

115TH CONGRESS
1ST SESSION

S. 837

To provide for the conveyance of certain land to Washington County, Utah, to authorize the exchange of Federal land and non-Federal land in the State of Utah, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 5 (legislative day, APRIL 4), 2017

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

A BILL

To provide for the conveyance of certain land to Washington County, Utah, to authorize the exchange of Federal land and non-Federal land in the State of 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 “Southern Utah Open
5 OHV Areas Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) COUNTY.—The term “County” means
2 Washington County, Utah.

3 (2) FEDERAL LAND.—The term “Federal land”
4 means land owned and managed by the Bureau of
5 Land Management in the County that is identified
6 on the map as “Federal Lands Proposed to Transfer
7 to SITLA”.

8 (3) MAP.—The term “map” means the map
9 prepared by the State of Utah School and Institu-
10 tional Trust Lands Administration entitled “Sand
11 Mountain Exchange Washington County, Utah” and
12 dated July 29, 2015.

13 (4) NON-FEDERAL LAND.—The term “non-Fed-
14 eral land” means the State land identified on the
15 map as “SITLA Lands Proposed to Transfer to
16 Federal”.

17 (5) PUBLIC WATER AGENCY.—The term “public
18 water agency” means the Washington County Water
19 Conservancy District.

20 (6) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

22 (7) STATE.—The term “State” means the State
23 of Utah.

1 **SEC. 3. EXCHANGE OF FEDERAL LAND AND NON-FEDERAL**
2 **LAND.**

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

6 (1) accept the offer; and

7 (2) on receipt of all right, title, and interest in
8 and to the non-Federal land, convey to the State all
9 right, title, and interest of the United States in and
10 to the Federal land.

11 (b) VALID EXISTING RIGHTS.—The exchange author-
12 ized under subsection (a) shall be subject to valid existing
13 rights.

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

17 (d) APPRAISALS.—

18 (1) IN GENERAL.—The value of the Federal
19 land and the non-Federal land to be exchanged
20 under this section shall be determined by appraisals
21 conducted by one or more independent appraisers re-
22 tained by the State, with the consent of the Sec-
23 retary.

24 (2) APPLICABLE LAW.—The appraisals under
25 paragraph (1) shall be conducted in accordance with
26 nationally recognized appraisal standards, including,

1 as appropriate, the Uniform Appraisal Standards for
2 Federal Land Acquisitions.

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

6 (4) 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
9 State in retaining independent appraisers under
10 paragraph (1).

11 (e) EQUAL VALUE EXCHANGE.—

12 (1) IN GENERAL.—The value of the Federal
13 land and non-Federal land to be exchanged under
14 this section—

15 (A) shall be equal; or

16 (B) shall be made equal in accordance with
17 paragraph (2).

18 (2) EQUALIZATION.—

19 (A) SURPLUS OF FEDERAL LAND.—If the
20 value of the Federal land exceeds the value of
21 the non-Federal land, the value of the Federal
22 land and non-Federal land shall be equalized,
23 as determined to be appropriate and acceptable
24 by the Secretary and the State—

1 (i) by reducing the acreage of the
2 Federal land to be conveyed;

3 (ii) by adding additional State land to
4 the non-Federal land to be conveyed; or

5 (iii) by the State making a cash pay-
6 ment to the United States.

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

13 (i) by reducing the acreage of the
14 non-Federal land to be conveyed; or

15 (ii) by the United States making a
16 cash payment to the State.

17 (f) USE OF NON-FEDERAL LAND.—On the convey-
18 ance of the non-Federal land to the Secretary under this
19 section, the non-Federal land shall be used only—

20 (1) as an open riding area for the use of off-
21 highway vehicles; or

22 (2) for any other recreational use that does not
23 significantly impact the open use of off-highway ve-
24 hicles.

1 **SEC. 4. CONVEYANCE OF LAND TO WASHINGTON COUNTY,**
 2 **UTAH.**

3 (a) IN GENERAL.—As soon as practicable after noti-
 4 fication by the County and subject to valid existing rights,
 5 the Secretary shall convey to the County, without consid-
 6 eration, all right, title, and interest of the United States
 7 in and to the land described in subsection (b).

8 (b) DESCRIPTION OF LAND.—The land referred to in
 9 subsection (a) consists of the land managed by the Bureau
 10 of Land Management that is generally depicted on the
 11 map as “Open OHV Areas”.

12 (c) MAP AND LEGAL DESCRIPTION.—

13 (1) IN GENERAL.—As soon as practicable after
 14 the date of enactment of this Act, the Secretary
 15 shall finalize the legal description of the land to be
 16 conveyed to the County under this section.

17 (2) MINOR ERRORS.—The Secretary may cor-
 18 rect any minor error in—

19 (A) the map; or

20 (B) the legal description.

21 (3) AVAILABILITY.—The map and legal descrip-
 22 tion shall be on file and available for public inspec-
 23 tion in the appropriate offices of the Bureau of
 24 Land Management.

25 (d) USE OF CONVEYED LAND.—The land conveyed
 26 under this section shall be used—

1 (1) primarily as an open riding area for the use
2 of off-highway vehicles; or

3 (2) for the construction, maintenance, replace-
4 ment, or operation of—

5 (A) water storage or conveyance facilities;

6 (B) subsurface water recharge facilities; or

7 (C) solar or hydroelectric generation or
8 transmission facilities.

9 (e) ADMINISTRATIVE COSTS.—The Secretary shall
10 require the County to pay all survey costs and other ad-
11 ministrative costs necessary for the preparation and com-
12 pletion of any patents for, and transfers of title to, the
13 land described in subsection (b).

14 (f) CONDITIONS.—As a condition of the conveyance
15 under subsection (a), the County shall agree—

16 (1) to pay any administrative costs associated
17 with the conveyance including the costs of any envi-
18 ronmental, wildlife, cultural, or historical resources
19 studies;

20 (2) to release and indemnify the United States
21 from any claims or liabilities that may arise from
22 uses carried out on the land described in subsection
23 (b) on or before the date of enactment of this Act
24 by the United States or any person; and

1 (3) to accept such reasonable terms and condi-
2 tions as the Secretary determines necessary.

3 (g) WATER CONVEYANCE, RECHARGE, AND RENEW-
4 ABLE ENERGY CORRIDOR.—

5 (1) IN GENERAL.—The Secretary, in accord-
6 ance with applicable laws (including the National
7 Environmental Policy Act of 1969 (42 U.S.C. 4321
8 et seq.) and title V of the Federal Land Policy and
9 Management Act of 1976 (43 U.S.C. 1761 et seq.)),
10 shall, prior to making the conveyance described in
11 subsection (a), issue to the public water agency or
12 the State—

13 (A) a 250-foot right-of-way for the con-
14 struction, maintenance, repair, and replacement
15 of a buried water conveyance pipeline and the
16 associated construction, operation, and mainte-
17 nance of subsurface water recharge facilities, as
18 depicted on the map as “Pipe Line 1”; and

19 (B) a 150-foot right-of-way for the con-
20 struction and maintenance of solar and hydro-
21 electric generation and transmission facilities,
22 as depicted on the map as “Transmission
23 Line”.

24 (2) ADMINISTRATION.—The water conveyance
25 and renewable energy facilities shall employ best

1 management practices to limit, to the extent prac-
2 ticable, the impacts of the water conveyance facilities
3 on off-highway vehicle activities.

4 (h) WATER STORAGE FACILITIES.—The Secretary,
5 in accordance with applicable laws (including the National
6 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
7 seq.) and title V of the Federal Land Policy and Manage-
8 ment Act 5 of 1976 (43 U.S.C. 1761 et seq.)), shall convey
9 to the public water agency or the State 214.8 acres of
10 the land described in subsection (b) for the construction,
11 operation, maintenance, and repair of a water storage fa-
12 cility and associated facilities as depicted on the map as
13 “Hurricane Cliffs Afterbay”.

14 (i) SAND HOLLOW REGIONAL PIPELINE COR-
15 RIDOR.—The Secretary, in accordance with applicable
16 laws (including the National Environmental Policy Act of
17 1969 (42 U.S.C. 4321 et seq.) and title V of the Federal
18 Land Policy and Management Act of 1976 (43 U.S.C.
19 1761 et seq.)), shall, prior to making the conveyance de-
20 scribed in subsection (a), issue to the public water agency
21 a 200-foot right-of-way for the construction, maintenance,
22 repair, and replacement of a buried water conveyance
23 pipeline, as depicted on the map as “Pipe Line 2”.

24 (j) REVERSION.—If the land conveyed under this sec-
25 tion ceases to be used for a public purpose in accordance

- 1 with subsection (d), the land shall, at the discretion of the
- 2 Secretary, revert to the United States.

