

Union Calendar No. 410

105TH CONGRESS
2^D Session

H. R. 2108

[Report No. 105-714]

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.

SEPTEMBER 15, 1998

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

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IN THE HOUSE OF REPRESENTATIVES

JULY 8, 1997

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

SEPTEMBER 15, 1998

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 July 8, 1997]

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,*

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

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
 3 *“Dutch John Federal Property Disposition and Assistance*
 4 *Act of 1998”.*

5 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 6 *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. Transfers 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.*

7 **SEC. 2. FINDINGS AND PURPOSES.**

8 (a) *FINDINGS.*—*Congress finds that—*

9 (1)(A) *Dutch John, Utah, was founded by the*
 10 *Secretary of the Interior in 1958 on Bureau of Rec-*
 11 *lamation land as a community to house personnel,*
 12 *administrative offices, and equipment for project con-*
 13 *struction and operation of the Flaming Gorge Dam*
 14 *and Reservoir as authorized by the Act of April 11,*
 15 *1956 (70 Stat. 105, chapter 203; 43 U.S.C. 620 et*
 16 *seq.); and*

17 (B) *permanent structures (including houses, ad-*
 18 *ministrative offices, equipment storage and mainte-*

1 *nance buildings, and other public buildings and fa-*
2 *cilities) were constructed and continue to be owned*
3 *and maintained by the Secretary of the Interior;*

4 *(2)(A) Bureau of Reclamation land surrounding*
5 *the Flaming Gorge Reservoir (including the Dutch*
6 *John community) was included within the boundaries*
7 *of the Flaming Gorge National Recreation Area in*
8 *1968 under Public Law 90–540 (16 U.S.C. 460v et*
9 *seq.);*

10 *(B) Public Law 90–540 assigned responsibility*
11 *for administration, protection, and development of the*
12 *Flaming Gorge National Recreation Area to the Sec-*
13 *retary of Agriculture and provided that lands and*
14 *waters needed or used for the Colorado River Storage*
15 *Project would continue to be administered by the Sec-*
16 *retary of the Interior; and*

17 *(C) most structures within the Dutch John com-*
18 *munity (including the schools and public buildings*
19 *within the community) occupy lands administered by*
20 *the Secretary of Agriculture;*

21 *(3)(A) the Secretary of Agriculture and the Sec-*
22 *retary of the Interior are unnecessarily burdened with*
23 *the cost of continuing to provide basic services and fa-*
24 *cilities and building maintenance and with the ad-*

1 *ministrative costs of operating the Dutch John com-*
2 *munity; and*

3 *(B) certain structures and lands are no longer*
4 *essential to management of the Colorado River Stor-*
5 *age Project or to management of the Flaming Gorge*
6 *National Recreation Area;*

7 *(4)(A) residents of the community are interested*
8 *in purchasing the homes they currently rent from the*
9 *Secretary of the Interior and the land on which the*
10 *homes are located;*

11 *(B) Daggett County, Utah, is interested in re-*
12 *ducing the financial burden the County experiences in*
13 *providing local government support services to a com-*
14 *munity that produces little direct tax revenue because*
15 *of Federal ownership; and*

16 *(C) a withdrawal of the role of the Federal Gov-*
17 *ernment in providing basic direct community services*
18 *to Dutch John would require local government to pro-*
19 *vide the services at a substantial cost;*

20 *(5)(A) residents of the Dutch John community*
21 *are interested in self-government of the community;*
22 *and*

23 *(B) with growing demands for additional com-*
24 *mercial recreation services for visitors to the Flaming*
25 *Gorge National Recreation Area and Ashley National*

1 *Forest, there are opportunities for private economic*
2 *development, but few private lands are available for*
3 *the services; and*

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

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

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

10 *(2) to transfer jurisdiction of certain Federal*
11 *property between the Secretary of Agriculture and the*
12 *Secretary of the Interior;*

13 *(3) to improve the Flaming Gorge National*
14 *Recreation Area;*

15 *(4) to dispose of certain residential units, public*
16 *buildings, and facilities;*

17 *(5) to provide interim financial assistance to*
18 *local government to defray the cost of providing basic*
19 *governmental services;*

20 *(6) to achieve efficiencies in operation of the*
21 *Flaming Gorge Dam and Reservoir and the Flaming*
22 *Gorge National Recreation Area;*

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

1 (8) *to serve the interests of the residents of Dutch*
 2 *John and Daggett County, Utah, and the general*
 3 *public.*

4 **SEC. 3. DEFINITIONS.**

5 *In this Act:*

6 (1) *SECRETARY OF AGRICULTURE.—The term*
 7 *“Secretary of Agriculture” means the Secretary of Ag-*
 8 *riculture, acting through the Chief of the Forest Serv-*
 9 *ice.*

10 (2) *SECRETARY OF THE INTERIOR.—The term*
 11 *“Secretary of the Interior” means the Secretary of the*
 12 *Interior, acting through the Commissioner of the Bu-*
 13 *reau of Reclamation.*

14 **SEC. 4. DISPOSITION OF CERTAIN LANDS AND PROPERTIES.**

15 (a) *IN GENERAL.—Lands, structures, and community*
 16 *infrastructure facilities within or associated with Dutch*
 17 *John, Utah, that have been identified by the Secretary of*
 18 *Agriculture or the Secretary of the Interior as unnecessary*
 19 *for support of the agency of the respective Secretary shall*
 20 *be transferred or disposed of in accordance with this Act.*

21 (b) *LAND DESCRIPTION.—Except as provided in sub-*
 22 *section (e), the Secretary of Agriculture and the Secretary*
 23 *of the Interior shall dispose of (in accordance with this Act)*
 24 *approximately 2,450 acres within or associated with the*
 25 *Dutch John, Utah, community in the NW¹/₄ NW¹/₄, S¹/₂*

1 NW¹/₄, and S¹/₂ of Section 1, the S¹/₂ of Section 2, 10 acres
 2 more or less within the NE¹/₄ SW¹/₄ of Section 3, Sections
 3 11 and 12, the N¹/₂ of Section 13, and the E¹/₂ NE¹/₄ of
 4 Section 14 of Township 2 North, Range 22 East, Salt Lake
 5 Base and Meridian, that have been determined to be avail-
 6 able for transfer by the Secretary of Agriculture and the
 7 Secretary of the Interior, respectively.

8 (c) *INFRASTRUCTURE FACILITIES AND LAND.*—Except
 9 as provided in subsection (e), the Secretary of the Interior
 10 shall dispose of (in accordance with this Act) community
 11 infrastructure facilities and land that have been determined
 12 to be available for transfer by the Secretary of the Interior,
 13 including the following:

14 (1) The fire station, sewer systems, sewage la-
 15 goons, water systems (except as provided in subsection
 16 (e)(3)), old post office, electrical and natural gas dis-
 17 tribution systems, hospital building, streets, street
 18 lighting, alleys, sidewalks, parks, and community
 19 buildings located within or serving Dutch John, in-
 20 cluding fixtures, equipment, land, easements, rights-
 21 of-way, or other property primarily used for the oper-
 22 ation, maintenance, replacement, or repair of a facil-
 23 ity referred to in this paragraph.

24 (2) The Dutch John Airport, comprising ap-
 25 proximately 25 acres, including runways, roads,

1 *rights-of-way, and appurtenances to the Airport, sub-*
2 *ject to such monitoring and remedial action by the*
3 *United States as is necessary.*

4 (3) *The lands on which are located the Dutch*
5 *John public schools, which comprise approximately*
6 *10 acres.*

7 (d) *OTHER PROPERTIES AND FACILITIES.—The Sec-*
8 *retary of Agriculture and the Secretary of the Interior shall*
9 *dispose of (in accordance with this Act) the other properties*
10 *and facilities that have been determined to be available for*
11 *transfer or disposal by the Secretary of Agriculture and the*
12 *Secretary of the Interior, respectively, including the follow-*
13 *ing:*

14 (1) *Certain residential units occupied on the*
15 *date of enactment of this Act, as determined by the*
16 *Secretary of the Interior.*

17 (2) *Certain residential units unoccupied on the*
18 *date of enactment of this Act, as determined by the*
19 *Secretary of the Interior.*

20 (3) *Lots within the Dutch John community that*
21 *are occupied on the date of enactment of this Act by*
22 *privately owned modular homes under lease agree-*
23 *ments with the Secretary of the Interior.*

24 (4) *Unoccupied platted lots within the Dutch*
25 *John community.*

1 (5) *The land, comprising approximately 3.8*
2 *acres, on which is located the Church of Jesus Christ*
3 *of Latter Day Saints, within Block 9, of the Dutch*
4 *John community.*

5 (6) *The lands for which special use permits, ease-*
6 *ments, or rights-of-way for commercial uses have been*
7 *issued by the Forest Service.*

8 (7) *The lands on which are located the offices, 3*
9 *employee residences, warehouses, and facilities of the*
10 *Utah Division of Wildlife Resources, as described in*
11 *the survey required under section 7, including yards*
12 *and land defined by fences in existence on the date of*
13 *enactment of this Act.*

14 (8) *The Dutch John landfill site, subject to such*
15 *monitoring and remedial action by the United States*
16 *as is necessary, with responsibility for monitoring*
17 *and remediation being shared by the Secretary of Ag-*
18 *riculture and the Secretary of the Interior propor-*
19 *tionate to their historical use of the site.*

20 (9) *Such fixtures and furnishing in existence*
21 *and in place on the date of enactment of this Act as*
22 *are mutually determined by Daggett County, the Sec-*
23 *retary of Agriculture, and the Secretary of the Inte-*
24 *rior to be necessary for the full use of properties or*
25 *facilities disposed of under this Act.*

1 (10) *Such other properties or facilities at Dutch*
2 *John that the Secretary of Agriculture or the Sec-*
3 *retary of the Interior determines are not necessary to*
4 *achieve the mission of the respective Secretary and the*
5 *disposal of which would be consistent with this Act.*

6 (e) *RETAINED PROPERTIES.—Except to the extent the*
7 *following properties are determined by the Secretary of Ag-*
8 *riculture or the Secretary of the Interior to be available for*
9 *disposal, the Secretary of Agriculture and the Secretary of*
10 *the Interior shall retain for their respective use the follow-*
11 *ing:*

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

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

22 (A) *15 residences shall remain under the ju-*
23 *risdiction of the Secretary of the Interior; and*

24 (B) *2 residences shall remain under the ju-*
25 *risdiction of the Secretary of Agriculture.*

1 (3) *The Dutch John water system raw water*
2 *supply line and return line between the power plant*
3 *and the water treatment plant, pumps and pumping*
4 *equipment, and any appurtenances and rights-of-way*
5 *to the line and other facilities, with the retained fa-*
6 *cilities to be operated and maintained by the United*
7 *States with pumping costs and operation and mainte-*
8 *nance costs of the pumps to be included as a cost to*
9 *Daggett County in a water service contract.*

10 (4) *The heliport and associated real estate, con-*
11 *sisting of approximately 20 acres, which shall remain*
12 *under the jurisdiction of the Secretary of Agriculture.*

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

17 (6) *The Forest Service office complex and associ-*
18 *ated real estate, which shall remain under the juris-*
19 *diction of the Secretary of Agriculture.*

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

1 **SEC. 5. REVOCATION OF WITHDRAWALS.**

2 *In the case of lands and properties transferred under*
3 *section 4, effective on the date of transfer to the Secretary*
4 *of the Interior (if applicable) or conveyance by quitclaim*
5 *deed out of Federal ownership, authorization for each of the*
6 *following withdrawals is revoked:*

7 (1) *The Public Water Reserve No. 16, Utah No.*
8 *7, dated March 9, 1914.*

9 (2) *The Secretary of the Interior Order dated Oc-*
10 *tober 20, 1952.*

11 (3) *The Secretary of the Interior Order dated*
12 *July 2, 1956, No. 71676.*

13 (4) *The Flaming Gorge National Recreation*
14 *Area, dated October 1, 1968, established under Public*
15 *Law 90-540 (16 U.S.C. 460v et seq.), as to lands de-*
16 *scribed in section 4(b).*

17 (5) *The Dutch John Administrative Site, dated*
18 *December 12, 1951 (PLO 769, U-0611).*

19 **SEC. 6. TRANSFERS OF JURISDICTION.**

20 (a) *TRANSFERS FROM THE SECRETARY OF AGRI-*
21 *CULTURE.—Except for properties retained under section*
22 *4(e), all lands designated under section 4 for disposal shall*
23 *be—*

24 (1) *transferred from the jurisdiction of the Sec-*
25 *retary of Agriculture to the Secretary of the Interior*

1 *and, if appropriate, the United States Postal Service;*
2 *and*

3 *(2) removed from inclusion in the Ashley Na-*
4 *tional Forest and the Flaming Gorge National Recre-*
5 *ation Area.*

6 *(b) EXCHANGE OF JURISDICTION BETWEEN INTERIOR*
7 *AND AGRICULTURE.—*

8 *(1) TRANSFER TO SECRETARY OF AGRI-*
9 *CULTURE.—The Secretary of the Interior shall trans-*
10 *fer to the Secretary of Agriculture administrative ju-*
11 *risdiction over certain lands and interests in lands,*
12 *consisting of approximately 2,167 acres in Duchesne*
13 *and Wasatch Counties, Utah, which were acquired by*
14 *the Secretary of the Interior for the Central Utah*
15 *Project, as depicted on the following maps:*

16 *(A) The map entitled “The Dutch John*
17 *Townsite, Ashley National Forest, Lower Still-*
18 *water”, dated February 1997.*

19 *(B) The map entitled “The Dutch John*
20 *Townsite, Ashley National Forest, Red Hollow*
21 *(Diamond Properties)”, dated February 1997.*

22 *(C) The map entitled “The Dutch John*
23 *Townsite, Ashley National Forest, Coal Hollow*
24 *(Current Creek Reservoir)”, dated February*
25 *1997.*

1 (2) *TRANSFER TO SECRETARY OF THE INTE-*
2 *RIOR.—The Secretary of Agriculture shall transfer to*
3 *the Secretary of the Interior administrative jurisdic-*
4 *tion over certain lands and interests in lands, consist-*
5 *ing of approximately 2,450 acres in the Ashley Na-*
6 *tional Forest, as depicted on the map entitled “Ashley*
7 *National Forest, Lands to be Transferred to the Bu-*
8 *reau of Reclamation (BOR) from the Forest Service”,*
9 *dated February 1997.*

10 (3) *EFFECT OF EXCHANGE.—*

11 (A) *NATIONAL FORESTS.—The lands and*
12 *interests in land transferred to the Secretary of*
13 *Agriculture under paragraph (1) shall become*
14 *part of the Ashley or Uinta National Forest, as*
15 *appropriate. The boundaries of each of the Na-*
16 *tional Forests are hereby adjusted as appropriate*
17 *to reflect the transfers of administrative jurisdic-*
18 *tion.*

19 (B) *MANAGEMENT.—The Secretary of Agri-*
20 *culture shall manage the lands and interests in*
21 *land transferred to the Secretary of Agriculture*
22 *under paragraph (1) in accordance with the Act*
23 *of March 1, 1911 (commonly known as the*
24 *“Weeks Law”) (36 Stat. 962, chapter 186; 16*
25 *U.S.C. 515 et seq.), and other laws (including*

1 *rules and regulations) applicable to the National*
2 *Forest System.*

3 (C) *WILDLIFE MITIGATION.*—*As of the date*
4 *of the transfer under paragraph (1), the wildlife*
5 *mitigation requirements of section 8 of the Act of*
6 *April 11, 1956 (43 U.S.C. 620g), shall be deemed*
7 *to be met.*

8 (D) *ADJUSTMENT OF BOUNDARIES.*—*This*
9 *paragraph does not limit the authority of the*
10 *Secretary of Agriculture to adjust the boundaries*
11 *of the Ashley or Uinta National Forest pursuant*
12 *to section 11 of the Act of March 1, 1911 (com-*
13 *monly known as the “Weeks Law”)* (36 Stat.
14 963, 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 Water*
17 *Conservation Fund Act of 1965 (16 U.S.C. 460l–9),*
18 *the boundaries of the Ashley and Uinta National For-*
19 *ests, as adjusted under this section, shall be considered*
20 *to be the boundaries of the Forests as of January 1,*
21 1965.

22 (c) *FEDERAL IMPROVEMENTS.*—*The Secretary of the*
23 *Interior shall transfer to the Secretary of Agriculture juris-*
24 *diction over Federal improvements on the lands transferred*
25 *to the Secretary of Agriculture under this section.*

1 (d) *TRANSFER TO UNITED STATES POSTAL SERV-*
 2 *ICE.—The Secretary of Agriculture shall transfer to the*
 3 *United States Postal Service administrative jurisdiction*
 4 *over certain lands and interests in land subject to Forest*
 5 *Service Special Use Permit No. 1073, containing approxi-*
 6 *mately 0.34 acres.*

7 (e) *WITHDRAWALS.—Notwithstanding subsection (a),*
 8 *lands retained by the Federal Government under this Act*
 9 *shall continue to be withdrawn from mineral entry under*
 10 *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 nec-*
 14 *essary—*

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

19 (2) *to facilitate future recordation of title.*

20 **SEC. 8. PLANNING.**

21 (a) *RESPONSIBILITY.—In cooperation with the resi-*
 22 *dents of Dutch John, the Secretary of Agriculture, and the*
 23 *Secretary of the Interior, Daggett County, Utah, shall be*
 24 *responsible for developing a land use plan that is consistent*
 25 *with maintenance of the values of the land that is adjacent*

1 *to land that remains under the jurisdiction of the Secretary*
 2 *of Agriculture or Secretary of the Interior under this Act.*

3 *(b) COOPERATION.—The Secretary of Agriculture and*
 4 *the Secretary of the Interior shall cooperate with Daggett*
 5 *County in ensuring that disposal processes are consistent*
 6 *with the land use plan developed under subsection (a) and*
 7 *with this Act.*

8 **SEC. 9. APPRAISALS.**

9 *(a) REQUIREMENTS.—*

10 *(1) IN GENERAL.—Not later than 180 days after*
 11 *the date of enactment of this Act, the Secretary of the*
 12 *Interior shall conduct appraisals to determine the fair*
 13 *market value of properties designated for disposal*
 14 *under paragraphs (1), (2), (3), (5), and (7) of section*
 15 *4(d).*

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

22 *(3) SPECIAL USE PERMITS.—*

23 *(A) IN GENERAL.—Not later than 90 days*
 24 *after the date of receipt by the Secretary of the*
 25 *Interior from a permit holder of a written notice*

1 *of intent to purchase a property described in sec-*
 2 *tion 10(g), the Secretary of the Interior shall*
 3 *conduct an appraisal of the property.*

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

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

16 *(5) UNOCCUPIED PARCELS.—In the case of an*
 17 *unoccupied parcel, an appraisal under this subsection*
 18 *shall consider potential future uses of the parcel that*
 19 *are consistent with the land use plan developed under*
 20 *section 8(a) (including the land use map of the plan)*
 21 *and with subsection (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 appraisal*
 4 *of a residence or a structure or facility leased for private*
 5 *use under this section shall deduct the contributory value*
 6 *of improvements made by the current occupant or lessee if*
 7 *the occupant or lessee provides reasonable evidence of ex-*
 8 *penditure of money or materials in making the improve-*
 9 *ments.*

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 Interior*
 16 *shall make an appraisal under this section available*
 17 *for review by a current occupant or lessee.*

18 **(2) ADDITIONAL INFORMATION OR APPEAL.**—

19 **(A) IN GENERAL.**—*The current occupant or*
 20 *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 under
14 section 4(e), without regard to law governing patents.

15 (2) *CONDITION AND LAND.*—Except as otherwise
16 provided in this Act, conveyance of a building, struc-
17 ture, or facility under this Act shall be in its current
18 condition and shall include the land parcel on which
19 the building, structure, or facility is situated.

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

24 (4) *MAINTENANCE.*—

1 (A) *BEFORE CONVEYANCE.*—*Before property*
 2 *is conveyed under this Act, the Secretary of the*
 3 *Interior shall ensure reasonable and prudent*
 4 *maintenance and proper care of the property.*

5 (B) *AFTER CONVEYANCE.*—*After property is*
 6 *conveyed to a recipient under this Act, the recip-*
 7 *ient shall be responsible for—*

8 (i) *maintenance and proper care of the*
 9 *property; and*

10 (ii) *any contamination of the property.*

11 (b) *INFRASTRUCTURE FACILITIES AND LAND.*—*Infra-*
 12 *structure facilities and land described in paragraphs (1)*
 13 *and (2) of section 4(c) shall be conveyed, without consider-*
 14 *ation, to Daggett County, Utah.*

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

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

24 (e) *RESIDENCES AND LOTS.*—

25 (1) *IN GENERAL.*—

1 (A) *FAIR MARKET VALUE.*—*A residence and*
2 *occupied residential lot to be disposed of under*
3 *this Act shall be sold for the appraised fair mar-*
4 *ket value.*

5 (B) *NOTICE.*—*The Secretary of the Interior*
6 *shall provide local general public notice, and*
7 *written notice to lessees and to current occupants*
8 *of residences and of occupied residential lots for*
9 *disposal, of the intent to sell properties under*
10 *this Act.*

11 (2) *PURCHASE OF RESIDENCES OR LOTS BY LES-*
12 *SEES.*—

13 (A) *IN GENERAL.*—*Subject to subparagraph*
14 *(B), the Secretary of the Interior shall provide a*
15 *holder of a current lease from the Secretary for*
16 *a residence to be sold under paragraph (1) or (2)*
17 *of section 4(d) or for a residential lot occupied*
18 *by a privately owned dwelling described in sec-*
19 *tion 4(d)(3) a period of 180 days beginning on*
20 *the date of the written notice of the Secretary of*
21 *intent of the Secretary to sell the residence or lot,*
22 *to execute a contract with the Secretary of the*
23 *Interior to purchase the residence or lot for the*
24 *appraised fair market value.*

1 (B) *NOTICE OF INTENT TO PURCHASE.*—To
 2 obtain the protection of subparagraph (A), the
 3 lessee shall, during the 30-day period beginning
 4 on the date of receipt of the notice referred to in
 5 subparagraph (A), notify the Secretary in writ-
 6 ing of the intent of the lessee to purchase the resi-
 7 dence or lot.

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

16 (3) *PURCHASE OF RESIDENCES OR LOTS BY*
 17 *OTHER PERSONS.*—

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

22 (i) a current authorized occupant of
 23 the residence to be sold;

24 (ii) a holder of a current reclamation
 25 lease for a residence within Dutch John;

1 (iii) *an employee of the Bureau of Rec-*
2 *lamation or the Forest Service who resides*
3 *in Dutch John; or*

4 (iv) *a Federal or non-Federal employee*
5 *in support of a Federal agency who resides*
6 *in Dutch John.*

7 (B) *PRIORITY.—*

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

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

21 (iii) *INTERRUPTIONS.—If a continuous*
22 *residency or lease was interrupted, the Sec-*
23 *retary shall consider only that most recent*
24 *continuous residency or lease.*

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

6 (v) *DISPUTES.*—A potential purchaser
7 may file a written appeal over a dispute in-
8 volving eligibility or ranking on the prior-
9 ity list with the Secretary of the Interior,
10 acting through the Upper Colorado Regional
11 Director of the Bureau of Reclamation. The
12 Secretary, acting through the Regional Di-
13 rector, shall consider the appeal and resolve
14 the dispute.

15 (C) *NOTICE.*—The Secretary of the Interior
16 shall provide general public notice and written
17 notice by certified mail to eligible purchasers
18 that specifies—

19 (i) properties available for purchase
20 under this paragraph;

21 (ii) the appraised fair market value of
22 the properties;

23 (iii) instructions for potential eligible
24 purchasers; and

1 (iv) any purchase contract require-
2 ments.

3 (D) NOTICE OF INTENT TO PURCHASE.—An
4 eligible purchaser under this paragraph shall
5 have a period of 90 days after receipt of written
6 notification to submit to the Secretary of the In-
7 terior a written notice of intent to purchase a
8 specific available property at the listed ap-
9 praised fair market value.

10 (E) NOTICE OF ELIGIBILITY OF HIGHEST
11 ELIGIBLE PURCHASER TO PURCHASE PROP-
12 ERTY.—The Secretary of the Interior shall pro-
13 vide notice to the potential purchaser with the
14 highest eligible purchaser priority for each prop-
15 erty that the purchaser will have the first oppor-
16 tunity to execute a sales contract and purchase
17 the property.

18 (F) AVAILABILITY TO OTHER PURCHASERS
19 ON PRIORITY LIST.—If no purchase contract is
20 executed for a property by the highest priority
21 purchaser within the 180 days after receipt of
22 notice under subparagraph (E), the Secretary of
23 the Interior shall make the property available to
24 other purchasers listed on the priority list.

1 (G) *LIMITATION ON NUMBER OF PROP-*
2 *ERTIES.—No household may purchase more than*
3 *1 residential property under this paragraph.*

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

11 (5) *ADVISORY COMMITTEE.—The Secretary of the*
12 *Interior, acting through the Upper Colorado Regional*
13 *Director of the Bureau of Reclamation, may appoint*
14 *a nonfunded Advisory Committee comprised of 1 rep-*
15 *resentative from each of the Bureau of Reclamation,*
16 *Daggett County, and the Dutch John community to*
17 *review and provide advice to the Secretary on the res-*
18 *olution of disputes arising under this subsection and*
19 *subsection (f).*

20 (6) *FINANCING.—The Secretary of the Interior*
21 *shall provide advice to potential purchasers under*
22 *this subsection and subsection (f) in obtaining appro-*
23 *priate and reasonable financing for the purchase of a*
24 *residence or lot.*

25 (f) *UNOCCUPIED PLATTED LOTS.—*

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

6 (2) *CONVEYANCE FOR PUBLIC PURPOSE.*—*On re-*
7 *quest from Daggett County, the Secretary of the Inte-*
8 *rior may convey directly to the County without con-*
9 *sideration a lot referred to in paragraph (1) that will*
10 *be used for a public use purpose that is consistent*
11 *with the land use plan developed under section 8(a).*

12 (3) *ADMINISTRATION.*—*The procedures estab-*
13 *lished under subsection (e) shall apply to this sub-*
14 *section to the maximum extent practicable, as deter-*
15 *mined by the Secretary of the Interior.*

16 (4) *LAND-USE DESIGNATION.*—*For each lot sold*
17 *under this subsection, the Secretary of the Interior*
18 *shall include in the notice of intent to sell the lot pro-*
19 *vided under this subsection the land-use designation*
20 *of the lot established under the land use plan devel-*
21 *oped under section 8(a).*

22 (5) *LIMITATION ON NUMBER OF LOTS.*—*No*
23 *household may purchase more than 1 residential lot*
24 *under this subsection.*

1 (6) *LIMITATION ON PURCHASE OF ADDITIONAL*
 2 *LOTS.—No household purchasing an existing residence*
 3 *under this section may purchase an additional single*
 4 *home, residential lot.*

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

11 (g) *SPECIAL USE PERMITS.—*

12 (1) *SALE.—Lands on which Forest Service spe-*
 13 *cial use permits are issued to holders numbered 4054*
 14 *and 9303, Ashley National Forest, comprising ap-*
 15 *proximately 15.3 acres and 1 acre, respectively, may*
 16 *be sold at appraised fair market value to the holder*
 17 *of the permit.*

18 (2) *ADMINISTRATION OF PERMITS.—On transfer*
 19 *of jurisdiction of the land to the Secretary of the Inte-*
 20 *rior pursuant to section 6, the Secretary of the Inte-*
 21 *rior shall administer the permits under the terms and*
 22 *conditions of the permits.*

23 (3) *NOTICE OF AVAILABILITY FOR PURCHASE.—*
 24 *The Secretary of the Interior shall notify the respec-*

1 *tive permit holders in writing of the availability of*
2 *the land for purchase.*

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

8 (5) *ALTERNATIVE PARCELS.—On request by per-*
9 *mit holder number 9303, the Secretary of the Interior,*
10 *in consultation with Daggett County, may—*

11 (A) *consider sale of a parcel within the*
12 *Daggett County community of similar size and*
13 *appraised value in lieu of the land under permit*
14 *on the date of enactment of this Act; and*

15 (B) *provide the holder credit toward the*
16 *purchase or other negotiated compensation for*
17 *the appraised value of improvements of the per-*
18 *mittee to land under permit on the date of enact-*
19 *ment of this Act.*

20 (6) *RESIDUAL LAND TO COUNTY.—If land de-*
21 *scribed in paragraph (1) is not purchased in accord-*
22 *ance with paragraphs (1) through (5) within 2 years*
23 *after providing the first notice of intent to sell under*
24 *this subsection, the Secretary of the Interior shall con-*

1 *vey the land to Daggett County without consider-*
 2 *ation.*

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

8 *(1) agree to and execute a legal document that*
 9 *grants the holder the rights and privileges provided in*
 10 *the existing authorization; or*

11 *(2) enter into another arrangement that is mutu-*
 12 *ally satisfactory to the holder and the County.*

13 *(i) CHURCH LAND.—*

14 *(1) IN GENERAL.—The Secretary of the Interior*
 15 *shall offer to sell land to be disposed of under this Act*
 16 *on which is located an established church to the par-*
 17 *ent entity of the church at the appraised fair market*
 18 *value.*

19 *(2) NOTICE.—The Secretary of the Interior shall*
 20 *notify the church in writing of the availability of the*
 21 *land for purchase.*

22 *(3) RESIDUAL LAND TO COUNTY.—If land de-*
 23 *scribed in paragraph (1) is not purchased in accord-*
 24 *ance with paragraphs (1) and (2) within 2 years*
 25 *after providing the first notice of intent to sell under*

1 *this subsection, the Secretary of the Interior shall con-*
 2 *vey the land to Daggett County without consider-*
 3 *ation.*

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

9 *(k) WATER RIGHTS.—*

10 *(1) IN GENERAL.—Subject to the other provisions*
 11 *of this subsection, the Secretary of the Interior shall*
 12 *transfer all water rights the Secretary holds that are*
 13 *applicable to the Dutch John municipal water system*
 14 *to Daggett County.*

15 *(2) WATER SERVICE CONTRACT.—*

16 *(A) IN GENERAL.—Transfer of rights under*
 17 *paragraph (1) is contingent on Daggett County*
 18 *entering into a water service contract with the*
 19 *Secretary of the Interior covering payment for*
 20 *and delivery of untreated water to Daggett*
 21 *County pursuant to the Act of April 11, 1956*
 22 *(70 Stat. 105, chapter 203; 43 U.S.C. 620 et*
 23 *seq.).*

1 (B) *DELIVERED WATER*.—*The contract shall*
 2 *require payment only for water actually deliv-*
 3 *ered.*

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

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

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

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

24 (5) *MAINTENANCE*.—*The Secretary of Agri-*
 25 *culture and the Secretary of the Interior shall be re-*

1 *sponsible for maintenance of their respective water*
 2 *systems from the point of the distribution lines of the*
 3 *systems.*

4 *(l) SHORELINE ACCESS.—On receipt of an acceptable*
 5 *application, the Secretary of Agriculture shall consider*
 6 *issuance of a special use permit affording Flaming Gorge*
 7 *Reservoir public shoreline access and use within the vicinity*
 8 *of Dutch John in conjunction with commercial visitor fa-*
 9 *cilities provided and maintained under such a permit.*

10 *(m) REVENUES.—*

11 *(1) IN GENERAL.—Except as provided in para-*
 12 *graph (2), all revenues derived from the sale of prop-*
 13 *erties as authorized by this Act shall temporarily be*
 14 *deposited in a segregated interest-bearing trust ac-*
 15 *count in the Treasury with the moneys on hand in*
 16 *the account paid to Daggett County semiannually to*
 17 *be used by the County for purposes associated with*
 18 *the provision of governmental and community serv-*
 19 *ices to the Dutch John community.*

20 *(2) DEPOSIT IN THE GENERAL FUND.—Of the*
 21 *revenues described in paragraph (1), 15.1 percent*
 22 *shall be deposited in the general fund of the Treasury.*

23 **SEC. 11. VALID EXISTING RIGHTS.**

24 *(a) AGREEMENTS.—*

1 (1) *IN GENERAL.*—If any lease, permit, right-of-
 2 way, easement, or other valid existing right is appur-
 3 tenant to land conveyed to Daggett County, Utah,
 4 under this Act, the County shall honor and enforce the
 5 right through a legal agreement entered into by the
 6 County and the holder before the date of conveyance.

7 (2) *EXTENSION OR TERMINATION.*—The County
 8 may extend or terminate an agreement under para-
 9 graph (1) at the end of the term of the agreement.

10 (b) *USE OF REVENUES.*—During such period as the
 11 County is enforcing a right described in subsection (a)(1)
 12 through a legal agreement between the County and the hold-
 13 er of the right under subsection (a), the County shall collect
 14 and retain any revenues due the Federal Government under
 15 the terms of the right.

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

20 **SEC. 12. CULTURAL RESOURCES.**

21 (a) *MEMORANDA OF AGREEMENT.*—Before transfer
 22 and disposal under this Act of any land that contains cul-
 23 tural resources and that may be eligible for listing on the
 24 National Register of Historic Places, the Secretary of Agri-
 25 culture, in consultation with the Secretary of the Interior,

1 *the Utah Historic Preservation Office, and Daggett County,*
 2 *Utah, shall prepare a memorandum of agreement, for re-*
 3 *view and approval by the Utah Office of Historical Preser-*
 4 *vation and the Advisory Council on Historic Preservation*
 5 *established by title II of the National Historic Preservation*
 6 *Act (16 U.S.C. 470i et seq.), that contains a strategy for*
 7 *protecting or mitigating adverse effects on cultural re-*
 8 *sources on the land.*

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

14 **(c) TRANSFER SUBJECT TO AGREEMENT.**—*On comple-*
 15 *tion of actions required under the memorandum of agree-*
 16 *ment for certain land, the Secretary of the Interior shall*
 17 *provide for the conveyance of the land to Daggett County,*
 18 *Utah, subject to the memorandum of agreement.*

19 **SEC. 13. TRANSITION OF SERVICES TO LOCAL GOVERN-**
 20 **MENT CONTROL.**

21 **(a) ASSISTANCE.**—

22 **(1) IN GENERAL.**—*The Secretary of the Interior*
 23 *shall provide training and transitional operating as-*
 24 *sistance to personnel designated by Daggett County,*
 25 *Utah, as successors to the operators for the Secretary*

1 *of the infrastructure facilities described in section*
2 *4(c).*

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

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

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

1 (c) *DIVISION OF PAYMENT.*—*If Dutch John becomes*
 2 *incorporated and become responsible for operating any of*
 3 *the infrastructure facilities referred to in subsection (a)(1)*
 4 *or for providing other basic local governmental services, the*
 5 *payment amount for the year of incorporation and each*
 6 *following year shall be proportionately divided between*
 7 *Daggett County and Dutch John based on the respective*
 8 *costs paid by each government for the previous year to pro-*
 9 *vide the services.*

10 (d) *ELECTRIC POWER.*—

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

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

18 (3) *RATES.*—*The rates for power and associated*
 19 *energy shall be the firm capacity and energy rates of*
 20 *the Salt Lake City Area/Integrated Projects.*

21 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

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

1 *are necessary to implement such habitat, sensitive resource,*
2 *or cultural resource recovery, mitigation, or replacement*
3 *strategies as are developed with respect to land transferred*
4 *under this Act, except that the strategies may not include*
5 *acquisition of privately owned lands in Daggett County.*

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