

Calendar No. 150

111TH CONGRESS
1ST SESSION**H. R. 1275****[Report No. 111-67]**

IN THE SENATE OF THE UNITED STATES

JULY 9, 2009

Received; read twice and referred to the Committee on Energy and Natural
Resources

AUGUST 4, 2009

Reported by Mr. BINGAMAN, without amendment

AN ACT

To direct the exchange of certain land in Grand, San Juan,
and Uintah Counties, Utah, 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.**

4 This Act may be cited as the “Utah Recreational
5 Land Exchange Act of 2009”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) FEDERAL LAND.—The term “Federal land”
2 means the land located in Grand, San Juan, and
3 Uintah Counties, Utah, that is identified on the
4 maps as—

5 (A) “BLM Subsurface only Proposed for
6 Transfer to State Trust Lands”;

7 (B) “BLM Surface only Proposed for
8 Transfer to State Trust Lands”; and

9 (C) “BLM Lands Proposed for Transfer to
10 State Trust Lands”.

11 (2) GRAND COUNTY MAP.—The term “Grand
12 County Map” means the map prepared by the Bu-
13 reau of Land Management entitled “Utah Rec-
14 reational Land Exchange Act Grand County”, dated
15 May 14, 2009, and relating to the exchange of Fed-
16 eral land and non-Federal land in Grand and San
17 Juan Counties, Utah.

18 (3) MAPS.—The term “maps” means the Grand
19 County Map and the Uintah County Map.

20 (4) NON-FEDERAL LAND.—The term “non-Fed-
21 eral land” means the land in Grand, San Juan, and
22 Uintah Counties, Utah, that is identified on the
23 maps as—

24 (A) “State Trust Land Proposed for
25 Transfer to BLM”; and

1 (B) “State Trust Minerals Proposed for
2 Transfer to BLM”.

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

5 (6) STATE.—The term “State” means the State
6 of Utah, as trustee under the Utah State School and
7 Institutional Trust Lands Management Act (Utah
8 Code Ann. 53C–1–101 et seq.).

9 (7) UINTAH COUNTY MAP.—The term “Uintah
10 County Map” means the map prepared by the Bu-
11 reau of Land Management entitled “Utah Rec-
12 reational Land Exchange Act Uintah County”,
13 dated May 14, 2009, and relating to the exchange
14 of Federal land and non-Federal land in Uintah
15 County, Utah.

16 **SEC. 3. EXCHANGE OF LAND.**

17 (a) IN GENERAL.—If the State offers to convey to
18 the United States title to the non-Federal land, the Sec-
19 retary shall—

20 (1) accept the offer; and

21 (2) on receipt of all right, title, and interest of
22 the State in and to the non-Federal land, convey to
23 the State all right, title, and interest of the United
24 States in and to the Federal land.

1 (b) CONDITIONS.—The exchange authorized under
2 subsection (a) shall be subject to—

3 (1) valid existing rights;

4 (2) except as otherwise provided by this sec-
5 tion—

6 (A) section 206 of the Federal Land Policy
7 and Management Act of 1976 (43 U.S.C.
8 1716); and

9 (B) any other applicable laws;

10 (3) all costs of land exchanges under this Act,
11 including but not limited to appraisals, surveys, and
12 related costs, shall be paid equally by the Secretary
13 and the State; and

14 (4) any additional terms and conditions that
15 the Secretary and the State mutually determine to
16 be appropriate.

17 (c) TITLE APPROVAL.—Title to the Federal land and
18 non-Federal land to be exchanged under this section shall
19 be in a format acceptable to the Secretary and the State.

20 (d) APPRAISALS.—

21 (1) IN GENERAL.—The value of the Federal
22 land and the non-Federal land shall be determined
23 by appraisals conducted by 1 or more independent
24 appraisers selected jointly by the Secretary and the
25 State.

1 (2) APPLICABLE LAW.—The appraisals con-
2 ducted under paragraph (1) shall be conducted in
3 accordance with section 206 of the Federal Land
4 Policy and Management Act of 1976 (43 U.S.C.
5 1716).

6 (3) APPROVAL.—The appraisals conducted
7 under paragraph (1) shall be submitted to the Sec-
8 retary and the State for approval.

9 (4) ADJUSTMENT.—

10 (A) IN GENERAL.—If value is attributed to
11 any parcel of Federal land because of the pres-
12 ence of minerals subject to leasing under the
13 Mineral Leasing Act (30 U.S.C. 181 et seq.),
14 the value of the parcel (as otherwise established
15 under this subsection) shall be reduced by the
16 estimated value of the payments that would
17 have been made to the State of Utah from bo-
18 nuses, rentals, and royalties that the United
19 States would have received if such minerals
20 were leased pursuant to the Mineral Leasing
21 Act (30 U.S.C. 181 et seq.).

22 (B) LIMITATION.—An adjustment under
23 subparagraph (A) shall not be considered as a
24 property right of the State.

25 (5) AVAILABILITY OF APPRAISALS.—

1 (A) IN GENERAL.—All final appraisals, ap-
2 praisal reviews, and determinations of value for
3 land to be exchanged under this section shall be
4 available for public review at the Utah State
5 Office of the Bureau of Land Management at
6 least 30 days before the conveyance of the ap-
7 plicable parcels.

8 (B) PUBLICATION.—The Secretary or the
9 State, as applicable, shall publish in a news-
10 paper of general circulation in Salt Lake Coun-
11 ty, Utah, a notice that the appraisals are avail-
12 able for public inspection.

13 (e) CONVEYANCE OF PARCELS IN PHASES.—

14 (1) IN GENERAL.—Notwithstanding that ap-
15 praisals for all of the parcels of Federal land and
16 non-Federal land may not have been approved under
17 subsection (d)(3), parcels of the Federal land and
18 non-Federal land may be exchanged under sub-
19 section (a) in 3 phases beginning on the date on
20 which the appraised values of the parcels included in
21 the applicable phase are approved under this sub-
22 section.

23 (2) PHASES.—The 3 phases referred to in para-
24 graph (1) are—

1 (A) phase 1, consisting of the non-Federal
2 land identified as “phase one” land on the
3 Grand County Map;

4 (B) phase 2, consisting of the non-Federal
5 land identified as “phase two” land on the
6 Grand County Map and the Uintah County
7 Map; and

8 (C) phase 3, consisting of any remaining
9 non-Federal land that is not identified as
10 “phase one” land or “phase two” land on the
11 Grand County Map or the Uintah County Map.

12 (3) NO AGREEMENT ON EXCHANGE.—If agree-
13 ment has not been reached with respect to the ex-
14 change of an individual parcel of Federal land or
15 non-Federal land, the Secretary and the State may
16 agree to set aside the individual parcel to allow the
17 exchange of the other parcels of Federal land and
18 non-Federal land to proceed.

19 (4) TIMING.—It is the intent of Congress that
20 at least the first phase of the exchange of land au-
21 thorized by subsection (a) be completed not later
22 than 360 days after the date on which the State
23 makes the Secretary an offer to convey the non-Fed-
24 eral land under that subsection.

25 (f) RESERVATION OF INTEREST IN OIL SHALE.—

1 (1) IN GENERAL.—With respect to Federal land
2 that contains oil shale resources, the Secretary shall
3 reserve an interest in the portion of the mineral es-
4 tate that contains the oil shale resources.

5 (2) EXTENT OF INTEREST.—The interest re-
6 served by the United States under paragraph (1)
7 shall consist of—

8 (A) 50 percent of any bonus bid or other
9 payment received by the State as consideration
10 for securing any lease or authorization to de-
11 velop oil shale resources;

12 (B) the amount that would have been re-
13 ceived by the Federal Government under the
14 applicable royalty rate if the oil shale resources
15 had been retained in Federal ownership; and

16 (C) 50 percent of any other payment re-
17 ceived by the State pursuant to any lease or au-
18 thorization to develop the oil shale resources.

19 (3) PAYMENT.—Any amounts due under para-
20 graph (2) shall be paid by the State to the United
21 States not less than quarterly.

22 (4) NO OBLIGATION TO LEASE.—The State
23 shall not be obligated to lease or otherwise develop
24 oil shale resources in which the United States re-
25 tains an interest under this subsection.

1 (5) VALUATION.—Federal land in which the
2 Secretary reserves an interest under this subsection
3 shall be appraised—

4 (A) without regard to the presence of oil
5 shale; and

6 (B) in accordance with subsection (d).

7 (g) WITHDRAWAL OF FEDERAL LAND PRIOR TO EX-
8 CHANGE.—Subject to valid existing rights, during the pe-
9 riod beginning on the date of enactment of this Act and
10 ending on the earlier of the date that the Federal land
11 is removed from the exchange or the date on which the
12 Federal land is conveyed under this Act, the Federal land
13 is withdrawn from—

14 (1) disposition (other than disposition under
15 section 4) under the public land laws;

16 (2) location, entry, and patent under the mining
17 laws; and

18 (3) the operation of—

19 (A) the mineral leasing laws;

20 (B) the Geothermal Steam Act of 1970
21 (30 U.S.C. 1001 et seq.); and

22 (C) the first section of the Act of July 31,
23 1947 (commonly known as the “Materials Act
24 of 1947”) (30 U.S.C. 601).

1 (h) APPURTENANT WATER RIGHTS.—Any convey-
2 ance of a parcel of Federal land or non-Federal land under
3 this Act shall include the conveyance of water rights ap-
4 purtenant to the parcel conveyed.

5 (i) EQUAL VALUE EXCHANGE.—

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

9 (A) shall be equal; or

10 (B) shall be made equal in accordance with
11 paragraph (2).

12 (2) EQUALIZATION.—

13 (A) SURPLUS OF FEDERAL LAND.—If the
14 value of the Federal land exceeds the value of
15 the non-Federal land, the value of the Federal
16 land and non-Federal land shall be equalized,
17 as determined to be appropriate and acceptable
18 by the Secretary and the State, by one or more
19 of the following:

20 (i) By reducing the acreage of the
21 Federal land to be conveyed.

22 (ii) By adding additional State land to
23 the non-Federal land to be conveyed.

24 (iii) Consistent with section 206(b) of
25 the Federal Land Policy and Management

1 Act (43 U.S.C. 1716), by cash equalization
2 of not more than 5 percent of the total
3 value of the lands or interests in lands to
4 be transferred out of Federal ownership.

5 (B) SURPLUS OF NON-FEDERAL LAND.—If
6 the value of the non-Federal land exceeds the
7 value of the Federal land, the value of the Fed-
8 eral land and non-Federal land shall be equal-
9 ized, as determined to be appropriate and ac-
10 ceptable by the Secretary and the State, by one
11 or both of the following:

12 (i) By reducing the acreage of the
13 non-Federal land to be conveyed.

14 (ii) Consistent with section 206(b) of
15 the Federal Land Policy and Management
16 Act (43 U.S.C. 1716), by cash equalization
17 of not more than 5 percent of the total
18 value of the lands or interests in lands to
19 be transferred out of Federal ownership.

20 (3) NOTICE AND PUBLIC INSPECTION.—

21 (A) IN GENERAL.—If the Secretary and
22 the State determine to add or remove land from
23 the exchange, the Secretary or the State shall—

24 (i) publish in a newspaper of general
25 circulation in Salt Lake County, Utah, a

1 notice that identifies when and where a re-
2 vised exchange map will be available for
3 public inspection; and

4 (ii) transmit to the Committee on
5 Natural Resources of the House of Rep-
6 resentatives and the Committee on Energy
7 and Natural Resources of the Senate a
8 copy of the revised exchange map.

9 (B) LIMITATION.—The Secretary and the
10 State shall not add or remove land from the ex-
11 change until at least 30 days after the date on
12 which the notice is published under subpara-
13 graph (A)(i) and the map is transmitted under
14 subparagraph (A)(ii).

15 **SEC. 4. STATUS AND MANAGEMENT OF LAND AFTER EX-**
16 **CHANGE.**

17 (a) ADMINISTRATION OF NON-FEDERAL LAND.—

18 (1) IN GENERAL.—Subject to paragraph (2)
19 and in accordance with section 206(c) of the Federal
20 Land Policy and Management Act of 1976 (43
21 U.S.C. 1716(c)), the non-Federal land acquired by
22 the United States under this Act shall become part
23 of, and be managed as part of, the Federal adminis-
24 trative unit or area in which the land is located.

1 (2) WITHDRAWAL PARCELS.—Any non-Federal
2 land acquired by the United States under this Act
3 identified on the maps as “Withdrawal Parcels” is
4 withdrawn from the operation of the mineral leasing
5 and mineral material disposal laws.

6 (3) RECEIPTS.—

7 (A) IN GENERAL.—Any mineral receipts
8 derived from the non-Federal land acquired
9 under this Act shall be paid into the general
10 fund of the Treasury.

11 (B) APPLICABLE LAW.—Mineral receipts
12 from the non-Federal land acquired under this
13 Act shall not be subject to section 35 of the
14 Mineral Leasing Act (30 U.S.C. 191).

15 (b) GRAZING PERMITS.—

16 (1) IN GENERAL.—If land conveyed under this
17 Act is subject to a lease, permit, or contract for the
18 grazing of domestic livestock in effect on the date of
19 acquisition, the Secretary and the State shall allow
20 the grazing to continue for the remainder of the
21 term of the lease, permit, or contract, subject to the
22 related terms and conditions of user agreements, in-
23 cluding permitted stocking rates, grazing fee levels,
24 access rights, and ownership and use of range im-
25 provements.

1 (2) RENEWAL.—To the extent allowed by Fed-
2 eral or State law, on expiration of any grazing lease,
3 permit, or contract described in paragraph (1), the
4 holder of the lease, permit, or contract shall be enti-
5 tled to a preference right to renew the lease, permit,
6 or contract.

7 (3) CANCELLATION.—

8 (A) IN GENERAL.—Nothing in this Act
9 prevents the Secretary or the State from can-
10 celing or modifying a grazing permit, lease, or
11 contract if the land subject to the permit, lease,
12 or contract is sold, conveyed, transferred, or
13 leased for nongrazing purposes by the Secretary
14 or the State.

15 (B) LIMITATION.—Except to the extent
16 reasonably necessary to accommodate surface
17 operations in support of mineral development,
18 the Secretary or the State shall not cancel or
19 modify a grazing permit, lease, or contract be-
20 cause the land subject to the permit, lease, or
21 contract has been leased for mineral develop-
22 ment.

23 (4) BASE PROPERTIES.—If land conveyed by
24 the State under this Act is used by a grazing per-
25 mittee or lessee to meet the base property require-

1 ments for a Federal grazing permit or lease, the
2 land shall continue to qualify as a base property for
3 the remaining term of the lease or permit and the
4 term of any renewal or extension of the lease or per-
5 mit.

6 (c) HAZARDOUS MATERIALS.—

7 (1) IN GENERAL.—The Secretary and, as a con-
8 dition of the exchange, the State shall make avail-
9 able for review and inspection any record relating to
10 hazardous materials on the land to be exchanged
11 under this Act.

12 (2) COSTS.—The costs of remedial actions re-
13 lating to hazardous materials on land acquired
14 under this Act shall be paid by those entities respon-
15 sible for the costs under applicable law.

16 (d) EASEMENT.—The conveyance of Federal land in
17 sec. 33, T. 4 S., R. 24 E., and sec. 4, T. 5 S., R. 24
18 E., of the Salt Lake Meridian, shall be subject to a 1,000
19 foot wide scenic easement and a 200 foot wide road right-
20 of-way previously granted to the National Park Service for
21 the Dinosaur National Monument, as described in Land
22 Withdrawal No. U-0141143, pursuant to the Act of Sep-
23 tember 8, 1960 (74 Stat. 857,861).

1 **SEC. 5. TERMINATION OF AUTHORITY.**

2 The provisions of this Act shall terminate 5 years
3 after the date of enactment.

4 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated such sums
6 as are necessary to carry out this Act.

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