

112TH CONGRESS  
2D SESSION

# H. R. 4267

To designate certain National Forest System land in the Uinta-Wasatch-Cache National Forest in Salt Lake County, Utah, as wilderness, to facilitate a land exchange involving certain land in such National Forest, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2012

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

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## A BILL

To designate certain National Forest System land in the Uinta-Wasatch-Cache National Forest in Salt Lake County, Utah, as wilderness, to facilitate a land exchange involving certain land in such National Forest, and for other purposes.

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

### 3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Wasatch Wilderness and Watershed Protection Act”.

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

Sec. 1. Short title and table of contents.

Sec. 2. Designation of wilderness, Uinta-Wasatch-Cache National Forests, Utah.

Sec. 3. Special management area, Uinta-Wasatch-Cache National Forests, Utah.

Sec. 4. Administrative provisions related to wilderness areas.

Sec. 5. Existing water facilities.

Sec. 6. Land exchange, Uinta-Wasatch-Cache National Forests, Utah.

**1 SEC. 2. DESIGNATION OF WILDERNESS, UINTA-WASATCH-**  
**2 CACHE NATIONAL FORESTS, UTAH.**

3 (a) DESIGNATION.—In furtherance of the purposes of  
 4 the Wilderness Act (16 U.S.C. 1131 et seq.), the following  
 5 Federal lands within the Uinta-Wasatch-Cache National  
 6 Forests in Salt Lake County, Utah, are designated as wil-  
 7 derness and as either a new component of the National  
 8 Wilderness Preservation System or as an addition to an  
 9 existing component of the National Wilderness Preserva-  
 10 tion System:

11 (1) LONE PEAK WILDERNESS ADDITION.—Cer-  
 12 tain lands in the vicinity of the Lone Peak Wilder-  
 13 ness comprising approximately 4,627 acres, as gen-  
 14 erally depicted on the map titled “Wasatch Moun-  
 15 tains Wilderness and Watershed Protection” and  
 16 dated January 29, 2010 (in this subsection referred  
 17 to as the “map”), which shall be added to and ad-  
 18 ministered as part of the Lone Peak Wilderness des-  
 19 ignated by section 2(I) of Public Law 95–237 (92  
 20 Stat. 42).

1           (2) MOUNT OLYMPUS WILDERNESS ADDI-  
2           TION.—Certain lands in the vicinity of the Mount  
3           Olympus Wilderness comprising approximately 3,155  
4           acres, as generally depicted on the map, which shall  
5           be added to and administered as part of the Mount  
6           Olympus Wilderness designated by section 102(a)(3)  
7           of Public Law 98–428 (98 Stat. 1658).

8           (3) WAYNE OWENS GRANDEUR PEAK/MOUNT  
9           AIRE WILDERNESS.—Certain lands comprising ap-  
10          proximately 7,759 acres, as generally depicted on the  
11          map, which shall be known as the “Wayne Owens  
12          Grandeur Peak/Mount Aire Wilderness”.

13          (b) MAP AND DESCRIPTION.—

14               (1) FILING AND AVAILABILITY.—As soon as  
15               practicable after the date of the enactment of this  
16               Act, the Secretary of Agriculture, acting through the  
17               Chief of the Forest Service, shall file with the Com-  
18               mittee on Natural Resources of the House of Rep-  
19               resentatives and the Committee on Energy and Nat-  
20               ural Resources of the Senate a map and legal de-  
21               scription of each wilderness area designated or ex-  
22               panded by subsection (a). The maps and legal de-  
23               scriptions shall be on file and available for public in-  
24               spection in the office of the Chief of the Forest Serv-  
25               ice.

1           (2) FORCE OF LAW.—The maps and legal de-  
 2       scriptions filed under paragraph (1) shall have the  
 3       same force and effect as if included in this Act, ex-  
 4       cept that the Secretary of Agriculture may correct  
 5       clerical and typographical errors in the maps and  
 6       legal descriptions.

7       (c) SPECIAL RULE FOR LONE PEAK WILDERNESS  
 8       ADDITION.—Notwithstanding the wilderness designation  
 9       made by subsection (a)(1), the White Pine Reservoir, to-  
 10      gether with the ingress and egress routes thereto in exist-  
 11      ence as of the date of the enactment of this Act, shall  
 12      continue to be operated, maintained, and upgraded as nec-  
 13      essary, subject to reasonable requirements to protect wil-  
 14      derness values.

15   **SEC. 3. SPECIAL MANAGEMENT AREA, UINTA-WASATCH-**  
 16                   **CACHE NATIONAL FORESTS, UTAH.**

17       (a) DESIGNATION.—Subject to valid existing rights,  
 18       the following Federal lands in the Uinta-Wasatch-Cache  
 19       National Forests are established as special management  
 20       areas:

21           (1) MT. AIRE SPECIAL MANAGEMENT AREA.—  
 22       Certain lands comprising approximately 1,275 acres,  
 23       as generally depicted on a map titled “Wasatch  
 24       Mountains Wilderness Protection and Watershed  
 25       Protection” and dated January 29, 2010 (in this

1 subsection referred to as the “map”), which shall be  
2 known as the “Mt. Aire Special Management Area”.

3 (2) MT. OLYMPUS SPECIAL MANAGEMENT  
4 AREA.—Certain lands comprising approximately  
5 1,957 acres, as generally depicted on the map, which  
6 shall be known as the “Mt. Olympus Special Man-  
7 agement Area”.

8 (3) TWIN PEAKS SPECIAL MANAGEMENT  
9 AREA.—Certain lands comprising approximately  
10 5,835 acres, as generally depicted on the map, which  
11 shall be known as the “Twin Peaks Special Manage-  
12 ment Area”.

13 (4) LONE PEAK SPECIAL MANAGEMENT  
14 AREA.—Certain lands comprising approximately  
15 1,413 acres, as generally depicted on the map, which  
16 shall be known as the “Lone Peak Special Manage-  
17 ment Area”.

18 (b) MAPS AND DESCRIPTIONS.—

19 (1) FILING AND AVAILABILITY.—As soon as  
20 practicable after the date of the enactment of this  
21 Act, the Secretary of Agriculture, acting through the  
22 Chief of the Forest Service, shall file with the Com-  
23 mittee on Natural Resources of the House of Rep-  
24 resentatives and the Committee on Energy and Nat-  
25 ural Resources of the Senate a map and legal de-

1       scription of each special management area estab-  
2       lished by subsection (a). The maps and legal descrip-  
3       tions shall be on file and available for public inspec-  
4       tion in the office of the Chief of the Forest Service.

5           (2) FORCE OF LAW.—The maps and legal de-  
6       scriptions filed under paragraph (1) shall have the  
7       same force and effect as if included in this Act, ex-  
8       cept that the Secretary of Agriculture may correct  
9       typographical errors in the maps and legal descrip-  
10      tions.

11      (c) MANAGEMENT.—

12           (1) IN GENERAL.—The Secretary of Agriculture  
13      shall manage the special management area estab-  
14      lished by subsection (a) to maintain the presently  
15      existing wilderness character of the special manage-  
16      ment area and the potential for inclusion of the area  
17      in the National Wilderness Preservation System.

18           (2) PROHIBITIONS.—

19           (A) PERMANENT ROADS.—Permanent  
20      roads may not be established in the special  
21      management areas.

22           (B) TEMPORARY ROADS AND VEHICLES.—

23      Except as necessary to meet the minimum re-  
24      quirements for the administration of the special

1 management areas and to protect public health  
2 and safety—

3 (i) the use of motorized or mechanized  
4 vehicles, except as described in paragraph  
5 (3), is prohibited in the special manage-  
6 ment area; and

7 (ii) the establishment of temporary  
8 roads is prohibited in the special manage-  
9 ment areas.

10 (3) ALLOWABLE ACTIVITIES.—The Secretary of  
11 Agriculture may authorize commercial helicopter-as-  
12 sisted skiing and snowboarding activities (known as  
13 “heliskiing”), as authorized on the Federal lands in-  
14 cluded within the special management areas as of  
15 the date of the enactment of this Act, to continue  
16 within the special management area. Except as pro-  
17 vided in subsection (d), upon the expiration of an  
18 authorization in effect as of the date of enactment  
19 of this Act for heliskiing, the Secretary may reissue  
20 such authorizations in accord with Forest Service  
21 procedures.

22 (4) APPLICABLE LAW.—Any uses of the Fed-  
23 eral lands included within the special management  
24 area, including activities described in paragraph (3),

1 shall be carried out in accordance with applicable  
2 law.

3 (d) EVENTUAL WILDERNESS DESIGNATION.—

4 (1) TIMELINE.—Within one year from the time  
5 in which all commercial helicopter-assisted skiing  
6 and snowboarding activities within any special man-  
7 agement area established by subsection (a) are no  
8 longer authorized or have otherwise terminated with-  
9 in the special management area, the Secretary of  
10 Agriculture shall publish notice to that effect in the  
11 Federal Register.

12 (2) DESIGNATION AS WILDERNESS.—The Fed-  
13 eral lands included within a special management  
14 area for which notice has been published under para-  
15 graph (1) shall be designated as wilderness and  
16 added to the National Wilderness Preservation Sys-  
17 tem, effective on the date of the notice, as follows:

18 (A) The lands included in the Mt. Aire  
19 Special Management Area shall be added to and  
20 administered as part of the Wayne Owens  
21 Grandeur Peak/Mount Aire Wilderness estab-  
22 lished by section 2.

23 (B) The lands included in the Mt. Olympus  
24 Special Management Area shall be added to and  
25 administered as a part of the Mount Olympus



1 Wilderness designated by section 102(a)(3) of  
2 Public Law 98–428 (98 Stat. 1658) and ex-  
3 panded by section 2.

4 (C) The lands included in the Twin Peaks  
5 Special Management Area shall be added to and  
6 administered as a part of the Twin Peaks Wil-  
7 derness designated by section 102(a)(4) of Pub-  
8 lic Law 98–428 (98 Stat. 1658).

9 (D) The lands included in the Lone Peak  
10 Special Management Area shall be added to and  
11 administered as part of the Lone Peak Wilder-  
12 ness designated by section 2(I) of Public Law  
13 95–237 (92 Stat. 42) and expanded by section  
14 2.

15 **SEC. 4. ADMINISTRATIVE PROVISIONS RELATED TO WIL-**  
16 **DERNESS AREAS.**

17 (a) COVERED LAND DEFINED.—In this section, the  
18 term “covered land” means—

19 (1) the wilderness areas designated or expanded  
20 by sections 2 and 3; and

21 (2) the special management areas designated by  
22 section 3.

23 (b) ADMINISTRATION GENERALLY.—Subject to valid  
24 rights in existence on the date of the enactment of this  
25 Act, land designated as wilderness by section 2 or 3 shall

1 be administered by the Secretary of Agriculture in accord-  
2 ance with—

3 (1) the Wilderness Act (16 U.S.C. 1131 et  
4 seq.); and

5 (2) this Act.

6 (c) TREATMENT OF EFFECTIVE DATE OF WILDER-  
7 NESS ACT.—

8 (1) IN GENERAL.—With respect to land des-  
9 ignated as wilderness by section 2, any reference in  
10 the Wilderness Act (16 U.S.C. 1131 et seq.) to the  
11 effective date of the Wilderness Act shall be deemed  
12 to be a reference to the date of the enactment of this  
13 Act.

14 (2) SPECIAL MANAGEMENT AREAS.—With re-  
15 spect to the lands designated as wilderness by sec-  
16 tion 3, any reference in the Wilderness Act to the  
17 effective date of the Wilderness Act shall be deemed  
18 to be a reference to the date of the applicable Fed-  
19 eral Register notice referred to in section 3(d)(1).

20 (d) FISH AND WILDLIFE.—Nothing in this Act shall  
21 affect the jurisdiction or responsibility of the State of  
22 Utah with respect to wildlife and fish.

23 (e) NO BUFFER ZONES.—

1           (1) IN GENERAL.—Nothing in this Act shall  
2       create a protective perimeter or buffer zone around  
3       covered land.

4           (2) ACTIVITIES OUTSIDE WILDERNESS.—The  
5       fact that a nonwilderness activity or use can be seen  
6       or heard from within covered land shall not preclude  
7       the conduct of the activity or use outside the bound-  
8       ary of the covered land.

9           (f) WITHDRAWAL.—Subject to valid rights in exist-  
10      ence on the date of the enactment of this Act, covered  
11      land is withdrawn from all forms of—

12           (1) entry, appropriation, or disposal under pub-  
13      lic land laws;

14           (2) location, entry, and patent under mining  
15      laws; and

16           (3) disposition under all laws pertaining to min-  
17      eral and geothermal leasing or mineral materials.

18           (g) ACQUIRED LAND.—Any land or interest in land  
19      located inside the boundaries of covered land that is ac-  
20      quired by the United States after the date of the enact-  
21      ment of this Act shall become part of the relevant wilder-  
22      ness or special management area and shall be managed  
23      in accordance with this Act and other applicable law.

24           (h) FIRE, INSECTS, AND DISEASE.—In accordance  
25      with section 4(d)(1) of the Wilderness Act (16 U.S.C.

1 1133(d)(1)), the Secretary of Agriculture may take such  
 2 measures in the covered land as the Secretary determines  
 3 to be necessary for the control of fire, insects, and dis-  
 4 eases, including, as the Secretary determines to be appro-  
 5 priate, the coordination of those activities with a State or  
 6 local agency.

7 **SEC. 5. EXISTING WATER FACILITIES.**

8 Nothing in this Act affects the ability to continue to  
 9 maintain the Mount Haven, Mill D Summer Home, Bear-  
 10 trap, and Cardiff water systems that exist as of the date  
 11 of the enactment of this Act (as shown on the map titled  
 12 “Wasatch Mountains Wilderness and Watershed Protec-  
 13 tion” and dated January 10, 2010, outside the boundaries  
 14 of the wilderness additions and special management areas  
 15 designated by this Act.

16 **SEC. 6. LAND EXCHANGE, UINTA-WASATCH-CACHE NA-**  
 17 **TIONAL FORESTS, UTAH.**

18 (a) DEFINITIONS.—In this section:

19 (1) FEDERAL LAND.—The term “Federal land”  
 20 means the approximately 331 acres of National For-  
 21 est System land in the Uinta-Wasatch-Cache Na-  
 22 tional Forest in Salt Lake County, Utah, identified  
 23 as “NFS Land to be Conveyed” on the map.

24 (2) MAP.—The term “map” means the map en-  
 25 titled “Wasatch Mountains Wilderness and Water-

shed Protection” and dated August 31, 2010, which map shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(3) NON-FEDERAL LAND.—The term “non-Federal land” means the parcels of private land identified as “Land to be acquired by USFS” on the map, including—

(A) the approximately 116 acres of private land identified as “White Pine parcel” on the map, which will be incorporated into the Lone Peak Wilderness as provided in subsection (h)(1);

(B) the approximately 266 acres of private land identified as “Superior parcels” on the map, which will be administered as a special management area as provided in subsection (h)(2);

(C) the approximately 160 acres of private land identified as “High Uintas” parcel on the map, which will be incorporated into the High Uintas Wilderness as provided in subsection (h)(3); and

(D) such other lands owned by Snowbird that are acceptable to the Secretary as components of the land exchange authorized and di-

1           rected by this section, except that such lands  
2           may not replace any of the lands identified in  
3           a preceding subparagraph.

4           (4) SECRETARY.—The term “Secretary” means  
5           the Secretary of Agriculture.

6           (5) SNOWBIRD.—The term “Snowbird” means  
7           Snowbird Ltd., a Utah Limited Partnership.

8           (b) LAND EXCHANGE.—

9           (1) AUTHORIZED AND DIRECTED.—If Snowbird  
10          offers to the Secretary the land described in para-  
11          graph (2), the Secretary shall—

12                (A) accept the land for management as  
13                provided in subsection (h); and

14                (B) convey and quitclaim to Snowbird all  
15                right, title, and interest of the United States in  
16                and to the Federal land.

17          (2) SNOWBIRD OFFERED LANDS.—The private  
18          land offered by Snowbird in the land exchange shall  
19          include, in priority order, all right, title, and interest  
20          of Snowbird in the parcels identified in subpara-  
21          graphs (A), (B), and (C) of subsection (a)(3) and  
22          such other lands agreed upon as part of the ex-  
23          change to be conveyed to the United States under  
24          subparagraph (D) of such subsection.

1           (3) EXISTING RIGHTS.—The conveyance of the  
2       Federal land under this section shall be subject to  
3       valid existing rights.

4           (4) TITLE.—As a condition on the consumma-  
5       tion of the land exchange, title to the non-Federal  
6       land must be acceptable to the Secretary, which  
7       shall be determined in conformity with the title  
8       standards of the Attorney General.

9           (5) COMPLIANCE WITH EXISTING LAW.—Except  
10      as otherwise provided in this section, the Secretary  
11      shall carry out the land exchange under this section  
12      in accordance with section 206 of the Federal Land  
13      Policy and Management Act of 1976 (43 U.S.C.  
14      1716).

15      (c) LAND DESCRIPTIONS.—

16           (1) SURVEY REQUIREMENT.—The exact acreage  
17      and legal description of the Federal land and non-  
18      Federal land to be exchanged under this section  
19      shall be determined by surveys approved by the Sec-  
20      retary.

21           (2) RECONFIGURATION OF LANDS.—By mutual  
22      agreement, the Secretary and Snowbird may recon-  
23      figure the land to be exchanged under this section  
24      to facilitate management of the land or eliminate  
25      fragmented parcels whose management is uneco-

1        nomical. The use of such reconfiguration authority  
2        shall be minimized and involve the smallest quantity  
3        of acreage practicable to achieve the objectives of  
4        improving management of the exchanged land or  
5        eliminating fragmented parcels.

6        (d) VALUATION.—

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

10            (A) shall be equal, as determined by ap-  
11        praisals conducted in accordance with sub-  
12        section (e); or

13            (B) if not equal, shall be equalized in the  
14        manner provided in section 206(b) of the Fed-  
15        eral Land Policy and Management Act of 1976  
16        (43 U.S.C. 1716(b)), except that the Secretary  
17        may accept cash equalization payments in ex-  
18        cess of 25 percent to facilitate the land ex-  
19        change.

20            (2) DEPOSIT AND USE OF CASH EQUALIZATION  
21        PAYMENTS.—Any cash equalization payments re-  
22        ceived by the Secretary under paragraph (1) shall be  
23        deposited into the account established by Public Law  
24        90–171 (commonly known as the Sisk Act; 16  
25        U.S.C. 484a). The amounts deposited shall be avail-



1       able, in such amounts as may be provided in ad-  
2       vance in appropriation Acts, until expended for the  
3       acquisition of lands and interests in lands for the  
4       National Forest System.

5       (e) APPRAISALS.—Section 206(d) of the Federal  
6       Land Policy and Management Act of 1976 (43 U.S.C.  
7       1716(d)) shall apply to the appraisal of the Federal land  
8       and non-Federal land, including the conservation ease-  
9       ment described in subsection (g), to be exchanged under  
10      this section, except that the Secretary and Snowbird shall  
11      consult with the proposed recipient of the conservation  
12      easement in the selection of the appraiser.

13      (f) ADMINISTRATIVE COSTS.—Snowbird shall cover  
14      the costs of survey, appraisal, and any other administra-  
15      tive expenses related to the land exchange under this sec-  
16      tion.

17      (g) CONSERVATION EASEMENT.—

18           (1) CONTINGENCY.—The obligation of the Sec-  
19      retary to consummate the land exchange under this  
20      section is contingent upon the execution of a binding  
21      agreement to convey a conservation easement, con-  
22      sistent with the terms of this subsection, for the ap-  
23      proximately 298 acres of private land identified as  
24      “Flagstaff parcel” on the map from Snowbird to—

1 (A) Utah Open Lands (a non-profit land  
2 trust incorporated in the State of Utah); or

3 (B) another land trust or the Salt Lake  
4 City Department of Public Utilities if Utah  
5 Open Lands is unwilling to accept conveyance  
6 of the conservation easement.

7 (2) REQUIRED TERMS.—Except as determined  
8 to be necessary by the holder of the conservation  
9 easement described in paragraph (1) to meet the  
10 minimum requirements for the administration of the  
11 easement area in its undeveloped state or to protect  
12 public health and safety, the conservation easement  
13 shall contain the following prohibitions:

14 (A) No subdivision.

15 (B) No roads, other than temporary roads  
16 constructed and used for cleanup of mining  
17 areas.

18 (C) No commercial enterprises.

19 (D) No permanent structures, except  
20 structures associated with avalanche control  
21 that serve to mitigate avalanche hazards to the  
22 Town of Alta, Utah, and Little Cottonwood  
23 Canyon Road.

24 (3) OCCUPANCY AND USE OF EASEMENT  
25 AREA.—The conservation easement shall grant the

1        easement holder sole authority to regulate the occu-  
 2        pancy and use of the easement area including—

3                (A) the prohibition or restriction of motor-  
 4                ized vehicles and equipment; and

5                (B) the conduct of avalanche control activi-  
 6                ties.

7                (4) RESTORATION AND REMEDIATION.—The  
 8        conservation easement shall reserve, in the fee owner  
 9        of the land encumbered by the easement, the right  
 10       to conduct restoration and remediation of hazardous  
 11       substances from past mining and related construc-  
 12       tion activities on the land.

13               (5) EFFECT OF FAILURE TO CONVEY EASE-  
 14       MENT.—If an entity described in paragraph (1) is  
 15       unwilling to accept conveyance of the conservation  
 16       easement subject to the terms provided in this sub-  
 17       section, the Secretary is relieved of any obligation to  
 18       consummate the land exchange under this section.

19        (h) MANAGEMENT OF LAND ACQUIRED BY THE SEC-  
 20       RETARY.—

21               (1) WHITE PINE PARCEL.—On acquisition by  
 22       the Secretary, the parcel identified as “White Pine  
 23       parcel” on the map shall be—

24                (A) incorporated into the Lone Peak Wil-  
 25       derness established by section 2(i) of Public

1 Law 95–237 (92 Stat. 42; 16 U.S.C. 1132  
2 note) and expanded by section 2; and

3 (B) administered in accordance with the  
4 Wilderness Act (16 U.S.C. 1131 et seq.) and  
5 this Act.

6 (2) SUPERIOR PARCEL.—On acquisition by the  
7 Secretary, the parcel identified as “Superior parcel”  
8 on the map shall be—

9 (A) added to the Uinta-Wasatch-Cache  
10 National Forests as a special management area;  
11 and

12 (B) administered in accordance with sub-  
13 section (c) of section 3, except paragraph (3) of  
14 such subsection shall not apply to the parcel  
15 and the Secretary may allow avalanche control  
16 devices within the parcel for the sole purpose of  
17 protecting public health and safety.

18 (3) HIGH UINTAS PARCEL.—On acquisition by  
19 the Secretary, the parcel identified as “High Uintas  
20 parcel” on the map shall be—

21 (A) incorporated into the High Uintas Wil-  
22 derness designated by section 102(a)(5) of Pub-  
23 lic Law 98–428 (98 Stat. 1658); and

24 (B) administered in accordance with the  
25 Wilderness Act (16 U.S.C. 1131 et seq.).

1           (4) OTHER LANDS.—On acquisition by the Sec-  
2       retary of any non-Federal land included in the land  
3       exchange pursuant to subsection (a)(3)(D), the ac-  
4       quired land shall be added to and administered as  
5       part of the Uinta-Wasatch-Cache National Forest,  
6       subject to the laws and regulations applicable to the  
7       National Forest System.

8       (i) WITHDRAWAL.—Subject to valid existing rights,  
9       the land acquired by the Secretary in the land exchange  
10      under this section is withdrawn from—

11           (1) all forms of entry, appropriation, or disposal  
12      under the public land laws;

13           (2) location, entry, and patent under the mining  
14      laws; and

15           (3) disposition under all laws relating to min-  
16      eral and energy leasing.

17      (j) ENVIRONMENTAL LIABILITIES.—

18           (1) EFFECT OF EXISTENCE OF CONTAMINA-  
19      TION.—If any of the non-Federal land is determined  
20      to be contaminated, including contamination result-  
21      ing from solid wastes, hazardous wastes or sub-  
22      stances, pollutants or contaminants, or other regu-  
23      lated substances, or that the non-Federal land is in  
24      a condition that would constitute a violation of any  
25      applicable Federal, State, or local laws or regula-

1        tions related to health, safety, or the environment,  
2        and that such contamination or violation existed be-  
3        fore the date of the enactment of this Act—

4                (A) the Secretary may require that such  
5        land, or the contaminated portion of the land,  
6        be removed from the exchange before con-  
7        summation of the land exchange; or

8                (B) the Secretary may retain such land in  
9        the land exchange, subject to the condition that  
10       Snowbird agree to indemnify the United States  
11       or Salt Lake City, as appropriate, and pay all  
12       costs to restore or remediate any damages  
13       caused by the past release, spill, or disposal of  
14       hazardous substances, pollutants, or contami-  
15       nants necessary to bring the land into compli-  
16       ance with all applicable health, safety, and envi-  
17       ronmental laws, and furthermore, for any dis-  
18       charges or draining from any man-made fea-  
19       tures on the non-Federal lands which the Sec-  
20       retary retains, Snowbird will obtain, and main-  
21       tain, in perpetuity, any Federal or State per-  
22       mits that may be or become necessary to com-  
23       ply with applicable health, safety, or environ-  
24       mental laws.

1           (2) CONSERVATION EASEMENT.—Acceptance by  
2       Utah Open Lands, or another land trust or the Salt  
3       Lake City Department of Public Utilities, of the  
4       conservation easement described in subsection (g)  
5       shall not make the holder of the conservation ease-  
6       ment either an owner or operator with respect to the  
7       land encumbered by the easement under the Com-  
8       prehensive Environmental Response, Compensation,  
9       and Liability Act of 1980 (42 U.S.C. 9601 et seq.),  
10      nor shall the conveyance of the easement absolve the  
11      fee owner of the land of any liability under such Act,  
12      the Federal Water Pollution Control Act (33 U.S.C.  
13      1251 et seq.), or any other Federal, State, or local  
14      environmental law or regulation.

15          (3) HOLD HARMLESS.—Snowbird shall hold the  
16      United States harmless for any liability for the con-  
17      dition of the Federal land received by Snowbird in  
18      the land exchange under this section, whether the  
19      condition on the Federal land was caused by the  
20      negligence of the United States, or the result of any  
21      approval by the United States of an authorized ac-  
22      tivity on the Federal land.

23          (4) EXCEPTION OF FEDERAL LAND FROM CER-  
24      TAIN COVENANTS.—Clauses (ii) and (iii) of section  
25      120(h)(3)(A) of the Comprehensive Environmental

1       Response, Compensation, and Liability Act of 1980  
2       (42 U.S.C. 6920(h)(3)(A)) shall not apply to the  
3       conveyance of the Federal land under this section.

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