

105TH CONGRESS
1ST SESSION

H.R. 2108

To dispose of certain Federal properties located in Dutch John, Utah, and to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 8, 1997

Mr. CANNON introduced the following bill; which was referred to the
Committee on Resources

A BILL

To dispose of certain Federal properties located in Dutch John, Utah, and to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Dutch John Federal Property Disposition and Assistance
6 Act of 1997”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.

- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.
- Sec. 4. Disposition of certain lands and properties.
- Sec. 5. Revocation of withdrawals.
- Sec. 6. Transfer of jurisdiction.
- Sec. 7. Surveys.
- Sec. 8. Planning.
- Sec. 9. Appraisals.
- Sec. 10. Disposal of properties.
- Sec. 11. Valid existing rights.
- Sec. 12. Cultural resources.
- Sec. 13. Transition of services to local government control.
- Sec. 14. Authorization of appropriations.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1)(A) Dutch John, Utah, was founded by the
4 Secretary of the Interior in 1958 on Bureau of Rec-
5 lamation land as a community to house personnel,
6 administrative offices, and equipment for project
7 construction and operation of the Flaming Gorge
8 Dam and Reservoir as authorized by the Act of
9 April 11, 1956 (70 Stat. 105, chapter 203; 43
10 U.S.C. 620 et seq.); and

11 (B) permanent structures (including houses, ad-
12 ministrative offices, equipment storage and mainte-
13 nance buildings, and other public buildings and fa-
14 cilities) were constructed and continue to be owned
15 and maintained by the Secretary of the Interior;

16 (2)(A) Bureau of Reclamation land surrounding
17 the Flaming Gorge Reservoir (including the Dutch
18 John community) was included within the bound-
19 aries of the Flaming Gorge National Recreation

1 Area in 1968 under Public Law 90–540 (16 U.S.C.
2 460v et seq.);

3 (B) Public Law 90–540 assigned responsibility
4 for administration, protection, and development of
5 the Flaming Gorge National Recreation Area to the
6 Secretary of Agriculture and provided that lands and
7 waters needed or used for the Colorado River Stor-
8 age Project would continue to be administered by
9 the Secretary of the Interior; and

10 (C) most structures within the Dutch John
11 community (including the schools and public build-
12 ings within the community) occupy lands adminis-
13 tered by the Secretary of Agriculture;

14 (3)(A) the Secretary of Agriculture and the
15 Secretary of the Interior are unnecessarily burdened
16 with the cost of continuing to provide basic services
17 and facilities and building maintenance and with the
18 administrative costs of operating the Dutch John
19 community; and

20 (B) certain structures and lands are no longer
21 essential to management of the Colorado River Stor-
22 age Project or to management of the Flaming Gorge
23 National Recreation Area;

24 (4)(A) residents of the community are inter-
25 ested in purchasing the homes they currently rent

1 from the Secretary of the Interior and the land on
2 which the homes are located;

3 (B) Daggett County, Utah, is interested in re-
4 ducing the financial burden the County experiences
5 in providing local government support services to a
6 community that produces little direct tax revenue be-
7 cause of Federal ownership; and

8 (C) a withdrawal of the role of the Federal Gov-
9 ernment in providing basic direct community serv-
10 ices to Dutch John would require local government
11 to provide the services at a substantial cost;

12 (5)(A) residents of the Dutch John community
13 are interested in self-government of the community;
14 and

15 (B) with growing demands for additional com-
16 mercial recreation services for visitors to the Flam-
17 ing Gorge National Recreation Area and Ashley Na-
18 tional Forest, there are opportunities for private eco-
19 nomic development, but few private lands are avail-
20 able for the services; and

21 (6) the privatization and disposal to local gov-
22 ernment of certain lands in and surrounding Dutch
23 John would be in the public interest.

24 (b) PURPOSES.—The purposes of this Act are—

1 (1) to privatize certain lands in and surround-
2 ing Dutch John, Utah;

3 (2) to transfer jurisdiction of certain Federal
4 property between the Secretary of Agriculture and
5 the Secretary of the Interior;

6 (3) to improve the Flaming Gorge National
7 Recreation Area;

8 (4) to dispose of certain residential units, public
9 buildings, and facilities;

10 (5) to provide interim financial assistance to
11 local government to defray the cost of providing
12 basic governmental services;

13 (6) to achieve efficiencies in operation of the
14 Flaming Gorge Dam and Reservoir and the Flaming
15 Gorge National Recreation Area;

16 (7) to reduce long-term Federal outlays; and

17 (8) to serve the interests of the residents of
18 Dutch John and Daggett County, Utah, and the
19 general public.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) SECRETARY OF AGRICULTURE.—The term
23 “Secretary of Agriculture” means the Secretary of
24 Agriculture, acting through the Chief of the Forest
25 Service.

1 (c) INFRASTRUCTURE FACILITIES AND LAND.—Ex-
2 cept as provided in subsection (e), the Secretary of the
3 Interior shall dispose of (in accordance with this Act) com-
4 munity infrastructure facilities and land that have been
5 determined to be available for transfer by the Secretary
6 of the Interior, including the following:

7 (1) The fire station, sewer systems, sewage la-
8 goons, water systems (except as provided in sub-
9 section (e)(3)), old post office, electrical and natural
10 gas distribution systems, hospital building, streets,
11 street lighting, alleys, sidewalks, parks, and commu-
12 nity buildings located within or serving Dutch John,
13 including fixtures, equipment, land, easements,
14 rights-of-way, or other property primarily used for
15 the operation, maintenance, replacement, or repair
16 of a facility referred to in this paragraph.

17 (2) The Dutch John Airport, comprising ap-
18 proximately 25 acres, including runways, roads,
19 rights-of-way, and appurtenances to the Airport,
20 subject to such monitoring and remedial action by
21 the United States as is necessary.

22 (3) The lands on which are located the Dutch
23 John public schools, which comprise approximately
24 10 acres.

1 (d) OTHER PROPERTIES AND FACILITIES.—The Sec-
2 retary of Agriculture and the Secretary of the Interior
3 shall dispose of (in accordance with this Act) the other
4 properties and facilities that have been determined to be
5 available for transfer or disposal by the Secretary of Agri-
6 culture and the Secretary of the Interior, respectively, in-
7 cluding the following:

8 (1) Certain residential units occupied on the
9 date of enactment of this Act, as determined by the
10 Secretary of the Interior.

11 (2) Certain residential units unoccupied on the
12 date of enactment of this Act, as determined by the
13 Secretary of the Interior.

14 (3) Lots within the Dutch John community
15 that are occupied on the date of enactment of this
16 Act by privately owned modular homes under lease
17 agreements with the Secretary of the Interior.

18 (4) Unoccupied platted lots within the Dutch
19 John community.

20 (5) The land, comprising approximately 3.8
21 acres, on which is located the Church of Jesus
22 Christ of Latter Day Saints, within Block 9, of the
23 Dutch John community.

1 (6) The lands for which special use permits,
2 easements, or rights-of-way for commercial uses
3 have been issued by the Forest Service.

4 (7) The lands on which are located the offices,
5 3 employee residences, warehouses, and facilities of
6 the Utah Division of Wildlife Resources, as de-
7 scribed in the survey required under section 7, in-
8 cluding yards and land defined by fences in existence
9 on the date of enactment of this Act.

10 (8) The Dutch John landfill site, subject to
11 such monitoring and remedial action by the United
12 States as is necessary, with responsibility for mon-
13 itoring and remediation being shared by the Sec-
14 retary of Agriculture and the Secretary of the Inte-
15 rior proportionate to their historical use of the site.

16 (9) Such fixtures and furnishing in existence
17 and in place on the date of enactment of this Act
18 as are mutually determined by Daggett County, the
19 Secretary of Agriculture, and the Secretary of the
20 Interior to be necessary for the full use of properties
21 or facilities disposed of under this Act.

22 (10) Such other properties or facilities at Dutch
23 John that the Secretary of Agriculture or the Sec-
24 retary of the Interior determines are not necessary
25 to achieve the mission of the respective Secretary

1 and the disposal of which would be consistent with
2 this Act.

3 (e) RETAINED PROPERTIES.—Except to the extent
4 the following properties are determined by the Secretary
5 of Agriculture or the Secretary of the Interior to be avail-
6 able for disposal, the Secretary of Agriculture and the Sec-
7 retary of the Interior shall retain for their respective use
8 the following:

9 (1) All buildings and improvements located
10 within the industrial complex of the Bureau of Rec-
11 lamation, including the maintenance shop, 40 indus-
12 trial garages, 2 warehouses, the equipment storage
13 building, the flammable equipment storage building,
14 the hazardous waste storage facility, and the prop-
15 erty on which the buildings and improvements are
16 located.

17 (2) 17 residences under the jurisdiction of the
18 Secretary of the Interior and the Secretary of Agri-
19 culture, of which—

20 (A) 15 residences shall remain under the
21 jurisdiction of the Secretary of the Interior; and

22 (B) 2 residences shall remain under the ju-
23 risdiction of the Secretary of Agriculture.

24 (3) The Dutch John water system raw water
25 supply line and return line between the power plant

1 and the water treatment plant, pumps and pumping
2 equipment, and any appurtenances and rights-of-way
3 to the line and other facilities, with the retained fa-
4 cilities to be operated and maintained by the United
5 States with pumping costs and operation and main-
6 tenance costs of the pumps to be included as a cost
7 to Daggett County in a water service contract.

8 (4) The heliport and associated real estate, con-
9 sisting of approximately 20 acres, which shall re-
10 main under the jurisdiction of the Secretary of Agri-
11 culture.

12 (5) The Forest Service warehouse complex and
13 associated real estate, consisting of approximately 2
14 acres, which shall remain under the jurisdiction of
15 the Secretary of Agriculture.

16 (6) The Forest Service office complex and asso-
17 ciated real estate, which shall remain under the ju-
18 risdiction of the Secretary of Agriculture.

19 (7) The United States Post Office, pursuant to
20 Forest Service Special Use Permit No. 1073, which
21 shall be transferred to the jurisdiction of the United
22 States Postal Service pursuant to section 6(d).

23 **SEC. 5. REVOCATION OF WITHDRAWALS.**

24 In the case of lands and properties transferred under
25 section 4, effective on the date of transfer to the Secretary

1 of the Interior (if applicable) or conveyance by quitclaim
2 deed out of Federal ownership, authorization for each of
3 the following withdrawals is revoked:

4 (1) The Public Water Reserve No. 16, Utah
5 No. 7, dated March 9, 1914.

6 (2) The Secretary of the Interior Order dated
7 October 20, 1952.

8 (3) The Secretary of the Interior Order dated
9 July 2, 1956, No. 71676.

10 (4) The Flaming Gorge National Recreation
11 Area, dated October 1, 1968, established under Pub-
12 lic Law 90-540 (16 U.S.C. 460v et seq.), as to
13 lands described in section 4(b).

14 (5) The Dutch John Administrative Site, dated
15 December 12, 1951 (PLO 769, U-0611).

16 **SEC. 6. TRANSFER OF JURISDICTION.**

17 (a) TRANSFERS FROM SECRETARY OF AGRICULTURE.—Except for properties retained under section
18 CULTURE.—Except for properties retained under section
19 4(e), all lands designated under section 4 for disposal shall
20 be—

21 (1) transferred from the jurisdiction of the Sec-
22 retary of Agriculture to the Secretary of the Interior
23 and, if appropriate, the United States Postal Serv-
24 ice; and

1 (2) removed from inclusion in the Ashley Na-
2 tional Forest and the Flaming Gorge National
3 Recreation Area.

4 (b) TRANSFERS FROM THE SECRETARY OF THE IN-
5 TERIOR.—

6 (1) IN GENERAL.—The Secretary of the Inte-
7 rior shall transfer to the Secretary of Agriculture
8 administrative jurisdiction over certain lands and in-
9 terests in land described in paragraph (2), contain-
10 ing approximately 2,167 acres located in Duchesne
11 and Wasatch Counties, Utah, acquired by the Sec-
12 retary of the Interior for the Central Utah Project
13 (and associated wildlife mitigation), and managed
14 and developed for wildlife mitigation purposes by the
15 Secretary of Agriculture under memoranda of agree-
16 ment between the Secretary of Agriculture and the
17 Secretary of the Interior.

18 (2) LAND DESCRIPTION.—The lands referred to
19 in paragraph (1) are lands indicated on the maps
20 generally depicting—

21 (A) the Dutch John transfer of the Ashley
22 National Forest to the State of Utah, dated
23 February 1997;

1 (B) the Dutch John transfer of the Uinta
2 National Forest to the State of Utah, dated
3 February 1997;

4 (C) lands to be transferred to the Forest
5 Service: Lower Stillwater Properties;

6 (D) lands to be transferred to the Forest
7 Service: Red Hollow (Diamond Properties); and

8 (E) lands to be transferred to the Forest
9 Service: Coal Mine Hollow (Current Creek Res-
10ervoir).

11 (3) STATUS OF LANDS.—

12 (A) NATIONAL FORESTS.—The lands and
13 interests in land transferred to the Secretary of
14 Agriculture under paragraph (1) shall become
15 part of the Ashley or Uinta National Forest, as
16 appropriate. The Secretary of Agriculture shall
17 adjust the boundaries of each of the National
18 Forests to reflect the additional lands.

19 (B) MANAGEMENT.—The transferred lands
20 shall—

21 (i) be managed in accordance with the
22 Act of March 1, 1911 (commonly known as
23 the “Weeks Law”) (36 Stat. 962, chapter
24 186; 16 U.S.C. 515 et seq.) and other laws

1 (including rules and regulations) applicable
2 to the National Forest System; and

3 (ii) continue to be managed and devel-
4 oped for the benefit of wildlife mitigation
5 in accordance with each memorandum of
6 agreement applicable to each tract of the
7 lands.

8 (C) ADJUSTMENT OF BOUNDARIES.—This
9 paragraph does not limit the authority of the
10 Secretary of Agriculture to adjust the bound-
11 aries of the Ashley or Uinta National Forest
12 pursuant to section 11 of the Act of March 1,
13 1911 (commonly known as the “Weeks Law”)
14 (36 Stat. 963, chapter 186; 16 U.S.C. 521).

15 (4) LAND AND WATER CONSERVATION FUND.—
16 For the purposes of section 7 of the Land and
17 Water Conservation Fund Act of 1965 (16 U.S.C.
18 46019), the boundaries of the Ashley and Uinta Na-
19 tional Forests, as adjusted under this section, shall
20 be considered to be the boundaries of the Forests as
21 of January 1, 1965.

22 (c) FEDERAL IMPROVEMENTS.—The Secretary of the
23 Interior may transfer to the Secretary of Agriculture juris-
24 diction over Federal improvements to the lands trans-
25 ferred under subsection (b).

1 (d) TRANSFERS FROM THE SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall transfer to
2 CULTURE.—The Secretary of Agriculture shall transfer to
3 the United States Postal Service administrative jurisdiction over certain lands and interests in land subject to
4 tion over certain lands and interests in land subject to
5 Forest Service Special Use Permit No. 1073, containing
6 approximately 0.34 acres.

7 (e) WITHDRAWALS.—Notwithstanding subsection
8 (a), lands retained by the Federal Government under this
9 Act shall continue to be withdrawn from mineral entry
10 under the United States mining laws.

11 **SEC. 7. SURVEYS.**

12 The Secretary of the Interior shall survey or resurvey
13 all or portions of the Dutch John community as necessary—
14 essary—

15 (1) to accurately describe parcels identified
16 under this Act for transfer among agencies, for Federal
17 disposal, or for retention by the United States;
18 and

19 (2) to facilitate future recordation of title.

20 **SEC. 8. PLANNING.**

21 The Secretary of Agriculture and the Secretary of the
22 Interior shall—

23 (1) recognize as an indication of potential future
24 land use the Daggett County Dutch John Community
25 Plan, prepared in cooperation with the resi-

1 dents of Dutch John, the Secretary of Agriculture,
2 and the Secretary of the Interior; and

3 (2) cooperate with Daggett County in ensuring
4 that disposal processes are consistent with the Plan
5 and this Act.

6 **SEC. 9. APPRAISALS.**

7 (a) REQUIREMENTS.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of enactment of this Act, the Sec-
10 retary of the Interior shall conduct appraisals to de-
11 termine the fair market value of properties des-
12 igned for disposal under paragraphs (1), (2), (3),
13 (5), and (7) of section 4(d).

14 (2) UNOCCUPIED PLATTED LOTS.—Not later
15 than 90 days after the date of receipt by the Sec-
16 retary of the Interior from an eligible purchaser of
17 a written notice of intent to purchase an unoccupied
18 platted lot referred to in section 4(d)(4), the Sec-
19 retary of the Interior shall conduct an appraisal of
20 the lot.

21 (3) SPECIAL USE PERMITS.—

22 (A) IN GENERAL.—Not later than 90 days
23 after the date of receipt by the Secretary of the
24 Interior from a permit holder of a written no-
25 tice of intent to purchase a property described

1 in section 10(g), the Secretary of the Interior
2 shall conduct an appraisal of the property.

3 (B) IMPROVEMENTS AND ALTERNATIVE
4 LAND.—An appraisal to carry out subparagraph
5 (A) may include an appraisal of the value of
6 permit holder improvements and alternative
7 land in order to conduct an in-lieu land sale.

8 (4) OCCUPIED PARCELS.—In the case of an oc-
9 cupied parcel, an appraisal under this subsection
10 shall include an appraisal of the full fee value of the
11 occupied lot or land parcel and the value of resi-
12 dences, structures, facilities, and existing, in-place
13 federally owned fixtures and furnishings necessary
14 for full use of the property.

15 (5) UNOCCUPIED PARCELS.—In the case of an
16 unoccupied parcel, an appraisal under this sub-
17 section shall consider potential future uses of the
18 parcel that are consistent with the Daggett County
19 Dutch John Community Plan referred to in section
20 8(1), the land use map of the Plan, and subsection
21 (c).

22 (6) FUNDING.—Funds for appraisals conducted
23 under this section shall be derived from the Upper
24 Colorado River Basin Fund authorized by section 5

1 of the Act of April 11, 1956 (70 Stat. 107, chapter
2 203; 43 U.S.C. 620d).

3 (b) REDUCTIONS FOR IMPROVEMENTS.—An ap-
4 praisal of a residence or a structure or facility leased for
5 private use under this section shall deduct the contribu-
6 tory value of improvements made by the current occupant
7 or lessee if the occupant or lessee provides reasonable evi-
8 dence of expenditure of money or materials in making the
9 improvements.

10 (c) CURRENT USE.—An appraisal under this section
11 shall consider the current use of a property (including the
12 use of housing as a community residence) and avoid uncer-
13 tain speculation as to potential future use.

14 (d) REVIEW.—

15 (1) IN GENERAL.—The Secretary of the Inte-
16 rior shall make an appraisal under this section avail-
17 able for review by a current occupant or lessee.

18 (2) ADDITIONAL INFORMATION OR APPEAL.—

19 (A) IN GENERAL.—The current occupant
20 or lessee may provide additional information, or
21 appeal the findings of the appraisal in writing,
22 to the Upper Colorado Regional Director of the
23 Bureau of Reclamation.

24 (B) ACTION BY SECRETARY OF THE INTE-
25 RIOR.—The Secretary of the Interior—

1 (i) shall consider the additional infor-
2 mation or appeal; and

3 (ii) may conduct a second appraisal if
4 the Secretary determines that a second ap-
5 praisal is necessary.

6 (e) INSPECTION.—The Secretary of the Interior shall
7 provide opportunities for other qualified, interested pur-
8 chasers to inspect completed appraisals under this section.

9 **SEC. 10. DISPOSAL OF PROPERTIES.**

10 (a) CONVEYANCES.—

11 (1) PATENTS.—The Secretary of the Interior
12 shall dispose of properties identified for disposal
13 under section 4, other than properties retained
14 under section 4(e), without regard to law governing
15 patents.

16 (2) CONDITION AND LAND.—Except as other-
17 wise provided in this Act, conveyance of a building,
18 structure, or facility under this Act shall be in its
19 current condition and shall include the land parcel
20 on which the building, structure, or facility is situ-
21 ated.

22 (3) FIXTURES AND FURNISHINGS.—An existing
23 and in-place fixture or furnishing necessary for the
24 full use of a property or facility under this Act shall
25 be conveyed along with the property.

1 (4) MAINTENANCE.—

2 (A) BEFORE CONVEYANCE.—Before prop-
3 erty is conveyed under this Act, the Secretary
4 of the Interior shall ensure reasonable and pru-
5 dent maintenance and proper care of the prop-
6 erty.

7 (B) AFTER CONVEYANCE.—After property
8 is conveyed to a recipient under this Act, the
9 recipient shall be responsible for—

10 (i) maintenance and proper care of
11 the property; and

12 (ii) any contamination of the property.

13 (b) INFRASTRUCTURE FACILITIES AND LAND.—In-
14 frastructure facilities and land described in paragraphs
15 (1) and (2) of section 4(c) shall be conveyed, without con-
16 sideration, to Daggett County, Utah.

17 (c) SCHOOL.—The lands on which are located the
18 Dutch John public schools described in section 4(c)(3)
19 shall be conveyed, without consideration, to the Daggett
20 County School District.

21 (d) UTAH DIVISION OF WILDLIFE RESOURCES.—
22 Lands on which are located the offices, 3 employee resi-
23 dences, warehouses, and facilities of the Utah Division of
24 Wildlife Resources described in section 4(d)(7) shall be
25 conveyed, without consideration, to the Division.

1 (e) RESIDENCES AND LOTS.—

2 (1) IN GENERAL.—

3 (A) FAIR MARKET VALUE.—A residence
4 and occupied residential lot to be disposed of
5 under this Act shall be sold for the appraised
6 fair market value.

7 (B) NOTICE.—The Secretary of the Inte-
8 rior shall provide local general public notice,
9 and written notice to lessees and to current oc-
10 cupants of residences and of occupied residen-
11 tial lots for disposal, of the intent to sell prop-
12 erties under this Act.

13 (2) PURCHASE OF RESIDENCES OR LOTS BY
14 LESSEES.—

15 (A) IN GENERAL.—Subject to subpara-
16 graph (B), the Secretary of the Interior shall
17 provide a holder of a current lease from the
18 Secretary for a residence to be sold under para-
19 graph (1) or (2) of section 4(d) or for a resi-
20 dential lot occupied by a privately owned dwell-
21 ing described in section 4(d)(3) a period of 180
22 days beginning on the date of the written notice
23 of the Secretary of intent of the Secretary to
24 sell the residence or lot, to execute a contract
25 with the Secretary of the Interior to purchase

1 the residence or lot for the appraised fair mar-
2 ket value.

3 (B) NOTICE OF INTENT TO PURCHASE.—
4 To obtain the protection of subparagraph (A),
5 the lessee shall, during the 30-day period begin-
6 ning on the date of receipt of the notice re-
7 ferred to in subparagraph (A), notify the Sec-
8 retary in writing of the intent of the lessee to
9 purchase the residence or lot.

10 (C) NO NOTICE OR PURCHASE CON-
11 TRACT.—If no written notification of intent to
12 purchase is received by the Secretary in accord-
13 ance with subparagraph (B) or if a purchase
14 contract has not been executed in accordance
15 with subparagraph (A), the residence or lot
16 shall become available for purchase by other
17 persons under paragraph (3).

18 (3) PURCHASE OF RESIDENCES OR LOTS BY
19 OTHER PERSONS.—

20 (A) ELIGIBILITY.—If a residence or lot be-
21 comes available for purchase under paragraph
22 (2)(C), the Secretary of the Interior shall make
23 the residence or lot available for purchase by—

24 (i) a current authorized occupant of
25 the residence to be sold;

1 (ii) a holder of a current reclamation
2 lease for a residence within Dutch John;

3 (iii) an employee of the Bureau of
4 Reclamation or the Forest Service cur-
5 rently residing in Dutch John; or

6 (iv) an employee of another Federal
7 agency supporting the mission of Dutch
8 John who resides in Dutch John.

9 (B) PRIORITY.—

10 (i) SENIORITY.—Priority for purchase
11 of properties available for purchase under
12 this paragraph shall be by seniority of rec-
13 lamation lease or residency in Dutch John.

14 (ii) PRIORITY LIST.—The Secretary of
15 the Interior shall compile a priority list of
16 eligible potential purchasers that is based
17 on the length of continuous residency in
18 Dutch John or the length of a continuous
19 residence lease issued by the Bureau of
20 Reclamation in Dutch John, with the high-
21 est priority provided for purchasers with
22 the longest continuous residency or lease.

23 (iii) INTERRUPTIONS.—If a continu-
24 ous residency or lease was interrupted, the

1 Secretary shall consider only that most re-
2 cent continuous residency or lease.

3 (iv) OTHER FACTORS.—In preparing
4 the priority list, the Secretary shall not
5 consider a factor (including agency employ-
6 ment or position) other than the length of
7 the current residency or lease.

8 (v) DISPUTES.—A potential purchaser
9 may file a written appeal over a dispute in-
10 volving eligibility or ranking on the priority
11 list with the Secretary of the Interior, act-
12 ing through the Upper Colorado Regional
13 Director of the Bureau of Reclamation.
14 The Secretary, acting through the Regional
15 Director, shall consider the appeal and re-
16 solve the dispute.

17 (C) NOTICE.—The Secretary of the Inte-
18 rior shall provide general public notice and writ-
19 ten notice by certified mail to eligible pur-
20 chasers that specifies—

21 (i) properties available for purchase
22 under this paragraph;

23 (ii) the appraised fair market value of
24 the properties;

1 (iii) instructions for potential eligible
2 purchasers; and

3 (iv) any purchase contract require-
4 ments.

5 (D) NOTICE OF INTENT TO PURCHASE.—

6 An eligible purchaser under this paragraph
7 shall have a period of 90 days after receipt of
8 written notification to submit to the Secretary
9 of the Interior a written notice of intent to pur-
10 chase a specific available property at the listed
11 appraised fair market value.

12 (E) NOTICE OF ELIGIBILITY OF HIGHEST

13 ELIGIBLE PURCHASER TO PURCHASE PROP-

14 ERTY.—The Secretary of the Interior shall pro-

15 vide notice to the potential purchaser with the

16 highest eligible purchaser priority for each

17 property that the purchaser will have the first

18 opportunity to execute a sales contract and pur-

19 chase the property.

20 (F) AVAILABILITY TO OTHER PURCHASERS

21 ON PRIORITY LIST.—If no purchase contract is

22 executed for a property by the highest priority

23 purchaser within the 180 days after receipt of

24 notice under subparagraph (E), the Secretary

1 of the Interior shall make the property available
2 to other purchasers listed on the priority list.

3 (G) LIMITATION ON NUMBER OF PROP-
4 erties.—No household may purchase more
5 than 1 residential property under this para-
6 graph.

7 (4) RESIDUAL PROPERTY TO COUNTY.—If a
8 residence or lot to be disposed of under this Act is
9 not purchased in accordance with paragraph (2) or
10 (3) within 2 years after providing the first notice of
11 intent to sell under paragraph (1)(B), the Secretary
12 of the Interior shall convey the residence or lot to
13 Daggett County without consideration.

14 (5) ADVISORY COMMITTEE.—The Secretary of
15 the Interior, acting through the Upper Colorado Re-
16 gional Director of the Bureau of Reclamation, may
17 appoint a nonfunded Advisory Committee comprised
18 of 1 representative from each of the Bureau of Rec-
19 lamation, Daggett County, and the Dutch John com-
20 munity to review and provide advice to the Secretary
21 on the resolution of disputes arising under this sub-
22 section and subsection (f).

23 (6) FINANCING.—The Secretary of the Interior
24 shall provide advice to potential purchasers under
25 this subsection and subsection (f) in obtaining ap-

1 appropriate and reasonable financing for the purchase
2 of a residence or lot.

3 (f) UNOCCUPIED PLATTED LOTS.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), the Secretary of the Interior shall make
6 an unoccupied platted lot described in section
7 4(d)(4) available for sale to eligible purchasers for
8 the appraised fair market value of the lot.

9 (2) CONVEYANCE FOR PUBLIC PURPOSE.—On
10 request from Daggett County, the Secretary of the
11 Interior may convey directly to the County without
12 consideration a lot referred to in paragraph (1) that
13 will be used for a public use purpose that is consist-
14 ent with the Daggett County Dutch John Commu-
15 nity Plan.

16 (3) ADMINISTRATION.—The procedures estab-
17 lished under subsection (e) shall apply to this sub-
18 section to the maximum extent practicable, as deter-
19 mined by the Secretary of the Interior.

20 (4) LAND-USE DESIGNATION.—For each lot
21 sold under this subsection, the Secretary of the Inte-
22 rior shall include in the notice of intent to sell the
23 lot provided under this subsection the land-use des-
24 ignation of the lot established under the Daggett
25 County Dutch John Community Plan.

1 (5) LIMITATION ON NUMBER OF LOTS.—No
2 household may purchase more than 1 residential lot
3 under this subsection.

4 (6) LIMITATION ON PURCHASE OF ADDITIONAL
5 LOTS.—No household purchasing an existing resi-
6 dence under this section may purchase an additional
7 single home, residential lot.

8 (7) RESIDUAL LOTS TO COUNTY.—If a lot de-
9 scribed in paragraph (1) is not purchased in accord-
10 ance with paragraphs (1) through (6) within 2 years
11 after providing the first notice of intent to sell under
12 this subsection, the Secretary of the Interior shall
13 convey the lot to Daggett County without consider-
14 ation.

15 (g) SPECIAL USE PERMITS.—

16 (1) SALE.—Lands on which Forest Service spe-
17 cial use permits are issued to holders numbered
18 4054 and 9303, Ashley National Forest, comprising
19 approximately 15.3 acres and 1 acre, respectively,
20 may be sold at appraised fair market value to the
21 holder of the permit.

22 (2) ADMINISTRATION OF PERMITS.—On trans-
23 fer of jurisdiction of the land to the Secretary of the
24 Interior pursuant to section 6, the Secretary of the

1 Interior shall administer the permits under the
2 terms and conditions of the permits.

3 (3) NOTICE OF AVAILABILITY FOR PUR-
4 CHASE.—The Secretary of the Interior shall notify
5 the respective permit holders in writing of the avail-
6 ability of the land for purchase.

7 (4) APPRAISALS.—The Secretary of the Interior
8 shall not conduct an appraisal of the land unless the
9 Secretary receives a written notice of intent to pur-
10 chase the land within 2 years after providing notice
11 under paragraph (3).

12 (5) ALTERNATIVE PARCELS.—On request by
13 permit holder number 9303, the Secretary of the In-
14 terior, in consultation with Daggett County, may—

15 (A) consider sale of a parcel within the
16 Daggett County community of similar size and
17 appraised value in lieu of the land under permit
18 on the date of enactment of this Act; and

19 (B) provide the holder credit toward the
20 purchase or other negotiated compensation for
21 the appraised value of improvements of the per-
22 mittee to land under permit on the date of en-
23 actment of this Act.

24 (6) RESIDUAL LAND TO COUNTY.—If land de-
25 scribed in paragraph (1) is not purchased in accord-

1 ance with paragraphs (1) through (5) within 2 years
2 after providing the first notice of intent to sell under
3 this subsection, the Secretary of the Interior shall
4 convey the land to Daggett County without consider-
5 ation.

6 (h) TRANSFERS TO COUNTY.—Other land occupied
7 by authorization of a special use permit, easement, or
8 right-of-way to be disposed of under this Act shall be
9 transferred to Daggett County if the holder of the author-
10 ization and the County, prior to transfer of the lands to
11 the County—

12 (1) agree to and execute a legal document that
13 grants the holder the rights and privileges provided
14 in the existing authorization; or

15 (2) enter into another arrangement that is mu-
16 tually satisfactory to the holder and the County.

17 (i) CHURCH LAND.—

18 (1) IN GENERAL.—The Secretary of the Inte-
19 rior shall offer to sell land to be disposed of under
20 this Act on which is located an established church to
21 the parent entity of the church at the appraised fair
22 market value.

23 (2) NOTICE.—The Secretary of the Interior
24 shall notify the church in writing of the availability
25 of the land for purchase.

1 (3) RESIDUAL LAND TO COUNTY.—If land de-
2 scribed in paragraph (1) is not purchased in accord-
3 ance with paragraphs (1) and (2) within 2 years
4 after providing the first notice of intent to sell under
5 this subsection, the Secretary of the Interior shall
6 convey the land to Daggett County without consider-
7 ation.

8 (j) RESIDUAL PROPERTIES TO COUNTY.—The Sec-
9 retary of the Interior shall convey all lands, buildings, or
10 facilities designated for disposal under this Act that are
11 not conveyed in accordance with subsections (a) through
12 (i) to Daggett County without consideration.

13 (k) WATER RIGHTS.—

14 (1) IN GENERAL.—Subject to the other provi-
15 sions of this subsection, the Secretary of the Interior
16 shall transfer all water rights the Secretary holds
17 that are applicable to the Dutch John municipal
18 water system to Daggett County.

19 (2) WATER SERVICE CONTRACT.—

20 (A) IN GENERAL.—Transfer of rights
21 under paragraph (1) is contingent on Daggett
22 County entering into a water service contract
23 with the Secretary of the Interior covering pay-
24 ment for and delivery of untreated water to
25 Daggett County pursuant to the Act of April

1 11, 1956 (70 Stat. 105, chapter 203; 43 U.S.C.
2 620 et seq.).

3 (B) DELIVERED WATER.—The contract
4 shall require payment only for water actually
5 delivered.

6 (3) EXISTING RIGHTS.—Existing rights for
7 transfer to Daggett County under this subsection in-
8 clude—

9 (A) Utah Water Right 41–2942 (A30557,
10 Cert No. 5903) for 0.08 cubic feet per second
11 from a water well; and

12 (B) Utah Water Right 41–3470
13 (A30414b), an unapproved application to seg-
14 regate 12,000 acre-feet per year of water from
15 the original approved Flaming Gorge water
16 right (41–2963) for municipal use in the town
17 of Dutch John and surrounding areas.

18 (4) CULINARY WATER SUPPLIES.—The transfer
19 of water rights under this subsection is conditioned
20 on the agreement of Daggett County to provide cul-
21 inary water supplies to Forest Service campgrounds
22 served (on the date of enactment of this Act) by the
23 water supply system and to Forest Service and Bu-
24 reau of Reclamation facilities, at a rate equivalent to
25 other similar uses.

1 (5) MAINTENANCE.—The Secretary of Agri-
2 culture and the Secretary of the Interior shall be re-
3 sponsible for maintenance of their respective water
4 systems from the point of the distribution lines of
5 the systems.

6 (l) SHORELINE ACCESS.—On receipt of an acceptable
7 application, the Secretary of Agriculture shall consider is-
8 suance of a special use permit affording Flaming Gorge
9 Reservoir public shoreline access and use within the vicin-
10 ity of Dutch John in conjunction with commercial visitor
11 facilities provided and maintained under such a permit.

12 (m) REVENUES.—All revenues derived from the sale
13 of properties as authorized by this Act shall temporarily
14 be deposited in a segregated interest-bearing trust account
15 in the Treasury with the moneys on hand in the account
16 paid to Daggett County semiannually to be used by the
17 County for purposes associated with the provision of gov-
18 ernmental and community services to the Dutch John
19 community.

20 **SEC. 11. VALID EXISTING RIGHTS.**

21 (a) AGREEMENTS.—

22 (1) IN GENERAL.—If any lease, permit, right-
23 of-way, easement, or other valid existing right is ap-
24 purtenant to land conveyed to Daggett County,
25 Utah, under this Act, the County shall honor and

1 enforce the right through a legal agreement entered
2 into by the County and the holder before the date
3 of conveyance.

4 (2) EXTENSION OR TERMINATION.—The Coun-
5 ty may extend or terminate an agreement under
6 paragraph (1) at the end of the term of the agree-
7 ment.

8 (b) USE OF REVENUES.—During such period as the
9 County is enforcing a right described in subsection (a)(1)
10 through a legal agreement between the County and the
11 holder of the right under subsection (a), the County shall
12 collect and retain any revenues due the Federal Govern-
13 ment under the terms of the right.

14 (c) EXTINGUISHMENT OF RIGHTS.—If a right de-
15 scribed in subsection (a)(1) with respect to certain land
16 has been extinguished or otherwise protected, the County
17 may dispose of the land.

18 **SEC. 12. CULTURAL RESOURCES.**

19 (a) MEMORANDA OF AGREEMENT.—Before transfer
20 and disposal under this Act of any land that contains cul-
21 tural resources and that may be eligible for listing on the
22 National Register of Historic Places, the Secretary of Ag-
23 riculture, in consultation with the Secretary of the Inte-
24 rior, the Utah Historic Preservation Office, and Daggett
25 County, Utah, shall prepare a memorandum of agreement,

1 for review and approval by the Utah Office of Historical
2 Preservation and the Advisory Council on Historic Preser-
3 vation established by title II of the National Historic Pres-
4 ervation Act (16 U.S.C. 470i et seq.), that contains a
5 strategy for protecting or mitigating adverse effects on
6 cultural resources on the land.

7 (b) INTERIM PROTECTION.—Until such time as a
8 memorandum of agreement has been approved, or until
9 lands are disposed of under this Act, the Secretary of Ag-
10 riculture shall provide clearance or protection for the re-
11 sources.

12 (c) TRANSFER SUBJECT TO AGREEMENT.—On com-
13 pletion of actions required under the memorandum of
14 agreement for certain land, the Secretary of the Interior
15 shall provide for the conveyance of the land to Daggett
16 County, Utah, subject to the memorandum of agreement.

17 **SEC. 13. TRANSITION OF SERVICES TO LOCAL GOVERN-**
18 **MENT CONTROL.**

19 (a) ASSISTANCE.—

20 (1) IN GENERAL.—The Secretary of the Inte-
21 rior shall provide training and transitional operating
22 assistance to personnel designated by Daggett Coun-
23 ty, Utah, as successors to the operators for the Sec-
24 retary of the infrastructure facilities described in
25 section 4(c).

1 (2) DURATION OF TRAINING.—With respect to
2 an infrastructure facility, training under paragraph
3 (1) shall continue for such period as is necessary for
4 the designated personnel to demonstrate reasonable
5 capability to safely and efficiently operate the facil-
6 ity, but not to exceed 2 years.

7 (3) CONTINUING ASSISTANCE.—The Secretary
8 shall remain available to assist with resolving ques-
9 tions about the original design and installation, op-
10 erating and maintenance needs, or other aspects of
11 the infrastructure facilities.

12 (b) TRANSITION COSTS.—For the purpose of defray-
13 ing costs of transition in administration and provision of
14 basic community services, an annual payment of \$300,000
15 (as adjusted by the Secretary for changes in the Consumer
16 Price Index for all-urban consumers published by the De-
17 partment of Labor) shall be provided from the Upper Col-
18 orado River Basin Fund authorized by section 5 of the
19 Act of April 11, 1956 (70 Stat. 107, chapter 203; 43
20 U.S.C. 620d), to Daggett County, Utah, or, in accordance
21 with subsection (c), to Dutch John, Utah, for a period
22 not to exceed 15 years beginning the first January 1 that
23 occurs after the date of enactment of this Act.

24 (c) DIVISION OF PAYMENT.—If Dutch John becomes
25 incorporated and become responsible for operating any of

1 the infrastructure facilities referred to in subsection (a)(1)
2 or for providing other basic local governmental services,
3 the payment amount for the year of incorporation and
4 each following year shall be proportionately divided be-
5 tween Daggett County and Dutch John based on the re-
6 spective costs paid by each government for the previous
7 year to provide the services.

8 (d) ELECTRIC POWER.—

9 (1) AVAILABILITY.—The United States shall
10 make available electric power and associated energy
11 from the Colorado River Storage Project for the
12 Dutch John community.

13 (2) AMOUNT.—The amount of electric power
14 and associated energy made available under para-
15 graph (1) shall not exceed 1,000,000 kilowatt-hours
16 per year.

17 (3) RATES.—The rates for power and associ-
18 ated energy shall be the firm capacity and energy
19 rates of the Salt Lake City Area/Integrated Projects.

20 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) RESOURCE RECOVERY AND MITIGATION.—There
22 are authorized to be appropriated to the Secretary of Agri-
23 culture, out of nonpower revenues to the Federal Govern-
24 ment from land transferred under this Act, such sums as
25 are necessary to implement such habitat, sensitive re-

1 source, or cultural resource recovery, mitigation, or re-
2 placement strategies as are developed with respect to land
3 transferred under this Act, except that the strategies may
4 not include acquisition of privately owned lands in Daggett
5 County.

6 (b) OTHER SUMS.—In addition to sums made avail-
7 able under subsection (a), there are authorized to be ap-
8 propriated such sums as are necessary to carry out this
9 Act.

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