



Advancing Conservation and Education Act (ACE)

Purpose/Background:

Congress made sizeable land grants to the Western states in their respective statehood acts, on the condition that the granted lands be held in trust and used to generate revenue for public education and other worthy public purposes. Since the time the state trust land grants were made, many large areas of the West have been designated for federal conservation protection, either through congressional or executive action. This has resulted in state trust lands being encapsulated inside federal conservation areas, creating land management conflicts and reducing revenue to the state land grant trusts. Land exchanges with the Federal agencies have proven ineffective to solve the problem.

It is in the best interest of the states and the federal government to transfer the ownership of these encapsulated state trust lands to the federal government, with less sensitive federal lands transferred to the states in return. This would allow federal conservation areas to be fully managed for conservation, while allowing the states to fulfill the purpose of the land grant trusts – generating revenue for public education at the state level.

Land exchanges between states and the federal government are very expensive and time consuming. The ACE Act is designed to create a streamlined mechanism for the transfer of lands between the states and the federal government when federal conservation areas are involved.

ACE Act Provisions:

The ACE Act allows states to apply to the Secretary of Interior to relinquish state trust lands located inside a federal conservation area, and select replacement lands of equal value from otherwise unappropriated public lands within the respective states. Once the Secretary approves or partially approves a state application, the transaction will follow an expedited process to insure these transaction occur in a streamlined manner. Lands which may be relinquished by the state must be within a federal conservation area, defined as one of the following designations: National Park System, National Wilderness Preservation System, National Wildlife Refuge System, National Landscape Conservation System, National Monument, National Volcanic Monument, National Recreation Area, National Scenic Area, Inventoried Roadless Area, Wild and Scenic Rivers System, Wilderness Study Area, Land Use Designation II of the Tongass Timber Reform Act of 1990, National Landscape Conservation System, or an area identified by the BLM as having wilderness characteristics in a land use plan finalized under FLPMA. Relinquished state trust land will become a part of the federal unit within which it is located. The Secretary may reject the relinquishment of state lands which are not deemed suitable for inclusion in a conservation area.



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States must prioritize the relinquishment of state lands found in priority conservation units (National Monuments, National Wilderness Preservation System, or National Parks) before they can relinquish lands in other federal conservation units.

Public land which can be selected by a western state in exchange for relinquishment may not be within a Federal conservation area, an area of critical environmental concern, or an area withdrawn or reserved for a particular public purpose or program. The Secretary may reject federal land selections from the states that are not reasonably compact or would create significant management conflicts.

These transactions must be for equal value, but summary appraisals or statements of value are authorized and may be used for valuation instead of a standard “Yellow Book” appraisal for lands which both parties agree are worth less than \$500,000 and less than \$500/acre. Costs of these transactions will be shared equally between the State and the Secretary. In order to facilitate ongoing transactions, ledger accounts are authorized to balance values. Imbalances in costs incurred may be balanced in land.

Public notice and opportunity for comment on proposed conveyances is required, as is analysis of state selections under the National Environmental Policy Act (NEPA). However, NEPA analysis is limited to consideration of the proposed action or a no action alternative.

Grazing rights are grandfathered unless underlying lands are subsequently sold, and appurtenant water rights are conveyed with the lands.

The Act does not alter the treaty rights of any Indian tribe or affect land held in trust by the Secretary for any Indian tribe.