*—*A ledger account described in*
4 *paragraph (1) shall reflect imbalances in value to be*
5 *reconciled in a subsequent transaction.*

6 (3) *ACCOUNT BALANCING.*—*Each ledger account*
7 *shall be—*

8 (A) *balanced not later than 3 years after*
9 *the date on which the ledger account is estab-*
10 *lished; and*

11 (B) *closed not later than 5 years after the*
12 *date of the last conveyance of land under this*
13 *Act.*

14 (d) *COSTS.*—

15 (1) *IN GENERAL.*—*The Secretary or the western*
16 *State may assume costs or other responsibilities or re-*
17 *quirements for conveying land under this Act that or-*
18 *dinarily are borne by the other party.*

19 (2) *ADJUSTMENT.*—*If the Secretary assumes*
20 *costs or other responsibilities under paragraph (1),*
21 *the Secretary shall make adjustments to the value of*
22 *the public land conveyed to the western State to com-*
23 *pensate the Secretary for assuming the costs or other*
24 *responsibilities.*

1 (e) *ADJUSTMENT.*—*If value is attributed to any parcel*
2 *of public land that has been selected by a western State*
3 *because of the presence of minerals under a lease entered*
4 *into under the Mineral Leasing Act (30 U.S.C. 181 et seq.)*
5 *that is in a producing or producible status, and the lease*
6 *is to be conveyed under this Act, the value of the parcel*
7 *shall be reduced by the amount that represents the likely*
8 *Federal revenue sharing obligation under that Act, but the*
9 *adjustment shall not be considered as reflecting a property*
10 *right of the western State.*

11 **SEC. 9. MISCELLANEOUS.**

12 (a) *HAZARDOUS MATERIALS.*—

13 (1) *IN GENERAL.*—*The Secretary and the west-*
14 *ern States shall make available for review and inspec-*
15 *tion any record relating to hazardous materials on*
16 *land to be conveyed under this Act.*

17 (2) *CERTIFICATION.*—*The Secretary and the*
18 *western State shall each complete an inspection and*
19 *a hazardous materials certification of land to be con-*
20 *veyed under this Act before the completion of the con-*
21 *veyance.*

22 (b) *WATER RIGHTS.*—

23 (1) *STATE-HELD APPURTENANT WATER*
24 *RIGHTS.*—*Any conveyance of a State land grant par-*
25 *cel under this Act may include the conveyance of*

1 *State-held water rights appurtenant to the land con-*
2 *veyed in accordance with applicable law.*

3 (2) *FEDERALLY HELD APPURTENANT WATER*
4 *RIGHTS.—Any conveyance of public land under this*
5 *Act may include the conveyance of federally held*
6 *water rights appurtenant to the land conveyed in ac-*
7 *cordance with applicable Federal and State law.*

8 (3) *EFFECT.—Nothing in this Act—*

9 (A) *creates an implied or expressed Federal*
10 *reserved water right;*

11 (B) *affects a valid existing water right; or*

12 (C) *affects the use of water conveyance in-*
13 *frastructure associated with a water right de-*
14 *scribed in subparagraph (B).*

15 (c) *GRAZING PERMITS.—*

16 (1) *IN GENERAL.—If land conveyed under this*
17 *Act is subject to a lease, permit, or contract for the*
18 *grazing of domestic livestock in effect on the date of*
19 *the conveyance, the Secretary (or the Secretary of Ag-*
20 *riculture for land located within the National Forest*
21 *System) and the western State shall allow the grazing*
22 *to continue for the remainder of the term of the lease,*
23 *permit, or contract, subject to the related terms and*
24 *conditions of user agreements, including permitted*

1 *stocking rates, grazing fee levels, access, and owner-*
2 *ship and use of range improvements.*

3 (2) *RENEWAL.—On expiration of any grazing*
4 *lease, permit, or contract described in paragraph (1),*
5 *the party that has jurisdiction over the land on the*
6 *date of expiration may elect to renew the lease, per-*
7 *mit, or contract if permitted under applicable law.*

8 (3) *CANCELLATION.—*

9 (A) *IN GENERAL.—Nothing in this Act pre-*
10 *vents the Secretary (or the Secretary of Agri-*
11 *culture for land located within the National For-*
12 *est System) or the western State from canceling*
13 *or modifying a grazing permit, lease, or contract*
14 *if the land subject to the permit, lease, or con-*
15 *tract is sold, conveyed, transferred, or leased for*
16 *nongrazing purposes.*

17 (B) *LIMITATION.—Except to the extent rea-*
18 *sonably necessary to accommodate surface oper-*
19 *ations in support of mineral development, the*
20 *Secretary (or the Secretary of Agriculture for*
21 *land located within the National Forest System)*
22 *or the western State shall not cancel or modify*
23 *a grazing permit, lease, or contract for land con-*
24 *veyed pursuant to this Act because the land sub-*

1 *ject to the permit, lease, or contract has been*
2 *leased for mineral development.*

3 (4) *BASE PROPERTIES.*—*If land conveyed by the*
4 *western State under this Act is used by a grazing per-*
5 *mittee or lessee to meet the base property require-*
6 *ments for a Federal grazing permit or lease, the land*
7 *shall continue to qualify as a base property for the*
8 *remaining term of the lease or permit and the term*
9 *of any renewal or extension of the lease or permit.*

10 (5) *RANGE IMPROVEMENTS.*—*Nothing in this Act*
11 *prohibits a holder of a grazing lease, permit, or con-*
12 *tract from being compensated for range improvements*
13 *pursuant to the terms of the lease, permit, or contract*
14 *under existing Federal or State laws.*

15 (d) *ROAD RIGHTS-OF-WAYS.*—

16 (1) *IN GENERAL.*—*If land conveyed under this*
17 *Act is subject to a road lease, road right-of-way, road*
18 *easement, or other valid existing right in effect on the*
19 *date of the conveyance, the Secretary (or the Secretary*
20 *of Agriculture for land located within the National*
21 *Forest System) and the western State shall allow the*
22 *lease, right-of-way, easement, or other valid existing*
23 *right to continue for the remainder of the term of the*
24 *lease, right-of-way, easement, or other valid existing*
25 *right, subject to the applicable terms and conditions*

1 *of the lease, right-of-way, easement, or other valid ex-*
2 *isting right.*

3 (2) *RENEWAL.*—*On expiration of any road lease,*
4 *road right-of-way, road easement, or other valid exist-*
5 *ing right described in paragraph (1), the party that*
6 *has jurisdiction over the land on the date of expira-*
7 *tion may elect to renew the lease, right-of-way, ease-*
8 *ment, or other valid existing right if permitted under*
9 *applicable law.*

10 *(e) PROTECTION OF INDIAN RIGHTS.*—

11 (1) *TREATY RIGHTS.*—*Nothing in this Act alters*
12 *or diminishes the treaty rights of any Indian tribe.*

13 (2) *LAND HELD IN TRUST.*—*Nothing in this Act*
14 *affects—*

15 (A) *land held in trust by the Secretary for*
16 *any Indian tribe; or*

17 (B) *any individual Indian allotment.*

18 (3) *EFFECT.*—*Nothing in this Act alters, dimin-*
19 *ishes, or enlarges the application of—*

20 (A) *division A of subtitle III of title 54,*
21 *United States Code (formerly known as the “Na-*
22 *tional Historic Preservation Act” (16 U.S.C. 470*
23 *et seq.));*

24 (B) *the Native American Graves Protection*
25 *and Repatriation Act (25 U.S.C. 3001 et seq.);*

1 (C) *Public Law 95–341 (commonly known*
2 *as the “American Indian Religious Freedom*
3 *Act”*) (42 U.S.C. 1996);

4 (D) *chapter 3125 of title 54, United States*
5 *Code; or*

6 (E) *the Archaeological Resources Protection*
7 *Act of 1979 (16 U.S.C. 470aa et seq.).*

8 **SEC. 10. EFFECT.**

9 *Nothing in this Act repeals or limits, expressly or by*
10 *implication, any authority in existence on the date of enact-*
11 *ment of this Act for the selection or exchange of land.*

12 **SEC. 11. TERMINATION OF AUTHORITY.**

13 (a) *IN GENERAL.*—*Subject to subsection (b), the provi-*
14 *sions of this Act shall cease to be effective with regard to*
15 *any State land grant parcel located within an eligible area*
16 *for which an application has not been filed by the date that*
17 *is 20 years after the date of the enactment of this Act.*

18 (b) *NEW ELIGIBLE AREAS.*—*If the application de-*
19 *scribed in subsection (a) is for a State land grant parcel*
20 *that is located within an eligible area established after the*
21 *date of enactment of this Act, the provisions of this Act shall*
22 *remain effective for 20 years after the date on which the*
23 *new eligible area is established.*