

115TH CONGRESS
1ST SESSION

H. R. 4532

To create the first Tribally managed national monument, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 4, 2017

Mr. CURTIS (for himself, Mr. BISHOP of Utah, Mr. STEWART, and Mrs. LOVE) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To create the first Tribally managed national monument,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Shash Jáa National
5 Monument and Indian Creek National Monument Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Withdrawal.
- Sec. 4. Proclamation termination.
- Sec. 5. Authorization of appropriations.

TITLE I—SHASH JÁA NATIONAL MONUMENT

- Sec. 101. Establishment and purpose.
- Sec. 102. Map and legal description.
- Sec. 103. Administration of Shash Jáa National Monument.
- Sec. 104. General provisions.
- Sec. 105. Shash Jáa Tribal Management Council.
- Sec. 106. Bears Ears Commission.
- Sec. 107. Archaeological resources protection.
- Sec. 108. Enhanced resource protection capabilities in the Shash Jáa National Monument.
- Sec. 109. Scientific research to further purpose of Shash Jáa National Monument.
- Sec. 110. Federal land manager adherence.

TITLE II—INDIAN CREEK NATIONAL MONUMENT

- Sec. 201. Establishment and purpose.
- Sec. 202. Map and legal description.
- Sec. 203. Administration of Indian Creek National Monument.
- Sec. 204. General provisions.
- Sec. 205. Indian Creek Management Council.
- Sec. 206. Bears Ears Commission.
- Sec. 207. Archaeological resources protection.
- Sec. 208. Enhanced resource protection capabilities in the Indian Creek National Monument.
- Sec. 209. Scientific research to further purpose of Indian Creek National Monument.
- Sec. 210. Federal land manager adherence.

TITLE III—UTAH PUBLIC SCHOOL TRUST LAND CERTAINTY

- Sec. 301. Definitions.
- Sec. 302. Exchange of land to benefit the Utah Public School Trust.
- Sec. 303. Equal value land exchanges and appraisals.

1 SEC. 3. WITHDRAWAL.

2 Subject to valid existing rights, all Federal land and
 3 interests in land within the exterior boundaries of the
 4 Bears Ears National Monument declared under Presi-
 5 dential Proclamation 9558, dated December 28, 2016, is
 6 withdrawn from—

7 (1) all forms of entry, appropriation, and dis-
 8 posal under the public land laws;

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

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

3 **SEC. 4. PROCLAMATION TERMINATION.**

4 Presidential Proclamation 9558, dated December 28,
5 2016, and issued under chapter 3203 of title 54, United
6 States Code, is hereby declared null and void.

7 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated to carry out
9 this Act \$1,500,000 for each of fiscal years 2018 through
10 2024.

11 **TITLE I—SHASH JÁA NATIONAL**
12 **MONUMENT**

13 **SEC. 101. ESTABLISHMENT AND PURPOSE.**

14 (a) ESTABLISHMENT.—Subject to the valid existing
15 rights, the Federal land comprising approximately
16 142,337 acres, identified as “Shash Jáa National Unit”
17 and generally depicted on the map entitled “Bears Ears
18 National Monument Boundary Modification”, including
19 Moon House Ruin and Doll House Ruin, is hereby estab-
20 lished as the “Shash Jáa National Monument”.

21 (b) PURPOSE.—The purpose of the Shash Jáa Na-
22 tional Monument shall be to protect, conserve, and en-
23 hance the unique and nationally important historic, sa-
24 cred, cultural, scientific, scenic, archaeological, natural,

1 and educational resources of the Shash Jáa National
2 Monument.

3 **SEC. 102. MAP AND LEGAL DESCRIPTION.**

4 (a) IN GENERAL.—As soon as practicable after the
5 date of the enactment of this Act, the Secretary of the
6 Interior and the Secretary of Agriculture shall submit to
7 the Committee on Natural Resources of the House of Rep-
8 resentatives and the Committee on Energy and Natural
9 Resources and the Committee on Agriculture, Nutrition,
10 and Forestry of the Senate a map and legal description
11 of the Shash Jáa National Monument established by sec-
12 tion 101.

13 (b) FORCE AND EFFECT.—The map and legal de-
14 scription submitted under this section shall have the same
15 force and effect as if included in this title, except that
16 the Secretary of the Interior and Secretary of Agriculture
17 may make minor modifications of any clerical or typo-
18 graphical errors in the map or legal description provided
19 these changes are first reported to the State of Utah, San
20 Juan County, Utah, and the Shash Jáa Tribal Manage-
21 ment Council.

22 (c) PUBLIC AVAILABILITY.—A copy of the map and
23 legal description shall be on file and available for public
24 inspection in the appropriate field offices of the Bureau

1 of Indian Affairs, the Bureau of Land Management, and
2 the Forest Service.

3 **SEC. 103. ADMINISTRATION OF SHASH JÁA NATIONAL**
4 **MONUMENT.**

5 (a) IN GENERAL.—In accordance with this title, the
6 Federal Land Policy and Management Act of 1976 (43
7 U.S.C. 1701 et seq.), and other applicable laws and regu-
8 lations, the Shash Jáa Tribal Management Council shall
9 manage the Shash Jáa National Monument in a manner
10 that—

11 (1) furthers the purpose of the Monument;

12 (2) encourages cooperative and innovative man-
13 agement practices between resource managers, pri-
14 vate landowners, and the public; and

15 (3) recognizes and maintains historic Tribal
16 uses, including hunting, gathering, wood cutting,
17 and cultural and religious uses.

18 (b) MANAGEMENT PLAN.—

19 (1) PLAN REQUIRED.—As soon as practicable
20 after the date of the enactment of this Act, con-
21 sistent with the purpose of the monument, the
22 Shash Jáa Tribal Management Council shall develop
23 a comprehensive plan for the long-term management
24 of the Shash Jáa National Monument. The plan may
25 be updated or amended by the Shash Jáa Tribal

1 Management Council in response to changing cir-
2 cumstances or as determined by the Shash Jáa Trib-
3 al Management Council.

4 (2) CONSULTATION.—In developing the man-
5 agement plan, the Shash Jáa Tribal Management
6 Council shall consult with appropriate State and
7 local entities, the Bears Ears Commission, affected
8 Indian Tribes, and the public. In particular, the
9 Shash Jáa Tribal Management Council shall solicit
10 information and proposals as needed to integrate
11 Native American traditional and historical knowl-
12 edge and special expertise into the management plan
13 of the Shash Jáa National Monument. Such infor-
14 mation and proposals may include—

15 (A) protections for and use of sacred sites;

16 (B) cultural and educational programming;

17 (C) identification of plants, animals, and
18 special resources;

19 (D) identification of traditional uses, such
20 as gathering firewood; and

21 (E) historical and archaeological resources.

22 (3) REJECTION OF RECOMMENDATIONS.—If the
23 Shash Jáa Tribal Management Council does not in-
24 corporate written recommendations submitted by
25 State or local entities, the Bears Ears Commission,

1 or affected Indian Tribes into the management plan,
2 the Shash Jáa Tribal Management Council shall
3 submit a written explanation, not less than 30 days
4 before the effective date of the management plan, to
5 the Committee on Natural Resources of the House
6 of Representatives, the Committee on Energy and
7 Natural Resources of the Senate, and the Committee
8 on Agriculture, Nutrition, and Forestry of the Sen-
9 ate outlining the reasons for rejecting the rec-
10 ommendations.

11 (4) RELATIONSHIP WITH BEARS EARS COMMIS-
12 SION.—In addition to the consultation under para-
13 graph (2), the Shash Jáa Tribal Management Coun-
14 cil shall—

15 (A) carefully and fully consider integrating
16 the traditional and historical knowledge and
17 special expertise of the Bears Ears Commission
18 into the management plan of the Shash Jáa
19 National Monument; and

20 (B) not less than 45 days before the effec-
21 tive date of the management plan for the Shash
22 Jáa National Monument, provide the Bears
23 Ears Commission with a written explanation re-
24 garding any written recommendations from the
25 Bears Ears Commission that are not integrated

1 into the management plan for the Shash Jáa
2 National Monument.

3 (5) ELEMENTS INCLUDED.—The management
4 plan developed under this subsection shall—

5 (A) allow only those uses of the Shash Jáa
6 National Monument that are determined by the
7 Council to be consistent with the purpose of the
8 Monument;

9 (B) be consistent with the Native Amer-
10 ican Graves Protection and Repatriation Act
11 (25 U.S.C. 3001 et seq.), the American Indian
12 Religious Freedom Act (42 U.S.C. 1996 et
13 seq.), Executive Order 13007, division A of sub-
14 title III of title 54, United States Code (for-
15 merly the National Historic Preservation Act),
16 and the Archaeological Resources Protection
17 Act of 1979 (16 U.S.C. 470aa et seq.) to pro-
18 tect and preserve and minimize disturbance to
19 covered sites and properties, including human
20 remains;

21 (C) integrate Native knowledge (as defined
22 in section 219.19 of title 36, Code of Federal
23 Regulations) to improve social, economic, and
24 ecological sustainability in accordance with For-
25 est Service regulations set forth in section 219

1 of title 36, Code of Federal Regulations, or suc-
2 cessor regulations;

3 (D) allow for the continued use and access
4 (including by motorized vehicle) of the Shash
5 Jaa National Monument—

6 (i) for traditional and cultural cere-
7 monies;

8 (ii) as a source of traditional plants
9 and other materials for subsistence and
10 other uses in accordance with Federal law;
11 and

12 (iii) for any other activities deemed
13 appropriate, in consultation with the Shash
14 Jaa Archaeological Resources Protection
15 Unit;

16 (E) allow grazing where grazing was estab-
17 lished before the date of the enactment of this
18 Act—

19 (i) subject to such reasonable regula-
20 tions, policies, and practices as the Shash
21 Jaa Tribal Management Council deems
22 necessary;

23 (ii) subject to all applicable laws; and

24 (iii) with adjustments only allowed in
25 the numbers of livestock allowed as a re-

1 sult of revisions in the normal grazing and
2 land management planning and policy set-
3 ting process;

4 (F) allow commercial recreation activities
5 within the Shash Jáa National Monument in
6 accordance with this title and all other applica-
7 ble laws and regulations; and
8 (G) allow wildland fire operations in the
9 Shash Jáa National Monument consistent with
10 the purpose of the Shash Jáa National Monu-
11 ment.

12 (c) DONATIONS.—The Shash Jáa Tribal Manage-
13 ment Council may accept, hold, administer, and use gifts,
14 bequests, donations of funds or real property within the
15 boundaries of the Shash Jáa National Monument, and de-
16 vices (including labor and services) to further the purposes
17 of the Shash Jáa National Monument and to administer
18 the Monument. Donations accepted under this subsection
19 shall be considered as a gift or bequest to or for the use
20 of the United States.

21 **SEC. 104. GENERAL PROVISIONS.**

22 (a) WITHDRAWALS.—Subject to valid existing rights,
23 all Federal land and interests in land that is acquired by
24 the United States within the Shash Jáa National Monu-

1 ment after the date of the enactment of this Act, is with-
2 drawn from—

3 (1) all forms of entry, appropriation or disposal
4 under the public land laws;

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

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

9 (b) LAND ACQUISITION.—

10 (1) IN GENERAL.—The Secretary of the Inte-
11 rior or the Secretary of Agriculture, as appropriate,
12 may acquire lands or interest in lands within the ex-
13 terior boundaries of the Shash Jáa National Monu-
14 ment by donation, purchase with donated or appro-
15 priated funds, exchange, or transfer from a Federal
16 agency only with the concurrence of the Shash Jáa
17 Tribal Management Council.

18 (2) NO EMINENT DOMAIN OR CONDEMNATION.—The Secretary of the Interior and the Sec-
19 retary of Agriculture may not use eminent domain
20 or condemnation to acquire land or interest in land
21 within the exterior boundary of the Shash Jáa Na-
22 tional Monument.

23 (3) INCORPORATION IN NATIONAL MONU-
24 MENT.—Any land or interest in land located inside
25

1 the exterior boundary of the Shash Jáa National
2 Monument that is acquired by the United States
3 after the date of the enactment of this Act shall be
4 added to and administered as part of the Shash Jáa
5 National Monument.

6 (c) EXCLUSION OF NON-FEDERAL LAND.—The
7 Shash Jáa National Monument includes only Federal land
8 and interests in Federal land and does not include private
9 property or other non-Federal land and interests in land.
10 The management plan developed and implemented under
11 this title shall not apply to private property or non-Federal
12 land or interests in land.

13 (d) WATER RIGHTS.—Nothing in this title—

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

17 (2) affects any vested absolute or decreed condi-
18 tional water right in existence on the date of the en-
19 actment of this Act, including any water right held
20 by the United States;

21 (3) affects any claims or rights to water not yet
22 asserted or finally determined;

23 (4) affects any interstate water compact in ex-
24 istence on the date of the enactment of this Act;

1 (5) authorizes or imposes any new reserved
2 Federal water rights; or

3 (6) relinquishes or reduces any water rights re-
4 served or appropriated by the United States in the
5 State of Utah on or before the date of the enactment
6 of this Act.

7 (e) FISH AND WILDLIFE.—Nothing in this title af-
8 fects the jurisdiction of the State of Utah with respect
9 to the management of fish and wildlife in the State.

10 (f) EMERGENCY RESPONSE.—Nothing in this title al-
11 ters the authority or responsibility of any party with re-
12 spect to emergency response activities within the Shash
13 Jáa National Monument, including wildfire response.

14 (g) OVERFLIGHTS.—Nothing in this title shall pre-
15 clude overflights of military aircraft, the designation of
16 special-use airspace, or the use or establishment of mili-
17 tary flight training routes over the Shash Jáa National
18 Monument.

19 (h) TRIBAL RIGHTS.—Nothing in this title affects the
20 rights of any federally recognized Indian Tribe or any
21 treaty right.

22 **SEC. 105. SHASH JÁA TRIBAL MANAGEMENT COUNCIL.**

23 (a) DUTIES.—The Shash Jáa Tribal Management
24 Council shall—

1 (1) develop and implement the comprehensive
2 management plan required by section 103; and

3 (2) regularly and meaningfully engage with the
4 Bears Ears Commission regarding the management
5 of the Shash Jaa National Monument.

6 (b) MEMBERSHIP.—The Shash Jaa Tribal Manage-
7 ment Council shall be composed of the following members
8 appointed not later than 180 days after the date of the
9 enactment of this Act by the President:

10 (1) One individual from the Department of the
11 Interior or the Department of Agriculture.

12 (2) Six individuals, in consultation with the
13 Congressional delegation from the State of Utah,
14 who shall represent the following:

15 (A) Three who are members of the Navajo
16 Nation, one of whom must represent the Aneth
17 Chapter of the Navajo Nation.

18 (B) One who is a member of the White
19 Mesa Utes of the Ute Mountain Ute Tribe.

20 (C) Two who are members of the San
21 Juan County, Utah, Board of Commissioners.

22 (c) QUALIFICATIONS.—Of the representatives ap-
23 pointed by the President under subsection (b)(2)—

24 (1) none shall be employees of the Federal Gov-
25 ernment;

1 (2) all shall be residents of the State of Utah.

2 (d) TERMS.—The President shall appoint the mem-
3 bers of the Shash Jáa Tribal Management Council under
4 subsection (b)(2) for a term of five years, except that the
5 President shall designate staggered terms for the members
6 initially appointed to the Shash Jáa Tribal Management
7 Council. The President may not reappoint a member to
8 more than three consecutive terms.

9 (e) VACANCIES.—The President shall fill Presi-
10 dentially appointed vacancies on the Shash Jáa Tribal
11 Management Council as soon as practicable after the va-
12 cancy has occurred.

13 (f) COMPENSATION.—Non-Federal members of the
14 Shash Jáa Tribal Management Council shall serve without
15 pay, except for reasonable travel expenses, including per
16 diem in lieu of subsistence, at the rate authorized for em-
17 ployees of agencies under subchapter I of chapter 57 of
18 title 5, United States Code, while away from their homes
19 or regular places of business in the performance of duties
20 for the Council.

21 (g) CHAIR.—The members of the Shash Jáa Tribal
22 Management Council shall select the chair of the Shash
23 Jáa Tribal Management Council from one of the Presi-
24 dentially appointed representatives under subsection
25 (b)(2) for a term beginning on the date of selection, and

1 ending in five years or until the member's term of office
2 expires, whichever occurs first.

3 (h) ANNUAL SHASH JÁA TRIBAL MANAGEMENT
4 COUNCIL REPORT.—

5 (1) PUBLIC REPORT PUBLICATION.—Not later
6 than September 30 of each year, the Shash Jáa
7 Tribal Management Council shall post a public re-
8 port on the Forest Service, Bureau of Land Manage-
9 ment, and any Shash Jáa National Monument-affili-
10 ated websites maintained by the Shash Jáa Tribal
11 Management Council. If the Shash Jáa Tribal Man-
12 agement Council cannot meet the September 30
13 deadline in any year, on September 30 the Chair of
14 the Shash Jáa Tribal Management Council shall
15 publicly post on the websites the reasons for such
16 delay and the date on which the submission of the
17 report is anticipated.

18 (2) CONTENTS.—The report required by para-
19 graph (1) shall include—

20 (A) a description of the actions of the
21 Shash Jáa Tribal Management Council to de-
22 velop or implement the management plan for
23 the Shash Jáa National Monument;

24 (B) the recommendations made by the
25 State, local entities, the Bears Ears Commis-

1 sion, the Shash Jáa Archaeological Resources
2 Protection Unit, affected Indian Tribes, and the
3 public to the Shash Jáa Tribal Management
4 Council during the preceding year and actions
5 taken by the Shash Jáa Tribal Management
6 Council as a result of the recommendations;
7 and

8 (C) an accounting of the expenses of the
9 Shash Jáa Tribal Management Council.

10 (i) STAFF ASSISTANCE.—The Shash Jáa Tribal Man-
11 agement Council may request administrative staff assist-
12 ance from Federal employees under the jurisdiction of the
13 Secretary of the Interior or the Secretary of Agriculture.

14 (j) MEETINGS.—

15 (1) FREQUENCY.—The Shash Jáa Tribal Man-
16 agement Council shall meet at the call of the Chair
17 or a majority of the members. Meetings shall be held
18 no less than once each calendar year. A majority
19 must be present to constitute a quorum to con-
20 ducting an official meeting of the Shash Jáa Tribal
21 Management Council.

22 (2) ANNOUNCEMENT; OPEN MEETINGS.—All
23 meetings of the Shash Jáa Tribal Management
24 Council shall be announced not less than one week

1 in advance in publications of general circulation and
2 shall be open to the public.

3 **SEC. 106. BEARS EARS COMMISSION.**

4 (a) ESTABLISHMENT.—There is established a Bears
5 Ears Commission with the same membership, responsibil-
6 ities, and duties as that established under Presidential
7 Proclamation 9558, dated December 28, 2016.

8 (b) DUTIES.—In addition to the duties described in
9 subsection (a), the Bears Ears Commission shall provide
10 guidance and recommendations to the Shash Jáa Tribal
11 Management Council and the Shash Jáa Archaeological
12 Resources Protection Unit regarding the development and
13 implementation of the management plan required under
14 section 103(b).

15 **SEC. 107. ARCHAEOLOGICAL RESOURCES PROTECTION.**

16 (a) SHASH JÁA ARCHAEOLOGICAL RESOURCES PRO-
17 TECTION UNIT.—

18 (1) ESTABLISHMENT.—The Shash Jáa Tribal
19 Management Council shall establish and maintain a
20 Shash Jáa Archaeological Resources Protection Unit
21 to provide technical and other specific assistance to
22 help protect, conserve, and enhance the unique and
23 nationally important historic, sacred, cultural, sci-
24 entific, scenic, archaeological, natural, and edu-

1 cational resources in the Shash Jaa National Monu-
2 ment.

3 (2) MEMBERSHIP.—Not later than 210 days
4 after the date of the enactment of this Act, the
5 Shash Jaa Tribal Management Council shall appoint
6 9 individuals to the Shash Jaa Archaeological Re-
7 sources Protection Unit as follows:

8 (A) Five individuals with expertise in pre-
9 serving Tribal relics, artifacts, or other sacred
10 Tribal sites and objects.

11 (B) One individual with expertise in the
12 preservation of archaeological resources in fed-
13 erally protected areas.

14 (C) One individual with expertise in pro-
15 tecting scenic and natural resources.

16 (D) One individual representing a scientific
17 or educational institution in the State of Utah.

18 (E) One individual with historic preserva-
19 tion expertise in the State of Utah.

20 (3) DUTIES.—The Shash Jaa Archaeological
21 Resources Protection Unit shall—

22 (A) advise the Shash Jaa Tribal Manage-
23 ment Council on ways to protect, conserve, and
24 enhance the unique and nationally important
25 historic, sacred, cultural, scientific, scenic, ar-

1 chaeological, natural, and educational resources
2 in the Shash Jáa National Monument;

3 (B) recommend educational materials and
4 signage informing visitors of the unique and na-
5 tionally important historic, sacred, cultural, sci-
6 entific, scenic, archaeological, natural, and edu-
7 cational resources in the Shash Jáa National
8 Monument;

9 (C) recommend educational materials or
10 signage to prevent the destruction, degradation,
11 vandalism, or looting of sites within the Shash
12 Jáa National Monument; and

13 (D) not later than 60 days after its estab-
14 lishment under paragraph (2), submit to the
15 Shash Jáa Tribal Management Council infor-
16 mation regarding—

17 (i) sites located within the Shash Jáa
18 National Monument at high risk of de-
19 struction, degradation, vandalism, or
20 looting;

21 (ii) specific actions to eliminate, pre-
22 vent, or minimize destruction, degradation,
23 vandalism, and looting within Shash Jáa
24 National Monument; and

1 (iii) suggestions for additional admin-
2 istrative or other actions to help eliminate,
3 prevent, or minimize destruction, degrada-
4 tion, vandalism, or looting within Shash
5 Jáa National Monument.

6 (4) TERMS.—

7 (A) IN GENERAL.—Members of the Shash
8 Jáa Archaeological Resources Protection Unit
9 shall serve a term of 5 years beginning on the
10 date of appointment, except that the Shash Jáa
11 Tribal Management Council shall designate
12 staggered terms for the members initially ap-
13 pointed to Shash Jáa Archaeological Resources
14 Protection Unit.

15 (B) VACANCIES.—The Shash Jáa Tribal
16 Management Council shall make appointments
17 to fill vacancies on the Shash Jáa Archae-
18 ological Resources Protection Unit as soon as
19 practicable after the vacancy has occurred.

20 (C) COMPENSATION.—Members of the
21 Shash Jáa Archaeological Resources Protection
22 Unit shall serve without pay, except for reason-
23 able travel expenses, including per diem in lieu
24 of subsistence, at the rate authorized for em-
25 ployees of agencies under subchapter I of chap-

1 ter 57 of title 5, United States Code, while
2 away from their homes or regular places of
3 business in the performance of duties for the
4 Unit.

5 (D) STAFF ASSISTANCE.—The Shash Jaa
6 Archaeological Resources Protection Unit may
7 request administrative staff assistance from
8 Federal employees under the jurisdiction of the
9 Secretary of the Interior or the Secretary of
10 Agriculture or State employees under the juris-
11 diction of the State of Utah.

12 (E) MEETINGS.—The Shash Jaa Archae-
13 ological Resources Protection Unit shall meet at
14 the call of the Shash Jaa Tribal Management
15 Council or a majority of its members. Meetings
16 shall be held not less than once per calendar
17 year. A majority must be present to constitute
18 a quorum for the purpose of conducting an offi-
19 cial meeting of the Shash Jaa Archaeological
20 Resources Protection Unit.

21 **SEC. 108. ENHANCED RESOURCE PROTECTION CAPABILI-**
22 **TIES IN THE SHASH JAA NATIONAL MONU-**
23 **MENT.**

24 (a) ENHANCED ENFORCEMENT CAPABILITY.—

1 (1) ENFORCEMENT.—The Secretary of the In-
2 terior and the Secretary of Agriculture shall assign
3 not less than 10 law enforcement personnel to pro-
4 tect the unique and nationally important historic, sa-
5 cred, cultural, scientific, scenic, archaeological, nat-
6 ural, and educational resources of Shash Jáa Na-
7 tional Monument and its surrounding area, con-
8 sistent with the management plan developed under
9 section 103(b).

10 (2) PLAN COMPLIANCE.—The Secretary of the
11 Interior and the Secretary of Agriculture shall each
12 ensure the law enforcement personnel perform the
13 duties under paragraph (1) consistent with the man-
14 agement plan developed under section 103(b).

15 (b) MEMORANDA OF UNDERSTANDING.—The Sec-
16 retary of the Interior and the Secretary of Agriculture
17 shall each enter into memoranda of understanding or co-
18 operative agreements with local, State, or Tribal law en-
19 forcement entities to perform the duties described in sub-
20 section (a)(1).

21 **SEC. 109. SCIENTIFIC RESEARCH TO FURTHER PURPOSE**
22 **OF SHASH JÁA NATIONAL MONUMENT.**

23 The Secretary of the Interior and the Secretary of
24 Agriculture may enter into memoranda of understanding
25 or cooperative agreements with educational institutions or

1 other entities with expertise in archaeological, historical,
 2 or natural science fields to conduct scientific research in
 3 the Shash Jáa National Monument to aid in the develop-
 4 ment or implementation of the management plan required
 5 in section 103(b).

6 **SEC. 110. FEDERAL LAND MANAGER ADHERENCE.**

7 Federal land managers employed by the Bureau of
 8 Land Management or the Forest Service and working in
 9 the Shash Jáa National Monument shall adhere to the
 10 management plan created by the Shash Jáa Tribal Man-
 11 agement Council under section 103(b).

12 **TITLE II—INDIAN CREEK**
 13 **NATIONAL MONUMENT**

14 **SEC. 201. ESTABLISHMENT AND PURPOSE.**

15 (a) ESTABLISHMENT.—Subject to valid existing
 16 rights, the Federal land comprising approximately 86,447
 17 acres, identified as “Indian Creek Unit” and generally de-
 18 picted on the map entitled “Bears Ears National Monu-
 19 ment Boundary Modification” is hereby established as the
 20 “Indian Creek National Monument”.

21 (b) PURPOSE.—The purpose of the Indian Creek Na-
 22 tional Monument shall be to protect, conserve, and en-
 23 hance the unique and nationally important recreational,
 24 historic, sacred, cultural, scientific, scenic, archaeological,

1 natural, and educational resources of the Indian Creek
2 National Monument.

3 **SEC. 202. MAP AND LEGAL DESCRIPTION.**

4 (a) IN GENERAL.—As soon as practicable after the
5 date of the enactment of this Act, the Secretary of the
6 Interior and the Secretary of Agriculture shall submit to
7 the Committee on Natural Resources of the House of Rep-
8 resentatives and the Committee on Energy and Natural
9 Resources and the Committee on Agriculture, Nutrition,
10 and Forestry of the Senate a map and legal description
11 of the Indian Creek National Monument established by
12 section 201.

13 (b) FORCE AND EFFECT.—The map and legal de-
14 scription submitted under this section shall have the same
15 force and effect as if included in this title, except that
16 the Secretary of the Interior and Secretary of Agriculture
17 may make minor modifications of any clerical or typo-
18 graphical errors in the map or legal description provided
19 these changes are first reported to the State of Utah, San
20 Juan County, Utah, and the Indian Creek Management
21 Council.

22 (c) PUBLIC AVAILABILITY.—A copy of the map and
23 legal description shall be on file and available for public
24 inspection in the appropriate field offices of the Bureau

1 of Indian Affairs, the Bureau of Land Management, and
2 the Forest Service.

3 **SEC. 203. ADMINISTRATION OF INDIAN CREEK NATIONAL**
4 **MONUMENT.**

5 (a) IN GENERAL.—In accordance with this title, the
6 Federal Land Policy and Management Act of 1976 (43
7 U.S.C. 1701 et seq.), and other applicable laws and regu-
8 lations, the Indian Creek Management Council shall man-
9 age the Indian Creek National Monument in a manner
10 that—

11 (1) furthers the purpose of the Monument;

12 (2) encourages cooperative and innovative man-
13 agement practices between resource managers, pri-
14 vate landowners, and the public; and

15 (3) recognizes and maintains historic uses, in-
16 cluding recreation, hunting, gathering, wood cutting,
17 and cultural and religious uses.

18 (b) MANAGEMENT PLAN.—

19 (1) PLAN REQUIRED.—As soon as practicable
20 after the date of the enactment of this Act, con-
21 sistent with the purpose of the monument, the In-
22 dian Creek Management Council shall develop a
23 comprehensive plan for the long-term management
24 of the Indian Creek National Monument. The plan
25 may be updated or amended by the Indian Creek

1 Management Council in response to changing cir-
2 cumstances or as determined by the Indian Creek
3 Management Council.

4 (2) CONSULTATION.—In developing the man-
5 agement plan, the Indian Creek Management Coun-
6 cil shall consult with appropriate State and local en-
7 tities, the Bears Ears Commission, affected Indian
8 Tribes, and the public. In particular, the Indian
9 Creek Management Council shall solicit information
10 and proposals as needed to integrate Native Amer-
11 ican traditional and historical knowledge and special
12 expertise into the management plan of the Indian
13 Creek National Monument. Such information and
14 proposals may include—

- 15 (A) protections for and use of sacred sites;
- 16 (B) cultural and educational programming;
- 17 (C) identification of plants, animals, and
18 special resources;
- 19 (D) identification of traditional uses, such
20 as gathering firewood; and
- 21 (E) historical and archaeological resources.

22 (3) REJECTION OF RECOMMENDATIONS.—If the
23 Indian Creek Management Council does not incor-
24 porate written recommendations submitted by State
25 or local entities, the Bears Ears Commission, or af-

1 fected Indian Tribes into the management plan, the
2 Indian Creek Management Council shall submit a
3 written explanation, not less than 30 days before the
4 effective date of the management plan, to the Com-
5 mittee on Natural Resources of the House of Rep-
6 resentatives, the Committee on Energy and Natural
7 Resources of the Senate, and the Committee on Ag-
8 riculture, Nutrition, and Forestry of the Senate out-
9 lining the reasons for rejecting the recommenda-
10 tions.

11 (4) RELATIONSHIP WITH BEARS EARS COMMIS-
12 SION.—In addition to the consultation under para-
13 graph (2), the Indian Creek Management Council
14 shall—

15 (A) carefully and fully consider integrating
16 the traditional and historical knowledge and
17 special expertise of the Bears Ears Commission
18 into the management plan of the Indian Creek
19 National Monument; and

20 (B) not less than 45 days before the effec-
21 tive date of the management plan for the In-
22 dian Creek National Monument, provide the
23 Bears Ears Commission with a written expla-
24 nation regarding any written recommendations
25 from the Bears Ears Commission that are not

1 integrated into the management plan for the
2 Indian Creek National Monument.

3 (5) ELEMENTS INCLUDED.—The management
4 plan developed under this subsection shall—

5 (A) allow only those uses of the Indian
6 Creek National Monument that are determined
7 by the Council to be consistent with the purpose
8 of the Monument;

9 (B) be consistent with the Native Amer-
10 ican Graves Protection and Repatriation Act
11 (25 U.S.C. 3001 et seq.), the American Indian
12 Religious Freedom Act (42 U.S.C. 1996 et
13 seq.), Executive Order 13007, division A of sub-
14 title III of title 54, United States Code (for-
15 merly the National Historic Preservation Act),
16 and the Archaeological Resources Protection
17 Act of 1979 (16 U.S.C. 470aa et seq.) to pro-
18 tect and preserve and minimize disturbance to
19 covered sites and properties, including human
20 remains;

21 (C) integrate Native knowledge (as defined
22 in section 219.19 of title 36, Code of Federal
23 Regulations) to improve social, economic, and
24 ecological sustainability in accordance with For-
25 est Service regulations set forth in section 219

1 of title 36, Code of Federal Regulations, or suc-
2 cessor regulations;

3 (D) allow for the continued use and access
4 (including by motorized vehicle) of the Indian
5 Creek National Monument—

6 (i) for traditional and cultural cere-
7 monies;

8 (ii) as a source of traditional plants
9 and other materials for subsistence and
10 other uses in accordance with Federal law;

11 (iii) for recreational access; and

12 (iv) for any other activities deemed
13 appropriate, in consultation with the In-
14 dian Creek Archaeological Resources Pro-
15 tection Unit;

16 (E) allow grazing where grazing was estab-
17 lished before the date of the enactment of this
18 Act—

19 (i) subject to such reasonable regula-
20 tions, policies, and practices as the Indian
21 Creek Management Council deems nec-
22 essary;

23 (ii) subject to all applicable laws; and

24 (iii) with adjustments only allowed in
25 the numbers of livestock allowed as a re-

1 sult of revisions in the normal grazing and
2 land management planning and policy set-
3 ting process;

4 (F) allow commercial recreation activities
5 within the Indian Creek National Monument in
6 accordance with this title and all other applica-
7 ble laws and regulations; and

8 (G) allow wildland fire operations in the
9 Indian Creek National Monument consistent
10 with the purpose of the Indian Creek National
11 Monument.

12 (c) DONATIONS.—The Indian Creek Management
13 Council may accept, hold, administer, and use gifts, be-
14 quests, donations of funds or real property within the
15 boundaries of the Indian Creek National Monument, and
16 devices (including labor and services) to further the pur-
17 poses of the Indian Creek National Monument and to ad-
18 minister the Monument. Donations accepted under this
19 subsection shall be considered as a gift or bequest to or
20 for the use of the United States.

21 **SEC. 204. GENERAL PROVISIONS.**

22 (a) WITHDRAWALS.—Subject to valid existing rights,
23 all Federal land and interests in land within the Indian
24 Creek National Monument that is acquired by the United

1 States within the Indian Creek National Monument after
2 the date of the enactment of this Act, is withdrawn from—

3 (1) all forms of entry, appropriation or disposal
4 under the public land laws;

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

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

9 (b) LAND ACQUISITION.—

10 (1) IN GENERAL.—The Secretary of the Inte-
11 rior or the Secretary of Agriculture, as appropriate,
12 may acquire lands or interest in lands within the ex-
13 terior boundaries of the Indian Creek National
14 Monument by donation, purchase with donated or
15 appropriated funds, exchange, or transfer from a
16 Federal agency only with the concurrence of the In-
17 dian Creek Management Council.

18 (2) NO EMINENT DOMAIN OR CONDEMNA-
19 TION.—The Secretary of the Interior and the Sec-
20 retary of Agriculture may not use eminent domain
21 or condemnation to acquire land or interest in land
22 within the exterior boundary of the Indian Creek
23 National Monument.

24 (3) INCORPORATION IN NATIONAL MONU-
25 MENT.—Any land or interest in land located inside

1 the exterior boundary of the Indian Creek National
2 Monument that is acquired by the United States
3 after the date of the enactment of this Act shall be
4 added to and administered as part of the Indian
5 Creek National Monument.

6 (c) EXCLUSION OF NON-FEDERAL LAND.—The In-
7 dian Creek National Monument includes only Federal land
8 and interests in Federal land and does not include private
9 property or other non-Federal land and interests in land.
10 The management plan developed and implemented under
11 this title shall not apply to private property or non-Federal
12 land or interests in land.

13 (d) WATER RIGHTS.—Nothing in this title—

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

17 (2) affects any vested absolute or decreed condi-
18 tional water right in existence on the date of the en-
19 actment of this Act, including any water right held
20 by the United States;

21 (3) affects any claims or rights to water not yet
22 asserted or finally determined;

23 (4) affects any interstate water compact in ex-
24 istence on the date of the enactment of this Act;

1 (5) authorizes or imposes any new reserved
2 Federal water rights; or

3 (6) relinquishes or reduces any water rights re-
4 served or appropriated by the United States in the
5 State of Utah on or before the date of the enactment
6 of this Act.

7 (e) FISH AND WILDLIFE.—Nothing in this title af-
8 fects the jurisdiction of the State of Utah with respect
9 to the management of fish and wildlife in the State.

10 (f) EMERGENCY RESPONSE.—Nothing in this title al-
11 ters the authority or responsibility of any party with re-
12 spect to emergency response activities within the Indian
13 Creek National Monument, including wildfire response.

14 (g) OVERFLIGHTS.—Nothing in this title shall pre-
15 clude overflights of military aircraft, the designation of
16 special-use airspace, or the use or establishment of mili-
17 tary flight training routes over the Indian Creek National
18 Monument.

19 (h) TRIBAL RIGHTS.—Nothing in this title affects the
20 rights of any federally recognized Indian Tribe or any
21 treaty right.

22 **SEC. 205. INDIAN CREEK MANAGEMENT COUNCIL.**

23 (a) DUTIES.—The Indian Creek Management Coun-
24 cil shall—

1 (1) develop and implement the comprehensive
2 management plan required by section 203; and

3 (2) regularly and meaningfully engage with the
4 Bears Ears Commission regarding the management
5 of the Indian Creek National Monument.

6 (b) MEMBERSHIP.—The Indian Creek Management
7 Council shall be composed of the following members ap-
8 pointed not later than 180 days after the date of the en-
9 actment of this Act by the President:

10 (1) One individual from the Department of the
11 Interior or the Department of Agriculture.

12 (2) Four individuals, in consultation with the
13 Congressional delegation from the State of Utah,
14 who shall represent the following:

15 (A) Two who are members of the San
16 Juan County, Utah, Board of Commissioners.

17 (B) One who is a representative of the ex-
18 ecutive branch of the State of Utah with rel-
19 evant expertise in the purposes of the Indian
20 Creek National Monument.

21 (C) One who is a member of a federally
22 recognized Indian Tribe in the State of Utah.

23 (c) QUALIFICATIONS.—Of the representatives ap-
24 pointed by the President under subsection (b)(2)—

1 (1) none shall be employees of the Federal Gov-
2 ernment;

3 (2) all shall be residents of the State of Utah.

4 (d) TERMS.—The President shall appoint the mem-
5 bers of the Indian Creek Management Council under sub-
6 section (b)(2) for a term of five years, except that the
7 President shall designate staggered terms for the members
8 initially appointed to the Indian Creek Management Coun-
9 cil. The President may not reappoint a member to more
10 than three consecutive terms.

11 (e) VACANCIES.—The President shall fill Presi-
12 dentially appointed vacancies on the Indian Creek Man-
13 agement Council as soon as practicable after the vacancy
14 has occurred.

15 (f) COMPENSATION.—Non-Federal members of the
16 Indian Creek Management Council shall serve without
17 pay, except for reasonable travel expenses, including per
18 diem in lieu of subsistence, at the rate authorized for em-
19 ployees of agencies under subchapter I of chapter 57 of
20 title 5, United States Code, while away from their homes
21 or regular places of business in the performance of duties
22 for the Council.

23 (g) CHAIR.—The members of the Indian Creek Man-
24 agement Council shall select the chair of the Indian Creek
25 Management Council from one of the Presidentially ap-

1 pointed representatives under subsection (b)(2) for a term
2 beginning on the date of selection, and ending in five years
3 or until the member's term of office expires, whichever oc-
4 curs first.

5 (h) ANNUAL INDIAN CREEK MANAGEMENT COUNCIL
6 REPORT.—

7 (1) PUBLIC REPORT PUBLICATION.—Not later
8 than September 30 of each year, the Indian Creek
9 Management Council shall post a public report on
10 the Forest Service, Bureau of Land Management,
11 and any Indian Creek National Monument-affiliated
12 websites maintained by the Indian Creek Manage-
13 ment Council. If the Indian Creek Management
14 Council cannot meet the September 30 deadline in
15 any year, on September 30 the Chair of the Indian
16 Creek Management Council shall publicly post on
17 the websites the reasons for such delay and the date
18 on which the submission of the report is anticipated.

19 (2) CONTENTS.—The report required by para-
20 graph (1) shall include—

21 (A) a description of the actions of the In-
22 dian Creek Management Council to develop or
23 implement the management plan for the Indian
24 Creek National Monument;

1 (B) the recommendations made by the
2 State, local entities, the Bears Ears Commis-
3 sion, the Indian Creek Archaeological Resources
4 Protection Unit, affected Indian Tribes, and the
5 public to the Indian Creek Management Council
6 during the preceding year and actions taken by
7 the Indian Creek Management Council as a re-
8 sult of the recommendations; and

9 (C) an accounting of the expenses of the
10 Indian Creek Management Council.

11 (i) STAFF ASSISTANCE.—The Indian Creek Manage-
12 ment Council may request administrative staff assistance
13 from Federal employees under the jurisdiction of the Sec-
14 retary of the Interior or the Secretary of Agriculture.

15 (j) MEETINGS.—

16 (1) FREQUENCY.—The Indian Creek Manage-
17 ment Council shall meet at the call of the Chair or
18 a majority of the members. Meetings shall be held
19 no less than once each calendar year. A majority
20 must be present to constitute a quorum to con-
21 ducting an official meeting of the Indian Creek Man-
22 agement Council.

23 (2) ANNOUNCEMENT; OPEN MEETINGS.—All
24 meetings of the Indian Creek Management Council
25 shall be announced not less than one week in ad-

1 vance in publications of general circulation and shall
2 be open to the public.

3 **SEC. 206. BEARS EARS COMMISSION.**

4 In addition to its duties under title I, the Bears Ears
5 Commission established under section 106 shall advise the
6 Indian Creek Management Council as provided in this
7 title.

8 **SEC. 207. ARCHAEOLOGICAL RESOURCES PROTECTION.**

9 (a) INDIAN CREEK ARCHAEOLOGICAL RESOURCES
10 PROTECTION UNIT.—

11 (1) ESTABLISHMENT.—The Indian Creek Man-
12 agement Council shall establish and maintain a In-
13 dian Creek Archaeological Resources Protection Unit
14 (which may be the same Unit as authorized under
15 section 107) to provide technical and other specific
16 assistance to help protect, conserve, and enhance the
17 unique and nationally important historic, sacred,
18 cultural, scientific, scenic, archaeological, natural,
19 and educational resources in the Indian Creek Na-
20 tional Monument.

21 (2) MEMBERSHIP.—Not later than 210 days
22 after the date of the enactment of this Act, the In-
23 dian Creek Management Council shall appoint 9 in-
24 dividuals to the Indian Creek Archaeological Re-
25 sources Protection Unit as follows:

1 (A) Five individuals with expertise in pre-
2 serving Tribal relics, artifacts, or other sacred
3 Tribal sites and objects.

4 (B) One individual with expertise in the
5 preservation of archaeological resources in fed-
6 erally protected areas.

7 (C) One individual with expertise in pro-
8 tecting scenic and natural resources.

9 (D) One individual representing a scientific
10 or educational institution in the State of Utah.

11 (E) One individual with historic preserva-
12 tion expertise in the State of Utah.

13 (3) DUTIES.—The Indian Creek Archaeological
14 Resources Protection Unit shall—

15 (A) advise the Indian Creek Management
16 Council on ways to protect, conserve, and en-
17 hance the unique and nationally important rec-
18 reational, historic, sacred, cultural, scientific,
19 scenic, archaeological, natural, and educational
20 resources in the Indian Creek National Monu-
21 ment;

22 (B) recommend educational materials and
23 signage informing visitors of the unique and na-
24 tionally important recreational, historic, sacred,
25 cultural, scientific, scenic, archaeological, nat-

1 ural, and educational resources in the Indian
2 Creek National Monument;

3 (C) recommend educational materials or
4 signage to prevent the destruction, degradation,
5 vandalism, or looting of sites within the Indian
6 Creek National Monument; and

7 (D) not later than 60 days after its estab-
8 lishment under paragraph (2), submit to the In-
9 dian Creek Management Council information
10 regarding—

11 (i) sites located within the Indian
12 Creek National Monument at high risk of
13 destruction, degradation, vandalism, or
14 looting;

15 (ii) specific actions to eliminate, pre-
16 vent, or minimize destruction, degradation,
17 vandalism, and looting within Indian Creek
18 National Monument; and

19 (iii) suggestions for additional admin-
20 istrative or other actions to help eliminate,
21 prevent, or minimize destruction, degrada-
22 tion, vandalism, or looting within Indian
23 Creek National Monument.

24 (4) TERMS.—

1 (A) IN GENERAL.—Members of the Indian
2 Creek Archaeological Resources Protection Unit
3 shall serve a term of 5 years beginning on the
4 date of appointment, except that the Indian
5 Creek Management Council shall designate
6 staggered terms for the members initially ap-
7 pointed to Indian Creek Archaeological Re-
8 sources Protection Unit.

9 (B) VACANCIES.—The Indian Creek Man-
10 agement Council shall make appointments to fill
11 vacancies on the Indian Creek Archaeological
12 Resources Protection Unit as soon as prac-
13 ticable after the vacancy has occurred.

14 (C) COMPENSATION.—Members of the In-
15 dian Creek Archaeological Resources Protection
16 Unit shall serve without pay, except for reason-
17 able travel expenses, including per diem in lieu
18 of subsistence, at the rate authorized for em-
19 ployees of agencies under subchapter I of chap-
20 ter 57 of title 5, United States Code, while
21 away from their homes or regular places of
22 business in the performance of duties for the
23 Unit.

24 (D) STAFF ASSISTANCE.—The Indian
25 Creek Archaeological Resources Protection Unit

1 may request administrative staff assistance
2 from Federal employees under the jurisdiction
3 of the Secretary of the Interior or the Secretary
4 of Agriculture or State employees under the ju-
5 risdiction of the State of Utah.

6 (E) MEETINGS.—The Indian Creek Ar-
7 chaeological Resources Protection Unit shall
8 meet at the call of the Indian Creek Manage-
9 ment Council or a majority of its members.
10 Meetings shall be held not less than once per
11 calendar year. A majority must be present to
12 constitute a quorum for the purpose of con-
13 ducting an official meeting of the Indian Creek
14 Archaeological Resources Protection Unit.

15 **SEC. 208. ENHANCED RESOURCE PROTECTION CAPABILI-**
16 **TIES IN THE INDIAN CREEK NATIONAL MONU-**
17 **MENT.**

18 (a) ENHANCED ENFORCEMENT CAPABILITY.—

19 (1) ENFORCEMENT.—The Secretary of the In-
20 terior and the Secretary of Agriculture shall assign
21 not less than 10 law enforcement personnel to pro-
22 tect the unique and nationally important rec-
23 reational, historic, sacred, cultural, scientific, scenic,
24 archaeological, natural, and educational resources of
25 Indian Creek National Monument and its sur-

1 rounding area, consistent with the management plan
2 developed under section 203(b).

3 (2) PLAN COMPLIANCE.—The Secretary of the
4 Interior and the Secretary of Agriculture shall each
5 ensure the law enforcement personnel perform the
6 duties under paragraph (1) consistent with the man-
7 agement plan developed under section 203(b).

8 (b) MEMORANDA OF UNDERSTANDING.—The Sec-
9 retary of the Interior and the Secretary of Agriculture
10 shall each enter into memoranda of understanding or co-
11 operative agreements with local or State law enforcement
12 entities to perform the duties described in subsection
13 (a)(1).

14 **SEC. 209. SCIENTIFIC RESEARCH TO FURTHER PURPOSE**
15 **OF INDIAN CREEK NATIONAL MONUMENT.**

16 The Secretary of the Interior and the Secretary of
17 Agriculture may enter into memoranda of understanding
18 or cooperative agreements with educational institutions or
19 other entities with expertise in archaeological, historical,
20 or natural science fields to conduct scientific research in
21 the Indian Creek National Monument to aid in the devel-
22 opment or implementation of the management plan re-
23 quired in section 203(b).

1 **SEC. 210. FEDERAL LAND MANAGER ADHERENCE.**

2 Federal land managers employed by the Bureau of
3 Land Management or the Forest Service and working in
4 the Indian Creek National Monument shall adhere to the
5 management plan created by the Indian Creek Manage-
6 ment Council under section 203(b).

7 **TITLE III—UTAH PUBLIC**
8 **SCHOOL TRUST LAND CER-**
9 **TAINTY**

10 **SEC. 301. DEFINITIONS.**

11 In this title:

12 (1) **FEDERAL LAND.**—The term “Federal land”
13 means the lands identified on the Map as “Federal
14 Land Proposed to Transfer to SITLA” administered
15 by the Bureau of Land Management.

16 (2) **MAP.**—The term “Map” means the map
17 prepared by the Bureau of Land Management enti-
18 tled “State and Federal Land Exchange Map” dated
19 _____.

20 (3) **NON-FEDERAL LAND.**—The term “non-Fed-
21 eral land” means the lands identified on the Map as
22 “State Trust Land Proposed for Transfer to United
23 States” in San Juan County, Utah, as generally de-
24 picted on the Map.

25 (4) **PERMITTED EXISTING USES.**—The term
26 “permitted existing uses” means any use authorized

1 under the applicable Bureau of Land Management
2 Resource Management Plan.

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

5 (6) STATE.—The term “State” means the State
6 of Utah, acting as trustee under the Utah State
7 School and Institutional Trust Lands Management
8 Act (Utah Code Ann. 53C–1–101 et seq.) through
9 the Utah School and Institutional Trust Lands Ad-
10 ministration.

11 **SEC. 302. EXCHANGE OF LAND TO BENEFIT THE UTAH PUB-**
12 **LIC SCHOOL TRUST.**

13 (a) IN GENERAL.—If the State offers to convey to
14 the Secretary all right, title, and interest of the State in
15 and to all or part of the non-Federal land, the Secretary
16 shall—

17 (1) accept the offer; and

18 (2) on receipt of all right, title, and interest in
19 and to the non-Federal land, convey to the State (or
20 a designee) all right, title, and interest of the United
21 States in and to all or part of the Federal land on
22 an equal value basis.

23 (b) APPLICABLE LAW.—

24 (1) IN GENERAL.—The land exchange shall be
25 subject to section 206 of the Federal Land Policy

1 and Management Act of 1976 (43 U.S.C. 1716) and
2 other applicable law.

3 (2) LAND USE PLANNING.—The Secretary shall
4 not be required to undertake any additional land use
5 planning under section 202 of the Federal Land Pol-
6 icy and Management Act of 1976 (43 U.S.C. 1712)
7 before the conveyance of the Federal land under this
8 title.

9 (c) JOINT SELECTION REQUIRED.—The Secretary
10 and State shall jointly select which parcels of Federal land
11 to exchange under subsection (a).

12 (d) VALID EXISTING RIGHTS.—The exchange au-
13 thorized under subsection (a) shall be subject to valid ex-
14 isting rights and permitted existing uses.

15 (e) TITLE APPROVAL.—Title to the Federal land and
16 non-Federal land to be exchanged under this title shall
17 be in a format acceptable to the Secretary and the State.

18 (f) CONSULTATION WITH TRIBES.—The Secretary
19 shall consult with any federally recognized Indian Tribe
20 in the vicinity of the Federal land and the non-Federal
21 land to be exchanged under this title before the completion
22 of the land exchange.

23 (g) MAP AND LEGAL DESCRIPTIONS.—As soon as
24 practicable after the date of the enactment of this Act,
25 the Secretary shall finalize a map and legal descriptions

1 of all land to be conveyed under this Act. The Secretary
2 may correct any minor errors in the map or in the legal
3 descriptions. The map and legal descriptions shall be on
4 file and available for public inspection in appropriate field
5 offices of the Bureau of Land Management.

6 (h) COSTS OF CONVEYANCE.—Except as provided in
7 section 303(a)(5), as a condition of conveyance, any costs
8 related to the exchanges shall be allocated in accordance
9 with section 206(f)(2)(B) of the Federal Land Policy and
10 Management Act of 1976 (43 U.S.C. 1716(f)(2)(B)).

11 (i) ADMINISTRATION.—Subject to valid existing
12 rights and permitted existing uses, at the completion of
13 each exchange of Federal land and non-Federal land
14 under this title the non-Federal land shall be—

15 (1) added to the Shash Jáa National Monument
16 or the Indian Creek National Monument, as appro-
17 priate, if located within the exterior boundary of the
18 Shash Jáa National Monument or the Indian Creek
19 National Monument; and

20 (2) administered in accordance with—

21 (A) this Act;

22 (B) the Federal Land Policy and Manage-
23 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

24 (C) other applicable laws and regulations.

1 (j) DEADLINE.—The land exchange under this title
2 shall be completed as expeditiously as possible.

3 **SEC. 303. EQUAL VALUE LAND EXCHANGES AND APPRAIS-**
4 **ALS.**

5 (a) APPRAISALS.—

6 (1) IN GENERAL.—The values of the lands to
7 be exchanged under this title shall be determined by
8 appraisals conducted by one or more independent
9 and qualified appraisers.

10 (2) STATE APPRAISER.—The Secretary and the
11 State may agree to use an independent and qualified
12 appraiser retained by the State, with the consent of
13 the Secretary.

14 (3) APPLICABLE LAW.—The appraisals shall be
15 conducted in accordance with nationally recognized
16 appraisal standards, including, as appropriate, the
17 Uniform Appraisal Standards for Federal Land Ac-
18 quisitions and the Uniform Standards of Profes-
19 sional Appraisal Practice.

20 (4) APPROVAL.—An appraisal conducted under
21 this title shall be submitted to the Secretary and the
22 State for approval.

23 (5) COST OF APPRAISAL.—The cost of an ap-
24 praisal conducted under this title shall be paid in
25 equal shares by the Secretary and the State. If the

1 State retains an appraiser under paragraph (2), the
2 Secretary shall reimburse the State 50 percent of
3 the costs incurred by the State.

4 (6) MINERALS.—

5 (A) MINERAL REPORTS.—The appraisals
6 required under paragraph (1) may take into ac-
7 count mineral and technical reports provided by
8 the Secretary and the State in the evaluation of
9 minerals in the Federal land and non-Federal
10 land.

11 (B) MINING CLAIMS.—Federal land that is
12 encumbered by a mining or millsite claim lo-
13 cated under sections 2318 through 2352 of the
14 Revised Statutes (commonly known as the “Min-
15 ing Law of 1872”; 30 U.S.C. 21 et seq.) shall
16 be appraised in accordance with standard ap-
17 praisal practices, including, as appropriate, the
18 Uniform Appraisal Standards for Federal Land
19 Acquisition.

20 (7) DURATION.—An appraisal conducted under
21 paragraph (1) shall remain valid for 3 years after
22 the date on which the appraisal is approved by the
23 Secretary and the State.

24 (b) EQUALIZATION.—

1 (1) SURPLUS OF FEDERAL LAND.—If the final
2 appraised value of the Federal land exceeds the final
3 appraised value of the non-Federal land to be ex-
4 changed under this title, the value of the Federal
5 land and non-Federal land shall be equalized—

6 (A) by conveying additional non-Federal
7 land in the State to the Secretary, subject to
8 the approval of the Secretary; or

9 (B) by using a combination of the methods
10 described in paragraphs (2) and (3).

11 (2) SURPLUS OF NON-FEDERAL LAND.—If the
12 final appraised value of the non-Federal land ex-
13 ceeds the final appraised value of the Federal land
14 to be exchanged under this title, the value of the
15 Federal land and non-Federal land shall be equal-
16 ized by the State adjusting the acreage of the non-
17 Federal land to be conveyed

18 (3) AMOUNT OF PAYMENT.—Notwithstanding
19 section 206(b) of the Federal Land Policy and Man-
20 agement Act of 1976 (43 U.S.C. 1716(b)), the Sec-
21 retary may accept a payment under paragraph (1)
22 in excess of 25 percent of the value of the Federal
23 land conveyed.

○