

DIVISION F—DEPARTMENT OF THE INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

TITLE IV
GENERAL PROVISIONS

SEC. 424. (a) LAND SALE AUTHORIZATION.—To offset the acreage acquired by the Federal Government upon the acquisition of the Elkhorn Ranch in Medora, North Dakota, the Secretary of Agriculture (in this section referred to as the “Secretary”) shall sell all right, title, and interest of the United States to between 5,195 or 5,205 acres of National Forest System lands located in Billings County, North Dakota. It is the intent of Congress that there will be no net gain in federally owned land in North Dakota as a result of these land conveyances.

(b) LAND SALES.—The Secretary may prescribe reservations, terms, and conditions of sale under this section, and may configure the descriptions of the land to be sold under this section to enhance the marketability of the land or for management purposes. The Secretary may utilize brokers or other third parties in the sale of land and, from the proceeds of the sale, may pay reasonable commissions or fees for services rendered.

(c) CONSIDERATION.—As consideration for the purchase of land sold under this section, the purchaser shall pay to the Secretary an amount, in cash, equal to the fair market value of the land, as determined by the Secretary by appraisal or competitive sale consistent with Federal law applicable to land sales. The Secretary may reject any offer made under this section if the Secretary determines, in the absolute discretion of the Secretary, that the offer is not adequate or not in the public interest.

(d) INITIAL OFFER.—Under such terms, conditions, and procedures as the Secretary may prescribe, any base property landowner holding a current permit to graze any land authorized for sale under this section shall have a non-assignable first right to buy the land, provided that right must be exercised within 6 months after the date of the offer from the Secretary.

(e) TREATMENT OF PROCEEDS.—Using the proceeds from the sale of land under this section, the Secretary shall cover direct expenses incurred by the Secretary in conducting the sale. Any remaining proceeds shall be deposited into the fund established by the Act of December 4, 1967 (commonly known as the Sisk Act; 16 U.S.C. 484a), and shall be available, until expended, for the acquisition of land for inclusion in the National Forest System.

(f) LAND TRANSFERS.—The lands are to be conveyed from fiscal years 2008 to 2009. In the conveyance of any land authorized by this section, the Secretary shall not be required to conduct additional environmental analysis, including heritage resource analysis, and no sale, offer to sell, or conveyance shall be subject to administrative appeal.

(g) ELKHORN RANCH.—The grazing land lease terms in effect on the date of the enactment of this Act relating to the acquired Elkhorn Ranch in Medora, North Dakota, shall remain in effect until December 31, 2009. After that date, Federal land grazing use of the Elkhorn Ranch shall be managed through the grazing agreement between the Medora Grazing Association and the Forest

Service. The Animal Unit Months (AUMs) for both Federal and private lands encompassing the Elkhorn Ranch shall become part of the grazing agreement held by Medora Grazing Association to be reallocated to its members in accordance with their rules in effect as of the date of the enactment of this Act.

(h) The multiple uses of the acquired Elkhorn Ranch shall continue.

SEC. 425. In fiscal year 2008 and thereafter, the Forest Service shall not change the eligibility requirements for base property, and livestock ownership as they relate to leasing of base property and shared livestock agreements for grazing permits on the Dakota Prairie Grasslands that were in effect as of July 18, 2005.