

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4901

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

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## 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

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## 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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