

**Calendar No. 494**

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 890**

[Report No. 105-264]

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## **A BILL**

To dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes.

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JULY 27, 1998

Reported with an amendment

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**IN THE SENATE OF THE UNITED STATES**

JUNE 12, 1997

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

JULY 27, 1998

Reported by Mr. MURKOWSKI, with an amendment

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

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**A BILL**

To dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Dutch John Federal  
3 Property Disposition and Assistance Act of 1997”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—Congress finds that—

6 (1)(A) Dutch John, Utah, was founded by the  
7 Secretary of the Interior in 1958 on Bureau of Rec-  
8 lamation land as a community to house personnel,  
9 administrative offices, and equipment for project  
10 construction and operation of the Flaming Gorge  
11 Dam and Reservoir as authorized by the Act of  
12 April 11, 1956 (70 Stat. 105, chapter 203; 43  
13 U.S.C. 620 et seq.); and

14 (B) permanent structures (including houses, ad-  
15 ministrative offices, equipment storage and mainte-  
16 nance buildings, and other public buildings and fa-  
17 cilities) were constructed and continue to be owned  
18 and maintained by the Secretary of the Interior;

19 (2)(A) Bureau of Reclamation land surrounding  
20 the Flaming Gorge Reservoir (including the Dutch  
21 John community) was included within the bound-  
22 aries of the Flaming Gorge National Recreation  
23 Area in 1968 under Public Law 90–540 (16 U.S.C.  
24 460v et seq.);

25 (B) Public Law 90–540 assigned responsibility  
26 for administration, protection, and development of

1 the Flaming Gorge National Recreation Area to the  
2 Secretary of Agriculture and provided that lands and  
3 waters needed or used for the Colorado River Stor-  
4 age Project would continue to be administered by  
5 the Secretary of the Interior; and

6 (C) most structures within the Dutch John  
7 community (including the schools and public build-  
8 ings within the community) occupy lands adminis-  
9 tered by the Secretary of Agriculture;

10 (3)(A) the Secretary of Agriculture and the  
11 Secretary of the Interior are unnecessarily burdened  
12 with the cost of continuing to provide basic services  
13 and facilities and building maintenance and with the  
14 administrative costs of operating the Dutch John  
15 community; and

16 (B) certain structures and lands are no longer  
17 essential to management of the Colorado River Stor-  
18 age Project or to management of the Flaming Gorge  
19 National Recreation Area;

20 (4)(A) residents of the community are inter-  
21 ested in purchasing the homes they currently rent  
22 from the Secretary of the Interior and the land on  
23 which the homes are located;

24 (B) Daggett County, Utah, is interested in re-  
25 ducing the financial burden the County experiences

1 in providing local government support services to a  
2 community that produces little direct tax revenue be-  
3 cause of Federal ownership; and

4 (C) a withdrawal of the role of the Federal Gov-  
5 ernment in providing basic direct community serv-  
6 ices to Dutch John would require local government  
7 to provide the services at a substantial cost;

8 (5)(A) residents of the Dutch John community  
9 are interested in self-government of the community;  
10 and

11 (B) with growing demands for additional com-  
12 mercial recreation services for visitors to the Flam-  
13 ing Gorge National Recreation Area and Ashley Na-  
14 tional Forest, there are opportunities for private eco-  
15 nomic development, but few private lands are avail-  
16 able for the services; and

17 (6) the privatization and disposal to local gov-  
18 ernment of certain lands in and surrounding Dutch  
19 John would be in the public interest.

20 (b) PURPOSES.—The purposes of this Act are—

21 (1) to privatize certain lands in and surround-  
22 ing Dutch John, Utah;

23 (2) to transfer jurisdiction of certain Federal  
24 property between the Secretary of Agriculture and  
25 the Secretary of the Interior;

1           (3) to improve the Flaming Gorge National  
2 Recreation Area;

3           (4) to dispose of certain residential units, public  
4 buildings, and facilities;

5           (5) to provide interim financial assistance to  
6 local government to defray the cost of providing  
7 basic governmental services;

8           (6) to achieve efficiencies in operation of the  
9 Flaming Gorge Dam and Reservoir and the Flaming  
10 Gorge National Recreation Area;

11           (7) to reduce long-term Federal outlays; and

12           (8) to serve the interests of the residents of  
13 Dutch John and Daggett County, Utah, and the  
14 general public.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17           (1) SECRETARY OF AGRICULTURE.—The term  
18 “Secretary of Agriculture” means the Secretary of  
19 Agriculture, acting through the Chief of the Forest  
20 Service.

21           (2) SECRETARY OF THE INTERIOR.—The term  
22 “Secretary of the Interior” means the Secretary of  
23 the Interior, acting through the Commissioner of the  
24 Bureau of Reclamation.

1 **SEC. 4. DISPOSITION OF CERTAIN LANDS AND PROP-**  
2 **ERTIES.**

3 (a) **IN GENERAL.**—Lands, structures, and commu-  
4 nity infrastructure facilities within or associated with  
5 Dutch John, Utah, that have been identified by the Sec-  
6 retary of Agriculture or the Secretary of the Interior as  
7 unnecessary for support of the agency of the respective  
8 Secretary shall be transferred or disposed of in accordance  
9 with this Act.

10 (b) **LAND DESCRIPTION.**—Except as provided in sub-  
11 section (c), the Secretary of Agriculture and the Secretary  
12 of the Interior shall dispose of (in accordance with this  
13 Act) approximately 2,450 acres within or associated with  
14 the Dutch John, Utah, community in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ ,  
15 S $\frac{1}{2}$  NW $\frac{1}{4}$ , and S $\frac{1}{2}$  of Section 1, the S $\frac{1}{2}$  of Section 2,  
16 10 acres more or less within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section  
17 3, Sections 11 and 12, the N $\frac{1}{2}$  of Section 13, and the  
18 E $\frac{1}{2}$  NE $\frac{1}{4}$  of Section 14 of Township 2 North, Range 22  
19 East, Salt Lake Base and Meridian, that have been deter-  
20 mined to be available for transfer by the Secretary of Agri-  
21 culture and the Secretary of the Interior, respectively.

22 (c) **INFRASTRUCTURE FACILITIES AND LAND.**—Ex-  
23 cept as provided in subsection (c), the Secretary of the  
24 Interior shall dispose of (in accordance with this Act) com-  
25 munity infrastructure facilities and land that have been

1 determined to be available for transfer by the Secretary  
2 of the Interior, including the following:

3           (1) The fire station, sewer systems, sewage la-  
4 goons, water systems (except as provided in sub-  
5 section (c)(3)), old post office, electrical and natural  
6 gas distribution systems, hospital building, streets,  
7 street lighting, alleys, sidewalks, parks, and commu-  
8 nity buildings located within or serving Dutch John,  
9 including fixtures, equipment, land, easements,  
10 rights-of-way, or other property primarily used for  
11 the operation, maintenance, replacement, or repair  
12 of a facility referred to in this paragraph.

13           (2) The Dutch John Airport, comprising ap-  
14 proximately 25 acres, including runways, roads,  
15 rights-of-way, and appurtenances to the Airport,  
16 subject to such monitoring and remedial action by  
17 the United States as is necessary.

18           (3) The lands on which are located the Dutch  
19 John public schools, which comprise approximately  
20 10 acres.

21           (d) OTHER PROPERTIES AND FACILITIES.—The Sec-  
22 retary of Agriculture and the Secretary of the Interior  
23 shall dispose of (in accordance with this Act) the other  
24 properties and facilities that have been determined to be  
25 available for transfer or disposal by the Secretary of Agri-

1 culture and the Secretary of the Interior, respectively, in-  
2 cluding the following:

3           (1) ~~Certain residential units occupied on the~~  
4           ~~date of enactment of this Act, as determined by the~~  
5           ~~Secretary of the Interior.~~

6           (2) ~~Certain residential units unoccupied on the~~  
7           ~~date of enactment of this Act, as determined by the~~  
8           ~~Secretary of the Interior.~~

9           (3) ~~Lots within the Dutch John community~~  
10          ~~that are occupied on the date of enactment of this~~  
11          ~~Act by privately owned modular homes under lease~~  
12          ~~agreements with the Secretary of the Interior.~~

13          (4) ~~Unoccupied platted lots within the Dutch~~  
14          ~~John community.~~

15          (5) ~~The land, comprising approximately 3.8~~  
16          ~~acres, on which is located the Church of Jesus~~  
17          ~~Christ of Latter Day Saints, within Block 9, of the~~  
18          ~~Dutch John community.~~

19          (6) ~~The lands for which special use permits,~~  
20          ~~easements, or rights-of-way for commercial uses~~  
21          ~~have been issued by the Forest Service.~~

22          (7) ~~The lands on which are located the offices,~~  
23          ~~3 employee residences, warehouses, and facilities of~~  
24          ~~the Utah Division of Wildlife Resources, as de-~~  
25          ~~scribed in the survey required under section 7, in-~~

1 eluding yards and land defined by fences in existence  
2 on the date of enactment of this Act.

3 (8) The Dutch John landfill site, subject to  
4 such monitoring and remedial action by the United  
5 States as is necessary, with responsibility for mon-  
6 itoring and remediation being shared by the Sec-  
7 retary of Agriculture and the Secretary of the Inte-  
8 rior proportionate to their historical use of the site.

9 (9) Such fixtures and furnishing in existence  
10 and in place on the date of enactment of this Act  
11 as are mutually determined by Daggett County, the  
12 Secretary of Agriculture, and the Secretary of the  
13 Interior to be necessary for the full use of properties  
14 or facilities disposed of under this Act.

15 (10) Such other properties or facilities at Dutch  
16 John that the Secretary of Agriculture or the Sec-  
17 retary of the Interior determines are not necessary  
18 to achieve the mission of the respective Secretary  
19 and the disposal of which would be consistent with  
20 this Act.

21 (c) RETAINED PROPERTIES.—Except to the extent  
22 the following properties are determined by the Secretary  
23 of Agriculture or the Secretary of the Interior to be avail-  
24 able for disposal, the Secretary of Agriculture and the Sec-

1 retary of the Interior shall retain for their respective use  
2 the following:

3           (1) All buildings and improvements located  
4           within the industrial complex of the Bureau of Rec-  
5           lamation, including the maintenance shop, 40 indus-  
6           trial garages, 2 warehouses, the equipment storage  
7           building, the flammable equipment storage building,  
8           the hazardous waste storage facility, and the prop-  
9           erty on which the buildings and improvements are  
10          located.

11          (2) 17 residences under the jurisdiction of the  
12          Secretary of the Interior and the Secretary of Agri-  
13          culture, of which—

14                (A) 15 residences shall remain under the  
15                jurisdiction of the Secretary of the Interior; and

16                (B) 2 residences shall remain under the ju-  
17                risdiction of the Secretary of Agriculture.

18          (3) The Dutch John water system raw water  
19          supply line and return line between the power plant  
20          and the water treatment plant, pumps and pumping  
21          equipment, and any appurtenances and rights-of-way  
22          to the line and other facilities, with the retained fa-  
23          cilities to be operated and maintained by the United  
24          States with pumping costs and operation and main-

1       tenance costs of the pumps to be included as a cost  
2       to Daggett County in a water service contract.

3           (4) The heliport and associated real estate, con-  
4       sisting of approximately 20 acres, which shall re-  
5       main under the jurisdiction of the Secretary of Agri-  
6       culture.

7           (5) The Forest Service warehouse complex and  
8       associated real estate, consisting of approximately 2  
9       acres, which shall remain under the jurisdiction of  
10      the Secretary of Agriculture.

11          (6) The Forest Service office complex and asso-  
12      ciated real estate, which shall remain under the ju-  
13      risdiction of the Secretary of Agriculture.

14          (7) The United States Post Office, pursuant to  
15      Forest Service Special Use Permit No. 1073, which  
16      shall be transferred to the jurisdiction of the United  
17      States Postal Service pursuant to section 6(d).

18   **SEC. 5. REVOCATION OF WITHDRAWALS.**

19        In the case of lands and properties transferred under  
20      section 4, effective on the date of transfer to the Secretary  
21      of the Interior (if applicable) or conveyance by quitclaim  
22      deed out of Federal ownership, authorization for each of  
23      the following withdrawals is revoked:

24           (1) The Public Water Reserve No. 16, Utah  
25      No. 7, dated March 9, 1914.

1           (2) The Secretary of the Interior Order dated  
2           October 20, 1952.

3           (3) The Secretary of the Interior Order dated  
4           July 2, 1956, No. 71676.

5           (4) The Flaming Gorge National Recreation  
6           Area, dated October 1, 1968, established under Pub-  
7           lic Law 90-540 (16 U.S.C. 460v et seq.), as to  
8           lands described in section 4(b).

9           (5) The Dutch John Administrative Site, dated  
10          December 12, 1951 (PLO 769, U-0611).

11 **SEC. 6. TRANSFER OF JURISDICTION.**

12          (a) TRANSFERS FROM SECRETARY OF AGRICULTURE.—Except for properties retained under section  
13          CULTURE.—Except for properties retained under section  
14          4(e), all lands designated under section 4 for disposal shall  
15          be—

16               (1) transferred from the jurisdiction of the Sec-  
17               retary of Agriculture to the Secretary of the Interior  
18               and, if appropriate, the United States Postal Serv-  
19               ice; and

20               (2) removed from inclusion in the Ashley Na-  
21               tional Forest and the Flaming Gorge National  
22               Recreation Area.

23          (b) TRANSFERS FROM THE SECRETARY OF THE IN-  
24          TERIOR.—

1           (1) IN GENERAL.—The Secretary of the Inte-  
2           rior shall transfer to the Secretary of Agriculture  
3           administrative jurisdiction over certain lands and in-  
4           terests in land described in paragraph (2), contain-  
5           ing approximately 2,167 acres located in Duchesne  
6           and Wasatch Counties, Utah, acquired by the Sec-  
7           retary of the Interior for the Central Utah Project  
8           (and associated wildlife mitigation), and managed  
9           and developed for wildlife mitigation purposes by the  
10          Secretary of Agriculture under memoranda of agree-  
11          ment between the Secretary of Agriculture and the  
12          Secretary of the Interior.

13          (2) LAND DESCRIPTION.—The lands referred to  
14          in paragraph (1) are lands indicated on the maps  
15          generally depicting—

16                 (A) the Dutch John transfer of the Ashley  
17                 National Forest to the State of Utah, dated  
18                 February 1997;

19                 (B) the Dutch John transfer of the Uinta  
20                 National Forest to the State of Utah, dated  
21                 February 1997;

22                 (C) lands to be transferred to the Forest  
23                 Service: Lower Stillwater Properties;

24                 (D) lands to be transferred to the Forest  
25                 Service: Red Hollow (Diamond Properties); and

1           (E) lands to be transferred to the Forest  
2 Service: Coal Mine Hollow (Current Creek Res-  
3ervoir).

4           (3) STATUS OF LANDS.—

5           (A) NATIONAL FORESTS.—The lands and  
6 interests in land transferred to the Secretary of  
7 Agriculture under paragraph (1) shall become  
8 part of the Ashley or Uinta National Forest, as  
9 appropriate. The Secretary of Agriculture shall  
10 adjust the boundaries of each of the National  
11 Forests to reflect the additional lands.

12           (B) MANAGEMENT.—The transferred lands  
13 shall—

14           (i) be managed in accordance with the  
15 Act of March 1, 1911 (commonly known as  
16 the “Weeks Law”) (36 Stat. 962, chapter  
17 186; 16 U.S.C. 515 et seq.) and other laws  
18 (including rules and regulations) applicable  
19 to the National Forest System; and

20           (ii) continue to be managed and devel-  
21 oped for the benefit of wildlife mitigation  
22 in accordance with each memorandum of  
23 agreement applicable to each tract of the  
24 lands.

1           (C) ADJUSTMENT OF BOUNDARIES.—This  
2 paragraph does not limit the authority of the  
3 Secretary of Agriculture to adjust the bound-  
4 aries of the Ashley or Uinta National Forest  
5 pursuant to section 11 of the Act of March 1,  
6 1911 (commonly known as the “Weeks Law”)  
7 (36 Stat. 963, chapter 186; 16 U.S.C. 521).

8           (4) LAND AND WATER CONSERVATION FUND.—  
9 For the purposes of section 7 of the Land and  
10 Water Conservation Fund Act of 1965 (16 U.S.C.  
11 46019), the boundaries of the Ashley and Uinta Na-  
12 tional Forests, as adjusted under this section, shall  
13 be considered to be the boundaries of the Forests as  
14 of January 1, 1965.

15           (c) FEDERAL IMPROVEMENTS.—The Secretary of the  
16 Interior may transfer to the Secretary of Agriculture juris-  
17 diction over Federal improvements to the lands trans-  
18 ferred under this section.

19           (d) TRANSFERS FROM THE SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall transfer to  
20 the United States Postal Service administrative jurisdic-  
21 tion over certain lands and interests in land subject to  
22 Forest Service Special Use Permit No. 1073, containing  
23 approximately 0.34 acres.  
24

1 (e) WITHDRAWALS.—Notwithstanding subsection  
2 (a), lands retained by the Federal Government under this  
3 Act shall continue to be withdrawn from mineral entry  
4 under the United States mining laws.

5 **SEC. 7. SURVEYS.**

6 The Secretary of the Interior shall survey or resurvey  
7 all or portions of the Dutch John community as nec-  
8 essary—

9 (1) to accurately describe parcels identified  
10 under this Act for transfer among agencies, for Fed-  
11 eral disposal, or for retention by the United States;  
12 and

13 (2) to facilitate future recordation of title.

14 **SEC. 8. PLANNING.**

15 The Secretary of Agriculture and the Secretary of the  
16 Interior shall—

17 (1) recognize as an indication of potential fu-  
18 ture land use the Daggett County Dutch John Com-  
19 munity Plan, prepared in cooperation with the resi-  
20 dents of Dutch John, the Secretary of Agriculture,  
21 and the Secretary of the Interior; and

22 (2) cooperate with Daggett County in ensuring  
23 that disposal processes are consistent with the Plan  
24 and this Act.

1 **SEC. 9. APPRAISALS.**

2 (a) REQUIREMENTS.—

3 (1) IN GENERAL.—Not later than 180 days  
4 after the date of enactment of this Act, the Sec-  
5 retary of the Interior shall conduct appraisals to de-  
6 termine the fair market value of properties des-  
7 ignated for disposal under paragraphs (1), (2), (3),  
8 (5), and (7) of section 4(d).

9 (2) UNOCCUPIED PLATTED LOTS.—Not later  
10 than 90 days after the date of receipt by the Sec-  
11 retary of the Interior from an eligible purchaser of  
12 a written notice of intent to purchase an unoccupied  
13 platted lot referred to in section 4(d)(4), the Sec-  
14 retary of the Interior shall conduct an appraisal of  
15 the lot.

16 (3) SPECIAL USE PERMITS.—

17 (A) IN GENERAL.—Not later than 90 days  
18 after the date of receipt by the Secretary of the  
19 Interior from a permit holder of a written no-  
20 tice of intent to purchase a property described  
21 in section 10(g), the Secretary of the Interior  
22 shall conduct an appraisal of the property.

23 (B) IMPROVEMENTS AND ALTERNATIVE  
24 LAND.—An appraisal to carry out subparagraph  
25 (A) may include an appraisal of the value of

1 permit holder improvements and alternative  
2 land in order to conduct an in-lieu land sale.

3 (4) OCCUPIED PARCELS.—In the case of an oc-  
4 cupied parcel, an appraisal under this subsection  
5 shall include an appraisal of the full fee value of the  
6 occupied lot or land parcel and the value of resi-  
7 dences, structures, facilities, and existing, in-place  
8 federally owned fixtures and furnishings necessary  
9 for full use of the property.

10 (5) UNOCCUPIED PARCELS.—In the case of an  
11 unoccupied parcel, an appraisal under this sub-  
12 section shall consider potential future uses of the  
13 parcel that are consistent with the Daggett County  
14 Dutch John Community Plan referred to in section  
15 8(1), the land use map of the Plan, and subsection  
16 (c).

17 (6) FUNDING.—Funds for appraisals conducted  
18 under this section shall be derived from the Upper  
19 Colorado River Basin Fund authorized by section 5  
20 of the Act of April 11, 1956 (70 Stat. 107, chapter  
21 203; 43 U.S.C. 620d).

22 (b) REDUCTIONS FOR IMPROVEMENTS.—An ap-  
23 praisal of a residence or a structure or facility leased for  
24 private use under this section shall deduct the contribu-  
25 tory value of improvements made by the current occupant

1 or lessee if the occupant or lessee provides reasonable evi-  
 2 dence of expenditure of money or materials in making the  
 3 improvements.

4 ~~(c) CURRENT USE.—An appraisal under this section~~  
 5 ~~shall consider the current use of a property (including the~~  
 6 ~~use of housing as a community residence) and avoid uncer-~~  
 7 ~~tain speculation as to potential future use.~~

8 ~~(d) REVIEW.—~~

9 ~~(1) IN GENERAL.—The Secretary of the Inte-~~  
 10 ~~rior shall make an appraisal under this section avail-~~  
 11 ~~able for review by a current occupant or lessee.~~

12 ~~(2) ADDITIONAL INFORMATION OR APPEAL.—~~

13 ~~(A) IN GENERAL.—The current occupant~~  
 14 ~~or lessee may provide additional information, or~~  
 15 ~~appeal the findings of the appraisal in writing,~~  
 16 ~~to the Upper Colorado Regional Director of the~~  
 17 ~~Bureau of Reclamation.~~

18 ~~(B) ACTION BY SECRETARY OF THE INTE-~~  
 19 ~~RIOR.—The Secretary of the Interior—~~

20 ~~(i) shall consider the additional infor-~~  
 21 ~~mation or appeal; and~~

22 ~~(ii) may conduct a second appraisal if~~  
 23 ~~the Secretary determines that a second ap-~~  
 24 ~~praisal is necessary.~~

1           (e) INSPECTION.—The Secretary of the Interior shall  
2 provide opportunities for other qualified, interested pur-  
3 chasers to inspect completed appraisals under this section.

4 **SEC. 10. DISPOSAL OF PROPERTIES.**

5           (a) CONVEYANCES.—

6               (1) PATENTS.—The Secretary of the Interior  
7 shall dispose of properties identified for disposal  
8 under section 4, other than properties retained  
9 under section 4(e), without regard to law governing  
10 patents.

11              (2) CONDITION AND LAND.—Except as other-  
12 wise provided in this Act, conveyance of a building,  
13 structure, or facility under this Act shall be in its  
14 current condition and shall include the land parcel  
15 on which the building, structure, or facility is situ-  
16 ated.

17              (3) FIXTURES AND FURNISHINGS.—An existing  
18 and in-place fixture or furnishing necessary for the  
19 full use of a property or facility under this Act shall  
20 be conveyed along with the property.

21              (4) MAINTENANCE.—

22                   (A) BEFORE CONVEYANCE.—Before prop-  
23 erty is conveyed under this Act, the Secretary  
24 of the Interior shall ensure reasonable and pru-

1           dent maintenance and proper care of the prop-  
2           erty.

3           (B) AFTER CONVEYANCE.—After property  
4           is conveyed to a recipient under this Act, the  
5           recipient shall be responsible for—

6                   (i) maintenance and proper care of  
7                   the property; and

8                   (ii) any contamination of the property.

9           (b) INFRASTRUCTURE FACILITIES AND LAND.—In-  
10          frastructure facilities and land described in paragraphs  
11          (1) and (2) of section 4(e) shall be conveyed, without con-  
12          sideration, to Daggett County, Utah.

13          (c) SCHOOL.—The lands on which are located the  
14          Dutch John public schools described in section 4(e)(3)  
15          shall be conveyed, without consideration, to the Daggett  
16          County School District.

17          (d) UTAH DIVISION OF WILDLIFE RESOURCES.—  
18          Lands on which are located the offices, 3 employee resi-  
19          dences, warehouses, and facilities of the Utah Division of  
20          Wildlife Resources described in section 4(d)(7) shall be  
21          conveyed, without consideration, to the Division.

22          (e) RESIDENCES AND LOTS.—

23                  (1) IN GENERAL.—

24                          (A) FAIR MARKET VALUE.—A residence  
25                          and occupied residential lot to be disposed of

1 under this Act shall be sold for the appraised  
2 fair market value.

3 (B) NOTICE.—The Secretary of the Inte-  
4 rior shall provide local general public notice,  
5 and written notice to lessees and to current oc-  
6 cupants of residences and of occupied residen-  
7 tial lots for disposal, of the intent to sell prop-  
8 erties under this Act.

9 (2) PURCHASE OF RESIDENCES OR LOTS BY  
10 LESSEES.—

11 (A) IN GENERAL.—Subject to subpara-  
12 graph (B), the Secretary of the Interior shall  
13 provide a holder of a current lease from the  
14 Secretary for a residence to be sold under para-  
15 graph (1) or (2) of section 4(d) or for a resi-  
16 dential lot occupied by a privately owned dwell-  
17 ing described in section 4(d)(3) a period of 180  
18 days beginning on the date of the written notice  
19 of the Secretary of intent of the Secretary to  
20 sell the residence or lot, to execute a contract  
21 with the Secretary of the Interior to purchase  
22 the residence or lot for the appraised fair mar-  
23 ket value.

24 (B) NOTICE OF INTENT TO PURCHASE.—  
25 To obtain the protection of subparagraph (A),

1 the lessee shall, during the 30-day period begin-  
 2 ning on the date of receipt of the notice re-  
 3 ferred to in subparagraph (A), notify the Sec-  
 4 retary in writing of the intent of the lessee to  
 5 purchase the residence or lot.

6 ~~(C) NO NOTICE OR PURCHASE CON-~~  
 7 ~~TRACT.—If no written notification of intent to~~  
 8 ~~purchase is received by the Secretary in accord-~~  
 9 ~~ance with subparagraph (B) or if a purchase~~  
 10 ~~contract has not been executed in accordance~~  
 11 ~~with subparagraph (A), the residence or lot~~  
 12 ~~shall become available for purchase by other~~  
 13 ~~persons under paragraph (3).~~

14 ~~(3) PURCHASE OF RESIDENCES OR LOTS BY~~  
 15 ~~OTHER PERSONS.—~~

16 ~~(A) ELIGIBILITY.—If a residence or lot be-~~  
 17 ~~comes available for purchase under paragraph~~  
 18 ~~(2)(C), the Secretary of the Interior shall make~~  
 19 ~~the residence or lot available for purchase by—~~

20 ~~(i) a current authorized occupant of~~  
 21 ~~the residence to be sold;~~

22 ~~(ii) a holder of a current reclamation~~  
 23 ~~lease for a residence within Dutch John;~~

1 (iii) an employee of the Bureau of  
2 Reclamation or the Forest Service cur-  
3 rently residing in Dutch John; or

4 (iv) an employee of another Federal  
5 agency supporting the mission of Dutch  
6 John who resides in Dutch John.

7 (B) PRIORITY.—

8 (i) SENIORITY.—Priority for purchase  
9 of properties available for purchase under  
10 this paragraph shall be by seniority of rec-  
11 lamation lease or residency in Dutch John.

12 (ii) PRIORITY LIST.—The Secretary of  
13 the Interior shall compile a priority list of  
14 eligible potential purchasers that is based  
15 on the length of continuous residency in  
16 Dutch John or the length of a continuous  
17 residence lease issued by the Bureau of  
18 Reclamation in Dutch John, with the high-  
19 est priority provided for purchasers with  
20 the longest continuous residency or lease.

21 (iii) INTERRUPTIONS.—If a continu-  
22 ous residency or lease was interrupted, the  
23 Secretary shall consider only that most re-  
24 cent continuous residency or lease.

1           (iv) OTHER FACTORS.—In preparing  
2           the priority list, the Secretary shall not  
3           consider a factor (including agency employ-  
4           ment or position) other than the length of  
5           the current residency or lease.

6           (v) DISPUTES.—A potential purchaser  
7           may file a written appeal over a dispute in-  
8           volving eligibility or ranking on the priority  
9           list with the Secretary of the Interior, act-  
10          ing through the Upper Colorado Regional  
11          Director of the Bureau of Reclamation.  
12          The Secretary, acting through the Regional  
13          Director, shall consider the appeal and re-  
14          solve the dispute.

15          (C) NOTICE.—The Secretary of the Inte-  
16          rior shall provide general public notice and writ-  
17          ten notice by certified mail to eligible pur-  
18          chasers that specifies—

19               (i) properties available for purchase  
20               under this paragraph;

21               (ii) the appraised fair market value of  
22               the properties;

23               (iii) instructions for potential eligible  
24               purchasers; and

1                   (iv) any purchase contract require-  
2                   ments:

3                   ~~(D)~~ NOTICE OF INTENT TO PURCHASE.—

4                   An eligible purchaser under this paragraph  
5                   shall have a period of 90 days after receipt of  
6                   written notification to submit to the Secretary  
7                   of the Interior a written notice of intent to pur-  
8                   chase a specific available property at the listed  
9                   appraised fair market value.

10                  ~~(E)~~ NOTICE OF ELIGIBILITY OF HIGHEST

11                  ELIGIBLE PURCHASER TO PURCHASE PROP-

12                  PERTY.—The Secretary of the Interior shall pro-

13                  vide notice to the potential purchaser with the

14                  highest eligible purchaser priority for each

15                  property that the purchaser will have the first

16                  opportunity to execute a sales contract and pur-

17                  chase the property.

18                  ~~(F)~~ AVAILABILITY TO OTHER PURCHASERS

19                  ON PRIORITY LIST.—If no purchase contract is

20                  executed for a property by the highest priority

21                  purchaser within the 180 days after receipt of

22                  notice under subparagraph ~~(E)~~, the Secretary

23                  of the Interior shall make the property available

24                  to other purchasers listed on the priority list.

1           (G) LIMITATION ON NUMBER OF PROP-  
2           ERTIES.—No household may purchase more  
3           than 1 residential property under this para-  
4           graph.

5           (4) RESIDUAL PROPERTY TO COUNTY.—If a  
6           residence or lot to be disposed of under this Act is  
7           not purchased in accordance with paragraph (2) or  
8           (3) within 2 years after providing the first notice of  
9           intent to sell under paragraph (1)(B), the Secretary  
10          of the Interior shall convey the residence or lot to  
11          Daggett County without consideration.

12          (5) ADVISORY COMMITTEE.—The Secretary of  
13          the Interior, acting through the Upper Colorado Re-  
14          gional Director of the Bureau of Reclamation, may  
15          appoint a nonfunded Advisory Committee comprised  
16          of 1 representative from each of the Bureau of Rec-  
17          lamation, Daggett County, and the Dutch John com-  
18          munity to review and provide advice to the Secretary  
19          on the resolution of disputes arising under this sub-  
20          section and subsection (f).

21          (6) FINANCING.—The Secretary of the Interior  
22          shall provide advice to potential purchasers under  
23          this subsection and subsection (f) in obtaining ap-  
24          propriate and reasonable financing for the purchase  
25          of a residence or lot.

1 (f) UNOCCUPIED PLATTED LOTS.—

2 (1) IN GENERAL.—Except as provided in para-  
3 graph (2), the Secretary of the Interior shall make  
4 an unoccupied platted lot described in section  
5 4(d)(4) available for sale to eligible purchasers for  
6 the appraised fair market value of the lot.

7 (2) CONVEYANCE FOR PUBLIC PURPOSE.—On  
8 request from Daggett County, the Secretary of the  
9 Interior may convey directly to the County without  
10 consideration a lot referred to in paragraph (1) that  
11 will be used for a public use purpose that is consist-  
12 ent with the Daggett County Dutch John Commu-  
13 nity Plan.

14 (3) ADMINISTRATION.—The procedures estab-  
15 lished under subsection (e) shall apply to this sub-  
16 section to the maximum extent practicable, as deter-  
17 mined by the Secretary of the Interior.

18 (4) LAND-USE DESIGNATION.—For each lot  
19 sold under this subsection, the Secretary of the Inte-  
20 rior shall include in the notice of intent to sell the  
21 lot provided under this subsection the land-use des-  
22 ignation of the lot established under the Daggett  
23 County Dutch John Community Plan.

1           (5) LIMITATION ON NUMBER OF LOTS.—No  
2 household may purchase more than 1 residential lot  
3 under this subsection.

4           (6) LIMITATION ON PURCHASE OF ADDITIONAL  
5 LOTS.—No household purchasing an existing resi-  
6 dence under this section may purchase an additional  
7 single home, residential lot.

8           (7) RESIDUAL LOTS TO COUNTY.—If a lot de-  
9 scribed in paragraph (1) is not purchased in accord-  
10 ance with paragraphs (1) through (6) within 2 years  
11 after providing the first notice of intent to sell under  
12 this subsection, the Secretary of the Interior shall  
13 convey the lot to Daggett County without consider-  
14 ation.

15 (g) SPECIAL USE PERMITS.—

16           (1) SALE.—Lands on which Forest Service spe-  
17 cial use permits are issued to holders numbered  
18 4054 and 9303, Ashley National Forest, comprising  
19 approximately 15.3 acres and 1 acre, respectively,  
20 may be sold at appraised fair market value to the  
21 holder of the permit.

22           (2) ADMINISTRATION OF PERMITS.—On trans-  
23 fer of jurisdiction of the land to the Secretary of the  
24 Interior pursuant to section 6, the Secretary of the

1 Interior shall administer the permits under the  
2 terms and conditions of the permits.

3 ~~(3) NOTICE OF AVAILABILITY FOR PUR-~~  
4 ~~CHASE.—~~The Secretary of the Interior shall notify  
5 the respective permit holders in writing of the avail-  
6 ability of the land for purchase.

7 ~~(4) APPRAISALS.—~~The Secretary of the Interior  
8 shall not conduct an appraisal of the land unless the  
9 Secretary receives a written notice of intent to pur-  
10 chase the land within 2 years after providing notice  
11 under paragraph ~~(3)~~.

12 ~~(5) ALTERNATIVE PARCELS.—~~On request by  
13 permit holder number 9303, the Secretary of the In-  
14 terior, in consultation with Daggett County, may—

15 ~~(A)~~ consider sale of a parcel within the  
16 Daggett County community of similar size and  
17 appraised value in lieu of the land under permit  
18 on the date of enactment of this Act; and

19 ~~(B)~~ provide the holder credit toward the  
20 purchase or other negotiated compensation for  
21 the appraised value of improvements of the per-  
22 mittee to land under permit on the date of en-  
23 actment of this Act.

24 ~~(6) RESIDUAL LAND TO COUNTY.—~~If land de-  
25 scribed in paragraph ~~(1)~~ is not purchased in accord-

1       ance with paragraphs (1) through (5) within 2 years  
 2       after providing the first notice of intent to sell under  
 3       this subsection, the Secretary of the Interior shall  
 4       convey the land to Daggett County without consider-  
 5       ation.

6       (h) TRANSFERS TO COUNTY.—Other land occupied  
 7       by authorization of a special use permit, easement, or  
 8       right-of-way to be disposed of under this Act shall be  
 9       transferred to Daggett County if the holder of the author-  
 10      ization and the County, prior to transfer of the lands to  
 11      the County—

12           (1) agree to and execute a legal document that  
 13           grants the holder the rights and privileges provided  
 14           in the existing authorization; or

15           (2) enter into another arrangement that is mu-  
 16           tually satisfactory to the holder and the County.

17      (i) CHURCH LAND.—

18           (1) IN GENERAL.—The Secretary of the Inte-  
 19           rior shall offer to sell land to be disposed of under  
 20           this Act on which is located an established church to  
 21           the parent entity of the church at the appraised fair  
 22           market value.

23           (2) NOTICE.—The Secretary of the Interior  
 24           shall notify the church in writing of the availability  
 25           of the land for purchase.

1           (3) RESIDUAL LAND TO COUNTY.—If land de-  
2       scribed in paragraph (1) is not purchased in accord-  
3       ance with paragraphs (1) and (2) within 2 years  
4       after providing the first notice of intent to sell under  
5       this subsection, the Secretary of the Interior shall  
6       convey the land to Daggett County without consider-  
7       ation.

8           (j) RESIDUAL PROPERTIES TO COUNTY.—The Sec-  
9       retary of the Interior shall convey all lands, buildings, or  
10      facilities designated for disposal under this Act that are  
11      not conveyed in accordance with subsections (a) through  
12      (i) to Daggett County without consideration.

13          (k) WATER RIGHTS.—

14           (1) IN GENERAL.—Subject to the other provi-  
15      sions of this subsection, the Secretary of the Interior  
16      shall transfer all water rights the Secretary holds  
17      that are applicable to the Dutch John municipal  
18      water system to Daggett County.

19           (2) WATER SERVICE CONTRACT.—

20           (A) IN GENERAL.—Transfer of rights  
21      under paragraph (1) is contingent on Daggett  
22      County entering into a water service contract  
23      with the Secretary of the Interior covering pay-  
24      ment for and delivery of untreated water to  
25      Daggett County pursuant to the Act of April

1           11, 1956 (70 Stat. 105, chapter 203; 43 U.S.C.  
2           620 et seq.).

3           (B) DELIVERED WATER.—The contract  
4           shall require payment only for water actually  
5           delivered.

6           (3) EXISTING RIGHTS.—Existing rights for  
7           transfer to Daggett County under this subsection in-  
8           clude—

9           (A) Utah Water Right 41-2942 (A30557,  
10          Cert No. 5903) for 0.08 cubic feet per second  
11          from a water well; and

12          (B) Utah Water Right 41-3470  
13          (A30414b), an unapproved application to seg-  
14          regate 12,000 acre-feet per year of water from  
15          the original approved Flaming Gorge water  
16          right (41-2963) for municipal use in the town  
17          of Dutch John and surrounding areas.

18          (4) CULINARY WATER SUPPLIES.—The transfer  
19          of water rights under this subsection is conditioned  
20          on the agreement of Daggett County to provide cul-  
21          inary water supplies to Forest Service campgrounds  
22          served (on the date of enactment of this Act) by the  
23          water supply system and to Forest Service and Bu-  
24          reau of Reclamation facilities, at a rate equivalent to  
25          other similar uses.

1           (5) MAINTENANCE.—The Secretary of Agri-  
 2           culture and the Secretary of the Interior shall be re-  
 3           sponsible for maintenance of their respective water  
 4           systems from the point of the distribution lines of  
 5           the systems.

6           (4) SHORELINE ACCESS.—On receipt of an acceptable  
 7           application, the Secretary of Agriculture shall consider  
 8           issuance of a special use permit affording Flaming Gorge  
 9           Reservoir public shoreline access and use within the vicin-  
 10          ity of Dutch John in conjunction with commercial visitor  
 11          facilities provided and maintained under such a permit.

12          (m) REVENUES.—All revenues derived from the sale  
 13          of properties as authorized by this Act shall temporarily  
 14          be deposited in a segregated interest-bearing trust account  
 15          in the Treasury with the moneys on hand in the account  
 16          paid to Daggett County semiannually to be used by the  
 17          County for purposes associated with the provision of gov-  
 18          ernmental and community services to the Dutch John  
 19          community.

20       **SEC. 11. VALID EXISTING RIGHTS.**

21          (a) AGREEMENTS.—

22               (1) IN GENERAL.—If any lease, permit, right-  
 23               of-way, easement, or other valid existing right is ap-  
 24               purtenant to land conveyed to Daggett County,  
 25               Utah, under this Act, the County shall honor and

1 enforce the right through a legal agreement entered  
 2 into by the County and the holder before the date  
 3 of conveyance.

4 (2) EXTENSION OR TERMINATION.—The Coun-  
 5 ty may extend or terminate an agreement under  
 6 paragraph (1) at the end of the term of the agree-  
 7 ment.

8 (b) USE OF REVENUES.—During such period as the  
 9 County is enforcing a right described in subsection (a)(1)  
 10 through a legal agreement between the County and the  
 11 holder of the right under subsection (a), the County shall  
 12 collect and retain any revenues due the Federal Govern-  
 13 ment under the terms of the right.

14 (c) EXTINGUISHMENT OF RIGHTS.—If a right de-  
 15 scribed in subsection (a)(1) with respect to certain land  
 16 has been extinguished or otherwise protected, the County  
 17 may dispose of the land.

18 **SEC. 12. CULTURAL RESOURCES.**

19 (a) MEMORANDA OF AGREEMENT.—Before transfer  
 20 and disposal under this Act of any land that contains cul-  
 21 tural resources and that may be eligible for listing on the  
 22 National Register of Historic Places, the Secretary of Ag-  
 23 riculture, in consultation with the Secretary of the Inte-  
 24 rior, the Utah Historic Preservation Office, and Daggett  
 25 County, Utah, shall prepare a memorandum of agreement,

1 for review and approval by the Utah Office of Historical  
 2 Preservation and the Advisory Council on Historic Preser-  
 3 vation established by title II of the National Historic Pres-  
 4 ervation Act (16 U.S.C. 470i et seq.), that contains a  
 5 strategy for protecting or mitigating adverse effects on  
 6 cultural resources on the land.

7 (b) INTERIM PROTECTION.—Until such time as a  
 8 memorandum of agreement has been approved, or until  
 9 lands are disposed of under this Act, the Secretary of Ag-  
 10 riculture shall provide clearance or protection for the re-  
 11 sources.

12 (c) TRANSFER SUBJECT TO AGREEMENT.—On com-  
 13 pletion of actions required under the memorandum of  
 14 agreement for certain land, the Secretary of the Interior  
 15 shall provide for the conveyance of the land to Daggett  
 16 County, Utah, subject to the memorandum of agreement.

17 **SEC. 13. TRANSITION OF SERVICES TO LOCAL GOVERN-**  
 18 **MENT CONTROL.**

19 (a) ASSISTANCE.—

20 (1) IN GENERAL.—The Secretary of the Inte-  
 21 rior shall provide training and transitional operating  
 22 assistance to personnel designated by Daggett Coun-  
 23 ty, Utah, as successors to the operators for the Sec-  
 24 retary of the infrastructure facilities described in  
 25 section 4(c).

1           (2) DURATION OF TRAINING.—With respect to  
2           an infrastructure facility, training under paragraph  
3           (1) shall continue for such period as is necessary for  
4           the designated personnel to demonstrate reasonable  
5           capability to safely and efficiently operate the facil-  
6           ity, but not to exceed 2 years.

7           (3) CONTINUING ASSISTANCE.—The Secretary  
8           shall remain available to assist with resolving ques-  
9           tions about the original design and installation, op-  
10          erating and maintenance needs, or other aspects of  
11          the infrastructure facilities.

12          (b) TRANSITION COSTS.—For the purpose of defray-  
13          ing costs of transition in administration and provision of  
14          basic community services, an annual payment of \$300,000  
15          (as adjusted by the Secretary for changes in the Consumer  
16          Price Index for all-urban consumers published by the De-  
17          partment of Labor) shall be provided from the Upper Col-  
18          orado River Basin Fund authorized by section 5 of the  
19          Act of April 11, 1956 (70 Stat. 107, chapter 203; 43  
20          U.S.C. 620d), to Daggett County, Utah, or, in accordance  
21          with subsection (c), to Dutch John, Utah, for a period  
22          not to exceed 15 years beginning the first January 1 that  
23          occurs after the date of enactment of this Act.

24          (c) DIVISION OF PAYMENT.—If Dutch John becomes  
25          incorporated and become responsible for operating any of

1 the infrastructure facilities referred to in subsection (a)(1)  
 2 or for providing other basic local governmental services;  
 3 the payment amount for the year of incorporation and  
 4 each following year shall be proportionately divided be-  
 5 tween Daggett County and Dutch John based on the re-  
 6 spective costs paid by each government for the previous  
 7 year to provide the services.

8 (d) ELECTRIC POWER.—

9 (1) AVAILABILITY.—The United States shall  
 10 make available electric power and associated energy  
 11 from the Colorado River Storage Project for the  
 12 Dutch John community.

13 (2) AMOUNT.—The amount of electric power  
 14 and associated energy made available under para-  
 15 graph (1) shall not exceed 1,000,000 kilowatt-hours  
 16 per year.

17 (3) RATES.—The rates for power and associ-  
 18 ated energy shall be the firm capacity and energy  
 19 rates of the Salt Lake City Area/Integrated Projects.

20 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) RESOURCE RECOVERY AND MITIGATION.—There  
 22 are authorized to be appropriated to the Secretary of Agri-  
 23 culture, out of nonpower revenues to the Federal Govern-  
 24 ment from land transferred under this Act, such sums as  
 25 are necessary to implement such habitat, sensitive re-

1 source, or cultural resource recovery, mitigation, or re-  
 2 placement strategies as are developed with respect to land  
 3 transferred under this Act, except that the strategies may  
 4 not include acquisition of privately owned lands in Daggett  
 5 County.

6 (b) OTHER SUMS.—In addition to sums made avail-  
 7 able under subsection (a), there are authorized to be ap-  
 8 propriated such sums as are necessary to carry out this  
 9 Act.

10 **SECTION 1. SHORT TITLE.**

11 *This Act may be cited as the “Dutch John Federal*  
 12 *Property Disposition and Assistance Act of 1998”.*

13 **SEC. 2. FINDINGS AND PURPOSES.**

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

15 (1)(A) *Dutch John, Utah, was founded by the*  
 16 *Secretary of the Interior in 1958 on Bureau of Rec-*  
 17 *lamation land as a community to house personnel,*  
 18 *administrative offices, and equipment for project con-*  
 19 *struction and operation of the Flaming Gorge Dam*  
 20 *and Reservoir as authorized by the Act of April 11,*  
 21 *1956 (70 Stat. 105, chapter 203; 43 U.S.C. 620 et*  
 22 *seq.); and*

23 (B) *permanent structures (including houses, ad-*  
 24 *ministrative offices, equipment storage and mainte-*  
 25 *nance buildings, and other public buildings and fa-*

1        *cilities) were constructed and continue to be owned*  
2        *and maintained by the Secretary of the Interior;*

3            *(2)(A) Bureau of Reclamation land surrounding*  
4        *the Flaming Gorge Reservoir (including the Dutch*  
5        *John community) was included within the boundaries*  
6        *of the Flaming Gorge National Recreation Area in*  
7        *1968 under Public Law 90–540 (16 U.S.C. 460v et*  
8        *seq.);*

9            *(B) Public Law 90–540 assigned responsibility*  
10       *for administration, protection, and development of the*  
11       *Flaming Gorge National Recreation Area to the Sec-*  
12       *retary of Agriculture and provided that lands and*  
13       *waters needed or used for the Colorado River Storage*  
14       *Project would continue to be administered by the Sec-*  
15       *retary of the Interior; and*

16           *(C) most structures within the Dutch John com-*  
17       *munity (including the schools and public buildings*  
18       *within the community) occupy lands administered by*  
19       *the Secretary of Agriculture;*

20           *(3)(A) the Secretary of Agriculture and the Sec-*  
21       *retary of the Interior are unnecessarily burdened with*  
22       *the cost of continuing to provide basic services and fa-*  
23       *cilities and building maintenance and with the ad-*  
24       *ministrative costs of operating the Dutch John com-*  
25       *munity; and*

1           (B) *certain structures and lands are no longer*  
2           *essential to management of the Colorado River Stor-*  
3           *age Project or to management of the Flaming Gorge*  
4           *National Recreation Area;*

5           (4)(A) *residents of the community are interested*  
6           *in purchasing the homes they currently rent from the*  
7           *Secretary of the Interior and the land on which the*  
8           *homes are located;*

9           (B) *Daggett County, Utah, is interested in re-*  
10          *ducing the financial burden the County experiences in*  
11          *providing local government support services to a com-*  
12          *munity that produces little direct tax revenue because*  
13          *of Federal ownership; and*

14          (C) *a withdrawal of the role of the Federal Gov-*  
15          *ernment in providing basic direct community services*  
16          *to Dutch John would require local government to pro-*  
17          *vide the services at a substantial cost;*

18          (5)(A) *residents of the Dutch John community*  
19          *are interested in self-government of the community;*  
20          *and*

21          (B) *with growing demands for additional com-*  
22          *mercial recreation services for visitors to the Flaming*  
23          *Gorge National Recreation Area and Ashley National*  
24          *Forest, there are opportunities for private economic*

1        *development, but few private lands are available for*  
2        *the services; and*

3            *(6) the privatization and disposal to local gov-*  
4        *ernment of certain lands in and surrounding Dutch*  
5        *John would be in the public interest.*

6        *(b) PURPOSES.—The purposes of this Act are—*

7            *(1) to privatize certain lands in and surround-*  
8        *ing Dutch John, Utah;*

9            *(2) to transfer jurisdiction of certain Federal*  
10       *property between the Secretary of Agriculture and the*  
11       *Secretary of the Interior;*

12           *(3) to improve the Flaming Gorge National*  
13       *Recreation Area;*

14           *(4) to dispose of certain residential units, public*  
15       *buildings, and facilities;*

16           *(5) to provide interim financial assistance to*  
17       *local government to defray the cost of providing basic*  
18       *governmental services;*

19           *(6) to achieve efficiencies in operation of the*  
20       *Flaming Gorge Dam and Reservoir and the Flaming*  
21       *Gorge National Recreation Area;*

22           *(7) to reduce long-term Federal outlays; and*

23           *(8) to serve the interests of the residents of Dutch*  
24       *John and Daggett County, Utah, and the general*  
25       *public.*

1 **SEC. 3. DEFINITIONS.**

2 *In this Act:*

3 (1) *SECRETARY OF AGRICULTURE.*—*The term*  
4 *“Secretary of Agriculture” means the Secretary of Ag-*  
5 *riculture, acting through the Chief of the Forest Serv-*  
6 *ice.*

7 (2) *SECRETARY OF THE INTERIOR.*—*The term*  
8 *“Secretary of the Interior” means the Secretary of the*  
9 *Interior, acting through the Commissioner of the Bu-*  
10 *reau of Reclamation.*

11 **SEC. 4. DISPOSITION OF CERTAIN LANDS AND PROPERTIES.**

12 (a) *IN GENERAL.*—*Lands, structures, and community*  
13 *infrastructure facilities within or associated with Dutch*  
14 *John, Utah, that have been identified by the Secretary of*  
15 *Agriculture or the Secretary of the Interior as unnecessary*  
16 *for support of the agency of the respective Secretary shall*  
17 *be transferred or disposed of in accordance with this Act.*

18 (b) *LAND DESCRIPTION.*—*Except as provided in sub-*  
19 *section (e), the Secretary of Agriculture and the Secretary*  
20 *of the Interior shall dispose of (in accordance with this Act)*  
21 *approximately 2,450 acres within or associated with the*  
22 *Dutch John, Utah, community in the NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>*  
23 *NW<sup>1</sup>/<sub>4</sub>, and S<sup>1</sup>/<sub>2</sub> of Section 1, the S<sup>1</sup>/<sub>2</sub> of Section 2, 10 acres*  
24 *more or less within the NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of Section 3, Sections*  
25 *11 and 12, the N<sup>1</sup>/<sub>2</sub> of Section 13, and the E<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>4</sub> of*  
26 *Section 14 of Township 2 North, Range 22 East, Salt Lake*

1 *Base and Meridian, that have been determined to be avail-*  
2 *able for transfer by the Secretary of Agriculture and the*  
3 *Secretary of the Interior, respectively.*

4 *(c) INFRASTRUCTURE FACILITIES AND LAND.—Except*  
5 *as provided in subsection (e), the Secretary of the Interior*  
6 *shall dispose of (in accordance with this Act) community*  
7 *infrastructure facilities and land that have been determined*  
8 *to be available for transfer by the Secretary of the Interior,*  
9 *including the following:*

10 *(1) The fire station, sewer systems, sewage la-*  
11 *goons, water systems (except as provided in subsection*  
12 *(e)(3)), old post office, electrical and natural gas dis-*  
13 *tribution systems, hospital building, streets, street*  
14 *lighting, alleys, sidewalks, parks, and community*  
15 *buildings located within or serving Dutch John, in-*  
16 *cluding fixtures, equipment, land, easements, rights-*  
17 *of-way, or other property primarily used for the oper-*  
18 *ation, maintenance, replacement, or repair of a facil-*  
19 *ity referred to in this paragraph.*

20 *(2) The Dutch John Airport, comprising ap-*  
21 *proximately 25 acres, including runways, roads,*  
22 *rights-of-way, and appurtenances to the Airport, sub-*  
23 *ject to such monitoring and remedial action by the*  
24 *United States as is necessary.*

1           (3) *The lands on which are located the Dutch*  
2           *John public schools, which comprise approximately*  
3           *10 acres.*

4           (d) *OTHER PROPERTIES AND FACILITIES.—The Sec-*  
5           *retary of Agriculture and the Secretary of the Interior shall*  
6           *dispose of (in accordance with this Act) the other properties*  
7           *and facilities that have been determined to be available for*  
8           *transfer or disposal by the Secretary of Agriculture and the*  
9           *Secretary of the Interior, respectively, including the follow-*  
10          *ing:*

11           (1) *Certain residential units occupied on the*  
12          *date of enactment of this Act, as determined by the*  
13          *Secretary of the Interior.*

14           (2) *Certain residential units unoccupied on the*  
15          *date of enactment of this Act, as determined by the*  
16          *Secretary of the Interior.*

17           (3) *Lots within the Dutch John community that*  
18          *are occupied on the date of enactment of this Act by*  
19          *privately owned modular homes under lease agree-*  
20          *ments with the Secretary of the Interior.*

21           (4) *Unoccupied platted lots within the Dutch*  
22          *John community.*

23           (5) *The land, comprising approximately 3.8*  
24          *acres, on which is located the Church of Jesus Christ*

1        *of Latter Day Saints, within Block 9, of the Dutch*  
2        *John community.*

3                *(6) The lands for which special use permits, ease-*  
4        *ments, or rights-of-way for commercial uses have been*  
5        *issued by the Forest Service.*

6                *(7) The lands on which are located the offices, 3*  
7        *employee residences, warehouses, and facilities of the*  
8        *Utah Division of Wildlife Resources, as described in*  
9        *the survey required under section 7, including yards*  
10        *and land defined by fences in existence on the date of*  
11        *enactment of this Act.*

12                *(8) The Dutch John landfill site, subject to such*  
13        *monitoring and remedial action by the United States*  
14        *as is necessary, with responsibility for monitoring*  
15        *and remediation being shared by the Secretary of Ag-*  
16        *riculture and the Secretary of the Interior propor-*  
17        *tionate to their historical use of the site.*

18                *(9) Such fixtures and furnishing in existence*  
19        *and in place on the date of enactment of this Act as*  
20        *are mutually determined by Daggett County, the Sec-*  
21        *retary of Agriculture, and the Secretary of the Inte-*  
22        *rior to be necessary for the full use of properties or*  
23        *facilities disposed of under this Act.*

24                *(10) Such other properties or facilities at Dutch*  
25        *John that the Secretary of Agriculture or the Sec-*

1        *retary of the Interior determines are not necessary to*  
2        *achieve the mission of the respective Secretary and the*  
3        *disposal of which would be consistent with this Act.*

4        *(e) RETAINED PROPERTIES.—Except to the extent the*  
5        *following properties are determined by the Secretary of Ag-*  
6        *riculture or the Secretary of the Interior to be available for*  
7        *disposal, the Secretary of Agriculture and the Secretary of*  
8        *the Interior shall retain for their respective use the follow-*  
9        *ing:*

10            *(1) All buildings and improvements located*  
11            *within the industrial complex of the Bureau of Rec-*  
12            *lamation, including the maintenance shop, 40 indus-*  
13            *trial garages, 2 warehouses, the equipment storage*  
14            *building, the flammable equipment storage building,*  
15            *the hazardous waste storage facility, and the property*  
16            *on which the buildings and improvements are located.*

17            *(2) 17 residences under the jurisdiction of the*  
18            *Secretary of the Interior and the Secretary of Agri-*  
19            *culture, of which—*

20                    *(A) 15 residences shall remain under the ju-*  
21                    *risdiction of the Secretary of the Interior; and*

22                    *(B) 2 residences shall remain under the ju-*  
23                    *risdiction of the Secretary of Agriculture.*

24            *(3) The Dutch John water system raw water*  
25            *supply line and return line between the power plant*

1        *and the water treatment plant, pumps and pumping*  
2        *equipment, and any appurtenances and rights-of-way*  
3        *to the line and other facilities, with the retained fa-*  
4        *ilities to be operated and maintained by the United*  
5        *States with pumping costs and operation and mainte-*  
6        *nance costs of the pumps to be included as a cost to*  
7        *Daggett County in a water service contract.*

8            *(4) The heliport and associated real estate, con-*  
9        *sisting of approximately 20 acres, which shall remain*  
10       *under the jurisdiction of the Secretary of Agriculture.*

11           *(5) The Forest Service warehouse complex and*  
12       *associated real estate, consisting of approximately 2*  
13       *acres, which shall remain under the jurisdiction of the*  
14       *Secretary of Agriculture.*

15           *(6) The Forest Service office complex and associ-*  
16       *ated real estate, which shall remain under the juris-*  
17       *isdiction of the Secretary of Agriculture.*

18           *(7) The United States Post Office, pursuant to*  
19       *Forest Service Special Use Permit No. 1073, which*  
20       *shall be transferred to the jurisdiction of the United*  
21       *States Postal Service pursuant to section 6(d).*

22       **SEC. 5. REVOCATION OF WITHDRAWALS.**

23        *In the case of lands and properties transferred under*  
24       *section 4, effective on the date of transfer to the Secretary*  
25       *of the Interior (if applicable) or conveyance by quitclaim*

1 deed out of Federal ownership, authorization for each of the  
2 following withdrawals is revoked:

3 (1) *The Public Water Reserve No. 16, Utah No.*  
4 *7, dated March 9, 1914.*

5 (2) *The Secretary of the Interior Order dated Oc-*  
6 *tober 20, 1952.*

7 (3) *The Secretary of the Interior Order dated*  
8 *July 2, 1956, No. 71676.*

9 (4) *The Flaming Gorge National Recreation*  
10 *Area, dated October 1, 1968, established under Public*  
11 *Law 90-540 (16 U.S.C. 460v et seq.), as to lands de-*  
12 *scribed in section 4(b).*

13 (5) *The Dutch John Administrative Site, dated*  
14 *December 12, 1951 (PLO 769, U-0611).*

15 **SEC. 6. TRANSFER OF JURISDICTION.**

16 (a) *TRANSFERS FROM THE SECRETARY OF AGRICULTURE.*—*Except for properties retained under section*  
17 *CULTURE.—Except for properties retained under section*  
18 *4(e), all lands designated under section 4 for disposal shall*  
19 *be—*

20 (1) *transferred from the jurisdiction of the Sec-*  
21 *retary of Agriculture to the Secretary of the Interior*  
22 *and, if appropriate, the United States Postal Service;*  
23 *and*

1           (2) removed from inclusion in the Ashley Na-  
2           tional Forest and the Flaming Gorge National Recre-  
3           ation Area.

4           (b) TRANSFERS FROM THE SECRETARY OF THE INTE-  
5           RIOR.—

6           (1) IN GENERAL.—The Secretary of the Interior  
7           shall transfer to the Secretary of Agriculture adminis-  
8           trative jurisdiction over certain lands and interests in  
9           land described in paragraph (2), containing approxi-  
10          mately 2,167 acres located in Duchesne and Wasatch  
11          Counties, Utah, acquired by the Secretary of the Inte-  
12          rior for the Central Utah Project.

13          (2) LAND DESCRIPTION.—The lands referred to  
14          in paragraph (1) are lands indicated on the maps  
15          generally depicting—

16                (A) the Dutch John transfer of the Ashley  
17                National Forest to the State of Utah, dated Feb-  
18                ruary 1997;

19                (B) the Dutch John transfer of the Uinta  
20                National Forest to the State of Utah, dated Feb-  
21                ruary 1997;

22                (C) lands to be transferred to the Forest  
23                Service: Lower Stillwater Properties;

24                (D) lands to be transferred to the Forest  
25                Service: Red Hollow (Diamond Properties); and

1           (E) lands to be transferred to the Forest  
2           Service: Coal Mine Hollow (Current Creek Res-  
3           ervoir).

4           (3) STATUS OF LANDS.—

5           (A) NATIONAL FORESTS.—The lands and  
6           interests in land transferred to the Secretary of  
7           Agriculture under paragraph (1) shall become  
8           part of the Ashley or Uinta National Forest, as  
9           appropriate. The Secretary of Agriculture shall  
10          adjust the boundaries of each of the National  
11          Forests to reflect the additional lands.

12          (B) MANAGEMENT.—The transferred lands  
13          shall be managed in accordance with the Act of  
14          March 1, 1911 (commonly known as the “Weeks  
15          Law”) (36 Stat. 962, chapter 186; 16 U.S.C. 515  
16          et seq.) and other laws (including rules and reg-  
17          ulations) applicable to the National Forest Sys-  
18          tem.

19          (C) WILDLIFE MITIGATION.—As of the date  
20          of the transfer under paragraph (1), the wildlife  
21          mitigation requirements of section 8 of the Act of  
22          April 11, 1956 (43 U.S.C. 620g), shall be deemed  
23          to be met.

24          (D) ADJUSTMENT OF BOUNDARIES.—This  
25          paragraph does not limit the authority of the

1            *Secretary of Agriculture to adjust the boundaries*  
2            *of the Ashley or Uinta National Forest pursuant*  
3            *to section 11 of the Act of March 1, 1911 (com-*  
4            *monly known as the “Weeks Law”)* (36 Stat.  
5            *963, chapter 186; 16 U.S.C. 521).*

6            (4) *LAND AND WATER CONSERVATION FUND.—*  
7            *For the purposes of section 7 of the Land and Water*  
8            *Conservation Fund Act of 1965 (16 U.S.C. 460l–9),*  
9            *the boundaries of the Ashley and Uinta National For-*  
10           *ests, as adjusted under this section, shall be considered*  
11           *to be the boundaries of the Forests as of January 1,*  
12           *1965.*

13           (c) *FEDERAL IMPROVEMENTS.—The Secretary of the*  
14           *Interior shall transfer to the Secretary of Agriculture juris-*  
15           *isdiction over Federal improvements to the lands transferred*  
16           *under this section.*

17           (d) *TRANSFERS FROM THE SECRETARY OF AGRI-*  
18           *CULTURE.—The Secretary of Agriculture shall transfer to*  
19           *the United States Postal Service administrative jurisdiction*  
20           *over certain lands and interests in land subject to Forest*  
21           *Service Special Use Permit No. 1073, containing approxi-*  
22           *mately 0.34 acres.*

23           (e) *WITHDRAWALS.—Notwithstanding subsection (a),*  
24           *lands retained by the Federal Government under this Act*

1 *shall continue to be withdrawn from mineral entry under*  
2 *the United States mining laws.*

3 **SEC. 7. SURVEYS.**

4 *The Secretary of the Interior shall survey or resurvey*  
5 *all or portions of the Dutch John community as nec-*  
6 *essary—*

7 *(1) to accurately describe parcels identified*  
8 *under this Act for transfer among agencies, for Fed-*  
9 *eral disposal, or for retention by the United States;*  
10 *and*

11 *(2) to facilitate future recordation of title.*

12 **SEC. 8. PLANNING.**

13 *(a) RESPONSIBILITY.—In cooperation with the resi-*  
14 *dents of Dutch John, the Secretary of Agriculture, and the*  
15 *Secretary of the Interior, Daggett County, Utah, shall be*  
16 *responsible for developing a land use plan that is consistent*  
17 *with maintenance of the values of the land that is adjacent*  
18 *to land that remains under the jurisdiction of the Secretary*  
19 *of Agriculture or Secretary of the Interior under this Act.*

20 *(b) COOPERATION.—The Secretary of Agriculture and*  
21 *the Secretary of the Interior shall cooperate with Daggett*  
22 *County in ensuring that disposal processes are consistent*  
23 *with the land use plan developed under subsection (a) and*  
24 *with this Act.*

1 **SEC. 9. APPRAISALS.**

2 (a) *REQUIREMENTS.*—

3 (1) *IN GENERAL.*—Not later than 180 days after  
4 the date of enactment of this Act, the Secretary of the  
5 Interior shall conduct appraisals to determine the fair  
6 market value of properties designated for disposal  
7 under paragraphs (1), (2), (3), (5), and (7) of section  
8 4(d).

9 (2) *UNOCCUPIED PLATTED LOTS.*—Not later  
10 than 90 days after the date of receipt by the Secretary  
11 of the Interior from an eligible purchaser of a written  
12 notice of intent to purchase an unoccupied platted lot  
13 referred to in section 4(d)(4), the Secretary of the In-  
14 terior shall conduct an appraisal of the lot.

15 (3) *SPECIAL USE PERMITS.*—

16 (A) *IN GENERAL.*—Not later than 90 days  
17 after the date of receipt by the Secretary of the  
18 Interior from a permit holder of a written notice  
19 of intent to purchase a property described in sec-  
20 tion 10(g), the Secretary of the Interior shall  
21 conduct an appraisal of the property.

22 (B) *IMPROVEMENTS AND ALTERNATIVE*  
23 *LAND.*—An appraisal to carry out subparagraph  
24 (A) may include an appraisal of the value of  
25 permit holder improvements and alternative  
26 land in order to conduct an in-lieu land sale.

1           (4) *OCCUPIED PARCELS.*—*In the case of an occu-*  
2           *piated parcel, an appraisal under this subsection shall*  
3           *include an appraisal of the full fee value of the occu-*  
4           *piated lot or land parcel and the value of residences,*  
5           *structures, facilities, and existing, in-place federally*  
6           *owned fixtures and furnishings necessary for full use*  
7           *of the property.*

8           (5) *UNOCCUPIED PARCELS.*—*In the case of an*  
9           *unoccupied parcel, an appraisal under this subsection*  
10          *shall consider potential future uses of the parcel that*  
11          *are consistent with the land use plan developed under*  
12          *section 8(a) (including the land use map of the plan)*  
13          *and with subsection (c).*

14          (6) *FUNDING.*—*Funds for appraisals conducted*  
15          *under this section shall be derived from the Upper*  
16          *Colorado River Basin Fund authorized by section 5*  
17          *of the Act of April 11, 1956 (70 Stat. 107, chapter*  
18          *203; 43 U.S.C. 620d).*

19          (b) *REDUCTIONS FOR IMPROVEMENTS.*—*An appraisal*  
20          *of a residence or a structure or facility leased for private*  
21          *use under this section shall deduct the contributory value*  
22          *of improvements made by the current occupant or lessee if*  
23          *the occupant or lessee provides reasonable evidence of ex-*  
24          *penditure of money or materials in making the improve-*  
25          *ments.*

1       (c) *CURRENT USE.*—An appraisal under this section  
2 shall consider the current use of a property (including the  
3 use of housing as a community residence) and avoid uncer-  
4 tain speculation as to potential future use.

5       (d) *REVIEW.*—

6           (1) *IN GENERAL.*—The Secretary of the Interior  
7 shall make an appraisal under this section available  
8 for review by a current occupant or lessee.

9           (2) *ADDITIONAL INFORMATION OR APPEAL.*—

10           (A) *IN GENERAL.*—The current occupant or  
11 lessee may provide additional information, or  
12 appeal the findings of the appraisal in writing,  
13 to the Upper Colorado Regional Director of the  
14 Bureau of Reclamation.

15           (B) *ACTION BY SECRETARY OF THE INTE-*  
16 *RIOR.*—The Secretary of the Interior—

17           (i) shall consider the additional infor-  
18 mation or appeal; and

19           (ii) may conduct a second appraisal if  
20 the Secretary determines that a second ap-  
21 praisal is necessary.

22       (e) *INSPECTION.*—The Secretary of the Interior shall  
23 provide opportunities for other qualified, interested pur-  
24 chasers to inspect completed appraisals under this section.

1 **SEC. 10. DISPOSAL OF PROPERTIES.**

2 (a) *CONVEYANCES.*—

3 (1) *PATENTS.*—*The Secretary of the Interior*  
4 *shall dispose of properties identified for disposal*  
5 *under section 4, other than properties retained under*  
6 *section 4(e), without regard to law governing patents.*

7 (2) *CONDITION AND LAND.*—*Except as otherwise*  
8 *provided in this Act, conveyance of a building, struc-*  
9 *ture, or facility under this Act shall be in its current*  
10 *condition and shall include the land parcel on which*  
11 *the building, structure, or facility is situated.*

12 (3) *FIXTURES AND FURNISHINGS.*—*An existing*  
13 *and in-place fixture or furnishing necessary for the*  
14 *full use of a property or facility under this Act shall*  
15 *be conveyed along with the property.*

16 (4) *MAINTENANCE.*—

17 (A) *BEFORE CONVEYANCE.*—*Before property*  
18 *is conveyed under this Act, the Secretary of the*  
19 *Interior shall ensure reasonable and prudent*  
20 *maintenance and proper care of the property.*

21 (B) *AFTER CONVEYANCE.*—*After property is*  
22 *conveyed to a recipient under this Act, the recip-*  
23 *ient shall be responsible for—*

24 (i) *maintenance and proper care of the*  
25 *property; and*

26 (ii) *any contamination of the property.*

1           (b) *INFRASTRUCTURE FACILITIES AND LAND.*—*Infra-*  
 2 *structure facilities and land described in paragraphs (1)*  
 3 *and (2) of section 4(c) shall be conveyed, without consider-*  
 4 *ation, to Daggett County, Utah.*

5           (c) *SCHOOL.*—*The lands on which are located the*  
 6 *Dutch John public schools described in section 4(c)(3) shall*  
 7 *be conveyed, without consideration, to the Daggett County*  
 8 *School District.*

9           (d) *UTAH DIVISION OF WILDLIFE RESOURCES.*—  
 10 *Lands on which are located the offices, 3 employee resi-*  
 11 *dences, warehouses, and facilities of the Utah Division of*  
 12 *Wildlife Resources described in section 4(d)(7) shall be con-*  
 13 *veyed, without consideration, to the Division.*

14           (e) *RESIDENCES AND LOTS.*—

15               (1) *IN GENERAL.*—

16                       (A) *FAIR MARKET VALUE.*—*A residence and*  
 17 *occupied residential lot to be disposed of under*  
 18 *this Act shall be sold for the appraised fair mar-*  
 19 *ket value.*

20                       (B) *NOTICE.*—*The Secretary of the Interior*  
 21 *shall provide local general public notice, and*  
 22 *written notice to lessees and to current occupants*  
 23 *of residences and of occupied residential lots for*  
 24 *disposal, of the intent to sell properties under*  
 25 *this Act.*

1           (2) *PURCHASE OF RESIDENCES OR LOTS BY LES-*  
2       *SEES.—*

3           (A) *IN GENERAL.—Subject to subparagraph*  
4       *(B), the Secretary of the Interior shall provide a*  
5       *holder of a current lease from the Secretary for*  
6       *a residence to be sold under paragraph (1) or (2)*  
7       *of section 4(d) or for a residential lot occupied*  
8       *by a privately owned dwelling described in sec-*  
9       *tion 4(d)(3) a period of 180 days beginning on*  
10       *the date of the written notice of the Secretary of*  
11       *intent of the Secretary to sell the residence or lot,*  
12       *to execute a contract with the Secretary of the*  
13       *Interior to purchase the residence or lot for the*  
14       *appraised fair market value.*

15           (B) *NOTICE OF INTENT TO PURCHASE.—To*  
16       *obtain the protection of subparagraph (A), the*  
17       *lessee shall, during the 30-day period beginning*  
18       *on the date of receipt of the notice referred to in*  
19       *subparagraph (A), notify the Secretary in writ-*  
20       *ing of the intent of the lessee to purchase the resi-*  
21       *dence or lot.*

22           (C) *NO NOTICE OR PURCHASE CONTRACT.—*  
23       *If no written notification of intent to purchase*  
24       *is received by the Secretary in accordance with*  
25       *subparagraph (B) or if a purchase contract has*

1           *not been executed in accordance with subpara-*  
 2           *graph (A), the residence or lot shall become*  
 3           *available for purchase by other persons under*  
 4           *paragraph (3).*

5           (3) *PURCHASE OF RESIDENCES OR LOTS BY*  
 6           *OTHER PERSONS.—*

7                   (A) *ELIGIBILITY.—If a residence or lot be-*  
 8                   *comes available for purchase under paragraph*  
 9                   *(2)(C), the Secretary of the Interior shall make*  
 10                   *the residence or lot available for purchase by—*

11                           (i) *a current authorized occupant of*  
 12                           *the residence to be sold;*

13                           (ii) *a holder of a current reclamation*  
 14                           *lease for a residence within Dutch John;*

15                           (iii) *an employee of the Bureau of Rec-*  
 16                           *lamation or the Forest Service who resides*  
 17                           *in Dutch John; or*

18                           (iv) *a Federal or non-Federal employee*  
 19                           *in support of a Federal agency who resides*  
 20                           *in Dutch John.*

21                   (B) *PRIORITY.—*

22                           (i) *SENIORITY.—Priority for purchase*  
 23                           *of properties available for purchase under*  
 24                           *this paragraph shall be by seniority of rec-*  
 25                           *lamation lease or residency in Dutch John.*

1                   (ii) *PRIORITY LIST.*—The Secretary of  
2                   the Interior shall compile a priority list of  
3                   eligible potential purchasers that is based  
4                   on the length of continuous residency in  
5                   Dutch John or the length of a continuous  
6                   residence lease issued by the Bureau of Rec-  
7                   lamation in Dutch John, with the highest  
8                   priority provided for purchasers with the  
9                   longest continuous residency or lease.

10                   (iii) *INTERRUPTIONS.*—If a continuous  
11                   residency or lease was interrupted, the Sec-  
12                   retary shall consider only that most recent  
13                   continuous residency or lease.

14                   (iv) *OTHER FACTORS.*—In preparing  
15                   the priority list, the Secretary shall not con-  
16                   sider a factor (including agency employ-  
17                   ment or position) other than the length of  
18                   the current residency or lease.

19                   (v) *DISPUTES.*—A potential purchaser  
20                   may file a written appeal over a dispute in-  
21                   volving eligibility or ranking on the prior-  
22                   ity list with the Secretary of the Interior,  
23                   acting through the Upper Colorado Regional  
24                   Director of the Bureau of Reclamation. The  
25                   Secretary, acting through the Regional Di-

1            *rector, shall consider the appeal and resolve*  
2            *the dispute.*

3            *(C) NOTICE.—The Secretary of the Interior*  
4            *shall provide general public notice and written*  
5            *notice by certified mail to eligible purchasers*  
6            *that specifies—*

7                    *(i) properties available for purchase*  
8                    *under this paragraph;*

9                    *(ii) the appraised fair market value of*  
10                  *the properties;*

11                  *(iii) instructions for potential eligible*  
12                  *purchasers; and*

13                  *(iv) any purchase contract require-*  
14                  *ments.*

15            *(D) NOTICE OF INTENT TO PURCHASE.—An*  
16            *eligible purchaser under this paragraph shall*  
17            *have a period of 90 days after receipt of written*  
18            *notification to submit to the Secretary of the In-*  
19            *terior a written notice of intent to purchase a*  
20            *specific available property at the listed ap-*  
21            *praised fair market value.*

22            *(E) NOTICE OF ELIGIBILITY OF HIGHEST*  
23            *ELIGIBLE PURCHASER TO PURCHASE PROP-*  
24            *ERTY.—The Secretary of the Interior shall pro-*  
25            *vide notice to the potential purchaser with the*

1           *highest eligible purchaser priority for each prop-*  
2           *erty that the purchaser will have the first oppor-*  
3           *tunity to execute a sales contract and purchase*  
4           *the property.*

5           (F) *AVAILABILITY TO OTHER PURCHASERS*  
6           *ON PRIORITY LIST.—If no purchase contract is*  
7           *executed for a property by the highest priority*  
8           *purchaser within the 180 days after receipt of*  
9           *notice under subparagraph (E), the Secretary of*  
10          *the Interior shall make the property available to*  
11          *other purchasers listed on the priority list.*

12          (G) *LIMITATION ON NUMBER OF PROP-*  
13          *ERTIES.—No household may purchase more than*  
14          *1 residential property under this paragraph.*

15          (4) *RESIDUAL PROPERTY TO COUNTY.—If a resi-*  
16          *dence or lot to be disposed of under this Act is not*  
17          *purchased in accordance with paragraph (2) or (3)*  
18          *within 2 years after providing the first notice of in-*  
19          *tent to sell under paragraph (1)(B), the Secretary of*  
20          *the Interior shall convey the residence or lot to*  
21          *Daggett County without consideration.*

22          (5) *ADVISORY COMMITTEE.—The Secretary of the*  
23          *Interior, acting through the Upper Colorado Regional*  
24          *Director of the Bureau of Reclamation, may appoint*  
25          *a nonfunded Advisory Committee comprised of 1 rep-*

1        *representative from each of the Bureau of Reclamation,*  
2        *Daggett County, and the Dutch John community to*  
3        *review and provide advice to the Secretary on the res-*  
4        *olution of disputes arising under this subsection and*  
5        *subsection (f).*

6            (6) *FINANCING.—The Secretary of the Interior*  
7        *shall provide advice to potential purchasers under*  
8        *this subsection and subsection (f) in obtaining appro-*  
9        *priate and reasonable financing for the purchase of a*  
10       *residence or lot.*

11       (f) *UNOCCUPIED PLATTED LOTS.—*

12            (1) *IN GENERAL.—Except as provided in para-*  
13       *graph (2), the Secretary of the Interior shall make an*  
14       *unoccupied platted lot described in section 4(d)(4)*  
15       *available for sale to eligible purchasers for the ap-*  
16       *praised fair market value of the lot.*

17            (2) *CONVEYANCE FOR PUBLIC PURPOSE.—On re-*  
18       *quest from Daggett County, the Secretary of the Inte-*  
19       *rior may convey directly to the County without con-*  
20       *sideration a lot referred to in paragraph (1) that will*  
21       *be used for a public use purpose that is consistent*  
22       *with the land use plan developed under section 8(a).*

23            (3) *ADMINISTRATION.—The procedures estab-*  
24       *lished under subsection (e) shall apply to this sub-*

1        *section to the maximum extent practicable, as deter-*  
2        *mined by the Secretary of the Interior.*

3            (4) *LAND-USE DESIGNATION.*—*For each lot sold*  
4        *under this subsection, the Secretary of the Interior*  
5        *shall include in the notice of intent to sell the lot pro-*  
6        *vided under this subsection the land-use designation*  
7        *of the lot established under the land use plan devel-*  
8        *oped under section 8(a).*

9            (5) *LIMITATION ON NUMBER OF LOTS.*—*No*  
10       *household may purchase more than 1 residential lot*  
11       *under this subsection.*

12           (6) *LIMITATION ON PURCHASE OF ADDITIONAL*  
13       *LOTS.*—*No household purchasing an existing residence*  
14       *under this section may purchase an additional single*  
15       *home, residential lot.*

16           (7) *RESIDUAL LOTS TO COUNTY.*—*If a lot de-*  
17       *scribed in paragraph (1) is not purchased in accord-*  
18       *ance with paragraphs (1) through (6) within 2 years*  
19       *after providing the first notice of intent to sell under*  
20       *this subsection, the Secretary of the Interior shall con-*  
21       *vey the lot to Daggett County without consideration.*

22       (g) *SPECIAL USE PERMITS.*—

23           (1) *SALE.*—*Lands on which Forest Service spe-*  
24       *cial use permits are issued to holders numbered 4054*  
25       *and 9303, Ashley National Forest, comprising ap-*

1       *proximately 15.3 acres and 1 acre, respectively, may*  
2       *be sold at appraised fair market value to the holder*  
3       *of the permit.*

4               (2) *ADMINISTRATION OF PERMITS.—On transfer*  
5       *of jurisdiction of the land to the Secretary of the Inte-*  
6       *rior pursuant to section 6, the Secretary of the Inte-*  
7       *rior shall administer the permits under the terms and*  
8       *conditions of the permits.*

9               (3) *NOTICE OF AVAILABILITY FOR PURCHASE.—*  
10       *The Secretary of the Interior shall notify the respec-*  
11       *tive permit holders in writing of the availability of*  
12       *the land for purchase.*

13              (4) *APPRAISALS.—The Secretary of the Interior*  
14       *shall not conduct an appraisal of the land unless the*  
15       *Secretary receives a written notice of intent to pur-*  
16       *chase the land within 2 years after providing notice*  
17       *under paragraph (3).*

18              (5) *ALTERNATIVE PARCELS.—On request by per-*  
19       *mit holder number 9303, the Secretary of the Interior,*  
20       *in consultation with Daggett County, may—*

21                   (A) *consider sale of a parcel within the*  
22                   *Daggett County community of similar size and*  
23                   *appraised value in lieu of the land under permit*  
24                   *on the date of enactment of this Act; and*

1           (B) provide the holder credit toward the  
 2           purchase or other negotiated compensation for  
 3           the appraised value of improvements of the per-  
 4           mittee to land under permit on the date of enact-  
 5           ment of this Act.

6           (6) *RESIDUAL LAND TO COUNTY.*—If land de-  
 7           scribed in paragraph (1) is not purchased in accord-  
 8           ance with paragraphs (1) through (5) within 2 years  
 9           after providing the first notice of intent to sell under  
 10          this subsection, the Secretary of the Interior shall con-  
 11          vey the land to Daggett County without consider-  
 12          ation.

13          (h) *TRANSFERS TO COUNTY.*—Other land occupied by  
 14          authorization of a special use permit, easement, or right-  
 15          of-way to be disposed of under this Act shall be transferred  
 16          to Daggett County if the holder of the authorization and  
 17          the County, prior to transfer of the lands to the County—

18                 (1) agree to and execute a legal document that  
 19                 grants the holder the rights and privileges provided in  
 20                 the existing authorization; or

21                 (2) enter into another arrangement that is mutu-  
 22                 ally satisfactory to the holder and the County.

23          (i) *CHURCH LAND.*—

24                 (1) *IN GENERAL.*—The Secretary of the Interior  
 25                 shall offer to sell land to be disposed of under this Act

1        *on which is located an established church to the par-*  
2        *ent entity of the church at the appraised fair market*  
3        *value.*

4            (2) *NOTICE.—The Secretary of the Interior shall*  
5        *notify the church in writing of the availability of the*  
6        *land for purchase.*

7            (3) *RESIDUAL LAND TO COUNTY.—If land de-*  
8        *scribed in paragraph (1) is not purchased in accord-*  
9        *ance with paragraphs (1) and (2) within 2 years*  
10       *after providing the first notice of intent to sell under*  
11       *this subsection, the Secretary of the Interior shall con-*  
12       *vey the land to Daggett County without consider-*  
13       *ation.*

14           (j) *RESIDUAL PROPERTIES TO COUNTY.—The Sec-*  
15       *retary of the Interior shall convey all lands, buildings, or*  
16       *facilities designated for disposal under this Act that are not*  
17       *conveyed in accordance with subsections (a) through (i) to*  
18       *Daggett County without consideration.*

19           (k) *WATER RIGHTS.—*

20            (1) *IN GENERAL.—Subject to the other provisions*  
21       *of this subsection, the Secretary of the Interior shall*  
22       *transfer all water rights the Secretary holds that are*  
23       *applicable to the Dutch John municipal water system*  
24       *to Daggett County.*

25            (2) *WATER SERVICE CONTRACT.—*

1           (A) *IN GENERAL.*—*Transfer of rights under*  
 2 *paragraph (1) is contingent on Daggett County*  
 3 *entering into a water service contract with the*  
 4 *Secretary of the Interior covering payment for*  
 5 *and delivery of untreated water to Daggett*  
 6 *County pursuant to the Act of April 11, 1956*  
 7 *(70 Stat. 105, chapter 203; 43 U.S.C. 620 et*  
 8 *seq.).*

9           (B) *DELIVERED WATER.*—*The contract shall*  
 10 *require payment only for water actually deliv-*  
 11 *ered.*

12           (3) *EXISTING RIGHTS.*—*Existing rights for*  
 13 *transfer to Daggett County under this subsection in-*  
 14 *clude—*

15           (A) *Utah Water Right 41-2942 (A30557,*  
 16 *Cert. No. 5903) for 0.08 cubic feet per second*  
 17 *from a water well; and*

18           (B) *Utah Water Right 41-3470 (A30414b),*  
 19 *an unapproved application to segregate 12,000*  
 20 *acre-feet per year of water from the original ap-*  
 21 *proved Flaming Gorge water right (41-2963) for*  
 22 *municipal use in the town of Dutch John and*  
 23 *surrounding areas.*

24           (4) *CULINARY WATER SUPPLIES.*—*The transfer*  
 25 *of water rights under this subsection is conditioned on*

1       *the agreement of Daggett County to provide culinary*  
2       *water supplies to Forest Service campgrounds served*  
3       *(on the date of enactment of this Act) by the water*  
4       *supply system and to Forest Service and Bureau of*  
5       *Reclamation facilities, at a rate equivalent to other*  
6       *similar uses.*

7               (5) *MAINTENANCE.—The Secretary of Agri-*  
8       *culture and the Secretary of the Interior shall be re-*  
9       *sponsible for maintenance of their respective water*  
10       *systems from the point of the distribution lines of the*  
11       *systems.*

12              (l) *SHORELINE ACCESS.—On receipt of an acceptable*  
13       *application, the Secretary of Agriculture shall consider*  
14       *issuance of a special use permit affording Flaming Gorge*  
15       *Reservoir public shoreline access and use within the vicinity*  
16       *of Dutch John in conjunction with commercial visitor fa-*  
17       *cilities provided and maintained under such a permit.*

18              (m) *REVENUES.—*

19               (1) *IN GENERAL.—Except as provided in para-*  
20       *graph (2), all revenues derived from the sale of prop-*  
21       *erties as authorized by this Act shall temporarily be*  
22       *deposited in a segregated interest-bearing trust ac-*  
23       *count in the Treasury with the moneys on hand in*  
24       *the account paid to Daggett County semiannually to*  
25       *be used by the County for purposes associated with*

1        *the provision of governmental and community serv-*  
 2        *ices to the Dutch John community.*

3            (2) *DEPOSIT IN THE GENERAL FUND.—Of the*  
 4        *revenues described in paragraph (1), 15.1 percent*  
 5        *shall be deposited in the general fund of the Treasury.*

6    **SEC. 11. VALID EXISTING RIGHTS.**

7        (a) *AGREEMENTS.—*

8            (1) *IN GENERAL.—If any lease, permit, right-of-*  
 9        *way, easement, or other valid existing right is appur-*  
 10       *tenant to land conveyed to Daggett County, Utah,*  
 11       *under this Act, the County shall honor and enforce the*  
 12       *right through a legal agreement entered into by the*  
 13       *County and the holder before the date of conveyance.*

14           (2) *EXTENSION OR TERMINATION.—The County*  
 15       *may extend or terminate an agreement under para-*  
 16       *graph (1) at the end of the term of the agreement.*

17        (b) *USE OF REVENUES.—During such period as the*  
 18       *County is enforcing a right described in subsection (a)(1)*  
 19       *through a legal agreement between the County and the hold-*  
 20       *er of the right under subsection (a), the County shall collect*  
 21       *and retain any revenues due the Federal Government under*  
 22       *the terms of the right.*

23        (c) *EXTINGUISHMENT OF RIGHTS.—If a right de-*  
 24       *scribed in subsection (a)(1) with respect to certain land has*

1 *been extinguished or otherwise protected, the County may*  
2 *dispose of the land.*

3 **SEC. 12. CULTURAL RESOURCES.**

4       (a) *MEMORANDA OF AGREEMENT.*—*Before transfer*  
5 *and disposal under this Act of any land that contains cul-*  
6 *tural resources and that may be eligible for listing on the*  
7 *National Register of Historic Places, the Secretary of Agri-*  
8 *culture, in consultation with the Secretary of the Interior,*  
9 *the Utah Historic Preservation Office, and Daggett County,*  
10 *Utah, shall prepare a memorandum of agreement, for re-*  
11 *view and approval by the Utah Office of Historical Preser-*  
12 *vation and the Advisory Council on Historic Preservation*  
13 *established by title II of the National Historic Preservation*  
14 *Act (16 U.S.C. 470i et seq.), that contains a strategy for*  
15 *protecting or mitigating adverse effects on cultural re-*  
16 *sources on the land.*

17       (b) *INTERIM PROTECTION.*—*Until such time as a*  
18 *memorandum of agreement has been approved, or until*  
19 *lands are disposed of under this Act, the Secretary of Agri-*  
20 *culture shall provide clearance or protection for the re-*  
21 *sources.*

22       (c) *TRANSFER SUBJECT TO AGREEMENT.*—*On comple-*  
23 *tion of actions required under the memorandum of agree-*  
24 *ment for certain land, the Secretary of the Interior shall*

1 *provide for the conveyance of the land to Daggett County,*  
2 *Utah, subject to the memorandum of agreement.*

3 **SEC. 13. TRANSITION OF SERVICES TO LOCAL GOVERN-**  
4 **MENT CONTROL.**

5 (a) *ASSISTANCE.*—

6 (1) *IN GENERAL.*—*The Secretary of the Interior*  
7 *shall provide training and transitional operating as-*  
8 *sistance to personnel designated by Daggett County,*  
9 *Utah, as successors to the operators for the Secretary*  
10 *of the infrastructure facilities described in section*  
11 *4(c).*

12 (2) *DURATION OF TRAINING.*—*With respect to an*  
13 *infrastructure facility, training under paragraph (1)*  
14 *shall continue for such period as is necessary for the*  
15 *designated personnel to demonstrate reasonable capa-*  
16 *bility to safely and efficiently operate the facility, but*  
17 *not to exceed 2 years.*

18 (3) *CONTINUING ASSISTANCE.*—*The Secretary*  
19 *shall remain available to assist with resolving ques-*  
20 *tions about the original design and installation, oper-*  
21 *ating and maintenance needs, or other aspects of the*  
22 *infrastructure facilities.*

23 (b) *TRANSITION COSTS.*—*For the purpose of defraying*  
24 *costs of transition in administration and provision of basic*  
25 *community services, an annual payment of \$300,000 (as*

1 *adjusted by the Secretary for changes in the Consumer Price*  
2 *Index for all-urban consumers published by the Department*  
3 *of Labor) shall be provided from the Upper Colorado River*  
4 *Basin Fund authorized by section 5 of the Act of April 11,*  
5 *1956 (70 Stat. 107, chapter 203; 43 U.S.C. 620d), to*  
6 *Daggett County, Utah, or, in accordance with subsection*  
7 *(c), to Dutch John, Utah, for a period not to exceed 15 years*  
8 *beginning the first January 1 that occurs after the date of*  
9 *enactment of this Act.*

10       *(c) DIVISION OF PAYMENT.—If Dutch John becomes*  
11 *incorporated and become responsible for operating any of*  
12 *the infrastructure facilities referred to in subsection (a)(1)*  
13 *or for providing other basic local governmental services, the*  
14 *payment amount for the year of incorporation and each*  
15 *following year shall be proportionately divided between*  
16 *Daggett County and Dutch John based on the respective*  
17 *costs paid by each government for the previous year to pro-*  
18 *vide the services.*

19       *(d) ELECTRIC POWER.—*

20             *(1) AVAILABILITY.—The United States shall*  
21 *make available electric power and associated energy*  
22 *from the Colorado River Storage Project for the Dutch*  
23 *John community.*

1           (2) *AMOUNT.*—*The amount of electric power and*  
2           *associated energy made available under paragraph*  
3           *(1) shall not exceed 1,000,000 kilowatt-hours per year.*

4           (3) *RATES.*—*The rates for power and associated*  
5           *energy shall be the firm capacity and energy rates of*  
6           *the Salt Lake City Area/Integrated Projects.*

7   **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

8           (a) *RESOURCE RECOVERY AND MITIGATION.*—*There*  
9           *are authorized to be appropriated to the Secretary of Agri-*  
10          *culture, out of nonpower revenues to the Federal Govern-*  
11          *ment from land transferred under this Act, such sums as*  
12          *are necessary to implement such habitat, sensitive resource,*  
13          *or cultural resource recovery, mitigation, or replacement*  
14          *strategies as are developed with respect to land transferred*  
15          *under this Act, except that the strategies may not include*  
16          *acquisition of privately owned lands in Daggett County.*

17          (b) *OTHER SUMS.*—*In addition to sums made avail-*  
18          *able under subsection (a), there are authorized to be appro-*  
19          *priated such sums as are necessary to carry out this Act.*