

115TH CONGRESS
1ST SESSION

S. 436

To authorize the Secretary of the Interior to retire coal preference right lease applications for which the Secretary has made an affirmative commercial quantities determination, to substitute certain land selections of the Navajo Nation, to designate certain wilderness areas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2017

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

A BILL

To authorize the Secretary of the Interior to retire coal preference right lease applications for which the Secretary has made an affirmative commercial quantities determination, to substitute certain land selections of the Navajo Nation, to designate certain wilderness areas, 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 “San Juan County Set-
5 tlement Implementation Act”.

1 **SEC. 2. EXCHANGE OF COAL PREFERENCE RIGHT LEASE**

2 **APPLICATIONS.**

3 (a) **DEFINITIONS.**—In this section:

4 (1) **BIDDING RIGHT.**—The term “bidding right”
5 means an appropriate legal instrument or other writ-
6 ten documentation, including an entry in an account
7 managed by the Secretary, issued or created under
8 subpart 3435 of title 43, Code of Federal Regula-
9 tions, that may be used—

10 (A) in lieu of a monetary payment for 50
11 percent of a bonus bid for a coal lease sale
12 under the Mineral Leasing Act (30 U.S.C. 181
13 et seq.); or

14 (B) as a monetary credit against 50 per-
15 cent of any rental or royalty payments due
16 under any Federal coal lease.

17 (2) **SECRETARY.**—The term “Secretary” means
18 the Secretary of the Interior.

19 (b) **USE OF BIDDING RIGHT.**—

20 (1) **IN GENERAL.**—If the Secretary retires a
21 coal preference right lease application under the
22 Mineral Leasing Act (30 U.S.C. 181 et seq.) by
23 issuing a bidding right in exchange for the relin-
24 quishment of the coal preference right lease applica-
25 tion, the bidding right subsequently may be used in

1 lieu of 50 percent of the amount owed for any mone-
2 tary payment of—

3 (A) a bonus in a coal lease sale; or

4 (B) rental or royalty under a Federal coal
5 lease.

6 (2) PAYMENT CALCULATION.—

7 (A) IN GENERAL.—The Secretary shall cal-
8 culate a payment of amounts owed to a relevant
9 State under section 35(a) of the Mineral Leas-
10 ing Act (30 U.S.C. 191(a)) based on the com-
11 bined value of the bidding rights and amounts
12 received.

13 (B) AMOUNTS RECEIVED.—Except as pro-
14 vided in this subsection, for purposes of calcu-
15 lating the payment of amounts owed to a rel-
16 evant State under subparagraph (A) only, a
17 bidding right shall be considered amounts re-
18 ceived.

19 (c) SOURCE OF PAYMENTS.—The Secretary shall
20 make payments to the relevant State under subsection (b)
21 from monetary payments received by the Secretary when
22 bidding rights are exercised under this Act.

23 (d) TREATMENT OF PAYMENTS.—A payment to a
24 State under this section shall be treated as a payment

1 under section 35(a) of the Mineral Leasing Act (30 U.S.C.
2 191(a)).

3 (e) TRANSFERABILITY; LIMITATION.—

4 (1) TRANSFERABILITY.—A bidding right issued
5 for a coal preference right lease application under
6 the Mineral Leasing Act (30 U.S.C. 181 et seq.)
7 shall be fully transferable to any other person.

8 (2) NOTIFICATION OF SECRETARY.—A person
9 who transfers a bidding right shall notify the Sec-
10 retary of the transfer by any method determined to
11 be appropriate by the Secretary.

12 (3) EFFECTIVE PERIOD.—

13 (A) IN GENERAL.—A bidding right issued
14 under the Mineral Leasing Act (30 U.S.C. 181
15 et seq.) shall terminate on the expiration of the
16 7-year period beginning on the date the bidding
17 right is issued.

18 (B) TOLLING OF PERIOD.—The 7-year pe-
19 riod described in subparagraph (A) shall be
20 tolled during any period in which exercise of the
21 bidding right is precluded by temporary injunc-
22 tive relief granted under, or administrative, leg-
23 islative, or judicial suspension of, the Federal
24 coal leasing program.

1 (f) DEADLINE.—If an existing settlement of a coal
 2 preference right lease application has not been imple-
 3 mented as of the date of enactment of this Act, not later
 4 than 180 days after that date of enactment, the Secretary
 5 shall complete the bidding rights valuation process in ac-
 6 cordance with the terms of the settlement.

7 **SEC. 3. CERTAIN LAND SELECTIONS OF THE NAVAJO NA-**
 8 **TION.**

9 (a) CANCELLATION OF CERTAIN SELECTIONS.—The
 10 land selections made by the Navajo Nation pursuant to
 11 Public Law 93–531 (commonly known as the “Navajo-
 12 Hopi Land Settlement Act of 1974”) (25 U.S.C. 640d et
 13 seq.) that are depicted on the map entitled “Navajo-Hopi
 14 Land Settlement Act Selected Lands” and dated April 2,
 15 2015, are cancelled.

16 (b) AUTHORIZATION FOR NEW SELECTION.—

17 (1) IN GENERAL.—Subject to paragraphs (2),
 18 (3), and (4) and subsection (c), the Navajo Nation
 19 may make new land selections in accordance with
 20 the Act referred to in subsection (a) to replace the
 21 land selections cancelled under that subsection.

22 (2) ACREAGE CAP.—The total acreage of land
 23 selected under paragraph (1) shall not exceed
 24 15,000 acres of land.

1 (3) EXCLUSIONS.—The following land shall not
2 be eligible for selection under paragraph (1):

3 (A) Land within a unit of the National
4 Landscape Conservation System.

5 (B) Land within—

6 (i) the Glade Run Recreation Area;

7 (ii) the Fossil Forest Research Nat-
8 ural Area; or

9 (iii) a special management area or
10 area of critical environmental concern iden-
11 tified in a land use plan developed under
12 section 202 of the Federal Land Policy
13 and Management Act of 1976 (43 U.S.C.
14 1712) that is in effect on the date of en-
15 actment of this Act.

16 (C) Any land subject to a lease or contract
17 under the Mineral Leasing Act (30 U.S.C. 181
18 et seq.) or the Act of July 31, 1947 (commonly
19 known as the “Materials Act of 1947”) (30
20 U.S.C. 601 et seq.) as of the date of the selec-
21 tion.

22 (4) DEADLINE.—Not later than 7 years after
23 the date of enactment of this Act, the Navajo Nation
24 shall make all selections under paragraph (1).

1 (5) WITHDRAWAL.—Any land selected by the
 2 Navajo Nation under paragraph (1) shall be with-
 3 drawn from disposal, leasing, and development until
 4 the date on which the selected land is placed into
 5 trust for the Navajo Nation.

6 (c) EQUAL VALUE.—

7 (1) IN GENERAL.—Notwithstanding the acreage
 8 limitation in the second proviso of section 11(c) of
 9 Public Law 93–531 (commonly known as the “Nav-
 10 ajo-Hopi Land Settlement Act of 1974”) (25 U.S.C.
 11 640d–10(c)) and subject to subsection (b)(2), the
 12 value of the land selected under subsection (b)(1)
 13 and the land subject to selections cancellation under
 14 subsection (a) shall be equal, based on appraisals
 15 conducted under paragraph (2).

16 (2) APPRAISALS.—

17 (A) IN GENERAL.—The value of the land
 18 selected under subsection (b)(1) and the land
 19 subject to selections cancelled under subsection
 20 (a) shall be determined by appraisals conducted
 21 in accordance with—

22 (i) the Uniform Appraisal Standards
 23 for Federal Land Acquisitions; and

24 (ii) the Uniform Standards of Profes-
 25 sional Appraisal Practice.

1 (B) TIMING.—

2 (i) LAND SUBJECT TO SELECTIONS
3 CANCELLED.—Not later than 18 months
4 after the date of enactment of this Act, the
5 appraisal under subparagraph (A) of the
6 land subject to selections cancelled under
7 subsection (a) shall be completed.

8 (ii) NEW SELECTIONS.—The apprais-
9 als under subparagraph (A) of the land se-
10 lected under subsection (b)(1) shall be
11 completed as the Navajo Nation finalizes
12 those land selections.

13 (d) BOUNDARY.—For purposes of this section and
14 the Act referred to in subsection (a), the present boundary
15 of the Navajo Reservation is depicted on the map entitled
16 “Navajo Nation Boundary” and dated November 16,
17 2015.

18 **SEC. 4. DESIGNATION OF AH-SHI-SLE-PAH WILDERNESS.**

19 (a) IN GENERAL.—In accordance with the Wilderness
20 Act (16 U.S.C. 1131 et seq.), the approximately 7,242
21 acres of land as generally depicted on the map entitled
22 “San Juan County Wilderness Designations” and dated
23 April 2, 2015, is designated as wilderness and as a compo-
24 nent of the National Wilderness Preservation System,

1 which shall be known as the “Ah-shi-sle-pah Wilderness”
2 (referred to in this section as the “Wilderness”).

3 (b) MANAGEMENT.—

4 (1) IN GENERAL.—Subject to valid existing
5 rights, the Wilderness shall be administered by the
6 Director of the Bureau of Land Management in ac-
7 cordance with this section and the Wilderness Act
8 (16 U.S.C. 1131 et seq.), except that any reference
9 in that Act to the effective date of that Act shall be
10 considered to be a reference to the date of enact-
11 ment of this Act.

12 (2) ADJACENT MANAGEMENT.—

13 (A) IN GENERAL.—Congress does not in-
14 tend for the designation of the Wilderness to
15 create a protective perimeter or buffer zone
16 around the Wilderness.

17 (B) NONWILDERNESS ACTIVITIES.—The
18 fact that nonwilderness activities or uses can be
19 seen or heard from areas within the Wilderness
20 shall not preclude the conduct of the activities
21 or uses outside the boundary of the Wilderness.

22 (3) INCORPORATION OF ACQUIRED LAND AND
23 INTERESTS IN LAND.—Any land or interest in land
24 that is within the boundary of the Wilderness that
25 is acquired by the United States shall—

1 (A) become part of the Wilderness; and

2 (B) be managed in accordance with—

3 (i) the Wilderness Act (16 U.S.C.
4 1131 et seq.);

5 (ii) this section; and

6 (iii) any other applicable laws.

7 (4) GRAZING.—Grazing of livestock in the Wil-
8 derness, where established before the date of enact-
9 ment of this Act, shall be allowed to continue in ac-
10 cordance with—

11 (A) section 4(d)(4) of the Wilderness Act
12 (16 U.S.C. 1133(d)(4)); and

13 (B) the guidelines set forth in the report of
14 the Committee on Interior and Insular Affairs
15 of the House of Representatives accompanying
16 H.R. 5487 of the 96th Congress (H. Rept. 96–
17 617).

18 (c) RELEASE OF WILDERNESS STUDY AREAS.—Con-
19 gress finds that, for the purposes of section 603(c) of the
20 Federal Land Policy and Management Act of 1976 (43
21 U.S.C. 1782(c)), the land within the Ah-shi-sle-pah Wil-
22 derness Study Area not designated as wilderness by this
23 section has been adequately studied for wilderness des-
24 ignation and is no longer subject to section 603(c) of the

1 Federal Land Policy and Management Act of 1976 (43
2 U.S.C. 1782(c)).

3 **SEC. 5. EXPANSION OF BISTI/DE-NA-ZIN WILDERNESS.**

4 (a) IN GENERAL.—There is designated as wilderness
5 and as a component of the National Wilderness Preserva-
6 tion System certain Federal land comprising approxi-
7 mately 2,250 acres, as generally depicted on the map enti-
8 tled “San Juan County Wilderness Designations” and
9 dated April 2, 2015, which is incorporated in and shall
10 be considered to be a part of the Bisti/De-Na-Zin Wilder-
11 ness.

12 (b) ADMINISTRATION.—Subject to valid existing
13 rights, the land designated as wilderness by subsection (a)
14 shall be administered by the Director of the Bureau of
15 Land Management (referred to in this section as the “Di-
16 rector”), in accordance with—

17 (1) the Wilderness Act (16 U.S.C. 1131 et
18 seq.), except that any reference in that Act to the
19 effective date of that Act shall be considered to be
20 a reference to the date of enactment of this Act; and

21 (2) the San Juan Basin Wilderness Protection
22 Act of 1984 (Public Law 98–603; 98 Stat. 3155;
23 110 Stat. 4211).

24 (c) ADJACENT MANAGEMENT.—

1 (1) IN GENERAL.—Congress does not intend for
2 the designation of the land as wilderness by sub-
3 section (a) to create a protective perimeter or buffer
4 zone around that land.

5 (2) NONWILDERNESS ACTIVITIES.—The fact
6 that nonwilderness activities or uses can be seen or
7 heard from areas within the land designated as wil-
8 derness by subsection (a) shall not preclude the con-
9 duct of the activities or uses outside the boundary
10 of that land.

11 (d) INCORPORATION OF ACQUIRED LAND AND IN-
12 TERESTS IN LAND.—Any land or interest in land that is
13 within the boundary of the land designated as wilderness
14 by subsection (a) that is acquired by the United States
15 shall—

16 (1) become part of the Bisti/De-Na-Zin Wilder-
17 ness; and

18 (2) be managed in accordance with—

19 (A) the Wilderness Act (16 U.S.C. 1131 et
20 seq.);

21 (B) the San Juan Basin Wilderness Pro-
22 tection Act of 1984 (Public Law 98–603; 98
23 Stat. 3155; 110 Stat. 4211);

24 (C) this section; and

25 (D) any other applicable laws.

1 (e) GRAZING.—Grazing of livestock in the land des-
2 ignated as wilderness by subsection (a), where established
3 before the date of enactment of this Act, shall be allowed
4 to continue in accordance with—

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

7 (2) the guidelines set forth in the report of the
8 Committee on Interior and Insular Affairs of the
9 House of Representatives accompanying H.R. 5487
10 of the 96th Congress (H. Rept. 96–617).

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