

UTAH TEST AND TRAINING RANGE ENCROACHMENT  
PREVENTION AND TEMPORARY CLOSURE ACT

DECEMBER 8, 2016.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,  
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 4579]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4579) to withdraw certain Bureau of Land Management land in the State of Utah from all forms of public appropriation, to provide for the shared management of the withdrawn land by the Secretary of the Interior and the Secretary of the Air Force to facilitate enhanced weapons testing and pilot training, enhance public safety, and provide for continued public access to the withdrawn land, to provide for the exchange of certain Federal land and State land, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

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

(a) **SHORT TITLE.**—This Act may be cited as the “Utah Test and Training Range Encroachment Prevention and Temporary Closure Act”.

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

Sec. 1. Short title; table of contents.  
Sec. 2. Findings.  
Sec. 3. Definitions.

**TITLE I—UTAH TEST AND TRAINING RANGE**

Sec. 101. Management of BLM land.  
Sec. 102. Temporary closures.

Sec. 103. Community resource group.  
 Sec. 104. Liability.  
 Sec. 105. Effects of title.

#### TITLE II—LAND EXCHANGE

Sec. 201. Findings and purpose.  
 Sec. 202. Definitions.  
 Sec. 203. Exchange of Federal land and non-Federal land.  
 Sec. 204. Status and management of non-Federal land after exchange.  
 Sec. 205. Hazardous materials.

#### TITLE III—HIGHWAY RIGHTS-OF-WAY

Sec. 301. Recognition and transfer of certain highway rights-of-way.

### SEC. 2. FINDINGS.

Congress finds that—

- (1) the testing and development of military weapons systems and the training of military forces are critical to ensuring the national security of the United States;
- (2) the Utah Test and Training Range is a unique and irreplaceable national asset at the core of the test and training mission of the Department of Defense;
- (3) continued access to the special use airspace and land that comprise the Utah Test and Training Range, under the terms and conditions described in this Act is a national security priority;
- (4) multiple use of, sustained yield activities on, and access to the BLM land are vital to the customs, culture, economy, ranching, grazing, and transportation interests of the counties in which the BLM land is situated; and
- (5) the limited use by the military of the BLM land and airspace above the BLM land is vital to improving and maintaining the readiness of the Armed Forces.

### SEC. 3. DEFINITIONS.

In this Act:

- (1) **BLM LAND.**—The term “BLM land” means the Bureau of Land Management land in the State comprising approximately 625,643 acres, as generally depicted on the map entitled “Utah Test and Training Range Enhancement/West Desert Land Exchange” and dated February 12, 2016.
- (2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.
- (3) **STATE.**—The term “State” means the State of Utah.
- (4) **UTAH TEST AND TRAINING RANGE.**—
  - (A) **IN GENERAL.**—The term “Utah Test and Training Range” means the portions of the military land and airspace operating area of the Utah Test and Training Area that are located in the State.
  - (B) **INCLUSION.**—The term “Utah Test and Training Range” includes the Dugway Proving Ground.

## TITLE I—UTAH TEST AND TRAINING RANGE

### SEC. 101. MANAGEMENT OF BLM LAND.

(a) **MEMORANDUM OF AGREEMENT.**—

(1) **DRAFT.**—

(A) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary and the Secretary of the Air Force shall complete a draft of the memorandum of agreement required under paragraph (2).

(B) **PUBLIC COMMENT PERIOD.**—During the 30-day period beginning on the date on which the draft memorandum of agreement is completed under subparagraph (A), there shall be an opportunity for public comment on the draft memorandum of agreement, including an opportunity for the Utah Test and Training Range Community Resource Group established under section 103(a) to provide comments on the draft memorandum of agreement.

(2) **REQUIREMENT; DEADLINE.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary and the Secretary of the Air Force shall enter into a memorandum of agreement that provides for the continued management of the BLM land by the Secretary, in a manner that provides for the limited use of the BLM land by the Secretary of the Air Force, consistent with this Act.

(B) **SIGNATURES REQUIRED.**—The terms of the memorandum of agreement, including a temporary closure of the BLM land under the memorandum of agreement, may not be carried out until the date on which all

parties to the memorandum of agreement have signed the memorandum of agreement.

(3) MANAGEMENT BY SECRETARY.—The memorandum of agreement under paragraph (2) shall provide that the Secretary (acting through the Director of the Bureau of Land Management) shall continue to manage the BLM land—

(A) as land described in section 6901(1)(B) of title 31, United States Code;

(B) for multiple use and sustained yield goals and activities as required under sections 102(a)(7) and 202(c)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701(a)(7), 1712(c)(1)) and defined in section 103 of that Act (43 U.S.C. 1702), including all principal or major uses on Federal land recognized pursuant to the definition of the term in section 103 of that Act (43 U.S.C. 1702);

(C) in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

(D) subject to use by the Secretary of the Air Force provided under section 102 for—

(i) the preservation of the Utah Test and Training Range against current and future encroachments that the Secretary of the Air Force finds to be incompatible with current and future test and training requirements;

(ii) the testing of—

(I) advanced weapon systems, including current weapons systems, 5th generation weapon systems, and future weapon systems; and

(II) the standoff distance for weapons;

(iii) the testing and evaluation of hypersonic weapons;

(iv) increased public safety for civilians accessing the BLM land; and

(v) other purposes relating to meeting national security needs.

(b) MAP.—The Secretary may correct any minor errors in the map described in section 3(1).

(c) LAND USE PLANS.—Any land use plan in existence on the date of enactment of this Act that applies to the BLM land shall continue to apply to the BLM land.

(d) MAINTAIN CURRENT USES.—

(1) IN GENERAL.—Notwithstanding subsection (a)(3)(D), the memorandum of agreement entered into under subsection (a) and the land use plans described in subsection (c) shall not diminish any major or principle use that is recognized pursuant to section 103(l) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(l)), except to the extent authorized in subsection (a).

(2) ACTIONS BY SECRETARY OF THE AIR FORCE.—The Secretary of the Air Force shall—

(A) if corrective action is necessary due to an action of the Air Force, as determined by the Secretary of the Air Force, render the BLM land safe for public use; and

(B) appropriately communicate the safety of the land to the Secretary once the BLM land is rendered safe for public use.

(e) GRAZING.—

(1) NEW GRAZING LEASES AND PERMITS.—

(A) IN GENERAL.—The Secretary shall issue and administer any new grazing lease or permit on the BLM land, in accordance with applicable law (including regulations) and other authorities applicable to livestock grazing on Bureau of Land Management land.

(B) NON-FEDERAL LAND LEVELS.—The Secretary (acting through the Director of the Bureau of Land Management) shall continue to issue and administer livestock grazing leases and permits on the non-Federal land described in section 202(3), subject to the requirements described in subparagraphs (A) through (C) of paragraph (2).

(2) EXISTING GRAZING LEASES AND PERMITS.—Any livestock grazing lease or permit applicable to the BLM land that is in existence on the date of enactment of this Act shall continue in effect—

(A) at the number of permitted animal unit months authorized under current applicable land use plans;

(B) if range conditions permit, at levels greater than the level of active use; and

(C) subject to such reasonable increases and decreases of active use of animal unit months and other reasonable regulations, policies, and practices as the Secretary may consider appropriate based on rangeland conditions.

(f) MEMORANDUM OF UNDERSTANDING ON EMERGENCY ACCESS AND RESPONSE.—Nothing in this section precludes the continuation of the memorandum of under-

standing that is between the Department of the Interior and the Department of the Air Force with respect to emergency access and response, as in existence as of the date of enactment of this Act.

(g) **WITHDRAWAL.**—Subject to valid existing rights, the BLM land is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws.

(h) **LIMITATION ON FUTURE RIGHTS-OF-WAY OR USE PERMITS.**—The Secretary may not issue any new use permits or rights-of-way on the BLM land for any purposes that the Secretary of the Air Force determines to be incompatible with current or projected military requirements, with consideration given to the rangeland improvements under section 105(h).

(i) **GRAZING AND RANCHING.**—Efforts described in this Act to facilitate grazing and ranching on the BLM land and the non-Federal land described in section 202(3) shall be considered to be compatible with mission requirements of the Utah Test and Training Range.

**SEC. 102. TEMPORARY CLOSURES.**

(a) **IN GENERAL.**—If the Secretary of the Air Force determines that military operations (including operations relating to the fulfillment of the mission of the Utah Test and Training Range), public safety, or national security require the temporary closure to public use of any road, trail, or other portion of the BLM land, the Secretary of the Air Force may take such action as the Secretary of the Air Force determines necessary to carry out the temporary closure.

(b) **LIMITATIONS.**—Any temporary closure under subsection (a)—

(1) shall be limited to the minimum areas and periods during which the Secretary of the Air Force determines are required to carry out a closure under this section;

(2) shall not occur on a State or Federal holiday, unless notice is provided in accordance with subsection (c)(1)(B);

(3) shall not occur on a Friday, Saturday, or Sunday, unless notice is provided in accordance with subsection (c)(1)(B); and

(4)(A) if practicable, shall be for not longer than a 3-hour period per day;

(B) shall only be for longer than a 3-hour period per day—

(i) for mission essential reasons; and

(ii) as infrequently as practicable and in no case for more than 10 days per year; and

(C) shall in no case be for longer than a 6-hour period per day.

(c) **NOTICE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary of the Air Force shall—

(A) keep appropriate warning notices posted before and during any temporary closure; and

(B) provide notice to the Secretary, public, and relevant stakeholders concerning the temporary closure—

(i) at least 30 days before the date on which the temporary closure goes into effect;

(ii) in the case of a closure during the period beginning on March 1 and ending on May 31, at least 60 days before the date on which the closure goes into effect; or

(iii) in the case of a closure described in paragraph (3) or (4) of subsection (b), at least 90 days before the date on which the closure goes into effect.

(2) **SPECIAL NOTIFICATION PROCEDURES.**—In each case for which a mission-unique security requirement does not allow for the notifications described in paragraph (1)(B), the Secretary of the Air Force shall work with the Secretary to achieve a mutually agreeable timeline for notification.

(d) **MAXIMUM ANNUAL CLOSURES.**—The total cumulative hours of temporary closures authorized under this section with respect to the BLM land shall not exceed 100 hours annually.

(e) **PROHIBITION ON CERTAIN TEMPORARY CLOSURES.**—The northernmost area identified as “Newfoundland’s” on the map described in section 3(1) shall not be subject to any temporary closure between August 21 and February 28, in accordance with the lawful hunting methods and seasons of the State of Utah.

(f) **EMERGENCY GROUND RESPONSE.**—A temporary closure of a portion of the BLM land shall not affect the conduct of emergency response activities on the BLM land during the temporary closure.

(g) **LAW ENFORCEMENT AND SECURITY.**—The Secretary and the Secretary of the Air Force may enter into cooperative agreements with State and local law enforcement officials with respect to lawful procedures and protocols to be used in pro-

moting public safety and operation security on or near the BLM land during noticed test and training periods.

(h) LIVESTOCK.—Livestock shall be allowed to remain on the BLM land during a temporary closure of the BLM land under this section.

**SEC. 103. COMMUNITY RESOURCE GROUP.**

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, there shall be established the Utah Test and Training Range Community Resource Group (referred to in this section as the “Community Group”) to provide regular and continuing input to the Secretary and the Secretary of the Air Force on matters involving public access to, use of, and overall management of the BLM land.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Secretary (acting through the State Bureau of Land Management Office) shall appoint members to the Community Group, including—

- (A) operational and land management personnel of the Air Force;
- (B) 1 Indian representative, to be nominated by a majority vote conducted among the Indian tribes in the vicinity of the BLM land;
- (C) not more than 2 county commissioners from each of Box Elder, Tooele, and Juab Counties, Utah;
- (D) 2 representatives of off-road and highway use, hunting, and other recreational groups;
- (E) 2 representatives of livestock grazers on any public land located within the BLM land;
- (F) 1 representative of the Utah Department of Agriculture and Food; and
- (G) not more than 3 representatives of State or Federal offices or agencies, or private groups, if the Secretary determines that such representatives would further the goals and objectives of the Community Group.

(2) CHAIRPERSON.—The members described in paragraph (1) shall elect from among the members of the Community Group—

- (A) 1 member to serve as Chairperson of the Community Group; and
- (B) 1 member to serve as Vice-Chairperson of the Community Group.

(c) CONDITIONS AND TERMS OF APPOINTMENT.—

(1) IN GENERAL.—Each member of the Community Group shall serve voluntarily and without remuneration.

(2) TERM OF APPOINTMENT.—

(A) IN GENERAL.—Each member of the Community Group shall be appointed for a term of 4 years.

(B) ORIGINAL MEMBERS.—Notwithstanding subparagraph (A), the Chairperson shall select ½ of the original members of the Community Group to serve for a term of 4 years and the ½ to serve for a term of 2 years to ensure the replacement of members shall be staggered from year to year.

(C) REAPPOINTMENT AND REPLACEMENT.—The Secretary may reappoint or replace a member of the Community Group appointed under subsection (b)(1), if—

- (i) the term of the member has expired;
- (ii) the member has retired; or
- (iii) the position held by the member described in subparagraphs (A) through (G) of paragraph (1) has changed to the extent that the ability of the member to represent the group or entity that the member represents has been significantly affected.

(d) MEETINGS.—

(1) IN GENERAL.—The Community Group shall meet not less than once per year, and at such other frequencies as determined by five or more of the members of the Community Group.

(2) RESPONSIBILITIES OF COMMUNITY GROUP.—The Community Group shall be responsible for determining appropriate schedules for, details of, and actions for meetings of the Community Group.

(3) NOTICE.—The Chairperson shall provide notice to each member of the Community Group not less than 10 business days before the date of a scheduled meeting.

(4) EXEMPT FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to meetings of the Community Group.

(e) COORDINATION WITH RECOMMENDATIONS OF COMMUNITY GROUP.—The Secretary and the Secretary of the Air Force, consistent with existing laws (including regulations), shall take under consideration recommendations from the Community Group.

(f) **TERMINATION OF AUTHORITY.**—The Community Group shall terminate on the date that is 7 years after the date of enactment of this Act, unless the Secretary and the Community Group mutually elect to terminate the Community Group before that date.

(g) **RENEWAL.**—The Community Group may elect, by simple majority, to renew the term of the Community Group for 7 years, upon or within 90 days of termination, with the option to renew every 7 years thereafter.

**SEC. 104. LIABILITY.**

The United States (including all departments, agencies, officers, and employees of the United States) shall be held harmless and shall not be liable for any injury or damage to any individual or property suffered in the course of any mining, mineral, or geothermal activity, or any other authorized nondefense-related activity, conducted on the BLM land.

**SEC. 105. EFFECTS OF TITLE.**

(a) **EFFECT ON WEAPON IMPACT AREA.**—Nothing in this title expands the boundaries of the weapon impact area of the Utah Test and Training Range.

(b) **EFFECT ON SPECIAL USE AIRSPACE AND TRAINING ROUTES.**—Nothing in this title precludes—

- (1) the designation of new units of special use airspace; or
- (2) the expansion of existing units of special use airspace.

(c) **EFFECT ON EXISTING RIGHTS AND AGREEMENTS.**—

(1) **KNOLLS SPECIAL RECREATION MANAGEMENT AREA; BLM COMMUNITY PITS CENTRAL GRAYBACK AND SOUTH GRAYBACK.**—Except as provided in section 102, nothing in this title limits or alters any existing right or right of access to—

- (A) the Knolls Special Recreation Management Area; or
- (B)(i) the Bureau of Land Management Community Pits Central Grayback and South Grayback; and
- (ii) any other county or community pit located within close proximity to the BLM land.

(2) **NATIONAL HISTORIC TRAILS AND OTHER HISTORICAL LANDMARKS.**—Except as provided in section 102, nothing in this title limits or alters any existing right or right of access to a component of the National Trails System or other Federal or State historic landmarks within the BLM land, including the California National Historic Trail, the Pony Express National Historic Trail, or the GAPA Launch Site and Blockhouse.

(3) **CLOSURE OF INTERSTATE 80.**—Nothing in this title authorizes any additional authority or right to the Secretary or the Secretary of the Air Force to temporarily close Interstate 80.

(4) **EFFECT ON LIMITATION ON AMENDMENTS TO CERTAIN INDIVIDUAL RESOURCE MANAGEMENT PLANS.**—Nothing in this title affects the limitation established under section 2815(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852).

(5) **EFFECT ON MEMORANDUM OF UNDERSTANDING.**—Nothing in this title affects the memorandum of understanding entered into by the Air Force, the Bureau of Land Management, the Utah Department of Natural Resources, and the Utah Division of Wildlife Resources relating to the reestablishment of bighorn sheep in the Newfoundland Mountains and signed by the parties to the memorandum of understanding during the period beginning on January 24, 2000, and ending on February 4, 2000.

(6) **EFFECT ON EXISTING MILITARY SPECIAL USE AIRSPACE AGREEMENT.**—Nothing in this title limits or alters the Military Operating Areas of Airspace Use Agreement between the Federal Aviation Administration and the Air Force in effect on the date of enactment of this Act.

(d) **EFFECT ON WATER RIGHTS.**—

(1) **NO RESERVATION CREATED.**—Nothing in this title—

- (A) establishes any reservation in favor of the United States with respect to any water or water right on the BLM land; or
- (B) authorizes any appropriation of water on the BLM land, except in accordance with applicable State law.

(2) **PREVIOUSLY ACQUIRED AND RESERVED WATER RIGHTS.**—Nothing in this title affects—

- (A) any water right acquired or reserved by the United States before the date of enactment of this Act; or
- (B) the authority of the Secretary or the Secretary of the Air Force, as applicable, to exercise any water right described in subparagraph (A).

(3) **NO EFFECT ON MCCARRAN AMENDMENT.**—Nothing in this title diminishes, enhances, or otherwise affects in any way the rights, duties, and obligations of the United States, the State of Utah, the counties in which the BLM land is

situated, and the residents and stakeholders in those counties under section 208 of the Act of July 10, 1952 (commonly known as the “McCarran Amendment”) (43 U.S.C. 666).

- (e) EFFECT ON FEDERALLY RECOGNIZED INDIAN TRIBES.—
- (1) IN GENERAL.—Nothing in this title alters any right reserved by treaty or Federal law for a federally recognized Indian tribe for tribal use.
- (2) CONSULTATION.—The Secretary of the Air Force shall consult with any federally recognized Indian tribe in the vicinity of the BLM land before taking any action that will affect any tribal right or cultural resource protected by treaty or Federal law.
- (f) EFFECT ON PAYMENTS IN LIEU OF TAXES.—
- (1) ELIGIBILITY OF BLM LAND AND NON-FEDERAL LAND.—The BLM land and the non-Federal land described in section 202(3) shall remain eligible as entitlement land under section 6901 of title 31, United States Code.
- (2) NO PREJUDICE TO COUNTY PAYMENT IN LIEU OF TAXES RIGHTS.—Nothing in this title diminishes, enhances, or otherwise affects any other right or entitlement of the counties in which the BLM land is situated to payments in lieu of taxes based on the BLM land, under section 6901 of title 31, United States Code.
- (g) WILDLIFE GUZZLERS.—
- (1) IN GENERAL.—The Bureau of Land Management and the Utah Division of Wildlife Resources shall continue the management of wildlife guzzlers in existence as of the date of enactment of this Act on the BLM land.
- (2) NEW GUZZLERS.—Nothing in this title prevents the Bureau of Land Management and the Utah Division of Wildlife Resources from entering into agreements for new wildlife guzzlers.
- (3) ACQUIRED GUZZLERS.—The Secretary shall continue to manage existing wildlife guzzlers or wildlife improvements on the non-Federal land conveyed to the Secretary under section 203(a) that were in existence on the day before the date of the conveyance.
- (h) RANGELAND IMPROVEMENTS.—The Secretary shall continue to manage, in a manner that promotes and facilitates grazing—
- (1) rangeland improvements on the BLM land that are in existence on the date of enactment of this Act; and
- (2) rangeland improvements on the non-Federal land conveyed to the Secretary under section 203(a) that were in existence on the day before the date of the conveyance.
- (i) NEW RANGELAND IMPROVEMENTS.—Nothing in this title prevents the Bureau of Land Management, the Utah Department of Agriculture or other State entity, or a Federal land permittee from entering into agreements for new rangeland improvements that promote and facilitate grazing.
- (j) SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION.—The Bureau of Land Management shall maintain rangeland grazing improvements in existence as of the date of enactment of this Act on acquired land of the School and Institutional Trust Lands Administration.

## TITLE II—LAND EXCHANGE

### SEC. 201. FINDINGS AND PURPOSE.

- (a) FINDINGS.—Congress finds that—
- (1) the State owns approximately 68,057 acres of land and approximately 10,280 acres of mineral interests located within the Utah Test and Training Range in Box Elder, Tooele, and Juab Counties, Utah;
- (2) the State owns approximately 2,353 acres of land and approximately 3,560 acres of mineral interests located wholly or partially within the Cedar Mountains Wilderness in Tooele County, Utah;
- (3) the parcels of State land described in paragraphs (1) and (2)—
- (A) were granted by Congress to the State pursuant to the Act of July 16, 1894 (28 Stat. 107, chapter 138), to be held in trust for the benefit of the public school system and other public institutions of the State; and
- (B) are largely scattered in checkerboard fashion among Federal land;
- (4) continued State ownership and development of State trust land within the Utah Test and Training Range and the Cedar Mountains Wilderness is incompatible with—
- (A) the critical national defense uses of the Utah Test and Training Range; and
- (B) the Federal management of the Cedar Mountains Wilderness; and

(5) it is in the public interest of the United States to acquire in a timely manner all State trust land within the Utah Test and Training Range and the Cedar Mountains Wilderness, in exchange for the conveyance of the Federal land to the State, in accordance with the terms and conditions described in this title.

(b) **PURPOSE.**—It is the purpose of this title to direct, facilitate, and expedite the exchange of certain Federal land and non-Federal land between the United States and the State.

**SEC. 202. DEFINITIONS.**

In this title:

(1) **EXCHANGE MAP.**—The term “Exchange Map” means the map prepared by the Bureau of Land Management entitled “Utah Test and Training Range Enhancement/West Desert Land Exchange” and dated February 12, 2016.

(2) **FEDERAL LAND.**—The term “Federal land” means the Bureau of Land Management land located in Box Elder, Millard, Juab, Tooele, and Beaver Counties, Utah, that is identified on the Exchange Map as “BLM Lands Proposed for Transfer to State Trust Lands”.

(3) **NON-FEDERAL LAND.**—The term “non-Federal land” means the land owned by the State in Box Elder, Tooele, and Juab Counties, Utah, that is identified on the Exchange Map as—

(A) “State Trust Land Proposed for Transfer to BLM”; and

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

(4) **STATE.**—The term “State” means the State of Utah, acting through the School and Institutional Trust Lands Administration.

**SEC. 203. EXCHANGE OF FEDERAL LAND AND NON-FEDERAL LAND.**

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

(1) accept the offer; and

(2) on receipt of all right, title, and interest in and to the non-Federal land, convey to the State (or a designee) all right, title, and interest of the United States in and to the Federal land.

(b) **VALID EXISTING RIGHTS.**—The exchange authorized under subsection (a) shall be subject to valid existing rights.

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

(d) **APPRAISALS.**—

(1) **IN GENERAL.**—The value of the Federal land and the non-Federal land to be exchanged under this section shall be determined by appraisals conducted by one or more independent appraisers retained by the State, with the consent of the Secretary.

(2) **APPLICABLE LAW.**—The appraisals under paragraph (1) shall be conducted in accordance with nationally recognized appraisal standards, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions.

(3) **MINERAL LAND.**—

(A) **MINERAL REPORTS.**—The appraisals under paragraph (1) shall take into account mineral and technical reports provided by the Secretary and the State in the evaluation of mineral deposits in the Federal land and non-Federal land.

(B) **MINING CLAIMS.**—An appraisal of any parcel of Federal land that is encumbered by a mining or millsite claim located under sections 2318 through 2352 of the Revised Statutes (commonly known as the “Mining Law of 1872”) (30 U.S.C. 21 et seq.) shall take into account the encumbrance created by the claim for purposes of determining the value of the parcel of the Federal land.

(C) **VALIDITY EXAMINATION.**—Nothing in this title requires the United States to conduct a mineral examination for any mining claim on the Federal land.

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

(5) **DISPUTE RESOLUTION.**—If, by the date that is 90 days after the date of submission of an appraisal for review and approval under this subsection, the Secretary or the State do not agree to accept the findings of the appraisals with respect to one or more parcels of Federal land or non-Federal land, the dispute shall be resolved in accordance with section 206(d)(2) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)(2)).

- (6) DURATION.—The appraisals conducted under paragraph (1) shall remain valid until the date of the completion of the exchange authorized under this title.
- (7) REIMBURSEMENT OF STATE COSTS.—The Secretary shall reimburse the State in an amount equal to 50 percent of the costs incurred by the State in retaining independent appraisers under paragraph (1).
- (e) CONVEYANCE OF TITLE.—The land exchange authorized under this title shall be completed by the later of—
- (1) the date that is 1 year after the date of final approval by the Secretary and the State of the appraisals conducted under subsection (d); and
  - (2) the date that is 1 year after the date of completion of the dispute resolution process authorized under subsection (d)(5).
- (f) PUBLIC INSPECTION AND NOTICE.—
- (1) PUBLIC INSPECTION.—At least 30 days before the date of conveyance of the Federal land and non-Federal land, all final appraisals and appraisal reviews for land to be exchanged under this section shall be available for public review at the office of the State Director of the Bureau of Land Management in the State of Utah.
  - (2) NOTICE.—The Secretary or the State, as applicable, shall publish in a newspaper of general circulation in Salt Lake County, Utah, a notice that the appraisals conducted under subsection (d) are available for public inspection.
- (g) EQUAL VALUE EXCHANGE.—
- (1) IN GENERAL.—The value of the Federal land and non-Federal land to be exchanged under this section—
    - (A) shall be equal; or
    - (B) shall be made equal in accordance with paragraph (2).
  - (2) EQUALIZATION.—
    - (A) SURPLUS OF FEDERAL LAND.—
      - (i) IN GENERAL.—If the value of the Federal land exceeds the value of the non-Federal land, the value of the Federal land and non-Federal land shall be equalized by the State conveying to the United States—
        - (I) State trust land parcel 1, as described in the assessment entitled “Bureau of Land Management Environmental Assessment UT-100-06-EA”, numbered UTU-82090, and dated March 2008; or
        - (II) State trust land located within any of the wilderness areas or national conservation areas in Washington County, Utah, established under subtitle O of title I of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1075) that has an appraised value equal to the difference between—
          - (aa) the value of the Federal land; and
          - (bb) the value of the non-Federal land.
      - (ii) ORDER OF CONVEYANCES.—Any non-Federal land required to be conveyed to the United States under clause (i) shall be conveyed until the value of the Federal land and non-Federal land is equalized, in the following order:
        - (I) The State trust land parcel described in clause (i)(I).
        - (II) State trust land parcels located in the Red Cliffs National Conservation Area.
        - (III) State trust land parcels located in the Docs Pass Wilderness.
        - (IV) State trust land parcels located in the Beaver Dam Wash National Conservation Area.
    - (B) SURPLUS OF NON-FEDERAL LAND.—If the value of the non-Federal land exceeds the value of the Federal land, the value of the Federal land and the non-Federal land shall be equalized by the Secretary making a cash equalization payment to the State, in accordance with section 206(b) of the Federal Land Policy Management (43 U.S.C. 1716(b)).
- (h) WITHDRAWAL OF FEDERAL LAND FROM MINERAL ENTRY PRIOR TO EXCHANGE.—Subject to valid existing rights, the Federal land to be conveyed to the State under this section is withdrawn from mineral location, entry, and patent under the mining laws pending conveyance of the Federal land to the State.
- SEC. 204. STATUS AND MANAGEMENT OF NON-FEDERAL LAND AFTER EXCHANGE.**
- (a) NON-FEDERAL LAND WITHIN UTAH TEST AND TRAINING RANGE.—On conveyance to the United States under this title, the non-Federal land located within the Utah Test and Training Range shall be managed in accordance with the memorandum of agreement entered into under section 101(a).
  - (b) NON-FEDERAL LAND WITHIN CEDAR MOUNTAINS WILDERNESS.—On conveyance to the United States under this title, the non-Federal land located within the Cedar

Mountains Wilderness shall, in accordance with section 206(c) of the Federal Land Policy Act of 1976 (43 U.S.C. 1716(c)), be added to, and administered as part of, the Cedar Mountains Wilderness.

**SEC. 205. HAZARDOUS MATERIALS.**

(a) COSTS.—Except as provided in subsection (b), the costs of remedial actions relating to hazardous materials on land acquired under this title shall be paid by those entities responsible for the costs under applicable law.

(b) REMEDIATION OF PRIOR TESTING AND TRAINING ACTIVITY.—The Department of Defense shall bear all costs of evaluation, management, and remediation caused by the previous testing of military weapons systems and the training of military forces on non-Federal land to be conveyed to the United States under this title.

### **TITLE III—HIGHWAY RIGHTS-OF-WAY**

**SEC. 301. RECOGNITION AND TRANSFER OF CERTAIN HIGHWAY RIGHTS-OF-WAY.**

(a) DEFINITIONS.—In this section:

(1) HIGHWAY RIGHT-OF-WAY.—The term “highway right-of-way” means a right-of-way across Federal land for all Class B and Class D R.S. 2477 roads in the Counties of Box Elder, Tooele, and Juab, in the State of Utah, according to the transportation map and centerline descriptions of each county in existence as of March 1, 2015.

(2) MAP.—The term “transportation map and centerline description” means—

(A) the map titled “Box Elder County R.S. 2477 Rights-of-Way” and accompanying GPS centerline data kept and maintained by the Utah Public Lands Policy Coordinating Office showing the locations and routes of all county claimed roads across Bureau of Land Management lands in Box Elder County, Utah;

(B) the map titled “Tooele County R.S. 2477 Roads” and accompanying GPS centerline data kept and maintained by the Utah Public Lands Policy Coordinating Office showing the locations and routes of all county claimed roads across Bureau of Land Management lands in Tooele County, Utah; and

(C) the map titled “Juab County R.S. 2477 Rights-of-Way” and accompanying GPS centerline data kept and maintained by the Utah Public Lands Policy Coordinating Office showing the locations and routes of all county claimed roads across Bureau of Land Management lands in Juab County, Utah.

(3) SECRETARY.—The term “Secretary” means—

(A) the Secretary of Agriculture, with respect to land administered by the Chief of the Forest Service; or

(B) the Secretary of the Interior, with respect to land administered by the Director of the Bureau of Land Management.

(b) RECOGNITION OF EXISTENCE AND VALIDITY OF RIGHTS-OF-WAY.—Congress recognizes the existence and validity of each of the highway rights-of-way identified on the official transportation maps and centerline descriptions.

(c) CONVEYANCE OF AN EASEMENT ACROSS FEDERAL LAND.—

(1) BOX ELDER COUNTY, UTAH.—The Secretary shall convey, without consideration, to Box Elder County, Utah, and the State of Utah as joint tenants with undivided interests, easements for motorized travel rights-of-way across Federal land for all Class B and Class D R.S. 2477 roads shown and described in the map and centerline description of the county described in subsection (a)(2)(A).

(2) TOOELE COUNTY, UTAH.—The Secretary shall convey, without consideration, to Tooele County, Utah, and the State of Utah as joint tenants with undivided interests, easements for motorized travel rights-of-way across Federal land for all Class B and Class D R.S. 2477 roads shown and described in the transportation map and centerline description of the county described in subsection (a)(2)(B).

(3) JUAB COUNTY, UTAH.—The Secretary shall convey, without consideration, to Juab County, Utah, and the State of Utah as joint tenants with undivided interests, easements for motorized travel rights-of-way across Federal land for all Class B and Class D R.S. 2477 roads shown and described in the map and centerline description of the county described in subsection (a)(2)(C).

(d) DESCRIPTION OF FEDERAL LAND SUBJECT TO EASEMENT.—

(1) IN GENERAL.—All easements under subsection (c) shall include—

(A) the current disturbed width of each subject highway as shown and described in the official transportation maps and centerline descriptions; and

(B) any additional acreage on either side of the disturbed width that the respective county transportation department determines is necessary for the efficient maintenance, repair, signage, administration, and use of the Federal land subject to the easement.

(2) DESCRIPTION.—

(A) IN GENERAL.—The exact acreage and legal description of the Federal land subject to the easements conveyed under subsection (c) shall be—

- (i) as described in the centerline descriptions;
- (ii) as referenced in the official transportation maps; and
- (iii) as described and referenced according to the disturbed width of each highway as of the date of conveyance for travel purposes, plus any reasonable additional width as may be necessary for surface maintenance, repairs, and turnaround purposes.

(B) SURVEY NOT REQUIRED.—Notwithstanding any other provision of law, the conveyance of easements under subsection (c) shall be effective without a survey of the exact acreage and local description of the Federal land subject to the easements.

(e) RETENTION OF MAPS AND CENTERLINE DESCRIPTIONS.—The maps and centerline descriptions referred to in clauses (i) and (ii) of subsection (d)(2)(A) shall be on file in the appropriate office of the Secretary.

#### PURPOSE OF THE BILL

The purpose of H.R. 4579 is to withdraw certain Bureau of Land Management land in the State of Utah from all forms of public appropriation, to provide for the shared management of the withdrawn land by the Secretary of the Interior and the Secretary of the Air Force to facilitate enhanced weapons testing and pilot training, enhance public safety, and provide for continued public access to the withdrawn land, to provide for the exchange of certain Federal land and State land.

#### BACKGROUND AND NEED FOR LEGISLATION

The Utah Test and Training Range (UTTR), located in the western Utah desert, is the largest Department of Defense (DOD) overland airspace test and training range and is used by the United States Air Force (USAF), United States Army, and United States Marine Corps. The UTTR is home to ground and operational training and the testing of explosive ordnance, weapons and other military equipment.

UTTR airspace is used to test fifth generation weapons, including the F-22 Raptor, F-35 Joint Strike Fighter, and Long Range Strike Bomber, and train aircrews to operate them. In its 2015 Report to Congress on Sustainable Ranges, DOD listed several factors that may limit the long-term sustainability of the UTTR, including the inability to accommodate more advanced aircraft and weapons. The flight speeds of these aircraft and other fifth generation weapons require a significant amount of airspace. The current size of the UTTR airspace is, however, not large enough to accommodate training and testing maneuvers for these aircraft and other hypersonic weapons.

H.R. 4579 would designate 625,643 acres of federally-owned Bureau of Land Management (BLM) land as eight separate ‘buffer zones’ around the UTTR and allow USAF to temporarily close those zones for brief periods to accommodate overflights associated with the testing and training of fifth generation and other weapons. The bill does not expand the UTTR or withdraw additional federal land for military use and does not dispose of federal land within the buffer zones. Under the bill, BLM and USAF would be required to enter into a memorandum of agreement stipulating when tem-

porary closures would take place and the parameters and restrictions associated with those closures. The bill specifies that temporary closures only occur during off-peak visitation times, including holidays and weekends, and would be limited to a few hours a year. The bill also requires USAF to notify the public 30 days prior to temporary closures and post written warnings regarding closures. Temporary closures are limited to public visitation only; BLM will continue to manage the buffer zones based on existing uses, including recreation, grazing, and other multiple uses.

The buffer areas will also serve as a buffer against encroachment on the range. The bill prohibits ordnance from being dropped in the buffer zones, does not designate new wilderness, and grants no additional authority to DOD to close Interstate 80. The bill does not impact, alter, or change any of the following: continuation of livestock grazing permits and leases; access for off-highway vehicle use in the Knolls Recreation Area, aside from temporary closures; existing agreements between state and federal agencies that specify bighorn sheep management, including hunting opportunities in the Newfoundland Mountains; existing emergency access or response efforts by local, state, or federal agencies; access to National Historic Trails or other Federal or State historic landmarks; existing airspace regulations, traffic patterns, and airspace management in western Utah; existing water rights or uses in the West Desert; the "Hansen Moratorium" which prevents certain development in lands surrounding the UTTR, including the storage of high-level nuclear waste; and any right or treaty with the Goshute Indian tribe.

Title I of the bill establishes a "Community Resource Group" charged with providing input to BLM and USAF on issues related to public access and the overall management of the affected BLM land. This group will be comprised of USAF; BLM; County Commissioners from Box Elder, Tooele, and Juab Counties; representatives from Utah recreational, hunting, and ranching groups; a representative from local Indian tribes; and others.

Title II of H.R. 4579 would provide BLM and the State of Utah an opportunity to exchange certain State land within the buffer areas around UTTR for federal parcels in other areas of the State. Specifically, the bill would authorize the conveyance of all School and Institutional Trust Lands Administration (SITLA) lands within the buffer areas (84,609 acres) to the BLM in exchange for the conveyance of 97,073 acres of federal land in other areas of the State to the State of Utah to be designated as SITLA lands. In addition, SITLA would convey to BLM approximately 2,353 acres of land and approximately 3,560 acres of mineral interests located wholly or partially within the Cedar Mountain Wilderness Area. The exchange is intended to be equal value. However, if appraisals indicate that the lands to be exchanged are not of equal value, adjustments must be made to the total size of acreage exchanged to match the value of the exchanged land. In addition, SITLA must present any exchange proposal to the Utah legislature for approval prior to initiating the exchange, in accordance with Utah law.

Consolidating land within the buffer zones into contiguous federally-owned blocks is intended to alleviate checkerboard ownership patterns within the buffer zones and improve BLM management. Revenue generated from resource development on SITLA lands represents a significant part of funding for Utah's public education

system. Since the SITLA parcels located within the proposed buffer areas are not currently generating substantial revenues, acquiring new SITLA parcels in other areas of the State would likely increase revenue for Utah's public and charter school system.

Title III of H.R. 4579 requires the Secretaries of the Interior and Agriculture to convey to Box Elder, Juab, and Toole Counties, with the State of Utah as a joint tenant with undivided interest, certain easements for motorized travel rights-of-way (ROW) across federal land, known as R.S. 2477 roads. The bill also states that Congress recognizes the existence and validity of each ROW across federal land for all county roads within these counties. Many local officials and stakeholders feel that these ROWs, which cross federal land, should not be subject to closure or other management decisions by the federal government and are owned outright by the relevant county.

During markup, Chairman Rob Bishop (R-UT) offered an amendment, which passed by voice vote, that reduces the authorization and renewal period of the Community Resource Group from ten to seven years in compliance with House protocols, provides a clearer description of affected road easements being conveyed by referencing different maps, and makes technical changes regarding map descriptions.

#### COMMITTEE ACTION

H.R. 4579 was introduced on February 12, 2016, by Congressman Chris Stewart (R-UT). The bill was referred to the Committee on Natural Resources, and within the Committee, to the Subcommittee on Federal Lands. The bill was additionally referred to the Committee on Armed Services. On February 25, 2016, the Subcommittee on Federal Lands held a hearing on the bill. On March 15, 2016, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated 039; it was adopted by voice vote. Congressman Alan Lowenthal (D-CA) offered an amendment designated 058; it was not adopted by a roll call vote of 14 ayes to 20 nays, as follows:

**Committee on Natural Resources**  
U.S. House of Representatives  
114th Congress

Date: 03-16-16

Recorded Vote # 4

Meeting on / Amendment on: **Lowenthal\_058 Amendment to H.R. 4579 (Rep. Chris Stewart), "Utah Test and Training Range Encroachment Prevention and Temporary Closure Act."**

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Bishop, UT, Chairman</b>		X		<b>Mr. LaMalfa, CA</b>		X	
<i>Mr. Grijalva, AZ, Ranking Member</i>	X			<i>Mrs. Dingell, MI</i>			
<b>Mr. Young, AK</b>		X		<b>Mr. Denham, CA</b>		X	
<i>Mrs. Napolitano, CA</i>	X			<i>Mr. Gallego, AZ</i>	X		
<b>Mr. Gohmert, TX</b>				<b>Mr. Cook, CA</b>		X	
<i>Mrs. Bordallo, Guam</i>				<i>Mrs. Capps, CA</i>			
<b>Mr. Lamborn, CO</b>		X		<b>Mr. Westerman, AR</b>		X	
<i>Mr. Costa, CA</i>	X			<i>Mr. Polis, CO</i>	X		
<b>Mr. Wittman, VA</b>		X		<b>Mr. Graves, LA</b>		X	
<i>Mr. Sablan, CNMI</i>	X			<i>Mr. Clay, MO</i>	X		
<b>Mr. Fleming, LA</b>		X		<b>Mr. Newhouse, WA</b>		X	
<i>Mrs. Tsongas, MA</i>	X			<b>Mr. Zinke, MT</b>			
<b>Mr. McClintock, CA</b>				<b>Mr. Hice, GA</b>		X	
<i>Mr. Peirluisi, Puerto Rico</i>				<b>Mrs. Radewagen, AS</b>			
<b>Mr. Thompson, PA</b>		X		<b>Mr. MacArthur, NJ</b>		X	
<i>Mr. Huffman, CA</i>	X			<b>Mr. Mooney, WV</b>		X	
<b>Mrs. Lummis, WY</b>		X		<b>Mr. Hardy, NV</b>		X	
<i>Mr. Ruiz, CA</i>	X			<b>Mr. LaHood, IL</b>		X	
<b>Mr. Benishek, MI</b>		X					
<i>Mr. Lowenthal, CA</i>	X						
<b>Mr. Duncan, SC</b>							
<i>Mr. Cartwright, PA</i>	X						
<b>Mr. Gosar, AZ</b>		X					
<i>Mr. Beyer, VA</i>	X						
<b>Mr. Labrador, ID</b>							
<i>Mrs. Torres, CA</i>	X			<b>TOTALS</b>	14	20	

Congressman Alan Lowenthal (D-CA) offered an amendment designated 059; it was not adopted by a voice vote. No other amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives on March 16, 2016, by a roll call vote of 19 ayes to 14 nays, as follows:

## Committee on Natural Resources

U.S. House of Representatives

114th Congress

Date: 03-16-16

Recorded Vote # 5

Meeting on / Amendment on: **On favorably reporting H.R. 4579 (Rep. Chris Stewart), "Utah Test and Training Range Encroachment Prevention and Temporary Closure Act."**

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Bishop, UT, Chairman</b>	X			<b>Mr. LaMalfa, CA</b>	X		
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mrs. Dingell, MI</i>			
<b>Mr. Young, AK</b>	X			<b>Mr. Denham, CA</b>			
<i>Mrs. Napolitano, CA</i>		X		<i>Mr. Gallego, AZ</i>		X	
<b>Mr. Gohmert, TX</b>				<b>Mr. Cook, CA</b>	X		
<i>Mrs. Bordallo, Guam</i>				<i>Mrs. Capps, CA</i>			
<b>Mr. Lamborn, CO</b>	X			<b>Mr. Westerman, AR</b>	X		
<i>Mr. Costa, CA</i>		X		<i>Mr. Polis, CO</i>		X	
<b>Mr. Wittman, VA</b>	X			<b>Mr. Graves, LA</b>	X		
<i>Mr. Sablan, CNMI</i>		X		<i>Mr. Clay, MO</i>		X	
<b>Mr. Fleming, LA</b>	X			<b>Mr. Newhouse, WA</b>	X		
<i>Mrs. Tsongas, MA</i>		X		<b>Mr. Zinke, MT</b>			
<b>Mr. McClintock, CA</b>				<b>Mr. Hice, GA</b>	X		
<i>Mr. Peirluisi, Puerto Rico</i>				<b>Mrs. Radewagen, AS</b>			
<b>Mr. Thompson, PA</b>	X			<b>Mr. MacArthur, NJ</b>	X		
<i>Mr. Huffman, CA</i>		X		<b>Mr. Mooney, WV</b>	X		
<b>Mrs. Lummis, WY</b>	X			<b>Mr. Hardy, NV</b>	X		
<i>Mr. Ruiz, CA</i>		X		<b>Mr. LaHood, IL</b>	X		
<b>Mr. Benishek, MI</b>	X						
<i>Mr. Lowenthal, CA</i>		X					
<b>Mr. Duncan, SC</b>							
<i>Mr. Cartwright, PA</i>		X					
<b>Mr. Gosar, AZ</b>	X						
<i>Mr. Beyer, VA</i>		X					
<b>Mr. Labrador, ID</b>							
<i>Mrs. Torres, CA</i>		X		<b>TOTALS</b>	19	14	

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation and Congressional Budget Act of 1974. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 16, 2016.*

Hon. ROB BISHOP,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4579, the Utah Test and Training Range Encroachment Prevention and Temporary Closure Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL.

Enclosure.

*H.R. 4579—Utah Test and Training Range Encroachment Prevention and Temporary Closure Act*

H.R. 4579 would require the Bureau of Land Management (BLM) to exchange 98,000 acres of federal lands in Utah for at least 84,000 acres of land and mineral estate administered by Utah's School and Institutional Trust Lands Administration (SITLA). The bill also would impose certain requirements on how BLM would manage 700,000 acres of federal lands near a military training range operated by the U.S. Air Force. Finally, the bill would require BLM and the Forest Service to convey, without consideration, rights-of-way on federal lands underneath and adjacent to certain roads in several counties in Utah.

Because H.R. 4579 could affect direct spending, pay-as-you-go procedures apply. However, we estimate that any net change in direct spending would not be significant over the 2017–2026 period. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 4579 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

The bill would require BLM to convey 98,000 acres of federal land in western Utah to SITLA in exchange for at least 84,000 acres of state lands. CBO expects that the value of the federal lands would equal or exceed the value of the state lands. If the value of the state lands is less than the value of the federal lands,

the state would be required to convey additional lands in order to equalize values of the exchange. The federal lands that would be conveyed to SITLA are not located near mineral resources that are expected to generate receipts for the federal government under current law. Conveying those lands would reduce offsetting receipts from grazing on the affected lands and could reduce receipts from the development of geothermal resources; however, CBO estimates that the amount of lost receipts would not be significant and could be partially offset by proceeds from grazing on the state lands that BLM would acquire in the exchange.

H.R. 4579 also would prohibit mineral development on 700,000 acres of federal land located adjacent to the Utah Test and Training Range and would prohibit BLM from granting any new use permits or rights-of-way on those lands. Prohibiting those activities in the future could reduce offsetting receipts over the next 10 years; however, based on information from BLM, CBO estimates that any loss of receipts would be negligible.

Finally, the bill would require BLM and the Forest Service to convey rights-of-way for roads and lands adjacent to those roads to the State of Utah. Because the bill does not limit the amount of federal lands that the state can claim rights over, CBO cannot identify all of the lands that may be affected. However, based on information regarding the land uses prevailing in the areas likely to be affected, CBO estimates that any effect on offsetting receipts would be negligible.

H.R. 4579 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act. The land exchange authorized in the bill would benefit the State of Utah and local governments in the state. The land exchange also could increase revenue from resource development on state trust lands that is used to fund public schools in Utah. Any costs incurred by the State of Utah or local governments associated with the land exchange or with agreements with federal agencies would result from voluntary commitments.

The bill would impose a private-sector mandate, as defined in UMRA, by eliminating an individual's existing right to seek compensation from the federal government for damages occurring in the course of any authorized nondefense-related activity conducted on BLM land. Under current law private entities may seek compensation from the United States in a federal court for damages committed by persons acting on behalf of the United States. The cost of the mandate would be the forgone value of awards and settlements in such claims. Information from the Department of the Interior indicates that few, if any, of those types of claims related to activities on BLM land are brought against the United States. Because such claims would probably continue to be uncommon, CBO estimates that the cost of the mandate would be small and thus would fall below the annual threshold established in UMRA for private-sector mandates (\$154 million in 2016, adjusted annually for inflation).

The CBO staff contacts for this estimate are Jeff LaFave (for federal costs), Jon Sperl (for intergovernmental mandates), and Paige Piper/Bach (for private-sector mandates). The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to withdraw certain Bureau of Land Management land in the State of Utah from all forms of public appropriation, to provide for the shared management of the withdrawn land by the Secretary of the Interior and the Secretary of the Air Force to facilitate enhanced weapons testing and pilot training, enhance public safety, and provide for continued public access to the withdrawn land, to provide for the exchange of certain Federal land and State land.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

## DISSENTING VIEWS

We oppose H.R. 4579; a bill purportedly developed to enhance the Air Force's access to public land and increase the training capacity of the Utah Test and Training Range (UTTR), because it deviates from established standards and contains several provisions unrelated to military readiness or national security. Rather than introduce a bill that simply responds to the military's genuine needs, the bill's sponsors are attempting to use the importance of national security as an excuse to undermine federal management of public lands.

The Department of Interior (DOI) and Department of Defense (DOD) have a longstanding track record of successful partnership. Our nation's military uses over 30 million acres of public land for training and other purposes. Public land is typically withdrawn for military use for periods ranging from 20 to 50 years, which provides DOD with the longevity it needs to plan and implement its activities, while allowing periodic review to ensure that the withdrawal complies with federal land management obligations and still serves its stated purpose.

Title I of H.R. 4579 requires DOI to develop a memorandum of agreement with DOD, acting through the Air Force, to provide permanent access to approximately 625,000 acres of land administered by Bureau of Land Management (BLM). The land would continue to be managed by the BLM under the multiple use mandate outlined in the Federal Land Policy and Management Act of 1976 (FLPMA), the statute that guides BLM's administration of public land. However, in written testimony, BLM expressed concerns with several provisions in Title I, including the permanence of the withdrawal and a provision that restricts modifications to its planning documents; these flaws were not addressed at markup. We fully support the military's use of public lands, but any expansion of that use should follow standard procedures and foster further cooperation between the two agencies.

While it's important to facilitate DOD use of public lands in Utah, we are particularly concerned with the language in Titles II and III, both of which have tenuous connections to the Air Force and the UTTR; the Air Force did not mention Titles II or III in written testimony.

Title II authorizes a land exchange aimed at consolidating state-owned trust land and removing certain parcels from within the boundaries of the proposed UTTR expansion. Many state trust lands are isolated parcels, scattered among federal, private, and other state land in a checkerboard pattern of land ownership that can make it difficult to manage. We support the concept of land exchanges to consolidate both state and federal land holdings, so long as those land exchanges follow the standard guidelines and comply with federal law. Unfortunately, as outlined in the bill, this land

exchange does not meet those criteria. According to BLM testimony, the land identified for exchange contains significant natural and cultural resources, including general habitat for the Greater Sage-Grouse, historic sites eligible for listing on the National Register of Historic Places, active ELM grazing allotments, and off-highway vehicle trails popular with recreational users.

Furthermore, the bill contains non-standard appraisal language that could undervalue public land holdings and lead to an inequitable exchange. At markup, Energy and Minerals Subcommittee Ranking Member Lowenthal offered an amendment to ensure the application of FLPMA and standard appraisal language to the land exchange. The amendment would also have provided DOI with the discretion to evaluate individual parcels and determine whether or not their disposal is in the national interest. Although it would not have impeded the land exchange, the majority rejected the amendment.

Title III, arguably the most problematic section of the bill, authorizes issuance of transportation rights-of-way across federal land to three Utah counties. Each of these counties—Box Elder, Tooele, and Juab Counties—filed claims to these routes under RS-2477, an antiquated 19th Century law that Congress repealed in 1976. Some western counties are using this old law to claim rights-of-way that predate the repeal in order to break up federal conservation areas and undermine federal management of public land. In the case of this bill, the routes identified by the maps cross 13 miles of congressionally-designated wilderness, 38 miles of wilderness study areas, and 61 miles of lands with wilderness characteristics. Furthermore, requiring BLM to recognize the validity of these claims would transfer approximately 6,000 miles of roads across federal land without proper review or oversight, ignoring the existing administration process to validate RS-2477 claims and the fact that many of the claimed routes are part of active litigation initiated by the counties.

In response to questions submitted for the record, the Air Force stated that it “has no equity” in Title III of the legislation. Title III has nothing to do with UTTR, military readiness, or national security, and should be removed from the bill. An amendment to strike this title from the bill, also sponsored by Representative Lowenthal, was rejected by the majority.

We support the military’s continued use of public land. This bill, however, blends that stated purpose with an attempt to undermine federal management of public land, unnecessarily complicating what should be a bi-partisan proposal to expand the Air Force’s training capability.

RAÚL GRIJALVA,  
*Ranking Member, Committee  
on Natural Resources.*

NIKI TSONGAS,  
*Ranking Member, Sub-  
committee on Federal  
Lands.*

ALAN LOWENTHAL,

*Ranking Member, Subcommittee on Energy and Mineral Resources.*

