

10/26/2018 WORKING DRAFT
**CENTRAL WASATCH NATIONAL CONSERVATION
AND RECREATION AREA ACT**

115TH CONGRESS
2D SESSION

H.R. _____

To direct the Secretary of Agriculture to acquire and to convey certain
lands or interests in lands in Utah, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

XXX, 2018

Mrs. LOVE introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To direct the Secretary of Agriculture to acquire and to convey
certain lands or interests in lands in Utah, and for other
purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE. This Act may be cited as the “Central
5 Wasatch National Conservation and Recreation Area
6 Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

9 Sec. 1. Short Title; Table of Contents.
10 Sec. 2. Definitions.

Changes in this draft are inclusive of all changes from HR 5718.

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- 1 Sec. 3. Central Wasatch National Conservation and Recreation Area.
- 2 Sec. 4. Wilderness.
- 3 Sec. 5. White Pine Special Management Area.
- 4 Sec. 6. General Provisions.
- 5 Sec. 7. Land Ownership.
- 6 Sec. 8. Maps and Legal Descriptions.
- 7 Sec. ~~9~~ Authorization for Appropriations.

Deleted: 8

8 SECTION 2. DEFINITIONS.

9 (a) DEFINITIONS.—In this Act:

10 (1) CONSERVATION AND RECREATION AREA.—
11 The term “Conservation and Recreation Area” means
12 the Central Wasatch National Conservation and Recreation
13 Area established by section 3(a).

14 (2) FOREST PLAN.—The term “forest plan”
15 means the Revised Forest Plan: Wasatch-Cache National
16 Forest, dated February 2003, as amended.

17 (3) MANAGEMENT PLAN.—The term “management
18 plan” means the management plan for the Central
19 Wasatch National Conservation and Recreation Area
20 developed under section 3(c).

21 (4) CONSERVATION AND RECREATION AREA
22 MAP.—The term “Conservation and Recreation Area
23 map” means the map entitled “Proposed Central Wasatch
24 National Conservation and Recreation Area
25 Map” and dated ____.

Commented [A1]: The NCRA map associated with this draft is 10/26/2018 – “Working Draft – Proposed Central Wasatch National Conservation and Recreation Area”

26 (5) MOUNTAIN ACCORD.—The term “Mountain
27 Accord” means the Mountain Accord agreement dated
28 July 13, 2015.

29 (6) SECRETARY.—The term “Secretary” means

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the Secretary of Agriculture.

(7) SKI AREA.—The term “ski area” means each of the following individually:

(A) Alta Ski Lifts Company.

(i) [add reference to the legal business name of the company that owns the resort]

(B) Brighton Mountain Resort.

(i) [add reference to the legal business name of the company that owns the resort]

(C) Snowbird Ski and Summer Resort.

(i) [add reference to the legal business name of the company that owns the resort]

(D) Solitude Mountain Resort.

(i) [add reference to the legal business name of the company that owns the resort]

(8) SKI LIFT. —Systems, such as tramways, funiculars, ski lifts, conveyors, or tows, used for the purpose of skiing.

(9) STATE.—The term “State” means the State of Utah.

(10) NATIONAL FOREST SYSTEM.—The term “National Forest System” has the meaning given that

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term in section 11(a) of the Forest and Rangeland Re-
newable Resources Planning Act of 1974 (16 U.S.C.
1609(a)).

**SEC. 3. CENTRAL WASATCH NATIONAL
CONSERVATION AND RECREATION
AREA.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to valid existing
rights, there is established the Central Wasatch Na-
tional Conservation and Recreation Area in the State.

(2) AREA INCLUDED.—The Conservation and
Recreation Area shall be comprised of approximately
79,109 acres of National Forest System land in the Wa-
satch-Cache National Forest as generally depicted on
the Conservation and Recreation Area map as “Central
Wasatch National Conservation and Recreation Area”.

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(3) AREAS EXCLUDED.—The Conservation and
Recreation Area established under section 3 shall not
include non-Federal lands.

(b) PURPOSES.—The purposes of the Conservation and
Recreation Area are to—

(1) conserve and protect the ecological, natural,
scenic, wilderness (within wilderness areas), cultural,
historical, geological, and wildlife values within the
Conservation and Recreation Area;

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1 (2) protect, enhance, and restore the water qual-
2 ity and watershed resources in the Conservation and
3 Recreation Area;

4 (3) facilitate a balanced, year-round recreation
5 system with a wide variety of opportunities for resi-
6 dents and visitors; and

7 (4) facilitate and accommodate improved ac-
8 cess to the Conservation and Recreation Area for a
9 growing number of users.

10 (c) MANAGEMENT PLAN.—

11 (1) IN GENERAL.—Not later than 3 years after
12 the date of enactment of this Act and in accordance
13 with this subsection, the Secretary shall develop a com-
14 prehensive plan for the long-term management of the
15 Conservation and Recreation Area.

16 (2) CONSULTATION.—In developing the man-
17 agement plan required under paragraph (1), the Secre-
18 tary shall consult with—

19 (A) appropriate State, tribal, and local
20 governmental entities;

21 (B) private interests in the land; and

22 (C) the public.

23 (3) INCORPORATION OF PLANS.—In developing
24 the management plan required under paragraph (1), to
25 the extent consistent with this Act, the Secretary may
26 incorporate any provision of—

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- 1 (A) the forest plan;
2 (B) Mountain Accord; and
3 (C) local plans.

4 (4) MANAGEMENT PLAN GUIDELINES.—The
5 Management Plan shall—

6 (A) protect of water quality and water-
7 shed resources;

8 (B) ~~protect environmentally sensitive ar-~~
9 eas, including evaluating these areas for special
10 designations such as Albion Basin Special Botan-
11 ical Area;

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12 (C) ~~preclude~~ ski area permit boundary
13 expansion on ~~National Forest System land~~ be-
14 yond what is described in section 6(a)(10) and as
15 depicted on the Conservation and Recreation
16 Area map;

Deleted: not allow

Deleted: Federal land

17 (D) provide for adaptive management of
18 resources and restoration of damaged resources;

19 (E) promote public safety, including ava-
20 lanche control;

21 (F) facilitate year-round, outdoor recrea-
22 tion;

23 (G) not allow ~~ski lifts on National Forest~~
24 ~~System land within the Conservation and Recrea-~~
25 ~~tion Area~~ outside of ski area permit boundaries as
26 depicted on the map ~~and as described in section~~

Deleted: or people movers for the purpose of skiing

Deleted: —¶

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1 6(a)(10); and
2 (H) provide or maintain access to the
3 Conservation and Recreation Area for residents,
4 visitors, and businesses.

Deleted: or¶
or for transportation options in section outside the trans-
portation corridors established in section 6(a)(8)(B);

5 (5) AMENDMENT OF FOREST PLAN.—Approval
6 by the Secretary of the management plan required un-
7 der paragraph (1) shall amend the forest plan to incor-
8 porate the management plan.

9 (6) FOREST ORDERS.—Within 30 days of enact-
10 ment of this Act, the Secretary shall issue the closure
11 orders necessary to enforce this Act for administration
12 of the White Pine Special Management Area in accord-
13 ance with—

14 (A) 16 U.S.C. 551 and 36 CFR 261 Sub-
15 part B; and

16 (B) section 5(b)(4).

17 (d) MANAGEMENT.—

18 (1) IN GENERAL.—The Secretary shall manage
19 the Conservation and Recreation Area—

20 (A) to conserve, protect, and enhance the
21 resources of the Conservation and Recreation
22 Area; and

Deleted: ¶
consistent with the management plan; and

23 (B) in accordance with—

24 (i) the laws (including regula-
25 tions) and rules applicable to
26 the National Forest System;

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1 and
2 (ii) this Act.
3 (2) USES.—The Secretary shall only allow uses
4 of the Conservation and Recreation Area that—
5 (A) consistent with the management plan;
6 and
7 (B) in accordance with—
8 (i) the laws (including regulations) and
9 rules applicable to the National Forest Sys-
10 tem; and
11 (ii) this Act.
12 (3) AUTHORIZATIONS.—Nothing in this Act af-
13 fects—
14 (A) a permit, contract, easement, leases,
15 or other written authorization that is in existence
16 on the date of enactment of this Act that author-
17 izes use and occupancy of National Forest System
18 lands;
19 (B) the process by which a permit, con-
20 tract, easement, leases, or other written authoriza-
21 tion in subparagraph (A) is reissued or modified;
22 or
23 (C) the process by which a permit, con-
24 tract, easement, leases, or other written authoriza-
25 tion lands that was not in existence on the date of

Deleted: The Secretary shall only allow uses of the Conservation and Recreation Area that the Secretary determines would further the purposes described in subsection (b)

Deleted: PERMITTED AND LICENSED ACTIVITIES.—

Deleted: IN GENERAL.—Nothing in this Act affects existing permits or licensed activities authorized as of the date of enactment of this Act.

Deleted: PROCESS.—Nothing in this Act affects the process by which activities authorized by permit or license as of the date of enactment of this Act may be authorized or reauthorized.

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1 enactment of this Act is issued for use and occu-
2 pancy of National Forest System.

3 (e) MANAGEMENT OF CERTAIN AREAS WITHIN THE
4 CONSERVATION AND RECREATION AREA.—

Deleted: EFFECT.

5 (1) DESIGNATED AREAS.—Areas within the
6 Conservation and Recreation Area that are designated
7 as part of the National Wilderness Preservation System
8 under section 4 or under another Act or as the White
9 Pine Special Management Area under section 5 shall
10 be managed exclusively as provided those designa-
11 tions.

Deleted: IN GENERAL.—The establishment of the Conser-
vation and Recreation Area shall not change the manage-
ment status of any area within the boundary of the Conser-
vation and Recreation Area that is—

12 (2) SKI AREAS.—The establishment of the Con-
13 servation and Recreation Area shall not affect the man-
14 agement of National Forest System lands within the
15 boundary of a ski area and avalanche protection zone
16 permits.

Deleted: <#>A WILDERNESS AREA; ¶
<#>THE WHITE PINE SPECIAL MANAGEMENT AREA; OR ¶
<#>SKI AREA SPECIAL USE PERMIT FOR ALTA, BRIGHTON,
SNOWBIRD, AND SOLITUDE. ¶

17 **SEC. 4. WILDERNESS.**

18 (a) MOUNT OLYMPUS WILDERNESS BOUNDARY
19 ADJUSTMENT.—Section 102(a) of the Utah Wilderness
20 Act of 1984 (Public Law 98-428; 98 Stat. 1658; 16 U.S.C.
21 1132) is amended in paragraph (3), as generally de-
22 picted on the Conservation and Recreation Area map,
23 by—

Deleted: <#>CONFLICT OF LAWS.—If there is a conflict
between the laws applicable to the areas described in par-
agraph (1) and this subtitle, the more restrictive provi-
sions shall control.

24 (1) striking “sixteen thousand acres” and insert-
25 ing “fifteen thousand eight hundred and eighty-three
26 acres acres”; and

Commented [A3]: Acreages will be updated once the BST
alignment has been finalized.

CWC is working with Boy Scouts of America to discuss add-
ing the newly acquired parcel to the Mount Olympus Wil-
derness Area.

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1 (2) striking “, dated August 1984” and inserting
2 “and dated [REDACTED]”.

3 (b) TWIN PEAKS WILDERNESS BOUNDARY AD-
4 JUSTMENT.—Section 102(a) of the Utah Wilderness Act of
5 1984 (Public Law 98-428; 98 Stat. 1658; 16 U.S.C. 1132
6 note) is amended in paragraph (4), as generally depicted
7 on the Conservation and Recreation Area map, by—

8 (1) striking “thirteen thousand one hundred
9 acres” and inserting “thirteen thousand and ninety-
10 eight acres”; and

Commented [A4]: Acreages will be updated once the BST alignment has been finalized.

11 (2) striking “, dated June 1984” and inserting
12 “and dated [REDACTED]”.

13 (c) LONE PEAK WILDERNESS ADDITION AND
14 BOUNDARY ADJUSTMENT.— Section 2(i) of the Endan-
15 gered American Wilderness Act of 1978 (P.L. 95-237; 92
16 Stat. 42; 16 U.S.C. 1132 note) is amended, as generally
17 depicted on the Conservation and Recreation Area map,
18 by—

19 (1) striking “twenty-nine thousand five hundred
20 and sixty-seven acres and inserting “thirty-two thou-
21 sand one hundred and thirty acres”; and

Commented [A5]: Acreages will be updated once the BST alignment has been finalized.

22 (2) inserting “and dated __” after “on a map en-
23 titled ‘Lone Peak Wilderness—Proposed’”.

Acreage will be adjusted to include the Transportation Alignment Adjustment.

24 (d) GRANDEUR PEAK - MOUNT AIRE WILDER-
25 NESS.— Section 102(a) of the Utah Wilderness Act of
26 1984 (Public Law 98-428; 98 Stat. 1657; 16 U.S.C. 1132

Commented [A6]: Analyzing possible solutions for the proposed wilderness area and fire treatment concerns.

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1 note) is amended by—

2 (1) striking “and” from the end of paragraph 11;

3 (2) striking the period at the end of paragraph 12

4 and inserting “; and”; and

5 (3) adding at the end the following: “(13) cer-

6 tain land in the Uinta-Wasatch-Cache National For-

7 est comprising approximately 6,158 acres, as gener-

8 ally depicted on the map entitled ‘Proposed Central

9 Wasatch National Conservation and Recreation Area

10 Map’ and dated [REDACTED], which shall be known as the

11 Grandeur Peak – Mount Aire Wilderness.”

12 (e) ADMINISTRATION OF LAND.—Land removed from

13 wilderness designation by this section shall be adminis-

14 tered in accordance with the provisions of the forest plan

15 and management plan applicable to the adjacent non-wil-

16 derness land.

17 **SEC. 5. WHITE PINE SPECIAL MANAGEMENT**

18 **AREA.**

19 (a) DESIGNATION.—Subject to valid existing rights,

20 certain National Forest System land in the Wasatch-Cache

21 National Forest comprising approximately 1,800 acres, as

22 generally depicted on the Conservation and Recreation

23 Area map, is designated the White Pine Special Manage-

24 ment Area (referred to in this section as the “special man-

25 agement area”).

26 (b) MANAGEMENT.—

Commented [A7]: Acreages will be updated once the BST alignment has been finalized.

Deleted: Federal

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1 (1) IN GENERAL.—The Secretary shall manage
2 the special management area established by subsection
3 (a) to maintain the natural state of the special manage-
4 ment area.

5 (2) MECHANIZED OR MOTORIZED VEHICLES.—

6 (A) IN GENERAL.—Except as provided in
7 subparagraph (B) or the landing of helicopters,
8 the use of motor vehicle and mechanical transport
9 is prohibited in the special management area.

Deleted: and

Deleted: ized

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10 (B) EXCEPTION.—Nothing in subpara-
11 graph (A) prevents the use of authorized motor
12 vehicle and mechanical transport for —

Deleted: Secretary from

13 (i) administrative purposes; or
14 (ii) responding to an emergency.

Deleted: authorizing the use of authorized motorized
motor vehicles and equipment mechanical transport for

15 (3) STRUCTURES AND FACILITIES.—New, per-
16 manent structures and facilities are prohibited within
17 the special management area except that permanent
18 structures and facilities that are in existence on the date
19 of enactment of this Act shall continue to be author-
20 ized, including their modification or reconstruction
21 subject to reasonable regulation.

Deleted: may

22 (4) EXISTING WATER INFRASTRUCTURE.—
23 Nothing in this Act shall be construed to limit motor-
24 ized access and road maintenance by local municipali-
25 ties, water districts, water systems, or public or private
26 utilities for those maintenance activities necessary to

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guarantee the continued viability of water resource facilities that currently exist or which may be necessary in the future to prevent the degradation of the water supply in the White Pine Special Management Area designated by this Act.

(5) **TIMBER HARVESTING.**—Timber harvesting is prohibited within the special management area.

(6) **FOREST PLAN.** —The Secretary shall manage the White Pine Special Management Area in accordance with the forest plan to the extent consistent with this section. Notwithstanding section 6(i) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(i)), in the event of conflict between the forest plan and this section, this section shall supersede the forest plan. The Secretary shall not be required to amend the forest plan to incorporate the White Pine Special Management Area before revision of the forest plan.

SEC. 6. GENERAL PROVISIONS.

(a) **GENERAL PROVISIONS.**—In addition to section 3 and except as provided in section 3(e), the Secretary shall manage the Conservation and Recreation Area in accordance with this section.

(1) **ADJACENT MANAGEMENT.**—

(A) **IN GENERAL.**—The designation of the Conservation and Recreation Area shall not

Deleted: For Federal lands within the Conservation and Recreation Area the following general provisions shall apply, consistent with section 3(e):

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1 create a protective perimeter or buffer zone
2 around the Conservation and Recreation Area.

3 (B) ACTIVITIES ON NON-FEDERAL
4 LANDS.—The fact that an activity or use on non-
5 federal lands within or outside the Conservation
6 and Recreation Area can be seen or heard from
7 areas within the Conservation and Recreation
8 Area shall not preclude the activity or use on non-
9 federal lands.

Deleted: OUTSIDE CONSERVATION AND RECREATION AR-
EA

Deleted: non-federal lands within or adjacent to

Deleted: outside the boundary of the Conservation and
Recreation Area

10 (2) NON-FEDERAL LAND.—

11 (A) NO EFFECT ON NON-FEDERAL LAND
12 OR INTERESTS IN NON-FEDERAL LAND.—Nothing
13 in this Act affects ownership, management, use,
14 improvement, water rights, use of water rights, or
15 other rights relating to non-federal land or inter-
16 ests in non-federal land.

17 (B) ACCESS.—Nothing in this Act modi-
18 fies any laws or regulations that require or allow
19 the Secretary to provide the owners of private
20 property within the boundary of the Conservation
21 and Recreation Area access to their property.

22 (3) MOTORIZED AND MECHANIZED VEHICLES.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraph (C), the use of motor vehicle and
25 mechanical transport in the Conservation and
26 Recreation Area shall be permitted only on roads,

Deleted: motorized

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Deleted: mechanized

Deleted: vehicles

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trails, and areas designated for use by such vehicles by the management plan.

(B) NEW OR TEMPORARY ROADS.—Except as provided in subparagraph (C), paragraph (2)(B), and paragraph (8), no new or temporary roads shall be constructed within the Conservation and Recreation Area.

(C) EXCEPTION.—Nothing in subparagraph (A) or (B) prevents the Secretary from—

(i) authorizing roads or the use of motorized vehicles for administrative purposes;

(ii) responding to an emergency; or

(iii) maintenance, or reconstruction of road in existence on the date of enactment of this Act.

Deleted: or

(4) WITHDRAWAL.—Subject to valid existing rights, all National Forest System land located in the Conservation and Recreation Area is withdrawn from—

Deleted: Federal

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

(5) ACQUISITION OF LAND.—

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1 (A) IN GENERAL.—The Secretary may
2 acquire land or interests in land within the bound-
3 ary of the Conservation and Recreation Area only
4 through exchange, donation, or purchase from a
5 willing seller. The Secretary may not acquire any
6 land by condemnation.

7 (B) INCORPORATION OF ACQUIRED LAND
8 AND INTERESTS.—Any land or interest in land
9 that is located in the Conservation and Recreation
10 Area that is acquired by the United States shall—

11 (i) become part of the Conservation and
12 Recreation Area;

13 (ii) be managed in accordance with—

14 (I) the management plan;

15 (II) the laws and rules applicable
16 to the National Forest System; and

17 (III) this Act; and

18 (iii) be withdrawn according to
19 paragraph (4) on the date of acquisition of
20 the land.

21 (6) VEGETATION MANAGEMENT.—Nothing in
22 this Act prohibits the Secretary from conducting vege-
23 tation management projects within the Conservation
24 and Recreation Area —

25 (A) subject to—

26 (i) such reasonable regulations,

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1 policies, and practices as the Secretary de-
2 termines appropriate; and

3 (ii) all applicable laws (including
4 regulations); and

5 (B) in a manner consistent with the pur-
6 poses described in section 3(b).

7 (7) WILDLAND FIRE.—Nothing in this section
8 prohibits the Secretary, in cooperation with other Fed-
9 eral, State, and local agencies, as appropriate, from
10 conducting wildland fire operations in the Conserva-
11 tion and Recreation Area, including but not limited to
12 operations using aircraft or mechanized equipment.

13 (8) TRANSPORTATION.—

14 (A) GENERAL.—This Act anticipates fu-
15 ture transportation improvements, including but
16 not limited to roadway improvements, public
17 transportation, bus stops, stations, and public
18 amenities, such as restrooms, trails, trailheads,
19 bike lanes, and pedestrian infrastructure, within
20 the Conservation and Recreation Area on Na-
21 tional Forest System land that are in accordance
22 with—

23 (i) the management plan;

24 (ii) all applicable laws; and

25 (iii) the purposes described in sec-
26 tion 3(b) of this Act.

Deleted: This paragraph provides for future transporta-
tion infrastructure

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1 (B) CORRIDORS.—Transportation corri-
2 dors shall be reserved consistent with 23 C.F.R. §
3 774(11)(i) and 49 U.S.C. § 5323(q) within the
4 easements, rights-of-way, and areas of estab-
5 lished use (including cut and fill slopes) on Little
6 Cottonwood Canyon Road (State Road 210) and
7 Big Cottonwood Canyon Road (State Road 190).

8 (i) ADJUSTMENTS.—Adjust-
9 ments to the corridors may be made through
10 a public engagement process in accordance
11 with the National Environmental Policy
12 Act of 1969 (42 U.S.C. §4321 et seq.) if ap-
13 plicable and consistent with the purposes
14 described in section 3(b).

15 (ii) EXISTING SECTION 4(F) PROP-
16 erties.— Section 4(f) (23 U.S.C. § 138 and
17 49 U.S.C. § 303) shall only apply to exist-
18 ing properties within the corridors that
19 would have been determined to be Section
20 4(f) properties before the enactment of this
21 Act.

22 (C) FEDERAL ACTION.—To the extent fu-
23 ture transportation infrastructure requires federal
24 action, the Secretary of Agriculture and the Sec-
25 retary of Transportation shall coordinate and give

Deleted: are reserved

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1 priority to actions in the Conservation and Recre-
2 ation Area when fulfilling their obligations under
3 the National Environmental Policy Act of 1969
4 (42 U.S.C. § 4321 et seq.).

5 (D) UTAH DEPARTMENT OF TRANSPOR-
6 TATION.—Nothing in this Act is intended to—

7 (i) limit the Utah Department of
8 Transportation from providing avalanche
9 control, maintenance, and safety improve-
10 ment activities on current and future trans-
11 portation facilities;

12 (ii) diminish or otherwise affect
13 any easement, right-of-way (including
14 those established by historic use or con-
15 struction), or other property rights held by
16 or for the benefit of the Utah Department of
17 Transportation;

18 (iii) add to the Utah Department of
19 Transportation's permitting process for
20 maintenance or improvement of any exist-
21 ing transportation facilities; or

22 (iv) affect existing or future appro-
23 priations authorized by 23 U.S.C. § 107(d),
24 204(f), and 317.

25 (9) AVALANCHE CONTROL.—The Secretary
26 shall allow installation of, access to, and maintenance

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1 of avalanche control devices, excluding ski lifts, to be
2 installed and maintained within or adjacent to the Con-
3 servation and Recreation Area to protect public health
4 and property and in accordance with the management
5 plan.

Deleted: access and avalanche control devices,

6 (10) SKI AREA PERMIT BOUNDARIES.— Ski area
7 permit boundary expansion is precluded on National
8 Forest System land within the Conservation and Rec-
9 reation Area beyond what is described below and as
10 depicted on the Conservation and Recreation Area
11 map.

Deleted: Federal

12 (A) BRIGHTON.—If a realignment of the
13 Brighton Resort Area Permit Boundary is pro-
14 posed within the “Brighton Resort Boundary Ad-
15 justment Area” as depicted on the Conservation
16 and Recreation Area map, the proposed realign-
17 ment is subject to the permitting process as of the
18 date of enactment of this Act. After completion of
19 the full permitting process and permit approval by
20 the U.S. Forest Service, the Brighton Resort Area
21 Boundary shall be permanent.

22 (B) SOLITUDE.—If a realignment of the
23 Solitude Resort Area Permit Boundary is pro-
24 posed within the “Solitude Resort Boundary Ad-
25 justment Area” as depicted on the Conservation

Deleted: Solitude

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and Recreation Area map, the proposed realignment is subject to the permitting process as of the date of enactment of this Act. After completion of the full permitting process and permit approval by the U.S. Forest Service, the Resort Area Boundary shall be permanent.

(C) ALTA.—A realignment of the Alta Resort Area Permit Boundary may be proposed within the “ASL Resort Boundary Adjustment Area” as depicted on the Conservation and Recreation Area map. Any proposed realignment of the Alta Resort Area Permit Boundary is subject to the U.S. Forest Service plan amendment, permitting process, review, and decision making. There shall be no presumption of approval or disapproval of any realignment of the Alta Resort Area Permit Boundary.

(11) FACILITIES.—

(A) DEFINITION.—In this subsection, the term “facility” means authorized facilities, such as water resource, water treatment, flood control, utility, pipeline, or telecommunications facilities.

(B) EXISTING FACILITIES.—Nothing in this section affects the operation or maintenance of an existing facility located within the Conservation and Recreation Area.

Deleted: Alta Resort

Commented [A8]: The map associated with this draft is 10/26/2018 – “Working Draft – Proposed Central Wasatch National Conservation and Recreation Area”

Deleted: <#>ALTA.—¶
<#>If a realignment of the Alta Resort Area Permit Boundary is proposed on the “Resort Area Boundary, Subject to Permitting Process” as depicted on the Conservation and Recreation Area map, the proposed realignment is subject to the permitting process as of the date of enactment of this Act. After completion of the full permitting process and permit approval by the U.S. Forest Service, the Alta Resort Area Boundary shall be permanent. The Secretary may restrict resort skier access beyond the realigned Alta Resort Area Boundary.¶
<#>If the Alta Ski Lifts Company conveys the non-Federal land to the United States in exchange for the Federal National Forest System land as described in Section 7 of this Act and as identified on the map entitled “Preliminary Conceptual Map for Proposed Land Exchange between The U.S. Forest Service and certain Utah Ski Areas”, the Alta Resort Area Boundary as of the date the land exchange is completed shall be permanent and any future Alta Resort Area Boundary realignment shall be precluded. The land exchange may be completed in multiple phases.¶

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1 (C) EXPANSION AND NEW FACILITIES.—

2 Nothing in this section prohibits the Secretary
3 from authorizing the expansion of an existing fa-
4 cility or the construction of a new facility within
5 the Conservation and Recreation Area subject
6 to—

- 7 (i) the management plan;
- 8 (ii) all applicable laws; and
- 9 (iii) in a manner consistent with
10 the purposes described in sec-
11 tion 3(b).

12 (12) WATER RIGHTS.—

13 (A) DEFINITION.—In this subsection, the
14 term “water resource facility” means irrigation
15 and pumping facilities, reservoirs, water conser-
16 vation works, aqueducts, canals, ditches, pipe-
17 lines, wells, hydropower projects, transmission,
18 and other facilities ancillary thereto, and other
19 water diversion, storage, and carriage structures.

20 (B) EFFECT OF ACT.—Nothing in this
21 Act—

- 22 (i) shall constitute either an express or
23 implied reservation by the United States of
24 any water or water rights with respect to the
25 Conservation and Recreation Area;
- 26 (ii) affect any water rights in the

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State existing on the date of enactment of this Act, including any water rights held by the United States; or

(iii) establish a precedent with regard to any future Conservation and Recreation Area designations.

(C) UTAH WATER LAW.—The Secretary shall follow the procedural and substantive requirements of State law to obtain and hold any water rights not in existence on the date of the enactment of this Act with respect to the Conservation and Recreation Area.

(D) EXISTING WATER INFRASTRUCTURE.—Nothing in this Act shall be construed to limit motorized access and road maintenance by local municipalities, water districts, water systems, or public or private utilities for those maintenance activities necessary to guarantee the continued viability of water resource facilities that currently exist or which may be necessary in the future to prevent the degradation of the water supply in the Conservation and Recreation Area designated by this Act.

(13) FISH AND WILDLIFE.—Nothing in this Act affects the jurisdiction of the State with respect to fish and wildlife.

Deleted: or

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1 (14) FEES. —Notwithstanding any other provi-
2 sion of law, the Forest Service is authorized to assess
3 reasonable fees for admission to and the use and occu-
4 pancy of the National Forest lands within the Conser-
5 vation and Recreation Area. Any admission fees and
6 fees assessed for recreational activities shall be applied
7 to operations, maintenance and improvements of rec-
8 reation and transportation infrastructure within the
9 Conservation and Recreation Area and implemented
10 only after public notice and a period of not less than 60
11 days for public comment.

12 **SEC. 7. LAND OWNERSHIP.**

13 (a) DEFINITIONS.—In this subsection—
14 (1) FEDERAL LAND.—The term “Federal land”
15 means the National Forest System land identified as
16 “Federal Land To Be Evaluated for Private Owner-
17 ship” as generally depicted on the map entitled “Pre-
18 liminary Conceptual Map for Proposed Land Ex-
19 change between The U.S. Forest Service and certain
20 Utah Ski Areas” dated [REDACTED].

Deleted: <#>GENERAL.—This Section provides for the po-
tential exchange of specific National Forest System land for
specific non-Federal land. ¶
<#>LAND EXCHANGE.—¶

21 (2) NON-FEDERAL LAND.—The term “non-Fed-
22 eral land” means—

Deleted: on the map entitled “Preliminary Conceptual
Map for Proposed Land Exchange between The U.S. Forest
Service and certain Utah Ski Areas.”

23 (A) land owned by Snowbird Ski and
24 Summer Resort identified as “Private Land To
25 be Evaluated for Public Ownership - From

Deleted: the private land listed below.

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Snowbird” as generally depicted on the map entitled “Preliminary Conceptual Map for Proposed Land Exchange between The U.S. Forest Service and certain Utah Ski Areas” dated [REDACTED];

(B) land owned by Brighton Mountain Resort identified as “Private Land To be Evaluated for Public Ownership - From Brighton” as generally depicted on the map entitled “Preliminary Conceptual Map for Proposed Land Exchange between The U.S. Forest Service and certain Utah Ski Areas” dated [REDACTED]; and

(C) land owned by Solitude Mountain Resort identified as “Private Land To be Evaluated for Public Ownership - From Solitude” as generally depicted on the map entitled “Preliminary Conceptual Map for Proposed Land Exchange between The U.S. Forest Service and certain Utah Ski Areas” dated [REDACTED];

(b) MAP; LEGAL DESCRIPTION.—

(1) ADJUSTMENTS.—The Secretary and the ski areas may, by mutual agreement, correct minor or topographical errors in any maps, acreage estimate, or description of any land to be exchanged under this section.

(2) MAP AVAILABILITY.—The maps depicting

Deleted: Private land owned by Snowbird Ski and Summer Resort identified as “Private Land To be Evaluated for Public Ownership - From Snowbird” on the map entitled “Preliminary Conceptual Map for Proposed Land Exchange between The U.S. Forest Service and certain Utah Ski Areas.”

Deleted: <#>land owned by Alta Ski Lifts Company identified as “Private Land To be Evaluated for Public Ownership - From Alta” as generally depicted on the map entitled “Preliminary Conceptual Map for Proposed Land Exchange between The U.S. Forest Service and certain Utah Ski Areas; dated [REDACTED]; Private land owned by Alta Ski Lifts Company identified as “Private Land To be Evaluated for Public Ownership - From Alta” on the map entitled “Preliminary Conceptual Map for Proposed Land Exchange between The U.S. Forest Service and certain Utah Ski Areas.”¶

Deleted: <#>Private land owned by Brighton Mountain Resort identified as “Private Land To be Evaluated for Public Ownership - From Brighton” on the map entitled “Preliminary Conceptual Map for Proposed Land Exchange between The U.S. Forest Service and certain Utah Ski Areas.”

Deleted: Private land owned by Solitude Mountain Resort identified as “Private Land To be Evaluated for Public Ownership - From Solitude” on the map entitled “Preliminary Conceptual Map for Proposed Land Exchange between The U.S. Forest Service and certain Utah Ski Areas.”

Deleted: <#>SKI RESORTS.—The term “ski resorts” means Snowbird Ski and Summer Resort, Alta Ski Lifts Company, Brighton Mountain Resort, and Solitude Mountain Resort, respectively.¶

Deleted: resorts

Deleted: Act

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1 the Federal and non-Federal lands to be exchanged un-
2 der this Act shall be available for public inspection in
3 the Office of the Supervisor, Wasatch-Cache National
4 Forest and Office of the Regional Forester, Intermoun-
5 tain Region.

6 (c) CONVEYANCE OF LAND.—

7 (1) SNOWBIRD SKI AND SUMMER RESORT.—
8 Subject to valid existing rights and the provisions of
9 this section, if Snowbird Ski and Summer Resort offers
10 to convey to the United States all right, title, and inter-
11 est of in and to non-Federal land in subsection
12 (a)(2)(A), and the offer is acceptable to the Secre-
13 tary—

14 (A) the Secretary shall accept the offer;
15 and

16 (B) upon receipt of acceptable title to the
17 non-Federal land in subsection (a)(2)(A), the Sec-
18 retary shall convey to Snowbird Ski and Summer
19 Resort all right, title, and interest of the United
20 States in and to the Federal Land determined by
21 (d)(3).

22 (2) BRIGHTON MOUNTAIN RESORT.—Subject to
23 valid existing rights and the provisions of this section,
24 if Brighton Mountain Resort offers to convey to the
25 United States all right, title, and interest in and to non-
26 Federal land in subsection (a)(2)(C), and the offer is

Deleted: Subject to the provisions of this subsection, if the ski resorts offer to convey to the United States all right, title, and interest of the ski resorts in and to the non-Federal land, the Secretary shall evaluate the non-Federal lands and Federal lands and initiate a public engagement process. Pending the public engagement process, the Secretary shall convey to the ski resorts all right, title, and interest of the United States in and to the Federal land, subject to valid existing rights and these will be reiterated in the conveyance deed.

Deleted: ~~<#>ALTA SKI LIFTS COMPANY.—Subject to valid existing rights and the provisions of this section, if Alta Ski Lifts Company offers to convey to the United States all right, title, and interest in and to non-Federal land in subsection (a)(2)(B), and the offer is acceptable to the Secretary—¶~~
~~<#>the Secretary shall accept the offer; and¶~~
~~<#>upon receipt of acceptable title to the non-Federal land in subsection (a)(2)(A), the Secretary shall convey to Snowbird Ski and Summer Resort all right, title, and interest of the United States in and to the Federal Land determined by (d)(3).¶~~

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1 acceptable to the Secretary—
2 (A) the Secretary shall accept the offer;
3 and
4 (B) upon receipt of acceptable title to the
5 non-Federal land in subsection (a)(2)(A), the Sec-
6 retary shall convey to Brighton Mountain Resort
7 Resort all right, title, and interest of the United
8 States in and to the Federal Land determined by
9 (d)(3).
10 (3) SOLITUDE MOUNTAIN RESORT.—
11 Subject to valid existing rights and the provisions of
12 this section, if Solitude Mountain Resort offers to con-
13 vey to the United States all right, title, and interest in
14 and to non-Federal land in subsection (a)(2)(D), and
15 the offer is acceptable to the Secretary—
16 (A) the Secretary shall accept the offer;
17 and
18 (B) upon receipt of acceptable title to the
19 non-Federal land in subsection (a)(2)(A), the Sec-
20 retary shall convey to Brighton Mountain Resort
21 Resort all right, title, and interest of the United
22 States in and to the Federal Land determined by
23 (d)(3).
24 (d) CONDITIONS ON ACCEPTANCE.—
25 (1) TITLE.—As a condition of the land exchange
26 under this subsection, title to the non-Federal land to

Deleted: Snowbird Ski and Summer

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be acquired by the Secretary under this subsection shall be acceptable to the Secretary based on Department of Justice Title Standards.

(2) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to—

(A) all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. §4321 et seq.) and section 206 of the Federal Land Policy Act of 1976 (43 U.S.C. §1716); and

(B) such terms and conditions as the Secretary may require.

(3) IDENTIFICATION OF FEDERAL LANDS TO BE EXCHANGED.— Conveyance of Federal land under this section shall be contingent upon the Secretary and a ski area reaching a mutual agreement on the land to be conveyed.

(4) IDENTIFICATION OF PRIVATE LANDS TO BE EXCHANGED.—

(A) PRIVATE LANDS TO BE EVALUATED—The private lands to be evaluated for exchange may include other lands within the NCRA not identified as “Private Land to be Evaluated for Public Ownership” as depicted on the “Prelimi-

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1 nary Conceptual Map for Proposed Land Ex-
2 change between The U.S. Forest Service and cer-
3 tain Utah Ski Areas” dated [REDACTED].

4 (B) SPLIT ESTATE PROPERTIES—For the
5 purposes of this Section, the Secretary shall not
6 exclude consideration of split estate properties
7 from an exchange.

8 (5) PUBLIC ENGAGEMENT PROCESS.—The Sec-
9 retary shall initiate a public engagement process to be
10 conducted in accordance with the National Environ-
11 mental Policy Act (42 U.S.C. 4321 et seq.) and other
12 applicable Federal laws for the purpose of—

13 (A) evaluating existing private and public
14 access to and uses of the Federal land and non-
15 Federal land; and

16 (B) determining specific descriptions of
17 the non-Federal and Federal land to be exchanged
18 that will be acceptable to the Secretary and that
19 can be agreed to by the ski area.

20 (6) APPRAISALS.—

21 (A) IN GENERAL.—As soon as practica-
22 ble after the date of enactment of this Act, the
23 Secretary shall select an appraiser to conduct an
24 appraisal of the Federal land and non-Federal
25 land, as appropriate.

26 (B) REQUIREMENTS.—The values of the

Deleted: As part of the public engagement process, existing private and public access to and uses of the land involved in the exchange shall be evaluated.

Deleted: <#>ALTA EXCHANGE.— If Alta Ski Lifts Company offers to convey non-Federal land to the United States in exchange for Federal land within the Town of Alta under this section, the exchange shall be accompanied by a commitment from Alta Ski Lifts Company to work with the Town of Alta, existing base area property owners, and the public to maintain access to public lands for ski area use, trails, business operations, parking, and other existing private uses, even if the resort and transit facilities are reconfigured. ¶

Deleted: and the ski resorts

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1 lands to be exchanged under this section shall be
2 determined by the Secretary through appraisals
3 performed in accordance with—

Deleted: An appraisal under subparagraph (A) shall be conducted in accordance with nationally recognized appraisal standards, including—

4 (i) The Uniform Appraisal Stand-
5 ards for Federal Land Acquisitions; and

6 (ii) The Uniform Standards of
7 Professional Appraisal Practice.

8 (C) COSTS.—The costs of appraisal un-
9 der subparagraph (B) and any associated adminis-
10 trative costs shall be paid by the ski area.

Deleted: The responsibility for the costs of appraisal and any associated administrative costs of appraisal conducted under subparagraph (B) for purposes of carrying out the land exchange shall be covered by the ski resorts.

11 (7) SURVEYS AND TITLE WORK.—

12 (A) IN GENERAL.— As soon as practica-
13 ble after the date of enactment of this Act, the Sec-
14 retary and the ski area shall reach mutual agree-
15 ment on and select surveyors to conduct surveys of
16 the Federal land and non-Federal land.

Deleted: resorts

Deleted: select

17 (B) REQUIREMENTS. The exact acreage
18 and legal description of the Federal land and non-
19 Federal land shall be determined by boundary sur-
20 veys by state-licensed surveyors of the lands to be
21 exchanged. The boundaries will be surveyed and
22 monumented as required by all applicable Federal
23 regulations.

Deleted: of the lands to be exchanged

Deleted: by the Secretary

24 (8) COSTS.—The ski area shall pay the costs as-
25 sociated with the land exchange, as appropriate, under
26 this section for—

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- 1 (A) the appraisal under paragraph (6);
2 (B) any title work, including any ab-
3 stracts, title reports, escrow or closing fees, and
4 deed preparation;
5 (C) the preparation of any documenta-
6 tion under the National Environmental Policy
7 Act (43 U.S.C. 4321 et seq.);
8 (D) the valuation of timber; and
9 (E) any other administrative costs associ-
10 ated with the land exchange,
11 (9) VALUATION AND EQUALIZATION.—
12 (A) IN GENERAL.—The value of the Fed-
13 eral land and non-Federal land to be exchanged un-
14 der this section—
15 (i) shall be equal, as determined by ap-
16 praisals conducted in accordance with para-
17 graph (5); or
18 (ii) if not equal, may be equalized by a
19 cash equalization payment in the manner pro-
20 vided in section 206(b) of the Federal Land
21 Policy and Management Act of 1976 (43
22 U.S.C. 1716(b)); or
23 (iii) if not equal, the acreage of the Fed-
24 eral land or the non-Federal land may be re-
25 duced to achieve equalization, as appropriate.
26 (10) DISPOSITION OF PROCEEDS.—

Deleted: The responsibility for the costs of any surveys conducted under subparagraph (A), any title work including but not limited to any abstracts, title reports, escrow or closing fees, deed preparation, preparation of NEPA documents, and any other administrative costs of carrying out the land exchange, shall be covered by the ski resorts.

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1 (A) IN GENERAL.—The Secretary shall
2 deposit in the fund established under Public Law
3 90-171 (commonly known as the Sisk Act; 16
4 U.S.C. 484a) any amount received by the Secre-
5 tary as the result of any cash equalization payment
6 made under subparagraph (9)(A)(ii).

Deleted: 86

7 (B) USE OF PROCEEDS.—Amounts de-
8 posited under subparagraph (A) shall be available
9 to the Secretary, without further appropriation and
10 until expended, for the acquisition of lands and in-
11 terests in lands in the Conservation and Recreation
12 Area.

13 (11) REVOCATION OF ORDERS; WITHDRAWAL.—

14 (A) REVOCATION OF ORDERS.—Any
15 public order withdrawing the Federal land from
16 entry, appropriation, or disposal under the public
17 land laws is revoked to the extent necessary to per-
18 mit the conveyance of the Federal land to the ski
19 area.

Deleted: resorts

20 (B) WITHDRAWAL.—On the date of en-
21 actment of this Act, and until the date of the con-
22 veyance of the Federal land to a ski area, the Fed-
23 eral land is withdrawn from—

24 (i) location, entry, and patent under the
25 mining laws; and

26 (ii) disposition under laws relating to

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1 ~~mineral and geothermal leasing.~~

2 (12) HAZARDOUS MATERIALS.—

3 ~~(A) IN GENERAL.— For any conveyance~~

4 ~~of Federal land under this section, the Secretary~~

5 shall meet disclosure requirements for hazardous

6 substances, pollutants, or contaminants ~~under sec-~~

7 ~~tion 102(h) of the Comprehensive Environmental~~

8 ~~Response, Compensation, and Liability Act of~~

9 ~~1980 (42 U.S.C. 9620(h)(1)), but shall otherwise~~

10 not be required to remediate ~~or abate such hazard-~~

11 ~~ous substances, pollutants, or contaminants.~~

12 ~~(B) CONDITIONS.—As a condition of a~~

13 ~~land exchange under this section, the ski area must~~

14 ~~agree to—~~

15 ~~(i) indemnify and hold harmless the~~

16 ~~United States for any costs associated with~~

17 ~~remediating or abating any hazardous sub-~~

18 ~~stances, pollutants, or contaminants located~~

19 ~~on, or being released from, the land conveyed~~

20 ~~under this Act: and~~

21 ~~(ii) restore any injured or lost natural re-~~

22 ~~sources as result of hazardous substances,~~

23 ~~pollutants, or contaminants located on, or be-~~

24 ~~ing released from, the Federal land or non-~~

25 ~~Federal land conveyed under this subsection.~~

Deleted: if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn until the date of the conveyance of the Federal land to the ski resorts.

Deleted: In any conveyance of land under this Act,

Deleted: or abate such substances

Deleted: Furthermore, any party described in subparagraph (1)(C), which acquires property conveyed under this Act must agree to indemnify and hold harmless the United States for any costs associated with remediating or abating any hazardous substances, pollutants, or contaminants located on, or being released from, the land conveyed under this Act, and restore any injured or lost natural resources.

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1 (C) ENVIRONMENTAL SITE ASSESS-
2 MENT.—

3 (i) AVAILABILITY.—The Secretary shall
4 make available for review and inspection any
5 record relating to hazardous materials on the
6 land to be exchanged under this Act. Prior to
7 the conveyance of Federal or non-Federal
8 land under this section, the ski area shall con-
9 duct an Environmental Site Assessment of
10 the Federal land and non-Federal land pro-
11 posed for exchange.

12 (ii) REQUIREMENTS.—The Environmen-
13 tal Site Assessment shall—

14 (I) meet the requirements set
15 forth in ASTM E1527–13 and 40 CFR
16 312 that apply to the non-Federal land to
17 be conveyed to or the Federal land to be
18 conveyed from the United States; and

19 (II) shall be provided to the Secre-
20 tary.

21 (D) COSTS.—The costs of any response
22 action or restoration of injured or lost natural re-
23 source relating to hazardous materials, pollutants,
24 or contaminants on land exchanged under this sec-
25 tion shall be paid by the appropriate ski area. No
26 claim shall be made against the United States by

Deleted: The Secretary and, as a condition of the exchange, the State, shall make available for review and inspection any record relating to hazardous materials on the land to be exchanged under this Act. Prior to the conveyance of federal or non-federal lands, the ski resorts shall conduct an Environmental Site Assessment of the lands proposed for conveyance, that meets the requirements set forth in ASTM E1527-13, for both land to be conveyed to or from the United States, and provide such reports to the Secretary.

Deleted: acquired under this Act shall be paid by those entities listed in subparagraph (1)(C)

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1 any ski area for any costs associated with the Fed-
2 eral land on non-Federal land exchange under this
3 section.

Deleted: party

Deleted: listed in subparagraph (1)(C) for any costs asso-
ciated with the land conveyed under this Act.

Deleted: PARCELS

4 (E) FEDERAL LAND.— Notwithstanding
5 the Comprehensive Environmental Response,
6 Compensation, and Liability Act of 1980 (42
7 U.S.C. 9601 et seq.), the Secretary is only required
8 to comply with the requirements set forth in para-
9 graph (1) of section 102(h) of that Act (42 U.S.C.
10 9620(h)(1)), but not otherwise required to comply
11 with any other provisions of section 102(h) (42
12 U.S.C. 9620(h)) for Federal land conveyed to a ski
13 area under this section.

Deleted: Notwithstanding 42 U.S.C. 9601 et seq, the
Secretary is only required to comply with the require-
ments set forth in 42 U.S.C. 9620(h)(1), but not otherwise
required to comply with any other provisions of 42 U.S.C.
9620(h) for land conveyed to a party listed in subpara-
graph (1)(C)

14 (13) DEADLINE FOR COMPLETION OF LAND EX-
15 CHANGE.—It is the intent of Congress that the land ex-
16 change under this subsection shall be completed not
17 later than 48 months after the date the proposal from
18 the non-Federal party is accepted by the Secretary.

Deleted: 36

19 **SEC. 8. MAPS AND LEGAL DESCRIPTIONS.**

20 (a) IN GENERAL.—As soon as practicable after the date
21 of enactment of this Act, the Secretary shall prepare a map
22 and legal description of the Conservation and Recreation
23 Area, wilderness and wilderness additions, and White Pine
24 Special Management Area.

25 (b) LEGAL EFFECT.—The maps and legal descriptions
26 prepared under subsection (a) shall have the same force

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1 and effect as if included in this section, except that the Sec-
2 retary may correct minor or typographical errors in the
3 map and legal description.

4 (c) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—
5 The maps and legal descriptions prepared under subsec-
6 tion (a) shall be on file and available for public inspection
7 in the appropriate offices of the Forest Service.

8 **SEC. 9. AUTHORIZATION FOR APPROPRIA-**
9 **TIONS.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to the Secretary to carry out
12 this Act \$XXX for each of fiscal years XXX through
13 XXX.

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