

Union Calendar No. 96

111TH CONGRESS
1ST SESSION

H. R. 1275

[Report No. 111–179]

To direct the exchange of certain land in Grand, San Juan, and Uintah
Counties, Utah, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2009

Mr. MATHESON (for himself and Mr. CHAFFETZ) introduced the following bill;
which was referred to the Committee on Natural Resources

JUNE 23, 2009

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 3, 2009]

A BILL

To direct the exchange of certain land in Grand, San Juan,
and Uintah Counties, Utah, 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.**

4 *This Act may be cited as the “Utah Recreational Land*
5 *Exchange Act of 2009”.*

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

3 (1) *FEDERAL LAND.*—*The term “Federal land”*
4 *means the land located in Grand, San Juan, and*
5 *Uintah Counties, Utah, that is identified on the maps*
6 *as—*

7 (A) *“BLM Subsurface only Proposed for*
8 *Transfer to State Trust Lands”;*

9 (B) *“BLM Surface only Proposed for*
10 *Transfer to State Trust Lands”;* and

11 (C) *“BLM Lands Proposed for Transfer to*
12 *State Trust Lands”.*

13 (2) *GRAND COUNTY MAP.*—*The term “Grand*
14 *County Map” means the map prepared by the Bureau*
15 *of Land Management entitled “Utah Recreational*
16 *Land Exchange Act Grand County”, dated May 14,*
17 *2009, and relating to the exchange of Federal land*
18 *and non-Federal land in Grand and San Juan Coun-*
19 *ties, Utah.*

20 (3) *MAPS.*—*The term “maps” means the Grand*
21 *County Map and the Uintah County Map.*

22 (4) *NON-FEDERAL LAND.*—*The term “non-Fed-*
23 *eral land” means the land in Grand, San Juan, and*
24 *Uintah Counties, Utah, that is identified on the maps*
25 *as—*

1 (A) “*State Trust Land Proposed for Trans-*
2 *fer to BLM*”; and

3 (B) “*State Trust Minerals Proposed for*
4 *Transfer to BLM*”.

5 (5) *SECRETARY*.—*The term “Secretary” means*
6 *the Secretary of the Interior.*

7 (6) *STATE*.—*The term “State” means the State*
8 *of Utah, as trustee under the Utah State School and*
9 *Institutional Trust Lands Management Act (Utah*
10 *Code Ann. 53C-1-101 et seq.).*

11 (7) *UINTAH COUNTY MAP*.—*The term “Uintah*
12 *County Map” means the map prepared by the Bureau*
13 *of Land Management entitled “Utah Recreational*
14 *Land Exchange Act Uintah County”, dated May 14,*
15 *2009, and relating to the exchange of Federal land*
16 *and non-Federal land in Uintah County, Utah.*

17 **SEC. 3. EXCHANGE OF LAND.**

18 (a) *IN GENERAL*.—*If the State offers to convey to the*
19 *United States title to the non-Federal land, the Secretary*
20 *shall—*

21 (1) *accept the offer; and*

22 (2) *on receipt of all right, title, and interest of*
23 *the State in and to the non-Federal land, convey to*
24 *the State all right, title, and interest of the United*
25 *States in and to the Federal land.*

1 (b) *CONDITIONS.—The exchange authorized under sub-*
2 *section (a) shall be subject to—*

3 (1) *valid existing rights;*

4 (2) *except as otherwise provided by this sec-*
5 *tion—*

6 (A) *section 206 of the Federal Land Policy*
7 *and Management Act of 1976 (43 U.S.C. 1716);*
8 *and*

9 (B) *any other applicable laws;*

10 (3) *all costs of land exchanges under this Act, in-*
11 *cluding but not limited to appraisals, surveys, and*
12 *related costs, shall be paid equally by the Secretary*
13 *and the State; and*

14 (4) *any additional terms and conditions that the*
15 *Secretary and the State mutually determine to be ap-*
16 *propriate.*

17 (c) *TITLE APPROVAL.—Title to the Federal land and*
18 *non-Federal land to be exchanged under this section shall*
19 *be in a format acceptable to the Secretary and the State.*

20 (d) *APPRAISALS.—*

21 (1) *IN GENERAL.—The value of the Federal land*
22 *and the non-Federal land shall be determined by ap-*
23 *praisals conducted by 1 or more independent apprais-*
24 *ers selected jointly by the Secretary and the State.*

1 (2) *APPLICABLE LAW.*—*The appraisals con-*
2 *ducted under paragraph (1) shall be conducted in ac-*
3 *cordance with section 206 of the Federal Land Policy*
4 *and Management Act of 1976 (43 U.S.C. 1716).*

5 (3) *APPROVAL.*—*The appraisals conducted under*
6 *paragraph (1) shall be submitted to the Secretary and*
7 *the State for approval.*

8 (4) *ADJUSTMENT.*—

9 (A) *IN GENERAL.*—*If value is attributed to*
10 *any parcel of Federal land because of the pres-*
11 *ence of minerals subject to leasing under the*
12 *Mineral Leasing Act (30 U.S.C. 181 et seq.), the*
13 *value of the parcel (as otherwise established*
14 *under this subsection) shall be reduced by the es-*
15 *timated value of the payments that would have*
16 *been made to the State of Utah from bonuses,*
17 *rentals, and royalties that the United States*
18 *would have received if such minerals were leased*
19 *pursuant to the Mineral Leasing Act (30 U.S.C.*
20 *181 et seq.).*

21 (B) *LIMITATION.*—*An adjustment under*
22 *subparagraph (A) shall not be considered as a*
23 *property right of the State.*

24 (5) *AVAILABILITY OF APPRAISALS.*—

1 (A) *IN GENERAL.*—All final appraisals, ap-
2 praisal reviews, and determinations of value for
3 land to be exchanged under this section shall be
4 available for public review at the Utah State Of-
5 fice of the Bureau of Land Management at least
6 30 days before the conveyance of the applicable
7 parcels.

8 (B) *PUBLICATION.*—The Secretary or the
9 State, as applicable, shall publish in a news-
10 paper of general circulation in Salt Lake Coun-
11 ty, Utah, a notice that the appraisals are avail-
12 able for public inspection.

13 (e) *CONVEYANCE OF PARCELS IN PHASES.*—

14 (1) *IN GENERAL.*—Notwithstanding that ap-
15 praisals for all of the parcels of Federal land and
16 non-Federal land may not have been approved under
17 subsection (d)(3), parcels of the Federal land and
18 non-Federal land may be exchanged under subsection
19 (a) in 3 phases beginning on the date on which the
20 appraised values of the parcels included in the appli-
21 cable phase are approved under this subsection.

22 (2) *PHASES.*—The 3 phases referred to in para-
23 graph (1) are—

1 (A) phase 1, consisting of the non-Federal
2 land identified as “phase one” land on the
3 Grand County Map;

4 (B) phase 2, consisting of the non-Federal
5 land identified as “phase two” land on the
6 Grand County Map and the Uintah County
7 Map; and

8 (C) phase 3, consisting of any remaining
9 non-Federal land that is not identified as “phase
10 one” land or “phase two” land on the Grand
11 County Map or the Uintah County Map.

12 (3) NO AGREEMENT ON EXCHANGE.—If agree-
13 ment has not been reached with respect to the ex-
14 change of an individual parcel of Federal land or
15 non-Federal land, the Secretary and the State may
16 agree to set aside the individual parcel to allow the
17 exchange of the other parcels of Federal land and non-
18 Federal land to proceed.

19 (4) TIMING.—It is the intent of Congress that at
20 least the first phase of the exchange of land authorized
21 by subsection (a) be completed not later than 360
22 days after the date on which the State makes the Sec-
23 retary an offer to convey the non-Federal land under
24 that subsection.

25 (f) RESERVATION OF INTEREST IN OIL SHALE.—

1 (1) *IN GENERAL.*—*With respect to Federal land*
2 *that contains oil shale resources, the Secretary shall*
3 *reserve an interest in the portion of the mineral estate*
4 *that contains the oil shale resources.*

5 (2) *EXTENT OF INTEREST.*—*The interest reserved*
6 *by the United States under paragraph (1) shall con-*
7 *sist of—*

8 (A) *50 percent of any bonus bid or other*
9 *payment received by the State as consideration*
10 *for securing any lease or authorization to de-*
11 *velop oil shale resources;*

12 (B) *the amount that would have been re-*
13 *ceived by the Federal Government under the ap-*
14 *plicable royalty rate if the oil shale resources had*
15 *been retained in Federal ownership; and*

16 (C) *50 percent of any other payment re-*
17 *ceived by the State pursuant to any lease or au-*
18 *thorization to develop the oil shale resources.*

19 (3) *PAYMENT.*—*Any amounts due under para-*
20 *graph (2) shall be paid by the State to the United*
21 *States not less than quarterly.*

22 (4) *NO OBLIGATION TO LEASE.*—*The State shall*
23 *not be obligated to lease or otherwise develop oil shale*
24 *resources in which the United States retains an inter-*
25 *est under this subsection.*

1 (5) *VALUATION.*—*Federal land in which the Sec-*
 2 *retary reserves an interest under this subsection shall*
 3 *be appraised—*

4 *(A) without regard to the presence of oil*
 5 *shale; and*

6 *(B) in accordance with subsection (d).*

7 (g) *WITHDRAWAL OF FEDERAL LAND PRIOR TO EX-*
 8 *CHANGE.*—*Subject to valid existing rights, during the pe-*
 9 *riod beginning on the date of enactment of this Act and*
 10 *ending on the earlier of the date that the Federal land is*
 11 *removed from the exchange or the date on which the Federal*
 12 *land is conveyed under this Act, the Federal land is with-*
 13 *drawn from—*

14 *(1) disposition (other than disposition under sec-*
 15 *tion 4) under the public land laws;*

16 *(2) location, entry, and patent under the mining*
 17 *laws; and*

18 *(3) the operation of—*

19 *(A) the mineral leasing laws;*

20 *(B) the Geothermal Steam Act of 1970 (30*
 21 *U.S.C. 1001 et seq.); and*

22 *(C) the first section of the Act of July 31,*
 23 *1947 (commonly known as the “Materials Act of*
 24 *1947”)* (30 U.S.C. 601).

1 (h) *APPURTENANT WATER RIGHTS*.—Any conveyance
 2 of a parcel of Federal land or non-Federal land under this
 3 Act shall include the conveyance of water rights appur-
 4 tenant to the parcel conveyed.

5 (i) *EQUAL VALUE EXCHANGE*.—

6 (1) *IN GENERAL*.—The value of the Federal land
 7 and non-Federal land to be exchanged under this
 8 Act—

9 (A) shall be equal; or

10 (B) shall be made equal in accordance with
 11 paragraph (2).

12 (2) *EQUALIZATION*.—

13 (A) *SURPLUS OF FEDERAL LAND*.—If the
 14 value of the Federal land exceeds the value of the
 15 non-Federal land, the value of the Federal land
 16 and non-Federal land shall be equalized, as de-
 17 termined to be appropriate and acceptable by the
 18 Secretary and the State, by one or more of the
 19 following:

20 (i) By reducing the acreage of the Fed-
 21 eral land to be conveyed.

22 (ii) By adding additional State land
 23 to the non-Federal land to be conveyed.

24 (iii) Consistent with section 206(b) of
 25 the Federal Land Policy and Management

1 *Act (43 U.S.C. 1716), by cash equalization*
2 *of not more than 5 percent of the total value*
3 *of the lands or interests in lands to be*
4 *transferred out of Federal ownership.*

5 *(B) SURPLUS OF NON-FEDERAL LAND.—If*
6 *the value of the non-Federal land exceeds the*
7 *value of the Federal land, the value of the Fed-*
8 *eral land and non-Federal land shall be equal-*
9 *ized, as determined to be appropriate and ac-*
10 *ceptable by the Secretary and the State, by one*
11 *or both of the following:.*

12 *(i) By reducing the acreage of the non-*
13 *Federal land to be conveyed.*

14 *(ii) Consistent with section 206(b) of*
15 *the Federal Land Policy and Management*
16 *Act (43 U.S.C. 1716), by cash equalization*
17 *of not more than 5 percent of the total value*
18 *of the lands or interests in lands to be*
19 *transferred out of Federal ownership.*

20 *(3) NOTICE AND PUBLIC INSPECTION.—*

21 *(A) IN GENERAL.—If the Secretary and the*
22 *State determine to add or remove land from the*
23 *exchange, the Secretary or the State shall—*

24 *(i) publish in a newspaper of general*
25 *circulation in Salt Lake County, Utah, a*

1 *notice that identifies when and where a re-*
 2 *vised exchange map will be available for*
 3 *public inspection; and*

4 *(ii) transmit to the Committee on Nat-*
 5 *ural Resources of the House of Representa-*
 6 *tives and the Committee on Energy and*
 7 *Natural Resources of the Senate a copy of*
 8 *the revised exchange map.*

9 *(B) LIMITATION.—The Secretary and the*
 10 *State shall not add or remove land from the ex-*
 11 *change until at least 30 days after the date on*
 12 *which the notice is published under subpara-*
 13 *graph (A)(i) and the map is transmitted under*
 14 *subparagraph (A)(ii).*

15 **SEC. 4. STATUS AND MANAGEMENT OF LAND AFTER EX-**
 16 **CHANGE.**

17 *(a) ADMINISTRATION OF NON-FEDERAL LAND.—*

18 *(1) IN GENERAL.—Subject to paragraph (2) and*
 19 *in accordance with section 206(c) of the Federal Land*
 20 *Policy and Management Act of 1976 (43 U.S.C.*
 21 *1716(c)), the non-Federal land acquired by the United*
 22 *States under this Act shall become part of, and be*
 23 *managed as part of, the Federal administrative unit*
 24 *or area in which the land is located.*

1 (2) *WITHDRAWAL PARCELS.*—*Any non-Federal*
2 *land acquired by the United States under this Act*
3 *identified on the maps as “Withdrawal Parcels” is*
4 *withdrawn from the operation of the mineral leasing*
5 *and mineral material disposal laws.*

6 (3) *RECEIPTS.*—

7 (A) *IN GENERAL.*—*Any mineral receipts de-*
8 *rived from the non-Federal land acquired under*
9 *this Act shall be paid into the general fund of the*
10 *Treasury.*

11 (B) *APPLICABLE LAW.*—*Mineral receipts*
12 *from the non-Federal land acquired under this*
13 *Act shall not be subject to section 35 of the Min-*
14 *eral Leasing Act (30 U.S.C. 191).*

15 (b) *GRAZING PERMITS.*—

16 (1) *IN GENERAL.*—*If land conveyed under this*
17 *Act is subject to a lease, permit, or contract for the*
18 *grazing of domestic livestock in effect on the date of*
19 *acquisition, the Secretary and the State shall allow*
20 *the grazing to continue for the remainder of the term*
21 *of the lease, permit, or contract, subject to the related*
22 *terms and conditions of user agreements, including*
23 *permitted stocking rates, grazing fee levels, access*
24 *rights, and ownership and use of range improvements.*

1 (2) *RENEWAL*.—*To the extent allowed by Federal*
2 *or State law, on expiration of any grazing lease, per-*
3 *mit, or contract described in paragraph (1), the hold-*
4 *er of the lease, permit, or contract shall be entitled to*
5 *a preference right to renew the lease, permit, or con-*
6 *tract.*

7 (3) *CANCELLATION*.—

8 (A) *IN GENERAL*.—*Nothing in this Act pre-*
9 *vents the Secretary or the State from canceling*
10 *or modifying a grazing permit, lease, or contract*
11 *if the land subject to the permit, lease, or con-*
12 *tract is sold, conveyed, transferred, or leased for*
13 *nongrazing purposes by the Secretary or the*
14 *State.*

15 (B) *LIMITATION*.—*Except to the extent rea-*
16 *sonably necessary to accommodate surface oper-*
17 *ations in support of mineral development, the*
18 *Secretary or the State shall not cancel or modify*
19 *a grazing permit, lease, or contract because the*
20 *land subject to the permit, lease, or contract has*
21 *been leased for mineral development.*

22 (4) *BASE PROPERTIES*.—*If land conveyed by the*
23 *State under this Act is used by a grazing permittee*
24 *or lessee to meet the base property requirements for a*
25 *Federal grazing permit or lease, the land shall con-*

1 *tinue to qualify as a base property for the remaining*
2 *term of the lease or permit and the term of any re-*
3 *newal or extension of the lease or permit.*

4 *(c) HAZARDOUS MATERIALS.—*

5 *(1) IN GENERAL.—The Secretary and, as a con-*
6 *dition of the exchange, the State shall make available*
7 *for review and inspection any record relating to haz-*
8 *ardous materials on the land to be exchanged under*
9 *this Act.*

10 *(2) COSTS.—The costs of remedial actions relat-*
11 *ing to hazardous materials on land acquired under*
12 *this Act shall be paid by those entities responsible for*
13 *the costs under applicable law.*

14 *(d) EASEMENT.—The conveyance of Federal land in*
15 *sec. 33, T. 4 S., R. 24 E., and sec. 4, T. 5 S., R. 24 E.,*
16 *of the Salt Lake Meridian, shall be subject to a 1,000 foot*
17 *wide scenic easement and a 200 foot wide road right-of-*
18 *way previously granted to the National Park Service for*
19 *the Dinosaur National Monument, as described in Land*
20 *Withdrawal No. U-0141143, pursuant to the Act of Sep-*
21 *tember 8, 1960 (74 Stat. 857,861).*

22 **SEC. 5. TERMINATION OF AUTHORITY.**

23 *The provisions of this Act shall terminate 5 years after*
24 *the date of enactment.*

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 *There are authorized to be appropriated such sums as*
3 *are necessary to carry out this Act.*

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