

111TH CONGRESS
1ST SESSION

H. R. 1275

IN THE SENATE OF THE UNITED STATES

JULY 9, 2009

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

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

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

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

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

14 (C) “BLM Lands Proposed for Transfer to
15 State Trust Lands”.

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

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

25 (4) NON-FEDERAL LAND.—The term “non-Fed-
26 eral land” means the land in Grand, San Juan, and

1 Uintah Counties, Utah, that is identified on the
2 maps as—

3 (A) “State Trust Land Proposed for
4 Transfer to BLM”; and

5 (B) “State Trust Minerals Proposed for
6 Transfer to BLM”.

7 (5) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

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

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

20 **SEC. 3. EXCHANGE OF LAND.**

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

24 (1) accept the offer; and

1 (2) on receipt of all right, title, and interest of
2 the State in and to the non-Federal land, convey to
3 the State all right, title, and interest of the United
4 States in and to the Federal land.

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

7 (1) valid existing rights;

8 (2) except as otherwise provided by this sec-
9 tion—

10 (A) section 206 of the Federal Land Policy
11 and Management Act of 1976 (43 U.S.C.
12 1716); and

13 (B) any other applicable laws;

14 (3) all costs of land exchanges under this Act,
15 including but not limited to appraisals, surveys, and
16 related costs, shall be paid equally by the Secretary
17 and the State; and

18 (4) any additional terms and conditions that
19 the Secretary and the State mutually determine to
20 be appropriate.

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

24 (d) APPRAISALS.—

1 (1) IN GENERAL.—The value of the Federal
2 land and the non-Federal land shall be determined
3 by appraisals conducted by 1 or more independent
4 appraisers selected jointly by the Secretary and the
5 State.

6 (2) APPLICABLE LAW.—The appraisals con-
7 ducted under paragraph (1) shall be conducted in
8 accordance with section 206 of the Federal Land
9 Policy and Management Act of 1976 (43 U.S.C.
10 1716).

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

14 (4) ADJUSTMENT.—

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

1 were leased pursuant to the Mineral Leasing
2 Act (30 U.S.C. 181 et seq.).

3 (B) LIMITATION.—An adjustment under
4 subparagraph (A) shall not be considered as a
5 property right of the State.

6 (5) AVAILABILITY OF APPRAISALS.—

7 (A) IN GENERAL.—All final appraisals, ap-
8 praisal reviews, and determinations of value for
9 land to be exchanged under this section shall be
10 available for public review at the Utah State
11 Office of the Bureau of Land Management at
12 least 30 days before the conveyance of the ap-
13 plicable parcels.

14 (B) PUBLICATION.—The Secretary or the
15 State, as applicable, shall publish in a news-
16 paper of general circulation in Salt Lake Coun-
17 ty, Utah, a notice that the appraisals are avail-
18 able for public inspection.

19 (e) CONVEYANCE OF PARCELS IN PHASES.—

20 (1) IN GENERAL.—Notwithstanding that ap-
21 praisals for all of the parcels of Federal land and
22 non-Federal land may not have been approved under
23 subsection (d)(3), parcels of the Federal land and
24 non-Federal land may be exchanged under sub-
25 section (a) in 3 phases beginning on the date on

1 which the appraised values of the parcels included in
2 the applicable phase are approved under this sub-
3 section.

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

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

9 (B) phase 2, consisting of the non-Federal
10 land identified as “phase two” land on the
11 Grand County Map and the Uintah County
12 Map; and

13 (C) phase 3, consisting of any remaining
14 non-Federal land that is not identified as
15 “phase one” land or “phase two” land on the
16 Grand County Map or the Uintah County Map.

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

24 (4) TIMING.—It is the intent of Congress that
25 at least the first phase of the exchange of land au-

1 thorized by subsection (a) be completed not later
2 than 360 days after the date on which the State
3 makes the Secretary an offer to convey the non-Fed-
4 eral land under that subsection.

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

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

10 (2) EXTENT OF INTEREST.—The interest re-
11 served by the United States under paragraph (1)
12 shall consist of—

13 (A) 50 percent of any bonus bid or other
14 payment received by the State as consideration
15 for securing any lease or authorization to de-
16 velop oil shale resources;

17 (B) the amount that would have been re-
18 ceived by the Federal Government under the
19 applicable royalty rate if the oil shale resources
20 had been retained in Federal ownership; and

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

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

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

8 (5) VALUATION.—Federal land in which the
9 Secretary reserves an interest under this subsection
10 shall be appraised—

11 (A) without regard to the presence of oil
12 shale; and

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

14 (g) WITHDRAWAL OF FEDERAL LAND PRIOR TO EX-
15 CHANGE.—Subject to valid existing rights, during the pe-
16 riod beginning on the date of enactment of this Act and
17 ending on the earlier of the date that the Federal land
18 is removed from the exchange or the date on which the
19 Federal land is conveyed under this Act, the Federal land
20 is withdrawn from—

21 (1) disposition (other than disposition under
22 section 4) under the public land laws;

23 (2) location, entry, and patent under the mining
24 laws; and

25 (3) the operation of—

1 (A) the mineral leasing laws;

2 (B) the Geothermal Steam Act of 1970
3 (30 U.S.C. 1001 et seq.); and

4 (C) the first section of the Act of July 31,
5 1947 (commonly known as the “Materials Act
6 of 1947”) (30 U.S.C. 601).

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

11 (i) EQUAL VALUE EXCHANGE.—

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

15 (A) shall be equal; or

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

18 (2) EQUALIZATION.—

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

1 (i) By reducing the acreage of the
2 Federal land to be conveyed.

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

5 (iii) Consistent with section 206(b) of
6 the Federal Land Policy and Management
7 Act (43 U.S.C. 1716), by cash equalization
8 of not more than 5 percent of the total
9 value of the lands or interests in lands to
10 be transferred out of Federal ownership.

11 (B) SURPLUS OF NON-FEDERAL LAND.—If
12 the value of the non-Federal land exceeds the
13 value of the Federal land, the value of the Fed-
14 eral land and non-Federal land shall be equal-
15 ized, as determined to be appropriate and ac-
16 ceptable by the Secretary and the State, by one
17 or both of the following:

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

20 (ii) Consistent with section 206(b) of
21 the Federal Land Policy and Management
22 Act (43 U.S.C. 1716), by cash equalization
23 of not more than 5 percent of the total
24 value of the lands or interests in lands to
25 be transferred out of Federal ownership.

1 (3) NOTICE AND PUBLIC INSPECTION.—

2 (A) IN GENERAL.—If the Secretary and
3 the State determine to add or remove land from
4 the exchange, the Secretary or the State shall—

5 (i) publish in a newspaper of general
6 circulation in Salt Lake County, Utah, a
7 notice that identifies when and where a re-
8 vised exchange map will be available for
9 public inspection; and

10 (ii) transmit to the Committee on
11 Natural Resources of the House of Rep-
12 resentatives and the Committee on Energy
13 and Natural Resources of the Senate a
14 copy of the revised exchange map.

15 (B) LIMITATION.—The Secretary and the
16 State shall not add or remove land from the ex-
17 change until at least 30 days after the date on
18 which the notice is published under subpara-
19 graph (A)(i) and the map is transmitted under
20 subparagraph (A)(ii).

21 **SEC. 4. STATUS AND MANAGEMENT OF LAND AFTER EX-**
22 **CHANGE.**

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

24 (1) IN GENERAL.—Subject to paragraph (2)
25 and in accordance with section 206(c) of the Federal

1 Land Policy and Management Act of 1976 (43
2 U.S.C. 1716(c)), the non-Federal land acquired by
3 the United States under this Act shall become part
4 of, and be managed as part of, the Federal adminis-
5 trative unit or area in which the land is located.

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

11 (3) RECEIPTS.—

12 (A) IN GENERAL.—Any mineral receipts
13 derived from the non-Federal land acquired
14 under this Act shall be paid into the general
15 fund of the Treasury.

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

20 (b) GRAZING PERMITS.—

21 (1) IN GENERAL.—If land conveyed under this
22 Act is subject to a lease, permit, or contract for the
23 grazing of domestic livestock in effect on the date of
24 acquisition, the Secretary and the State shall allow
25 the grazing to continue for the remainder of the

1 term of the lease, permit, or contract, subject to the
2 related terms and conditions of user agreements, in-
3 cluding permitted stocking rates, grazing fee levels,
4 access rights, and ownership and use of range im-
5 provements.

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

12 (3) CANCELLATION.—

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

20 (B) LIMITATION.—Except to the extent
21 reasonably necessary to accommodate surface
22 operations in support of mineral development,
23 the Secretary or the State shall not cancel or
24 modify a grazing permit, lease, or contract be-
25 cause the land subject to the permit, lease, or

1 contract has been leased for mineral develop-
2 ment.

3 (4) BASE PROPERTIES.—If land conveyed by
4 the State under this Act is used by a grazing per-
5 mittee or lessee to meet the base property require-
6 ments for a Federal grazing permit or lease, the
7 land shall continue to qualify as a base property for
8 the remaining term of the lease or permit and the
9 term of any renewal or extension of the lease or per-
10 mit.

11 (c) HAZARDOUS MATERIALS.—

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

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

21 (d) EASEMENT.—The conveyance of Federal land in
22 sec. 33, T. 4 S., R. 24 E., and sec. 4, T. 5 S., R. 24
23 E., of the Salt Lake Meridian, shall be subject to a 1,000
24 foot wide scenic easement and a 200 foot wide road right-
25 of-way previously granted to the National Park Service for

1 the Dinosaur National Monument, as described in Land
2 Withdrawal No. U-0141143, pursuant to the Act of Sep-
3 tember 8, 1960 (74 Stat. 857,861).

4 **SEC. 5. TERMINATION OF AUTHORITY.**

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

7 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated such sums
9 as are necessary to carry out this Act.

Passed the House of Representatives July 8, 2009.

Attest: LORRAINE C. MILLER,
Clerk.