

114TH CONGRESS
2D SESSION

S. 2681

To authorize the Secretary of the Interior to retire coal preference right lease applications for which the Secretary has made an affirmative commercial quantities determination, to substitute certain land selections of the Navajo Nation, to designate certain wilderness areas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2016

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

A BILL

To authorize the Secretary of the Interior to retire coal preference right lease applications for which the Secretary has made an affirmative commercial quantities determination, to substitute certain land selections of the Navajo Nation, to designate certain wilderness areas, 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 “San Juan County Set-
5 tlement Implementation Act of 2016”.

1 **SEC. 2. EXCHANGE OF COAL PREFERENCE RIGHT LEASE**

2 **APPLICATIONS.**

3 (a) **DEFINITIONS.**—In this section:

4 (1) **BIDDING RIGHT.**—The term “bidding right”
5 means an appropriate legal instrument or other writ-
6 ten documentation, including an entry in an account
7 managed by the Secretary, issued or created under
8 subpart 3435 of title 43, Code of Federal Regula-
9 tions, that may be used—

10 (A) in lieu of a monetary payment for a
11 bonus bid for a coal lease sale under the Min-
12 eral Leasing Act (30 U.S.C. 181 et seq.); or

13 (B) as a monetary credit against any rent-
14 al or royalty payments due under any Federal
15 coal lease.

16 (2) **SECRETARY.**—The term “Secretary” means
17 the Secretary of the Interior.

18 (b) **AUTHORIZATION.**—The Secretary may retire any
19 coal preference right lease application for which the Sec-
20 retary has made an affirmative commercial quantities de-
21 termination—

22 (1) by issuing bidding rights in exchange for re-
23 linquishment of the coal preference right lease appli-
24 cation; and

25 (2) notwithstanding any other provision of law,
26 by making a payment to the relevant State in an

1 amount equal to 50 percent of the dollar amount of
2 any bidding right subsequently used in lieu of any
3 monetary payment of a bonus in a coal lease sale or
4 of rental or royalty under a Federal coal lease.

5 (c) SOURCE OF PAYMENTS.—The Secretary shall
6 make payments under subsection (b) from amounts that
7 would otherwise be deposited in the Treasury as miscella-
8 neous receipts under section 35(a) of the Mineral Leasing
9 Act (30 U.S.C. 191(a)).

10 (d) TREATMENT OF PAYMENTS.—A payment to a
11 State under this section shall be treated as a payment
12 under section 35(a) of the Mineral Leasing Act (30 U.S.C.
13 191(a)).

14 (e) TRANSFERABILITY; LIMITATION.—

15 (1) TRANSFERABILITY.—A bidding right issued
16 under this section shall be fully transferable to any
17 other person.

18 (2) NOTIFICATION OF SECRETARY.—A person
19 who transfers a bidding right shall notify the Sec-
20 retary of the transfer by any method determined to
21 be appropriate by the Secretary.

22 (3) EFFECTIVE PERIOD.—

23 (A) IN GENERAL.—A bidding right issued
24 under this section shall terminate on the expira-

1 tion of the 5-year period beginning on the date
2 the bidding right is issued.

3 (B) TOLLING OF PERIOD.—The 5-year pe-
4 riod described in subparagraph (A) shall be
5 tolled during any period in which exercise of the
6 bidding right is precluded by temporary injunc-
7 tive relief granted under, or administrative, leg-
8 islative, or judicial suspension of, the Federal
9 coal leasing program.

10 **SEC. 3. CERTAIN LAND SELECTIONS OF THE NAVAJO NA-**
11 **TION.**

12 (a) CANCELLATION OF CERTAIN SELECTIONS.—The
13 land selections made by the Navajo Nation pursuant to
14 Public Law 93–531 (commonly known as the “Navajo-
15 Hopi Land Settlement Act of 1974”) (25 U.S.C. 640d et
16 seq.) that are depicted on the map entitled “Navajo-Hopi
17 Land Settlement Act Selected Lands” and dated April 2,
18 2015, are canceled.

19 (b) AUTHORIZATION FOR NEW SELECTION.—

20 (1) IN GENERAL.—Subject to paragraphs (2)
21 and (3), the Navajo Nation may make new land se-
22 lections in accordance with the Act referred to in
23 subsection (a) to replace the land selections canceled
24 under that subsection.

1 (2) EXCLUSIONS.—The following land shall not
2 be eligible for selection under paragraph (1):

3 (A) Land within a unit of the National
4 Landscape Conservation System.

5 (B) Land within—

6 (i) the Glade Run Recreation Area;

7 (ii) the Fossil Forest Research Nat-
8 ural Area;

9 (iii) the North Road Area of Critical
10 Environmental Concern;

11 (iv) the Pierre’s Site Area of Critical
12 Environmental Concern; or

13 (v) the Ah-shi-sle-pah Road Area of
14 Critical Environmental Concern.

15 (C) Any land subject to a lease or contract
16 under the Mineral Leasing Act (30 U.S.C. 181
17 et seq.) or the Act of July 31, 1947 (commonly
18 known as the “Materials Act of 1947”) (30
19 U.S.C. 601 et seq.), as of the date of the selec-
20 tion.

21 (3) EQUAL VALUE.—

22 (A) IN GENERAL.—Notwithstanding the
23 acreage limitation in the second proviso of sec-
24 tion 11(c) of Public Law 93–531 (commonly
25 known as the “Navajo-Hopi Land Settlement

1 Act of 1974”) (25 U.S.C. 640d–10(c)), the
2 value of the land selected under paragraph (1)
3 and the land subject to selections cancellation
4 under subsection (a) shall be equal, based on
5 appraisals conducted under subparagraph (B).

6 (B) APPRAISAL.—The value of the land se-
7 lected under paragraph (1) and the land subject
8 to selections canceled under subsection (a) shall
9 be determined by an appraisal conducted in ac-
10 cordance with—

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

13 (ii) the Uniform Standards of Profes-
14 sional Appraisal Practice.

15 (4) WITHDRAWAL.—Any land selected by the
16 Navajo Nation under paragraph (1) shall be with-
17 drawn from disposal, leasing, and development until
18 the date on which the selected land is placed into
19 trust for the Navajo Nation.

20 (c) BOUNDARY.—For purposes of this section and the
21 Act referred to in subsection (a), the present boundary
22 of the Navajo Reservation is depicted on the map entitled
23 “Navajo Nation Boundary” and dated November 16,
24 2015.

1 **SEC. 4. DESIGNATION OF AH-SHI-SLE-PAH WILDERNESS.**

2 (a) IN GENERAL.—In accordance with the Wilderness
3 Act (16 U.S.C. 1131 et seq.), the approximately 7,242
4 acres of land as generally depicted on the map entitled
5 “San Juan County Wilderness Designations” and dated
6 April 2, 2015, is designated as wilderness and as a compo-
7 nent of the National Wilderness Preservation System,
8 which shall be known as the “Ah-shi-sle-pah Wilderness”
9 (referred to in this section as the “Wilderness”).

10 (b) MANAGEMENT.—

11 (1) IN GENERAL.—Subject to valid existing
12 rights, the Wilderness shall be administered by the
13 Director of the Bureau of Land Management in ac-
14 cordance with this section and the Wilderness Act
15 (16 U.S.C. 1131 et seq.), except that any reference
16 in that Act to the effective date of that Act shall be
17 considered to be a reference to the date of enact-
18 ment of this Act.

19 (2) ADJACENT MANAGEMENT.—

20 (A) IN GENERAL.—Congress does not in-
21 tend for the designation of the Wilderness to
22 create a protective perimeter or buffer zone
23 around the Wilderness.

24 (B) NONWILDERNESS ACTIVITIES.—The
25 fact that nonwilderness activities or uses can be
26 seen or heard from areas within the Wilderness

1 shall not preclude the conduct of the activities
2 or uses outside the boundary of the Wilderness.

3 (3) INCORPORATION OF ACQUIRED LAND AND
4 INTERESTS IN LAND.—Any land or interest in land
5 that is within the boundary of the Wilderness that
6 is acquired by the United States shall—

7 (A) become part of the Wilderness; and

8 (B) be managed in accordance with—

9 (i) the Wilderness Act (16 U.S.C.
10 1131 et seq.);

11 (ii) this section; and

12 (iii) any other applicable laws.

13 (4) GRAZING.—Grazing of livestock in the Wil-
14 derness, where established before the date of enact-
15 ment of this Act, shall be allowed to continue in ac-
16 cordance with—

17 (A) section 4(d)(4) of the Wilderness Act
18 (16 U.S.C. 1133(d)(4)); and

19 (B) the guidelines set forth in the report of
20 the Committee on Interior and Insular Affairs
21 of the House of Representatives accompanying
22 H.R. 5487 of the 96th Congress (H. Rept. 96-
23 617).

24 (c) RELEASE OF WILDERNESS STUDY AREAS.—Con-
25 gress finds that, for the purposes of section 603(c) of the

1 Federal Land Policy and Management Act of 1976 (43
2 U.S.C. 1782(c)), the land within the Ah-shi-sle-pah Wil-
3 derness Study Area not designated as wilderness by this
4 section has been adequately studied for wilderness des-
5 ignation and is no longer subject to section 603(c) of the
6 Federal Land Policy and Management Act of 1976 (43
7 U.S.C. 1782(c)).

8 **SEC. 5. EXPANSION OF BISTI/DE-NA-ZIN WILDERNESS.**

9 (a) IN GENERAL.—There is designated as wilderness
10 and as a component of the National Wilderness Preserva-
11 tion System certain Federal land comprising approxi-
12 mately 2,250 acres, as generally depicted on the map enti-
13 tled “San Juan County Wilderness Designations” and
14 dated April 2, 2015, which is incorporated in and shall
15 be considered to be a part of the Bisti/De-Na-Zin Wilder-
16 ness.

17 (b) ADMINISTRATION.—Subject to valid existing
18 rights, the land designated as wilderness by subsection (a)
19 shall be administered by the Director of the Bureau of
20 Land Management (referred to in this section as the “Di-
21 rector”), in accordance with—

22 (1) the Wilderness Act (16 U.S.C. 1131 et
23 seq.), except that any reference in that Act to the
24 effective date of that Act shall be considered to be
25 a reference to the date of enactment of this Act; and

1 (2) the San Juan Basin Wilderness Protection
2 Act of 1984 (Public Law 98–603; 98 Stat. 3155;
3 110 Stat. 4211).

4 (c) ADJACENT MANAGEMENT.—

5 (1) IN GENERAL.—Congress does not intend for
6 the designation of the land as wilderness by sub-
7 section (a) to create a protective perimeter or buffer
8 zone around that land.

9 (2) NONWILDERNESS ACTIVITIES.—The fact
10 that nonwilderness activities or uses can be seen or
11 heard from areas within the land designated as wil-
12 derness by subsection (a) shall not preclude the con-
13 duct of the activities or uses outside the boundary
14 of that land.

15 (d) INCORPORATION OF ACQUIRED LAND AND IN-
16 TERESTS IN LAND.—Any land or interest in land that is
17 within the boundary of the land designated as wilderness
18 by subsection (a) that is acquired by the United States
19 shall—

20 (1) become part of the Bisti/De-Na-Zin Wilder-
21 ness; and

22 (2) be managed in accordance with—

23 (A) the Wilderness Act (16 U.S.C. 1131 et
24 seq.);

1 (B) the San Juan Basin Wilderness Pro-
2 tection Act of 1984 (Public Law 98–603; 98
3 Stat. 3155; 110 Stat. 4211);

4 (C) this section; and

5 (D) any other applicable laws.

6 (e) GRAZING.—Grazing of livestock in the land des-
7 ignated as wilderness by subsection (a), where established
8 before the date of enactment of this Act, shall be allowed
9 to continue in accordance with—

10 (1) section 4(d)(4) of the Wilderness Act (16
11 U.S.C. 1133(d)(4)); and

12 (2) the guidelines set forth in the report of the
13 Committee on Interior and Insular Affairs of the
14 House of Representatives accompanying H.R. 5487
15 of the 96th Congress (H. Rept. 96–617).

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