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(Original Signature of Member)

113TH CONGRESS
2D SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. BISHOP of Utah introduced the following bill; which was referred to the
Committee on _____

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:

1 (1) At statehood, Congress granted each of the
2 western States lands to be held in trust by the
3 States and used for the support of public schools
4 and other public institutions.

5 (2) Since the statehood land grants, Congress
6 and the executive branch have created multiple Fed-
7 eral conservation areas on Federal lands within the
8 western States, including national parks, national
9 monuments, national conservation areas, national
10 grasslands, wilderness areas, wilderness study areas,
11 and national wildlife refuges.

12 (3) Because statehood land grant lands owned
13 by the western States are typically scattered across
14 the public land, creation of Federal conservation
15 areas often include State land grant parcels with
16 substantially different management mandates, mak-
17 ing land and resource management more difficult,
18 expensive, and controversial for both Federal land
19 managers and the western States.

20 (4) Allowing the western States to relinquish
21 State trust lands within Federal conservation areas
22 and to select replacement lands from the unappro-
23 priated public land within the respective western
24 States, would—

1 (A) enhance management of Federal con-
2 servation areas by allowing unified management
3 of such areas; and

4 (B) increase revenue from the statehood
5 land grants for the support of public schools
6 and other worthy public purposes.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) APPLICATION.—The term “application”
10 means an application for State relinquishment and
11 selection of lands made under this Act in accordance
12 with section 5.

13 (2) FEDERAL CONSERVATION AREA.—The term
14 “Federal conservation area” means lands within the
15 outer boundary of—

16 (A) a unit of the National Park System;

17 (B) a unit of the National Wilderness
18 Preservation System;

19 (C) a unit of the National Wildlife Refuge
20 System;

21 (D) a unit of the National Landscape Con-
22 servation System; or

23 (E) National Forest System land that have
24 been designated as a national monument, na-
25 tional volcanic monument, national recreation

1 area, national scenic area, inventoried roadless
2 area, unit of the Wild and Scenic Rivers Sys-
3 tem, or wilderness study area or Land Use Des-
4 ignation II (as described by section 201 of the
5 Tongass Timber Reform Act of 1990 (Public
6 Law 101–626)).

7 (3) FLPMA.—The term “FLPMA” means the
8 Federal Land Policy and Management Act of 1976
9 (43 U.S.C. 1701 et seq.).

10 (4) PRIORITY CONSERVATION UNIT.—The term
11 “priority conservation unit” means the lands within
12 the outer boundary of any unit of the National Wil-
13 derness Preservation System or the National Park
14 System.

15 (5) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior.

17 (6) STATE LAND GRANT PARCEL.—The term
18 “State land grant parcel” means—

19 (A) any land granted to a western State by
20 Congress through a statehood or territorial land
21 grant for the support of public education or
22 other public institutions, or subsequently ac-
23 quired by the western State for such purpose;
24 or

1 (B) lands granted to the State of Alaska
2 under sections 6(a), (b), and (k) of the Act of
3 July 7, 1958 (commonly known as the “Alaska
4 Statehood Act”; Public Law 85–508, as amend-
5 ed by the Acts of September 14, 1960 and
6 March 25, 1964).

7 (7) UNAPPROPRIATED PUBLIC LAND.—

8 (A) IN GENERAL.—The term “unappropri-
9 ated public land” has the meaning of the term
10 “public land” as that term is defined by section
11 102(e) of FLPMA (43 U.S.C. 1702(e)).

12 (B) EXCLUSIONS.—The term “unappropri-
13 ated public land” does not include Federal land
14 that is—

15 (i) within a Federal conservation area;

16 (ii) within an area of critical environ-
17 mental concern established pursuant to
18 section 202(c)(3) of FLPMA (43 U.S.C.
19 1712(c)(3));

20 (iii) within an area identified as hav-
21 ing wilderness characteristics by the Bu-
22 reau of Land Management under an ap-
23 proved land use plan enacted under
24 FLPMA; or

1 (iv) within an area withdrawn or re-
2 served by an Act of Congress, the Presi-
3 dent, or Public Land Order for a par-
4 ticular public purpose or program, includ-
5 ing for the conservation of natural re-
6 sources.

7 (8) WESTERN STATE.—The term “western
8 State” means any of the States of Alaska, Arizona,
9 California, Colorado, Idaho, Montana, New Mexico,
10 North Dakota, Oregon, South Dakota, Utah, Wash-
11 ington, and Wyoming.

12 **SEC. 4. RELINQUISHMENT OF STATE LAND GRANT PAR-**
13 **CELS AND SELECTION OF REPLACEMENT**
14 **LANDS.**

15 (a) AUTHORITY TO SELECT.—In accordance with
16 this Act, upon approval by the Secretary of an application
17 under section 5 a western State may relinquish to the
18 United States State land grant parcels wholly or primarily
19 within Federal conservation areas and select in exchange
20 unappropriated public land within the western State.

21 (b) VALID EXISTING RIGHTS.—Land conveyed under
22 this Act shall be subject to valid existing rights and each
23 party to which land is conveyed shall succeed to the rights
24 and obligations of the conveying party with respect to any

1 lease, right-of-way, permit, or other valid existing right to
2 which the land is subject.

3 (c) MANAGEMENT AFTER RELINQUISHMENT.—Any
4 portion of a State land grant parcel acquired by the
5 United States under this Act that is located within a Fed-
6 eral conservation area shall—

7 (1) be incorporated in, and be managed as part
8 of, the Federal conservation area in which the land
9 is located; and

10 (2) if located within the National Forest Sys-
11 tem, be administered by the Secretary of Agriculture
12 in accordance with—

13 (A) the Act of March 1, 1911 (16 U.S.C.
14 480 et seq.; commonly known as the “Weeks
15 Law”); or

16 (B) any laws (including regulations) appli-
17 cable to the National Forest System and the
18 Federal conservation area in which it is located.

19 (d) LIMITATION.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), until a western State has relinquished
22 and conveyed to the United States substantially all
23 of the State land grant parcels located in priority
24 conservation units in that State, the State may not

1 apply to relinquish State land grant parcels in other
2 Federal conservation areas in that State.

3 (2) EXCEPTION.—The Secretary may waive the
4 limitation in paragraph (1) upon a determination
5 that—

6 (A) a western State has relinquished and
7 conveyed to the United States at least 75 per-
8 cent, measured by land area, of the State land
9 grant parcels that were located in priority con-
10 servation units in that State on the date of the
11 enactment of this Act and not identified for
12 conveyance pursuant to an exchange agreement
13 or other statutory authority; and

14 (B) the relinquishment and conveyance to
15 the United States of substantially all State land
16 grant parcels located in priority conservation
17 units in that State is impractical or infeasible.

18 **SEC. 5. PROCESS.**

19 (a) PROCESS FOR APPLICATION.—

20 (1) IN GENERAL.—Not later than one year
21 after the date of the enactment of this Act and in
22 accordance with this section, the Secretary shall cre-
23 ate a process by which the western States may re-
24 quest the relinquishment of State land grant parcels

1 inside Federal conservation areas and select unap-
2 propriated public lands in exchange therefor.

3 (2) TIMING.—The process established by the
4 Secretary under this section shall ensure that the re-
5 linquishment of State land grant parcels and the
6 conveyance of unappropriated public land is concu-
7 rent.

8 (b) PUBLIC NOTICE.—Prior to accepting or con-
9 veying any land under this Act, the Secretary shall provide
10 public notice and an opportunity to comment on the pro-
11 posed conveyances between the western State and the
12 United States.

13 (c) ENVIRONMENTAL ANALYSIS.—

14 (1) IN GENERAL.—Except as otherwise pro-
15 vided in this subsection, the Secretary shall acquire
16 State land grant parcels and convey unappropriated
17 public land under this Act in accordance with—

18 (A) the National Environmental Policy Act
19 of 1969 (42 U.S.C. 4331 et seq.); and

20 (B) other applicable laws.

21 (2) ENVIRONMENTAL ASSESSMENT OR ENVI-
22 RONMENTAL IMPACT STATEMENT.—In preparing an
23 environmental assessment or environmental impact
24 statement pursuant to section 102(2) of the Na-
25 tional Environmental Policy Act of 1969 (42 U.S.C.

1 4332(2)) for the acquisition of State land grant par-
2 cels and the conveyance of unappropriated public
3 land under this Act, the Secretary is not required to
4 study, develop, and describe more than—

5 (A) the proposed agency action; and

6 (B) the alternative of no action.

7 (d) AGREEMENTS WITH STATES.—The Secretary is
8 authorized to enter into cooperative agreements with any
9 of the western States to facilitate processing of applica-
10 tions and conveyance of selected lands.

11 (e) APPROVAL OR REJECTION.—The Secretary—

12 (1) shall issue a final determination on an ap-
13 plication not later than three years after a western
14 State submits that application to the Secretary;

15 (2) may approve an application in whole or in
16 part, or as modified by the Secretary as necessary
17 to balance the equities of the States and interest of
18 the public;

19 (3) shall not accept an application under this
20 Act for selection of any parcel of unappropriated
21 public land that in the judgment of the Secretary—

22 (A) is not reasonably compact and consoli-
23 dated; or

1 (B) will create significant management
2 conflicts with respect to the management of ad-
3 jacent Federal land;

4 (4) shall not accept any State land grant par-
5 cels that, in the judgment of the Secretary, are not
6 suitable for inclusion in a Federal conservation area;

7 (5) shall, prior to approving an application, con-
8 sult with the head of any Federal agency with juris-
9 diction over Federal land—

10 (A) within which a western State proposes
11 to relinquish a State land grant parcel; or

12 (B) that is adjacent to unappropriated
13 public land proposed for conveyance to a west-
14 ern State; and

15 (6) shall convey any Federal lands approved for
16 selection not later than 90 days after entering into
17 a final agreement between the Secretary and the
18 western State on the lands to be conveyed, subject
19 to such other terms and conditions as may be appro-
20 priate.

21 (f) CONVEYANCE BY WESTERN STATE.—

22 (1) IN GENERAL.—The conveyance of any State
23 land grant parcel under this Act shall be by patent
24 or deed acceptable to the Secretary.

1 (2) CONCURRENCE.—The Secretary of Agri-
2 culture shall concur in any determination to accept
3 the conveyance of a State land grant parcel within
4 the boundaries of any unit of the National Forest
5 System.

6 (g) CONVEYANCE BY UNITED STATES.—The convey-
7 ance of unappropriated public land by the United States
8 shall include such terms and conditions as the Secretary
9 may require.

10 **SEC. 6. MINERAL LANDS.**

11 (a) SELECTION AND CONVEYANCE.—

12 (1) IN GENERAL.—Subject to the provisions of
13 this Act, a western State may select, and the Sec-
14 retary may convey, lands that are mineral in char-
15 acter under this Act.

16 (2) EXCLUSION.—A western State may not se-
17 lect, and the Secretary may not convey—

18 (A) land that includes only a portion of a
19 mineral lease or permit; or

20 (B) only the Federal mineral estate, unless
21 the United States does not own the associated
22 surface estate.

23 (b) MINING CLAIMS.—

24 (1) IN GENERAL.—To facilitate the conversion
25 of Federal mining claims to State mining leases on

1 land selected by a western State, a Federal mining
2 claimant may file with the Secretary a voluntary re-
3 linquishment of a Federal mining claim conditioned
4 on conveyance of the land to the western State.

5 (2) NO RELINQUISHMENT.—If the land subject
6 to a Federal mining claim for which a conditional re-
7 linquishment has been filed with the Secretary is not
8 conveyed to the western State under this Act, the
9 conditional relinquishment of land under paragraph
10 (1) shall be of no effect.

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

12 (a) CONSIDERATION.—In the application of laws, reg-
13 ulations, and policies relating to selections made under
14 this Act, the Secretary shall consider the equities of the
15 western States and the interest of the public.

16 (b) PRESUMPTION OF PLAN ADEQUACY.—Unless a
17 land use plan enacted under section 202 of FLPMA (43
18 U.S.C. 1712) specifically identifies significant public val-
19 ues that would be lost or substantially impaired due to
20 the conveyance of unappropriated public land to a western
21 State, any western State selection under this Act shall be
22 deemed to be in compliance with such plan even if the
23 selected land is not otherwise identified for disposal.

1 **SEC. 8. VALUATION.**

2 (a) **EQUAL VALUE.**—The overall value of the State
3 land grant parcels and the unappropriated public land to
4 be conveyed shall be equal, or if they are not equal, the
5 values shall be equalized by the payment of money to the
6 western State or to the Secretary as the circumstances re-
7 quire, so long as payment does not exceed 25 percent of
8 the total value of the land or interests transferred out of
9 Federal ownership.

10 (b) **LOW VALUE PARCELS.**—If a western State and
11 the Secretary agree that the market value of a State land
12 grant parcel or a parcel of unappropriated public land is
13 less than \$300 per acre, the Secretary may use a summary
14 appraisal or statement of value made by a qualified ap-
15 praiser in accordance with Internal Revenue Service
16 standards instead of an appraisal compliant with the Uni-
17 form Appraisal Standards for Federal Land Acquisition.

18 (c) **LEDGER ACCOUNTS.**—The Secretary and any
19 western State may agree to use a ledger account to make
20 equal the value of lands relinquished by the western State
21 and conveyed by the United States to the western State
22 under this Act.

23 (d) **COSTS.**—The Secretary or the western State may,
24 in accordance with section 206(f)(2)(B) of FLPMA (43
25 U.S.C. 1716(f)(2)(B))—

1 (1) assume costs or other responsibilities or re-
2 quirements for conveying land under this Act that
3 ordinarily are borne by the other party; and

4 (2) make adjustments to the relative values in-
5 volved in the conveyance of land under this Act to
6 compensate the Secretary or the western State for
7 assuming such costs or other responsibilities or re-
8 quirements.

9 (e) ADJUSTMENT.—If value is attributed to any par-
10 cel of Federal land that has been selected by a western
11 State because of the presence of minerals under a lease
12 pursuant to the Mineral Lands Leasing Act (30 U.S.C.
13 191 et seq.) that is in a producing or producible status,
14 and the lease is to be conveyed under this Act, the value
15 of such parcel shall be reduced by the percentage which
16 represents the likely Federal revenue sharing obligation
17 under the Mineral Lands Leasing Act, but such adjust-
18 ment shall not be considered as reflecting a property right
19 of the western State.

20 **SEC. 9. MISCELLANEOUS PROVISIONS.**

21 (a) HAZARDOUS MATERIALS.—The Secretary and
22 the western States shall make available for review and in-
23 spection any record relating to hazardous materials on
24 land to be conveyed under this Act.

1 (b) APPURTENANT WATER RIGHTS.—Any convey-
2 ance of a State land grant parcel or unappropriated public
3 land under this Act may include the conveyance of water
4 rights appurtenant to the land conveyed.

5 (c) GRAZING PERMITS.—

6 (1) IN GENERAL.—If land conveyed under this
7 Act is subject to a lease, permit, or contract for the
8 grazing of domestic livestock in effect on the date of
9 the conveyance, the Secretary (or the Secretary of
10 Agriculture for lands located within the National
11 Forest System) and the western State shall allow
12 the grazing to continue for the remainder of the
13 term of the lease, permit, or contract, subject to the
14 related terms and conditions of user agreements, in-
15 cluding permitted stocking rates, grazing fee levels,
16 access rights, and ownership and use of range im-
17 provements.

18 (2) RENEWAL.—On expiration of any grazing
19 lease, permit, or contract described in paragraph
20 (1), the party that has jurisdiction over the land on
21 the date of expiration may elect to renew the lease,
22 permit, or contract if permitted under applicable
23 law.

24 (3) CANCELLATION.—

1 (A) IN GENERAL.—Nothing in this Act
2 shall prevent the Secretary (or the Secretary of
3 Agriculture for lands located within the Na-
4 tional Forest System) or the western State
5 from canceling or modifying a grazing permit,
6 lease, or contract if the land subject to the per-
7 mit, lease, or contract is sold, conveyed, trans-
8 ferred, or leased for nongrazing purposes.

9 (B) LIMITATION.—Except to the extent
10 reasonably necessary to accommodate surface
11 operations in support of mineral development,
12 the Secretary (or the Secretary of Agriculture
13 for lands located within the National Forest
14 System) or the western State shall not cancel or
15 modify a grazing permit, lease, or contract for
16 land conveyed pursuant to this Act because the
17 land subject to the permit, lease, or contract
18 has been leased for mineral development.

19 (4) BASE PROPERTIES.—If land conveyed by
20 the western State under this Act is used by a graz-
21 ing permittee or lessee to meet the base property re-
22 quirements for a Federal grazing permit or lease,
23 the land shall continue to qualify as a base property
24 for the remaining term of the lease or permit and

1 the term of any renewal or extension of the lease or
2 permit.

3 **SEC. 10. TERMINATION OF AUTHORITY.**

4 The provisions of this Act shall cease to be effective
5 with regard to any State land grant parcel located within
6 a Federal conservation area for which an application has
7 not been filed by the date that is 10 years after the date
8 of the enactment of this Act unless that application is for
9 a State land grant parcel that is located within a Federal
10 conservation area established after the date of enactment
11 of this Act, in which case the provisions of this Act will
12 remain effective for 10 years after the date on which the
13 Federal conservation area is established.

14 **SEC. 11. SAVINGS PROVISIONS.**

15 Nothing in this Act shall be deemed to repeal or limit,
16 expressly or by implication, any existing authority for the
17 selection or exchange of lands.