

H.R. _____

To direct the Secretary of Agriculture to acquire and to convey certain lands or interests in lands in Utah, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

XXX, 2019

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

A BILL

To direct the Secretary of Agriculture to acquire and to convey certain lands or interests in lands in Utah, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives*

2 *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 “Central
5 Wasatch National Conservation and Recreation Area
6 Act”.

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

9 Sec. 1. Short Title; Table of Contents.

10 Sec. 2. Definitions.

11 Sec. 3. Central Wasatch National Conservation and Recreation Area.

12 Sec. 4. Wilderness.

13 Sec. 5. White Pine Watershed Protection Area.

14 Sec. 6. General Provisions.

15 Sec. 7. Land Exchanges.

16 Sec. 8. Authorization for Appropriations.

17 **SECTION 2. DEFINITIONS.**

18 (a) DEFINITIONS.—In this Act:

19 (1) CONSERVATION AND RECREATION AREA.—

20 The term “Conservation and Recreation Area” means
21 the Central Wasatch National Conservation and
22 Recreation Area established by section 3(a).

23 (2) CONSERVATION AND RECREATION AREA

24 MAP.—The term “Conservation and Recreation Area
25 map” means the map entitled “Proposed Central
26 Wasatch National Conservation and Recreation Area
27 Map” and dated ___, 2019.

28 (3) FACILITY.—The term “Facility” includes

29 systems for water resources, flood control, electric
30 energy, telecommunications, pipelines, and
31 recreation, including parking areas, trailheads, and
32 restrooms.

33 (4) FOREST PLAN.—The term “forest plan” means

34 the Revised Forest Plan: Wasatch-Cache National
35 Forest, dated February 2003, as amended.

36 (5) MANAGEMENT PLAN.—The term

37 “management plan” means the management plan for
38 the Central Wasatch National Conservation and
39 Recreation Area developed under section 3(d).

40 (6) MOUNTAIN ACCORD.—The term “Mountain

41 Accord” means the Mountain Accord agreement
42 dated July 13, 2015.

43 (7) MOUNTAIN TRANSPORTATION SYSTEM.—A

44 public transportation system used for the purpose of

45 transporting people year-round between developed
46 destinations.

47 (8) NATIONAL FOREST SYSTEM.—The term
48 “National Forest System” has the meaning given that
49 term in section 11(a) of the Forest and Rangeland
50 Renewable Resources Planning Act of 1974 (16
51 U.S.C. 1609(a)).

52 (9) SECRETARY.—The term “Secretary” means the
53 Secretary of Agriculture.

54 (10) SKI AREA.—The term “ski area” means
55 downhill ski area operating under a special use
56 permit.

57 (11) SKI LIFT. —The term “ski lift” means
58 motorized systems in a permitted ski area used for the
59 purpose of transporting skiers or other recreational
60 users.

61 (12) WATERSHED PROTECTION AREA.—The term
62 “Watershed Protection Area” means the White Pine
63 Watershed Protection Area established by section
64 5(a).

65 (13) STATE.—The term “State” means the State of
66 Utah.

67 **SEC. 3. CENTRAL WASATCH NATIONAL**
68 **CONSERVATION AND RECREATION AREA.**

69 (a) ESTABLISHMENT.—

70 (1) IN GENERAL.—Subject to valid existing rights,
71 there is established the Central Wasatch National
72 Conservation and Recreation Area in the State.

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73 (2) AREA INCLUDED.— The Conservation and
74 Recreation Area shall consist of approximately __
75 acres of National Forest System land managed by the
76 U.S. Forest Service, as generally depicted on the Map.

77 (3) AREAS EXCLUDED.—The Conservation and
78 Recreation Area established under section 3 shall not
79 include non-Federal lands.

80 (b) PURPOSES.—The purposes of the Conservation
81 and Recreation Area are to—

82 (1) conserve and protect the ecological, natural,
83 scenic, cultural, historical, geological, and biological
84 values of the Conservation and Recreation Area;

85 (2) protect, enhance, and restore the water quality
86 and watershed resources in the Conservation and
87 Recreation Area;

88 (3) facilitate a balanced, year-round recreation
89 system with a wide variety of opportunities for
90 residents and visitors; and

91 (4) facilitate and accommodate improved access
92 for a growing number of users.

93 (c) ADMINISTRATION.—

94 (1) IN GENERAL.—The Secretary shall administer
95 the Conservation and Recreation Area—

96 (A) in a manner that conserves, protects, and
97 enhances the purposes for which the Recreation
98 Area is established; and

99 (B) in accordance with—

100 (i) the laws generally applicable to the
101 National Forest System, including the Forest

102 and Rangeland Renewable Resources Planning
103 Act of 1974 (16 U.S.C. 1600 et seq.);

104 (ii) this section; and

105 (iii) any other applicable law.

106 (2) USES.—

107 (A) IN GENERAL.— The Secretary shall allow
108 only uses of the Conservation and Recreation Area
109 that are consistent with the purposes of the
110 Conservation and Recreation Area, as described in
111 subsection (b).

112 (B) MOTORIZED VEHICLES AND MECHANIZED
113 TRANSPORT.—Except as necessary for the
114 administration of the Conservation and Recreation
115 Area or in responding to an emergency, the use of
116 motor vehicles and mechanical transport in the
117 Conservation and Recreation Area shall be
118 permitted only on roads, trails, and areas
119 designated for such use by the management plan.

120 (C) NEW ROADS.—

121 (i) IN GENERAL.—Except as necessary for
122 the administration of the Conservation and
123 Recreation Area or in responding to an
124 emergency, and in accordance with applicable
125 law (including regulations), no roads shall be
126 constructed within the Conservation and
127 Recreation Area after the date of enactment of
128 this Act.

129 (ii) SAVINGS CLAUSE.—Nothing in clause

130 (i) prohibits the Secretary from authorizing

131 maintenance or reconstruction of a road in
132 existence on the date of enactment of this Act.

133 (D) EXISTING WATER INFRASTRUCTURE.—

134 The designation of the Conservation and
135 Recreation Area shall not affect the ability of
136 authorized users to access, operate, and maintain
137 water infrastructure facilities within the
138 Conservation and Recreation Area in accordance
139 with applicable authorizations and permits.

140 (d) MANAGEMENT PLAN.—

141 (1) IN GENERAL.—Not later than 3 years after the
142 date of enactment of this Act, the Secretary shall
143 develop as an amendment to the forest plan a
144 comprehensive plan for the long-term protection and
145 management of the Conservation and Recreation
146 Area.

147 (2) REQUIREMENTS.—The management plan shall
148 include standards and guidelines to—

149 (A) protect water quality and watershed
150 resources;

151 (B) protect environmentally sensitive areas and
152 evaluate such areas for special administrative
153 designations;

154 (C) provide for restoration and adaptive
155 management of natural resources;

156 (D) promote public safety, including through
157 avalanche control; and

158 (E) facilitate year-round outdoor recreation.

159 (3) CONSULTATION.—In developing the
160 management plan, the Secretary shall consult with—

161 (A) appropriate State, tribal, and local
162 governmental entities;

163 (B) owners of lands or interests in lands
164 within or adjacent to the Conservation and
165 Recreation Area; and

166 (C) the public.

167 (4) INCORPORATION OF PLANS.—In developing
168 the management plan, the Secretary may, to the extent
169 consistent with this Act, incorporate any provision
170 of—

171 (A) the forest plan;

172 (B) Uinta-Wasatch-Cache Forest Service
173 Travel Management Plan;

174 (C) the Mountain Accord; or

175 (D) local plans.

176 (e) ADJACENT MANAGEMENT.—

177 (1) IN GENERAL.— Nothing in this subsection
178 creates any protective perimeter or buffer zone around
179 the Conservation and Recreation Area.

180 (2) ACTIVITIES OUTSIDE THE CONSERVATION AND
181 RECREATION AREA.— The fact that activity or use on
182 land outside the Conservation and Recreation Area
183 can be seen or heard within the Conservation and
184 Recreation Area shall not preclude the activity or use
185 outside the Conservation and Recreation Area.

186 (f) WITHDRAWAL.— Subject to valid existing rights,
187 all Federal land within the Conservation and Recreation

188 Area, including any land or interest in land that is
189 acquired by the United States within the Conservation
190 and Recreation Area after the enactment of this act, is
191 withdrawn from —

192 (1) entry, appropriation, or disposal under the
193 public land laws;

194 (2) location, entry, and patent under the mining
195 laws; and

196 (3) operation of the mineral leasing, mineral
197 materials, and geothermal leasing laws.

198 (g) ACQUISITION OF LAND.—

199 (1) IN GENERAL.—The Secretary may acquire
200 any land or interest in land within the Conservation
201 and Recreation Area only through exchange,
202 donation, or purchase from a willing seller. The
203 Secretary may not acquire any land by
204 condemnation.

205 (2) INCORPORATION OF ACQUIRED LAND AND
206 INTERESTS.— Any land or interest in land that is an
207 inholding within or adjacent to the Conservation and
208 Recreation Area that is acquired by the United States
209 after the date of enactment of this Act shall—

210 (A) become part of the Conservation and
211 Recreation Area; and

212 (B) be managed in accordance with applicable
213 laws, including as provided in this section.

214 (h) AVALANCHE CONTROL.—The Secretary may
215 allow installation of, access to, and maintenance of
216 avalanche control devices, excluding ski lifts, within the

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217 Conservation and Recreation Area to protect public
218 health and property in accordance with the management
219 plan and applicable law (including regulations).

220 (i) SKI AREAS.—

221 (1) IN GENERAL.—Ski area permit boundary
222 expansion in the Conservation and Recreation Area
223 shall be prohibited.

224 (2) EFFECT.—The establishment of the
225 Conservation and Recreation Area shall not affect
226 the management of National Forest System lands
227 within the permitted boundary of a ski area or
228 permitted avalanche protection zone.

229 (3) SKI LIFTS.—The construction of ski lifts shall
230 only be allowed within permitted ski areas.

231 (j) WILDLAND FIRE.—Nothing in this section
232 prohibits the Secretary, in cooperation with other Federal,
233 State, and local agencies, as appropriate, from conducting
234 wildland fire operations in the Conservation and
235 Recreation Area, including operations using aircraft or
236 mechanized equipment.

237 (k) VEGETATION MANAGEMENT.— Nothing in this
238 section prevents the Secretary from conducting
239 vegetation management projects, including fuels
240 reduction activities, within the Recreation Area for the
241 purposes of improving water quality and reducing risks
242 from wildfire.

243 (l) TRANSPORTATION.—

244 (1) GENERAL.—Except as provided in subsection
245 (c)(2)(C), nothing in this section prohibits

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246 transportation improvements and associated public
247 amenities, including roadway improvements, public
248 transportation, mountain transportation systems,
249 transit stops, stations, trails, trailheads, bike lanes,
250 restrooms, and pedestrian infrastructure within the
251 Conservation and Recreation Area in accordance
252 with—

- 253 (A) the management plan;
- 254 (B) applicable law (including regulations);
- 255 and
- 256 (C) the purposes described in subsection (b).

257 (2) CORRIDORS.—Transportation corridors shall
258 be preserved in accordance with 23 C.F.R. §
259 774(11)(i) and 49 U.S.C. § 5323(q) within the
260 easements, rights-of-way, and areas of established use
261 (including cut and fill slopes) on Little Cottonwood
262 Canyon Road (State Road 210) and Big Cottonwood
263 Canyon Road (State Road 190).

264 (A) ADJUSTMENTS.—Adjustments to the
265 corridors may be made through a public
266 engagement process in accordance with the
267 National Environmental Policy Act of 1969 (42
268 U.S.C. §4321 et seq.) if applicable and consistent
269 with the purposes described in subsection (b).

270 (B) APPLICATION OF LAW.—Nothing in this
271 section shall affect the designation of Federal
272 land within the Conservation and Recreation Area
273 for purposes of section 303 of title 49, United

274 States Code, and section 138 of title 23, United
275 States Code.

276 (3) FEDERAL ACTION.—To the extent future
277 transportation infrastructure requires federal action,
278 the Secretary of Agriculture and the Secretary of
279 Transportation shall coordinate actions in the
280 Conservation and Recreation Area when fulfilling
281 their obligations under the National Environmental
282 Policy Act of 1969 (42 U.S.C. § 4321 et seq.).

283 (4) UTAH DEPARTMENT OF TRANSPORTATION.—
284 Nothing in this section is intended to—

285 (A) limit the Utah Department of
286 Transportation from providing avalanche control,
287 maintenance, and safety improvement activities
288 on current and future transportation facilities;

289 (B) diminish or otherwise affect any
290 easement, right-of-way (including those
291 established by historic use or construction), or
292 other property rights held by or for the benefit of
293 the Utah Department of Transportation;

294 (C) add to the Utah Department of
295 Transportation’s permitting process for
296 maintenance or improvement of any existing
297 transportation facilities; or

298 (D) affect existing or future appropriations
299 authorized by 23 U.S.C. § 107(d), 204(f), or 317.

300 (m) FACILITIES.—

301 (1) EXISTING FACILITIES.—Nothing in this
302 section affects the operation or maintenance of a

303 facility located within the Conservation and
304 Recreation Area in existence as of the date of
305 enactment of this Act.

306 (2) NEW FACILITIES.—The Secretary may
307 authorize the expansion of an existing facility or the
308 construction of a new facility within the
309 Conservation and Recreation Area in accordance
310 with—

311 (A) this section;

312 (B) the management plan;

313 (C) applicable law (including regulations);

314 and

315 (D) the purposes described in subsection (b).

316 (n) EFFECT ON PRIVATE PROPERTY RIGHTS.—

317 Nothing in this section—

318 (1) Requires any private property owner to allow
319 public access (including Federal, State, or local
320 government access) to private property; or

321 (2) Modifies any provision of Federal, State, or
322 local law with respect to public access to or use of
323 private land.

324 (o) AUTHORIZED ACTIVITIES.—

325 (1) IN GENERAL.—The Secretary may allow any
326 activities that have been authorized by permit as of
327 the date of enactment of this Act to continue within
328 the Conservation and Recreation Area, in accordance
329 with applicable law (including regulations) and
330 subject to such terms and conditions as the Secretary
331 may require.

332 (2) PERMITTING.—The designation of the
333 Conservation and Recreation Area by subsection (a)
334 shall not affect the renewal or reissuance of permits
335 for the activities covered under subparagraph (1) after
336 the date of enactment of this Act.

337 **SEC. 4. WILDERNESS.**

338 (a) BOUNDARY MODIFICATIONS.—

339 (1) MOUNT OLYMPUS AND TWIN PEAKS
340 WILDERNESS AREAS.—Section 102(a) of the Utah
341 Wilderness Act of 1984 (Public Law 98-428; 98 Stat.
342 1658; 16 U.S.C. 1132 note) is amended—

343 (A) in paragraph (3) by—

344 (i) striking “sixteen thousand acres” and
345 inserting “_____”; and

346 (ii) striking “, dated August 1984” and
347 inserting “and dated _____, 2019”;

348 (B) in paragraph (4) by—

349 (i) striking “thirteen thousand one
350 hundred acres” and inserting “_____”; and

351 (ii) striking “, dated June 1984” and
352 inserting “and dated _____, 2019”.

353 (2) LONE PEAK WILDERNESS.— Section 2(i) of
354 the Endangered American Wilderness Act of 1978
355 (P.L. 95-237; 92 Stat. 42; 16 U.S.C. 1132 note) is
356 amended by—

357 (A) striking “twenty-nine thousand five
358 hundred and sixty-seven acres” and inserting

359 “_____”; and

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360 (B) inserting “and dated ____, 2019” after
361 “on a map entitled ‘Lone Peak Wilderness—
362 Proposed’”.

363 (b) ESTABLISHMENT OF GRANDEUR PEAK - MOUNT
364 AIRE WILDERNESS.— Section 102(a) of the Utah
365 Wilderness Act of 1984 (Public Law 98-428; 98 Stat.
366 1657; 16 U.S.C. 1132 note) is amended—

367 (1) in paragraph 11, by striking “and” at the end;

368 (2) in paragraph 12, by striking the period at the
369 end and inserting “; and”; and

370 (3) by adding at the end the following:

371 “(13) certain land in the Uinta-Wasatch-Cache
372 National Forest comprising approximately ____
373 acres, as generally depicted on the map entitled
374 ‘Proposed Central Wasatch National Conservation
375 and Recreation Area Map’ and dated ____, 2019,
376 which shall be known as the Grandeur Peak – Mount
377 Aire Wilderness.”

378 (c) ADMINISTRATION OF LAND.—Until the date on
379 which the management plan takes effect, the Federal land
380 excluded from the boundaries of the Mount Olympus,
381 Twin Peaks, and Lone Peak Wilderness Areas by this
382 section shall be administered in accordance with the
383 provisions of the forest plan applicable to the adjacent
384 non-wilderness land.

385 **SEC. 5. WHITE PINE WATERSHED PROTECTION AREA.**

386 (a) ESTABLISHMENT.—

387 (1) IN GENERAL.— Subject to valid existing
388 rights, there is established the White Pine Watershed
389 Protection Area in the State.

390 (2) AREA INCLUDED.—The Watershed Protection
391 Area shall be comprised of approximately 1,800
392 acres of National Forest System land in the Wasatch-
393 Cache National Forest, as generally depicted on the
394 Conservation and Recreation Area map as
395 "Watershed Protection Area".

396 (b) PURPOSES.—The purposes of the Watershed
397 Protection Area are to—

398 (1) ensure the protection and preservation of the
399 natural values and characteristics of the Watershed
400 Protection Area, including outstanding water quality,
401 scenery, and fish and wildlife habitat; and

402 (2) consistent with paragraph (1), to provide for
403 the conservation of the recreation, historic, scientific,
404 and cultural resources within the Watershed
405 Protection Area.

406 (c) ADMINISTRATION.—

407 (1) IN GENERAL.—The Secretary shall administer
408 the Watershed Protection Area in accordance with—

409 (A) the laws generally applicable to the
410 National Forest System, including the Forest and
411 Rangeland Renewable Resources Planning Act
412 of 1974 (16 U.S.C. 1600 et seq.);

413 (B) this section; and

414 (C) any other applicable law.

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415 (2) AUTHORIZED USES.—The Secretary shall only
416 allow uses of the Watershed Protection Area that the
417 Secretary determines will further the purposes of the
418 Watershed Protection Area, as described in
419 subsection (b).

420 (3) PROHIBITED ACTIVITIES.— Subject to valid
421 existing rights, the following activities shall be
422 prohibited on National Forest System land in the
423 Watershed Protection Area—

424 (A) the use of motor vehicles and mechanical
425 transport, except for—

- 426 (i) administrative purposes;
- 427 (ii) responding to an emergency; or
- 428 (iii) the landing of helicopters for
429 recreational purposes.

430 (B) the construction or installation, after the
431 date of enactment of this Act, of permanent
432 structures; provided that the Secretary may
433 authorize the modification or reconstruction of
434 permanent structures and facilities located within
435 the Watershed Protection Area on the date of
436 enactment of this Act;

437 (C) the construction of new roads; and

438 (D) commercial timber harvesting.

439 (4) EXISTING WATER INFRASTRUCTURE.—
440 Nothing in this section shall be construed to limit
441 motorized access or road maintenance by local
442 municipalities, water districts, water systems, or
443 public or private utilities for those activities

444 necessary to the continued viability of water resource
445 facilities or to prevent the degradation of the water
446 supply in the Watershed Protection Area.

447 (d) NO EFFECT ON NON-FEDERAL LAND.—Nothing in
448 this section affects the ownership, management, use, or
449 improvement of non-federal land or interests in land,
450 including water rights.

451 (e) ACCESS.—Nothing in this section modifies any
452 laws or regulations that require or allow the Secretary to
453 provide the owners of private property within the
454 Watershed Protection Area access to their property.

455 (f) ADMINISTRATION AND ENFORCEMENT -
456 Within 30 days of enactment of this Act, the Secretary
457 shall issue such closure orders as necessary to enforce the
458 purposes, limitations, and requirements of this Act for
459 administration of the White Pine Watershed Protection
460 Area in accordance with 16 U.S.C. 551 and 36 CFR 261
461 Subpart B.”

462 **SEC. 6. GENERAL PROVISIONS.**

463 (a) CONFLICT OF LAWS.—If there is a conflict
464 between a provision of section 3 and a provision of
465 section 4 or 5, the more restrictive provision shall control.

466 (b) WATER RIGHTS.—

467 (1) EFFECT.—Nothing in this Act—

468 (A) shall constitute either an express or
469 implied reservation by the United States of any
470 water or water rights with respect to the
471 Conservation and Recreation Area; or

472 (B) affect any water rights in the State
473 existing on the date of enactment of this Act,
474 including any water rights held by the United
475 States.

476 (2) UTAH WATER LAW.— The Secretary shall
477 follow the procedural and substantive requirements
478 of the State in order to obtain and hold any water
479 rights not in existence on the date of enactment of
480 this Act.

481 (c) FISH AND WILDLIFE.— Nothing in this section
482 affects the jurisdiction of the State with respect to the
483 management of fish and wildlife on Federal land in the
484 State.

485 (d) FEES.—Notwithstanding any other provision of
486 law, the Forest Service is authorized to assess reasonable
487 fees for admission to and the use and occupancy of the
488 National Forest System lands within the Conservation
489 and Recreation Area, White Pine Watershed Management
490 Area, and adjacent Wilderness Areas. Any admission fees
491 and fees assessed for recreational activities shall be
492 applied to operations, maintenance and improvements of
493 recreation and transportation infrastructure within the
494 Conservation and Recreation Area and implemented only
495 after public notice and a period of not less than 60 days
496 for public comment.

497 (e) MAPS AND LEGAL DESCRIPTIONS.

498 (1) IN GENERAL.— As soon as practicable after
499 the date of enactment of this act, the Secretary shall

500 file a map and legal description of the Recreation
501 Area with—

502 (A) The Committee on Energy and Natural
503 Resources of the Senate; and

504 (B) the Committee on Natural Resources of
505 the House of Representatives.

506 (2) FORCE OF LAW.— The map and legal
507 descriptions filed under subsection (A) shall have the
508 same force and effect as if included in this section,
509 except that the Secretary may correct errors in the
510 legal description and map.

511 (3) PUBLIC AVAILABILITY.— The map and legal
512 descriptions filed under subsection (A) shall be on
513 file and available for public inspection in the
514 appropriate offices of the Forest Service.

515 **SEC. 7. LAND EXCHANGES.**

516 (a) DEFINITIONS.—In this subsection—

517 (1) FEDERAL LAND.—The term “Federal land”
518 means all or a portion of the National Forest System
519 land identified as “Federal Land To Be Evaluated for
520 Private Ownership” as generally depicted on the map
521 entitled “Preliminary Conceptual Map for Proposed
522 Land Exchange between the U.S. Forest Service and
523 certain Utah Ski Areas” and dated ____, 2019.

524 (2) NON-FEDERAL LAND.—The term “non-
525 Federal land” means—

526 (A) land, or interests in land, owned by
527 Snowbird Ski and Summer Resort, including
528 split estate properties, identified as “Private

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529 Land To be Evaluated for Public Ownership –
530 From Snowbird” as generally depicted on the
531 map entitled “Preliminary Conceptual Map for
532 Proposed Land Exchange between the U.S.
533 Forest Service and certain Utah Ski Areas” and
534 dated ____, 2019, including any adjustments
535 agreed upon under subsection (b)(1);

536 (B) land, or interests in land, owned by
537 Brighton Mountain Resort, including split estate
538 properties, identified as “Private Land To be
539 Evaluated for Public Ownership - From
540 Brighton” as generally depicted on the map
541 entitled “Preliminary Conceptual Map for
542 Proposed Land Exchange between the U.S.
543 Forest Service and certain Utah Ski Areas” and
544 dated ____, 2019, including any adjustments
545 agreed upon under subsection (b)(1); and

546 (C) land, or interests in land, owned by
547 Solitude Mountain Resort, including split estate
548 properties, identified as “Private Land To be
549 Evaluated for Public Ownership - From
550 Solitude” as generally depicted on the map
551 entitled “Preliminary Conceptual Map for
552 Proposed Land Exchange between the U.S.
553 Forest Service and certain Utah Ski Areas” and
554 dated ____, 2019, including any adjustments
555 agreed upon under subsection (b)(1).

556 *[(D) Paragraph to be drafted to include*
557 *Alta Ski Lifts in the exchange upon a proposal*

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558 *for Alta Ski Lifts land to be exchanged for USFS*
559 *lands within the base area of Alta Ski Lifts*
560 *permit area acceptable to the CWC and USFS]*

561 (b) MODIFICATION; MAP.—

562 (1) MODIFICATION.—The Secretary and a ski area
563 may, by mutual agreement,—

564 (A) modify the non-Federal land to be
565 exchanged under this section; and

566 (B) include additional non-Federal lands not
567 depicted on the map entitled “Preliminary
568 Conceptual Map for Proposed Land Exchange
569 between the U.S. Forest Service and certain Utah
570 Ski Areas”. Preference for non-Federal lands
571 under this section shall be given in the following
572 order:

573 (i) non-Federal lands within or adjacent
574 to the Conservation and Recreation Area; and

575 (ii) non-Federal lands within the
576 Wasatch-Cache-Uinta National Forest.

577 (2) MAP AVAILABILITY.—The maps depicting the
578 Federal and non-Federal lands to be exchanged under
579 this section shall be available for public inspection in
580 the Office of the Supervisor, Wasatch-Cache
581 National Forest and Office of the Regional Forester,
582 Intermountain Region.

583 (c) CONVEYANCE OF LAND.—

584 (1) SNOWBIRD SKI AND SUMMER RESORT.—
585 Subject to valid existing rights and the provisions of
586 this section, if Snowbird Ski and Summer Resort

587 offers to convey to the United States all right, title,
588 and interest of in and to the non-Federal land
589 described in subsection (a)(2)(A), and the offer is
590 acceptable to the Secretary—

591 (A) the Secretary shall accept the offer; and

592 (B) upon receipt of acceptable title to the
593 non-Federal land described in subsection
594 (a)(2)(A), the Secretary shall convey to
595 Snowbird Ski and Summer Resort all right, title,
596 and interest of the United States in and to the
597 Federal Land.

598 (2) BRIGHTON MOUNTAIN RESORT.—Subject to
599 valid existing rights and the provisions of this
600 section, if Brighton Mountain Resort offers to
601 convey to the United States all right, title, and
602 interest in and to the non-Federal land described in
603 subsection (a)(2)(C), and the offer is acceptable to
604 the Secretary—

605 (A) the Secretary shall accept the offer; and

606 (B) upon receipt of acceptable title to the
607 non-Federal land described in subsection
608 (a)(2)(C), the Secretary shall convey to Brighton
609 Mountain Resort all right, title, and interest of
610 the United States in and to the Federal Land.

611 (3) SOLITUDE MOUNTAIN RESORT.—Subject to
612 valid existing rights and the provisions of this
613 section, if Solitude Mountain Resort offers to convey
614 to the United States all right, title, and interest in and
615 to the non-Federal land described in subsection

616 (a)(2)(D), and the offer is acceptable to the
617 Secretary—

618 (A) the Secretary shall accept the offer; and

619 (B) upon receipt of acceptable title to the
620 non-Federal land described in subsection
621 (a)(2)(D), the Secretary shall convey to Brighton
622 Mountain Resort all right, title, and interest of
623 the United States in and to the Federal Land.

624 (d) CONDITIONS ON ACCEPTANCE.—

625 (1) TITLE.—As a condition of the land exchange
626 under this subsection, title to the non-Federal land to
627 be acquired by the Secretary under this subsection
628 shall be acceptable to the Secretary based on
629 Department of Justice Title Standards.

630 (2) TERMS AND CONDITIONS.—The conveyance
631 of the Federal land and non-Federal land shall be
632 subject to—

633 (A) all applicable laws, including the
634 National Environmental Policy Act of 1969 (42
635 U.S.C. § 4321 et seq.) and section 206 of the
636 Federal Land Policy and Management Act of
637 1976 (43 U.S.C. § 1716); and

638 (B) such terms and conditions as the
639 Secretary may require.

640 (3) IDENTIFICATION OF FEDERAL LANDS TO BE
641 EXCHANGED.— Conveyance of Federal land under
642 this section shall be contingent upon the Secretary
643 and a ski area reaching a mutual agreement on the
644 land to be conveyed.

645 (4) PUBLIC ENGAGEMENT PROCESS.— The
646 Secretary shall initiate a public engagement process
647 to be conducted in accordance with the National
648 Environmental Policy Act (42 U.S.C. 4321 et seq.)
649 and other applicable Federal laws for the purpose
650 of—

651 (A) evaluating existing private and public
652 access to and uses of the Federal land and non-
653 Federal land; and

654 (B) determining specific descriptions of the
655 non-Federal and Federal land to be exchanged
656 that will be acceptable to the Secretary and that
657 can be agreed to by the ski area.

658 (e) APPRAISALS.— The values of the lands to be
659 exchanged under this section shall be determined by the
660 Secretary through appraisals performed in accordance
661 with—

662 (1) the Uniform Appraisal Standards for Federal
663 Land Acquisitions; and

664 (2) the Uniform Standards of Professional
665 Appraisal Practice.

666 (f) COSTS.—The administrative costs of a land
667 exchange under this section, including the costs of
668 appraisal under paragraph (e), shall be paid by the
669 relevant ski area.

670 (g) VALUATION AND EQUALIZATION.—

671 (1) GENERAL.—The value of the Federal land and
672 non-Federal land to be conveyed in a land exchange
673 under this section—

674 (A) shall be equal, as determined by appraisals
675 conducted in accordance with paragraph (5); or

676 (B) if not equal, shall be equalized in
677 accordance with paragraph (2).

678 (2) EQUALIZATION.—If the value of the
679 Federal land and non-Federal land to conveyed in
680 a land exchange under this section is not equal,
681 the value may be equalized by—

682 (A) making a cash equalization payment to the
683 Secretary or the owner of the non-Federal land in
684 accordance with section 206(b) of the Federal
685 Land Policy and Management Act of 1976 (43
686 U.S.C. 1716(b)); or

687 (B) reducing the acreage of the Federal land
688 or the non-Federal land to be exchanged, as
689 appropriate.

690 (h) DISPOSITION OF PROCEEDS.—

691 (1) IN GENERAL.—The Secretary shall deposit in
692 the fund established under Public Law 90-171
693 (commonly known as the Sisk Act; 16 U.S.C. 484a)
694 any amount received by the Secretary as the result of
695 any cash equalization payment .

696 (2) USE OF PROCEEDS.—Amounts deposited
697 under paragraph (1) shall be available to the
698 Secretary, without further appropriation and until
699 expended, for the acquisition of lands and interests in
700 lands in the Conservation and Recreation Area.

701 (i) REVOCATION OF ORDERS; WITHDRAWAL.—

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702 (1) REVOCATION OF ORDERS.—Any public order
703 withdrawing the Federal land from entry,
704 appropriation, or disposal under the public land laws
705 is revoked to the extent necessary to permit the
706 conveyance of the Federal land to the ski area under
707 this section.

708 (2) WITHDRAWAL.—On the date of enactment of
709 this Act, and until the date of a conveyance of
710 Federal land to a ski area under this section, all of the
711 Federal land is withdrawn from—

712 (A) location, entry, and patent under the
713 mining laws; and

714 (B) disposition under laws relating to mineral
715 and geothermal leasing.

716 (j) HAZARDOUS MATERIALS.—

717 (1) IN GENERAL.— For any conveyance of
718 Federal land under this section, the Secretary shall
719 meet disclosure requirements for hazardous
720 substances, pollutants, or contaminants under section
721 102(h) of the Comprehensive Environmental
722 Response, Compensation, and Liability Act of 1980
723 (42 U.S.C. 9620(h)(1)), but shall otherwise not be
724 required to remediate or abate such hazardous
725 substances, pollutants, or contaminants.

726 (2) CONDITIONS.—As a condition of a land
727 exchange under this section, the ski area shall agree
728 to—

729 (A) indemnify and hold harmless the United
730 States for any costs associated with remediating

731 or abating any hazardous substances, pollutants,
732 or contaminants located on, or being released
733 from, land conveyed under this section; and

734 (B) restore any natural resources damaged or
735 lost as result of hazardous substances, pollutants,
736 or contaminants located on, or being released
737 from, the Federal land or non-Federal land
738 conveyed under this subsection.

739 (3) ENVIRONMENTAL SITE ASSESSMENT.—

740 (A) AVAILABILITY.—The Secretary shall
741 make available for review and inspection any
742 record relating to hazardous materials on the land
743 to be exchanged under this Act. Prior to the
744 conveyance of Federal or non-Federal land under
745 this section, the ski area shall conduct an
746 Environmental Site Assessment of the Federal
747 land and non-Federal land proposed for exchange.

748 (B) REQUIREMENTS.—The Environmental
749 Site Assessment shall—

750 (i) meet the requirements set forth in
751 ASTM E1527–13 and 40 CFR 312 that apply
752 to the non-Federal land to be conveyed to or
753 the Federal land to be conveyed from the
754 United States; and

755 (ii) shall be provided to the Secretary.

756 (4) COSTS.—The costs of any response action or
757 restoration of injured or lost natural resource relating
758 to hazardous materials, pollutants, or contaminants
759 on land exchanged under this section shall be paid by

760 the appropriate ski area. No claim shall be made
761 against the United States by any ski area for any
762 costs associated with the Federal land on non-Federal
763 land exchange under this section.

764 (5) FEDERAL LAND.— Notwithstanding the
765 Comprehensive Environmental Response,
766 Compensation, and Liability Act of 1980 (42 U.S.C.
767 9601 et seq.), the Secretary is only required to
768 comply with the requirements set forth in paragraph
769 (1) of section 102(h) of that Act (42 U.S.C.
770 9620(h)(1)), but not otherwise required to comply
771 with any other provisions of section 102(h) (42
772 U.S.C. 9620(h)) for Federal land conveyed to a ski
773 area under this section.

774 (k) DEADLINE FOR COMPLETION OF LAND
775 EXCHANGE.— Not later than 4 years after the date of the
776 proposal from the non-Federal party is accepted by the
777 Secretary, the Secretary shall complete the land
778 exchanges under this section.

779 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

780 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
781 authorized to be appropriated to the Secretary to carry out
782 this Act ___ for each of fiscal years 2019 through ___.