

Union Calendar No. 670

114TH CONGRESS
2^D SESSION

H. R. 4579

[Report No. 114–857, Part I]

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land in the State of Utah from all forms of public appropriation, to provide for the shared management of the withdrawn land by the Secretary of the Interior and the Secretary of the Air Force to facilitate enhanced weapons testing and pilot training, enhance public safety, and provide for continued public access to the withdrawn land, to provide for the exchange of certain Federal land and State land, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2016

Mr. STEWART (for himself, Mr. BISHOP of Utah, Mr. CHAFFETZ, and Mrs. LOVE) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 8, 2016

Reported from the Committee on Natural Resources with an amendment

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

DECEMBER 8, 2016

The Committee on Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 12, 2016]

A BILL

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land in the State of Utah from all forms of public appropriation, to provide for the shared management of the withdrawn land by the Secretary of the Interior and the Secretary of the Air Force to facilitate enhanced weapons testing and pilot training, enhance public safety, and provide for continued public access to the withdrawn land, to provide for the exchange of certain Federal land and State land, and for other purposes.

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; TABLE OF CONTENTS.**

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

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *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.

9 **SEC. 2. FINDINGS.**

10 *Congress finds that—*

11 (1) *the testing and development of military*
 12 *weapons systems and the training of military forces*
 13 *are critical to ensuring the national security of the*
 14 *United States;*

1 (2) *the Utah Test and Training Range is a*
2 *unique and irreplaceable national asset at the core of*
3 *the test and training mission of the Department of*
4 *Defense;*

5 (3) *continued access to the special use airspace*
6 *and land that comprise the Utah Test and Training*
7 *Range, under the terms and conditions described in*
8 *this Act is a national security priority;*

9 (4) *multiple use of, sustained yield activities on,*
10 *and access to the BLM land are vital to the customs,*
11 *culture, economy, ranching, grazing, and transpor-*
12 *tation interests of the counties in which the BLM*
13 *land is situated; and*

14 (5) *the limited use by the military of the BLM*
15 *land and airspace above the BLM land is vital to im-*
16 *proving and maintaining the readiness of the Armed*
17 *Forces.*

18 **SEC. 3. DEFINITIONS.**

19 *In this Act:*

20 (1) *BLM LAND.*—*The term “BLM land” means*
21 *the Bureau of Land Management land in the State*
22 *comprising approximately 625,643 acres, as generally*
23 *depicted on the map entitled “Utah Test and Train-*
24 *ing Range Enhancement/West Desert Land Ex-*
25 *change” and dated February 12, 2016.*

1 (2) *SECRETARY.*—*The term “Secretary” means*
 2 *the Secretary of the Interior.*

3 (3) *STATE.*—*The term “State” means the State*
 4 *of Utah.*

5 (4) *UTAH TEST AND TRAINING RANGE.*—

6 (A) *IN GENERAL.*—*The term “Utah Test*
 7 *and Training Range” means the portions of the*
 8 *military land and airspace operating area of the*
 9 *Utah Test and Training Area that are located in*
 10 *the State.*

11 (B) *INCLUSION.*—*The term “Utah Test and*
 12 *Training Range” includes the Dugway Proving*
 13 *Ground.*

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

16 ***SEC. 101. MANAGEMENT OF BLM LAND.***

17 (a) *MEMORANDUM OF AGREEMENT.*—

18 (1) *DRAFT.*—

19 (A) *IN GENERAL.*—*Not later than 90 days*
 20 *after the date of enactment of this Act, the Sec-*
 21 *retary and the Secretary of the Air Force shall*
 22 *complete a draft of the memorandum of agree-*
 23 *ment required under paragraph (2).*

24 (B) *PUBLIC COMMENT PERIOD.*—*During the*
 25 *30-day period beginning on the date on which*

1 the draft memorandum of agreement is com-
2 pleted under subparagraph (A), there shall be an
3 opportunity for public comment on the draft
4 memorandum of agreement, including an oppor-
5 tunity for the Utah Test and Training Range
6 Community Resource Group established under
7 section 103(a) to provide comments on the draft
8 memorandum of agreement.

9 (2) *REQUIREMENT; DEADLINE.*—

10 (A) *IN GENERAL.*—Not later than 180 days
11 after the date of enactment of this Act, the Sec-
12 retary and the Secretary of the Air Force shall
13 enter into a memorandum of agreement that pro-
14 vides for the continued management of the BLM
15 land by the Secretary, in a manner that provides
16 for the limited use of the BLM land by the Sec-
17 retary of the Air Force, consistent with this Act.

18 (B) *SIGNATURES REQUIRED.*—The terms of
19 the memorandum of agreement, including a tem-
20 porary closure of the BLM land under the memo-
21 randum of agreement, may not be carried out
22 until the date on which all parties to the memo-
23 randum of agreement have signed the memo-
24 randum of agreement.

1 (3) *MANAGEMENT BY SECRETARY.*—*The memo-*
2 *randum of agreement under paragraph (2) shall pro-*
3 *vide that the Secretary (acting through the Director*
4 *of the Bureau of Land Management) shall continue to*
5 *manage the BLM land—*

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

8 *(B) for multiple use and sustained yield*
9 *goals and activities as required under sections*
10 *102(a)(7) and 202(c)(1) of the Federal Land Pol-*
11 *icy and Management Act of 1976 (43 U.S.C.*
12 *1701(a)(7), 1712(c)(1)) and defined in section*
13 *103 of that Act (43 U.S.C. 1702), including all*
14 *principal or major uses on Federal land recog-*
15 *nized pursuant to the definition of the term in*
16 *section 103 of that Act (43 U.S.C. 1702);*

17 *(C) in accordance with section 202 of the*
18 *Federal Land Policy and Management Act of*
19 *1976 (43 U.S.C. 1712); and*

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

22 *(i) the preservation of the Utah Test*
23 *and Training Range against current and*
24 *future encroachments that the Secretary of*
25 *the Air Force finds to be incompatible with*

1 *current and future test and training re-*
2 *quirements;*

3 *(ii) the testing of—*

4 *(I) advanced weapon systems, in-*
5 *cluding current weapons systems, 5th*
6 *generation weapon systems, and future*
7 *weapon systems; and*

8 *(II) the standoff distance for*
9 *weapons;*

10 *(iii) the testing and evaluation of*
11 *hypersonic weapons;*

12 *(iv) increased public safety for civil-*
13 *ians accessing the BLM land; and*

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

16 *(b) MAP.—The Secretary may correct any minor er-*
17 *rors in the map described in section 3(1).*

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

21 *(d) MAINTAIN CURRENT USES.—*

22 *(1) IN GENERAL.—Notwithstanding subsection*
23 *(a)(3)(D), the memorandum of agreement entered into*
24 *under subsection (a) and the land use plans described*
25 *in subsection (c) shall not diminish any major or*

1 *principle use that is recognized pursuant to section*
 2 *103(l) of the Federal Land Policy and Management*
 3 *Act of 1976 (43 U.S.C. 1702(l)), except to the extent*
 4 *authorized in subsection (a).*

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

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

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

14 (e) GRAZING.—

15 (1) NEW GRAZING LEASES AND PERMITS.—

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

22 (B) NON-FEDERAL LAND LEVELS.—*The Sec-*
 23 *retary (acting through the Director of the Bu-*
 24 *reau of Land Management) shall continue to*
 25 *issue and administer livestock grazing leases and*

1 *permits on the non-Federal land described in sec-*
2 *tion 202(3), subject to the requirements described*
3 *in subparagraphs (A) through (C) of paragraph*
4 *(2).*

5 *(2) EXISTING GRAZING LEASES AND PERMITS.—*
6 *Any livestock grazing lease or permit applicable to*
7 *the BLM land that is in existence on the date of en-*
8 *actment of this Act shall continue in effect—*

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

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

14 *(C) subject to such reasonable increases and*
15 *decreases of active use of animal unit months*
16 *and other reasonable regulations, policies, and*
17 *practices as the Secretary may consider appro-*
18 *priate based on rangeland conditions.*

19 *(f) MEMORANDUM OF UNDERSTANDING ON EMER-*
20 *GENCY ACCESS AND RESPONSE.—Nothing in this section*
21 *precludes the continuation of the memorandum of under-*
22 *standing that is between the Department of the Interior and*
23 *the Department of the Air Force with respect to emergency*
24 *access and response, as in existence as of the date of enact-*
25 *ment of this Act.*

1 (g) *WITHDRAWAL.*—Subject to valid existing rights,
2 the BLM land is withdrawn from all forms of appropria-
3 tion under the public land laws, including the mining laws,
4 the mineral leasing laws, and the geothermal leasing laws.

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

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

17 **SEC. 102. TEMPORARY CLOSURES.**

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

1 *Air Force determines necessary to carry out the temporary*
2 *closure.*

3 (b) *LIMITATIONS.—Any temporary closure under sub-*
4 *section (a)—*

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

9 (2) *shall not occur on a State or Federal holi-*
10 *day, unless notice is provided in accordance with sub-*
11 *section (c)(1)(B);*

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

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

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

19 (i) *for mission essential reasons; and*

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

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

24 (c) *NOTICE.—*

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

3 (A) *keep appropriate warning notices post-*
4 *ed before and during any temporary closure; and*

5 (B) *provide notice to the Secretary, public,*
6 *and relevant stakeholders concerning the tem-*
7 *porary closure—*

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

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

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

18 (2) *SPECIAL NOTIFICATION PROCEDURES.*—*In*
19 *each case for which a mission-unique security require-*
20 *ment does not allow for the notifications described in*
21 *paragraph (1)(B), the Secretary of the Air Force shall*
22 *work with the Secretary to achieve a mutually agree-*
23 *able timeline for notification.*

24 (d) *MAXIMUM ANNUAL CLOSURES.*—*The total cumu-*
25 *lative hours of temporary closures authorized under this sec-*

1 tion with respect to the BLM land shall not exceed 100
2 hours annually.

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

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

13 (g) *LAW ENFORCEMENT AND SECURITY.*—The Sec-
14 retary and the Secretary of the Air Force may enter into
15 cooperative agreements with State and local law enforce-
16 ment officials with respect to lawful procedures and proto-
17 cols to be used in promoting public safety and operation
18 security on or near the BLM land during noticed test and
19 training periods.

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

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

24 (a) *ESTABLISHMENT.*—Not later than 60 days after
25 the date of enactment of this Act, there shall be established

1 *the Utah Test and Training Range Community Resource*
 2 *Group (referred to in this section as the “Community*
 3 *Group”)* to provide regular and continuing input to the
 4 *Secretary and the Secretary of the Air Force on matters*
 5 *involving public access to, use of, and overall management*
 6 *of the BLM land.*

7 (b) *MEMBERSHIP.—*

8 (1) *IN GENERAL.—The Secretary (acting through*
 9 *the State Bureau of Land Management Office) shall*
 10 *appoint members to the Community Group, includ-*
 11 *ing—*

12 (A) *operational and land management per-*
 13 *sonnel of the Air Force;*

14 (B) *1 Indian representative, to be nomi-*
 15 *nated by a majority vote conducted among the*
 16 *Indian tribes in the vicinity of the BLM land;*

17 (C) *not more than 2 county commissioners*
 18 *from each of Box Elder, Tooele, and Juab Coun-*
 19 *ties, Utah;*

20 (D) *2 representatives of off-road and high-*
 21 *way use, hunting, and other recreational groups;*

22 (E) *2 representatives of livestock grazers on*
 23 *any public land located within the BLM land;*

24 (F) *1 representative of the Utah Depart-*
 25 *ment of Agriculture and Food; and*

1 (G) not more than 3 representatives of State
 2 or Federal offices or agencies, or private groups,
 3 if the Secretary determines that such representa-
 4 tives would further the goals and objectives of the
 5 Community Group.

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

9 (A) 1 member to serve as Chairperson of the
 10 Community Group; and

11 (B) 1 member to serve as Vice-Chairperson
 12 of the Community Group.

13 (c) CONDITIONS AND TERMS OF APPOINTMENT.—

14 (1) IN GENERAL.—Each member of the Commu-
 15 nity Group shall serve voluntarily and without remu-
 16 neration.

17 (2) TERM OF APPOINTMENT.—

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

21 (B) ORIGINAL MEMBERS.—Notwithstanding
 22 subparagraph (A), the Chairperson shall select
 23 $\frac{1}{2}$ of the original members of the Community
 24 Group to serve for a term of 4 years and the $\frac{1}{2}$
 25 to serve for a term of 2 years to ensure the re-

1 *placement of members shall be staggered from*
2 *year to year.*

3 (C) *REAPPOINTMENT AND REPLACEMENT.*—

4 *The Secretary may reappoint or replace a mem-*
5 *ber of the Community Group appointed under*
6 *subsection (b)(1), if—*

7 (i) *the term of the member has expired;*

8 (ii) *the member has retired; or*

9 (iii) *the position held by the member*
10 *described in subparagraphs (A) through (G)*
11 *of paragraph (1) has changed to the extent*
12 *that the ability of the member to represent*
13 *the group or entity that the member rep-*
14 *resents has been significantly affected.*

15 (d) *MEETINGS.*—

16 (1) *IN GENERAL.*—*The Community Group shall*
17 *meet not less than once per year, and at such other*
18 *frequencies as determined by five or more of the mem-*
19 *bers of the Community Group.*

20 (2) *RESPONSIBILITIES OF COMMUNITY GROUP.*—

21 *The Community Group shall be responsible for deter-*
22 *mining appropriate schedules for, details of, and ac-*
23 *tions for meetings of the Community Group.*

24 (3) *NOTICE.*—*The Chairperson shall provide no-*
25 *tice to each member of the Community Group not less*

1 *than 10 business days before the date of a scheduled*
2 *meeting.*

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

7 (e) *COORDINATION WITH RECOMMENDATIONS OF COM-*
8 *MUNITY GROUP.—The Secretary and the Secretary of the*
9 *Air Force, consistent with existing laws (including regula-*
10 *tions), shall take under consideration recommendations*
11 *from the Community Group.*

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

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

21 **SEC. 104. LIABILITY.**

22 *The United States (including all departments, agen-*
23 *cies, officers, and employees of the United States) shall be*
24 *held harmless and shall not be liable for any injury or dam-*
25 *age to any individual or property suffered in the course*

1 *of any mining, mineral, or geothermal activity, or any*
 2 *other authorized nondefense-related activity, conducted on*
 3 *the BLM land.*

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

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

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

10 (1) *the designation of new units of special use*
 11 *airspace; or*

12 (2) *the expansion of existing units of special use*
 13 *airspace.*

14 (c) *EFFECT ON EXISTING RIGHTS AND AGREE-*
 15 *MENTS.*—

16 (1) *KNOLLS SPECIAL RECREATION MANAGEMENT*
 17 *AREA; BLM COMMUNITY PITS CENTRAL GRAYBACK AND*
 18 *SOUTH GRAYBACK.*—*Except as provided in section*
 19 *102, nothing in this title limits or alters any existing*
 20 *right or right of access to—*

21 (A) *the Knolls Special Recreation Manage-*
 22 *ment Area; or*

23 (B)(i) *the Bureau of Land Management*
 24 *Community Pits Central Grayback and South*
 25 *Grayback; and*

1 (ii) any other county or community pit lo-
2 cated within close proximity to the BLM land.

3 (2) NATIONAL HISTORIC TRAILS AND OTHER HIS-
4 TORICAL LANDMARKS.—*Except as provided in section*
5 *102, nothing in this title limits or alters any existing*
6 *right or right of access to a component of the National*
7 *Trails System or other Federal or State historic land-*
8 *marks within the BLM land, including the California*
9 *National Historic Trail, the Pony Express National*
10 *Historic Trail, or the GAPA Launch Site and Block-*
11 *house.*

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

16 (4) EFFECT ON LIMITATION ON AMENDMENTS TO
17 CERTAIN INDIVIDUAL RESOURCE MANAGEMENT
18 PLANS.—*Nothing in this title affects the limitation es-*
19 *tablished under section 2815(d) of the National De-*
20 *fense Authorization Act for Fiscal Year 2000 (Public*
21 *Law 106–65; 113 Stat. 852).*

22 (5) EFFECT ON MEMORANDUM OF UNDER-
23 STANDING.—*Nothing in this title affects the memo-*
24 *randum of understanding entered into by the Air*
25 *Force, the Bureau of Land Management, the Utah De-*

partment 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—

1 (A) any water right acquired or reserved by
2 the United States before the date of enactment of
3 this Act; or

4 (B) the authority of the Secretary or the
5 Secretary of the Air Force, as applicable, to exer-
6 cise any water right described in subparagraph
7 (A).

8 (3) NO EFFECT ON MCCARRAN AMENDMENT.—
9 Nothing in this title diminishes, enhances, or other-
10 wise affects in any way the rights, duties, and obliga-
11 tions of the United States, the State of Utah, the
12 counties in which the BLM land is situated, and the
13 residents and stakeholders in those counties under sec-
14 tion 208 of the Act of July 10, 1952 (commonly
15 known as the “McCarran Amendment”) (43 U.S.C.
16 666).

17 (e) EFFECT ON FEDERALLY RECOGNIZED INDIAN
18 TRIBES.—

19 (1) IN GENERAL.—Nothing in this title alters
20 any right reserved by treaty or Federal law for a fed-
21 erally recognized Indian tribe for tribal use.

22 (2) CONSULTATION.—The Secretary of the Air
23 Force shall consult with any federally recognized In-
24 dian tribe in the vicinity of the BLM land before tak-

1 *ing any action that will affect any tribal right or cul-*
 2 *tural resource protected by treaty or Federal law.*

3 *(f) EFFECT ON PAYMENTS IN LIEU OF TAXES.—*

4 *(1) ELIGIBILITY OF BLM LAND AND NON-FED-*
 5 *ERAL LAND.—The BLM land and the non-Federal*
 6 *land described in section 202(3) shall remain eligible*
 7 *as entitlement land under section 6901 of title 31,*
 8 *United States Code.*

9 *(2) NO PREJUDICE TO COUNTY PAYMENT IN LIEU*
 10 *OF TAXES RIGHTS.—Nothing in this title diminishes,*
 11 *enhances, or otherwise affects any other right or enti-*
 12 *tlement of the counties in which the BLM land is sit-*
 13 *uated to payments in lieu of taxes based on the BLM*
 14 *land, under section 6901 of title 31, United States*
 15 *Code.*

16 *(g) WILDLIFE GUZZLERS.—*

17 *(1) IN GENERAL.—The Bureau of Land Manage-*
 18 *ment and the Utah Division of Wildlife Resources*
 19 *shall continue the management of wildlife guzzlers in*
 20 *existence as of the date of enactment of this Act on*
 21 *the BLM land.*

22 *(2) NEW GUZZLERS.—Nothing in this title pre-*
 23 *vents the Bureau of Land Management and the Utah*
 24 *Division of Wildlife Resources from entering into*
 25 *agreements for new wildlife guzzlers.*

1 (3) *ACQUIRED GUZZLERS.*—*The Secretary shall*
2 *continue to manage existing wildlife guzzlers or wild-*
3 *life improvements on the non-Federal land conveyed*
4 *to the Secretary under section 203(a) that were in ex-*
5 *istence on the day before the date of the conveyance.*

6 (h) *RANGELAND IMPROVEMENTS.*—*The Secretary shall*
7 *continue to manage, in a manner that promotes and facili-*
8 *tates grazing—*

9 (1) *rangeland improvements on the BLM land*
10 *that are in existence on the date of enactment of this*
11 *Act; and*

12 (2) *rangeland improvements on the non-Federal*
13 *land conveyed to the Secretary under section 203(a)*
14 *that were in existence on the day before the date of*
15 *the conveyance.*

16 (i) *NEW RANGELAND IMPROVEMENTS.*—*Nothing in*
17 *this title prevents the Bureau of Land Management, the*
18 *Utah Department of Agriculture or other State entity, or*
19 *a Federal land permittee from entering into agreements for*
20 *new rangeland improvements that promote and facilitate*
21 *grazing.*

22 (j) *SCHOOL AND INSTITUTIONAL TRUST LANDS AD-*
23 *MINISTRATION.*—*The Bureau of Land Management shall*
24 *maintain rangeland grazing improvements in existence as*

1 *of the date of enactment of this Act on acquired land of*
 2 *the School and Institutional Trust Lands Administration.*

3 ***TITLE II—LAND EXCHANGE***

4 ***SEC. 201. FINDINGS AND PURPOSE.***

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

6 *(1) the State owns approximately 68,057 acres of*
 7 *land and approximately 10,280 acres of mineral in-*
 8 *terests located within the Utah Test and Training*
 9 *Range in Box Elder, Tooele, and Juab Counties,*
 10 *Utah;*

11 *(2) the State owns approximately 2,353 acres of*
 12 *land and approximately 3,560 acres of mineral inter-*
 13 *ests located wholly or partially within the Cedar*
 14 *Mountains Wilderness in Tooele County, Utah;*

15 *(3) the parcels of State land described in para-*
 16 *graphs (1) and (2)—*

17 *(A) were granted by Congress to the State*
 18 *pursuant to the Act of July 16, 1894 (28 Stat.*
 19 *107, chapter 138), to be held in trust for the ben-*
 20 *efit of the public school system and other public*
 21 *institutions of the State; and*

22 *(B) are largely scattered in checkerboard*
 23 *fashion among Federal land;*

24 *(4) continued State ownership and development*
 25 *of State trust land within the Utah Test and Train-*

1 *ing Range and the Cedar Mountains Wilderness is in-*
 2 *compatible with—*

3 *(A) the critical national defense uses of the*
 4 *Utah Test and Training Range; and*

5 *(B) the Federal management of the Cedar*
 6 *Mountains Wilderness; and*

7 *(5) it is in the public interest of the United*
 8 *States to acquire in a timely manner all State trust*
 9 *land within the Utah Test and Training Range and*
 10 *the Cedar Mountains Wilderness, in exchange for the*
 11 *conveyance of the Federal land to the State, in ac-*
 12 *cordance with the terms and conditions described in*
 13 *this title.*

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

18 **SEC. 202. DEFINITIONS.**

19 *In this title:*

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

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

7 (3) *NON-FEDERAL LAND*.—The term “non-Fed-
 8 eral land” means the land owned by the State in Box
 9 Elder, Tooele, and Juab Counties, Utah, that is iden-
 10 tified on the Exchange Map as—

11 (A) “State Trust Land Proposed for Trans-
 12 fer to BLM”; and

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

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

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

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

23 (1) accept the offer; and

24 (2) on receipt of all right, title, and interest in
 25 and to the non-Federal land, convey to the State (or

1 *a designee) all right, title, and interest of the United*
 2 *States in and to the Federal land.*

3 *(b) VALID EXISTING RIGHTS.—The exchange author-*
 4 *ized under subsection (a) shall be subject to valid existing*
 5 *rights.*

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

9 *(d) APPRAISALS.—*

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

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

20 *(3) MINERAL LAND.—*

21 *(A) MINERAL REPORTS.—The appraisals*
 22 *under paragraph (1) shall take into account*
 23 *mineral and technical reports provided by the*
 24 *Secretary and the State in the evaluation of*

1 *mineral deposits in the Federal land and non-*
2 *Federal land.*

3 (B) *MINING CLAIMS.*—*An appraisal of any*
4 *parcel of Federal land that is encumbered by a*
5 *mining or millsite claim located under sections*
6 *2318 through 2352 of the Revised Statutes (com-*
7 *monly known as the “Mining Law of 1872”) (30*
8 *U.S.C. 21 et seq.) shall take into account the en-*
9 *cumbrance created by the claim for purposes of*
10 *determining the value of the parcel of the Federal*
11 *land.*

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

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

19 (5) *DISPUTE RESOLUTION.*—*If, by the date that*
20 *is 90 days after the date of submission of an ap-*
21 *praisal for review and approval under this subsection,*
22 *the Secretary or the State do not agree to accept the*
23 *findings of the appraisals with respect to one or more*
24 *parcels of Federal land or non-Federal land, the dis-*
25 *pute shall be resolved in accordance with section*

1 206(d)(2) of the *Federal Land Policy and Manage-*
 2 *ment Act of 1976 (43 U.S.C. 1716(d)(2)).*

3 (6) *DURATION.*—*The appraisals conducted under*
 4 *paragraph (1) shall remain valid until the date of the*
 5 *completion of the exchange authorized under this title.*

6 (7) *REIMBURSEMENT OF STATE COSTS.*—*The*
 7 *Secretary shall reimburse the State in an amount*
 8 *equal to 50 percent of the costs incurred by the State*
 9 *in retaining independent appraisers under paragraph*
 10 *(1).*

11 (e) *CONVEYANCE OF TITLE.*—*The land exchange au-*
 12 *thorized under this title shall be completed by the later of—*

13 (1) *the date that is 1 year after the date of final*
 14 *approval by the Secretary and the State of the ap-*
 15 *praisals conducted under subsection (d); and*

16 (2) *the date that is 1 year after the date of com-*
 17 *pletion of the dispute resolution process authorized*
 18 *under subsection (d)(5).*

19 (f) *PUBLIC INSPECTION AND NOTICE.*—

20 (1) *PUBLIC INSPECTION.*—*At least 30 days before*
 21 *the date of conveyance of the Federal land and non-*
 22 *Federal land, all final appraisals and appraisal re-*
 23 *views for land to be exchanged under this section shall*
 24 *be available for public review at the office of the State*

1 *Director of the Bureau of Land Management in the*
 2 *State of Utah.*

3 (2) *NOTICE.*—*The Secretary or the State, as ap-*
 4 *plicable, shall publish in a newspaper of general cir-*
 5 *culation in Salt Lake County, Utah, a notice that the*
 6 *appraisals conducted under subsection (d) are avail-*
 7 *able for public inspection.*

8 (g) *EQUAL VALUE EXCHANGE.*—

9 (1) *IN GENERAL.*—*The value of the Federal land*
 10 *and non-Federal land to be exchanged under this sec-*
 11 *tion—*

12 (A) *shall be equal; or*

13 (B) *shall be made equal in accordance with*
 14 *paragraph (2).*

15 (2) *EQUALIZATION.*—

16 (A) *SURPLUS OF FEDERAL LAND.*—

17 (i) *IN GENERAL.*—*If the value of the*
 18 *Federal land exceeds the value of the non-*
 19 *Federal land, the value of the Federal land*
 20 *and non-Federal land shall be equalized by*
 21 *the State conveying to the United States—*

22 (I) *State trust land parcel 1, as*
 23 *described in the assessment entitled*
 24 *“Bureau of Land Management Envi-*
 25 *ronmental Assessment UT-100-06-*

1 *EA*”, numbered *UTU*–82090, and
 2 *dated March 2008; or*

3 *(II) State trust land located with-*
 4 *in any of the wilderness areas or na-*
 5 *tional conservation areas in Wash-*
 6 *ington County, Utah, established under*
 7 *subtitle O of title I of the Omnibus*
 8 *Public Land Management Act of 2009*
 9 *(Public Law 111–11; 123 Stat. 1075)*
 10 *that has an appraised value equal to*
 11 *the difference between—*

12 *(aa) the value of the Federal*
 13 *land; and*

14 *(bb) the value of the non-Fed-*
 15 *eral land.*

16 *(ii) ORDER OF CONVEYANCES.—Any*
 17 *non-Federal land required to be conveyed to*
 18 *the United States under clause (i) shall be*
 19 *conveyed until the value of the Federal land*
 20 *and non-Federal land is equalized, in the*
 21 *following order:*

22 *(I) The State trust land parcel de-*
 23 *scribed in clause (i)(I).*

1 (II) *State trust land parcels lo-*
2 *cated in the Red Cliffs National Con-*
3 *servation Area.*

4 (III) *State trust land parcels lo-*
5 *cated in the Docs Pass Wilderness.*

6 (IV) *State trust land parcels lo-*
7 *cated in the Beaver Dam Wash Na-*
8 *tional Conservation Area.*

9 (B) *SURPLUS OF NON-FEDERAL LAND.—If*
10 *the value of the non-Federal land exceeds the*
11 *value of the Federal land, the value of the Fed-*
12 *eral land and the non-Federal land shall be*
13 *equalized by the Secretary making a cash equali-*
14 *zation payment to the State, in accordance with*
15 *section 206(b) of the Federal Land Policy Man-*
16 *agement (43 U.S.C. 1716(b)).*

17 (h) *WITHDRAWAL OF FEDERAL LAND FROM MINERAL*
18 *ENTRY PRIOR TO EXCHANGE.—Subject to valid existing*
19 *rights, the Federal land to be conveyed to the State under*
20 *this section is withdrawn from mineral location, entry, and*
21 *patent under the mining laws pending conveyance of the*
22 *Federal land to the State.*

1 **SEC. 204. STATUS AND MANAGEMENT OF NON-FEDERAL**
 2 **LAND AFTER EXCHANGE.**

3 (a) *NON-FEDERAL LAND WITHIN UTAH TEST AND*
 4 *TRAINING RANGE.*—*On conveyance to the United States*
 5 *under this title, the non-Federal land located within the*
 6 *Utah Test and Training Range shall be managed in accord-*
 7 *ance with the memorandum of agreement entered into*
 8 *under section 101(a).*

9 (b) *NON-FEDERAL LAND WITHIN CEDAR MOUNTAINS*
 10 *WILDERNESS.*—*On conveyance to the United States under*
 11 *this title, the non-Federal land located within the Cedar*
 12 *Mountains Wilderness shall, in accordance with section*
 13 *206(c) of the Federal Land Policy Act of 1976 (43 U.S.C.*
 14 *1716(c)), be added to, and administered as part of, the*
 15 *Cedar Mountains Wilderness.*

16 **SEC. 205. HAZARDOUS MATERIALS.**

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

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

1 ***TITLE III—HIGHWAY RIGHTS-OF-***
2 ***WAY***

3 ***SEC. 301. RECOGNITION AND TRANSFER OF CERTAIN HIGH-***
4 ***WAY RIGHTS-OF-WAY.***

5 *(a) DEFINITIONS.—In this section:*

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

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

15 *(A) the map titled “Box Elder County R.S.*
16 *2477 Rights-of-Way” and accompanying GPS*
17 *centerline data kept and maintained by the Utah*
18 *Public Lands Policy Coordinating Office show-*
19 *ing the locations and routes of all county*
20 *claimed roads across Bureau of Land Manage-*
21 *ment lands in Box Elder County, Utah;*

22 *(B) the map titled “Tooele County R.S.*
23 *2477 Roads” and accompanying GPS centerline*
24 *data kept and maintained by the Utah Public*
25 *Lands Policy Coordinating Office showing the*

1 *locations and routes of all county claimed roads*
 2 *across Bureau of Land Management lands in*
 3 *Tooele County, Utah; and*

4 (C) *the map titled “Juab County R.S. 2477*
 5 *Rights-of-Way” and accompanying GPS center-*
 6 *line data kept and maintained by the Utah Pub-*
 7 *lic Lands Policy Coordinating Office showing the*
 8 *locations and routes of all county claimed roads*
 9 *across Bureau of Land Management lands in*
 10 *Juab County, Utah.*

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

13 (A) *the Secretary of Agriculture, with re-*
 14 *spect to land administered by the Chief of the*
 15 *Forest Service; or*

16 (B) *the Secretary of the Interior, with re-*
 17 *spect to land administered by the Director of the*
 18 *Bureau of Land Management.*

19 (b) *RECOGNITION OF EXISTENCE AND VALIDITY OF*
 20 *RIGHTS-OF-WAY.—Congress recognizes the existence and*
 21 *validity of each of the highway rights-of-way identified on*
 22 *the official transportation maps and centerline descrip-*
 23 *tions.*

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

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

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

17 (3) *JUAB COUNTY, UTAH.—The Secretary shall*
18 *convey, without consideration, to Juab County, Utah,*
19 *and the State of Utah as joint tenants with undivided*
20 *interests, easements for motorized travel rights-of-way*
21 *across Federal land for all Class B and Class D R.S.*
22 *2477 roads shown and described in the map and cen-*
23 *terline description of the county described in sub-*
24 *section (a)(2)(C).*

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

3 (1) *IN GENERAL.*—*All easements under sub-*
4 *section (c) shall include—*

5 (A) *the current disturbed width of each sub-*
6 *ject highway as shown and described in the offi-*
7 *cial transportation maps and centerline descrip-*
8 *tions; and*

9 (B) *any additional acreage on either side of*
10 *the disturbed width that the respective county*
11 *transportation department determines is nec-*
12 *essary for the efficient maintenance, repair, sign-*
13 *age, administration, and use of the Federal land*
14 *subject to the easement.*

15 (2) *DESCRIPTION.*—

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

20 (i) *as described in the centerline de-*
21 *scriptions;*

22 (ii) *as referenced in the official trans-*
23 *portation maps; and*

24 (iii) *as described and referenced ac-*
25 *cording to the disturbed width of each high-*

1 way as of the date of conveyance for travel
2 purposes, plus any reasonable additional
3 width as may be necessary for surface
4 maintenance, repairs, and turnaround pur-
5 poses.

6 (B) SURVEY NOT REQUIRED.—Notwith-
7 standing any other provision of law, the convey-
8 ance of easements under subsection (c) shall be
9 effective without a survey of the exact acreage
10 and local description of the Federal land subject
11 to the easements.

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

Union Calendar No. 670

114TH CONGRESS
2^D Session

H. R. 4579

[Report No. 114-857, Part I]

A BILL

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.

DECEMBER 8, 2016

Reported from the Committee on Natural Resources with
an amendment

DECEMBER 8, 2016

The Committee on Armed Services discharged; committed
to the Committee of the Whole House on the State of
the Union and ordered to be printed