

108TH CONGRESS
1ST SESSION

S. 1209

To provide for the acquisition of property in Washington County, Utah,
for implementation of a desert tortoise habitat conservation plan.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 2003

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

A BILL

To provide for the acquisition of property in Washington
County, Utah, for implementation of a desert tortoise
habitat conservation plan.

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. ACQUISITION OF CERTAIN PROPERTY IN WASH-**
4 **INGTON COUNTY, UTAH.**

5 (a) DEFINITIONS.—In this section:

6 (1) OWNER.—The term “owner” means an
7 owner of property taken under subsection (b).

8 (2) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

1 (b) TAKING OF PROPERTY.—Notwithstanding any
 2 other provision of law, effective 30 days after the date of
 3 the enactment of this Act, there is vested in the United
 4 States all right, title, and interest in and to, and the right
 5 to immediate possession of—

6 (1) certain land located in a master planned
 7 community development in Washington County,
 8 Utah, known as “PAHO”, owned by Environmental
 9 Land Technology, Ltd., Rocky Mountain Ventures,
 10 and James Doyle, within the Red Cliffs Reserve in
 11 Washington County, Utah, consisting of—

12 (A) the fee simple interest in approxi-
 13 mately 1,516 acres of real property; and

14 (B) certain other interests; and

15 (2) the fee simple interest in 34 acres of real
 16 property adjacent to the Red Cliffs Reserve owned
 17 by Environmental Land Technology, Ltd.

18 (c) JUST COMPENSATION.—

19 (1) IN GENERAL.—Subject to section 309(f) of
 20 the Omnibus Parks and Public Lands Management
 21 of 1996 (110 Stat. 4138), the United States shall
 22 pay the owner just compensation determined as of
 23 the date of enactment of this Act.

24 (2) AMOUNT.—Payment of just compensation
 25 shall be in the amount of—

1 (A)(i) the appraised value of the property
2 as agreed to by the owner and the Secretary in
3 a negotiated settlement; plus

4 (ii) interest from the date of the enactment
5 of this Act; or

6 (B)(i) the valuation of the property deter-
7 mined by judgment awarded in a civil action
8 absent a negotiated settlement; plus

9 (ii)(I) interest from the date of the enact-
10 ment of this Act;

11 (II) the reasonable costs and expenses of
12 holding the property from February 1990 to the
13 date of final payment, including damages, if
14 any; and

15 (III) reasonable costs and attorney's fees,
16 as determined by the court.

17 (3) INTEREST.—Interest under this subsection
18 shall be compounded in the same manner as under
19 subsection (b)(2)(B) of the first section of the Act
20 of April 17, 1954 (16 U.S.C. 429b(b)(2)(B)), except
21 that the reference in that provision to the date of
22 enactment of the Manassas National Battlefield
23 Park Amendments of 1988 shall be deemed to be a
24 reference to the date of enactment of this Act.

1 (4) INITIAL PAYMENT.—Not later than 60 days
2 after the date of enactment of this Act, the Sec-
3 retary shall make an initial payment of \$15,000,000
4 to the owner.

5 (5) SOURCE OF PAYMENT.—Payment of the
6 amount under paragraph (2) shall be made—

7 (A)(i) from the permanent judgment ap-
8 propriation under section 1304 of title 31,
9 United States Code; or

10 (ii) from other appropriated funds avail-
11 able to the Secretary; or

12 (B) if the Secretary and the owner reach
13 a negotiated settlement—

14 (i) from a source referred to in sub-
15 paragraph (A); or

16 (ii) by means of an exchange of—

17 (I) Federal land under the juris-
18 diction of the Secretary in the State
19 of Utah or elsewhere; or

20 (II) surplus Federal property.

21 (6) FULL FAITH AND CREDIT.—The full faith
22 and credit of the United States is pledged to the
23 payment of any judgment entered against the
24 United States with respect to the taking of property
25 under subsection (b).

1 (d) NO NEGOTIATED SETTLEMENT.—In the absence
2 of a negotiated settlement or of a civil action for just com-
3 pensation brought by the owner, not later than 90 days
4 after the date of enactment of this Act, the Secretary shall
5 bring a civil action in the United States District Court
6 for the District of Utah, seeking a determination of the
7 amount to be paid under subsection (c)(2).

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