

113TH CONGRESS
1ST SESSION

S. 510

To authorize the Secretary of the Interior to convey certain interests in Federal land acquired for the Scofield Project in Carbon County, Utah.

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2013

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the Secretary of the Interior to convey certain interests in Federal land acquired for the Scofield Project in Carbon County, Utah.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Scofield Land Transfer
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CLAIMANT.—The term “claimant” means
9 any person or entity that, according to the records
10 in the office of the Recorder for Carbon County,

1 Utah, as of the date of enactment of this Act, claims
2 title to, or an interest in, the Federal land.

3 (2) FEDERAL LAND.—The term “Federal land”
4 means the land acquired by Price River Water Con-
5 servation District and transferred to the United
6 States for use in the construction and operation of
7 Scofield Dam and Reservoir located between the nor-
8 mal water surface elevation and the property bound-
9 ary elevation in the Scofield Reservoir basin.

10 (3) FLOOD SURCHARGE ELEVATION.—The term
11 “flood surcharge elevation” means the elevation of
12 7640.3 in the North American Vertical Datum of
13 1988, which corresponds to the elevation of the crest
14 of Scofield Dam.

15 (4) FUND.—The term “Fund” means the Sco-
16 field Reservoir Fund established by section
17 3(b)(7)(A).

18 (5) LIFE ESTATE.—The term “life estate”
19 means—

20 (A) if the claimant is a person, an interest
21 of the claimant in the Federal land that will re-
22 vert to the United States on the date of the
23 death of the claimant; and

24 (B) if the claimant is an entity, an interest
25 in the Federal land of a person designated by

1 the claimant that will revert to the United
2 States on the date of the death of the des-
3 ignated person.

4 (6) NORMAL WATER SURFACE ELEVATION.—
5 The term “normal water surface elevation” means
6 the contour elevation of 7621.8 in the North Amer-
7 ican Vertical Datum of 1988, which corresponds to
8 the elevation of the crest of the spillway of Scofield
9 Dam.

10 (7) PROPERTY BOUNDARY ELEVATION.—The
11 term “property boundary elevation” means the con-
12 tour elevation 7630, as surveyed by McGonagle and
13 Ulrich, Land Surveyors, in 1926, which was trans-
14 mited to the current elevation of 7638.9 in the
15 North American Vertical Datum of 1988 and which
16 corresponds to 1.4 vertical feet below the crest of
17 Scofield Dam.

18 (8) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 (9) STRUCTURE.—

21 (A) IN GENERAL.—The term “structure”
22 means a residence of a claimant in existence on
23 the date of enactment of this Act.

24 (B) INCLUSION.—The term “structure” in-
25 cludes infrastructure associated with the resi-

1 dence, including water, power, sewer, and
2 roads.

3 **SEC. 3. CONVEYANCE OF SCOFIELD PROJECT LAND.**

4 (a) SURVEY; NOTIFICATION.—As soon as practicable
5 after the date of enactment of this Act, the Secretary
6 shall—

7 (1) complete a full physical and title survey of
8 the Federal land and any other related land in and
9 around the Scofield Reservoir Basin; and

10 (2) attempt to notify each of the claimants of
11 the trespass or encroachment on the Federal land by
12 the applicable claimant, including the existence of
13 any trespassing or encroaching structures of the
14 claimant.

15 (b) AUTHORIZATION TO CONVEY FEDERAL LAND.—

16 (1) IN GENERAL.—To resolve the issues of tres-
17 pass and encroachment on the Federal land by the
18 claimants, the Secretary may, on election by the
19 claimant in accordance with paragraph (5)—

20 (A) convey to a claimant fee interest in the
21 claimed portion of the Federal land that is lo-
22 cated above the normal water surface elevation,
23 subject to paragraph (2); or

24 (B) grant to a claimant a life estate per-
25 mitting the continued occupation of the claimed

1 portion of the Federal land above the normal
2 water surface elevation, subject to paragraph
3 (3).

4 (2) CONVEYANCE REQUIREMENTS.—A convey-
5 ance under paragraph (1)(A) shall be subject to—

6 (A) the claimant paying to the Secretary
7 the fair market value of the fee interest in the
8 claimed portion of the Federal land, exclusive of
9 the value of any structures;

10 (B) the United States retaining a flood
11 easement over the entire portion of Federal
12 land conveyed; and

13 (C) deed restrictions requiring that—

14 (i) to prevent any structure on the
15 portion of the Federal land conveyed from
16 being displaced during a flood event, the
17 claimant—

18 (I) secure or tie down the struc-
19 ture;

20 (II) rebuild the structure with
21 the same footprint as the original
22 structure; or

23 (III) repair the structure; and

24 (ii) all activities carried out by the
25 claimant under clause (i) with respect to a

1 structure be carried out in accordance
 2 with—

3 (I) the International Building
 4 Code (as adopted by Utah Adminis-
 5 trative Code R156–56); or

6 (II) any other building code or
 7 engineering standard that is—

8 (aa) similar to the Inter-
 9 national Building Code;

10 (bb) widely used; and

11 (cc) nationally recognized.

12 (3) LIFE ESTATE REQUIREMENTS.—A life es-
 13 tate granted under paragraph (1)(B) shall be subject
 14 to—

15 (A) the claimant paying to the Secretary
 16 the fair market value of the life estate on the
 17 claimed portion of the Federal land;

18 (B) provisions under which the claimant
 19 agrees to hold the United States harmless for
 20 all claims arising from the design, construction,
 21 operation, or replacement of Scofield Dam and
 22 Reservoir; and

23 (C) provisions requiring the claimant to se-
 24 cure or tie down all structures on the portion
 25 of Federal land conveyed to prevent the struc-

1 tures from being displaced during a flood event
 2 in accordance with a code described in clause (i)
 3 or (ii) of paragraph (2)(C).

4 (4) COMPLIANCE WITH ENVIRONMENTAL
 5 LAWS.—

6 (A) IN GENERAL.—Before conveying the
 7 Federal land under paragraph (1)(A) or grant-
 8 ing a life estate under paragraph (1)(B), the
 9 Secretary shall comply with all applicable re-
 10 quirements under—

11 (i) the National Environmental Policy
 12 Act of 1969 (42 U.S.C. 4321 et seq.);

13 (ii) the Endangered Species Act of
 14 1973 (16 U.S.C. 1531 et seq.); and

15 (iii) any other applicable law.

16 (B) EFFECT.—Nothing in this Act modi-
 17 fies or alters any obligations under—

18 (i) the National Environmental Policy
 19 Act of 1969 (42 U.S.C. 4321 et seq.); or

20 (ii) the Endangered Species Act of
 21 1973 (16 U.S.C. 1531 et seq.).

22 (5) DEADLINE FOR ELECTION.—Not later than
 23 5 years after the date of enactment of this Act, each
 24 of the claimants shall notify the Secretary in writing
 25 of whether the claimant opts to receive—

1 (A) a fee interest in the claimed portion of
2 the Federal land, in accordance with paragraph
3 (1)(A); or

4 (B) a life estate in the claimed portion of
5 the Federal land, in accordance with paragraph
6 (1)(B).

7 (6) FAILURE TO NOTIFY SECRETARY.—

8 (A) IN GENERAL.—If a claimant fails to
9 submit to the Secretary a notice of an election
10 in accordance with paragraph (5), any future
11 claim by the claimant with respect to the Fed-
12 eral land shall be extinguished.

13 (B) QUIET TITLE.—On extinguishment of
14 the claim under subparagraph (A), the Sec-
15 retary shall take such action as is necessary to
16 quiet title to the applicable portion of the Fed-
17 eral land, including removal of persons, entities,
18 structures, and materials encumbering the ap-
19 plicable portion of the Federal land.

20 (7) TRUST FUND.—

21 (A) ESTABLISHMENT.—There is estab-
22 lished in the Treasury of the United States a
23 fund to be known as the “Scofield Reservoir
24 Fund”, to be administered by the Secretary and
25 to be available, without fiscal year limitation,

1 for providing enhanced recreation opportunities
2 at Scofield Reservoir.

3 (B) TRANSFERS TO FUND.—There shall be
4 deposited in the Fund any amounts received as
5 consideration for a conveyance under paragraph
6 (2)(A) or a granting of a life estate under para-
7 graph (3)(A).

8 **SEC. 4. REPORT.**

9 Not later than 3 years after the date of enactment
10 of this Act, the Secretary shall submit to Congress a re-
11 port that—

12 (1) describes the status of any activities author-
13 ized under this Act;

14 (2) describes any obstacles to completing any
15 outstanding transfers of title or grants of life es-
16 tates;

17 (3) specifies an anticipated date for completion
18 of any outstanding transfers of title or grants of life
19 estates; and

20 (4) describes efforts to quiet title to any portion
21 of the Federal land to which a claimant did not sub-
22 mit an election under section 3(b)(5).

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