AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

111TH CONGRESS
1ST SESSION

H. R. 4332

To provide to the Secretary of Interior a mechanism to cancel contracts for the sale of materials CA–20139 and CA–22901, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2009

Mr. MCKEON introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

A BILL

To provide to the Secretary of Interior a mechanism to cancel contracts for the sale of materials CA–20139 and CA–22901, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Soledad Canyon High Desert, California Public Lands Conservation and Management Act of 2009".

SEC. 2. FINDING AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) SOLEDAD CANYON AREA.—

(A) Two valid Federal contracts, privately held, numbered CA–20139 and CA–22901, and issued under the Materials Act of 1947, authorize extraction of approximately 56,000,000 tons of sand and gravel from the Federal mineral estate in lands located in Soledad Canyon adjacent to the City of Santa Clarita, California.

(B) It is in the best interest of the citizens of California and the Federal Government to cancel the Contracts and prohibit future mining in the area that was subject to the two Federal Contracts in the Soledad Canyon area of California.

(C) The holder of the Contracts should receive, as compensation for such cancellation, the fair market value of the Contracts and all costs, fees, and covered liabilities incurred by the Contract Holder in good faith in its efforts to develop the Contracts.

(D) A site-specific solution that is fair to the Contract Holder and that seeks to protect the environment and minimize impacts on local transportation systems is in the best interest of the Nation.

(E) Considerable sums of money have been expended by the Contract Holder and the City of Santa Clarita on legal and other services in trying to ensure their interests are protected with respect to the Contracts CA–20139 and CA–22901.

(F) Facilitation of an open-space corridor between the two arms of the Angeles National Forest that enhances environmental and wildlife values is in the national interest.

(2) VICTORVILLE AREA.—

(A) The Bureau of Land Management has extensive land ownership in small and large parcels interspersed with or adjacent to private land in and around Victorville, California, making many of these parcels difficult to manage and appropriate for disposal.

(B) Certain public lands near Victorville, California, have been previously identified for disposal as a result of the Bureau of Land Management's West Mojave Land Management Plan which was approved in 2006 with public involvement and participation.

(C) In order to promote responsible and orderly economic development, certain public

lands should be sold at fair market value to the City of Victorville or the County of San Bernardino; both located in California.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To provide to the Bureau of Land Management the authority to cancel Contracts CA–20139 and CA–22901 and prohibit future mining in the area that was subject to the two Federal Contracts in the Soledad Canyon area of California.

(2) To provide a means for the Contract Holder to recover for the cancellation of the Contracts, the fair market value of the Contracts and the Contract Holder's expenditures and covered liabilities incurred pursuing the development of the Contracts.

(3) To provide the Bureau of Land Management tools to verify expenses incurred by the Contract Holder and provide relief.

(4) To provide timelines for the verification of costs incurred by the Contract Holder and the determination of compensation and to provide a dispute resolution process.

(5) To provide for the orderly disposal of certain Federal lands in San Bernardino County, Cali-

fornia, and to provide for the acquisition of environmentally sensitive lands in the State of California.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITY OF SANTA CLARITA.—The term "City of Santa Clarita" means the City of Santa Clarita, California.

(2) CITY OF VICTORVILLE.—The term "City of Victorville" means the City of Victorville, California.

(3) COUNTY OF SAN BERNARDINO.—The term "County of San Bernardino" means the County of San Bernardino, California.

(4) CONTRACTS.—The term "Contracts" means the Bureau of Land Management mineral contracts numbered CA–20139 and CA–22901.

(5) CONTRACT HOLDER.—The term "Contract Holder" means the private party to the Contracts CA–20139 and CA–22901, and its successors that hold legal interests in such Contracts.

(6) COVERED LIABILITIES.—The term "covered liabilities" includes any court-ordered or court-approved payment, settlement, or other liability on the part of the Contract Holder for damages, costs, compensation, or reimbursement to any third party for agreements entered into by the Contract Holder

in good faith prior to January 1, 2008, in order to exercise rights under the Contracts.

(7) ENVIRONMENTALLY SENSITIVE LAND.—The term "environmentally sensitive land" means land or an interest in land, the acquisition of which by the United States would, in the judgment of the Secretary or the Secretary of Agriculture—

(A) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity;

(B) enhance recreational opportunities and public access;

(C) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or

(D) otherwise serve the public interest.

(8) MATERIALS ACT OF 1947.—The term "Materials Act of 1947" means the Act of July 31, 1947 (chapter 406; 61 Stat. 681; 30 U.S.C. 601–604).

(9) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(10) SPECIAL ACCOUNT.—The term "special account" means the account in the Treasury of the United States established under subsection 5(i).

1 **SEC. 4. CANCELLATION OF THE CONTRACTS; COMPENSA-**
2 **TION TO CONTRACT HOLDER.**

3 (a) CONTRACT CANCELLATIONS.—The Secretary
4 shall cancel Bureau of Land Management mineral Con-
5 tracts CA–20139 and CA–22901 and withdraw those
6 areas that were subject to the Contracts from further min-
7 eral entry under all mineral leasing and sales authorities
8 available to the Secretary, effective on the date of the en-
9 actment of this Act.

10 (b) COMPENSATION.—As compensation for the can-
11 cellation of the Contracts, the Contract Holder shall re-
12 ceive the following amounts, whether determined by
13 agreed negotiated value or awarded by judgment of the
14 United States Court of Federal Claims in accordance with
15 the referral provisions of subsection (g)—

16 (1) the fair market value of the cancelled Con-
17 tracts, determined in accordance with subsection (e);

18 (2) the Contract Holder's expenditures in trying
19 to bring the Contracts into commercial production,
20 as described in subsection (f);

21 (3) interest on the compensation provided for in
22 paragraphs (1), (2), and (4) from the date of the en-
23 actment of this Act until the last day of the month
24 preceding the date on which payment is made, com-
25 pounded quarterly and computed at the rate applica-

1 ble to marketable obligations of the United States of
2 three year maturity for the period involved; and
3 (4) covered liabilities incurred in trying to bring
4 the Contracts into commercial production, as de-
5 scribed in subsection (f); provided, however, that
6 compensation for covered liabilities may be paid to
7 Contract Holder under this section for up to 15
8 years following the effective date of this Act.
9 (c) MEANS OF PAYMENT; ASSURANCES OF PAY-
10 MENT.—
11 (1) FULL FAITH AND CREDIT.—The full faith
12 and credit of the United States is hereby pledged to
13 the payment of the compensation provided for in
14 subsection (b).
15 (2) MEANS OF PAYMENT.—Compensation paid
16 to Contract Holder under this Act shall be paid by
17 means of disbursement of funds from the special ac-
18 count created in the Treasury of the United States
19 pursuant to section 5(i) except as otherwise provided
20 in paragraph (3);
21 (3) PAYMENT BY DEADLINE.—Notwithstanding
22 paragraph (2) or any other provision of this Act, in
23 the event that the Contract Holder has not received
24 all of the compensation provided for in this section
25 on or before the third anniversary of the enactment

of this Act, all compensation then remaining to be paid to Contract Holder shall be paid from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(4) NEGOTIATED AGREEMENT.—Any negotiated agreement between the Secretary and the Contract Holder as to the amount of compensation described in subsection (b) shall be deemed to be a compromise settlement of imminent litigation within the meaning of section 1304 of title 31, United States Code, and section 2414 of title 28, United States Code, and, notwithstanding anything to the contrary contained in any other provision of law, including section 2517 of title 28, United States Code,any final judgment by the United States Court of Federal Claims determining the fair market value of Contracts CA–20139 and CA–22901 in accordance with the referral provisions of subsection (g) shall be deemed to be a final judgment and award within the meaning of section 1304 of title 31, United States Code.

(d) INCREASE IN ADJUSTED BASIS OF CONTRACT UPON CANCELLATION.—For purposes of the Internal Revenue Code of 1986, the adjusted basis of any Contract to which subsection (a) applies shall be increased (imme-

1 diately before the cancellation of such Contract under such
2 section) by the excess (if any) of—
3 (1) the fair market value of such Contract (de-
4 termined immediately before such cancellation), over
5 (2) the adjusted basis of such Contract (as de-
6 termined immediately before the application of this
7 section).
8 (e) DETERMINATION OF FAIR MARKET VALUE.—The
9 Secretary shall, within six months after the date of enact-
10 ment of this Act, determine by mineral appraisal, utilizing
11 the discounted cash flow method of appraisal (in accord-
12 ance with the appraisal guidelines for appraisals of large
13 quantities of mineral materials contained in section IV(E)
14 of BLM Mineral Material Appraisal Handbook H–3630),
15 the fair market value of the Contracts and notify the Con-
16 tract Holder of those determinations. In determining the
17 fair market value of the Contracts, the Secretary shall as-
18 sume that—
19 (1) the Contract Holder has obtained all the
20 permits and entitlements necessary to mine,
21 produce, and sell sand and gravel under the Con-
22 tract; and
23 (2) mining operations under the Contract have
24 commenced at the time of the determination, with
25 maximum annual production volumes that—

1 (A) are based on the projected supply and
2 demand outlook at the time of determination;
3 and
4 (B) reflect depletion of the reserves that
5 are subject to the Contract within the effective
6 periods of the Contract.
7 (f) EXPENDITURES AND COVERED LIABILITIES DE-
8 SCRIBED.—The compensation provided for in subsection
9 (b)(2) is equal to the sum of the following:
10 (1) All amounts paid to the United States by
11 Contract Holder with respect to the cancelled Con-
12 tract as bonus bids or other prepayments.
13 (2) Interest on amounts referred to in para-
14 graph (1), from the date of payment of such
15 amounts to the United States, at a rate determined
16 by the Secretary.
17 (3) Amounts expended by the Contract Holder
18 in securing the Contract and trying to bring it into
19 production, including—
20 (A) all actual costs, including fees, associ-
21 ated with the engineering and environmental
22 studies and permitting proceedings that were
23 incurred in good faith in the Contract Holder's
24 efforts to exercise rights granted under the
25 Contract terms; and

1 (B) all actual legal costs, including fees
2 and covered liabilities, incurred in good faith in
3 the Contract Holder's efforts to exercise rights
4 granted in the Contract including all fees and
5 costs associated with securing permits and enti-
6 tlements, litigation to compel, secure, or defend
7 permits or entitlements, and litigation in con-
8 nection with disputes relating to mineral and
9 surface estate rights to the property that is the
10 subject of the Contract.

11 (g) REFERRAL TO THE UNITED STATES COURT OF
12 FEDERAL CLAIMS.—

13 (1) REFERRAL.—If within 12 months after the
14 date of enactment of this Act, the Secretary and the
15 Contract Holder do not reach agreed negotiated
16 value under subsection (b) regarding the fair market
17 value of Contracts CA–20139 and CA–22901, the
18 Contract Holder shall have 3 months thereafter to
19 notify the Secretary that it disagrees with the Sec-
20 retary's determination of such value. In the event of
21 such notification, the Secretary shall refer the issue
22 of fair market value to the United States Court of
23 Federal Claims for determination.

24 (2) RESOLUTION BY COURT.—In any referral
25 under this subsection, the court shall determine de

1 novo the fair market value of Contracts CA–20139
2 and CA–22901.
3 (h) SUBMISSION OF EXPENSES INCURRED.—
4 (1) IN GENERAL.—To assist in the verification
5 of the amounts expended referred to in subsection
6 (f)(3), the Contract Holder shall submit to the Sec-
7 retary within 60 days after the date of enactment of
8 this Act an itemized list of such amounts, with
9 enough detail and supporting documentation so the
10 Secretary can determine that the expenses are asso-
11 ciated with the Contracts.
12 (2) ARBITRATION.—The Secretary shall issue
13 the determination of the amounts expended referred
14 to in paragraph (f)(3) within 60 days after receipt
15 of the itemized list required under paragraph (1). If
16 the Secretary disapproves such list, the Secretary
17 shall, upon the request of the Contract Holder, de-
18 termine such amounts through arbitration in accord-
19 ance with subchapter IV of chapter 5 of title 5,
20 United States Code.
21 (i) ASSIGNMENT.—The Contract Holder may at any
22 time assign its rights or entitlement under this Act to all
23 or any part of the compensation provided for in para-
24 graphs (1) and (2) of subsection (b).

1 **SEC. 5. SALE OF LANDS NEAR VICTORVILLE, CALIFORNIA.**

2 (a) IN GENERAL.—Notwithstanding the land use
3 planning requirements of sections 202 and 203 and the
4 other provisions of section 203 of the Federal Land Policy
5 and Management Act of 1976 (43 U.S.C. 1712 and 1713),
6 and subject to subsections (b), (c), and (d), the Secretary
7 shall offer for sale by competitive bidding, for a minimum
8 price not less than fair market value as determined by ap-
9 praisal by the Secretary under subsection (h), all right,
10 title and interest of the United States in and to those
11 lands identified for disposition on the map entitled
12 "Victorville disposal area, California" dated December
13 2009. The Secretary shall keep such map on file and avail-
14 able for public inspection in the offices of the Director of
15 the Bureau of Land Management and in the district office
16 of the Bureau located in Barstow, California.

17 (b) PRE-EMPTIVE RIGHT OF THE CITY OF
18 VICTORVILLE TO PURCHASE AREA A LANDS.—Prior to
19 any sale of any of the right, title, and interest of the
20 United States as provided in subsection (a), the Secretary
21 shall provide the City of Victorville, California, with the
22 primary pre-emptive right to purchase some or all of such
23 right, title, and interest in and to the lands identified as
24 Area A on the map referred to in subsection (a). The
25 terms of such pre-emptive right shall afford the City of
26 Victorville a period of 30 days prior to any phased sale

1 to be conducted under subsection (g) in which the City
2 may purchase some or all of the right, title, and interest
3 of the United States, as provided in subsection (a), then
4 to be offered for sale at its fair market value as deter-
5 mined by appraisal by the Secretary under subsection (h),
6 by paying to the Secretary in immediately available funds
7 the entire purchase price of the right, title, and interest
8 so purchased by the City. Such period shall commence on
9 the 60th day prior to any phased sale to be conducted
10 under subsection (g), and shall end on the 31st day prior
11 to any such sale. Failure by the City of Victorville to pur-
12 chase and pay for such right, title, and interest, and to
13 comply with such other terms and conditions of purchase
14 as the Secretary shall prescribe, within such period shall
15 terminate the pre-emptive right of the City of Victorville
16 with respect to the right, title, and interest then offered,
17 but shall not terminate such pre-emptive right with re-
18 spect to subsequent phased offers of the remaining right,
19 title, and interest identified on the map referred to in sub-
20 section (a).

21 (c) PRE-EMPTIVE RIGHTS OF THE COUNTY OF SAN
22 BERNARDINO TO PURCHASE AREA A LANDS AND AREA
23 B LANDS.—Prior to any sale of any of the right, title,
24 and interest of the United States as provided in subsection
25 (a), and after providing the City of Victorville the right

1 to purchase under subsection (b), the Secretary shall pro-
2 vide the County of San Bernardino with the secondary
3 pre-emptive right to purchase some or all of such right,
4 title, and interest in and to the lands identified as Area
5 A on the map referred to in subsection (a), and the exclu-
6 sive preemptive right to purchase all such right, title, and
7 interest in and to the lands identified as Area B on the
8 map referred to in subsection (a). The terms of such pre-
9 emptive rights shall afford the County of San Bernardino
10 rights with respect to such lands identified as Area A and
11 lands identified as Area B that are substantially similar
12 to the pre-emptive right afforded under subsection (b).

13 (d) RIGHT OF LOCAL LAND USE AUTHORITY TO
14 PURCHASE AREA C LANDS.—Prior to any sale of any of
15 the right, title, and interest of the United States as pro-
16 vided in subsection (a), the Secretary shall provide the
17 local land use authority with respect to the lands identified
18 as Area C on the map referred to in subsection (a), as
19 determined under the statutes of the State of California,
20 the exclusive pre-emptive right to purchase some or all of
21 such right, title, and interest in and to such lands. The
22 terms of such pre-emptive right shall afford the local land
23 use authority rights with respect to such lands identified
24 as Area C that are substantially similar to the pre-emptive
25 rights afforded under subsections (b) and (c).

1 (e) WITHDRAWAL AND RESERVATION.—Subject to
2 valid existing rights, the minerals in all Federal lands
3 identified in subsection (a) for disposal are withdrawn
4 from settlement, sale, location, or entry under the public
5 land laws, including the mining laws codified at chapter
6 2 of title 30, United States Code, from leasing under the
7 mineral leasing laws including those codified at chapter
8 3A of title 30, United States Code, and disposals under
9 the Materials Act of 1947 (30 U.S.C. 601 et seq.). Any
10 sale or other disposal of such lands shall reserve to the
11 United States all minerals in such lands, together with
12 the right to prospect for, mine, and remove such minerals.
13 (f) CONSULTATION.—Before initiating efforts to dis-
14 pose of land under this section, the Secretary shall consult
15 with the City of Victorville, the County of San Bernardino,
16 and surface owners in the jurisdiction where the lands are
17 located, on the potential impact and other appropriate as-
18 pects of the disposal. Consultation under this subsection
19 is in addition to any other consultation required by law.
20 (g) PHASING OF SALES.—
21 (1) AREA A LANDS.—The Secretary shall, not
22 later than 12 months following the enactment of this
23 Act, offer for sale under subsection (a), subject to
24 the primary pre-emptive right of the City of
25 Victorville under subsection (b) and the secondary

1 pre-emptive right of the County of San Bernardino
2 under subsection (c), those lands depicted as Area A
3 on the map referred to in subsection (a).

4 (2) AREA B LANDS.—The Secretary shall, not
5 later than 24 months following the enactment of this
6 Act, offer for sale under subsection (a), subject to
7 the exclusive pre-emptive right of the County of San
8 Bernardino, those lands depicted as Area B on the
9 map referred to in subsection (a).

10 (3) AREA C LANDS.—The Secretary shall, not
11 later than 24 months following the enactment of this
12 Act, offer for sale under subsection (a), subject to
13 the pre-emptive right of the local land use authority
14 under subsection (d), those lands depicted as Area
15 C on the map referred to in subsection (a).

16 (4) REMAINING LANDS.—The Secretary, after
17 consultations with the City of Victorville, may within
18 20 years following the enactment of this Act, offer
19 for sale under subsection (a) all the remaining lands
20 identified for disposal in West Mojave Land Man-
21 agement Plan of 2006, except those lands depicted
22 as "Area of Critical Environmental Concern" in the
23 map referred to in subsection (a).

24 (5) COMPLIANCE WITH ENVIRONMENTAL RE-
25 QUIREMENTS.—Land disposal activities of the Sec-

1 retary under this subsection shall be consistent with
2 all applicable environmental requirements.
3 (h) DETERMINATION OF FAIR MARKET VALUE.—
4 The fair market value of the lands referred to in sub-
5 section (g)(1) shall be based on an appraisal of the fair
6 market value thereof as of the date of the enactment of
7 this Act which shall be completed not later than 6 months
8 after the date of the enactment of this Act. The fair mar-
9 ket value of the lands referred to in subsection (g)(2) shall
10 be based on an appraisal of the fair market value thereof
11 as of that date that is approximately 6 months prior to
12 the related date of offer as set forth in subsection (g)(2)
13 and shall be completed not later than 6 months prior to
14 the related offer. The fair market value of the lands de-
15 scribed in subsection (g)(3) shall be based on an appraisal
16 of each parcel offered for sale as of the date of such offer
17 and such appraisal shall be completed not less than 6
18 months prior to the related offer.
19 (i) SPECIAL ACCOUNT.—
20 (1) DEPOSIT; AVAILABILITY.—The gross pro-
21 ceeds of sales of land under subsection (a) shall be
22 deposited in a special account in the Treasury for
23 use under paragraph (2). Amounts in the special ac-
24 count shall be available to the Secretary for purposes
25 of subparagraphs (A) through (E) of paragraph (2)

1 and to the Secretary of Agriculture for purposes of
2 subparagraphs (B) and (C) of paragraph (2) without
3 further appropriation and shall remain available
4 until disbursed.

5 (2) DISPOSITION OF PROCEEDS.—Proceeds
6 from sales of lands described in subsection (a) shall
7 be disbursed by the Secretary in the following order
8 of priority:

9 (A) As compensation to the Contract Hold-
10 er under section 4(b) for cancellation of the
11 Contracts by the Secretary.

12 (B) For the acquisition of private in hold-
13 ings and land interests in the Mojave National
14 Preserve.

15 (C) For the acquisition of holdings and
16 land interests from willing sellers contained
17 within the Conceptual Area Protection Plan as
18 identified in the East Santa Clarita Land Con-
19 servation Concept Plan and Implementation
20 Strategy.

21 (D) For the acquisition of environmentally
22 sensitive land in the State of California in ac-
23 cordance with section 6.

24 (E) For the reimbursement of costs in-
25 curred by the California State Office and the

1 Barstow Field Office of the Bureau of Land
2 Management for preparing for the conveyance
3 of land described in subsection (a) including
4 surveys and appraisals, compliance with the Na-
5 tional Environmental Policy Act of 1969 (42
6 U.S.C. 4321), and, except as otherwise provided
7 in subsection (a), compliance with sections 201
8 and 203 of the Federal Land Policy and Man-
9 agement Act of 1976 (43 U.S.C. 1711, 1712).
10 (3) LIMITATION ON USE OTHER THAN FOR
11 COMPENSATION.—No funds may be expended under
12 this subsection for purposes of subparagraphs (B)
13 through (E) of paragraph (2) until the date all com-
14 pensation has been paid to the Contract Holder for
15 cancellation of the Contracts by the Secretary.
16 (4) SPECIAL ACCOUNT RESERVE FOR CONTRACT
17 HOLDER.—
18 (A) LIMITATION ON DISBURSEMENTS.—
19 Notwithstanding paragraphs (2) and (3), funds
20 in the special account referred to in paragraph
21 (1) may be expended for purposes set forth in
22 subparagraphs (B) through (E) of paragraph
23 (2) after compensation has been paid to Con-
24 tract Holder as provided in paragraphs (1), (2),
25 and (3) of section 4(b), but prior to the date

1 compensation required under section 4(b)(4)
2 has been paid to Contract Holder, if the agreed-
3 upon amount referred to in subparagraph (B)
4 of this paragraph is held as a reserve for pay-
5 ment to Contract Holder under section 4(b)(4).
6 (B) DETERMINATION OF RESERVE.—For
7 purposes of calculating the reserve provided for
8 in this paragraph, the value of the compensa-
9 tion provided for in section 4(b)(4) is deemed to
10 be such amount as is agreed upon by the Sec-
11 retary and the Contract Holder: *Provided,* That
12 such agreed-upon amount shall in no event be
13 less than 15 percent of the sum of the value of
14 the elements of compensation described in para-
15 graphs (1) through (3) of section 4(b): *Provided*
16 *further,* That such agreement shall be made
17 prior to the disbursement of any funds from the
18 special account for any matter other than com-
19 pensation to the Contract Holder. Nothing in
20 this paragraph shall be construed to reduce the
21 amount of the compensation payable to the
22 Contract Holder pursuant to section 4(b)(4).
23 (5) INVESTMENT OF SPECIAL ACCOUNT.—Any
24 amounts deposited in the special account shall earn
25 interest in an amount determined by the Secretary

of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States with a maturity of three years and shall be expended according to the provisions of this section.

(6) PROCEDURES.—Except with respect to the disbursement of funds as compensation to the Contract Holder for cancellation of the Contracts, the Secretary shall coordinate the use of the special account with the Secretary of Agriculture, the State of California, local governments, and other interested persons, to ensure accountability and demonstrated results.

SEC. 6. ACQUISITIONS.

(a) IN GENERAL.—After the consultation process has been completed in accordance with subsection (b), the Secretary may acquire with the proceeds of the special account referred to in section 5(a) environmentally sensitive land and interests in environmentally sensitive land. Lands may not be acquired under this section without the consent of the owner thereof. Funds made available from the special account may be used for this purpose with any other funds made available under any other provision of law.

1 (b) CONSULTATION.—Before initiating efforts to ac-
2 quire land under this section, the Secretary or the Sec-
3 retary of Agriculture shall consult with the State of Cali-
4 fornia and with counties and cities affected by such acqui-
5 sition, including appropriate planning and regulatory
6 agencies, and with other interested persons, concerning
7 the necessity of making the acquisition, the potential im-
8 pacts on State and local government, and other appro-
9 priate aspects of the acquisition. Consultation under this
10 subsection is in addition to any other consultation required
11 by law.

12 (c) ADMINISTRATION.—On acceptance of title by the
13 United States, land and interests in land acquired under
14 this section that is within the boundaries of a unit of the
15 National Forest System, National Park System, National
16 Wildlife Refuge System, National Wild and Scenic Rivers
17 System, National Trails System, National Wilderness
18 Preservation System, or any other system established by
19 Act of Congress, or any national conservation or national
20 recreation area established by Act of Congress—

21 (1) shall, notwithstanding any other provision
22 of law, become part of the unit or area without fur-
23 ther action by the Secretary or Secretary of Agri-
24 culture; and

1 (2) shall be managed in accordance with all
2 laws and regulations and land use plans applicable
3 to the unit or area.
4 (d) DETERMINATION OF FAIR MARKET VALUE.—
5 The fair market value of land or an interest in land to
6 be acquired by the Secretary or the Secretary of Agri-
7 culture under this section shall be determined under sec-
8 tion 206 of the Federal Land Policy and Management Act
9 of 1976 (16 U.S.C. 1716) and shall be consistent with
10 other applicable requirements and standards.

○

H.R.4332 - Soledad Canyon High Desert, California Public Lands Conservation and Management Act of 2009
To provide to the Secretary of Interior a mechanism to cancel contracts for the sale of materials CA-20139 and CA-22901, and for other purposes. **view all titles (2)**

Overview Actions (6) & Votes (0) Wiki News (0) & Blogs (14) Videos (0) Comments (0)

Actions

Latest Actions
View All Actions [6]

Jan 13th	Referred to the Subcommittee on Energy and Mineral Resources.
Jan 13th	Referred to the Subcommittee on National Parks, Forests and Public Lands.
Dec 16th	Referred to House Ways and Means

Official Bill Text Comment on about 28 Pages

Bill's Views

Today:	3
Past Seven Days:	14
All-Time:	81

✔I Support this Bill ✖I Oppose this Bill

-% Users Support Bill
in favor / opposed

Write Your
Representative

Track with MyOC

Subscribe To This Bill

Get Email Alerts

Share This Bill

More

Share via Email

Save to Notebook

Make A Bill Widget

Send us Feedback

OpenCongress is a free and open-source joint project of two non-profit organizations, the Participatory Politics Foundation and the Sunlight Foundation.