

JUNE 12, 2012

RULES COMMITTEE PRINT 112-25
TEXT OF H.R. 2578, TO AMEND THE WILD AND
SCENIC RIVERS ACT RELATED TO A SEGMENT
OF THE LOWER MERCED RIVER IN CALI-
FORNIA, AND FOR OTHER PURPOSES.

[Showing the text of H.R. 2578, H.R. 460, H.R. 1408, H.R. 3100,
H.R. 1545, H.R. 2352, H.R. 3069, H.R. 3685, H.R. 4039, H.R.
4094, H.R. 4234, H.R. 3065, H.R. 258, H.R. 1505 as ordered re-
ported by the Committee on Natural Resources]

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Conservation and Eco-
3 nomic Growth Act”.

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents for this Act is as follows:

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Sec. 2. Table of contents.

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FACILITATION ACT

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- Sec. 504. Waco Mammoth National Monument, Texas.
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- Sec. 801. Reauthorization of Herger-Feinstein Quincy Library Group Forest Recovery Act.

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TITLE XII—TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT ACT

- Sec. 1201. Short title.
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TITLE XIV—NATIONAL SECURITY AND FEDERAL LANDS PROTECTION ACT

- Sec. 1401. Short title.
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Sec. 1403. Sunset.

1 **TITLE I—LOWER MERCED RIVER**

2 **SEC. 101. LOWER MERCED RIVER.**

3 (a) WILD AND SCENIC RIVERS ACT.—Section
4 3(a)(62)(B)(i) of the Wild and Scenic Rivers Act (16
5 U.S.C. 1274(a)(62)) is amended—

6 (1) by striking “the normal maximum” the first
7 place that it appears and all that follows through
8 “April, 1990.” and inserting the following: “the

1 boundary of FERC Project No. 2179 as it existed
2 on July 18, 2011, consisting of a point approxi-
3 mately 2,480 feet downstream of the confluence with
4 the North Fork of the Merced River, consisting of
5 approximately 7.4 miles.”; and

6 (2) by striking “the normal maximum operating
7 pool water surface level of Lake McClure” the sec-
8 ond time that it occurs and inserting “the boundary
9 of FERC Project No. 2179 as it existed on July 18,
10 2011, consisting of a point approximately 2,480 feet
11 downstream of the confluence with the North Fork
12 of the Merced River”.

13 (b) EXCHEQUER PROJECT.—Section 3 of Public Law
14 102–432 is amended by striking “Act:” and all that fol-
15 lows through the period and inserting “Act.”.

16 **TITLE II—BONNEVILLE UNIT**
17 **CLEAN HYDROPOWER FACILI-**
18 **TATION ACT**

19 **SEC. 201. SHORT TITLE.**

20 This title may be cited as the “Bonneville Unit Clean
21 Hydropower Facilitation Act”.

22 **SEC. 202. DIAMOND FORK SYSTEM DEFINED.**

23 For the purposes of this title, the term “Diamond
24 Fork System” means the facilities described in chapter 4

1 of the October 2004 Supplement to the 1988 Definite
2 Plan Report for the Bonneville Unit.

3 **SEC. 203. COST ALLOCATIONS.**

4 Notwithstanding any other provision of law, in order
5 to facilitate hydropower development on the Diamond
6 Fork System, the amount of reimbursable costs allocated
7 to project power in Chapter 6 of the Power Appendix in
8 the October 2004 Supplement to the 1988 Bonneville Unit
9 Definite Plan Report, with regard to power development
10 upstream of the Diamond Fork System, shall be consid-
11 ered final costs as well as costs in excess of the total max-
12 imum repayment obligation as defined in section 211 of
13 the Central Utah Project Completion Act of 1992 (Public
14 Law 102–575), and shall be subject to the same terms
15 and conditions.

16 **SEC. 204. NO PURCHASE OR MARKET OBLIGATION; NO**
17 **COSTS ASSIGNED TO POWER.**

18 Nothing in this title shall obligate the Western Area
19 Power Administration to purchase or market any of the
20 power produced by the Diamond Fork power plant and
21 none of the costs associated with development of trans-
22 mission facilities to transmit power from the Diamond
23 Fork power plant shall be assigned to power for the pur-
24 pose of Colorado River Storage Project ratemaking.

1 **SEC. 205. PROHIBITION ON TAX-EXEMPT FINANCING.**

2 No facility for the generation or transmission of hy-
3 droelectric power on the Diamond Fork System may be
4 financed or refinanced, in whole or in part, with proceeds
5 of any obligation—

6 (1) the interest on which is exempt from the
7 tax imposed under chapter 1 of the Internal Rev-
8 enue Code of 1986, or

9 (2) with respect to which credit is allowable
10 under subpart I or J of part IV of subchapter A of
11 chapter 1 of such Code.

12 **SEC. 206. REPORTING REQUIREMENT.**

13 If, 24 months after the date of the enactment of this
14 title, hydropower production on the Diamond Fork System
15 has not commenced, the Secretary of the Interior shall
16 submit a report to the Committee on Natural Resources
17 of the House of Representatives and the Committee on
18 Energy and Natural Resources of the Senate stating this
19 fact, the reasons such production has not yet commenced,
20 and a detailed timeline for future hydropower production.

21 **SEC. 207. PAYGO.**

22 The budgetary effects of this title, for the purpose
23 of complying with the Statutory Pay-As-You-Go Act of
24 2010, shall be determined by reference to the latest state-
25 ment titled “Budgetary Effects of PAYGO Legislation”
26 for this title, submitted for printing in the Congressional

1 Record by the Chairman of the House Budget Committee,
2 provided that such statement has been submitted prior to
3 the vote on passage.

4 **SEC. 208. LIMITATION ON THE USE OF FUNDS.**

5 The authority under the provisions of section 301 of
6 the Hoover Power Plant Act of 1984 (Public Law 98–381;
7 42 U.S.C. 16421a) shall not be used to fund any study
8 or construction of transmission facilities developed as a
9 result of this title.

10 **TITLE III—SOUTHEAST ALASKA**
11 **NATIVE LAND ENTITLEMENT**
12 **FINALIZATION AND JOBS**
13 **PROTECTION ACT**

14 **SEC. 301. SHORT TITLE.**

15 This title may be cited as the “Southeast Alaska Na-
16 tive Land Entitlement Finalization and Jobs Protection
17 Act”.

18 **SEC. 302. DEFINITIONS.**

19 In this title:

20 (1) CONSERVATION SYSTEM UNIT.—The term
21 “conservation system unit” has the meaning given
22 the term in section 102 of the Alaska National In-
23 terest Lands Conservation Act (16 U.S.C. 3102).

24 (2) SEALASKA.—The term “Sealaska” means
25 the Sealaska Corporation, a Regional Native Cor-

1 poration created under the Alaska Native Claims
2 Settlement Act (43 U.S.C. 1601 et seq.).

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

5 **SEC. 303. FINDINGS; PURPOSE.**

6 (a) FINDINGS.—Congress finds that—

7 (1)(A) in 1971, Congress enacted the Alaska
8 Native Claims Settlement Act (43 U.S.C. 1601 et
9 seq.) to recognize and settle the aboriginal claims of
10 Alaska Natives to land historically used by Alaska
11 Natives for traditional, cultural, and spiritual pur-
12 poses; and

13 (B) that Act declared that the land settlement
14 “should be accomplished rapidly, with certainty, in
15 conformity with the real economic and social needs
16 of Natives”;

17 (2) the Alaska Native Claims Settlement Act
18 (43 U.S.C. 1601 et seq.)—

19 (A) authorized the distribution of approxi-
20 mately \$1,000,000,000 and 44,000,000 acres of
21 land to Alaska Natives; and

22 (B) provided for the establishment of Na-
23 tive Corporations to receive and manage the
24 funds and that land to meet the cultural, social,
25 and economic needs of Native shareholders;

1 (3) under section 12 of the Alaska Native
2 Claims Settlement Act (43 U.S.C. 1611), each Re-
3 gional Corporation, other than Sealaska (the Re-
4 gional Corporation for southeast Alaska), was au-
5 thorized to receive a share of land based on the pro-
6 portion that the number of Alaska Native share-
7 holders residing in the region of the Regional Cor-
8 poration bore to the total number of Alaska Native
9 shareholders, or the relative size of the area to which
10 the Regional Corporation had an aboriginal land
11 claim bore to the size of the area to which all Re-
12 gional Corporations had aboriginal land claims;

13 (4)(A) Sealaska, the Regional Corporation for
14 southeast Alaska, 1 of the Regional Corporations
15 with the largest number of Alaska Native share-
16 holders, with more than 21 percent of all original
17 Alaska Native shareholders, received less than 1 per-
18 cent of the lands set aside for Alaska Natives, and
19 received no land under section 12 of the Alaska Na-
20 tive Claims Settlement Act (43 U.S.C. 1611);

21 (B) the Tlingit and Haida Indian Tribes of
22 Alaska was 1 of the entities representing the Alaska
23 Natives of southeast Alaska before the date of enact-
24 ment of the Alaska Native Claims Settlement Act
25 (43 U.S.C. 1601 et seq.); and

1 (C) Sealaska did not receive land in proportion
2 to the number of Alaska Native shareholders, or in
3 proportion to the size of the area to which Sealaska
4 had an aboriginal land claim, in part because of a
5 United States Court of Claims cash settlement to
6 the Tlingit and Haida Indian Tribes of Alaska in
7 1968 for land previously taken to create the Tongass
8 National Forest and Glacier Bay National Monu-
9 ment;

10 (5) the 1968 Court of Claims cash settlement
11 of \$7,500,000 did not—

12 (A) adequately compensate the Alaska Na-
13 tives of southeast Alaska for the significant
14 quantity of land and resources lost as a result
15 of the creation of the Tongass National Forest
16 and Glacier Bay National Monument or other
17 losses of land and resources; or

18 (B) justify the significant disparate treat-
19 ment of Sealaska under the Alaska Native
20 Claims Settlement Act (43 U.S.C. 1611) in
21 1971;

22 (6)(A) while each other Regional Corporation
23 received a significant quantity of land under sections
24 12 and 14 of the Alaska Native Claims Settlement
25 Act (43 U.S.C. 1611, 1613), Sealaska only received

1 land under section 14(h) of that Act (43 U.S.C.
2 1613(h));

3 (B) section 14(h) of the Alaska Native Claims
4 Settlement Act (43 U.S.C. 1613(h)) authorized the
5 Secretary to withdraw and convey 2,000,000-acres
6 of “unreserved and unappropriated” public lands in
7 Alaska from which Alaska Native selections could be
8 made for historic sites, cemetery sites, Urban Cor-
9 poration land, Native group land, and Native Allot-
10 ments;

11 (C) under section 14(h)(8) of the Alaska Native
12 Claims Settlement Act (43 U.S.C. 1613(h)(8)), after
13 selections are made under paragraphs (1) through
14 (7) of that section, the land remaining in the
15 2,000,000-acre land pool is allocated based on the
16 proportion that the original Alaska Native share-
17 holder population of a Regional Corporation bore to
18 the original Alaska Native shareholder population of
19 all Regional Corporations;

20 (D) the only Native land entitlement of
21 Sealaska derives from a proportion of leftover land
22 remaining from the 2,000,000-acre land pool, esti-
23 mated as of the date of enactment of this Act at ap-
24 proximately 1,700,000 acres;

1 (E) because at the time of enactment of the
2 Alaska Native Claims Settlement Act (43 U.S.C.
3 1601 et seq.) all public land in the Tongass National
4 Forest had been reserved for purposes of creating
5 the national forest, the Secretary was not able to
6 withdraw any public land in the Tongass National
7 Forest for selection by and conveyance to Sealaska;

8 (F) at the time of enactment of the Alaska Na-
9 tive Claims Settlement Act (43 U.S.C. 1601 et seq.)
10 other public lands in southeast Alaska not located in
11 the Tongass National Forest were not suitable for
12 selection by and conveyance to Sealaska because
13 such lands were located in Glacier Bay National
14 Monument, were included in a withdrawal effected
15 pursuant to section 17(d)(2) of that Act (43 U.S.C.
16 1616(d)(2)) and slated to become part of the
17 Wrangell-St. Elias National Park, or essentially con-
18 sisted of mountain tops;

19 (G) Sealaska in 1975 requested that Congress
20 amend the Alaska Native Claims Settlement Act (43
21 U.S.C. 1601 et seq.) to permit the Regional Cor-
22 poration to select lands inside of the withdrawal
23 areas established for southeast Alaska Native vil-
24 lages under section 16 of that Act (43 U.S.C. 1615);
25 and

1 (H) in 1976, Congress amended section 16 of
2 the Alaska Native Claims Settlement Act (43 U.S.C.
3 1615) to allow Sealaska to select lands under section
4 14(h)(8) of that Act (43 U.S.C. 1613(h)(8)) from
5 land located inside, rather than outside, the with-
6 drawal areas established for southeast Alaska Native
7 villages;

8 (7) the 10 Alaska Native village withdrawal
9 areas in southeast Alaska surround the Alaska Na-
10 tive communities of Yakutat, Hoonah, Angoon,
11 Kake, Kasaan, Klawock, Craig, Hydaburg, Klukwan,
12 and Saxman;

13 (8)(A) the existing conveyance requirements of
14 the Alaska Native Claims Settlement Act (43 U.S.C.
15 1601 et seq.) for southeast Alaska limit the land eli-
16 gible for conveyance to Sealaska to the original with-
17 drawal areas surrounding 10 Alaska Native villages
18 in southeast Alaska, which precludes Sealaska from
19 selecting land located—

20 (i) in any withdrawal area established for
21 the Urban Corporations for Sitka and Juneau,
22 Alaska; or

23 (ii) outside the 10 Alaska Native village
24 withdrawal areas; and

1 (B) unlike other Regional Corporations,
2 Sealaska is not authorized to request land located
3 outside the withdrawal areas described in subpara-
4 graph (A) if the withdrawal areas are insufficient to
5 complete the land entitlement of Sealaska under the
6 Alaska Native Claims Settlement Act (43 U.S.C.
7 1601 et seq.);

8 (9)(A) the deadline for applications for selection
9 of cemetery sites and historic places on land outside
10 withdrawal areas established under section 14 of the
11 Alaska Native Claims Settlement Act (43 U.S.C.
12 1613) was July 1, 1976;

13 (B)(i) as of that date, the Bureau of Land
14 Management notified Sealaska that the total entitle-
15 ment of Sealaska would be approximately 200,000
16 acres; and

17 (ii) Sealaska made entitlement allocation deci-
18 sions for cultural sites and economic development
19 sites based on that original estimate; and

20 (C) as a result of the Alaska Land Transfer Ac-
21 celeration Act (Public Law 108–452; 118 Stat.
22 3575) and subsequent related determinations and
23 actions of the Bureau of Land Management, it be-
24 came clear within the last decade that Sealaska will
25 receive significantly more than 200,000 acres pursu-

1 ant to the Alaska Native Claims Settlement Act (43
2 U.S.C. 1601 et seq.);

3 (10) in light of the revised Bureau of Land
4 Management estimate of the total number of acres
5 that Sealaska will receive pursuant to the Alaska
6 Native Claims Settlement Act (43 U.S.C. 1601 et
7 seq.), and in consultation with Members of Alaska's
8 congressional delegation, Sealaska and its share-
9 holders believe that it is appropriate to allocate more
10 of the entitlement of Sealaska to—

11 (A) the acquisition of places of sacred, cul-
12 tural, traditional, and historical significance;

13 (B) the acquisition of sites with traditional
14 and recreational use value and sites suitable for
15 renewable energy development; and

16 (C) the acquisition of lands that are not
17 within the watersheds of Native and non-Native
18 communities and are suitable economically and
19 environmentally for natural resource develop-
20 ment;

21 (11)(A) pursuant to section 11(a)(1) of the
22 Alaska Native Claims Settlement Act (43 U.S.C.
23 1610(a)(1)), Sealaska was not authorized to select
24 under section 14(h)(1) of that Act (43 U.S.C.
25 1613(h)(1)) any site within Glacier Bay National

1 Park, despite the abundance of cultural sites within
2 that Park;

3 (B) Sealaska seeks cooperative agreements to
4 ensure that cultural sites within Glacier Bay Na-
5 tional Park are subject to cooperative management
6 by Sealaska, Village and Urban Corporations, and
7 federally recognized tribes with ties to the cultural
8 sites and history of the Park; and

9 (C) Congress recognizes that there is an exist-
10 ing Memorandum of Understanding (MOU) between
11 the Park Service and the Hoonah Indian Associa-
12 tion, and does not intend to circumvent the MOU;
13 rather the intent is to ensure that this and similar
14 mechanisms for cooperative management in Glacier
15 Bay are required by law;

16 (12)(A) the cemetery sites and historic places
17 conveyed to Sealaska pursuant to section 14(h)(1) of
18 the Alaska Native Claims Settlement Act (43 U.S.C.
19 1613(h)(1)) are subject to a restrictive covenant not
20 required by the Alaska Native Claims Settlement
21 Act (43 U.S.C. 1601 et seq.) that hinders the ability
22 of Sealaska to use the sites for cultural, educational,
23 or research purposes for Alaska Natives and others;

1 (B) historic sites managed by the Forest Serv-
2 ice are not subject to the limitations referred to in
3 subparagraph (A); and

4 (C) Alaska Natives of southeast Alaska should
5 be permitted to use cemetery sites and historic
6 places in a manner that is—

7 (i) consistent with the sacred, cultural, tra-
8 ditional, or historic nature of the site; and

9 (ii) not inconsistent with the management
10 plans for adjacent public land;

11 (13) 44 percent (820,000 acres) of the 10 Alas-
12 ka Native village withdrawal areas established under
13 the Alaska Native Claims Settlement Act (43 U.S.C.
14 1601 et seq.) described in paragraphs (7) and (8)
15 are composed of salt water and not available for se-
16 lection;

17 (14) of land subject to the selection rights of
18 Sealaska, 110,000 acres are encumbered by guber-
19 natorial consent requirements under the Alaska Na-
20 tive Claims Settlement Act (43 U.S.C. 1601 et seq.);

21 (15) in each withdrawal area, there exist factors
22 that limit the ability of Sealaska to select sufficient
23 land, and, in particular, economically viable land, to
24 fulfill the land entitlement of Sealaska, including
25 factors such as—

1 (A) with respect to the Yakutat withdrawal
2 area—

3 (i) 46 percent of the area is salt
4 water;

5 (ii) 10 sections (6,400 acres) around
6 the Situk Lake were restricted from selec-
7 tion, with no consideration provided for the
8 restriction; and

9 (iii)(I) 70,000 acres are subject to a
10 gubernatorial consent requirement before
11 selection; and

12 (II) Sealaska received no consider-
13 ation with respect to the consent restric-
14 tion;

15 (B) with respect to the Hoonah withdrawal
16 area, 51 percent of the area is salt water;

17 (C) with respect to the Angoon withdrawal
18 area—

19 (i) 120,000 acres of the area is salt
20 water;

21 (ii) Sealaska received no consideration
22 regarding the prohibition on selecting land
23 from the 80,000 acres located within the
24 Admiralty Island National Monument; and

1 (iii)(I) the Village Corporation for
2 Angoon was allowed to select land located
3 outside the withdrawal area on Prince of
4 Wales Island, subject to the condition that
5 the Village Corporation shall not select
6 land located on Admiralty Island; but

7 (II) no alternative land adjacent to
8 the out-of-withdrawal land of the Village
9 Corporation was made available for selec-
10 tion by Sealaska;

11 (D) with respect to the Kake withdrawal
12 area—

13 (i) 64 percent of the area is salt
14 water; and

15 (ii) extensive timber harvesting by the
16 Forest Service occurred in the area before
17 1971 that significantly reduced the value
18 of land available for selection by, and con-
19 veyance to, Sealaska;

20 (E) with respect to the Kasaan withdrawal
21 area—

22 (i) 54 percent of the area is salt
23 water; and

24 (ii) the Forest Service previously har-
25 vested in the area;

1 (F) with respect to the Klawock with-
2 drawal area—

3 (i) the area consists of only 5 town-
4 ships, as compared to the usual withdrawal
5 area of 9 townships, because of the prox-
6 imity of the Klawock withdrawal area to
7 the Village of Craig, which reduces the se-
8 lection area by 92,160 acres; and

9 (ii) the Klawock and Craig withdrawal
10 areas are 35 percent salt water;

11 (G) with respect to the Craig withdrawal
12 area, the withdrawal area consists of only 6
13 townships, as compared to the usual withdrawal
14 area of 9 townships, because of the proximity of
15 the Craig withdrawal area to the Village of
16 Klawock, which reduces the selection area by
17 69,120 acres;

18 (H) with respect to the Hydaburg with-
19 drawal area—

20 (i) 36 percent of the area is salt
21 water; and

22 (ii) Sealaska received no consideration
23 under the Haida Land Exchange Act of
24 1986 (Public Law No. 99–664; 100 Stat.
25 4303) for relinquishing selection rights to

1 land within the withdrawal area that the
2 Haida Corporation exchanged to the For-
3 est Service;

4 (I) with respect to the Klukwan withdrawal
5 area—

6 (i) 27 percent of the area is salt
7 water; and

8 (ii) the withdrawal area is only 70,000
9 acres, as compared to the usual withdrawal
10 area of 207,360 acres, which reduces the
11 selection area by 137,360 acres; and

12 (J) with respect to the Saxman withdrawal
13 area—

14 (i) 29 percent of the area is salt
15 water;

16 (ii) Sealaska received no consideration
17 for the 50,576 acres within the withdrawal
18 area adjacent to the first-class city of
19 Ketchikan that were excluded from selec-
20 tion;

21 (iii) Sealaska received no consider-
22 ation with respect to the 1977 amendment
23 to the Alaska Native Claims Settlement
24 Act (43 U.S.C. 1601 et seq.) requiring gu-

1 bernatorial consent for selection of 58,000
2 acres in that area; and

3 (iv) 23,888 acres are located within
4 the Annette Island Indian Reservation for
5 the Metlakatla Indian Tribe and are not
6 available for selection;

7 (16) the selection limitations and guidelines ap-
8 plicable to Sealaska under the Alaska Native Claims
9 Settlement Act (43 U.S.C. 1601 et seq.)—

10 (A) are inequitable and inconsistent with
11 the purposes of that Act because there is insuf-
12 ficient land remaining in the withdrawal areas
13 to meet the traditional, cultural, and socio-
14 economic needs of the shareholders of Sealaska;
15 and

16 (B) make it difficult for Sealaska to se-
17 lect—

18 (i) places of sacred, cultural, tradi-
19 tional, and historical significance;

20 (ii) sites with traditional and recre-
21 ation use value and sites suitable for re-
22 newable energy development; and

23 (iii) lands that meet the real economic
24 needs of the shareholders of Sealaska;

1 (17) unless Sealaska is allowed to select land
2 outside designated withdrawal areas in southeast
3 Alaska, Sealaska will not be able to—

4 (A) complete the land entitlement selec-
5 tions of Sealaska under the Alaska Native
6 Claims Settlement Act (43 U.S.C. 1601 et seq.)
7 in a manner that meets the cultural, social, and
8 economic needs of Native shareholders;

9 (B) avoid land selections in watersheds
10 that are the exclusive drinking water supply for
11 regional communities, support world class salm-
12 on streams, have been identified as important
13 habitat, or would otherwise be managed by the
14 Forest Service as roadless and old growth forest
15 reserves;

16 (C) secure ownership of places of sacred,
17 cultural, traditional, and historical importance
18 to the Alaska Natives of southeast Alaska; and

19 (D) continue to support forestry jobs and
20 economic opportunities for Alaska Natives and
21 other residents of rural southeast Alaska;

22 (18)(A) the rate of unemployment in southeast
23 Alaska exceeds the statewide rate of unemployment
24 on a non-seasonally adjusted basis;

1 (B) in January 2011, the Alaska Department
2 of Labor and Workforce Development reported the
3 unemployment rate for the Prince of Wales—Outer
4 Ketchikan census area at approximately 16.2 per-
5 cent;

6 (C) in October 2007, the Alaska Department of
7 Labor and Workforce Development projected popu-
8 lation losses between 1996 and 2030 for the Prince
9 of Wales—Outer Ketchikan census area at 56.6 per-
10 cent;

11 (D) official unemployment rates severely under-
12 report the actual level of regional unemployment,
13 particularly in Native villages; and

14 (E) additional job losses will exacerbate out-
15 migration from Native and non-Native communities
16 in southeast Alaska;

17 (19) Sealaska has played, and is expected to
18 continue to play, a significant role in the health of
19 the southeast Alaska economy;

20 (20) despite the small land base of Sealaska as
21 compared to other Regional Corporations (less than
22 1 percent of the total quantity of land allocated pur-
23 suant to the Alaska Native Claims Settlement Act
24 (43 U.S.C. 1601 et seq.)), Sealaska has—

1 (A) provided considerable benefits to Alas-
2 ka Native shareholders;

3 (B) supported hundreds of jobs for Alaska
4 Native shareholders and non-shareholders in
5 southeast Alaska for more than 30 years; and

6 (C) been a significant economic force in
7 southeast Alaska;

8 (21) pursuant to the revenue sharing provisions
9 of section 7(i) of the Alaska Native Claims Settle-
10 ment Act (43 U.S.C. 1606(i)), Sealaska has distrib-
11 uted more than \$300,000,000 during the period be-
12 ginning on January 1, 1971, and ending on Decem-
13 ber 31, 2005, to Native Corporations throughout the
14 State of Alaska from the development of natural re-
15 sources, which accounts for 42 percent of the total
16 revenues shared under that section during that pe-
17 riod;

18 (22) resource development operations main-
19 tained by Sealaska—

20 (A) support hundreds of jobs in the south-
21 east Alaska region;

22 (B) make timber available to local and do-
23 mestic sawmills and other wood products busi-
24 nesses such as guitar manufacturers;

1 (C) support firewood programs for local
2 communities;

3 (D) support maintenance of roads utilized
4 by local communities for subsistence and recre-
5 ation uses;

6 (E) support development of new biomass
7 energy opportunities in southeast Alaska, re-
8 ducing dependence on high-cost diesel fuel for
9 the generation of energy;

10 (F) provide start-up capital for innovative
11 business models in southeast Alaska that create
12 new opportunities for non-timber economic de-
13 velopment in the region, including support for
14 renewable biomass initiatives, Alaska Native ar-
15 tisans, and rural mariculture farming; and

16 (G) support Native education and cultural
17 and language preservation activities;

18 (23) if the resource development operations of
19 Sealaska cease on land appropriate for those oper-
20 ations, there will be a significant negative impact
21 on—

22 (A) southeast Alaska Native shareholders;

23 (B) the cultural preservation activities of
24 Sealaska;

25 (C) the economy of southeast Alaska; and

1 (D) the Alaska Native community that
2 benefits from the revenue-sharing requirements
3 under the Alaska Native claims Settlement Act
4 (43 U.S.C. 1601 et seq.);

5 (24) it is critical that the remaining land enti-
6 tlement conveyances to Sealaska under the Alaska
7 Native Claims Settlement Act (43 U.S.C. 1601 et
8 seq.) are fulfilled to continue to meet the economic,
9 social, and cultural needs of the Alaska Native
10 shareholders of southeast Alaska and the Alaska Na-
11 tive community throughout Alaska;

12 (25) in order to realize cultural preservation
13 goals while also diversifying economic opportunities,
14 Sealaska should be authorized to select and receive
15 conveyance of—

16 (A) sacred, cultural, traditional, and his-
17 toric sites and other places of traditional cul-
18 tural significance, including traditional and cus-
19 tomary trade and migration routes, to facilitate
20 the perpetuation and preservation of Alaska
21 Native culture and history;

22 (B) other sites with traditional and recre-
23 ation use value and sites suitable for renewable
24 energy development to facilitate appropriate
25 tourism and outdoor recreation enterprises and

1 renewable energy development for rural south-
2 east Alaska communities; and

3 (C) lands that are suitable economically
4 and environmentally for natural resource devel-
5 opment;

6 (26) on completion of the conveyances of land
7 of Sealaska to fulfill the full land entitlement of
8 Sealaska under the Alaska Native Claims Settlement
9 Act (43 U.S.C. 1601 et seq.), the encumbrances on
10 327,000 acres of Federal land created by the with-
11 drawal of land for selection by Native Corporations
12 in southeast Alaska should be removed, which will
13 facilitate thorough and complete planning and effi-
14 cient management relating to national forest land in
15 southeast Alaska by the Forest Service;

16 (27) although the Tribal Forest Protection Act
17 (25 U.S.C. 3101 note; Public Law 108–278) defines
18 the term “Indian tribe” to include Indian tribes
19 under section 4 of the Indian Self-Determination
20 and Education Assistance Act (25 U.S.C. 450b), a
21 term which includes “any Alaska Native village or
22 regional or village corporation as defined in or estab-
23 lished pursuant to the Alaska Native Claims Settle-
24 ment Act . . .”, the Tribal Forest Protection Act
25 does not define the term “Indian forest land or

1 rangeland” to include lands owned by Alaska Native
2 Corporations, including Sealaska, which are the pri-
3 mary Indian forest land owners in Alaska, and
4 therefore, the Tribal Forest Protection Act should be
5 amended in a manner that will—

6 (A) permit Native Corporations, including
7 Sealaska, as Indian forest land owners in Alas-
8 ka, to work with the Secretary of Agriculture
9 under the Tribal Forest Protection Act to ad-
10 dress forest fire and insect infestation issues,
11 including the spread of the spruce bark beetle
12 in southeast and southcentral Alaska, which
13 threaten the health of the Native forestlands;
14 and

15 (B) ensure that Native Corporations, in-
16 cluding Sealaska, can participate in programs
17 administered by the Secretary of Agriculture
18 under the Tribal Forest Protection Act without
19 including Native Corporations under the defini-
20 tion in that Act of “Indian forest land or range-
21 land” or otherwise amending that Act in a
22 manner that validates, invalidates, or otherwise
23 affects any claim regarding the existence of In-
24 dian country in the State of Alaska; and

1 (28) the National Historic Preservation Act (16
2 U.S.C. 470 et seq.) defines the term “Indian tribe”
3 to include any “Native village, Regional Corporation
4 or Village Corporation, as those terms are defined in
5 section 3 of the Alaska Native Claims Settlement
6 Act” but does not define the term “Tribal lands” to
7 include lands owned by Alaska Native Corporations,
8 thereby excluding from the National Historic Preser-
9 vation Act cemetery sites and historical places trans-
10 ferred to Native Corporations, including Sealaska,
11 pursuant to the Alaska Native Claims Settlement
12 Act, and therefore, the National Historic Preserva-
13 tion Act should be amended in a manner that will—

14 (A) permit Native Corporations, including
15 Sealaska, as owners of Indian cemetery sites
16 and historical places in Alaska, to work with
17 the Secretary of the Interior under the National
18 Historic Preservation Act to secure grants and
19 other support to manage their own historic sites
20 and programs pursuant to that Act; and

21 (B) ensure that Native Corporations, in-
22 cluding Sealaska, can participate in programs
23 administered by the Secretary of the Interior
24 under the National Historic Preservation Act
25 without including Native Corporations under

1 the definition in that Act of “Tribal lands” or
2 otherwise amending that Act in a manner that
3 validates, invalidates, or otherwise affects any
4 claim regarding the existence of Indian country
5 in the State of Alaska.

6 (b) PURPOSE.—The purpose of this title is to address
7 the inequitable treatment of Sealaska by allowing Sealaska
8 to select the remaining land entitlement of Sealaska under
9 section 14 of the Alaska Native Claims Settlement Act (43
10 U.S.C. 1613) from designated Federal land in southeast
11 Alaska located outside the 10 southeast Alaska Native vil-
12 lage withdrawal areas in a manner that meets the cultural,
13 social, and economic needs of Native shareholders, includ-
14 ing the need to maintain jobs supported by Sealaska in
15 rural southeast Alaska communities.

16 **SEC. 304. SELECTIONS IN SOUTHEAST ALASKA.**

17 (a) SELECTION BY SEALASKA.—

18 (1) IN GENERAL.—Notwithstanding section
19 14(h)(8) of the Alaska Native Claims Settlement Act
20 (43 U.S.C. 1613(h)(8)), Sealaska is authorized to
21 select and receive conveyance of the remaining land
22 entitlement of Sealaska under that Act (43 U.S.C.
23 1601 et seq.) from Federal land located in southeast
24 Alaska from each category described in subsections
25 (b) and (c).

1 (2) TREATMENT OF LAND CONVEYED.—Land
2 conveyed pursuant to this title are to be treated as
3 land conveyed pursuant to the Alaska Native Claims
4 Settlement Act (43 U.S.C. 1601 et seq.) subject to,
5 but not limited to—

6 (A) reservation of public easements across
7 land pursuant to section 17(b) of the Alaska
8 Native Claims Settlement Act (43 U.S.C.
9 1616(b));

10 (B) valid existing rights pursuant to sec-
11 tion 14(g) of the Alaska Native Claims Settle-
12 ment Act (43 U.S.C. 1613(g)); and

13 (C) the land bank protections of section
14 907(d) of the Alaska National Interest and
15 Lands Conservation Act (43 U.S.C. 1636(d)).

16 (b) WITHDRAWAL OF LAND.—The following public
17 land is withdrawn, subject to valid existing rights, from
18 all forms of appropriation under public land laws, includ-
19 ing the mining and mineral leasing laws, and from selec-
20 tion under the Act of July 7, 1958 (commonly known as
21 the “Alaska Statehood Act”) (48 U.S.C. note prec. 21;
22 Public Law 85–508), and shall be available for selection
23 by and conveyance to Sealaska to complete the remaining
24 land entitlement of Sealaska under section 14(h)(8) of the

1 Alaska Native Claims Settlement Act (43 U.S.C.
2 1613(h)(8)):

3 (1) Land identified on the maps dated Feb-
4 ruary 1, 2011, and labeled “Attachment A (Maps 1
5 through 8)”.

6 (2) Sites with traditional, recreational, and re-
7 newable energy use value, as identified on the map
8 entitled “Sites with Traditional, Recreational, and
9 Renewable Energy Use Value”, dated February 1,
10 2011, and labeled “Attachment D”, subject to the
11 condition that not more than 5,000 acres shall be se-
12 lected for those purposes.

13 (3) Sites identified on the map entitled “Tradi-
14 tional and Customary Trade and Migration Routes”,
15 dated February 1, 2011, and labeled “Attachment
16 C”, which includes an identification of—

17 (A) a conveyance of land 25 feet in width,
18 together with 1-acre sites at each terminus and
19 at 8 locations along the route, with the route,
20 location, and boundaries of the conveyance de-
21 scribed on the map inset entitled “Yakutat to
22 Dry Bay Trade and Migration Route” on the
23 map entitled “Traditional and Customary
24 Trade and Migration Routes”, dated February
25 1, 2011, and labeled “Attachment C”;

1 (B) a conveyance of land 25 feet in width,
2 together with 1-acre sites at each terminus,
3 with the route, location, and boundaries of the
4 conveyance described on the map inset entitled
5 “Bay of Pillars to Port Camden Trade and Mi-
6 gration Route” on the map entitled “Tradi-
7 tional and Customary Trade and Migration
8 Routes”, dated February 1, 2011, and labeled
9 “Attachment C”; and

10 (C) a conveyance of land 25 feet in width,
11 together with 1-acre sites at each terminus,
12 with the route, location, and boundaries of the
13 conveyance described on the map inset entitled
14 “Portage Bay to Duncan Canal Trade and Mi-
15 gration Route” on the map entitled “Tradi-
16 tional and Customary Trade and Migration
17 Routes”, dated February 1, 2011, and labeled
18 “Attachment C”.

19 (c) SITES WITH SACRED, CULTURAL, TRADITIONAL,
20 OR HISTORIC SIGNIFICANCE.—Subject to the criteria and
21 procedures applicable to land selected pursuant to section
22 14(h)(1) of the Alaska Native Claims Settlement Act (43
23 U.S.C. 1613(h)(1)) and set forth in the regulations pro-
24 mulgated at section 2653.5 of title 43, Code of Federal

1 Regulations (as in effect on the date of enactment of this
2 Act), except as otherwise provided in this title—

3 (1) Sealaska shall have a right to identify up to
4 3,600 acres of sites with sacred, cultural, traditional,
5 or historic significance, including archeological sites,
6 cultural landscapes, and natural features having cul-
7 tural significance; and

8 (2) on identification of the land by Sealaska
9 under paragraph (1), the identified land shall be—

10 (A) withdrawn, subject to valid existing
11 rights, from all forms of appropriation under
12 public land laws, including the mining and min-
13 eral leasing laws, and from selection under the
14 Act of July 7, 1958 (commonly known as the
15 “Alaska Statehood Act”) (48 U.S.C. note prec.
16 21; Public Law 85–508); and

17 (B) available for selection by and convey-
18 ance to Sealaska to complete the remaining
19 land entitlement of Sealaska under section
20 14(h)(8) of the Alaska Native Claims Settle-
21 ment Act (43 U.S.C. 1613(h)(8)) subject to the
22 conditions that—

23 (i) no sites with sacred, cultural, tra-
24 ditional, or historic significance may be se-

1 lected from within a unit of the National
2 Park System; and

3 (ii) beginning on the date that is 15
4 years after the date of enactment of this
5 Act, Sealaska shall be limited to identi-
6 fying not more than 360 acres of sites with
7 sacred, cultural, traditional, or historic sig-
8 nificance under this subsection.

9 (d) FOREST DEVELOPMENT ROADS.—Sealaska shall
10 receive from the United States, subject to all necessary
11 State and Federal permits, nonexclusive easements to
12 Sealaska to allow—

13 (1) access on the forest development road and
14 use of the log transfer site identified in paragraphs
15 (3)(b), (3)(c) and (3)(d) of the patent numbered 50–
16 85–0112 and dated January 4, 1985;

17 (2) access on the forest development road iden-
18 tified in paragraphs (2)(a) and (2)(b) of the patent
19 numbered 50–92–0203 and dated February 24,
20 1992;

21 (3) access on the forest development road iden-
22 tified in paragraph (2)(a) of the patent numbered
23 50–94–0046 and dated December 17, 1993;

24 (4) access on the forest development roads and
25 use of the log transfer facilities identified on the

1 maps dated February 1, 2011, and labeled “Attach-
2 ment A (Maps 1 through 8)”;

3 (5) a reservation of a right to construct a new
4 road to connect to existing forest development roads
5 as generally identified on the maps identified in
6 paragraph (4); and

7 (6) access to and reservation of a right to con-
8 struct a new log transfer facility and log storage
9 area at the location identified on the maps identified
10 in paragraph (4).

11 **SEC. 305. CONVEYANCES TO SEALASKA.**

12 (a) **TIMELINE FOR CONVEYANCE.**—

13 (1) **IN GENERAL.**—Subject to paragraphs (2),
14 (3), and (4), the Secretary shall work with Sealaska
15 to develop a mutually agreeable schedule to complete
16 the conveyance of land to Sealaska under this title.

17 (2) **FINAL PRIORITIES.**—Consistent with the
18 provisions of section 403 of the Alaska Land Trans-
19 fer Acceleration Act (43 U.S.C. 1611 note; Public
20 Law 108–452), not later than 18 months after the
21 date of enactment of this Act, Sealaska shall submit
22 to the Secretary the final, irrevocable priorities for
23 selection of land withdrawn under section 304(b)(1).

24 (3) **SUBSTANTIAL COMPLETION REQUIRED.**—
25 Not later than two years after the date of selection

1 by Sealaska of land withdrawn under section
2 304(b)(1), the Secretary shall substantially complete
3 the conveyance of the land to Sealaska under this
4 title.

5 (4) EFFECT.—Nothing in this title shall inter-
6 fere with or cause any delay in the duty of the Sec-
7 retary to convey land to the State of Alaska under
8 section 6 of the Act of July 7, 1958 (commonly
9 known as the “Alaska Statehood Act”) (48 U.S.C.
10 note prec. 21; Public Law 85–508).

11 (b) EXPIRATION OF WITHDRAWALS.—On completion
12 of the selection by Sealaska and the conveyances to
13 Sealaska of land under subsection (a) in a manner that
14 is sufficient to fulfill the land entitlement of Sealaska
15 under section 14(h)(8) of the Alaska Native Claims Settle-
16 ment Act (43 U.S.C. 1613(h)(8))—

17 (1) the right of Sealaska to receive any land
18 under that Act from within a withdrawal area estab-
19 lished under subsections (a) and (d) of section 16 of
20 that Act shall be terminated;

21 (2) the withdrawal areas set aside for selection
22 by Native Corporations in southeast Alaska under
23 subsections (a) and (d) of section 16 of that Act
24 shall be rescinded; and

1 (3) land located within a withdrawal area that
2 is not conveyed to Sealaska or to a southeast Alaska
3 Village Corporation or Urban Corporation shall be
4 returned to the unencumbered management of the
5 Forest Service as part of the Tongass National For-
6 est.

7 (c) LIMITATION.—Sealaska shall not select or receive
8 under this title any conveyance of land pursuant to para-
9 graphs (1) or (2) of section 304(b) located within any con-
10 servation system unit.

11 (d) APPLICABLE EASEMENTS AND PUBLIC AC-
12 CESS.—

13 (1) IN GENERAL.—In addition to the reserva-
14 tion of public easements under section 304(a)(2)(A),
15 the conveyance to Sealaska of land withdrawn pur-
16 suant to paragraphs (1) and (3) of section 304(b)
17 that are located outside a withdrawal area des-
18 ignated under section 16(a) of the Alaska Native
19 Claims Settlement Act (43 U.S.C. 1615(a)) shall be
20 subject to—

21 (A) a reservation for easements for public
22 access on the public roads depicted on the maps
23 dated February 1, 2011, and labeled “Attach-
24 ment A (Maps 1 through 8)”;

1 (B) a reservation for easements for public
2 access on the temporary roads designated by
3 the Forest Service as of the date of the enact-
4 ment of this Act for the public access trails de-
5 picted on the maps described in subparagraph
6 (A); and

7 (C) the right of noncommercial public ac-
8 cess for subsistence uses, consistent with title
9 VIII of the Alaska National Interest Lands
10 Conservation Act (16 U.S.C. 3111 et seq.), and
11 recreational access, without liability to
12 Sealaska, subject to—

13 (i) the right of Sealaska to regulate
14 access to ensure public safety, to protect
15 cultural or scientific resources, and to pro-
16 vide environmental protection; and

17 (ii) the condition that Sealaska shall
18 post on any applicable property, in accord-
19 ance with State law, notices of the condi-
20 tions on use.

21 (2) SACRED, CULTURAL, TRADITIONAL AND
22 HISTORIC SITES.—The conveyance to Sealaska of
23 land withdrawn pursuant to section 304(c) that is
24 located outside of a withdrawal area designated
25 under section 16(a) of the Alaska Native Claims

1 Settlement Act (43 U.S.C. 1615(a)) shall be subject
2 to—

3 (A) the right of public access across the
4 conveyances where no reasonable alternative ac-
5 cess around the land is available without liabil-
6 ity to Sealaska; and

7 (B) the right of Sealaska to regulate ac-
8 cess across the conveyances to ensure public
9 safety, to protect cultural or scientific re-
10 sources, to provide environmental protection, or
11 to prohibit activities incompatible with the use
12 and enjoyment of the land by Sealaska, subject
13 to the condition that Sealaska shall post on any
14 applicable property, in accordance with State
15 law, notices of any such condition.

16 (3) TRADITIONAL AND CUSTOMARY TRADE AND
17 MIGRATION ROUTES.—The conveyance to Sealaska
18 of land withdrawn pursuant to section 304(b)(3)
19 that is located outside of a withdrawal area des-
20 ignated under section 16(a) of the Alaska Native
21 Claims Settlement Act (43 U.S.C. 1615(a)) shall be
22 subject to a requirement that Sealaska provide pub-
23 lic access across such linear conveyances if an adja-
24 cent landowner or the public has a legal right to use
25 the adjacent private or public land.

1 (4) SITES WITH TRADITIONAL, RECREATIONAL,
2 AND RENEWABLE ENERGY USE VALUE.—The con-
3 veyance to Sealaska of land withdrawn pursuant to
4 section 304(b)(2) that is located outside of a with-
5 drawal area designated under section 16(a) of the
6 Alaska Native Claims Settlement Act (43 U.S.C.
7 1615(a)) shall be subject to—

8 (A) the right of public access across the
9 land without liability to Sealaska; and

10 (B) the condition that public access across
11 the land would not be unreasonably restricted
12 or impaired.

13 (5) EFFECT.—No right of access provided to
14 any individual or entity (other than Sealaska) by
15 this subsection—

16 (A) creates any interest, other than an in-
17 terest retained by the United States, of such an
18 individual or entity in the land conveyed to
19 Sealaska in excess of that right of access; or

20 (B) provides standing in any review of, or
21 challenge to, any determination by Sealaska
22 with respect to the management or development
23 of the applicable land.

24 (e) CONDITIONS ON SACRED, CULTURAL, AND HIS-
25 TORIC SITES AND TRADITIONAL AND CUSTOMARY TRADE

1 AND MIGRATION ROUTES.—The conveyance to Sealaska
2 of land withdrawn pursuant to sections 304(b)(3) and
3 304(c)—

4 (1) shall be subject to a covenant prohibiting
5 any commercial timber harvest or mineral develop-
6 ment on the land;

7 (2) shall allow use of the land as described in
8 subsection (f); and

9 (3) shall not be subject to any additional re-
10 strictive covenant based on cultural or historic val-
11 ues, or any other restriction, encumbrance, or ease-
12 ment, except as provided in sections 14(g) and 17(b)
13 of the Alaska Native Claims Settlement Act (43
14 U.S.C. 1613(g), 1616(b)).

15 (f) USES OF SACRED, CULTURAL, TRADITIONAL,
16 AND HISTORIC SITES AND TRADITIONAL AND CUSTOMARY
17 TRADE AND MIGRATION ROUTES.—Any land conveyed to
18 Sealaska from land withdrawn pursuant to sections
19 304(b)(3) and 304(c) may be used for—

20 (1) preservation of cultural knowledge and tra-
21 ditions associated with the site;

22 (2) historical, cultural, and scientific research
23 and education;

1 (3) public interpretation and education regard-
2 ing the cultural significance of the site to Alaska
3 Natives;

4 (4) protection and management of the site to
5 preserve the natural and cultural features of the
6 site, including cultural traditions, values, songs, sto-
7 ries, names, crests, and clan usage, for the benefit
8 of future generations; and

9 (5) site improvement activities for any purpose
10 described in paragraphs (1) through (4), subject to
11 the condition that the activities—

12 (A) are consistent with the sacred, cul-
13 tural, traditional, or historic nature of the site;
14 and

15 (B) are not inconsistent with the manage-
16 ment plans for adjacent public land.

17 (g) TERMINATION OF RESTRICTIVE COVENANTS.—

18 (1) IN GENERAL.—Each restrictive covenant re-
19 garding cultural or historical values with respect to
20 any interim conveyance or patent for a historic or
21 cemetery site issued to Sealaska pursuant to the
22 Federal regulations contained in sections 2653.5(a)
23 and 2653.11 of title 43, Code of Federal Regula-
24 tions (as in effect on the date of enactment of this
25 Act), in accordance with section 14(h)(1) of the

1 Alaska Native Claims Settlement Act (43 U.S.C.
2 1613(h)(1)), terminates as a matter of law on the
3 date of enactment of this Act.

4 (2) REMAINING CONDITIONS.—Land subject to
5 a covenant described in paragraph (1) on the day
6 before the date of enactment of this Act shall be
7 subject to the conditions described in subsection (e).

8 (3) RECORDS.—Sealaska shall be responsible
9 for recording with the land title recorders office of
10 the State of Alaska any modification to an existing
11 conveyance of land under section 14(h)(1) of the
12 Alaska Native Claims Settlement Act (43 U.S.C.
13 1613(h)(1)) as a result of this title.

14 (h) CONDITIONS ON SITES WITH TRADITIONAL,
15 RECREATIONAL, AND RENEWABLE ENERGY USE
16 VALUE.—Each conveyance of land to Sealaska from land
17 withdrawn pursuant to section 304(b)(2) shall be subject
18 to a covenant prohibiting any commercial timber harvest
19 or mineral development.

20 (i) ESCROW FUNDS FOR WITHDRAWN LAND.—On
21 the withdrawal by this title of land identified for selection
22 by Sealaska, the escrow requirements of section 2 of Pub-
23 lic Law 94–204 (43 U.S.C. 1613 note), shall thereafter
24 apply to the withdrawn land.

1 (j) GUIDING AND OUTFITTING SPECIAL USE PER-
2 MITS OR AUTHORIZATIONS.—

3 (1) IN GENERAL.—Consistent with the provi-
4 sions of section 14(g) of the Alaska Native Claims
5 Settlement Act (43 U.S.C. 1613(g)), except as modi-
6 fied herein, on land conveyed to Sealaska from land
7 withdrawn pursuant to sections 304(b)(1) and
8 304(b)(2), an existing holder of a guiding or outfit-
9 ting special use permit or authorization issued by
10 the Forest Service shall be entitled to its rights and
11 privileges on the land for the remaining term of the
12 permit, as of the date of conveyance to Sealaska,
13 and for 1 subsequent 10-year renewal of the permit,
14 subject to the condition that the rights shall be con-
15 sidered a valid existing right reserved pursuant to
16 section 14(g) of the Alaska Native Claims Settle-
17 ment Act (43 U.S.C. 1613(g)), and shall be man-
18 aged accordingly.

19 (2) NOTICE OF COMMERCIAL ACTIVITIES.—
20 Sealaska, with respect to the holder of a guiding or
21 outfitting special use permit or authorization under
22 this subsection, and a permit holder referenced in
23 this subsection, with respect to Sealaska, shall have
24 an obligation to inform the other party of their re-
25 spective commercial activities before engaging in the

1 activities on land, which has been conveyed to
2 Sealaska under this title, subject to the permit or
3 authorization.

4 (3) NEGOTIATION OF NEW TERMS.—Nothing in
5 this subsection precludes Sealaska and a permit
6 holder under this subsection from negotiating new
7 mutually agreeable permit terms that supersede the
8 requirements of—

9 (A) this subsection;

10 (B) section 14(g) of the Alaska Native
11 Claims Settlement Act (43 U.S.C. 1613(g)); or

12 (C) any deed covenant.

13 (4) LIABILITY.—Sealaska shall bear no liability
14 regarding use and occupancy pursuant to special use
15 permits or authorizations on land selected or con-
16 veyed pursuant to this title.

17 **SEC. 306. MISCELLANEOUS.**

18 (a) STATUS OF CONVEYED LAND.—Each conveyance
19 of Federal land to Sealaska pursuant to this title, and
20 each Federal action carried out to achieve the purpose of
21 this title, shall be considered to be conveyed or acted on,
22 as applicable, pursuant to the Alaska Native Claims Set-
23 tlement Act (43 U.S.C. 1601 et seq.).

24 (b) ENVIRONMENTAL MITIGATION AND INCEN-
25 TIVES.—Notwithstanding subsection (e) and (h) of section

1 305, all land conveyed to Sealaska pursuant to the Alaska
2 Native Claims Settlement Act (43 U.S.C. 1601 et seq.)
3 and this title shall be considered to be qualified to receive
4 or participate in, as applicable—

5 (1) any federally authorized carbon sequestra-
6 tion program, ecological services program, or envi-
7 ronmental mitigation credit; and

8 (2) any other federally authorized environ-
9 mental incentive credit or program.

10 (c) NO MATERIAL EFFECT ON FOREST PLAN.—

11 (1) IN GENERAL.—Except as required by para-
12 graph (2), implementation of this title, including the
13 conveyance of land to Sealaska, alone or in combina-
14 tion with any other factor, shall not require an
15 amendment of, or revision to, the Tongass National
16 Forest Land and Resources Management Plan be-
17 fore the first revision of that Plan scheduled to
18 occur after the date of enactment of this Act.

19 (2) BOUNDARY ADJUSTMENTS.—The Secretary
20 of Agriculture shall implement any land ownership
21 boundary adjustments to the Tongass National For-
22 est Land and Resources Management Plan resulting
23 from the implementation of this title through a tech-
24 nical amendment to that Plan.

25 (d) TECHNICAL CORRECTIONS.—

1 (1) TRIBAL FOREST PROTECTION.—Section 2 of
2 the Tribal Forest Protection Act of 2004 (25 U.S.C.
3 3115a) is amended by adding at the end a new sub-
4 section (h):

5 “(h)(1) Land owned by an Alaska Native Corporation
6 pursuant to the Alaska Native Claims Settlement Act (43
7 U.S.C. 1601 et seq.) that is forest land or formerly had
8 a forest cover or vegetative cover that is capable of res-
9 toration shall be eligible for agreements and contracts au-
10 thorized under this Act and administered by the Secretary.

11 “(2) Nothing in this subsection validates, invalidates,
12 or otherwise affects any claim regarding the existence of
13 Indian country (as defined in section 1151 of title 18,
14 United States Code) in the State of Alaska.”.

15 (2) NATIONAL HISTORIC PRESERVATION.—Sec-
16 tion 101(d) of the National Historic Preservation
17 Act (16 U.S.C. 470a(d)), is amended by adding at
18 the end a new paragraph (7):

19 “(7)(A) Notwithstanding any other provision of law,
20 an Alaska Native tribe, band, nation or other organized
21 group or community, including a Native village, Regional
22 Corporation, or Village Corporation, shall be eligible to
23 participate in all programs administered by the Secretary
24 under this Act on behalf of Indian tribes, including, but
25 not limited to, securing grants and other support to man-

1 age their own historic preservation sites and programs on
2 lands held by the Alaska Native tribe, band, nation or
3 other organized group or community, including a Native
4 village, Regional Corporation, or Village Corporation.

5 “(B) Nothing in this paragraph validates, invalidates,
6 or otherwise affects any claim regarding the existence of
7 Indian country (as defined in section 1151 of title 18,
8 United States Code) in the State of Alaska.”.

9 (e) EFFECT ON ENTITLEMENT.—Nothing in this title
10 shall have any effect upon the entitlement due to any Na-
11 tive Corporation, other than Sealaska, under—

12 (1) the Alaska Native Claims Settlement Act
13 (43 U.S.C. 1601 et seq.); or

14 (2) the Alaska National Interest Lands Con-
15 servation Act (16 U.S.C. 3101 et seq.).

16 **SEC. 307. MAPS.**

17 (a) AVAILABILITY.—Each map referred to in this
18 title shall be maintained on file in—

19 (1) the office of the Chief of the Forest Service;
20 and

21 (2) the office of the Secretary.

22 (b) CORRECTIONS.—The Secretary or the Chief of
23 the Forest Service may make any necessary correction to
24 a clerical or typographical error in a map referred to in
25 this title.

1 (c) TREATMENT.—No map referred to in this title
2 shall be considered to be an attempt by the Federal Gov-
3 ernment to convey any State or private land.

4 **TITLE IV—SAN ANTONIO MIS-**
5 **SIONS NATIONAL HISTORICAL**
6 **PARK BOUNDARY EXPANSION**
7 **ACT**

8 **SEC. 401. SHORT TITLE.**

9 This title may be cited as the “San Antonio Missions
10 National Historical Park Boundary Expansion Act”.

11 **SEC. 402. FINDINGS.**

12 Congress finds that—

13 (1) the San Antonio Missions National Histor-
14 ical Park is important to understanding the history
15 and development of the City of San Antonio, Bexar
16 County, the State of Texas, and the United States;

17 (2) understanding the connection between the
18 San Antonio River and the San Antonio Missions is
19 critical to understanding mission life in colonial
20 Texas; and

21 (3) the San Antonio Missions National Histor-
22 ical Park enjoys the strong support of the City of
23 San Antonio, Bexar County, and their citizens and
24 businesses.

1 **SEC. 403. BOUNDARY EXPANSION.**

2 Section 201(a) of Public Law 95–629 (16 U.S.C.
3 410ee(a)) is amended—

4 (1) by striking “In order” and inserting “(1) In
5 order”;

6 (2) by striking “The park shall also” and in-
7 serting “(2) The park shall also”;

8 (3) by striking “After advising the” and insert-
9 ing “(5) After advising the”;

10 (4) by inserting after paragraph (2) (as so des-
11 ignated by paragraph (2) above) the following:

12 “(3) The boundary of the park is further modi-
13 fied to include approximately 151 acres, as depicted
14 on the map titled ‘San Antonio Missions National
15 Historical Park Proposed Boundary Addition 2009’,
16 numbered 472/468,027, and dated November 2009.
17 The map shall be on file and available for inspection
18 in the appropriate offices of the National Park Serv-
19 ice, U.S. Department of the Interior.

20 “(4) The Secretary may not acquire by con-
21 demnation any land or interest in land within the
22 boundaries of the park. The Secretary is authorized
23 to acquire land and interests in land that are within
24 the boundaries of the park pursuant to paragraph
25 (3) by donation only. No private property or non-
26 Federal public property shall be included within the

1 boundaries of the park without the written consent
2 of the owner of such property. Nothing in this Act,
3 the establishment of park, or the management plan
4 of the park shall be construed create buffer zones
5 outside of the park. That an activity or use can be
6 seen or heard from within the park shall not pre-
7 clude the conduct of that activity or use outside the
8 park.”.

9 **TITLE V—WACO MAMMOTH NA-**
10 **TIONAL MONUMENT ESTAB-**
11 **LISHMENT ACT OF 2012**

12 **SEC. 501. SHORT TITLE.**

13 This title may be cited as the “Waco Mammoth Na-
14 tional Monument Establishment Act of 2012”.

15 **SEC. 502. FINDINGS.**

16 Congress finds that—

17 (1) the Waco Mammoth Site area is located
18 near the confluence of the Brazos River and the
19 Bosque River in central Texas, near the city of
20 Waco;

21 (2) after the discovery of bones emerging from
22 eroding creek banks leading to the uncovering of
23 portions of 5 mammoths, Baylor University began
24 investigating the site in 1978;

1 (3) several additional mammoth remains have
2 been uncovered making the site the largest known
3 concentration of mammoths dying from the same
4 event;

5 (4) the mammoth discoveries have received
6 international attention; and

7 (5) Baylor University and the city of Waco,
8 Texas, have been working together—

9 (A) to protect the site; and

10 (B) to develop further research and edu-
11 cational opportunities at the site.

12 **SEC. 503. DEFINITIONS.**

13 In this title:

14 (1) CITY.—The term “City” means the city of
15 Waco, Texas.

16 (2) MANAGEMENT PLAN.—The term “manage-
17 ment plan” means the management plan for the
18 Monument prepared under section 505(c)(1).

19 (3) MAP.—The term “map” means the map en-
20 titled “Proposed Boundary Waco-Mammoth Na-
21 tional Monument”, numbered T21/80,000, and
22 dated April 2009.

23 (4) MONUMENT.—The term “Monument”
24 means the Waco Mammoth National Monument es-
25 tablished by section 504(a).

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (6) STATE.—The term “State” means the State
4 of Texas.

5 (7) UNIVERSITY.—The term “University”
6 means Baylor University in the State.

7 **SEC. 504. WACO MAMMOTH NATIONAL MONUMENT, TEXAS.**

8 (a) ESTABLISHMENT.—There is established in the
9 State, as a unit of the National Park System, the Waco
10 Mammoth National Monument, as generally depicted on
11 the map.

12 (b) AVAILABILITY OF MAP.—The map shall be on file
13 and available for public inspection in the appropriate of-
14 fices of the National Park Service.

15 **SEC. 505. ADMINISTRATION OF MONUMENT.**

16 (a) IN GENERAL.—The Secretary shall administer
17 the Monument in accordance with—

18 (1) this title; and

19 (2) any cooperative agreements entered into
20 under subsection (b)(1).

21 (b) AUTHORITIES OF SECRETARY.—

22 (1) COOPERATIVE AGREEMENTS.—The Sec-
23 retary may enter into cooperative management
24 agreements with the University and the City, in ac-

1 cordance with section 3(l) of Public Law 91–383 (16
2 U.S.C. 1a–2(l)).

3 (2) ACQUISITION OF LAND.—The Secretary
4 may acquire by donation only from the City any land
5 or interest in land owned by the City within the pro-
6 posed boundary of the Monument.

7 (c) GENERAL MANAGEMENT PLAN.—

8 (1) IN GENERAL.—Not later than 3 years after
9 the date of enactment of this Act, the Secretary, in
10 consultation with the University and the City, shall
11 complete a general management plan for the Monu-
12 ment.

13 (2) INCLUSIONS.—The management plan shall
14 include, at a minimum—

15 (A) measures for the preservation of the
16 resources of the Monument;

17 (B) requirements for the type and extent
18 of development and use of the Monument;

19 (C) identification of the capacity of the
20 Monument for accommodating visitors; and

21 (D) opportunities for involvement by the
22 University, City, State, and other local and na-
23 tional entities in—

24 (i) developing educational programs
25 for the Monument; and

1 (ii) developing and supporting the
2 Monument.

3 (d) PROHIBITION OF USE OF FEDERAL FUNDS.—No
4 Federal funds may be used to pay the costs of—

5 (1) carrying out a cooperative agreement under
6 subsection (b)(1);

7 (2) acquiring land for inclusion in the Monu-
8 ment under subsection (b)(2);

9 (3) developing a visitor center for the Monu-
10 ment;

11 (4) operating or maintaining the Monument;

12 (5) constructing exhibits for the Monument; or

13 (6) developing the general management plan
14 under subsection (c).

15 (e) USE OF NON-FEDERAL FUNDS.—Non-Federal
16 funds may be used to pay any costs that may be incurred
17 by the Secretary or the National Park Service in carrying
18 out this section.

19 (f) EFFECT ON ELIGIBILITY FOR FINANCIAL ASSIST-
20 ANCE.—Nothing in this title affects the eligibility of the
21 Monument for Federal grants or other forms of financial
22 assistance that the Monument would have been eligible to
23 apply for had National Park System status not been con-
24 ferred to the Monument under this title.

1 (g) TERMINATION OF NATIONAL PARK SYSTEM STA-
2 TUS.—

3 (1) IN GENERAL.—Designation of the Monu-
4 ment as a unit of the National Park System shall
5 terminate if the Secretary determines that Federal
6 funds are required to operate and maintain the
7 Monument.

8 (2) REVERSION.—If the designation of the
9 Monument as a unit of the National Park System is
10 terminated under paragraph (1), any land acquired
11 by the Secretary from the City under subsection
12 (b)(2) shall revert to the City.

13 (h) PRIVATE PROPERTY PROTECTION.—No private
14 property may be made part of the Monument without the
15 written consent of the owner of that private property.

16 **SEC. 506. NO BUFFER ZONES.**

17 Nothing in this title, the establishment of national
18 monument, or the management plan shall be construed
19 create buffer zones outside of the national monument.
20 That an activity or use can be seen or heard from within
21 the Monument shall not preclude the conduct of that activ-
22 ity or use outside the Monument.

1 **TITLE VI—NORTH CASCADES**
2 **NATIONAL PARK ACCESS**

3 **SEC. 601. FINDINGS.**

4 Congress finds as follows:

5 (1) In 1988, 93 percent of the North Cascades
6 National Park Complex was designated the Stephen
7 Mather Wilderness.

8 (2) A road corridor was deliberately excluded
9 from the wilderness designation to provide for the
10 continued use and maintenance of the upper
11 Stehekin Valley Road.

12 (3) The upper Stehekin Valley Road provides
13 access to Stephen Mather Wilderness trailheads and
14 North Cascades National Park from the Lake Che-
15 lan National Recreation Area.

16 (4) Record flooding in 1995 and again in 2003
17 caused severe damage to the upper Stehekin Valley
18 Road and led to the closure of a 9.9-mile section of
19 the road between Car Wash Falls and Cottonwood
20 Camp.

21 (5) The National Park Service currently does
22 not have the flexibility to rebuild the upper Stehekin
23 Valley Road away from the Stehekin River due to
24 the current location of the non-wilderness road cor-
25 ridor provided by Congress in 1988.

1 (6) It is a high priority that the people of the
2 United States, including families, the disabled, and
3 the elderly, have reasonable access to the National
4 Parks system and their public lands.

5 (7) The 1995 Lake Chelan National Recreation
6 Area General Management Plan calls for retaining
7 vehicle access to Cottonwood Camp.

8 (8) Tourism associated with the North Cas-
9 cades National Park Complex is an important part
10 of the economy for rural communities in the area.

11 (9) Additional management flexibility would
12 allow the National Park Service to consider reten-
13 tion of the upper Stehekin Valley Road in a manner
14 that provides for no net loss of wilderness.

15 **SEC. 602. AUTHORIZATION FOR BOUNDARY ADJUSTMENTS.**

16 The Washington Park Wilderness Act of 1988 (Pub-
17 lic Law 100–668) is amended by inserting after section
18 206 the following:

19 **“SEC. 207. BOUNDARY ADJUSTMENTS FOR ROAD.**

20 “(a) IN GENERAL.—The Secretary may adjust the
21 boundaries of the North Cascades National Park and the
22 Stephen Mather Wilderness in order to provide a 100-foot-
23 wide corridor along which the Stehekin Valley Road may
24 be rebuilt—

1 “(1) outside of the floodplain between milepost
2 12.9 and milepost 22.8;

3 “(2) within the boundaries of the North Cas-
4 cades National Park; and

5 “(3) outside of the boundaries of the Stephen
6 Mather Wilderness.

7 “(b) NO NET LOSS OF LANDS.—The boundary ad-
8 justments made under this section shall be such that equal
9 acreage amounts are exchanged between the Stephen
10 Mather Wilderness and the North Cascades National
11 Park, resulting in no net loss of acreage to either the Ste-
12 phen Mather Wilderness or the North Cascades National
13 Park.”.

14 **TITLE VII—ENDANGERED SALM-**
15 **ON AND FISHERIES PREDA-**
16 **TION PREVENTION ACT**

17 **SEC. 701. SHORT TITLE.**

18 This title may be cited as the “Endangered Salmon
19 and Fisheries Predation Prevention Act”.

20 **SEC. 702. FINDINGS.**

21 The Congress finds the following:

22 (1) There are 13 groups of salmon and
23 steelhead that are listed as threatened species or en-
24 dangered species under the Endangered Species Act

1 of 1973 that migrate through the lower Columbia
2 River.

3 (2) The people of the Northwest United States
4 are united in their desire to restore healthy salmon
5 and steelhead runs, as they are integral to the re-
6 gion's culture and economy.

7 (3) The Columbia River treaty tribes retain im-
8 portant rights with respect to salmon and steelhead.

9 (4) Federal, State, and tribal governments have
10 spent billions of dollars to assist the recovery of Co-
11 lumbia River salmon and steelhead populations.

12 (5) One of the factors impacting salmonid pop-
13 ulations is increased predation by marine mammals,
14 including California sea lions.

15 (6) The population of California sea lions has
16 increased 6-fold over the last 3 decades, and is cur-
17 rently greater than 250,000 animals.

18 (7) In recent years, more than 1,000 California
19 sea lions have been foraging in the lower 145 miles
20 of the Columbia River up to Bonneville Dam during
21 the peak spring salmonid run before returning to the
22 California coast to mate.

23 (8) The percentage of the spring salmonid run
24 that has been eaten or killed by California sea lions
25 at Bonneville Dam has increased 7-fold since 2002.

1 (9) In recent years, California sea lions have
2 with greater frequency congregated near Bonneville
3 Dam and have entered the fish ladders.

4 (10) These California sea lions have not been
5 responsive to extensive hazing methods employed
6 near Bonneville Dam to discourage this behavior.

7 (11) The process established under the 1994
8 amendment to the Marine Mammal Protection Act
9 of 1972 to address aggressive sea lion behavior is
10 protracted and will not work in a timely enough
11 manner to protect threatened and endangered
12 salmonids in the near term.

13 (12) In the interest of protecting Columbia
14 River threatened and endangered salmonids, a tem-
15 porary expedited procedure is urgently needed to
16 allow removal of the minimum number of California
17 sea lions as is necessary to protect the passage of
18 threatened and endangered salmonids in the Colum-
19 bia River and its tributaries.

20 (13) On December 21, 2010, the independent
21 Pinniped-Fishery Interaction Task Force rec-
22 ommended lethally removing more of the California
23 sea lions in 2011.

24 (14) On August 18, 2011, the States of Wash-
25 ington, Oregon, and Idaho applied to the National

1 Marine Fisheries Service, under section
2 120(b)(1)(A) of the Marine Mammal Protection Act
3 of 1972 (16 U.S.C. 1389(b)(1)(A)), for the lethal re-
4 moval of sea lions that the States determined are
5 having a “significant negative impact” on the recov-
6 ery of Columbia River and Snake River salmon and
7 steelhead.

8 (15) On September 12, 2011, the National Ma-
9 rine Fisheries Service announced it was accepting
10 the States’ application for lethal removal of sea lions
11 and that it would reconvene the Pinniped-Fishery
12 Interaction Task Force to consider the States’ appli-
13 cation. This title will ensure the necessary authority
14 for permits under the Marine Mammal Protection
15 Act of 1972 to be issued in a timely fashion.

16 (16) During a June 14, 2011, hearing, the
17 Committee on Natural Resources of the House of
18 Representatives received testimony from State and
19 tribal witnesses expressing concern that significant
20 pinniped predation of important Northwest fish re-
21 sources other than salmonids is severely impacting
22 fish stocks determined by both Federal and State
23 fishery management agencies to be at low levels of
24 abundance, and that this cannot be addressed by
25 section 120 of the Marine Mammal Protection Act

1 of 1972 (16 U.S.C. 1389), which as in effect before
2 the enactment of this Act restricted control of preda-
3 tory pinnipeds' impact only with respect to endan-
4 gered salmonids.

5 **SEC. 703. TAKING OF SEA LIONS ON THE COLUMBIA RIVER**
6 **AND ITS TRIBUTARIES TO PROTECT ENDAN-**
7 **GERED AND THREATENED SPECIES OF SALM-**
8 **ON AND OTHER NONLISTED FISH SPECIES.**

9 Section 120 of the Marine Mammal Protection Act
10 of 1972 (16 U.S.C. 1389) is amended by striking sub-
11 section (f) and inserting the following:

12 “(f) TEMPORARY MARINE MAMMAL REMOVAL AU-
13 THORITY ON THE WATERS OF THE COLUMBIA RIVER OR
14 ITS TRIBUTARIES.—

15 “(1) REMOVAL AUTHORITY.—Notwithstanding
16 any other provision of this Act, the Secretary may
17 issue a permit to an eligible entity authorizing the
18 intentional lethal taking on the waters of the Colum-
19 bia River and its tributaries of sea lions that are
20 part of a healthy population that is not listed as an
21 endangered species or threatened species under the
22 Endangered Species Act of 1973 (16 U.S.C. 1531 et
23 seq.), to protect endangered and threatened species
24 of salmon and other nonlisted fish species.

25 “(2) PERMIT PROCESS.—

1 “(A) IN GENERAL.—An eligible entity may
2 apply to the Secretary for a permit under this
3 subsection.

4 “(B) DEADLINE FOR CONSIDERATION OF
5 APPLICATION.—The Secretary shall approve or
6 deny an application for a permit under this sub-
7 section by not later than 30 days after receiving
8 the application.

9 “(C) DURATION OF PERMIT.—A permit
10 under this subsection shall be effective for no
11 more than one year after the date it is issued,
12 but may be renewed by the Secretary.

13 “(3) LIMITATIONS.—

14 “(A) LIMITATION ON PERMIT AUTHOR-
15 ITY.—Subject to subparagraph (B), a permit
16 issued under this subsection shall not authorize
17 the lethal taking of more than 10 sea lions dur-
18 ing the duration of the permit.

19 “(B) LIMITATION ON ANNUAL TAKINGS.—
20 The cumulative number of sea lions authorized
21 to be taken each year under all permits in ef-
22 fect under this subsection shall not exceed one
23 percent of the annual potential biological re-
24 moval level.

1 “(4) DELEGATION OF PERMIT AUTHORITY.—
2 Any eligible entity may delegate to any other eligible
3 entity the authority to administer its permit author-
4 ity under this subsection.

5 “(5) NEPA.—Section 102(2)(C) of the Na-
6 tional Environmental Policy Act of 1969 (42 U.S.C.
7 4332(2)(C)) shall not apply with respect to this sub-
8 section and the issuance of any permit under this
9 subsection during the 5-year period beginning on the
10 date of the enactment of this subsection.

11 “(6) SUSPENSION OF PERMITTING AUTHOR-
12 ITY.—If, 5 years after enactment, the Secretary,
13 after consulting with State and tribal fishery man-
14 agers, determines that lethal removal authority is no
15 longer necessary to protect salmonid and other fish
16 species from sea lion predation, may suspend the
17 issuance of permits under this subsection.

18 “(7) ELIGIBLE ENTITY DEFINED.—In this sub-
19 section, the term ‘eligible entity’ means each of the
20 State of Washington, the State of Oregon, the State
21 of Idaho, the Nez Perce Tribe, the Confederated
22 Tribes of the Umatilla Indian Reservation, the Con-
23 federated Tribes of the Warm Springs Reservation
24 of Oregon, the Confederated Tribes and Bands of

1 the Yakama Nation, and the Columbia River Inter-
2 Tribal Fish Commission.”.

3 **SEC. 704. SENSE OF CONGRESS.**

4 It is the sense of the Congress that—

5 (1) preventing predation by sea lions, recovery
6 of listed salmonid stocks, and preventing future list-
7 ings of fish stocks in the Columbia River is a vital
8 priority;

9 (2) permit holders exercising lethal removal au-
10 thority pursuant to the amendment made by this
11 title should be trained in wildlife management; and

12 (3) the Federal Government should continue to
13 fund lethal and nonlethal removal measures for pre-
14 venting such predation.

15 **SEC. 705. TREATY RIGHTS OF FEDERALLY RECOGNIZED IN-**
16 **DIAN TRIBES.**

17 Nothing in this title or the amendment made by this
18 title shall be construed to affect or modify any treaty or
19 other right of any federally recognized Indian tribe.

1 **TITLE VIII—REAUTHORIZATION**
2 **OF HERGER-FEINSTEIN QUIN-**
3 **CY LIBRARY GROUP FOREST**
4 **RECOVERY ACT**

5 **SEC. 801. REAUTHORIZATION OF HERGER-FEINSTEIN QUIN-**
6 **CY LIBRARY GROUP FOREST RECOVERY ACT.**

7 (a) EXTENSION.—Subsection (g) of the Herger-Fein-
8 stein Quincy Library Group Forest Recovery Act (title IV
9 of the Department of the Interior and Related Agencies
10 Appropriations Act, 1999, as contained in section 101(e)
11 of division A of Public Law 105–277; 16 U.S.C. 2104
12 note) is amended to read as follows:

13 “(g) TERM OF PILOT PROJECT.—

14 “(1) IN GENERAL.—The Secretary shall con-
15 duct the pilot project until the earlier of the fol-
16 lowing:

17 “(A) September 30, 2022.

18 “(B) The date on which the Secretary
19 completes amendment or revision of the land
20 and resource management plans for the Na-
21 tional Forest System lands included in the pilot
22 project area.

23 “(2) FOREST PLAN AMENDMENTS.—When the
24 Regional Forester for Region 5 initiates the process
25 to amend or revise the land and resource manage-

1 ment plans for the pilot project area, the process
2 shall include preparation of at least one alternative
3 that incorporates the pilot project and area designa-
4 tions under subsection (b), the resource management
5 activities described in subsection (d), and other as-
6 pects of the Quincy Library Group Community Sta-
7 bility Proposal.”.

8 (b) EXPANSION OF PILOT PROJECT AREA.—Sub-
9 section (b) of the Herger-Feinstein Quincy Library Group
10 Forest Recovery Act is amended by adding at the end the
11 following new paragraph:

12 “(3) EXPANSION OF PILOT PROJECT AREA.—
13 The Secretary may expand the pilot project area to
14 include all National Forest System lands within
15 California or Nevada that lie within the Sierra Ne-
16 vada and Cascade Province, Lake Tahoe Basin Man-
17 agement Unit, Humboldt-Toiyabe National Forest,
18 and Inyo National Forest. These lands may be man-
19 aged using the same strategy, guidelines and re-
20 source management activities outlined in this section
21 or developed to meet local forest and community
22 needs and conditions.”.

23 (c) ROADLESS AREA PROTECTION.—Subsection
24 (c)(4) of the Herger-Feinstein Quincy Library Group For-
25 est Recovery Act is amended by adding at the end the

1 following new sentence: “However, those areas designated
2 as ‘Deferred’ on the map, but located in Tehama County,
3 south and west of Lassen Peak, are deemed to be des-
4 ignated as ‘Available for Group Selection’ and shall be
5 managed accordingly under subsection (d).”.

6 (d) GROUP SELECTION REQUIREMENT.—Subpara-
7 graph (A) of subsection (d)(2) of the Herger-Feinstein
8 Quincy Library Group Forest Recovery Act is amended
9 to read as follows:

10 “(A) GROUP SELECTION.—After Sep-
11 tember 30, 2012, group selection on an average
12 acreage of .57 percent of the pilot project area
13 land shall occur each year of the pilot project.”.

14 **TITLE IX—YERINGTON LAND**
15 **CONVEYANCE AND SUSTAIN-**
16 **ABLE DEVELOPMENT ACT**

17 **SEC. 901. SHORT TITLE.**

18 This title may be cited as the “Yerington Land Con-
19 veyance and Sustainable Development Act”.

20 **SEC. 902. FINDINGS.**

21 Congress finds that—

22 (1) the city of Yerington, Nevada, which has an
23 unemployment rate of 16 percent, has the highest
24 unemployment rate in the State of Nevada;

1 (2) for over 4 years, the city of Yerington and
2 Lyon County, Nevada, have been working with pri-
3 vate business partners to develop a sustainable de-
4 velopment plan that would enable all parties to ben-
5 efit from the use of private land adjacent to the city
6 of Yerington for potential commercial and industrial
7 development, mining activities, recreation opportuni-
8 ties, and the expansion of community and cultural
9 events;

10 (3) the sustainable development plan referred to
11 in paragraph (2) requires the conveyance of certain
12 Federal land administered by the Bureau of Land
13 Management to the City for consideration in an
14 amount equal to the fair market value of the Fed-
15 eral land;

16 (4) the Federal land to be conveyed to the City
17 under the sustainable development plan has very few
18 environmental, historical, wildlife, or cultural re-
19 sources of value to the public, but is appropriate for
20 responsible development;

21 (5) the Federal land that would be conveyed to
22 the City under the sustainable development plan—

23 (A) is adjacent to the boundaries of the
24 City; and

25 (B) would be used—

1 (i) to enhance recreational, cultural,
2 commercial, and industrial development op-
3 portunities in the City;

4 (ii) for future economic development,
5 regional use, and as an open space buffer
6 to the City; and

7 (iii) to allow the City to provide crit-
8 ical infrastructure services;

9 (6) commercial and industrial development of
10 the Federal land would enable the community to
11 benefit from the transportation, power, and water
12 infrastructure that would be put in place with the
13 concurrent development of commercial and industrial
14 operations;

15 (7) the conveyance of the Federal land would—

16 (A) help the City and County to grow; and

17 (B) provide additional tax revenue to the
18 City and County;

19 (8) industrial and commercial development of
20 the Federal land would create thousands of long-
21 term, high-paying jobs for the City and County; and

22 (9) the Lyon County Commission and the City
23 unanimously approved resolutions in support of the
24 conveyance of the Federal land because the convey-

1 ance would facilitate a sustainable model for long-
2 term economic and industrial development.

3 **SEC. 903. DEFINITIONS.**

4 In this title:

5 (1) CITY.—The term “City” means the city of
6 Yerington, Nevada.

7 (2) FEDERAL LAND.—The term “Federal land”
8 means the land located in Lyon County and Mineral
9 County, Nevada, that is identified on the map as
10 “City of Yerington Sustainable Development Con-
11 veyance Lands”.

12 (3) MAP.—The term “map” means the map en-
13 titled “Yerington Land Conveyance and Sustainable
14 Development Act” and dated May 31, 2012.

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

17 **SEC. 904. CONVEYANCES OF LAND TO CITY OF YERINGTON,**
18 **NEVADA.**

19 (a) IN GENERAL.—Not later than 90 days after the
20 date of enactment of this title, subject to valid existing
21 rights, and notwithstanding the land use planning require-
22 ments of sections 202 and 203 of the Federal Land Policy
23 and Management Act of 1976 (43 U.S.C. 1712, 1713),
24 the Secretary shall convey to the City, subject to the City’s
25 agreement and in exchange for consideration in an amount

1 equal to the fair market value of the Federal land, all
2 right, title, and interest of the United States in and to
3 the Federal land identified on the map.

4 (b) APPRAISAL TO DETERMINE OF FAIR MARKET
5 VALUE.—The Secretary shall determine the fair market
6 value of the Federal land to be conveyed—

7 (1) in accordance with the Federal Land Policy
8 and Management Act of 1976 (43 U.S.C. 1701 et
9 seq.); and

10 (2) based on an appraisal that is conducted in
11 accordance with nationally recognized appraisal
12 standards, including—

13 (A) the Uniform Appraisal Standards for
14 Federal Land Acquisition; and

15 (B) the Uniform Standards of Professional
16 Appraisal Practice.

17 (c) AVAILABILITY OF MAP.—The map shall be on file
18 and available for public inspection in the appropriate of-
19 fices of the Bureau of Land Management.

20 (d) APPLICABLE LAW.—Beginning on the date on
21 which the Federal land is conveyed to the City, the devel-
22 opment of and conduct of activities on the Federal land
23 shall be subject to all applicable Federal laws (including
24 regulations).

1 (e) ADMINISTRATIVE COSTS.—The City shall be re-
2 sponsible for all survey, appraisal, and other administra-
3 tive costs associated with the conveyance of the Federal
4 land to the City under this title.

5 **SEC. 905. RELEASE OF THE UNITED STATES.**

6 Upon making the conveyance under section 904, not-
7 withstanding any other provision of law, the United States
8 is released from any and all liabilities or claims of any
9 kind or nature arising from the presence, release, or threat
10 of release of any hazardous substance, pollutant, contami-
11 nant, petroleum product (or derivative of a petroleum
12 product of any kind), solid waste, mine materials or min-
13 ing related features (including tailings, overburden, waste
14 rock, mill remnants, pits, or other hazards resulting from
15 the presence of mining related features) on the Federal
16 Land in existence on or before the date of the conveyance.

17 **TITLE X—PRESERVING ACCESS**
18 **TO CAPE HATTERAS NA-**
19 **TIONAL SEASHORE REC-**
20 **REATIONAL AREA ACT**

21 **SEC. 1001. SHORT TITLE.**

22 This title may be cited as the “Preserving Access to
23 Cape Hatteras National Seashore Recreational Area Act”.

1 **SEC. 1002. REINSTATEMENT OF INTERIM MANAGEMENT**
2 **STRATEGY.**

3 (a) **MANAGEMENT.**—After the date of the enactment
4 of this title, Cape Hatteras National Seashore Rec-
5 reational Area shall be managed in accordance with the
6 Interim Protected Species Management Strategy/Environ-
7 mental Assessment issued by the National Park Service
8 on June 13, 2007, for the Cape Hatteras National Sea-
9 shore Recreational Area, North Carolina, unless the Sec-
10 retary of the Interior (hereafter in this title referred to
11 as the “Secretary”) issues a new final rule that meets the
12 requirements set forth in section 1003.

13 (b) **RESTRICTIONS.**—The Secretary shall not impose
14 any additional restrictions on pedestrian or motorized ve-
15 hicular access to any portion of Cape Hatteras National
16 Seashore Recreational Area for species protection beyond
17 those in the Interim Management Strategy, other than as
18 specifically authorized pursuant to section 1003 of this
19 title.

20 **SEC. 1003. ADDITIONAL RESTRICTIONS ON ACCESS TO**
21 **CAPE HATTERAS NATIONAL SEASHORE REC-**
22 **REATIONAL AREA FOR SPECIES PROTEC-**
23 **TION.**

24 (a) **IN GENERAL.**—If, based on peer-reviewed science
25 and after public comment, the Secretary determines that
26 additional restrictions on access to a portion of the Cape

1 Hatteras National Seashore Recreational Area are nec-
2 essary to protect species listed as endangered under the
3 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
4 the Secretary may only restrict, by limitation, closure,
5 buffer, or otherwise, pedestrian and motorized vehicular
6 access for recreational activities for the shortest possible
7 time and on the smallest possible portions of the Cape
8 Hatteras National Seashore Recreational Area.

9 (b) LIMITATION ON RESTRICTIONS.—Restrictions
10 imposed under this section for protection of species listed
11 as endangered under the Endangered Species Act of 1973
12 (16 U.S.C. 1531 et seq.) shall not be greater than the
13 restrictions in effect for that species at any other National
14 Seashore.

15 (c) CORRIDORS AROUND CLOSURES.—To the max-
16 imum extent possible, the Secretary shall designate pedes-
17 trian and vehicular corridors of minimal distance on the
18 beach or interdunal area around closures implemented
19 under this section to allow access to areas not closed.

20 **SEC. 1004. INAPPLICABILITY OF FINAL RULE AND CONSENT**
21 **DEGREE.**

22 (a) FINAL RULE.—The final rule titled “Special Reg-
23 ulations, Areas of the National Park System, Cape Hat-
24 teras National Seashore—Off-Road Vehicle Management”

1 (77 Fed. Reg. 3123–3144) shall have no force or effect
2 after the date of the enactment of this title.

3 (b) CONSENT DECREE.—The April 30, 2008, consent
4 decree filed in the United States District Court for the
5 Eastern District of North Carolina regarding off-road ve-
6 hicle use at Cape Hatteras National Seashore in North
7 Carolina shall not apply after the date of the enactment
8 of this title.

9 **TITLE XI—GRAZING**
10 **IMPROVEMENT ACT OF 2012**

11 **SEC. 1101. SHORT TITLE.**

12 This title may be cited as the “Grazing Improvement
13 Act of 2012”.

14 **SEC. 1102. TERMS OF GRAZING PERMITS AND LEASES.**

15 Section 402 of the Federal Land Policy and Manage-
16 ment Act of 1976 (43 U.S.C. 1752) is amended—

17 (1) by striking “ten years” each place it ap-
18 pears and inserting “20 years”; and

19 (2) in subsection (b)—

20 (A) by striking “or” at the end of each of
21 paragraphs (1) and (2);

22 (B) in paragraph (3), by striking the pe-
23 riod at the end and inserting “; or”; and

24 (C) by adding at the end the following:

1 “(4) the initial environmental analysis under
2 National Environmental Policy Act of 1969 (42
3 U.S.C. 4321 et seq.) regarding a grazing allotment,
4 permit, or lease has not been completed.”.

5 **SEC. 1103. RENEWAL, TRANSFER, AND REISSUANCE OF**
6 **GRAZING PERMITS AND LEASES.**

7 Title IV of the Federal Land Policy and Management
8 Act of 1976 (43 U.S.C. 1751 et seq.) is amended by add-
9 ing at the end the following:

10 **“SEC. 405. RENEWAL, TRANSFER, AND REISSUANCE OF**
11 **GRAZING PERMITS AND LEASES.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) CURRENT GRAZING MANAGEMENT.—The
14 term ‘current grazing management’ means grazing
15 in accordance with the terms and conditions of an
16 existing permit or lease and includes any modifica-
17 tions that are consistent with an applicable Depart-
18 ment of Interior resource management plan or De-
19 partment of Agriculture land use plan.

20 “(2) SECRETARY CONCERNED.—The term ‘Sec-
21 retary concerned’ means—

22 “(A) the Secretary of Agriculture, with re-
23 spect to National Forest System land; and

1 “(B) the Secretary of the Interior, with re-
2 spect to land under the jurisdiction of the De-
3 partment of the Interior.

4 “(b) RENEWAL, TRANSFER, REISSUANCE, AND
5 PENDING PROCESSING.—A grazing permit or lease issued
6 by the Secretary of the Interior, or a grazing permit issued
7 by the Secretary of Agriculture regarding National Forest
8 System land, that expires, is transferred, or is waived shall
9 be renewed or reissued under, as appropriate—

10 “(1) section 402;

11 “(2) section 19 of the Act of April 24, 1950
12 (commonly known as the ‘Granger-Thye Act’; 16
13 U.S.C. 580l);

14 “(3) title III of the Bankhead-Jones Farm Ten-
15 ant Act (7 U.S.C. 1010 et seq.); or

16 “(4) section 510 the California Desert Protec-
17 tion Act of 1994 (16 U.S.C. 410aaa–50).

18 “(c) TERMS; CONDITIONS.—The terms and condi-
19 tions (except the termination date) contained in an ex-
20 pired, transferred, or waived permit or lease described in
21 subsection (b) shall continue in effect under a renewed or
22 reissued permit or lease until the date on which the Sec-
23 retary concerned completes the processing of the renewed
24 or reissued permit or lease that is the subject of the ex-

1 pired, transferred, or waived permit or lease, in compli-
2 ance with each applicable law.

3 “(d) CANCELLATION; SUSPENSION; MODIFICA-
4 TION.—Notwithstanding subsection (c), a permit or lease
5 described in subsection (b) may be cancelled, suspended,
6 or modified in accordance with applicable law.

7 “(e) RENEWAL TRANSFER REISSUANCE AFTER
8 PROCESSING.—When the Secretary concerned has com-
9 pleted the processing of the renewed or reissued permit
10 or lease that is the subject of the expired, transferred, or
11 waived permit or lease, the Secretary concerned may
12 renew or reissue the permit or lease for a term of 20 years
13 after completion of processing.

14 “(f) COMPLIANCE WITH NATIONAL ENVIRONMENTAL
15 POLICY ACT OF 1969.—The renewal, reissuance, or trans-
16 fer of a grazing permit or lease by the Secretary concerned
17 may, at their sole discretion, be categorically excluded
18 from the requirement to prepare an environmental assess-
19 ment or an environmental impact statement if—

20 “(1) the decision to renew, reissue, or transfer
21 continues the current grazing management of the al-
22 lotment;

23 “(2) monitoring of the allotment has indicated
24 that the current grazing management has met, or
25 has satisfactorily progressed towards meeting, objec-

1 tives contained in the land use and resource manage-
2 ment plan of the allotment, as determined by the
3 Secretary concerned; or

4 “(3) the decision is consistent with the policy of
5 the Department of the Interior or the Department
6 of Agriculture, as appropriate, regarding extraor-
7 dinary circumstances.

8 “(g) PRIORITY AND TIMING FOR COMPLETING ENVI-
9 RONMENTAL ANALYSES.—The Secretary concerned, in the
10 sole discretion of the Secretary concerned, shall determine
11 the priority and timing for completing each required envi-
12 ronmental analysis regarding any grazing allotment, per-
13 mit, or lease based on the environmental significance of
14 the allotment, permit, or lease and available funding for
15 that purpose.

16 “(h) NEPA EXEMPTIONS.—The National Environ-
17 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall
18 not apply to the following:

19 “(1) Crossing and trailing authorizations of do-
20 mestic livestock.

21 “(2) Transfer of grazing preference.”.

1 **TITLE XII—TARGET PRACTICE**
2 **AND MARKSMANSHIP TRAIN-**
3 **ING SUPPORT ACT**

4 **SEC. 1201. SHORT TITLE.**

5 This title may be cited as the “Target Practice and
6 Marksmanship Training Support Act”.

7 **SEC. 1202. FINDINGS; PURPOSE.**

8 (a) FINDINGS.—Congress finds that—

9 (1) the use of firearms and archery equipment
10 for target practice and marksmanship training ac-
11 tivities on Federal land is allowed, except to the ex-
12 tent specific portions of that land have been closed
13 to those activities;

14 (2) in recent years preceding the date of enact-
15 ment of this title, portions of Federal land have been
16 closed to target practice and marksmanship training
17 for many reasons;

18 (3) the availability of public target ranges on
19 non-Federal land has been declining for a variety of
20 reasons, including continued population growth and
21 development near former ranges;

22 (4) providing opportunities for target practice
23 and marksmanship training at public target ranges
24 on Federal and non-Federal land can help—

1 (A) to promote enjoyment of shooting, rec-
2 reational, and hunting activities; and

3 (B) to ensure safe and convenient locations
4 for those activities;

5 (5) Federal law in effect on the date of enact-
6 ment of this title, including the Pittman-Robertson
7 Wildlife Restoration Act (16 U.S.C. 669 et seq.),
8 provides Federal support for construction and ex-
9 pansion of public target ranges by making available
10 to States amounts that may be used for construc-
11 tion, operation, and maintenance of public target
12 ranges; and

13 (6) it is in the public interest to provide in-
14 creased Federal support to facilitate the construction
15 or expansion of public target ranges.

16 (b) PURPOSE.—The purpose of this title is to facili-
17 tate the construction and expansion of public target
18 ranges, including ranges on Federal land managed by the
19 Forest Service and the Bureau of Land Management.

20 **SEC. 1203. DEFINITION OF PUBLIC TARGET RANGE.**

21 In this title, the term “public target range” means
22 a specific location that—

23 (1) is identified by a governmental agency for
24 recreational shooting;

25 (2) is open to the public;

1 (3) may be supervised; and

2 (4) may accommodate archery or rifle, pistol, or
3 shotgun shooting.

4 **SEC. 1204. AMENDMENTS TO PITTMAN-ROBERTSON WILD-**
5 **LIFE RESTORATION ACT.**

6 (a) DEFINITIONS.—Section 2 of the Pittman-Robert-
7 son Wildlife Restoration Act (16 U.S.C. 669a) is amend-
8 ed—

9 (1) by redesignating paragraphs (2) through
10 (8) as paragraphs (3) through (9), respectively; and

11 (2) by inserting after paragraph (1) the fol-
12 lowing:

13 “(2) the term ‘public target range’ means a
14 specific location that—

15 “(A) is identified by a governmental agen-
16 cy for recreational shooting;

17 “(B) is open to the public;

18 “(C) may be supervised; and

19 “(D) may accommodate archery or rifle,
20 pistol, or shotgun shooting;”.

21 (b) EXPENDITURES FOR MANAGEMENT OF WILD-
22 LIFE AREAS AND RESOURCES.—Section 8(b) of the Pitt-
23 man-Robertson Wildlife Restoration Act (16 U.S.C.
24 669g(b)) is amended—

1 (1) by striking “(b) Each State” and inserting
2 the following:

3 “(b) EXPENDITURES FOR MANAGEMENT OF WILD-
4 LIFE AREAS AND RESOURCES.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), each State”;

7 (2) in paragraph (1) (as so designated), by
8 striking “construction, operation,” and inserting
9 “operation”;

10 (3) in the second sentence, by striking “The
11 non-Federal share” and inserting the following:

12 “(3) NON-FEDERAL SHARE.—The non-Federal
13 share”;

14 (4) in the third sentence, by striking “The Sec-
15 retary” and inserting the following:

16 “(4) REGULATIONS.—The Secretary”; and

17 (5) by inserting after paragraph (1) (as des-
18 ignated by paragraph (1) of this subsection) the fol-
19 lowing:

20 “(2) EXCEPTION.—Notwithstanding the limita-
21 tion described in paragraph (1), a State may pay up
22 to 90 percent of the cost of acquiring land for, ex-
23 panding, or constructing a public target range.”.

24 (c) FIREARM AND BOW HUNTER EDUCATION AND
25 SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-

1 Robertson Wildlife Restoration Act (16 U.S.C. 669h–1)
2 is amended—

3 (1) in subsection (a), by adding at the end the
4 following:

5 “(3) ALLOCATION OF ADDITIONAL AMOUNTS.—

6 Of the amount apportioned to a State for any fiscal
7 year under section 4(b), the State may elect to allo-
8 cate not more than 10 percent, to be combined with
9 the amount apportioned to the State under para-
10 graph (1) for that fiscal year, for acquiring land for,
11 expanding, or constructing a public target range.”;

12 (2) by striking subsection (b) and inserting the
13 following:

14 “(b) COST SHARING.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), the Federal share of the cost of any activ-
17 ity carried out using a grant under this section shall
18 not exceed 75 percent of the total cost of the activ-
19 ity.

20 “(2) PUBLIC TARGET RANGE CONSTRUCTION OR
21 EXPANSION.—The Federal share of the cost of ac-
22 quiring land for, expanding, or constructing a public
23 target range in a State on Federal or non-Federal
24 land pursuant to this section or section 8(b) shall

1 not exceed 90 percent of the cost of the activity.”;
2 and

3 (3) in subsection (c)(1)—

4 (A) by striking “Amounts made” and in-
5 serting the following:

6 “(A) IN GENERAL.—Except as provided in
7 subparagraph (B), amounts made”; and

8 (B) by adding at the end the following:

9 “(B) EXCEPTION.—Amounts provided for
10 acquiring land for, constructing, or expanding a
11 public target range shall remain available for
12 expenditure and obligation during the 5-fiscal-
13 year period beginning on October 1 of the first
14 fiscal year for which the amounts are made
15 available.”.

16 **SEC. 1205. LIMITS ON LIABILITY.**

17 (a) DISCRETIONARY FUNCTION.—For purposes of
18 chapter 171 of title 28, United States Code (commonly
19 referred to as the “Federal Tort Claims Act”), any action
20 by an agent or employee of the United States to manage
21 or allow the use of Federal land for purposes of target
22 practice or marksmanship training by a member of the
23 public shall be considered to be the exercise or perform-
24 ance of a discretionary function.

1 (b) CIVIL ACTION OR CLAIMS.—Except to the extent
2 provided in chapter 171 of title 28, United States Code,
3 the United States shall not be subject to any civil action
4 or claim for money damages for any injury to or loss of
5 property, personal injury, or death caused by an activity
6 occurring at a public target range that is—

- 7 (1) funded in whole or in part by the Federal
8 Government pursuant to the Pittman-Robertson
9 Wildlife Restoration Act (16 U.S.C. 669 et seq.); or
10 (2) located on Federal land.

11 **SEC. 1206. SENSE OF CONGRESS REGARDING COOPERA-**
12 **TION.**

13 It is the sense of Congress that, consistent with appli-
14 cable laws and regulations, the Chief of the Forest Service
15 and the Director of the Bureau of Land Management
16 should cooperate with State and local authorities and
17 other entities to carry out waste removal and other activi-
18 ties on any Federal land used as a public target range
19 to encourage continued use of that land for target practice
20 or marksmanship training.

1 **TITLE XIII—CHESAPEAKE BAY**
2 **ACCOUNTABILITY AND RE-**
3 **COVERY ACT OF 2012**

4 **SEC. 1301. SHORT TITLE.**

5 This title may be cited as the “Chesapeake Bay Ac-
6 countability and Recovery Act of 2012”.

7 **SEC. 1302. CHESAPEAKE BAY CROSSCUT BUDGET.**

8 (a) CROSSCUT BUDGET.—The Director, in consulta-
9 tion with the Chesapeake Executive Council, the chief ex-
10 ecutive of each Chesapeake Bay State, and the Chesa-
11 peake Bay Commission, shall submit to Congress a finan-
12 cial report containing—

13 (1) an interagency crosscut budget that dis-
14 plays—

15 (A) the proposed funding for any Federal
16 restoration activity to be carried out in the suc-
17 ceeding fiscal year, including any planned inter-
18 agency or intra-agency transfer, for each of the
19 Federal agencies that carry out restoration ac-
20 tivities;

21 (B) to the extent that information is avail-
22 able, the estimated funding for any State res-
23 toration activity to be carried out in the suc-
24 ceeding fiscal year;

1 (C) all expenditures for Federal restoration
2 activities from the preceding 2 fiscal years, the
3 current fiscal year, and the succeeding fiscal
4 year; and

5 (D) all expenditures, to the extent that in-
6 formation is available, for State restoration ac-
7 tivities during the equivalent time period de-
8 scribed in subparagraph (C);

9 (2) a detailed accounting of all funds received
10 and obligated by all Federal agencies for restoration
11 activities during the current and preceding fiscal
12 years, including the identification of funds which
13 were transferred to a Chesapeake Bay State for res-
14 toration activities;

15 (3) to the extent that information is available,
16 a detailed accounting from each State of all funds
17 received and obligated from a Federal agency for
18 restoration activities during the current and pre-
19 ceding fiscal years; and

20 (4) a description of each of the proposed Fed-
21 eral and State restoration activities to be carried out
22 in the succeeding fiscal year (corresponding to those
23 activities listed in subparagraphs (A) and (B) of
24 paragraph (1)), including the—

25 (A) project description;

- 1 (B) current status of the project;
- 2 (C) Federal or State statutory or regu-
- 3 latory authority, programs, or responsible agen-
- 4 cies;
- 5 (D) authorization level for appropriations;
- 6 (E) project timeline, including benchmarks;
- 7 (F) references to project documents;
- 8 (G) descriptions of risks and uncertainties
- 9 of project implementation;
- 10 (H) adaptive management actions or
- 11 framework;
- 12 (I) coordinating entities;
- 13 (J) funding history;
- 14 (K) cost-sharing; and
- 15 (L) alignment with existing Chesapeake
- 16 Bay Agreement and Chesapeake Executive
- 17 Council goals and priorities.

18 (b) MINIMUM FUNDING LEVELS.—The Director shall
19 only describe restoration activities in the report required
20 under subsection (a) that—

- 21 (1) for Federal restoration activities, have fund-
- 22 ing amounts greater than or equal to \$100,000; and
- 23 (2) for State restoration activities, have funding
- 24 amounts greater than or equal to \$50,000.

1 (c) DEADLINE.—The Director shall submit to Con-
2 gress the report required by subsection (a) not later than
3 30 days after the submission by the President of the Presi-
4 dent’s annual budget to Congress.

5 (d) REPORT.—Copies of the financial report required
6 by subsection (a) shall be submitted to the Committees
7 on Appropriations, Natural Resources, Energy and Com-
8 merce, and Transportation and Infrastructure of the
9 House of Representatives and the Committees on Appro-
10 priations, Environment and Public Works, and Commerce,
11 Science, and Transportation of the Senate.

12 (e) EFFECTIVE DATE.—This section shall apply be-
13 ginning with the first fiscal year after the date of enact-
14 ment of this title for which the President submits a budget
15 to Congress.

16 **SEC. 1303. ADAPTIVE MANAGEMENT PLAN.**

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this title, the Administrator, in con-
19 sultation with other Federal and State agencies, shall de-
20 velop an adaptive management plan for restoration activi-
21 ties in the Chesapeake Bay watershed that includes—

- 22 (1) definition of specific and measurable objec-
23 tives to improve water quality, habitat, and fisheries;
24 (2) a process for stakeholder participation;

1 (3) monitoring, modeling, experimentation, and
2 other research and evaluation practices;

3 (4) a process for modification of restoration ac-
4 tivities that have not attained or will not attain the
5 specific and measurable objectives set forth under
6 paragraph (1); and

7 (5) a process for prioritizing restoration activi-
8 ties and programs to which adaptive management
9 shall be applied.

10 (b) IMPLEMENTATION.—The Administrator shall im-
11 plement the adaptive management plan developed under
12 subsection (a).

13 (c) UPDATES.—The Administrator shall update the
14 adaptive management plan developed under subsection (a)
15 every 2 years.

16 (d) REPORT TO CONGRESS.—

17 (1) IN GENERAL.—Not later than 60 days after
18 the end of a fiscal year, the Administrator shall
19 transmit to Congress an annual report on the imple-
20 mentation of the adaptive management plan required
21 under this section for such fiscal year.

22 (2) CONTENTS.—The report required under
23 paragraph (1) shall contain information about the
24 application of adaptive management to restoration
25 activities and programs, including programmatic and

1 project level changes implemented through the proc-
2 ess of adaptive management.

3 (3) EFFECTIVE DATE.—Paragraph (1) shall
4 apply to the first fiscal year that begins after the
5 date of enactment of this title.

6 (e) INCLUSION OF PLAN IN ANNUAL ACTION PLAN
7 AND ANNUAL PROGRESS REPORT.—The Administrator
8 shall ensure that the Annual Action Plan and Annual
9 Progress Report required by section 205 of Executive
10 Order 13508 includes the adaptive management plan out-
11 lined in subsection (a).

12 **SEC. 1304. INDEPENDENT EVALUATOR FOR THE CHESA-**
13 **PEAKE BAY PROGRAM.**

14 (a) IN GENERAL.—There shall be an Independent
15 Evaluator for restoration activities in the Chesapeake Bay
16 watershed, who shall review and report on restoration ac-
17 tivities and the use of adaptive management in restoration
18 activities, including on such related topics as are suggested
19 by the Chesapeake Executive Council.

20 (b) APPOINTMENT.—

21 (1) IN GENERAL.—The Independent Evaluator
22 shall be appointed by the Administrator from among
23 nominees submitted by the Chesapeake Executive
24 Council.

1 (2) NOMINATIONS.—The Chesapeake Executive
2 Council may submit to the Administrator 4 nomi-
3 nees for appointment to any vacancy in the office of
4 the Independent Evaluator.

5 (c) REPORTS.—The Independent Evaluator shall sub-
6 mit a report to the Congress every 2 years in the findings
7 and recommendations of reviews under this section.

8 (d) CHESAPEAKE EXECUTIVE COUNCIL.—In this sec-
9 tion, the term “Chesapeake Executive Council” has the
10 meaning given that term by section 307 of the National
11 Oceanic and Atmospheric Administration Authorization
12 Act of 1992 (Public Law 102–567; 15 U.S.C. 1511d).

13 **SEC. 1305. DEFINITIONS.**

14 In this title, the following definitions apply:

15 (1) ADAPTIVE MANAGEMENT.—The term
16 “adaptive management” means a type of natural re-
17 source management in which project and program
18 decisions are made as part of an ongoing science-
19 based process. Adaptive management involves test-
20 ing, monitoring, and evaluating applied strategies
21 and incorporating new knowledge into programs and
22 restoration activities that are based on scientific
23 findings and the needs of society. Results are used
24 to modify management policy, strategies, practices,
25 programs, and restoration activities.

1 (2) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (3) CHESAPEAKE BAY STATE.—The term
5 “Chesapeake Bay State” or “State” means the
6 States of Maryland, West Virginia, Delaware, and
7 New York, the Commonwealths of Virginia and
8 Pennsylvania, and the District of Columbia.

9 (4) CHESAPEAKE BAY WATERSHED.—The term
10 “Chesapeake Bay watershed” means the Chesapeake
11 Bay and the geographic area, as determined by the
12 Secretary of the Interior, consisting of 36 tributary
13 basins, within the Chesapeake Bay States, through
14 which precipitation drains into the Chesapeake Bay.

15 (5) CHIEF EXECUTIVE.—The term “chief exec-
16 utive” means, in the case of a State or Common-
17 wealth, the Governor of each such State or Common-
18 wealth and, in the case of the District of Columbia,
19 the Mayor of the District of Columbia.

20 (6) DIRECTOR.—The term “Director” means
21 the Director of the Office of Management and Budg-
22 et.

23 (7) RESTORATION ACTIVITIES.—The term “res-
24 toration activities” means any Federal or State pro-
25 grams or projects that directly or indirectly protect,

1 conserve, or restore living resources, habitat, water
2 resources, or water quality in the Chesapeake Bay
3 watershed, including programs or projects that pro-
4 mote responsible land use, stewardship, and commu-
5 nity engagement in the Chesapeake Bay watershed.
6 Restoration activities may be categorized as follows:

7 (A) Physical restoration.

8 (B) Planning.

9 (C) Feasibility studies.

10 (D) Scientific research.

11 (E) Monitoring.

12 (F) Education.

13 (G) Infrastructure Development.

14 **TITLE XIV—NATIONAL SECURITY**
15 **AND FEDERAL LANDS PRO-**
16 **TECTION ACT**

17 **SEC. 1401. SHORT TITLE.**

18 This title may be cited as the “National Security and
19 Federal Lands Protection Act”.

20 **SEC. 1402. PROHIBITION ON IMPEDING CERTAIN ACTIVI-**
21 **TIES OF U.S. CUSTOMS AND BORDER PROTEC-**
22 **TION RELATED TO BORDER SECURITY.**

23 (a) PROHIBITION ON SECRETARIES OF THE INTE-
24 RIOR AND AGRICULTURE.—The Secretary of the Interior
25 or the Secretary of Agriculture shall not impede, prohibit,

1 or restrict activities of U.S. Customs and Border Protec-
2 tion on land under the jurisdiction of the Secretary of the
3 Interior or the Secretary of Agriculture to achieve oper-
4 ational control (as defined in section 2(b) of the Secure
5 Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–
6 367)) over the international land borders of the United
7 States.

8 (b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND
9 BORDER PROTECTION.—

10 (1) AUTHORIZATION.—U.S. Customs and Bor-
11 der Protection shall have immediate access to land
12 under the jurisdiction of the Secretary of the Inte-
13 rior or the Secretary of Agriculture for purposes of
14 conducting the following activities on such land that
15 assist in securing the international land borders of
16 the United States:

17 (A) Construction and maintenance of
18 roads.

19 (B) Construction and maintenance of
20 fences.

21 (C) Use vehicles to patrol.

22 (D) Installation, maintenance, and oper-
23 ation of surveillance equipment and sensors.

24 (E) Use of aircraft.

1 (F) Deployment of temporary tactical in-
2 frastructure, including forward operating bases.

3 (c) CLARIFICATION RELATING TO WAIVER AUTHOR-
4 ITY.—

5 (1) IN GENERAL.—Notwithstanding any other
6 provision of law (including any termination date re-
7 lating to the waiver referred to in this subsection),
8 the waiver by the Secretary of Homeland Security
9 on April 1, 2008, under section 102(c)(1) of the Ille-
10 gal Immigration Reform and Immigrant Responsi-
11 bility Act of 1996 (8 U.S.C. 1103 note; Public Law
12 104–208) of the laws described in paragraph (2)
13 with respect to certain sections of the international
14 border between the United States and Mexico and
15 between the United States and Canada shall be con-
16 sidered to apply to all land under the jurisdiction of
17 the Secretary of the Interior or the Secretary of Ag-
18 riculture within 100 miles of the international land
19 borders of the United States for the activities of
20 U.S. Customs and Border Protection described in
21 subsection (b).

22 (2) DESCRIPTION OF LAWS WAIVED.—The laws
23 referred to in paragraph (1) are the National Envi-
24 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
25 seq.), the Endangered Species Act of 1973 (16

1 U.S.C. 1531 et seq.), the Federal Water Pollution
2 Control Act (33 U.S.C. 1251 et seq.), the National
3 Historic Preservation Act (16 U.S.C. 470 et seq.),
4 the Migratory Bird Treaty Act (16 U.S.C. 703 et
5 seq.), the Clean Air Act (42 U.S.C. 7401 et seq.),
6 the Archaeological Resources Protection Act of 1979
7 (16 U.S.C. 470aa et seq.), the Safe Drinking Water
8 Act (42 U.S.C. 300f et seq.), the Noise Control Act
9 of 1972 (42 U.S.C. 4901 et seq.), the Solid Waste
10 Disposal Act (42 U.S.C. 6901 et seq.), the Com-
11 prehensive Environmental Response, Compensation,
12 and Liability Act of 1980 (42 U.S.C. 9601 et seq.),
13 Public Law 86–523 (16 U.S.C. 469 et seq.), the Act
14 of June 8, 1906 (commonly known as the “Antiq-
15 uities Act of 1906”) (16 U.S.C. 431 et seq.), the Act
16 of August 21, 1935 (16 U.S.C. 461 et seq.), the
17 Wild and Scenic Rivers Act (16 U.S.C. 1271 et
18 seq.), the Farmland Protection Policy Act (7 U.S.C.
19 4201 et seq.), the Coastal Zone Management Act of
20 1972 (16 U.S.C. 1451 et seq.), the Wilderness Act
21 (16 U.S.C. 1131 et seq.), the Federal Land Policy
22 and Management Act of 1976 (43 U.S.C. 1701 et
23 seq.), the National Wildlife Refuge System Adminis-
24 tration Act of 1966 (16 U.S.C. 668dd et seq.), the
25 Fish and Wildlife Act of 1956 (16 U.S.C. 742a et

1 seq.), the Fish and Wildlife Coordination Act (16
2 U.S.C. 661 et seq.), subchapter II of chapter 5, and
3 chapter 7, of title 5, United States Code (commonly
4 known as the “Administrative Procedure Act”), the
5 Otay Mountain Wilderness Act of 1999 (Public Law
6 106–145, 113 Stat. 1711), sections 102(29) and
7 103 of California Desert Protection Act of 1994 (16
8 U.S.C. 410aaa et seq.), the National Park Service
9 Organic Act (16 U.S.C. 1 et seq.), Public Law 91–
10 383 (16 U.S.C. 1a–1 et seq.), sections 401(7), 403,
11 and 404 of the National Parks and Recreation Act
12 of 1978 (Public Law 95–625, 92 Stat. 3467), the
13 Arizona Desert Wilderness Act of 1990 (16 U.S.C.
14 1132 note; Public Law 101–628), section 10 of the
15 Act of March 3, 1899 (33 U.S.C. 403), the Act of
16 June 8, 1940 (16 U.S.C. 668 et seq.), (25 U.S.C.
17 3001 et seq.), Public Law 95–341 (42 U.S.C. 1996),
18 Public Law 103–141 (42 U.S.C. 2000bb et seq.),
19 the Forest and Rangeland Renewable Resources
20 Planning Act of 1974 (16 U.S.C. 1600 et seq.), the
21 Multiple-Use Sustained-Yield Act of 1960 (16
22 U.S.C. 528 et seq.), the Mineral Leasing Act (30
23 U.S.C. 181, et seq.), the Materials Act of 1947 (30
24 U.S.C. 601 et seq.), and the General Mining Act of
25 1872 (30 U.S.C. 22 note).

1 (d) PROTECTION OF LEGAL USES.—This section
2 shall not be construed to provide—

3 (1) authority to restrict legal uses, such as
4 grazing, hunting, or mining, on land under the juris-
5 diction of the Secretary of the Interior or the Sec-
6 retary of Agriculture; or

7 (2) any additional authority to restrict legal ac-
8 cess to such land.

9 **SEC. 1403. SUNSET.**

10 This title shall have no force or effect after the end
11 of the 5-year period beginning on the date of enactment
12 of this Act.

