

112TH CONGRESS
2^D SESSION

H. R. 2578

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2012

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, 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,*

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:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—LOWER MERCED RIVER

- Sec. 101. Lower Merced River.

TITLE II—BONNEVILLE UNIT CLEAN HYDROPOWER
FACILITATION ACT

- Sec. 201. Short title.
- Sec. 202. Diamond Fork System defined.
- Sec. 203. Cost allocations.
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- Sec. 205. Prohibition on tax-exempt financing.
- Sec. 206. Reporting requirement.
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TITLE III—SOUTHEAST ALASKA NATIVE LAND ENTITLEMENT
FINALIZATION AND JOBS PROTECTION ACT

- Sec. 301. Short title.
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- Sec. 303. Findings; purpose.
- Sec. 304. Selections in southeast Alaska.
- Sec. 305. Conveyances to Sealaska.
- Sec. 306. Miscellaneous.
- Sec. 307. Maps.

TITLE IV—SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK
BOUNDARY EXPANSION ACT

- Sec. 401. Short title.
- Sec. 402. Findings.
- Sec. 403. Boundary expansion.

TITLE V—WACO MAMMOTH NATIONAL MONUMENT
ESTABLISHMENT ACT OF 2012

- Sec. 501. Short title.
- Sec. 502. Findings.
- Sec. 503. Definitions.
- Sec. 504. Waco Mammoth National Monument, Texas.
- Sec. 505. Administration of monument.
- Sec. 506. No buffer zones.

TITLE VI—NORTH CASCADES NATIONAL PARK ACCESS

- Sec. 601. Findings.
- Sec. 602. Authorization for boundary adjustments.

TITLE VII—ENDANGERED SALMON AND FISHERIES PREDATION PREVENTION ACT

- Sec. 701. Short title.
- Sec. 702. Findings.
- Sec. 703. Taking of sea lions on the Columbia River and its tributaries to protect endangered and threatened species of salmon and other nonlisted fish species.
- Sec. 704. Sense of Congress.
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TITLE VIII—REAUTHORIZATION OF HERGER-FEINSTEIN QUINCY LIBRARY GROUP FOREST RECOVERY ACT

- Sec. 801. Reauthorization of Herger-Feinstein Quincy Library Group Forest Recovery Act.

TITLE IX—YERINGTON LAND CONVEYANCE AND SUSTAINABLE DEVELOPMENT ACT

- Sec. 901. Short title.
- Sec. 902. Findings.
- Sec. 903. Definitions.
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- Sec. 905. Release of the United States.

TITLE X—PRESERVING ACCESS TO CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA ACT

- Sec. 1001. Short title.
- Sec. 1002. Reinstatement of Interim Management Strategy.
- Sec. 1003. Additional restrictions on access to Cape Hatteras National Seashore Recreational Area for species protection.
- Sec. 1004. Inapplicability of final rule and consent degree.

TITLE XI—GRAZING IMPROVEMENT ACT OF 2012

- Sec. 1101. Short title.
- Sec. 1102. Terms of grazing permits and leases.
- Sec. 1103. Renewal, transfer, and reissuance of grazing permits and leases.

TITLE XII—TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT ACT

- Sec. 1201. Short title.
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 PROTECTION ACT

- Sec. 1401. Waiver of Federal laws with respect to border security actions on Department of the Interior and Department of Agriculture lands.

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

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

1 (b) EXCHEQUER PROJECT.—Section 3 of Public Law
2 102–432 is amended by striking “Act:” and all that fol-
3 lows through the period and inserting “Act.”.

4 **TITLE II—BONNEVILLE UNIT**
5 **CLEAN HYDROPOWER FACILI-**
6 **TATION ACT**

7 **SEC. 201. SHORT TITLE.**

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

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

11 For the purposes of this title, the term “Diamond
12 Fork System” means the facilities described in chapter 4
13 of the October 2004 Supplement to the 1988 Definite
14 Plan Report for the Bonneville Unit.

15 **SEC. 203. COST ALLOCATIONS.**

16 Notwithstanding any other provision of law, in order
17 to facilitate hydropower development on the Diamond
18 Fork System, the amount of reimbursable costs allocated
19 to project power in Chapter 6 of the Power Appendix in
20 the October 2004 Supplement to the 1988 Bonneville Unit
21 Definite Plan Report, with regard to power development
22 upstream of the Diamond Fork System, shall be consid-
23 ered final costs as well as costs in excess of the total max-
24 imum repayment obligation as defined in section 211 of
25 the Central Utah Project Completion Act of 1992 (Public

1 Law 102–575), and shall be subject to the same terms
2 and conditions.

3 **SEC. 204. NO PURCHASE OR MARKET OBLIGATION; NO**
4 **COSTS ASSIGNED TO POWER.**

5 Nothing in this title shall obligate the Western Area
6 Power Administration to purchase or market any of the
7 power produced by the Diamond Fork power plant and
8 none of the costs associated with development of trans-
9 mission facilities to transmit power from the Diamond
10 Fork power plant shall be assigned to power for the pur-
11 pose of Colorado River Storage Project ratemaking.

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

13 No facility for the generation or transmission of hy-
14 droelectric power on the Diamond Fork System may be
15 financed or refinanced, in whole or in part, with proceeds
16 of any obligation—

17 (1) the interest on which is exempt from the
18 tax imposed under chapter 1 of the Internal Rev-
19 enue Code of 1986; or

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

23 **SEC. 206. REPORTING REQUIREMENT.**

24 If, 24 months after the date of the enactment of this
25 title, hydropower production on the Diamond Fork System

1 has not commenced, the Secretary of the Interior shall
2 submit a report to the Committee on Natural Resources
3 of the House of Representatives and the Committee on
4 Energy and Natural Resources of the Senate stating this
5 fact, the reasons such production has not yet commenced,
6 and a detailed timeline for future hydropower production.

7 **SEC. 207. PAYGO.**

8 The budgetary effects of this title, for the purpose
9 of complying with the Statutory Pay-As-You-Go Act of
10 2010, shall be determined by reference to the latest state-
11 ment titled “Budgetary Effects of PAYGO Legislation”
12 for this title, submitted for printing in the Congressional
13 Record by the Chairman of the House Budget Committee,
14 provided that such statement has been submitted prior to
15 the vote on passage.

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

17 The authority under the provisions of section 301 of
18 the Hoover Power Plant Act of 1984 (Public Law 98–381;
19 42 U.S.C. 16421a) shall not be used to fund any study
20 or construction of transmission facilities developed as a
21 result of this title.

1 **TITLE III—SOUTHEAST ALASKA**
2 **NATIVE LAND ENTITLEMENT**
3 **FINALIZATION AND JOBS**
4 **PROTECTION ACT**

5 **SEC. 301. SHORT TITLE.**

6 This title may be cited as the “Southeast Alaska Na-
7 tive Land Entitlement Finalization and Jobs Protection
8 Act”.

9 **SEC. 302. DEFINITIONS.**

10 In this title:

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

15 (2) **SEALASKA.**—The term “Sealaska” means
16 the Sealaska Corporation, a Regional Native Cor-
17 poration created under the Alaska Native Claims
18 Settlement Act (43 U.S.C. 1601 et seq.).

19 (3) **SECRETARY.**—The term “Secretary” means
20 the Secretary of the Interior.

21 **SEC. 303. FINDINGS; PURPOSE.**

22 (a) **FINDINGS.**—Congress finds that—

23 (1)(A) in 1971, Congress enacted the Alaska
24 Native Claims Settlement Act (43 U.S.C. 1601 et
25 seq.) to recognize and settle the aboriginal claims of

1 Alaska Natives to land historically used by Alaska
2 Natives for traditional, cultural, and spiritual pur-
3 poses; and

4 (B) that Act declared that the land settlement
5 “should be accomplished rapidly, with certainty, in
6 conformity with the real economic and social needs
7 of Natives”;

8 (2) the Alaska Native Claims Settlement Act
9 (43 U.S.C. 1601 et seq.)—

10 (A) authorized the distribution of approxi-
11 mately \$1,000,000,000 and 44,000,000 acres of
12 land to Alaska Natives; and

13 (B) provided for the establishment of Na-
14 tive Corporations to receive and manage the
15 funds and that land to meet the cultural, social,
16 and economic needs of Native shareholders;

17 (3) under section 12 of the Alaska Native
18 Claims Settlement Act (43 U.S.C. 1611), each Re-
19 gional Corporation, other than Sealaska (the Re-
20 gional Corporation for southeast Alaska), was au-
21 thorized to receive a share of land based on the pro-
22 portion that the number of Alaska Native share-
23 holders residing in the region of the Regional Cor-
24 poration bore to the total number of Alaska Native
25 shareholders, or the relative size of the area to which

1 the Regional Corporation had an aboriginal land
2 claim bore to the size of the area to which all Re-
3 gional Corporations had aboriginal land claims;

4 (4)(A) Sealaska, the Regional Corporation for
5 southeast Alaska, 1 of the Regional Corporations
6 with the largest number of Alaska Native share-
7 holders, with more than 21 percent of all original
8 Alaska Native shareholders, received less than 1 per-
9 cent of the lands set aside for Alaska Natives, and
10 received no land under section 12 of the Alaska Na-
11 tive Claims Settlement Act (43 U.S.C. 1611);

12 (B) the Tlingit and Haida Indian Tribes of
13 Alaska was 1 of the entities representing the Alaska
14 Natives of southeast Alaska before the date of enact-
15 ment of the Alaska Native Claims Settlement Act
16 (43 U.S.C. 1601 et seq.); and

17 (C) Sealaska did not receive land in proportion
18 to the number of Alaska Native shareholders, or in
19 proportion to the size of the area to which Sealaska
20 had an aboriginal land claim, in part because of a
21 United States Court of Claims cash settlement to
22 the Tlingit and Haida Indian Tribes of Alaska in
23 1968 for land previously taken to create the Tongass
24 National Forest and Glacier Bay National Monu-
25 ment;

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

3 (A) adequately compensate the Alaska Na-
4 tives of southeast Alaska for the significant
5 quantity of land and resources lost as a result
6 of the creation of the Tongass National Forest
7 and Glacier Bay National Monument or other
8 losses of land and resources; or

9 (B) justify the significant disparate treat-
10 ment of Sealaska under the Alaska Native
11 Claims Settlement Act (43 U.S.C. 1611) in
12 1971;

13 (6)(A) while each other Regional Corporation
14 received a significant quantity of land under sections
15 12 and 14 of the Alaska Native Claims Settlement
16 Act (43 U.S.C. 1611, 1613), Sealaska only received
17 land under section 14(h) of that Act (43 U.S.C.
18 1613(h));

19 (B) section 14(h) of the Alaska Native Claims
20 Settlement Act (43 U.S.C. 1613(h)) authorized the
21 Secretary to withdraw and convey 2,000,000-acres
22 of “unreserved and unappropriated” public lands in
23 Alaska from which Alaska Native selections could be
24 made for historic sites, cemetery sites, Urban Cor-

1 poration land, Native group land, and Native Allot-
2 ments;

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

12 (D) the only Native land entitlement of
13 Sealaska derives from a proportion of leftover land
14 remaining from the 2,000,000-acre land pool, esti-
15 mated as of the date of enactment of this Act at ap-
16 proximately 1,700,000 acres;

17 (E) because at the time of enactment of the
18 Alaska Native Claims Settlement Act (43 U.S.C.
19 1601 et seq.) all public land in the Tongass National
20 Forest had been reserved for purposes of creating
21 the national forest, the Secretary was not able to
22 withdraw any public land in the Tongass National
23 Forest for selection by and conveyance to Sealaska;

24 (F) at the time of enactment of the Alaska Na-
25 tive Claims Settlement Act (43 U.S.C. 1601 et seq.)

1 other public lands in southeast Alaska not located in
2 the Tongass National Forest were not suitable for
3 selection by and conveyance to Sealaska because
4 such lands were located in Glacier Bay National
5 Monument, were included in a withdrawal effected
6 pursuant to section 17(d)(2) of that Act (43 U.S.C.
7 1616(d)(2)) and slated to become part of the
8 Wrangell-St. Elias National Park, or essentially con-
9 sisted of mountain tops;

10 (G) Sealaska in 1975 requested that Congress
11 amend the Alaska Native Claims Settlement Act (43
12 U.S.C. 1601 et seq.) to permit the Regional Cor-
13 poration to select lands inside of the withdrawal
14 areas established for southeast Alaska Native vil-
15 lages under section 16 of that Act (43 U.S.C. 1615);
16 and

17 (H) in 1976, Congress amended section 16 of
18 the Alaska Native Claims Settlement Act (43 U.S.C.
19 1615) to allow Sealaska to select lands under section
20 14(h)(8) of that Act (43 U.S.C. 1613(h)(8)) from
21 land located inside, rather than outside, the with-
22 drawal areas established for southeast Alaska Native
23 villages;

24 (7) the 10 Alaska Native village withdrawal
25 areas in southeast Alaska surround the Alaska Na-

1 tive communities of Yakutat, Hoonah, Angoon,
2 Kake, Kasaan, Klawock, Craig, Hydaburg, Klukwan,
3 and Saxman;

4 (8)(A) the existing conveyance requirements of
5 the Alaska Native Claims Settlement Act (43 U.S.C.
6 1601 et seq.) for southeast Alaska limit the land eli-
7 gible for conveyance to Sealaska to the original with-
8 drawal areas surrounding 10 Alaska Native villages
9 in southeast Alaska, which precludes Sealaska from
10 selecting land located—

11 (i) in any withdrawal area established for
12 the Urban Corporations for Sitka and Juneau,
13 Alaska; or

14 (ii) outside the 10 Alaska Native village
15 withdrawal areas; and

16 (B) unlike other Regional Corporations,
17 Sealaska is not authorized to request land located
18 outside the withdrawal areas described in subpara-
19 graph (A) if the withdrawal areas are insufficient to
20 complete the land entitlement of Sealaska under the
21 Alaska Native Claims Settlement Act (43 U.S.C.
22 1601 et seq.);

23 (9)(A) the deadline for applications for selection
24 of cemetery sites and historic places on land outside
25 withdrawal areas established under section 14 of the

1 Alaska Native Claims Settlement Act (43 U.S.C.
2 1613) was July 1, 1976;

3 (B)(i) as of that date, the Bureau of Land
4 Management notified Sealaska that the total entitle-
5 ment of Sealaska would be approximately 200,000
6 acres; and

7 (ii) Sealaska made entitlement allocation deci-
8 sions for cultural sites and economic development
9 sites based on that original estimate; and

10 (C) as a result of the Alaska Land Transfer Ac-
11 celeration Act (Public Law 108–452; 118 Stat.
12 3575) and subsequent related determinations and
13 actions of the Bureau of Land Management, it be-
14 came clear within the last decade that Sealaska will
15 receive significantly more than 200,000 acres pursu-
16 ant to the Alaska Native Claims Settlement Act (43
17 U.S.C. 1601 et seq.);

18 (10) in light of the revised Bureau of Land
19 Management estimate of the total number of acres
20 that Sealaska will receive pursuant to the Alaska
21 Native Claims Settlement Act (43 U.S.C. 1601 et
22 seq.), and in consultation with Members of Alaska’s
23 congressional delegation, Sealaska and its share-
24 holders believe that it is appropriate to allocate more
25 of the entitlement of Sealaska to—

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

3 (B) the acquisition of sites with traditional
4 and recreational use value and sites suitable for
5 renewable energy development; and

6 (C) the acquisition of lands that are not
7 within the watersheds of Native and non-Native
8 communities and are suitable economically and
9 environmentally for natural resource develop-
10 ment;

11 (11)(A) pursuant to section 11(a)(1) of the
12 Alaska Native Claims Settlement Act (43 U.S.C.
13 1610(a)(1)), Sealaska was not authorized to select
14 under section 14(h)(1) of that Act (43 U.S.C.
15 1613(h)(1)) any site within Glacier Bay National
16 Park, despite the abundance of cultural sites within
17 that Park;

18 (B) Sealaska seeks cooperative agreements to
19 ensure that cultural sites within Glacier Bay Na-
20 tional Park are subject to cooperative management
21 by Sealaska, Village and Urban Corporations, and
22 federally recognized tribes with ties to the cultural
23 sites and history of the Park; and

24 (C) Congress recognizes that there is an exist-
25 ing Memorandum of Understanding (MOU) between

1 the Park Service and the Hoonah Indian Associa-
2 tion, and does not intend to circumvent the MOU;
3 rather the intent is to ensure that this and similar
4 mechanisms for cooperative management in Glacier
5 Bay are required by law;

6 (12)(A) the cemetery sites and historic places
7 conveyed to Sealaska pursuant to section 14(h)(1) of
8 the Alaska Native Claims Settlement Act (43 U.S.C.
9 1613(h)(1)) are subject to a restrictive covenant not
10 required by the Alaska Native Claims Settlement
11 Act (43 U.S.C. 1601 et seq.) that hinders the ability
12 of Sealaska to use the sites for cultural, educational,
13 or research purposes for Alaska Natives and others;

14 (B) historic sites managed by the Forest Serv-
15 ice are not subject to the limitations referred to in
16 subparagraph (A); and

17 (C) Alaska Natives of southeast Alaska should
18 be permitted to use cemetery sites and historic
19 places in a manner that is—

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

22 (ii) not inconsistent with the management
23 plans for adjacent public land;

24 (13) 44 percent (820,000 acres) of the 10 Alas-
25 ka Native village withdrawal areas established under

1 the Alaska Native Claims Settlement Act (43 U.S.C.
2 1601 et seq.) described in paragraphs (7) and (8)
3 are composed of salt water and not available for se-
4 lection;

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

9 (15) in each withdrawal area, there exist factors
10 that limit the ability of Sealaska to select sufficient
11 land, and, in particular, economically viable land, to
12 fulfill the land entitlement of Sealaska, including
13 factors such as—

14 (A) with respect to the Yakutat withdrawal

15 area—

16 (i) 46 percent of the area is salt
17 water;

18 (ii) 10 sections (6,400 acres) around
19 the Situk Lake were restricted from selec-
20 tion, with no consideration provided for the
21 restriction; and

22 (iii)(I) 70,000 acres are subject to a
23 gubernatorial consent requirement before
24 selection; and

1 (II) Sealaska received no consider-
2 ation with respect to the consent restric-
3 tion;

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

6 (C) with respect to the Angoon withdrawal
7 area—

8 (i) 120,000 acres of the area is salt
9 water;

10 (ii) Sealaska received no consideration
11 regarding the prohibition on selecting land
12 from the 80,000 acres located within the
13 Admiralty Island National Monument; and

14 (iii)(I) the Village Corporation for
15 Angoon was allowed to select land located
16 outside the withdrawal area on Prince of
17 Wales Island, subject to the condition that
18 the Village Corporation shall not select
19 land located on Admiralty Island; but

20 (II) no alternative land adjacent to
21 the out-of-withdrawal land of the Village
22 Corporation was made available for selec-
23 tion by Sealaska;

24 (D) with respect to the Kake withdrawal
25 area—

1 (i) 64 percent of the area is salt
2 water; and

3 (ii) extensive timber harvesting by the
4 Forest Service occurred in the area before
5 1971 that significantly reduced the value
6 of land available for selection by, and con-
7 veyance to, Sealaska;

8 (E) with respect to the Kasaan withdrawal
9 area—

10 (i) 54 percent of the area is salt
11 water; and

12 (ii) the Forest Service previously har-
13 vested in the area;

14 (F) with respect to the Klawock with-
15 drawal area—

16 (i) the area consists of only 5 town-
17 ships, as compared to the usual withdrawal
18 area of 9 townships, because of the prox-
19 imity of the Klawock withdrawal area to
20 the Village of Craig, which reduces the se-
21 lection area by 92,160 acres; and

22 (ii) the Klawock and Craig withdrawal
23 areas are 35 percent salt water;

24 (G) with respect to the Craig withdrawal
25 area, the withdrawal area consists of only 6

1 townships, as compared to the usual withdrawal
2 area of 9 townships, because of the proximity of
3 the Craig withdrawal area to the Village of
4 Klawock, which reduces the selection area by
5 69,120 acres;

6 (H) with respect to the Hydaburg with-
7 drawal area—

8 (i) 36 percent of the area is salt
9 water; and

10 (ii) Sealaska received no consideration
11 under the Haida Land Exchange Act of
12 1986 (Public Law No. 99-664; 100 Stat.
13 4303) for relinquishing selection rights to
14 land within the withdrawal area that the
15 Haida Corporation exchanged to the For-
16 est Service;

17 (I) with respect to the Klukwan withdrawal
18 area—

19 (i) 27 percent of the area is salt
20 water; and

21 (ii) the withdrawal area is only 70,000
22 acres, as compared to the usual withdrawal
23 area of 207,360 acres, which reduces the
24 selection area by 137,360 acres; and

1 (J) with respect to the Saxman withdrawal
2 area—

3 (i) 29 percent of the area is salt
4 water;

5 (ii) Sealaska received no consideration
6 for the 50,576 acres within the withdrawal
7 area adjacent to the first-class city of
8 Ketchikan that were excluded from selec-
9 tion;

10 (iii) Sealaska received no consider-
11 ation with respect to the 1977 amendment
12 to the Alaska Native Claims Settlement
13 Act (43 U.S.C. 1601 et seq.) requiring gu-
14 bernatorial consent for selection of 58,000
15 acres in that area; and

16 (iv) 23,888 acres are located within
17 the Annette Island Indian Reservation for
18 the Metlakatla Indian Tribe and are not
19 available for selection;

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

23 (A) are inequitable and inconsistent with
24 the purposes of that Act because there is insuf-
25 ficient land remaining in the withdrawal areas

1 to meet the traditional, cultural, and socio-
2 economic needs of the shareholders of Sealaska;
3 and

4 (B) make it difficult for Sealaska to se-
5 lect—

6 (i) places of sacred, cultural, tradi-
7 tional, and historical significance;

8 (ii) sites with traditional and recre-
9 ation use value and sites suitable for re-
10 newable energy development; and

11 (iii) lands that meet the real economic
12 needs of the shareholders of Sealaska;

13 (17) unless Sealaska is allowed to select land
14 outside designated withdrawal areas in southeast
15 Alaska, Sealaska will not be able to—

16 (A) complete the land entitlement selec-
17 tions of Sealaska under the Alaska Native
18 Claims Settlement Act (43 U.S.C. 1601 et seq.)
19 in a manner that meets the cultural, social, and
20 economic needs of Native shareholders;

21 (B) avoid land selections in watersheds
22 that are the exclusive drinking water supply for
23 regional communities, support world class salm-
24 on streams, have been identified as important
25 habitat, or would otherwise be managed by the

1 Forest Service as roadless and old growth forest
2 reserves;

3 (C) secure ownership of places of sacred,
4 cultural, traditional, and historical importance
5 to the Alaska Natives of southeast Alaska; and

6 (D) continue to support forestry jobs and
7 economic opportunities for Alaska Natives and
8 other residents of rural southeast Alaska;

9 (18)(A) the rate of unemployment in southeast
10 Alaska exceeds the statewide rate of unemployment
11 on a non-seasonally adjusted basis;

12 (B) in January 2011, the Alaska Department
13 of Labor and Workforce Development reported the
14 unemployment rate for the Prince of Wales—Outer
15 Ketchikan census area at approximately 16.2 per-
16 cent;

17 (C) in October 2007, the Alaska Department of
18 Labor and Workforce Development projected popu-
19 lation losses between 1996 and 2030 for the Prince
20 of Wales—Outer Ketchikan census area at 56.6 per-
21 cent;

22 (D) official unemployment rates severely under-
23 report the actual level of regional unemployment,
24 particularly in Native villages; and

1 (E) additional job losses will exacerbate out-
2 migration from Native and non-Native communities
3 in southeast Alaska;

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

7 (20) despite the small land base of Sealaska as
8 compared to other Regional Corporations (less than
9 1 percent of the total quantity of land allocated pur-
10 suant to the Alaska Native Claims Settlement Act
11 (43 U.S.C. 1601 et seq.)), Sealaska has—

12 (A) provided considerable benefits to Alas-
13 ka Native shareholders;

14 (B) supported hundreds of jobs for Alaska
15 Native shareholders and non-shareholders in
16 southeast Alaska for more than 30 years; and

17 (C) been a significant economic force in
18 southeast Alaska;

19 (21) pursuant to the revenue sharing provisions
20 of section 7(i) of the Alaska Native Claims Settle-
21 ment Act (43 U.S.C. 1606(i)), Sealaska has distrib-
22 uted more than \$300,000,000 during the period be-
23 ginning on January 1, 1971, and ending on Decem-
24 ber 31, 2005, to Native Corporations throughout the
25 State of Alaska from the development of natural re-

1 sources, which accounts for 42 percent of the total
2 revenues shared under that section during that pe-
3 riod;

4 (22) resource development operations main-
5 tained by Sealaska—

6 (A) support hundreds of jobs in the south-
7 east Alaska region;

8 (B) make timber available to local and do-
9 mestic sawmills and other wood products busi-
10 nesses such as guitar manufacturers;

11 (C) support firewood programs for local
12 communities;

13 (D) support maintenance of roads utilized
14 by local communities for subsistence and recre-
15 ation uses;

16 (E) support development of new biomass
17 energy opportunities in southeast Alaska, re-
18 ducing dependence on high-cost diesel fuel for
19 the generation of energy;

20 (F) provide start-up capital for innovative
21 business models in southeast Alaska that create
22 new opportunities for non-timber economic de-
23 velopment in the region, including support for
24 renewable biomass initiatives, Alaska Native ar-
25 tisans, and rural mariculture farming; and

1 (G) support Native education and cultural
2 and language preservation activities;

3 (23) if the resource development operations of
4 Sealaska cease on land appropriate for those oper-
5 ations, there will be a significant negative impact
6 on—

7 (A) southeast Alaska Native shareholders;

8 (B) the cultural preservation activities of
9 Sealaska;

10 (C) the economy of southeast Alaska; and

11 (D) the Alaska Native community that
12 benefits from the revenue-sharing requirements
13 under the Alaska Native claims Settlement Act
14 (43 U.S.C. 1601 et seq.);

15 (24) it is critical that the remaining land enti-
16 tlement conveyances to Sealaska under the Alaska
17 Native Claims Settlement Act (43 U.S.C. 1601 et
18 seq.) are fulfilled to continue to meet the economic,
19 social, and cultural needs of the Alaska Native
20 shareholders of southeast Alaska and the Alaska Na-
21 tive community throughout Alaska;

22 (25) in order to realize cultural preservation
23 goals while also diversifying economic opportunities,
24 Sealaska should be authorized to select and receive
25 conveyance of—

1 (A) sacred, cultural, traditional, and his-
2 toric sites and other places of traditional cul-
3 tural significance, including traditional and cus-
4 tomary trade and migration routes, to facilitate
5 the perpetuation and preservation of Alaska
6 Native culture and history;

7 (B) other sites with traditional and recre-
8 ation use value and sites suitable for renewable
9 energy development to facilitate appropriate
10 tourism and outdoor recreation enterprises and
11 renewable energy development for rural south-
12 east Alaska communities; and

13 (C) lands that are suitable economically
14 and environmentally for natural resource devel-
15 opment;

16 (26) on completion of the conveyances of land
17 of Sealaska to fulfill the full land entitlement of
18 Sealaska under the Alaska Native Claims Settlement
19 Act (43 U.S.C. 1601 et seq.), the encumbrances on
20 327,000 acres of Federal land created by the with-
21 drawal of land for selection by Native Corporations
22 in southeast Alaska should be removed, which will
23 facilitate thorough and complete planning and effi-
24 cient management relating to national forest land in
25 southeast Alaska by the Forest Service;

1 (27) although the Tribal Forest Protection Act
2 (25 U.S.C. 3101 note; Public Law 108–278) defines
3 the term “Indian tribe” to include Indian tribes
4 under section 4 of the Indian Self-Determination
5 and Education Assistance Act (25 U.S.C. 450b), a
6 term which includes “any Alaska Native village or
7 regional or village corporation as defined in or estab-
8 lished pursuant to the Alaska Native Claims Settle-
9 ment Act * * *”, the Tribal Forest Protection Act
10 does not define the term “Indian forest land or
11 rangeland” to include lands owned by Alaska Native
12 Corporations, including Sealaska, which are the pri-
13 mary Indian forest land owners in Alaska, and
14 therefore, the Tribal Forest Protection Act should be
15 amended in a manner that will—

16 (A) permit Native Corporations, including
17 Sealaska, as Indian forest land owners in Alas-
18 ka, to work with the Secretary of Agriculture
19 under the Tribal Forest Protection Act to ad-
20 dress forest fire and insect infestation issues,
21 including the spread of the spruce bark beetle
22 in southeast and southcentral Alaska, which
23 threaten the health of the Native forestlands;
24 and

1 (B) ensure that Native Corporations, in-
2 cluding Sealaska, can participate in programs
3 administered by the Secretary of Agriculture
4 under the Tribal Forest Protection Act without
5 including Native Corporations under the defini-
6 tion in that Act of “Indian forest land or range-
7 land” or otherwise amending that Act in a
8 manner that validates, invalidates, or otherwise
9 affects any claim regarding the existence of In-
10 dian country in the State of Alaska; and

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

24 (A) permit Native Corporations, including
25 Sealaska, as owners of Indian cemetery sites

1 and historical places in Alaska, to work with
2 the Secretary of the Interior under the National
3 Historic Preservation Act to secure grants and
4 other support to manage their own historic sites
5 and programs pursuant to that Act; and

6 (B) ensure that Native Corporations, in-
7 cluding Sealaska, can participate in programs
8 administered by the Secretary of the Interior
9 under the National Historic Preservation Act
10 without including Native Corporations under
11 the definition in that Act of “Tribal lands” or
12 otherwise amending that Act in a manner that
13 validates, invalidates, or otherwise affects any
14 claim regarding the existence of Indian country
15 in the State of Alaska.

16 (b) PURPOSE.—The purpose of this title is to address
17 the inequitable treatment of Sealaska by allowing Sealaska
18 to select the remaining land entitlement of Sealaska under
19 section 14 of the Alaska Native Claims Settlement Act (43
20 U.S.C. 1613) from designated Federal land in southeast
21 Alaska located outside the 10 southeast Alaska Native vil-
22 lage withdrawal areas in a manner that meets the cultural,
23 social, and economic needs of Native shareholders, includ-
24 ing the need to maintain jobs supported by Sealaska in
25 rural southeast Alaska communities.

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

2 (a) SELECTION BY SEALASKA.—

3 (1) IN GENERAL.—Notwithstanding section
4 14(h)(8) of the Alaska Native Claims Settlement Act
5 (43 U.S.C. 1613(h)(8)), Sealaska is authorized to
6 select and receive conveyance of the remaining land
7 entitlement of Sealaska under that Act (43 U.S.C.
8 1601 et seq.) from Federal land located in southeast
9 Alaska from each category described in subsections
10 (b) and (c).

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

16 (A) reservation of public easements across
17 land pursuant to section 17(b) of the Alaska
18 Native Claims Settlement Act (43 U.S.C.
19 1616(b));

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

23 (C) the land bank protections of section
24 907(d) of the Alaska National Interest and
25 Lands Conservation Act (43 U.S.C. 1636(d)).

1 (b) WITHDRAWAL OF LAND.—The following public
2 land is withdrawn, subject to valid existing rights, from
3 all forms of appropriation under public land laws, includ-
4 ing the mining and mineral leasing laws, and from selec-
5 tion under the Act of July 7, 1958 (commonly known as
6 the “Alaska Statehood Act”) (48 U.S.C. note prec. 21;
7 Public Law 85–508), and shall be available for selection
8 by and conveyance to Sealaska to complete the remaining
9 land entitlement of Sealaska under section 14(h)(8) of the
10 Alaska Native Claims Settlement Act (43 U.S.C.
11 1613(h)(8)):

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

15 (2) Sites with traditional, recreational, and re-
16 newable energy use value, as identified on the map
17 entitled “Sites with Traditional, Recreational, and
18 Renewable Energy Use Value”, dated February 1,
19 2011, and labeled “Attachment D”, subject to the
20 condition that not more than 5,000 acres shall be se-
21 lected for those purposes.

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

1 (A) a conveyance of land 25 feet in width,
2 together with 1-acre sites at each terminus and
3 at 8 locations along the route, with the route,
4 location, and boundaries of the conveyance de-
5 scribed on the map inset entitled “Yakutat to
6 Dry Bay Trade and Migration Route” on the
7 map entitled “Traditional and Customary
8 Trade and Migration Routes”, dated February
9 1, 2011, and labeled “Attachment C”;

10 (B) 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 “Bay of Pillars to Port Camden 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”; and

19 (C) a conveyance of land 25 feet in width,
20 together with 1-acre sites at each terminus,
21 with the route, location, and boundaries of the
22 conveyance described on the map inset entitled
23 “Portage Bay to Duncan Canal Trade and Mi-
24 gration Route” on the map entitled “Tradi-
25 tional and Customary Trade and Migration

1 Routes”, dated February 1, 2011, and labeled
2 “Attachment C”.

3 (c) SITES WITH SACRED, CULTURAL, TRADITIONAL,
4 OR HISTORIC SIGNIFICANCE.—Subject to the criteria and
5 procedures applicable to land selected pursuant to section
6 14(h)(1) of the Alaska Native Claims Settlement Act (43
7 U.S.C. 1613(h)(1)) and set forth in the regulations pro-
8 mulgated at section 2653.5 of title 43, Code of Federal
9 Regulations (as in effect on the date of enactment of this
10 Act), except as otherwise provided in this title—

11 (1) Sealaska shall have a right to identify up to
12 3,600 acres of sites with sacred, cultural, traditional,
13 or historic significance, including archeological sites,
14 cultural landscapes, and natural features having cul-
15 tural significance; and

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

18 (A) withdrawn, subject to valid existing
19 rights, from all forms of appropriation under
20 public land laws, including the mining and min-
21 eral leasing laws, and from selection under the
22 Act of July 7, 1958 (commonly known as the
23 “Alaska Statehood Act”) (48 U.S.C. note prec.
24 21; Public Law 85–508); and

1 (B) available for selection by and convey-
2 ance to Sealaska to complete the remaining
3 land entitlement of Sealaska under section
4 14(h)(8) of the Alaska Native Claims Settle-
5 ment Act (43 U.S.C. 1613(h)(8)) subject to the
6 conditions that—

7 (i) no sites with sacred, cultural, tra-
8 ditional, or historic significance may be se-
9 lected from within a unit of the National
10 Park System; and

11 (ii) beginning on the date that is 15
12 years after the date of enactment of this
13 Act, Sealaska shall be limited to identi-
14 fying not more than 360 acres of sites with
15 sacred, cultural, traditional, or historic sig-
16 nificance under this subsection.

17 (d) FOREST DEVELOPMENT ROADS.—Sealaska shall
18 receive from the United States, subject to all necessary
19 State and Federal permits, nonexclusive easements to
20 Sealaska to allow—

21 (1) access on the forest development road and
22 use of the log transfer site identified in paragraphs
23 (3)(b), (3)(c) and (3)(d) of the patent numbered 50-
24 85-0112 and dated January 4, 1985;

1 (2) access on the forest development road iden-
2 tified in paragraphs (2)(a) and (2)(b) of the patent
3 numbered 50–92–0203 and dated February 24,
4 1992;

5 (3) access on the forest development road iden-
6 tified in paragraph (2)(a) of the patent numbered
7 50–94–0046 and dated December 17, 1993;

8 (4) access on the forest development roads and
9 use of the log transfer facilities identified on the
10 maps dated February 1, 2011, and labeled “Attach-
11 ment A (Maps 1 through 8)”;

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

16 (6) access to and reservation of a right to con-
17 struct a new log transfer facility and log storage
18 area at the location identified on the maps identified
19 in paragraph (4).

20 **SEC. 305. CONVEYANCES TO SEALASKA.**

21 (a) **TIMELINE FOR CONVEYANCE.**—

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

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

8 (3) SUBSTANTIAL COMPLETION REQUIRED.—
9 Not later than two years after the date of selection
10 by Sealaska of land withdrawn under section
11 304(b)(1), the Secretary shall substantially complete
12 the conveyance of the land to Sealaska under this
13 title.

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

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

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

5 (2) the withdrawal areas set aside for selection
6 by Native Corporations in southeast Alaska under
7 subsections (a) and (d) of section 16 of that Act
8 shall be rescinded; and

9 (3) land located within a withdrawal area that
10 is not conveyed to Sealaska or to a southeast Alaska
11 Village Corporation or Urban Corporation shall be
12 returned to the unencumbered management of the
13 Forest Service as part of the Tongass National For-
14 est.

15 (c) LIMITATION.—Sealaska shall not select or receive
16 under this title any conveyance of land pursuant to para-
17 graph (1) or (2) of section 304(b) located within any con-
18 servation system unit.

19 (d) APPLICABLE EASEMENTS AND PUBLIC AC-
20 CESS.—

21 (1) IN GENERAL.—In addition to the reserva-
22 tion of public easements under section 304(a)(2)(A),
23 the conveyance to Sealaska of land withdrawn pur-
24 suant to paragraphs (1) and (3) of section 304(b)
25 that are located outside a withdrawal area des-

1 ignated under section 16(a) of the Alaska Native
2 Claims Settlement Act (43 U.S.C. 1615(a)) shall be
3 subject to—

4 (A) a reservation for easements for public
5 access on the public roads depicted on the maps
6 dated February 1, 2011, and labeled “Attach-
7 ment A (Maps 1 through 8)”;

8 (B) a reservation for easements for public
9 access on the temporary roads designated by
10 the Forest Service as of the date of the enact-
11 ment of this Act for the public access trails de-
12 picted on the maps described in subparagraph
13 (A); and

14 (C) the right of noncommercial public ac-
15 cess for subsistence uses, consistent with title
16 VIII of the Alaska National Interest Lands
17 Conservation Act (16 U.S.C. 3111 et seq.), and
18 recreational access, without liability to
19 Sealaska, subject to—

20 (i) the right of Sealaska to regulate
21 access to ensure public safety, to protect
22 cultural or scientific resources, and to pro-
23 vide environmental protection; and

24 (ii) the condition that Sealaska shall
25 post on any applicable property, in accord-

1 ance with State law, notices of the condi-
2 tions on use.

3 (2) SACRED, CULTURAL, TRADITIONAL AND
4 HISTORIC SITES.—The conveyance to Sealaska of
5 land withdrawn pursuant to section 304(e) that is
6 located outside of a withdrawal area designated
7 under section 16(a) of the Alaska Native Claims
8 Settlement Act (43 U.S.C. 1615(a)) shall be subject
9 to—

10 (A) the right of public access across the
11 conveyances where no reasonable alternative ac-
12 cess around the land is available without liabil-
13 ity to Sealaska; and

14 (B) the right of Sealaska to regulate ac-
15 cess across the conveyances to ensure public
16 safety, to protect cultural or scientific re-
17 sources, to provide environmental protection, or
18 to prohibit activities incompatible with the use
19 and enjoyment of the land by Sealaska, subject
20 to the condition that Sealaska shall post on any
21 applicable property, in accordance with State
22 law, notices of any such condition.

23 (3) TRADITIONAL AND CUSTOMARY TRADE AND
24 MIGRATION ROUTES.—The conveyance to Sealaska
25 of land withdrawn pursuant to section 304(b)(3)

1 that is located outside of a withdrawal area des-
2 ignated under section 16(a) of the Alaska Native
3 Claims Settlement Act (43 U.S.C. 1615(a)) shall be
4 subject to a requirement that Sealaska provide pub-
5 lic access across such linear conveyances if an adja-
6 cent landowner or the public has a legal right to use
7 the adjacent private or public land.

8 (4) SITES WITH TRADITIONAL, RECREATIONAL,
9 AND RENEWABLE ENERGY USE VALUE.—The con-
10 veyance to Sealaska of land withdrawn pursuant to
11 section 304(b)(2) that is located outside of a with-
12 drawal area designated under section 16(a) of the
13 Alaska Native Claims Settlement Act (43 U.S.C.
14 1615(a)) shall be subject to—

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

17 (B) the condition that public access across
18 the land would not be unreasonably restricted
19 or impaired.

20 (5) EFFECT.—No right of access provided to
21 any individual or entity (other than Sealaska) by
22 this subsection—

23 (A) creates any interest, other than an in-
24 terest retained by the United States, of such an

1 individual or entity in the land conveyed to
2 Sealaska in excess of that right of access; or

3 (B) provides standing in any review of, or
4 challenge to, any determination by Sealaska
5 with respect to the management or development
6 of the applicable land.

7 (e) CONDITIONS ON SACRED, CULTURAL, AND HIS-
8 TORIC SITES AND TRADITIONAL AND CUSTOMARY TRADE
9 AND MIGRATION ROUTES.—The conveyance to Sealaska
10 of land withdrawn pursuant to sections 304(b)(3) and
11 304(c)—

12 (1) shall be subject to a covenant prohibiting
13 any commercial timber harvest or mineral develop-
14 ment on the land;

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

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

23 (f) USES OF SACRED, CULTURAL, TRADITIONAL,
24 AND HISTORIC SITES AND TRADITIONAL AND CUSTOMARY
25 TRADE AND MIGRATION ROUTES.—Any land conveyed to

1 Sealaska from land withdrawn pursuant to sections
2 304(b)(3) and 304(c) may be used for—

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

5 (2) historical, cultural, and scientific research
6 and education;

7 (3) public interpretation and education regard-
8 ing the cultural significance of the site to Alaska
9 Natives;

10 (4) protection and management of the site to
11 preserve the natural and cultural features of the
12 site, including cultural traditions, values, songs, sto-
13 ries, names, crests, and clan usage, for the benefit
14 of future generations; and

15 (5) site improvement activities for any purpose
16 described in paragraphs (1) through (4), subject to
17 the condition that the activities—

18 (A) are consistent with the sacred, cul-
19 tural, traditional, or historic nature of the site;
20 and

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

23 (g) TERMINATION OF RESTRICTIVE COVENANTS.—

24 (1) IN GENERAL.—Each restrictive covenant re-
25 garding cultural or historical values with respect to

1 any interim conveyance or patent for a historic or
2 cemetery site issued to Sealaska pursuant to the
3 Federal regulations contained in sections 2653.5(a)
4 and 2653.11 of title 43, Code of Federal Regula-
5 tions (as in effect on the date of enactment of this
6 Act), in accordance with section 14(h)(1) of the
7 Alaska Native Claims Settlement Act (43 U.S.C.
8 1613(h)(1)), terminates as a matter of law on the
9 date of enactment of this Act.

10 (2) REMAINING CONDITIONS.—Land subject to
11 a covenant described in paragraph (1) on the day
12 before the date of enactment of this Act shall be
13 subject to the conditions described in subsection (e).

14 (3) RECORDS.—Sealaska shall be responsible
15 for recording with the land title recorders office of
16 the State of Alaska any modification to an existing
17 conveyance of land under section 14(h)(1) of the
18 Alaska Native Claims Settlement Act (43 U.S.C.
19 1613(h)(1)) as a result of this title.

20 (h) CONDITIONS ON SITES WITH TRADITIONAL,
21 RECREATIONAL, AND RENEWABLE ENERGY USE
22 VALUE.—Each conveyance of land to Sealaska from land
23 withdrawn pursuant to section 304(b)(2) shall be subject
24 to a covenant prohibiting any commercial timber harvest
25 or mineral development.

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

6 (j) GUIDING AND OUTFITTING SPECIAL USE PER-
7 MITS OR AUTHORIZATIONS.—

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

24 (2) NOTICE OF COMMERCIAL ACTIVITIES.—
25 Sealaska, with respect to the holder of a guiding or

1 outfitting special use permit or authorization under
2 this subsection, and a permit holder referenced in
3 this subsection, with respect to Sealaska, shall have
4 an obligation to inform the other party of their re-
5 spective commercial activities before engaging in the
6 activities on land, which has been conveyed to
7 Sealaska under this title, subject to the permit or
8 authorization.

9 (3) NEGOTIATION OF NEW TERMS.—Nothing in
10 this subsection precludes Sealaska and a permit
11 holder under this subsection from negotiating new
12 mutually agreeable permit terms that supersede the
13 requirements of—

14 (A) this subsection;

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

17 (C) any deed covenant.

18 (4) LIABILITY.—Sealaska shall bear no liability
19 regarding use and occupancy pursuant to special use
20 permits or authorizations on land selected or con-
21 veyed pursuant to this title.

22 **SEC. 306. MISCELLANEOUS.**

23 (a) STATUS OF CONVEYED LAND.—Each conveyance
24 of Federal land to Sealaska pursuant to this title, and
25 each Federal action carried out to achieve the purpose of

1 this title, shall be considered to be conveyed or acted on,
2 as applicable, pursuant to the Alaska Native Claims Set-
3 tlement Act (43 U.S.C. 1601 et seq.).

4 (b) ENVIRONMENTAL MITIGATION AND INCEN-
5 TIVES.—Notwithstanding subsection (e) and (h) of section
6 305, all land conveyed to Sealaska pursuant to the Alaska
7 Native Claims Settlement Act (43 U.S.C. 1601 et seq.)
8 and this title shall be considered to be qualified to receive
9 or participate in, as applicable—

10 (1) any federally authorized carbon sequestra-
11 tion program, ecological services program, or envi-
12 ronmental mitigation credit; and

13 (2) any other federally authorized environ-
14 mental incentive credit or program.

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

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

24 (2) BOUNDARY ADJUSTMENTS.—The Secretary
25 of Agriculture shall implement any land ownership

1 boundary adjustments to the Tongass National For-
2 est Land and Resources Management Plan resulting
3 from the implementation of this title through a tech-
4 nical amendment to that Plan.

5 (d) TECHNICAL CORRECTIONS.—

6 (1) TRIBAL FOREST PROTECTION.—Section 2 of
7 the Tribal Forest Protection Act of 2004 (25 U.S.C.
8 3115a) is amended by adding at the end a new sub-
9 section (h):

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

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

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

24 “(7)(A) Notwithstanding any other provision of law,
25 an Alaska Native tribe, band, nation or other organized

1 group or community, including a Native village, Regional
2 Corporation, or Village Corporation, shall be eligible to
3 participate in all programs administered by the Secretary
4 under this Act on behalf of Indian tribes, including, but
5 not limited to, securing grants and other support to man-
6 age their own historic preservation sites and programs on
7 lands held by the Alaska Native tribe, band, nation or
8 other organized group or community, including a Native
9 village, Regional Corporation, or Village Corporation.

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

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

17 (1) the Alaska Native Claims Settlement Act
18 (43 U.S.C. 1601 et seq.); or

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

21 **SEC. 307. MAPS.**

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

24 (1) the office of the Chief of the Forest Service;
25 and

1 (2) the office of the Secretary.

2 (b) CORRECTIONS.—The Secretary or the Chief of
3 the Forest Service may make any necessary correction to
4 a clerical or typographical error in a map referred to in
5 this title.

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

9 **TITLE IV—SAN ANTONIO MIS-**
10 **SIONS NATIONAL HISTORICAL**
11 **PARK BOUNDARY EXPANSION**
12 **ACT**

13 **SEC. 401. SHORT TITLE.**

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

16 **SEC. 402. FINDINGS.**

17 Congress finds that—

18 (1) the San Antonio Missions National Histor-
19 ical Park is important to understanding the history
20 and development of the City of San Antonio, Bexar
21 County, the State of Texas, and the United States;

22 (2) understanding the connection between the
23 San Antonio River and the San Antonio Missions is
24 critical to understanding mission life in colonial
25 Texas; and

1 (3) the San Antonio Missions National Histor-
2 ical Park enjoys the strong support of the City of
3 San Antonio, Bexar County, and their citizens and
4 businesses.

5 **SEC. 403. BOUNDARY EXPANSION.**

6 Section 201(a) of Public Law 95–629 (16 U.S.C.
7 410ee(a)) is amended—

8 (1) by striking “In order” and inserting “(1) In
9 order”;

10 (2) by striking “The park shall also” and in-
11 sserting “(2) The park shall also”;

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

14 (4) by inserting after paragraph (2) (as so des-
15 igned by paragraph (2) above) the following:

16 “(3) The boundary of the park is further modi-
17 fied to include approximately 137 acres, as depicted
18 on the map titled ‘San Antonio Missions National
19 Historical Park Proposed Boundary Addition’, num-
20 bered 472/113,006A, and dated June 2012. The
21 map shall be on file and available for inspection in
22 the appropriate offices of the National Park Service,
23 U.S. Department of the Interior.

24 “(4) The Secretary may not acquire by con-
25 demnation any land or interest in land within the

1 boundaries of the park. The Secretary is authorized
2 to acquire land and interests in land that are within
3 the boundaries of the park pursuant to paragraph
4 (3) by donation or exchange only (and in the case
5 of an exchange, no payment may be made by the
6 Secretary to any landowner). No private property or
7 non-Federal public property shall be included within
8 the boundaries of the park without the written con-
9 sent of the owner of such property. Nothing in this
10 Act, the establishment of park, or the management
11 plan of the park shall be construed to create buffer
12 zones outside of the park. That an activity or use
13 can be seen or heard from within the park shall not
14 preclude the conduct of that activity or use outside
15 the park.”.

16 **TITLE V—WACO MAMMOTH NA-**
17 **TIONAL MONUMENT ESTAB-**
18 **LISHMENT ACT OF 2012**

19 **SEC. 501. SHORT TITLE.**

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

22 **SEC. 502. FINDINGS.**

23 Congress finds that—

24 (1) the Waco Mammoth Site area is located
25 near the confluence of the Brazos River and the

1 Bosque River in central Texas, near the city of
2 Waco;

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

7 (3) several additional mammoth remains have
8 been uncovered making the site the largest known
9 concentration of mammoths dying from the same
10 event;

11 (4) the mammoth discoveries have received
12 international attention; and

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

15 (A) to protect the site; and

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

18 **SEC. 503. DEFINITIONS.**

19 In this title:

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

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

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

5 (4) MONUMENT.—The term “Monument”
6 means the Waco Mammoth National Monument es-
7 tablished by section 504(a).

8 (5) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (6) STATE.—The term “State” means the State
11 of Texas.

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

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

15 (a) ESTABLISHMENT.—There is established in the
16 State, as a unit of the National Park System, the Waco
17 Mammoth National Monument, as generally depicted on
18 the map.

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

22 **SEC. 505. ADMINISTRATION OF MONUMENT.**

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

25 (1) this title; and

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

3 (b) AUTHORITIES OF SECRETARY.—

4 (1) COOPERATIVE AGREEMENTS.—The Sec-
5 retary may enter into cooperative management
6 agreements with the University and the City, in ac-
7 cordance with section 3(l) of Public Law 91–383 (16
8 U.S.C. 1a–2(l)).

9 (2) ACQUISITION OF LAND.—The Secretary
10 may acquire by donation only from the City any land
11 or interest in land owned by the City within the pro-
12 posed boundary of the Monument.

13 (c) GENERAL MANAGEMENT PLAN.—

14 (1) IN GENERAL.—Not later than 3 years after
15 the date of enactment of this Act, the Secretary, in
16 consultation with the University and the City, shall
17 complete a general management plan for the Monu-
18 ment.

19 (2) INCLUSIONS.—The management plan shall
20 include, at a minimum—

21 (A) measures for the preservation of the
22 resources of the Monument;

23 (B) requirements for the type and extent
24 of development and use of the Monument;

1 (C) identification of the capacity of the
2 Monument for accommodating visitors; and

3 (D) opportunities for involvement by the
4 University, City, State, and other local and na-
5 tional entities in—

6 (i) developing educational programs
7 for the Monument; and

8 (ii) developing and supporting the
9 Monument.

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

12 (1) carrying out a cooperative agreement under
13 subsection (b)(1);

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

16 (3) developing a visitor center for the Monu-
17 ment;

18 (4) operating or maintaining the Monument;

19 (5) constructing exhibits for the Monument; or

20 (6) developing the general management plan
21 under subsection (c).

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

1 (f) EFFECT ON ELIGIBILITY FOR FINANCIAL ASSIST-
2 ANCE.—Nothing in this title affects the eligibility of the
3 Monument for Federal grants or other forms of financial
4 assistance that the Monument would have been eligible to
5 apply for had National Park System status not been con-
6 ferred to the Monument under this title.

7 (g) TERMINATION OF NATIONAL PARK SYSTEM STA-
8 TUS.—

9 (1) IN GENERAL.—Designation of the Monu-
10 ment as a unit of the National Park System shall
11 terminate if the Secretary determines that Federal
12 funds are required to operate and maintain the
13 Monument.

14 (2) REVERSION.—If the designation of the
15 Monument as a unit of the National Park System is
16 terminated under paragraph (1), any land acquired
17 by the Secretary from the City under subsection
18 (b)(2) shall revert to the City.

19 (h) PRIVATE PROPERTY PROTECTION.—No private
20 property may be made part of the Monument without the
21 written consent of the owner of that private property.

22 **SEC. 506. NO BUFFER ZONES.**

23 Nothing in this title, the establishment of national
24 monument, or the management plan shall be construed
25 create buffer zones outside of the national monument.

1 That an activity or use can be seen or heard from within
2 the Monument shall not preclude the conduct of that activ-
3 ity or use outside the Monument.

4 **TITLE VI—NORTH CASCADES**
5 **NATIONAL PARK ACCESS**

6 **SEC. 601. FINDINGS.**

7 Congress finds as follows:

8 (1) In 1988, 93 percent of the North Cascades
9 National Park Complex was designated the Stephen
10 Mather Wilderness.

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

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

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

24 (5) The National Park Service currently does
25 not have the flexibility to rebuild the upper Stehekin

1 Valley Road away from the Stehekin River due to
2 the current location of the non-wilderness road cor-
3 ridor provided by Congress in 1988.

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

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

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

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

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

19 The Washington Park Wilderness Act of 1988 (Pub-
20 lic Law 100–668) is amended by inserting after section
21 206 the following:

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

23 “(a) IN GENERAL.—The Secretary may adjust the
24 boundaries of the North Cascades National Park and the
25 Stephen Mather Wilderness in order to provide a corridor

1 of not more than 100 feet in width along which the
2 Stehekin Valley Road may be rebuilt—

3 “(1) outside of the floodplain between milepost
4 12.9 and milepost 22.8;

5 “(2) within one mile of the route, on the date
6 of the enactment of this section, of the Stehekin Val-
7 ley Road;

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

10 “(4) outside of the boundaries of the Stephen
11 Mather Wilderness.

12 “(b) NO NET LOSS OF LANDS.—

13 “(1) IN GENERAL.—The boundary adjustments
14 made under this section shall be such that equal
15 amounts of federally owned acreage are exchanged
16 between the Stephen Mather Wilderness and the
17 North Cascades National Park, resulting in no net
18 loss of acreage to either the Stephen Mather Wilder-
19 ness or the North Cascades National Park.

20 “(2) STEHEKIN VALLEY ROAD LANDS.—The
21 newly designated wilderness shall include the lands
22 along the route of the Stehekin Valley Road that are
23 replaced by the reconstruction.

24 “(3) EQUALIZATION OF LAND.—If the lands de-
25 scribed in paragraph (2) contain fewer acres than

1 the corridor described in subsection (a), the Sec-
2 retary may designate additional Federal lands in the
3 North Cascades National Park as wilderness, but
4 such designation may not exceed the amount needed
5 to equalize the exchange and these additional lands
6 must be selected from lands that qualify as wilder-
7 ness under section 2(c) of the Wilderness Act (16
8 U.S.C. 1131(c)).

9 “(c) NO SALE OR ACQUISITION AUTHORIZED.—
10 Nothing in this title authorizes the sale or acquisition of
11 any land or interest in land.

12 “(d) NO PRIORITY REQUIRED.—Nothing in this title
13 shall be construed as requiring the Secretary to give this
14 project precedence over the construction or repair of other
15 similarly damaged roads in units of the National Park
16 System.”.

17 **TITLE VII—ENDANGERED SALM-**
18 **ON AND FISHERIES PREDA-**
19 **TION PREVENTION ACT**

20 **SEC. 701. SHORT TITLE.**

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

23 **SEC. 702. FINDINGS.**

24 The Congress finds the following:

1 (1) There are 13 groups of salmon and
2 steelhead that are listed as threatened species or en-
3 dangered species under the Endangered Species Act
4 of 1973 that migrate through the lower Columbia
5 River.

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

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

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

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

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

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

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

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

7 (10) These California sea lions have not been
8 responsive to extensive hazing methods employed
9 near Bonneville Dam to discourage this behavior.

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

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

23 (13) On December 21, 2010, the independent
24 Pinniped-Fishery Interaction Task Force rec-

1 ommended lethally removing more of the California
2 sea lions in 2011.

3 (14) On August 18, 2011, the States of Wash-
4 ington, Oregon, and Idaho applied to the National
5 Marine Fisheries Service, under section
6 120(b)(1)(A) of the Marine Mammal Protection Act
7 of 1972 (16 U.S.C. 1389(b)(1)(A)), for the lethal re-
8 moval of sea lions that the States determined are
9 having a “significant negative impact” on the recov-
10 ery of Columbia River and Snake River salmon and
11 steelhead.

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

20 (16) During a June 14, 2011, hearing, the
21 Committee on Natural Resources of the House of
22 Representatives received testimony from State and
23 tribal witnesses expressing concern that significant
24 pinniped predation of important Northwest fish re-
25 sources other than salmonids is severely impacting

1 fish stocks determined by both Federal and State
2 fishery management agencies to be at low levels of
3 abundance, and that this cannot be addressed by
4 section 120 of the Marine Mammal Protection Act
5 of 1972 (16 U.S.C. 1389), which as in effect before
6 the enactment of this Act restricted control of preda-
7 tory pinnipeds' impact only with respect to endan-
8 gered salmonids.

9 **SEC. 703. TAKING OF SEA LIONS ON THE COLUMBIA RIVER**
10 **AND ITS TRIBUTARIES TO PROTECT ENDAN-**
11 **GERED AND THREATENED SPECIES OF SALM-**
12 **ON AND OTHER NONLISTED FISH SPECIES.**

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

16 “(f) TEMPORARY MARINE MAMMAL REMOVAL AU-
17 THORITY ON THE WATERS OF THE COLUMBIA RIVER OR
18 ITS TRIBUTARIES.—

19 “(1) REMOVAL AUTHORITY.—Notwithstanding
20 any other provision of this Act, the Secretary may
21 issue a permit to an eligible entity authorizing the
22 intentional lethal taking on the waters of the Colum-
23 bia River and its tributaries of sea lions that are
24 part of a healthy population that is not listed as an
25 endangered species or threatened species under the

1 Endangered Species Act of 1973 (16 U.S.C. 1531 et
2 seq.), to protect endangered and threatened species
3 of salmon and other nonlisted fish species.

4 “(2) PERMIT PROCESS.—

5 “(A) IN GENERAL.—An eligible entity may
6 apply to the Secretary for a permit under this
7 subsection.

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

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

17 “(3) LIMITATIONS.—

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

23 “(B) LIMITATION ON ANNUAL TAKINGS.—
24 The cumulative number of sea lions authorized
25 to be taken each year under all permits in ef-

1 fect under this subsection shall not exceed one
2 percent of the annual potential biological re-
3 moval level.

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

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

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

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

1 federated Tribes of the Warm Springs Reservation
2 of Oregon, the Confederated Tribes and Bands of
3 the Yakama Nation, and the Columbia River Inter-
4 Tribal Fish Commission.”.

5 **SEC. 704. SENSE OF CONGRESS.**

6 It is the sense of the Congress that—

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

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

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

17 **SEC. 705. TREATY RIGHTS OF FEDERALLY RECOGNIZED IN-**
18 **DIAN TRIBES.**

19 Nothing in this title or the amendment made by this
20 title shall be construed to affect or modify any treaty or
21 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, 2019.

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 (e) FUNDING.—Subsection (f) of the Herger-Fein-
15 stein Quincy Library Group Forest Recovery Act is
16 amended by striking paragraph (6) and redesignating
17 paragraph (7) as paragraph (6).

18 **TITLE IX—YERINGTON LAND**
19 **CONVEYANCE AND SUSTAIN-**
20 **ABLE DEVELOPMENT ACT**

21 **SEC. 901. SHORT TITLE.**

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

24 **SEC. 902. FINDINGS.**

25 Congress finds that—

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

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

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

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

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

1 (A) is adjacent to the boundaries of the
2 City; and

3 (B) would be used—

4 (i) to enhance recreational, cultural,
5 commercial, and industrial development op-
6 portunities in the City;

7 (ii) for future economic development,
8 regional use, and as an open space buffer
9 to the City; and

10 (iii) to allow the City to provide crit-
11 ical infrastructure services;

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

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

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

20 (B) provide additional tax revenue to the
21 City and County;

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

1 (9) the Lyon County Commission and the City
2 unanimously approved resolutions in support of the
3 conveyance of the Federal land because the convey-
4 ance would facilitate a sustainable model for long-
5 term economic and industrial development.

6 **SEC. 903. DEFINITIONS.**

7 In this title:

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

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

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

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

20 **SEC. 904. CONVEYANCES OF LAND TO CITY OF YERINGTON,**
21 **NEVADA.**

22 (a) IN GENERAL.—Not later than 90 days after the
23 date of enactment of this title, subject to valid existing
24 rights, and notwithstanding the land use planning require-
25 ments of sections 202 and 203 of the Federal Land Policy

1 and Management Act of 1976 (43 U.S.C. 1712, 1713),
2 the Secretary shall convey to the City, subject to the City's
3 agreement and in exchange for consideration in an amount
4 equal to the fair market value of the Federal land, all
5 right, title, and interest of the United States in and to
6 the Federal land identified on the map.

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

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

13 (2) based on an appraisal that is conducted in
14 accordance with nationally recognized appraisal
15 standards, including—

16 (A) the Uniform Appraisal Standards for
17 Federal Land Acquisition; and

18 (B) the Uniform Standards of Professional
19 Appraisal Practice.

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

23 (d) APPLICABLE LAW.—Beginning on the date on
24 which the Federal land is conveyed to the City, the devel-
25 opment of and conduct of activities on the Federal land

1 shall be subject to all applicable Federal laws (including
2 regulations).

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

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

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

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

23 **SEC. 1001. SHORT TITLE.**

24 This title may be cited as the “Preserving Access to
25 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 funds apportioned to it under
23 section 669c(c) of this title to acquire land for, ex-
24 pand, or construct a public target range.”.

1 (c) FIREARM AND BOW HUNTER EDUCATION AND
2 SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-
3 Robertson Wildlife Restoration Act (16 U.S.C. 669h–1)
4 is amended—

5 (1) in subsection (a), by adding at the end the
6 following:

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

14 (2) by striking subsection (b) and inserting the
15 following:

16 “(b) COST SHARING.—

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

22 “(2) PUBLIC TARGET RANGE CONSTRUCTION OR
23 EXPANSION.—The Federal share of the cost of ac-
24 quiring land for, expanding, or constructing a public
25 target range in a State on Federal or non-Federal

1 land pursuant to this section or section 8(b) shall
2 not exceed 90 percent of the cost of the activity.”;
3 and

4 (3) in subsection (c)(1)—

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

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

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

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

17 **SEC. 1205. LIMITS ON LIABILITY.**

18 (a) DISCRETIONARY FUNCTION.—For purposes of
19 chapter 171 of title 28, United States Code (commonly
20 referred to as the “Federal Tort Claims Act”), any action
21 by an agent or employee of the United States to manage
22 or allow the use of Federal land for purposes of target
23 practice or marksmanship training by a member of the
24 public shall be considered to be the exercise or perform-
25 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 Ches-
11 apeake 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 No. 13508 includes the adaptive management plan
11 outlined 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. WAIVER OF FEDERAL LAWS WITH RESPECT TO**
18 **BORDER SECURITY ACTIONS ON DEPART-**
19 **MENT OF THE INTERIOR AND DEPARTMENT**
20 **OF AGRICULTURE LANDS.**

21 (a) **SHORT TITLE.**—This section may be cited as the
22 “National Security and Federal Lands Protection Act”.

23 (b) **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 Federal land located within 100 miles of an inter-
3 national land border, that is under the jurisdiction of the
4 Secretary of the Interior or the Secretary of Agriculture
5 to prevent all unlawful entries into the United States, in-
6 cluding entries by terrorists, other unlawful aliens, instru-
7 ments of terrorism, narcotics, and other contraband
8 through the international land borders of the United
9 States.

10 (c) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND
11 BORDER PROTECTION.—U.S. Customs and Border Pro-
12 tection shall have access to Federal land under the juris-
13 diction of the Secretary of the Interior or the Secretary
14 of Agriculture for purposes of conducting the following ac-
15 tivities on such land that assist in securing the inter-
16 national land borders of the United States:

- 17 (1) Construction and maintenance of roads.
- 18 (2) Construction and maintenance of fences.
- 19 (3) Use of vehicles to patrol.
- 20 (4) Installation, maintenance, and operation of
21 surveillance equipment and sensors.
- 22 (5) Use of aircraft.
- 23 (6) Deployment of temporary tactical infra-
24 structure, including forward operating bases.

1 (d) CLARIFICATION RELATING TO WAIVER AUTHOR-
2 ITY.—

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

20 (2) DESCRIPTION OF LAWS WAIVED.—The laws
21 referred to in paragraph (1) are limited to the Wil-
22 derness Act (16 U.S.C. 1131 et seq.), the National
23 Environmental Policy Act of 1969 (42 U.S.C. 4321
24 et seq.), the Endangered Species Act of 1973 (16
25 U.S.C. 1531 et seq.), the National Historic Preser-

1 vation Act (16 U.S.C. 470 et seq.), Public Law 86–
2 523 (16 U.S.C. 469 et seq.), the Act of June 8,
3 1906 (commonly known as the “Antiquities Act of
4 1906”; 16 U.S.C. 431 et seq.), the Wild and Scenic
5 Rivers Act (16 U.S.C. 1271 et seq.), the Federal
6 Land Policy and Management Act of 1976 (43
7 U.S.C. 1701 et seq.), the National Wildlife Refuge
8 System Administration Act of 1966 (16 U.S.C.
9 668dd et seq.), the Fish and Wildlife Act of 1956
10 (16 U.S.C. 742a et seq.), the Fish and Wildlife Co-
11 ordination Act (16 U.S.C. 661 et seq.), subchapter
12 II of chapter 5, and chapter 7, of title 5, United
13 States Code (commonly known as the “Administra-
14 tive Procedure Act”), the National Park Service Or-
15 ganic Act (16 U.S.C. 1 et seq.), the General Au-
16 thorities Act of 1970 (Public Law 91–383) (16
17 U.S.C. 1a-1 et seq.), sections 401(7), 403, and 404
18 of the National Parks and Recreation Act of 1978
19 (Public Law 95–625, 92 Stat. 3467), and the Ari-
20 zona Desert Wilderness Act of 1990 (16 U.S.C.
21 1132 note; Public Law 101–628).

22 (e) PROTECTION OF LEGAL USES.—This section
23 shall not be construed to provide—

24 (1) authority to restrict legal uses, such as
25 grazing, hunting, mining, or public-use recreational

1 and backcountry airstrips on land under the jurisdic-
2 tion of the Secretary of the Interior or the Secretary
3 of Agriculture;

4 (2) any additional authority to restrict legal ac-
5 cess to such land; or

6 (3) any additional authority or access to private
7 or State land.

8 (f) TRIBAL SOVEREIGNTY.—Nothing in this section
9 supersedes, replaces, negates, or diminishes treaties or
10 other agreements between the United States and Indian
11 tribes.

12 (g) SUNSET.—This section shall have no force or ef-
13 fect after the end of the 5-year period beginning on the
14 date of enactment of this Act.

Passed the House of Representatives June 19, 2012.

Attest:

KAREN L. HAAS,

Clerk.