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REPORT
115–440

EMERY COUNTY PUBLIC LAND MANAGEMENT ACT OF 2018

DECEMBER 19, 2018.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 2809]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2809) to establish the San Rafael Swell Western Heritage and Historic Mining National Conservation Area in the State of Utah, to designate wilderness areas in the State, to provide for certain land conveyances, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and an amendment to the title and recommends that the bill, as amended do pass.

The amendments are as follows:

1. Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Emery County Public Land Management Act of 2018".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Administration.
Sec. 4. Effect on water rights.
Sec. 5. Savings clause.

TITLE I—SAN RAFAEL SWELL WESTERN HERITAGE AND HISTORIC MINING RECREATION AREA

Sec. 101. Establishment of Recreation Area.
Sec. 102. Management of Recreation Area.
Sec. 103. San Rafael Swell Western Heritage and Historic Mining Recreation Area Advisory Council.

TITLE II—WILDERNESS AREAS

Sec. 201. Additions to the National Wilderness Preservation System.
Sec. 202. Administration.

Sec. 203. Fish and wildlife management.
Sec. 204. Release of land for nonwilderness use.

TITLE III—WILD AND SCENIC RIVER DESIGNATION

Sec. 301. Green River wild and scenic river designation.

TITLE IV—LAND MANAGEMENT AND CONVEYANCES

Sec. 401. Goblin Valley State Park recreation and public purpose agreement.
Sec. 402. Jurassic National Monument.
Sec. 403. Public land disposal and acquisition.
Sec. 404. Public purpose conveyances.

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term "Council" means the San Rafael Swell Western Heritage and Historic Mining Recreation Area Advisory Council established under section 103(a).

(2) COUNTY.—The term "County" means Emery County in the State.

(3) MANAGEMENT PLAN.—The term "Management Plan" means the management plan for the Recreation Area developed under section 102(c).

(4) MAP.—The term "Map" means the map entitled "Emery County Public Land Management Act of 2018 Overview Map" and dated October 1, 2018.

(5) RECREATION AREA.—The term "Recreation Area" means the San Rafael Swell Western Heritage and Historic Mining Recreation Area established by section 101(a)(1).

(6) SECRETARY.—The term "Secretary" means—

(A) the Secretary of the Interior, with respect to public land administered by the Bureau of Land Management; and

(B) the Secretary of Agriculture, with respect to National Forest System land.

(7) STATE.—The term "State" means the State of Utah.

(8) WILDERNESS AREA.—The term "wilderness area" means a wilderness area designated by section 201(a).

SEC. 3. ADMINISTRATION.

Nothing in this Act affects or modifies any right of any federally recognized Indian Tribe or any obligation of the United States.

SEC. 4. EFFECT ON WATER RIGHTS.

Nothing in this Act—

(1) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(2) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(3) affects any interstate water compact in existence on the date of enactment of this Act; or

(4) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

SEC. 5. SAVINGS CLAUSE.

Nothing in this Act diminishes the authority of the Secretary under Public Law 92–195 (commonly known as the "Wild Free-Roaming Horses and Burros Act") (16 U.S.C. 1331 et seq.).

TITLE I—SAN RAFAEL SWELL WESTERN HERITAGE AND HISTORIC MINING RECREATION AREA

SEC. 101. ESTABLISHMENT OF RECREATION AREA.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to valid existing rights, there is established the San Rafael Swell Western Heritage and Historic Mining Recreation Area in the State.

(2) AREA INCLUDED.—The Recreation Area shall consist of approximately 340,906 acres of Federal land managed by the Bureau of Land Management, as generally depicted on the Map.

(b) PURPOSES.—The purposes of the Recreation Area are to provide for the protection, conservation, and enhancement of the recreational, cultural, natural, scenic, wildlife, ecological, historical, and educational resources of the Recreation Area.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Recreation Area with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—A copy of the map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 102. MANAGEMENT OF RECREATION AREA.

(a) IN GENERAL.—The Secretary shall administer the Recreation Area—

(1) in a manner that conserves, protects, and enhances the purposes for which the Recreation Area is established; and

(2) in accordance with—

(A) this section;

(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(C) other applicable laws.

(b) USES.—The Secretary shall allow only uses of the Recreation Area that are consistent with the purposes for which the Recreation Area is established.

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Recreation Area.

(2) REQUIREMENTS.—The Management Plan shall—

(A) describe the appropriate uses and management of the Recreation Area;

(B) be developed with extensive public input;

(C) take into consideration any information developed in studies of the land within the Recreation Area; and

(D) be developed fully consistent with the settlement agreement entered into on January 13, 2017, in the case in the United States District Court for the District of Utah styled "Southern Utah Wilderness Alliance, et al. v. U.S. Department of the Interior, et al." and numbered 2:12–cv–257 DAK.

(d) MOTORIZED VEHICLES; NEW ROADS.—

(1) MOTORIZED VEHICLES.—Except as needed for emergency response or administrative purposes, the use of motorized vehicles in the Recreation Area shall be permitted only on roads and motorized routes designated in the Management Plan for the use of motorized vehicles.

(2) NEW ROADS.—No new permanent or temporary roads or other motorized vehicle routes shall be constructed within the Recreation Area after the date of enactment of this Act.

(3) EXISTING ROADS.—Necessary maintenance or repairs to existing roads designated in the Management Plan for the use of motorized vehicles shall be permitted after the date of enactment of this Act, consistent with the requirements of this section.

(e) GRAZING.—

(1) IN GENERAL.—The grazing of livestock in the Recreation Area, if established before the date of enactment of this Act, shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary in accordance with—

(A) applicable law (including regulations); and

(B) the purposes of the Recreation Area.

(2) INVENTORY.—Not later than 5 years after the date of enactment of this Act, the Secretary, in collaboration with any affected grazing permittee, shall carry out an inventory of facilities and improvements associated with grazing activities in the Recreation Area.

(f) COLD WAR SITES.—The Secretary shall manage the Recreation Area in a manner that educates the public about Cold War and historical uranium mine sites in the Recreation Area, subject to such terms and conditions as the Secretary considers necessary to protect public health and safety.

(g) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land located within the boundary of the Recreation Area that is acquired by the United States after the date of enactment of this Act shall—

(1) become part of the Recreation Area; and

(2) be managed in accordance with applicable laws, including as provided in this section.

(h) WITHDRAWALS.—Subject to valid existing rights, all Federal land within the Recreation Area, including any land or interest in land that is acquired by the United States within the Recreation Area after the date of enactment of this Act, is withdrawn from—

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

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

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

(i) STUDY OF NONMOTORIZED RECREATION OPPORTUNITIES.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with interested parties, shall conduct a study of nonmotorized recreation trail opportunities, including bicycle trails, within the Recreation Area, consistent with the purposes of the Recreation Area.

SEC. 103. SAN RAFAEL SWELL WESTERN HERITAGE AND HISTORIC MINING RECREATION AREA ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory council, to be known as the "San Rafael Swell Western Heritage and Historic Mining Recreation Area Advisory Council".

(b) DUTIES.—The Council shall advise the Secretary with respect to the preparation and implementation of the Management Plan for the Recreation Area.

(c) APPLICABLE LAW.—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) section 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739).

(d) MEMBERS.—The Council shall include 7 members, to be appointed by the Secretary, of whom, to the maximum extent practicable—

(1) 1 member shall represent the Emery County Commission;

(2) 1 member shall represent motorized recreational users;

(3) 1 member shall represent nonmotorized recreational users;

(4) 1 member shall represent permittees holding grazing allotments within the Recreation Area or wilderness areas designated in this Act;

(5) 1 member shall represent conservation organizations;

(6) 1 member shall have expertise in the historical uses of the Recreation Area; and

(7) 1 member shall be appointed from the elected leadership of a Federally recognized Indian Tribe that has significant cultural or historical connections to, and expertise in, the landscape, archeological sites, or cultural sites within the County.

TITLE II—WILDERNESS AREAS

SEC. 201. ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following parcels of Federal land in the State are designated as wilderness and as components of the National Wilderness Preservation System:

(1) CANDLAND MOUNTAIN.—Certain Federal land managed by the Forest Service, comprising approximately 11,521 acres, generally depicted on the Map as "Proposed Candland Mountain Wilderness", which shall be known as the "Candland Mountain Wilderness".

(2) COLD WASH.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 11,162 acres, generally depicted on the Map as "Proposed Cold Wash Wilderness", which shall be known as the "Cold Wash Wilderness".

(3) CRACK CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 25,719 acres, generally depicted on the Map as "Crack Canyon Wilderness, which shall be known as the "Crack Canyon Wilderness".

(4) DESOLATION CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 142,993 acres, generally depicted

on the Map as "Proposed Desolation Canyon Wilderness", which shall be known as the "Desolation Canyon Wilderness".

(5) DEVIL'S CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 8,675 acres, generally depicted on the Map as "Proposed Devil's Canyon Wilderness", which shall be known as the "Devil's Canyon Wilderness".

(6) EAGLE CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 13,832 acres, generally depicted on the Map as "Proposed Eagle Canyon Wilderness", which shall be known as the "Eagle Canyon Wilderness".

(7) HORSESHOE CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 26,192 acres, generally depicted on the Map as "Proposed Horseshoe Canyon Wilderness, which shall be known as the "Horseshoe Canyon Wilderness".

(8) MEXICAN MOUNTAIN.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 76,368 acres, generally depicted on the Map as "Proposed Mexican Mountain Wilderness", which shall be known as the "Mexican Mountain Wilderness".

(9) MUDDY CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 48,330 acres, generally depicted on the Map as "Proposed Muddy Creek Wilderness", which shall be known as the "Muddy Creek Wilderness".

(10) NELSON MOUNTAIN.—

(A) IN GENERAL.—Certain Federal land managed by the Forest Service, comprising approximately 7,176 acres, and certain Federal land managed by the Bureau of Land Management, comprising approximately 257 acres, generally depicted on the Map as "Proposed Nelson Mountain", which shall be known as the "Nelson Mountain Wilderness".

(B) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the 257-acre portion of the Nelson Mountain Wilderness designated by subparagraph (A) is transferred from the Bureau of Land Management to the Forest Service.

(11) RED'S CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 17,325 acres, generally depicted on the Map as "Proposed Red's Canyon Wilderness", which shall be known as the "Red's Canyon Wilderness".

(12) SAN RAFAEL REEF.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 60,425 acres, generally depicted on the Map as "Proposed San Rafael Reef Wilderness", which shall be known as the "San Rafael Reef Wilderness".

(13) SID'S MOUNTAIN.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 49,115 acres, generally depicted on the Map as "Proposed Sid's Mountain Wilderness", which shall be known as the "Sid's Mountain Wilderness".

(14) TURTLE CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 29,029 acres, generally depicted on the Map as "Proposed Turtle Canyon Wilderness", which shall be known as the "Turtle Canyon Wilderness".

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT.—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the maps and legal descriptions.

(3) AVAILABILITY.—Each map and legal description filed under paragraph (1) shall on file and available for public inspection in the appropriate office of the Secretary.

SEC. 202. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, the wilderness areas shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

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

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) RECREATIONAL CLIMBING.—Nothing in this Act prohibits recreational rock climbing activities in the wilderness areas, such as the placement, use, and maintenance of fixed anchors, including any fixed anchor established before the date of the enactment of this Act—

(1) in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

(c) TRAIL PLAN.—After providing opportunities for public comment, the Secretary shall establish a trail plan that addresses hiking and equestrian trails on the wilderness areas in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(d) LIVESTOCK.—

(1) IN GENERAL.—The grazing of livestock in the wilderness areas, if established before the date of enactment of this Act, shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary in accordance with—

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

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101–405).

(2) INVENTORY.—With respect to each wilderness area in which grazing of livestock is allowed to continue under paragraph (1), not later than 2 years after the date of enactment of this Act, the Secretary, in collaboration with any affected grazing permittee, shall carry out an inventory of facilities and improvements associated with grazing activities in the wilderness area.

(e) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Congress does not intend for the designation of the wilderness areas to create protective perimeters or buffer zones around the wilderness areas.

(2) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

(f) MILITARY OVERFLIGHTS.—Nothing in this title restricts or precludes—

(1) low-level overflights of military aircraft over the wilderness areas, including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(g) COMMERCIAL SERVICES.—Commercial services (including authorized outfitting and guide activities) within the wilderness areas may be authorized to the extent necessary for activities that are appropriate for realizing the recreational or other wilderness purposes of the wilderness areas, in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)).

(h) LAND ACQUISITION AND INCORPORATION OF ACQUIRED LAND AND INTERESTS.—

(1) ACQUISITION AUTHORITY.—The Secretary may acquire land and interests in land within the boundaries of a wilderness area by donation, purchase from a willing seller, or exchange.

(2) INCORPORATION.—Any land or interest in land within the boundary of a wilderness area that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness area.

(i) WATER RIGHTS.—

(1) STATUTORY CONSTRUCTION.—Nothing in this title—

(A) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by section 201;

(B) shall affect any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States;

(C) shall be construed as establishing a precedent with regard to any future wilderness designations;

(D) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(E) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportions water among and between the State and other States.

(2) STATE WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas.

(j) MEMORANDUM OF UNDERSTANDING.—The Secretary shall offer to enter into a memorandum of understanding with the County, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), to clarify the approval processes for the use of motorized equipment and mechanical transport for search and rescue activities in the Crack Canyon Wilderness established by section 201(a)(3).

SEC. 203. FISH AND WILDLIFE MANAGEMENT.

Nothing in this title affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

SEC. 204. RELEASE OF LAND FOR NONWILDERNESS USE.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the approximately 17,420 acres of public land administered by the Bureau of Land Management in the County that has not been designated as wilderness by section 201(a) has been adequately studied for wilderness designation.

(b) RELEASE.—The public land described in subsection (a)—

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

(2) shall be managed in accordance with—

(A) applicable law; and

(B) any applicable land management plan adopted under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

TITLE III—WILD AND SCENIC RIVER DESIGNATION

SEC. 301. GREEN RIVER WILD AND SCENIC RIVER DESIGNATION.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"(214) GREEN RIVER.—The approximately 63-mile segment, as generally depicted on the map entitled 'Emery County Public Land Management Act of 2018 Overview Map' and dated September 14, 2018, to be administered by the Secretary of the Interior, in the following classifications:

"(A) WILD RIVER SEGMENT.—The 5.3-mile segment from the boundary of the Uintah and Ouray Reservation, south to the Nefertiti boat ramp, as a wild river.

"(B) RECREATIONAL RIVER SEGMENT.—The 8.5-mile segment from the Nefertiti boat ramp, south to the Swasey's boat ramp, as a recreational river.

"(C) SCENIC RIVER SEGMENT.—The 49.2-mile segment from Bull Bottom, south to the county line between Emery and Wayne Counties, as a scenic river.".

(b) INCORPORATION OF ACQUIRED NON-FEDERAL LAND.—If the United States acquires any non-Federal land within or adjacent to a river segment of the Green River designated by paragraph (214) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)), the acquired land shall be incorporated in, and be administered as part of, the applicable wild, scenic, or recreational river.

TITLE IV—LAND MANAGEMENT AND CONVEYANCES

SEC. 401. GOBLIN VALLEY STATE PARK RECREATION AND PUBLIC PURPOSE AGREEMENT.

(a) IN GENERAL.—The Secretary shall offer to convey to the Utah Division of Parks and Recreation of the Utah Department of Natural Resources (referred to in this section as the "State"), approximately 7,000 acres of land identified on the Map as the "Proposed Goblin Valley State Park Expansion", without consideration, for the management by the State as a State park, consistent with uses allowed under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.).

(b) REVERSIONARY CLAUSE REQUIRED.—An agreement entered into under subsection (a) shall include a reversionary clause to ensure that management of the land described in that subsection shall revert to the Secretary if the land is no longer being managed as a State park in accordance with subsection (a).

SEC. 402. JURASSIC NATIONAL MONUMENT.

(a) PURPOSES.—To conserve, interpret, and enhance for the benefit of present and future generations the paleontological, scientific, educational, and recreational resources of the area and subject to valid existing rights, there is established in the State the Jurassic National Monument (referred to in this section as the "Monument"), consisting of approximately 850 acres of Federal land in the County, as generally depicted on the Map.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of the Monument.

(2) EFFECT.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the map and legal description, subject to the requirement that, before making the proposed corrections, the Secretary shall submit to the State and any affected county the proposed corrections.

(3) PUBLIC AVAILABILITY.—A copy of the map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the boundaries of the Monument and any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act is withdrawn from—

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

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

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

(d) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Monument—

(A) in a manner that conserves, protects, and enhances the resources and values of the Monument, including the resources and values described in subsection (a); and

(B) in accordance with—

(i) this section;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any other applicable Federal law.

(2) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Monument shall be managed as a component of the National Landscape Conservation System.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Monument.

(2) COMPONENTS.—The management plan developed under paragraph (1) shall—

(A) describe the appropriate uses and management of the Monument, consistent with the provisions of this section; and

(B) allow for continued scientific research at the Monument during the development of the management plan for the Monument, subject to any terms and conditions that the Secretary determines necessary to protect Monument resources.

(f) AUTHORIZED USES.—The Secretary shall only allow uses of the Monument that the Secretary determines would further the purposes for which the Monument has been established.

(g) INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.—

(1) IN GENERAL.—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate public entities to carry out paragraph (1).

(h) SPECIAL MANAGEMENT AREAS.—

(1) IN GENERAL.—The establishment of the Monument shall not modify the management status of any area within the boundary of the Monument that is managed as an area of critical environment concern.

(2) CONFLICT OF LAWS.—If there is a conflict between the laws applicable to an area described in paragraph (1) and this section, the more restrictive provision shall control.

(i) MOTORIZED VEHICLES.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Monument shall be allowed only on roads and trails designated for use by motorized vehicles under the management plan for the Monument developed under subsection (e).

(j) WATER RIGHTS.—Nothing in this section constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

(k) GRAZING.—The grazing of livestock in the Monument, if established before the date of enactment of this Act, shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary in accordance with—

(1) applicable law (including regulations);

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101–405); and

(3) the purposes of the Monument.

SEC. 403. PUBLIC LAND DISPOSAL AND ACQUISITION.

(a) IN GENERAL.—Consistent with applicable law, the Secretary may sell public land located in the County that has been identified as suitable for disposal based on specific criteria as listed in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) in the applicable resource management plan in existence on the date of enactment of this Act.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a portion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury, to be known as the "Emery County, Utah, Land Acquisition Account" (referred to in this section as the "Account").

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the Account shall be available to the Secretary, without further appropriation, to purchase from willing sellers land or interests in land within a wilderness area or the Recreation Area.

(B) APPLICABILITY.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

(C) PROTECTION OF CULTURAL RESOURCES.—To the extent that there are amounts in the Account in excess of the amounts needed to carry out subparagraph (A), the Secretary may use the excess amounts for the protection of cultural resources on Federal land within the County.

SEC. 404. PUBLIC PURPOSE CONVEYANCES.

(a) IN GENERAL.—Notwithstanding the land use planning requirement of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), on request by the applicable local governmental entity, the Secretary shall convey without consideration the following parcels of public land to be used for public purposes:

(1) EMERY CITY RECREATION AREA.—The approximately 640-acre parcel as generally depicted on the Map, to the City of Emery, Utah, for the creation or enhancement of public recreation opportunities consistent with uses allowed under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.).

(2) HUNTINGTON AIRPORT.—The approximately 320-acre parcel as generally depicted on the Map, to Emery County, Utah, for expansion of Huntington Airport consistent with uses allowed under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.).

(3) EMERY COUNTY SHERIFF'S OFFICE.—The approximately 5-acre parcel as generally depicted on the Map, to Emery County, Utah, for the Emery County Sheriff's Office substation consistent with uses allowed under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.).

(4) BUCKHORN INFORMATION CENTER.—The approximately 5-acre parcel as generally depicted on the Map, to Emery County, Utah, for the Buckhorn Infor-

mation Center consistent with uses allowed under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.).

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each parcel of land to be conveyed under subsection (a) with—

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

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

(2) EFFECT.—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical or typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the Price Field Office of the Bureau of Land Management.

(c) REVERSION.—

(1) IN GENERAL.—If a parcel of land conveyed under subsection (a) is used for a purpose other than the purpose described in that subsection, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(2) RESPONSIBILITY FOR REMEDIATION.—In the case of a reversion under paragraph (1), if the Secretary determines that the parcel of land is contaminated with hazardous waste, the local governmental entity to which the parcel of land was conveyed under subsection (a) shall be responsible for remediation.

2. Amend the title so as to read: "A bill to establish the San Rafael Swell Western Heritage and Historic Mining Recreation Area in the State of Utah, to designate wilderness areas in the State, to provide for certain land conveyances, and for other purposes.".

PURPOSE

The purpose of S. 2809, as ordered reported, is to establish the San Rafael Swell Western Heritage and Historic Mining Recreation Area in the State of Utah, to designate wilderness areas in the State, to provide for certain land conveyances.

BACKGROUND AND NEED

Emery County is located in southeastern Utah. It encompasses 4,452 square miles of richly diversified landscapes: spectacular red rock canyons, high alpine mountain meadows, pristine desert wilderness, delightful trout streams and lakes, challenging white water rivers, and rugged badlands. Emery County also contains a wealth of prehistoric civilization treasures with a world-renowned dinosaur quarry, unique Native American rock art and artifacts, pioneer cabins, wild West outlaw hideouts, and part of the Old Spanish Trail.

Ninety percent of Emery County's land base is public land administered by the Bureau of Land Management (BLM). The public lands in Emery County provide popular destinations for outdoor enthusiasts, including off-highway vehicle users, hikers, mountain bikers, rock climbers, and hunters. Many of these public lands also provide opportunities for grazing, energy development, and other commercial activities.

For over two decades, Emery County has worked with local stakeholders and the federal government to resolve longstanding questions about federal land management in the region. Those agreements and compromises are reflected in S. 2809, which establishes the 389,731 acre San Rafael Swell Western Heritage and Historic Mining Recreation Area to conserve and protect the rec-

reational, cultural, historical, educational, natural, scenic and wildlife resources of the area; designates 528,119 acres of new wilderness; releases 17,420 acres of existing wilderness study areas; expands Goblin Valley State Park by 6,261 acres of land; and establishes the Jurassic National Monument, comprising 850 acres of land.

LEGISLATIVE HISTORY

S. 2809 was introduced by Senator Hatch on May 8, 2018. The Subcommittee on Public Lands, Forests, and Mining, held a hearing to consider the bill on August 22, 2018.

A companion bill, H.R. 5727, was introduced in the House of Representatives by Rep. Curtis (R–UT) and Rep. Hanabusa (D–HI) on May 9, 2018. The Committee on Natural Resources Subcommittee on Federal Lands held a hearing on the bill on June 21, 2018. The Committee on Natural Resources ordered the bill favorably reported, as amended, by voice vote on September 26, 2018.

In the 114th Congress, similar legislation, H.R. 5780, was introduced by Reps. Bishop (R–UT) and Chaffetz (R–UT) on July 14, 2016. The Committee on Natural Resources' Subcommittee on Federal Lands held a hearing on the bill on September 14, 2016. On September 22, 2016, the Committee on Natural Resources ordered the bill to be favorably reported, as amended, on a vote of 21–13.

The Senate Committee on Energy and Natural Resources met in open business session on October 2, 2018, and ordered S. 2809 favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on October 2, 2018, by a majority voice vote of a quorum present, recommends that the Senate pass S. 2809, if amended as described herein.

COMMITTEE AMENDMENTS

During its consideration of S. 2809, the Committee adopted an amendment in the nature of a substitute and an amendment to the title.

The amendment to the title struck the language "National Conservation Area," and replaced it with "Recreation Area."

The substitute amendment adds in a new section 3, which makes clear that nothing in this legislation affects treaty rights or obligations for Federally recognized Indian tribes.

The substitute amendment adds in a new section 4, which makes clear that nothing in this legislation affects water rights.

The substitute amendment adds in a new section 5, which makes clear that nothing in this legislation diminishes the authority of the Secretary concerned from implementing the Wild Free-Roaming Horses and Burros Act.

In section 101(a), the substitute amendment changes the designation of the San Rafael Swell Western Heritage and Historic Mining region from being a "National Conservation Area," to being a "Recreation Area." Subsection (a) also increases the area designated from 336,467 acres of BLM land to 340,906 acres of BLM land.

In section 102(a), the substitute amendment adds in language requiring the Secretary concerned to administer the Recreation Area in accordance with this section and the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

The substitute amendment strikes section 102(c) of the introduced language, which relates to outfitter and guiding activities.

Subsection 102(c) of the substitute amendment increases the amount of time for the management plan to be developed from three years to five years and requires the management plan to be developed consistent with a settlement agreement between the Department of the Interior and the Southern Utah Wilderness Alliance (numbered 2:12–cv–257 DAK).

In section 102(e)(2), the substitute amendment extends the amount of time to conduct an inventory of facilities and improvements made for grazing activities from one year to five years.

In section 102(f), the substitute amendment clarifies that the Secretary concerned shall manage the cold war sites for educational purposes.

The substitute amendment strikes section 102(g) of the introduced language, which addresses the casual collection of paleontological resource, rocks, or minerals.

The substitute amendment strikes section 102(h) of the introduced language, which addresses the concerned Secretary's authority to execute wildfire management activities within the Recreation Area.

The substitute amendment adds in a new section 102(i), which requires the Secretary concerned to conduct a study within two years of enactment of this legislation on nonmotorized recreation activities.

In section 103(d), the substitute amendment decreases the number of members on the San Rafael Swell Western Heritage and Mining Recreation Area from 10 members to seven members.

The substitute amendment strikes section 103(e) of the introduced language, which directed the Secretary concerned to ensure that membership of the committee is balanced.

The substitute amendment strikes section 103(f) of the introduced language, which terminated the Advisory Council after one year.

In section 201(a), the substitute amendment decreases the acreage of land designated as wilderness at Candland Mountain from 12,338 acres of Forest Service land to 11,521 acres of Forest Service land; adds in a new section 201(a)(2), which designates 11,162 acres of BLM land as the Cold Wash Wilderness; decreases the acreage of land designated as wilderness at Crack Canyon from 25,747 acres of BLM land to 25,719 acres of BLM land; decreases the acreage of land designated as wilderness at Desolation Canyon from 173,320 acres of BLM land to 142,993 acres of BLM land; increases the acreage of land designated as wilderness at Devil's Canyon from 8,630 acres of BLM land to 8,675 acres of BLM land; adds in a new section 201(a)(6), which designates 13,832 acres of BLM land as the Eagle Canyon Wilderness; decreases the acreage of land designated as wilderness at Horseshoe Canyon from 26,226 acres of land to 26,192 acres of land; increases the acreage of land designated as wilderness at Mexican Canyon from 74,503 acres of land to 76,368 acres of land; decreases the acreage of land des-

ignated as wilderness at Muddy Creek from 65,652 acres of BLM land to 48,330 acres of BLM land; transfers 257 acres of the Nelson Mountain Wilderness from the BLM to the Forest Service; adds in a new section 201(a)(11), which designates 17,325 acres of BLM land as the Red's Canyon Wilderness; increases the acreage of land designated as wilderness at San Rafael Reef from 59,880 acres of land to 60,425 acres of land; decreases the acreage of land designated as wilderness at Sid's Mountain from 75,403 acres of land to 48,115 acres of land; and adds in a new section 201(a)(14), which designates 29,029 acres of land as the Turtle Canyon Wilderness.

In section 202, the substitute amendment adds in a new subsection (b) and subsection (c), which makes clear that recreation climbing can continue in the new wilderness areas and require the Secretary concerned to develop a plan to provide opportunities for hiking and horseback riding.

In section 202(d)(2), the substitute amendment extends the amount of time to conduct an inventory of grazing facilities and improvements from one year to two years.

The substitute amendment strikes section 202(c) of the introduced language, which authorized the Secretary concerned to conduct management activities to minimize threats from wildfire, insects, and disease.

The substitute amendment strikes section 202(g) of the introduced language, which addresses the casual collection of paleontological resources, rocks, and minerals.

The substitute amendment strikes section 202(i) of the introduced language, which addresses Tribal rights.

The substitute amendment strikes section 202(j) of the introduced language, which addresses the collection of climatological data.

The substitute amendment strikes section 202(k)(3) of the introduced language, which limited the development of new water resource facilities in the new wilderness areas.

In section 204, the substitute amendment increases the acreage of land that is released from wilderness study from 14,779 acres of BLM land to 17,420 acres of BLM land.

In section 301(a), the substitute amendment increases the length of the Green River that is designated as wild, scenic, or recreational from 54 miles to 63 miles. The subsection further clarifies, that 5.3 miles of the Green River is designated as wild, 8.5 miles of the Green River is designated as recreational, and 49.2 miles of the Green River is designated as scenic.

The substitute amendment adds in a new section 301(b), which makes clear that any land that is acquired by the Federal government and is adjacent to a designated segment of the Green River, shall be incorporated as a wild, scenic, or recreational river.

The substitute amendment strikes section 401 of the introduced language, which designated the Temple Mountain Cooperative Management Area.

In section 401(a) of the substitute amendment, the language is amended to direct the Secretary concerned to convey 7,000 acres of land to the State of Utah to be managed as the Goblin Valley State Park, rather than authorizing the Secretary concerned to enter into a management agreement to allow the State of Utah to only manage the land.

In section 402(a), the substitute amendment decrease the acreage of land designated as the Jurassic National Monument from 2,543 acres of land to 850 acres of land.

The substitute amendment adds in a new subsection (k), which authorizes continued grazing for grazing that was established prior to enactment of this legislation.

The substitute amendment adds in a new section 403(b)(2)(C), which authorizes funds collected under section 403 to be used to protect cultural resources.

In section 404(a), the substitute amendment decreases the amount of land that can be conveyed for the Huntington Airport from 1,400 acres of land to 320 acres of land; decreases the amount of land that can be conveyed for the Sheriff's Office from 640 acres of land to five acres of land; and decreases the amount of land that can be conveyed for the Buckhorn Information Center from 65 acres of land to five acres of land.

The substitute amendment strikes section 406 of the introduced language, which authorized the State of Utah to relinquish State land grant parcels in exchange for unappropriated Federal land.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title; Table of contents

Section 1 provides a short title and a table of contents for the bill.

Sec. 2. Definitions

Section 2 provides key definitions.

Sec. 3. Administration

Section 3 makes clear that nothing in this legislation impacts any right of a federally recognized Indian Tribe.

Sec. 4. Effect on water rights

Section 4 makes clear that nothing in this legislation affects use or allocation of any water right; any vested absolute or decreed conditional water right; or any interstate water compact, nor can the bill be considered as a relinquishment or reduction of any water rights reserved or appropriated by the Federal government.

Sec. 5. Savings clause

Section 5 makes clear that nothing in this legislation diminishes the authority of the Secretary of the Interior to implement the Wild Free-Roaming and Burros Act (16 U.S.C. 1331 et seq.).

TITLE I—SAN RAFAEL SWELL WESTERN HERITAGE AND HISTORIC MINING RECREATION AREA

Sec. 101. Establishment of recreation area

Subsection (a) establishes approximately 389,731 acres of BLM land as the San Rafael Swell Western Heritage and Historic Mining Recreation Area (Recreation Area).

Subsection (b) provides the purpose of the Recreation Area, which are to conserve, protect, and enhance the recreational, cultural, historical, education, natural, scenic, ecological, and wildlife resources of the Recreation Area.

Subsection (c) requires the Secretary concerned to submit a map of the Recreation Area to the Committees of jurisdiction and to make the map publically available.

Sec. 102. Management of recreation area

Subsection (a) requires the Secretary concerned to administer the land in a manner that conserves, protects, and enhances the purpose of the Recreation Area.

Subsection (b) only authorizes uses that are consistent with the purposes of the Recreation Area.

Subsection (c) requires a comprehensive management plan (Management Plan) to be developed within five years of enactment of this legislation that describes the appropriate uses of the Recreation Area and is developed with extensive public input. It further requires that the management plan be developed in accordance with a settlement agreement, numbered "2:12–cv–257 DAK."

Subsection (d) makes clear that motorized vehicles can only be used on permitted roads and routes, unless they are being used for emergency response; prohibits the construction of new roads; and authorizes maintenance and repairs to be made to the roads.

Subsection (e) authorizes grazing that was established before enactment of this legislation, to continue. It further requires the Secretary concerned, within five years of enactment of this legislation, to conduct an inventory of facilities and improvements made for grazing activities.

Subsection (f) directs the Secretary concerned to manage the Recreation Area in a manner that provides for education of historic Cold War and uranium mining sites.

Subsection (g) makes clear that any land acquired by the Federal government that is within the boundaries of the Recreation Area, will be added to the Recreation Area.

Subsection (h) withdraws the Recreation Area, subject to valid existing rights, from entry, appropriation, or disposal under public land laws; location, entry, and patent under mining laws, and mineral and geothermal leasing laws.

Subsection (i) requires the Secretary concerned, within two years of enactment of this legislation, to conduct a study of nonmotorized recreation opportunities in the Recreation Area.

Sec. 103. San Rafael Swell Western Heritage and Historic Mining Recreation Area Advisory Council

Subsection (a) directs the Secretary concerned to establish the San Rafael Swell Western Heritage and Historic Mining Recreation Area Advisory Council within 180 days of enactment of this legislation.

Subsection (b) makes clear that the purpose of the Advisory Council is to advise the Secretary concerned on preparation and implementation of the Management Plan.

Subsection (c) makes the Advisory Council subject to the Federal Advisory Committee Act and section 309 of the Federal Land Policy and Management Act.

Subsection (d) directs the Secretary concerned to appoint seven members to the Advisory Committee, including one each from Emery County, motorized recreation, nonmotorized recreation, a grazing permittee, conservation, an individual with historical

knowledge of Emery County, and an individual who is an elected leader of a Federally recognized Indian Tribe.

TITLE II—WILDERNESS AREAS

Sec. 201. Additions to the National Wilderness Preservation System

Subsection (a) designates approximately 11,521 acres of Forest Service land as the Candland Mountain Wilderness; 11,162 acres of BLM land as the Cold Wash Wilderness; 25,719 acres of BLM land as the Crack Canyon Wilderness; 142,993 acres of BLM land as the Desolation Canyon Wilderness; 8,675 acres of BLM land as the Devil's Canyon Wilderness; 13,832 acres of BLM land as the Eagle Canyon Wilderness; 26,192 acres of BLM land as the Horseshoe Canyon Wilderness; 76,368 acres of BLM land as the Mexican Mountain Wilderness; 48,330 acres of BLM land as the Muddy Creek Wilderness; 7,176 acres of Forest Service land and 257 acres of BLM land (which will be managed by the Forest Service) as the Nelson Mountain Wilderness; 17,325 acres of BLM land as the Red's Canyon Wilderness; 60,425 acres of BLM land as the San Rafael Reef Wilderness; 49,115 acres of BLM land as the Sid's Mountain Wilderness; and 29,029 acres of BLM land as the Turtle Canyon Wilderness.

Subsection (b) directs the Secretary concerned to file the map of the new wilderness area with the committees of jurisdiction and directs the Secretary concerned to make the maps publically available.

Sec. 202. Administration

Subsection (a) directs the Secretary concerned to manage the new wilderness areas pursuant to the Wilderness Act (16 U.S.C. 1131 et seq.).

Subsection (b) makes clear that recreational rock climbing activities can continue.

Subsection (c) requires the Secretary concerned to establish a plan for hiking and equestrian trails.

Subsection (d) authorizes grazing activities that were established prior to enactment of this legislation, to continue. It further requires the Secretary concerned, within two years of enactment of this legislation, to conduct an inventory of facilities and improvements made for grazing activities.

Subsection (e) prohibits the implementation of buffer zones around the new wilderness areas.

Subsection (f) makes clear that nothing in this legislation restricts or prohibits military flights and training exercises of the airspace of the new wilderness areas.

Subsection (g) authorizes commercial services, including outfitting and guiding, in the new wilderness areas.

Subsection (h) authorizes the Secretary concerned to acquire land within the boundaries of the new wilderness areas, by donation, purchase, or exchange from a willing seller. It further makes clear that any land acquired by the Federal government that is within the boundaries of the new wilderness areas, will be added to the wilderness areas.

Subsection (i) makes clear that nothing in this legislation (1) reserves water rights that is within the new wilderness areas; (2) im-

pacts any water rights in Utah, including Federal water rights; (3) establishes a precedent for future wilderness designations; or (4) limits, alters, or modifies any interstate water compacts.

Subsection (j) directs the Secretary concerned to offer to enter into a memorandum of understanding with Emery County regarding motorized access for search and rescue operations in the Crack Canyon Wilderness area.

Sec. 203. Fish and wildlife management

Section 203 makes clear that State management of fish and wildlife on public land is not impacted by this title.

Sec. 204. Release of land for nonwilderness use

Subsection (a) finds that approximately 17,420 acres of BLM land that have been designated as a WSA have been sufficiently studied.

Subsection (b) revokes the WSA designation on the 17,420 acres of BLM land.

TITLE III—WILD AND SCENIC RIVER DESIGNATION

Sec. 301. Green River wild and scenic river designations

Subsection (a) amends the Wild and Scenic River Act to designate approximately 5.3 miles of the Green River as a wild river; 8.5 miles of the Green River as a recreational river; and 49.2 miles of the Green River as a scenic river.

Subsection (b) makes clear that if the Federal government acquires any section of river within or adjacent to the segments described in subsection (a), it will be incorporated into the applicable wild, scenic, or recreational river.

TITLE IV—LAND MANAGEMENT AND CONVEYANCES

Sec. 401. Goblin Valley State Park recreation and public purpose agreement

Subsection (a) directs the Secretary concerned, at the request of the State of Utah, to convey approximately 6,261 acres of land to the State, without consideration, to be managed as a part of Goblin Valley State Park.

Subsection (b) reverts the land back to Federal management if the State is no longer managing the land as a State park.

Sec. 402. Jurassic National Monument

Subsection (a) establishes the 850 acre Jurassic National Monument (Monument) for the purposes of conserving, interpreting, and enhancing the paleontological, scientific, educational, and recreational resources of the Monument.

Subsection (b) directs the Secretary concerned to file a map with the committees of jurisdiction and to make the map publically available.

Subsection (c) withdraws the Monument from entry, appropriation, or disposal under public land laws; location, entry, and patent under mining laws; and geothermal and mineral leasing laws.

Subsection (d) directs the Secretary concerned to manage the Monument as a piece of the National Landscape Conservation System.

Subsection (e) directs the Secretary concerned to develop, within two years of enactment of this legislation, a management plan for the Monument. The management plan is required to describe the appropriate uses of the Monument and authorize continued scientific research.

Subsection (f) only authorizes the Secretary concerned to allow uses of the Monument that are consistent with its purposes.

Subsection (g) directs the Secretary concerned to provide educational and scientific interpretation of the paleontological resources and authorizes the Secretary concerned to enter into cooperative management agreements.

Subsection (h) makes clear that management of Areas of Critical Environmental Concern is not impacted by this section.

Subsection (i) authorizes motorized vehicles only on designated routes and trails, except if needed to respond to an emergency.

Subsection (j) makes clear that nothing in this section alters Federal water rights.

Subsection (k) authorizes continued grazing within the Monument, if established before enactment of this legislation.

Sec. 403. Public land disposal and acquisition

Subsection (a) authorizes the Secretary concerned to sell Federal land within Emery County that has been identified for disposal.

Subsection (b) directs the Secretary concerned to deposit the funds in the Emery County, Utah, Land Acquisition Account, and authorizes the Secretary concerned to use those funds to purchase lands to add to a wilderness area of the Recreation Area.

Sec. 404. Public purpose conveyances

Subsection (a) directs the Secretary concerned, at the request of a local government, to convey without consideration approximately 640 acres of land to be used for the Emery City Recreation Area; 320 acres of land to expand the Huntington Airport; five acres of land for the Emery County Sheriff's Office substation; and five acres of land for the Buckhorn Information Center.

Subsection (b) directs the Secretary concerned to make the map publically available and to file the map with the committees of jurisdiction.

Subsection (c) reverts the land to the Federal government if it is used for a purpose other than provided for in this legislation.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the Congressional Budget Office completes its cost estimate, it will be posted on the internet at www.cbo.gov.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2809. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2809, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 2809, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the August 22, 2018, hearing on S. 2809 follows:

STATEMENT OF CHRISTOPHER MCALEAR, ASSISTANT DIRECTOR, NATIONAL CONSERVATION LANDS & COMMUNITY PARTNERSHIPS, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to testify on S. 2809, the Emery County Public Land Management Act of 2018, which provides direction for the future management of Federal lands in Emery County, Utah. S. 2809 designates 10 new wilderness areas, establishes the San Rafael Swell Western Heritage and Historic Mining National Conservation Area (NCA) and the Jurassic National Monument, and designates 54 miles of Wild and Scenic Rivers. The bill also provides for a number of land conveyances, authorizes an exchange with the State of Utah's School and Institutional Trust Lands Administration (SITLA), and establishes a cooperative management area, among other provisions.

The Department of the Interior (Department) recognizes the significant work of Senator Hatch and Representative Curtis on S. 2809, and we appreciate the many improvements they have made from previous iterations of this proposal. Working with local governments and the public, they have reached consensus on challenging resource issues and management concerns in Emery County, Utah.

Secretary Zinke, through Secretarial Orders 3347, 3356, and 3366 has pledged to expand access to America's public lands, to increase hunting, fishing, and recreational opportunities nationwide, and to enhance conservation stewardship. In addition, Secretary Zinke is focused on restoring full collaboration and coordination with local communities and making the Department a better neighbor. The Department supports S. 2809, which we believe is consistent with the Secretary's priorities to improve recreation, public access, and collaborative conservation. We would welcome the opportunity to work with the sponsor and the Subcommittee to address a few issues outlined in this statement.

As a matter of policy, the Department strongly supports Congressional action to resolve issues of wilderness des-

ignation and release of wilderness study areas (WSAs) on public lands across the West, and we welcome opportunities to further those efforts. We defer to the Department of Agriculture regarding provisions in the bill concerning the lands and interests they administer.

Because of the complexity of this legislation and the importance of these issues to the Department, this statement will address each of the bill's provisions individually.

BACKGROUND

Emery County, located in east central Utah, covers approximately 4,500 square miles and is home to about 11,000 people. The lands managed by the Bureau of Land Management (BLM) in this region range from rolling uplands and snow-capped peaks to free-flowing rivers and colorful red-rock canyons, which are rich in prehistoric and cultural sites. This varied terrain provides habitat for a broad array of wildlife, including mule deer, pronghorn antelope, bighorn sheep, and several sensitive bird and fish species. The public lands in Emery County provide popular destinations for outdoor enthusiasts, including off-highway vehicle users, hikers, mountain bikers, rock climbers, and hunters. Many of these public lands also provide opportunities for grazing, energy development, and other commercial activities.

S. 2809, Emery County Public Land Management Act of 2018 S. 2809 establishes the San Rafael Swell Western Heritage and Historic Mining NCA and the Jurassic National Monument. The bill also creates 10 new wilderness areas, releases portions of existing WSAs, and designates approximately 54 miles of Wild and Scenic Rivers. Finally, S. 2809 provides for a number of land conveyances, authorizes an exchange with the State of Utah, and establishes a cooperative management area, along with other miscellaneous provisions.

San Rafael Swell National Conservation Area (Title I)

Title I of S. 2809 establishes the approximately 336,500-acre San Rafael Swell Western Heritage and Historic Mining NCA on BLM-managed public lands. The proposed NCA would be subject to valid existing rights. The San Rafael Swell features brightly colored and wildly eroded sandstone formations, deep canyons, and giant plates of stone tilted upright through massive geologic upheaval. The fins and folds of the San Rafael Reef jut through the southeast side of the area and feature dramatic cliffs, pinnacles, the knobs of Goblin Valley, and twisted canyons. As a result, this area provides significant opportunities for hiking, biking, off-highway vehicle recreation, horseback riding, canyoneering, and river running, among many others.

Title I of the bill also requires the Secretary, through the BLM, to develop a Resource Management Plan (RMP) for the NCA within three years of enactment. Specifically, the bill requires that the RMP describe the appropriate

uses of the NCA, be developed with extensive public input, and take into consideration any information developed in studies of the land within the NCA. The Department values and appreciates working closely with partners and looks forward to continuing to work with local government agencies and organizations on the management of the NCA.

Finally, Title I of the bill establishes an advisory council to assist the BLM with the preparation of the RMP for the NCA. The Department has supported advisory councils for many NCAs and similar designations, and we believe that the local input and involvement that they provide is beneficial in the management of public lands.

The Department would welcome the opportunity to work with the sponsor and the Subcommittee on a number of modifications to Title I that we believe would enhance implementation, including boundary adjustments for manageability and clarifying amendments related to maps, road construction, grazing and related infrastructure, public safety, archeological resources, water rights, casual collection, and time frames. We would also like to work with the sponsor on language clarifying the specific purposes for which the NCA would be designated.

Wilderness & Wild and Scenic River Designations (Titles II & III)

Title II of S. 2809 would designate 10 new wilderness areas on over 529,000 acres of Federal land in Emery County. The designations are on lands managed primarily by the BLM (approximately 509,000 acres) and the U.S. Forest Service (approximately 20,000 acres). The Department notes that the BLM-managed lands proposed for wilderness designation by Title II of the bill generally serve as habitat for a diversity of plant and animal life and provide important opportunities for hiking, hunting, rock climbing, horseback riding, and other forms of outdoor recreation in eastern Utah. Title II would also release approximately 14,800 acres of BLM managed lands from WSA status, allowing these areas to be managed according to the existing BLM land use plans. These lands are small portions of WSAs that were not designated wilderness by this or previous legislation.

We recognize the hard work of the sponsor and other members of the Utah delegation in seeking consensus on BLM wilderness designations and WSA releases. Only Congress can determine whether to designate WSAs as wilderness or to release them for other multiple uses. The WSAs included in the proposed wilderness designations have been pending final resolution by Congress since 1991. The Department, therefore, strongly supports Congress settling the status of these lands, which would provide certainty to public land users in Emery County.

The Department would welcome the opportunity to work with the sponsor and the Subcommittee on a few modifications to Title II, including boundary modifications to the

proposed wildernesses to improve manageability and clarifying amendments to the map language, grazing allotment review, water rights and resource facilities, existing withdrawals, casual collection, and time frames. The Department also notes that there are existing power site classification and reserve withdrawals within some of the lands proposed for wilderness designation.

Further, the Department notes that for many years Congress has referred to House Report 98–40 to clarify intent with regard to fuels management. Despite this, prior to this Administration, there has been a reluctance to use the authority in the Wilderness Act to adequately manage for wildfire. The Department recommends that the language be amended to explicitly state the types of activities that Congress envisions within this authorization to ensure clear intent with respect to active and efficient management.

Title III of the bill would designate approximately 54 miles of the Green River as wild, scenic, and recreational rivers corridors under the Wild and Scenic Rivers Act. The Department would like to work with the sponsor on technical changes, including language identifying beginning and ending points for individual river segments and enhancing manageability.

Public Land Management, Disposals, & SITLA Exchange (Title IV)

Section 402 of S. 2809 requires the Secretary to enter into an agreement under the Recreation and Public Purposes Act (R&PP Act) with the Division of Parks and Recreation of the Utah Department of Natural Resources for approximately 9,350 acres of BLM-managed lands to expand Goblin Valley State Park. Section 401 of the bill designates the Temple Mountain Cooperative Management Area (CMA) on approximately 7,800 acres of public lands surrounding the enlarged park and the proposed Crack Canyon Wilderness, for the purpose of promoting and managing outdoor recreation and conserving the recreational and scenic resources of the area. Section 401 further authorizes the Secretary, at the State of Utah's request, to enter into a cooperative agreement whereby the CMA would be managed by the Division of Parks and Recreation of the Utah Department of Natural Resources.

The Department supports minor conveyances for the expansion or establishment of public parks in various western states. We would like the opportunity to work with the sponsor and the Subcommittee on a few modifications to the proposed Goblin Valley State Park expansion, including boundary adjustments for improved manageability and clarifying amendments regarding cultural and historic resources, potential conflicts with wild horse herd management areas, unpatented mining claims, the specific mechanism for conveyance, and consistency with the requirements of the R&PP Act.

Section 403 of S. 2809 designates approximately 2,500 acres of BLM-managed public lands as the Jurassic National Monument. The BLM currently manages a portion of this area as the Cleveland-Lloyd Dinosaur Quarry to protect and conserve its unique paleontological resources, which includes the densest concentration of Jurassic-era dinosaur bones in the world. The Department supports this designation and would welcome the opportunity to work with the sponsor on a few modifications to improve manageability, including boundary adjustments and clarifying amendments.

Section 404 of the bill would authorize the Secretary to sell public lands within Emery County that have been identified as potentially suitable for disposal in the applicable land use plan as of the date of enactment. Any proceeds from the sale of land would be deposited into a special U.S. Treasury account, which would be available to the Secretary to acquire from willing sellers any land or interests in land within the proposed wildernesses or the San Rafael Swell NCA.

Section 405 of the bill would transfer four parcels of public land—encompassing approximately 2,700 acres—to State and local governmental entities for a variety of public purposes and includes a standard reversionary clause to ensure that they are used for their intended purpose. This section also includes language requiring that any hazardous contamination be remediated by the applicable local government entity prior to reversion. The Department has previously supported legislated, no-cost public purpose conveyances if they meet standards under the R&PP Act and are determined to be appropriate for transfer out of Federal ownership. The Department would like to work with the sponsor on a few amendments to this section, including boundary adjustments for manageability and protection of known cultural and historic resources, time frames, mapping requirements, and language more clearly defining the specific public purposes for each of the conveyances.

Section 406 of S. 2809 authorizes the State of Utah to relinquish inholdings within the proposed wildernesses and San Rafael Swell NCA and select BLM-managed public lands that are not part of the BLM's National Conservation Lands, areas of critical environmental concern (ACECs), special recreation management areas, and (with some exceptions) acquired lands to receive in exchange. The purpose of these exchanges would be to consolidate ownership of isolated State parcels and to transfer public lands to the State for economic development.

Under this section, the land exchanges would be completed subject to valid existing rights, and appraisals would be conducted. The Secretary or the State may assume all of the costs or other responsibilities associated with the exchange and make adjustments to the relative values involved in the conveyance of land to compensate the Secretary or the State, as applicable, for assuming

these costs or other responsibilities. If the value of the lands proposed for exchange is not equal, they must be made equal by the State or Secretary making a cash equalization payment to the other party or through the use of a ledger account.

The Department supports the completion of major land exchanges that consolidate ownership of scattered tracts of land, thereby easing BLM and State land management tasks. We would like the opportunity to work with the sponsor and Subcommittee to incorporate standard appraisal and equalization of values language into the exchange contemplated by section 406. This language would allow the Department to continue its adherence to the Uniform Appraisal Standards for Federal Land Acquisition and Uniform Standards of Professional Appraisal Practice. The Department recommends that any appraisal process be managed by DOI's Appraisal and Valuation Services Office, which provides credible, timely, and efficient valuation services to ensure public trust in Federal real property transactions. While it may be appropriate to consider alternative methods for low-value parcels and environmental review as envisioned by this legislation, we believe in general that adhering to existing Federal Land Policy and Management Act (FLPMA) processes as much as possible is important.

The Department would also welcome the opportunity to work with the sponsor on a few modifications to the land exchange outlined in section 406, including language clarifying whether it is subject to section 206 of FLPMA, areas eligible for selection, timing of the withdrawal, grazing considerations, and time frames.

CONCLUSION

The Department greatly appreciates the sponsor's ambitious effort to address difficult resource and land management issues in Emery County, Utah. We support S. 2809, which we believe is consistent with the Secretary's priorities to improve recreation, public access, and conservation stewardship. The Department looks forward to continuing to work with the sponsor and the Subcommittee as this bill moves forward through the legislative process.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 2809, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

WILD AND SCENIC RIVERS ACT

Public Law 90–542, as amended

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SEC. 3 (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) CLEARWATER, MIDDLE FORK, IDAHO.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

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(214) GREEN RIVER.—The approximately 63-mile segment, as generally depicted on the map entitled 'Emery County Public Land Management Act of 2018 Overview Map' and dated September 14, 2018, to be administered by the Secretary of the Interior, in the following classifications:

(A) WILD RIVER SEGMENT.—The 5.3-mile segment from the boundary of the Uintah and Ouray Reservation, south to the Nefertiti boat ramp, as a wild river.

(B) RECREATIONAL RIVER SEGMENT.—The 8.5-mile segment from the Nefertiti boat ramp, south to the Swasey's boat ramp, as a recreational river.

(C) SCENIC RIVER SEGMENT.—The 49.2-mile segment from Bull Bottom, south to the county line between Emery and Wayne Counties, as a scenic river.

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