

113TH CONGRESS
1ST SESSION

S. 1805

To designate the Organ Mountains and other public land as components of the National Wilderness Preservation System in the State of New Mexico, to establish the Organ Mountains—Desert Peaks National Monument, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12 (legislative day, DECEMBER 11), 2013

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

A BILL

To designate the Organ Mountains and other public land as components of the National Wilderness Preservation System in the State of New Mexico, to establish the Organ Mountains—Desert Peaks National Monument, 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 “Organ Mountains—
5 Desert Peaks Conservation Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) MANAGEMENT PLAN.—The term “manage-
2 ment plan” means the management plan for the
3 Monument developed under section 4(d).

4 (2) MONUMENT.—The term “Monument”
5 means the Organ Mountains—Desert Peaks Na-
6 tional Monument established by section 4(a).

7 (3) PUBLIC LAND ORDER.—The term “Public
8 Land Order” means the Public Land Order 833,
9 dated May 21, 1952 (17 Fed. Reg. 4822).

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 (5) STATE.—The term “State” means the State
13 of New Mexico.

14 **SEC. 3. DESIGNATION OF WILDERNESS AREAS.**

15 (a) IN GENERAL.—In accordance with the Wilderness
16 Act (16 U.S.C. 1131 et seq.), the following areas in the
17 State are designated as wilderness and as components of
18 the National Wilderness Preservation System:

19 (1) ADEN LAVA FLOW WILDERNESS.—Certain
20 land administered by the Bureau of Land Manage-
21 ment in Doña Ana County comprising approximately
22 27,673 acres, as generally depicted on the map enti-
23 tled “Potrillo Mountains Complex” and dated De-
24 cember 10, 2013, which shall be known as the
25 “Aden Lava Flow Wilderness”.

1 (2) BROAD CANYON WILDERNESS.—Certain
2 land administered by the Bureau of Land Manage-
3 ment in Doña Ana County comprising approximately
4 13,902 acres, as generally depicted on the map enti-
5 tled “Desert Peaks Wilderness” and dated Decem-
6 ber 10, 2013, which shall be known as the “Broad
7 Canyon Wilderness”.

8 (3) CINDER CONE WILDERNESS.—Certain land
9 administered by the Bureau of Land Management in
10 Doña Ana County comprising approximately 16,935
11 acres, as generally depicted on the map entitled
12 “Potrillo Mountains Complex” and dated December
13 10, 2013, which shall be known as the “Cinder Cone
14 Wilderness”.

15 (4) ORGAN MOUNTAINS WILDERNESS.—Certain
16 land administered by the Bureau of Land Manage-
17 ment in Doña Ana County comprising approximately
18 19,197 acres, as generally depicted on the map enti-
19 tled “Organ Mountains Area” and dated December
20 10, 2013, which shall be known as the “Organ
21 Mountains Wilderness”, the boundary of which shall
22 be offset 400 feet from the centerline of Dripping
23 Springs Road in T. 23 S., R. 04 E., sec. 7, New
24 Mexico Principal Meridian.

1 (5) POTRILLO MOUNTAINS WILDERNESS.—Cer-
2 tain land administered by the Bureau of Land Man-
3 agement in Doña Ana and Luna counties comprising
4 approximately 125,854 acres, as generally depicted
5 on the map entitled “Potrillo Mountains Complex”
6 and dated December 10, 2013, which shall be known
7 as the “Potrillo Mountains Wilderness”.

8 (6) ROBLEDO MOUNTAINS WILDERNESS.—Cer-
9 tain land administered by the Bureau of Land Man-
10 agement in Doña Ana County comprising approxi-
11 mately 16,776 acres, as generally depicted on the
12 map entitled “Desert Peaks Complex” and dated
13 December 10, 2013, which shall be known as the
14 “Robledo Mountains Wilderness”.

15 (7) SIERRA DE LAS UVAS WILDERNESS.—Cer-
16 tain land administered by the Bureau of Land Man-
17 agement in Doña Ana County comprising approxi-
18 mately 11,114 acres, as generally depicted on the
19 map entitled “Desert Peaks Complex” and dated
20 December 10, 2013, which shall be known as the
21 “Sierra de las Uvas Wilderness”.

22 (8) WHITETHORN WILDERNESS.—Certain land
23 administered by the Bureau of Land Management in
24 Doña Ana and Luna counties comprising approxi-
25 mately 9,616 acres, as generally depicted on the

1 map entitled “Potrillo Mountains Complex” and
2 dated December 10, 2013, which shall be known as
3 the “Whitethorn Wilderness”.

4 (b) MANAGEMENT.—Subject to valid existing rights,
5 the wilderness areas designated by subsection (a) shall be
6 administered by the Secretary in accordance with this Act
7 and the Wilderness Act (16 U.S.C. 1131 et seq.) except
8 that—

9 (1) any reference in the Wilderness Act to the
10 effective date of that Act shall be considered to be
11 a reference to the date of enactment of this Act; and

12 (2) any reference in the Wilderness Act to the
13 Secretary of Agriculture shall be considered to be a
14 reference to the Secretary of the Interior.

15 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
16 ESTS IN LAND.—Any land or interest in land that is with-
17 in the boundary of a wilderness area designated by sub-
18 section (a) that is acquired by the United States shall—

19 (1) become part of the wilderness area within
20 the boundaries of which the land is located; and

21 (2) be managed in accordance with—

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

24 (B) this Act; and

25 (C) any other applicable laws.

1 (d) GRAZING.—Grazing of livestock in the wilderness
2 areas designated by subsection (a), where established be-
3 fore the date of enactment of this Act, shall be adminis-
4 tered in accordance with—

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

7 (2) the guidelines set forth in Appendix A of
8 the Report of the Committee on Interior and Insular
9 Affairs to accompany H.R. 2570 of the 101st Con-
10 gress (H. Rept. 101–405).

11 (e) MILITARY OVERFLIGHTS.—Nothing in this sec-
12 tion restricts or precludes—

13 (1) low-level overflights of military aircraft over
14 the wilderness areas designated by subsection (a),
15 including military overflights that can be seen or
16 heard within the wilderness areas;

17 (2) the designation of new units of special air-
18 space over the wilderness areas designated by this
19 Act; or

20 (3) the use or establishment of military flight
21 training routes over wilderness areas designated by
22 this Act.

23 (f) BUFFER ZONES.—

1 (1) IN GENERAL.—Nothing in this section cre-
2 ates a protective perimeter or buffer zone around
3 any wilderness area designated by subsection (a).

4 (2) ACTIVITIES OUTSIDE WILDERNESS
5 AREAS.—The fact that an activity or use on land
6 outside any wilderness area designated by subsection
7 (a) can be seen or heard within the wilderness area
8 shall not preclude the activity or use outside the
9 boundary of the wilderness area.

10 (g) PARAGLIDING.—The use of paragliding within
11 areas of the Potrillo Mountains Wilderness designated by
12 subsection (a)(5) in which the use has been established
13 before the date of enactment of this Act, shall be allowed
14 to continue in accordance with section 4(d)(1) of the Wil-
15 derness Act (16 U.S.C. 1133(d)(1)), subject to any terms
16 and conditions that the Secretary determines to be nec-
17 essary.

18 (h) POTENTIAL WILDERNESS AREA.—

19 (1) ROBLEDO MOUNTAINS POTENTIAL WILDER-
20 NESS AREA.—

21 (A) IN GENERAL.—Certain land adminis-
22 tered by the Bureau of Land Management,
23 comprising approximately 100 acres as gen-
24 erally depicted as “Potential Wilderness” on the
25 map entitled “Desert Peaks Complex” and

1 dated December 10, 2013, is designated as a
2 potential wilderness area.

3 (B) USES.—The Secretary shall permit
4 only such uses on the land described in sub-
5 paragraph (A) that were permitted on the date
6 of enactment of this Act.

7 (C) DESIGNATION AS WILDERNESS.—

8 (i) IN GENERAL.—On the date on
9 which the Secretary publishes in the Fed-
10 eral Register the notice described in clause
11 (ii), the potential wilderness area des-
12 ignated under subparagraph (A) shall be—

13 (I) designated as wilderness and
14 as a component of the National Wil-
15 derness Preservation System; and

16 (II) incorporated into the
17 Robledo Mountains Wilderness des-
18 ignated by subsection (a)(6).

19 (ii) NOTICE.—The notice referred to
20 in clause (i) is notice that—

21 (I) the communications site with-
22 in the potential wilderness area des-
23 ignated under subparagraph (A) is no
24 longer used;

1 (II) the associated right-of-way is
2 relinquished or not renewed; and

3 (III) the conditions in the poten-
4 tial wilderness area designated by sub-
5 paragraph (A) are compatible with the
6 Wilderness Act (16 U.S.C. 1131 et
7 seq.).

8 (i) RELEASE OF WILDERNESS STUDY AREAS.—Con-
9 gress finds that, for purposes of section 603(c) of the Fed-
10 eral Land Policy and Management Act of 1976 (43 U.S.C.
11 1782(c)), the public land in Doña Ana County adminis-
12 tered by the Bureau of Land Management not designated
13 as wilderness by subsection (a)—

14 (1) has been adequately studied for wilderness
15 designation;

16 (2) is no longer subject to section 603(c) of the
17 Federal Land Policy and Management Act of 1976
18 (43 U.S.C. 1782(c)); and

19 (3) shall be managed in accordance with—

20 (A) the Federal Land Policy and Manage-
21 ment Act of 1976 (43 U.S.C. 1701 et seq.);

22 (B) this Act; and

23 (C) any other applicable laws.

1 **SEC. 4. ESTABLISHMENT OF NATIONAL MONUMENT.**

2 (a) ESTABLISHMENT.—There is established as a Na-
3 tional Monument in the State certain land administered
4 by the Bureau of Land Management in Doña Ana County
5 comprising approximately 498,815 acres, as generally de-
6 picted on the maps entitled “Organ Mountains Area”,
7 “Potrillo Mountains Complex”, and “Desert Peaks Com-
8 plex” and dated December 10, 2013, to be known as the
9 “Organ Mountains–Desert Peaks National Monument”.

10 (b) PURPOSE.—The purpose of the Monument is to
11 conserve, protect, and enhance for the benefit and enjoy-
12 ment of present and future generations the cultural, ar-
13 chaeological, historical, natural, wildlife, geological, eco-
14 logical, watershed, educational, scenic, and recreational re-
15 sources and values of the Monument.

16 (c) MANAGEMENT.—

17 (1) IN GENERAL.—The Secretary (acting
18 through the Director of the Bureau of Land Man-
19 agement) shall manage the Monument—

20 (A) in a manner that conserves, protects,
21 and enhances the resources of the Monument;
22 and

23 (B) in accordance with—

24 (i) the Federal Land Policy and Man-
25 agement Act of 1976 (43 U.S.C. 1701 et
26 seq.);

1 (ii) this Act; and

2 (iii) any other applicable laws.

3 (2) USES.—

4 (A) IN GENERAL.—The Secretary shall
5 allow only such uses of the Monument that the
6 Secretary determines would further the purpose
7 described in subsection (b).

8 (B) USE OF MOTORIZED VEHICLES.—

9 (i) IN GENERAL.—Except as needed
10 for administrative purposes or to respond
11 to an emergency, the use of motorized ve-
12 hicles in the Monument shall be permitted
13 only on roads designated for use by motor-
14 ized vehicles in the management plan.

15 (ii) NEW ROADS.—No additional road
16 shall be built within the Monument after
17 the date of enactment of this Act unless
18 the road is necessary for public safety or
19 natural resource protection.

20 (C) GRAZING.—The Secretary shall permit
21 grazing within the Monument, where estab-
22 lished before the date of enactment of this
23 Act—

1 (i) subject to all applicable laws (in-
2 cluding regulations) and Executive orders;
3 and

4 (ii) consistent with the purpose de-
5 scribed in subsection (b).

6 (D) UTILITY RIGHT-OF-WAY UPGRADES.—
7 Nothing in this section precludes the Secretary
8 from renewing or authorizing the upgrading
9 (including widening) of a utility right-of-way in
10 existence as of the date of enactment of this
11 Act through the Monument in a manner that
12 minimizes harm to the purpose of the Monu-
13 ment described in subsection (b)—

14 (i) in accordance with—

15 (I) the National Environmental
16 Policy Act of 1969 (42 U.S.C. 4321
17 et seq.); and

18 (II) any other applicable law; and

19 (ii) subject to such terms and condi-
20 tions as the Secretary determines to be ap-
21 propriate.

22 (E) RIGHT-OF-WAY.—Subject to applicable
23 law, the Secretary may issue rights-of-way for
24 watershed restoration projects and small-scale
25 flood prevention projects within the boundary of

1 the Monument if the right-of-way is consistent
2 with the purpose of the Monument described in
3 subsection (b).

4 (d) MANAGEMENT PLAN.—

5 (1) IN GENERAL.—Not later than 3 years after
6 the date of enactment of this Act, the Secretary
7 shall develop a management plan for the Monument.

8 (2) CONSULTATION.—The management plan
9 shall be developed in consultation with—

10 (A) interested Federal agencies;

11 (B) State, tribal, and local governments;

12 and

13 (C) the public.

14 (3) CONSIDERATIONS.—In preparing and imple-
15 menting the management plan, the Secretary shall—

16 (A) consider the recommendations of In-
17 dian tribes and pueblos on methods for pro-
18 viding access to, and protection for, traditional
19 cultural and religious sites in the Monument;
20 and

21 (B) include a watershed health assessment
22 to identify opportunities for watershed restora-
23 tion.

24 (e) INCORPORATION OF ACQUIRED LAND AND INTER-
25 ESTS IN LAND.—

1 (1) IN GENERAL.—Any land or interest in land
2 that is within the boundary of the Monument des-
3 ignated by subsection (a) or within the State trust
4 land described in paragraph (2) that is acquired by
5 the United States shall—

6 (A) become part of the Monument; and

7 (B) be managed in accordance with—

8 (i) this Act; and

9 (ii) any other applicable laws.

10 (2) DESCRIPTION OF STATE TRUST LAND.—

11 The State trust land referred to in paragraph (1) is
12 the State trust land in T. 22 S., R 01 W., New Mex-
13 ico Principal Meridian and T. 22 S., R. 02 W., New
14 Mexico Principal Meridian.

15 (f) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

16 On the date of enactment of this Act, administrative juris-
17 diction over the approximately 2,050 acres of land gen-
18 erally depicted as “Parcel D” on the map entitled “Organ
19 Mountains Area” and dated December 10, 2013, shall—

20 (1) be transferred from the Secretary of De-
21 fense to the Secretary;

22 (2) become part of the Monument; and

23 (3) be managed in accordance with—

24 (A) this Act; and

25 (B) any other applicable laws.

1 **SEC. 5. GENERAL PROVISIONS.**

2 (a) MAPS AND LEGAL DESCRIPTIONS.—

3 (1) IN GENERAL.—As soon as practicable after
4 the date of enactment of this Act, the Secretary
5 shall file maps and legal descriptions of the Monu-
6 ment and the wilderness areas designated by this
7 Act with—

8 (A) the Committee on Energy and Natural
9 Resources of the Senate; and

10 (B) the Committee on Natural Resources
11 of the House of Representatives.

12 (2) FORCE OF LAW.—The maps and legal de-
13 scriptions filed under paragraph (1) shall have the
14 same force and effect as if included in this Act, ex-
15 cept that the Secretary may correct errors in the
16 maps and legal descriptions.

17 (3) PUBLIC AVAILABILITY.—The maps and
18 legal descriptions filed under paragraph (1) shall be
19 on file and available for public inspection in the ap-
20 propriate offices of the Bureau of Land Manage-
21 ment.

22 (b) NATIONAL LANDSCAPE CONSERVATION SYS-
23 TEM.—The Monument and the wilderness areas des-
24 ignated by this Act shall be administered as components
25 of the National Landscape Conservation System.

1 (c) FISH AND WILDLIFE.—Nothing in this Act af-
2 fects the jurisdiction of the State with respect to fish and
3 wildlife located on public land in the State, except that
4 the Secretary, after consultation with the New Mexico De-
5 partment of Game and Fish, may designate zones where,
6 and establish periods during which, no hunting or fishing
7 shall be permitted for reasons of public safety, administra-
8 tion, or compliance with applicable law.

9 (d) WITHDRAWALS.—

10 (1) IN GENERAL.—Subject to valid existing
11 rights, the Federal land within the Monument, the
12 wilderness areas designated by this Act, and any
13 land or interest in land that is acquired by the
14 United States in the Monument or wilderness areas
15 after the date of enactment of this Act is withdrawn
16 from—

17 (A) entry, appropriation, or disposal under
18 the public land laws;

19 (B) location, entry, and patent under the
20 mining laws; and

21 (C) operation of the mineral leasing, min-
22 eral materials, and geothermal leasing laws.

23 (2) PARCEL A.—The approximately 1,300 acres
24 of land generally depicted as “Parcel A” on the map
25 entitled “Organ Mountains Area” and dated Decem-

1 ber 10, 2013, is withdrawn in accordance with para-
2 graph (1), except that the land is not withdrawn
3 from disposal under the Act of June 14, 1926 (com-
4 monly known as the “Recreation and Public Pur-
5 poses Act”) (43 U.S.C. 869 et seq.).

6 (3) PARCEL B.—The approximately 6,500 acres
7 of land generally depicted as “Parcel B” on the map
8 entitled “Organ Mountains Area” and dated Decem-
9 ber 10, 2013, is withdrawn in accordance with para-
10 graph (1), except that the land is not withdrawn for
11 purposes of the issuance of oil and gas pipeline
12 rights-of-way.

13 (e) CLIMATOLOGIC DATA COLLECTION.—Subject to
14 such terms and conditions as the Secretary may prescribe,
15 nothing in this Act precludes the installation and mainte-
16 nance of hydrologic, meteorologic, or climatologic collec-
17 tion devices in the Monument or wilderness areas des-
18 ignated by section 3(a) if the facilities and access to the
19 facilities are essential to flood warning, flood control, or
20 water reservoir operation activities.

21 **SEC. 6. BORDER SECURITY.**

22 (a) IN GENERAL.—Nothing in this Act—

23 (1) prevents the Secretary of Homeland Secu-
24 rity from undertaking law enforcement and border
25 security activities, in accordance with section 4(c) of

1 the Wilderness Act (16 U.S.C. 1133(c)), within the
2 areas designated as wilderness by this Act, including
3 the ability to use motorized access within a wilder-
4 ness area while in pursuit of a suspect;

5 (2) affects the 2006 Memorandum of Under-
6 standing among the Department of Homeland Secu-
7 rity, the Department of the Interior, and the De-
8 partment of Agriculture regarding cooperative na-
9 tional security and counterterrorism efforts on Fed-
10 eral land along the borders of the United States; or

11 (3) prevents the Secretary of Homeland Secu-
12 rity from conducting any low-level overflights over
13 the wilderness areas designated by this Act that may
14 be necessary for law enforcement and border secu-
15 rity purposes.

16 (b) WITHDRAWAL AND ADMINISTRATION OF CER-
17 TAIN AREA.—

18 (1) WITHDRAWAL.—The area identified as
19 “Parcel E” on the map entitled “Potrillo Mountains
20 Complex” and dated December 10, 2013, is with-
21 drawn in accordance with section 5(d)(1).

22 (2) ADMINISTRATION.—Except as provided in
23 paragraphs (3) and (4), the Secretary shall admin-
24 ister the area described in paragraph (1) in a man-

1 ner that, to the maximum extent practicable, pro-
2 tects the wilderness character of the area.

3 (3) USE OF MOTOR VEHICLES.—The use of
4 motor vehicles, motorized equipment, and mechan-
5 ical transport shall be prohibited in the area de-
6 scribed in paragraph (1) except as necessary for—

7 (A) the administration of the area (includ-
8 ing the conduct of law enforcement and border
9 security activities in the area); or

10 (B) grazing uses by authorized permittees.

11 (4) EFFECT OF SUBSECTION.—Nothing in this
12 subsection precludes the Secretary from allowing
13 within the area described in paragraph (1) the in-
14 stallation and maintenance of communication or sur-
15 veillance infrastructure necessary for law enforce-
16 ment or border security activities.

17 (c) RESTRICTED ROUTE.—The route excluded from
18 the Potrillo Mountains Wilderness identified as “Re-
19 stricted—Administrative Access” on the map entitled
20 “Potrillo Mountains Complex” and dated December 10,
21 2013, shall be—

22 (1) closed to public access; but

23 (2) available for administrative and law enforce-
24 ment uses, including border security activities.

1 **SEC. 7. PREHISTORIC TRACKWAYS NATIONAL MONUMENT**
2 **BOUNDARY ADJUSTMENT.**

3 Section 2103 of the Omnibus Public Land Manage-
4 ment Act of 2009 (16 U.S.C. 431 note; Public Law 111-
5 11; 123 Stat. 1097) is amended by striking subsection (b)
6 and inserting the following:

7 “(b) DESCRIPTION OF LAND.—The Monument shall
8 consist of approximately 5,750 acres of public land in
9 Doña Ana County, New Mexico, as generally depicted on
10 the map entitled ‘Desert Peaks Complex’ and dated De-
11 cember 10, 2013.”.

12 **SEC. 8. RESERVATION OF LAND FOR MILITARY PURPOSES.**

13 (a) RESERVATION.—The approximately 5,100 acres
14 of land generally depicted as “Parcel C” on the map enti-
15 tled “Organ Mountains Area” and dated December 10,
16 2013, is reserved for use by the Secretary of the Army
17 for military purposes, in accordance with the Public Land
18 Order.

19 (b) WITHDRAWAL.—Subject to valid existing rights,
20 the land described in subsection (a) is withdrawn from—

21 (1) entry, appropriation, or disposal under the
22 public land laws;

23 (2) location, entry, and patent under the mining
24 laws; and

25 (3) operation of the mineral leasing, mineral
26 materials, and geothermal leasing laws.

1 (c) MODIFICATION OF PUBLIC LAND ORDER.—The
2 Public Land Order is modified to exclude the land de-
3 scribed in section 4(f).

4 (d) PUBLICATION IN FEDERAL REGISTER.—As soon
5 as practicable after the date of enactment of this Act, the
6 Secretary shall publish in the Federal Register—

7 (1) a legal description of the land described in
8 section 4(f);

9 (2) a legal description of the land described in
10 subsection (a);

11 (3) a description of the withdrawal of land
12 under subsection (b); and

13 (4) a description of the modifications to the
14 Public Land Order under subsection (c).

15 (e) REIMBURSEMENT OF COSTS.—The Secretary of
16 the Army shall reimburse the Secretary for any costs in-
17 curred by the Secretary in carrying out this section.

18 **SEC. 9. LAND EXCHANGES.**

19 (a) IN GENERAL.—Subject to subsections (c) through
20 (f), the Secretary shall attempt to enter into an agreement
21 to initiate an exchange under section 2201.1 of title 43,
22 Code of Federal Regulations (or successor regulations),
23 with the Commissioner of Public Lands of New Mexico,
24 by the date that is 18 months after the date of enactment
25 of this Act, to provide for a conveyance to the State of

1 all right, title, and interest of the United States in and
2 to Bureau of Land Management land in the State identi-
3 fied under subsection (b) in exchange for the conveyance
4 by the State to the Secretary of all right, title, and interest
5 of the State in and to parcels of State trust land within
6 the boundary of the Monument identified under that sub-
7 section or described in section 4(e)(2).

8 (b) IDENTIFICATION OF LAND FOR EXCHANGE.—
9 The Secretary and the Commissioner of Public Lands of
10 New Mexico shall jointly identify the Bureau of Land
11 Management land and State trust and eligible for ex-
12 change under this section, the exact acreage and legal de-
13 scription of which shall be determined by surveys approved
14 by the Secretary and the New Mexico State Land Office.

15 (c) APPLICABLE LAW.—A land exchange under sub-
16 section (a) shall be carried out in accordance with section
17 206 of the Federal Land Policy and Management Act of
18 1976 (43 U.S.C. 1716).

19 (d) CONDITIONS.—A land exchange under subsection
20 (a) shall be subject to—

21 (1) valid existing rights; and

22 (2) such terms as the Secretary and the State
23 shall establish.

24 (e) VALUATION, APPRAISALS, AND EQUALIZATION.—

1 (1) IN GENERAL.—The value of the Bureau of
2 Land Management land and the State trust land to
3 be conveyed in a land exchange under this sub-
4 section—

5 (A) shall be equal, as determined by ap-
6 praisals conducted in accordance with para-
7 graph (2); or

8 (B) if not equal, shall be equalized in ac-
9 cordance with paragraph (3).

10 (2) APPRAISALS.—

11 (A) IN GENERAL.—The Bureau of Land
12 Management land and State trust land to be
13 exchanged under this section shall be appraised
14 by an independent, qualified appraiser that is
15 agreed to by the Secretary and the State.

16 (B) REQUIREMENTS.—An appraisal under
17 subparagraph (A) shall be conducted in accord-
18 ance with—

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

21 (ii) the Uniform Standards of Profes-
22 sional Appraisal Practice.

23 (3) EQUALIZATION.—

24 (A) IN GENERAL.—If the value of the Bu-
25 reau of Land Management land and the State

1 trust land to be conveyed in a land exchange
2 under this section is not equal, the value may
3 be equalized by—

4 (i) making a cash equalization pay-
5 ment to the Secretary or to the State, as
6 appropriate, in accordance with section
7 206(b) of the Federal Land Policy and
8 Management Act of 1976 (43 U.S.C.
9 1716(b)); or

10 (ii) reducing the acreage of the Bu-
11 reau of Land Management land or State
12 trust land to be exchanged, as appropriate.

13 (B) CASH EQUALIZATION PAYMENTS.—

14 Any cash equalization payments received by the
15 Secretary under subparagraph (A)(i) shall be—

16 (i) deposited in the Federal Land Dis-
17 posal Account established by section
18 206(a) of the Federal Land Transaction
19 Facilitation Act (43 U.S.C. 2305(a)); and

20 (ii) used in accordance with that Act.

21 (f) LIMITATION.—No exchange of land shall be con-
22 ducted under this section unless mutually agreed to by the
23 Secretary and the State.

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums

3 as are necessary to carry out this Act.

○