

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, 2019

Rep. 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.

11 Sec. 3. Central Wasatch National Conservation and Recreation Area.

12 Sec. 4. Wilderness.

13 Sec. 5. White Pine Watershed Protection Area.

14 Sec. 6. General Provisions.

15 Sec. 7. Land Exchanges.

16 Sec. 8. Authorization for Appropriations.

17 **SECTION 2. DEFINITIONS.**

18 (a) DEFINITIONS.—In this Act:

19 (1) CONSERVATION AND RECREATION AREA.—

20 The term “Conservation and Recreation Area” means
21 the Central Wasatch National Conservation and
22 Recreation Area established by section 3(a).

23 (2) CONSERVATION AND RECREATION AREA

24 MAP.—The term “Conservation and Recreation Area
25 map” means the map entitled “Proposed Central
26 Wasatch National Conservation and Recreation Area
27 Map” and dated ___, 2019.

28 (3) COTTONWOOD CANYONS TRANSPORTATION

29 ACTION PLAN.—The term “Cottonwood Canyons
30 Transportation Action Plan” refers to the
31 Transportation Plan jointly developed by the Utah
32 Department of Transportation and the Central
33 Wasatch Commission.

34 (4) FOREST PLAN.—The term “forest plan” means

35 the Revised Forest Plan: Wasatch-Cache National
36 Forest, dated February 2003, as amended.

37 (5) MANAGEMENT PLAN.—The term

38 “management plan” means the management plan for
39 the Central Wasatch National Conservation and
40 Recreation Area developed under section 3(d).

41 (6) MOUNTAIN ACCORD.—The term “Mountain

42 Accord” means the Mountain Accord agreement
43 dated July 13, 2015.

44 (7) MOUNTAIN TRANSPORTATION SYSTEM.—A
45 public transportation system used for the purpose of
46 transporting people year-round between base
47 destinations.

48 (8) NATIONAL FOREST SYSTEM.—The term
49 “National Forest System” has the meaning given that
50 term in section 11(a) of the Forest and Rangeland
51 Renewable Resources Planning Act of 1974 (16
52 U.S.C. 1609(a)).

53 (9) SECRETARY.—The term “Secretary” means the
54 Secretary of Agriculture.

55 (10) SKI AREA.—The term “ski area” means
56 downhill ski area operating under a special use
57 permit.

58 (11) SKI LIFT. —The term “ski lift” means
59 motorized systems used for the purpose of
60 transporting skiers, such as tramways, funiculars, ski
61 lifts, conveyors, or tows.

62 (12) WATERSHED PROTECTION AREA.—The term
63 “Watershed Protection Area” means the White Pine
64 Watershed Protection Area established by section
65 5(a).

66 (13) STATE.—The term “State” means the State of
67 Utah.

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

70 (a) ESTABLISHMENT.—

08/19/2019 PUBLIC DISCUSSION DRAFT

71 (1) IN GENERAL.—Subject to valid existing rights,
72 there is established the Central Wasatch National
73 Conservation and Recreation Area in the State.

74 (2) AREA INCLUDED.— The Conservation and
75 Recreation Area shall consist of approximately __
76 acres of National Forest System land managed by the
77 U.S. Forest Service, as generally depicted on the Map.

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

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

83 (1) conserve and protect the ecological, natural,
84 scenic, cultural, historical, geological, and wildlife
85 values of the Conservation and Recreation Area;

86 (2) protect, enhance, and restore the water quality
87 and watershed resources in the Conservation and
88 Recreation Area;

89 (3) facilitate a balanced, year-round recreation
90 system with a wide variety of opportunities for
91 residents and visitors; and

92 (4) facilitate and accommodate improved access
93 for a growing number of users.

94 (c) ADMINISTRATION.—

95 (1) IN GENERAL.—The Secretary shall administer
96 the Conservation and Recreation Area—

97 (A) in a manner that conserves, protects, and
98 enhances the purposes for which the Recreation
99 Area is established; and

- 100 (B) in accordance with—
- 101 (i) the laws generally applicable to the
- 102 National Forest System, including the Forest
- 103 and Rangeland Renewable Resources Planning
- 104 Act of 1974 (16 U.S.C. 1600 et seq.);
- 105 (ii) this section; and
- 106 (iii) any other applicable law.

107 (2) USES.—

108 (A) IN GENERAL.— The Secretary shall allow

109 only uses of the Conservation and Recreation Area

110 that are consistent with the purposes of the

111 Conservation and Recreation Area, as described in

112 subsection (b).

113 (B) MOTORIZED VEHICLES AND MECHANIZED

114 TRANSPORT.—Except as necessary for the

115 administration of the Conservation and Recreation

116 Area or in responding to an emergency, the use of

117 motor vehicles and mechanical transport in the

118 Conservation and Recreation Area shall be

119 permitted only on roads, trails, and areas

120 designated for such use by the management plan.

121 (C) NEW ROADS.—

122 (i) IN GENERAL.—Except as necessary for

123 the administration of the Conservation and

124 Recreation Area or in responding to an

125 emergency, and in accordance with applicable

126 law (including regulations), no roads shall be

127 constructed within the Conservation and

128 Recreation Area after the date of enactment of
129 this Act.

130 (ii) SAVINGS CLAUSE.—Nothing in clause
131 (i) prohibits the Secretary from authorizing
132 maintenance or reconstruction of a road in
133 existence on the date of enactment of this Act.

134 (D) EXISTING WATER INFRASTRUCTURE.—
135 The designation of the Conservation and
136 Recreation Area shall not affect the ability of
137 authorized users to access, operate, and maintain
138 water infrastructure facilities within the
139 Conservation and Recreation Area in accordance
140 with applicable authorizations and permits.

141 (d) MANAGEMENT PLAN.—

142 (1) IN GENERAL.—Not later than 3 years after the
143 date of enactment of this Act, the Secretary shall
144 develop as an amendment to the forest plan a
145 comprehensive plan for the long-term protection and
146 management of the Conservation and Recreation
147 Area.

148 (2) REQUIREMENTS.—The management plan shall
149 include standards and guidelines to—

150 (A) protect water quality and watershed
151 resources;

152 (B) protect environmentally sensitive areas and
153 evaluate such areas for special administrative
154 designations;

155 (C) provide for restoration and adaptive
156 management of natural resources;

157 (D) promote public safety, including through
158 avalanche control; and

159 (E) facilitate year-round outdoor recreation.

160 (3) CONSULTATION.—In developing the
161 management plan, the Secretary shall consult with—

162 (A) appropriate State, tribal, and local
163 governmental entities;

164 (B) owners of lands or interests in lands
165 within or adjacent to the Conservation and
166 Recreation Area; and

167 (C) the public.

168 (4) INCORPORATION OF PLANS.—In developing
169 the management plan, the Secretary may, to the extent
170 consistent with this Act, incorporate any provision
171 of—

172 (A) the forest plan;

173 (B) the Mountain Accord;

174 (C) local plans; or

175 (D) the Cottonwood Canyons Transportation
176 Action Plan.

177 (e) ADJACENT MANAGEMENT.—

178 (1) IN GENERAL.— Nothing in this subsection
179 creates any protective perimeter or buffer zone around
180 the Conservation and Recreation Area.

181 (2) ACTIVITIES OUTSIDE THE CONSERVATION AND
182 RECREATION AREA.— The fact that activity or use on
183 land outside the Conservation and Recreation Area
184 can be seen or heard within the Conservation and

185 Recreation Area shall not preclude the activity or use
186 outside the Conservation and Recreation Area.

187 (f) WITHDRAWAL.— Subject to valid existing rights,
188 all Federal land within the Conservation and Recreation
189 Area, including any land or interest in land that is
190 acquired by the United States within the Conservation
191 and Recreation Area after the enactment of this act, is
192 withdrawn from —

193 (1) entry, appropriation, or disposal under the
194 public land laws;

195 (2) location, entry, and patent under the mining
196 laws; and

197 (3) operation of the mineral leasing, mineral
198 materials, and geothermal leasing laws.

199 (g) ACQUISITION OF LAND.—

200 (1) IN GENERAL.—The Secretary may acquire
201 any land or interest in land within the Conservation
202 and Recreation Area only through exchange,
203 donation, or purchase from a willing seller. The
204 Secretary may not acquire any land by
205 condemnation.

206 (2) INCORPORATION OF ACQUIRED LAND AND
207 INTERESTS.— Any land or interest in land located
208 within the Conservation and Recreation Area that is
209 acquired by the United States after the date of
210 enactment of this Act shall—

211 (A) become part of the Conservation and
212 Recreation Area; and

213 (B) be managed in accordance with applicable
214 laws, including as provided in this section.

215 (h) AVALANCHE CONTROL.—The Secretary may
216 allow installation of, access to, and maintenance of
217 avalanche control devices, excluding ski lifts, within the
218 Conservation and Recreation Area to protect public
219 health and property in accordance with the management
220 plan and applicable law (including regulations).

221 (i) SKI AREAS.—

222 (1) IN GENERAL.—Ski area permit boundary
223 expansion in the Conservation and Recreation Area
224 shall be prohibited.

225 (2) EFFECT.—The establishment of the
226 Conservation and Recreation Area shall not affect
227 the management of National Forest System lands
228 within the permitted boundary of a ski area or
229 permitted avalanche protection zone.

230 (3) SKI LIFTS.—The construction of ski lifts on
231 National Forest System land within the Conservation
232 and Recreation Area shall be prohibited.

233 (j) WILDLAND FIRE.—Nothing in this section
234 prohibits the Secretary, in cooperation with other Federal,
235 State, and local agencies, as appropriate, from conducting
236 wildland fire operations in the Conservation and
237 Recreation Area, including operations using aircraft or
238 mechanized equipment.

239 (k) VEGETATION MANAGEMENT.— Nothing in this
240 section prevents the Secretary from conducting
241 vegetation management projects, including fuels

242 reduction activities, within the Recreation Area for the
243 purposes of improving water quality and reducing risks
244 from wildfire.

245 (l) TRANSPORTATION.—

246 (1) GENERAL.—Except as provided in subsection
247 (c)(2)(C), nothing in this section prohibits
248 transportation improvements and associated public
249 amenities, including roadway improvements, public
250 transportation, mountain transportation systems,
251 transit stops, stations, trails, trailheads, bike lanes,
252 restrooms, and pedestrian infrastructure within the
253 Conservation and Recreation Area in accordance
254 with—

- 255 (A) the management plan;
- 256 (B) applicable law (including regulations);
- 257 and
- 258 (C) the purposes described in subsection (b).

259 (2) CORRIDORS.—Transportation corridors shall
260 be preserved in accordance with 23 C.F.R. §
261 774(11)(i) and 49 U.S.C. § 5323(q) within the
262 easements, rights-of-way, and areas of established use
263 (including cut and fill slopes) on Little Cottonwood
264 Canyon Road (State Road 210) and Big Cottonwood
265 Canyon Road (State Road 190).

266 (A) ADJUSTMENTS.—Adjustments to the
267 corridors may be made through a public
268 engagement process in accordance with the
269 National Environmental Policy Act of 1969 (42

270 U.S.C. §4321 et seq.) if applicable and consistent
271 with the purposes described in subsection (b).

272 (B) APPLICATION OF LAW.—Nothing in this
273 section shall affect the designation of Federal
274 land within the Conservation and Recreation Area
275 for purposes of section 303 of title 49, United
276 States Code, and section 138 of title 23, United
277 States Code.

278 (3) FEDERAL ACTION.—To the extent future
279 transportation infrastructure requires federal action,
280 the Secretary of Agriculture and the Secretary of
281 Transportation shall coordinate actions in the
282 Conservation and Recreation Area when fulfilling
283 their obligations under the National Environmental
284 Policy Act of 1969 (42 U.S.C. § 4321 et seq.).

285 (4) UTAH DEPARTMENT OF TRANSPORTATION.—
286 Nothing in this section is intended to—

287 (A) limit the Utah Department of
288 Transportation from providing avalanche control,
289 maintenance, and safety improvement activities
290 on current and future transportation facilities;

291 (B) diminish or otherwise affect any
292 easement, right-of-way (including those
293 established by historic use or construction), or
294 other property rights held by or for the benefit of
295 the Utah Department of Transportation;

296 (C) add to the Utah Department of
297 Transportation’s permitting process for

298 maintenance or improvement of any existing
299 transportation facilities; or
300 (D) affect existing or future appropriations
301 authorized by 23 U.S.C. § 107(d), 204(f), or 317.

302 (m) FACILITIES.—

303 (1) EXISTING FACILITIES.—Nothing in this
304 section affects the operation or maintenance of a
305 facility located within the Conservation and
306 Recreation Area in existence as of the date of
307 enactment of this Act.

308 (2) NEW FACILITIES.—The Secretary may
309 authorize the expansion of an existing facility or the
310 construction of a new facility (including parking
311 areas, trailheads, and restrooms) within the
312 Conservation and Recreation Area in accordance
313 with—

- 314 (A) this section;
- 315 (B) the management plan;
- 316 (C) applicable law (including regulations);
- 317 and
- 318 (D) the purposes described in subsection (b).

319 (n) EFFECT ON PRIVATE PROPERTY RIGHTS.—

320 Nothing in this section—

321 (1) Requires any private property owner to allow
322 public access (including Federal, State, or local
323 government access) to private property; or

324 (2) Modifies any provision of Federal, State, or
325 local law with respect to public access to or use of
326 private land.

327 (o) AUTHORIZED ACTIVITIES.—

328 (1) IN GENERAL.—The Secretary may allow any
329 activities that have been authorized by permit as of
330 the date of enactment of this Act to continue within
331 the Conservation and Recreation Area, in accordance
332 with applicable law (including regulations) and
333 subject to such terms and conditions as the Secretary
334 may require.

335 (2) PERMITTING.—The designation of the
336 Conservation and Recreation Area by subsection (a)
337 shall not affect the renewal or reissuance of permits
338 for the activities covered under subparagraph (1) after
339 the date of enactment of this Act.

340 **SEC. 4. WILDERNESS.**

341 (a) BOUNDARY MODIFICATIONS.—

342 (1) MOUNT OLYMPUS AND TWIN PEAKS
343 WILDERNESS AREAS.—Section 102(a) of the Utah
344 Wilderness Act of 1984 (Public Law 98-428; 98 Stat.
345 1658; 16 U.S.C. 1132 note) is amended—

346 (A) in paragraph (3) by—

347 (i) striking “sixteen thousand acres” and
348 inserting “_____”; and

349 (ii) striking “, dated August 1984” and
350 inserting “and dated _____, 2019”;

351 (B) in paragraph (4) by—

352 (i) striking “thirteen thousand one
353 hundred acres” and inserting “_____”; and

354 (ii) striking “, dated June 1984” and
355 inserting “and dated _____, 2019”.

356 (2) LONE PEAK WILDERNESS.— Section 2(i) of
357 the Endangered American Wilderness Act of 1978
358 (P.L. 95-237; 92 Stat. 42; 16 U.S.C. 1132 note) is
359 amended by—

360 (A) striking “twenty-nine thousand five
361 hundred and sixty-seven acres” and inserting
362 “_____”; and

363 (B) inserting “and dated _____, 2019” after
364 “on a map entitled ‘Lone Peak Wilderness—
365 Proposed’”.

366 (b) ESTABLISHMENT OF GRANDEUR PEAK - MOUNT
367 AIRE WILDERNESS.— Section 102(a) of the Utah
368 Wilderness Act of 1984 (Public Law 98-428; 98 Stat.
369 1657; 16 U.S.C. 1132 note) is amended—

370 (1) in paragraph 11, by striking “and” at the end;

371 (2) in paragraph 12, by striking the period at the
372 end and inserting “; and”; and

373 (3) by adding at the end the following:

374 “(13) certain land in the Uinta-Wasatch-Cache
375 National Forest comprising approximately _____
376 acres, as generally depicted on the map entitled
377 ‘Proposed Central Wasatch National Conservation
378 and Recreation Area Map’ and dated _____, 2019,
379 which shall be known as the Grandeur Peak – Mount
380 Aire Wilderness.”

381 (c) ADMINISTRATION OF LAND.—Until the date on
382 which the management plan takes effect, the Federal land
383 excluded from the boundaries of the Mount Olympus,
384 Twin Peaks, and Lone Peak Wilderness Areas by this

385 section shall be administered in accordance with the
386 provisions of the forest plan applicable to the adjacent
387 non-wilderness land.

388 **SEC. 5. WHITE PINE WATERSHED PROTECTION AREA.**

389 (a) ESTABLISHMENT.—

390 (1) IN GENERAL.— Subject to valid existing
391 rights, there is established the White Pine Watershed
392 Protection Area in the State.

393 (2) AREA INCLUDED.—The Watershed Protection
394 Area shall be comprised of approximately 1,800
395 acres of National Forest System land in the Wasatch-
396 Cache National Forest, as generally depicted on the
397 Conservation and Recreation Area map as
398 "Watershed Protection Area".

399 (b) PURPOSES.—The purposes of the Watershed
400 Protection Area are to—

401 (1) ensure the protection and preservation of the
402 natural values and characteristics of the Watershed
403 Protection Area, including outstanding water quality,
404 scenery, and fish and wildlife habitat; and

405 (2) consistent with paragraph (1), to provide for
406 the conservation of the recreation, historic, scientific,
407 and cultural resources within the Watershed
408 Protection Area.

409 (c) ADMINISTRATION.—

410 (1) IN GENERAL.—The Secretary shall administer
411 the Watershed Protection Area in accordance with—

412 (A) the laws generally applicable to the
413 National Forest System, including the Forest and

414 Rangeland Renewable Resources Planning Act
415 of 1974 (16 U.S.C. 1600 et seq.);

416 (B) this section; and

417 (C) any other applicable law.

418 (2) AUTHORIZED USES.—The Secretary shall only
419 allow uses of the Watershed Protection Area that the
420 Secretary determines will further the purposes of the
421 Watershed Protection Area, as described in
422 subsection (b).

423 (3) PROHIBITED ACTIVITIES.— Subject to valid
424 existing rights, the following activities shall be
425 prohibited on National Forest System land in the
426 Watershed Protection Area—

427 (A) the use of motor vehicles and mechanical
428 transport, except for—

429 (i) administrative purposes;

430 (ii) responding to an emergency; or

431 (iii) the landing of helicopters for
432 recreational purposes.

433 (B) the construction or installation, after the
434 date of enactment of this Act, of permanent
435 structures; provided that the Secretary may
436 authorize the modification or reconstruction of
437 permanent structures and facilities located within
438 the Watershed Protection Area on the date of
439 enactment of this Act;

440 (C) the construction of new roads; and

441 (D) commercial timber harvesting.

442 (4) EXISTING WATER INFRASTRUCTURE.—
443 Nothing in this section shall be construed to limit
444 motorized access or road maintenance by local
445 municipalities, water districts, water systems, or
446 public or private utilities for those activities
447 necessary to the continued viability of water resource
448 facilities or to prevent the degradation of the water
449 supply in the Watershed Protection Area.

450 (d) NO EFFECT ON NON-FEDERAL LAND.—Nothing in
451 this section affects the ownership, management, use, or
452 improvement of non-federal land or interests in land,
453 including water rights.

454 (e) ACCESS.—Nothing in this section modifies any
455 laws or regulations that require or allow the Secretary to
456 provide the owners of private property within the
457 Watershed Protection Area access to their property.

458 **SEC. 6. GENERAL PROVISIONS.**

459 (a) CONFLICT OF LAWS.—If there is a conflict
460 between a provision of section 3 and a provision of
461 section 4 or 5, the more restrictive provision shall control.

462 (b) WATER RIGHTS.—

463 (1) EFFECT.—Nothing in this Act—

464 (A) shall constitute either an express or
465 implied reservation by the United States of any
466 water or water rights with respect to the
467 Conservation and Recreation Area; or

468 (B) affect any water rights in the State
469 existing on the date of enactment of this Act,

470 including any water rights held by the United
471 States.

472 (2) UTAH WATER LAW.— The Secretary shall
473 follow the procedural and substantive requirements
474 of the State in order to obtain and hold any water
475 rights not in existence on the date of enactment of
476 this Act.

477 (c) FISH AND WILDLIFE.— Nothing in this section
478 affects the jurisdiction of the State with respect to the
479 management of fish and wildlife on Federal land in the
480 State.

481 (d) FEES.— Notwithstanding any other provision of
482 law, the Forest Service is authorized to assess reasonable
483 fees for admission to and the use and occupancy of the
484 National Forest System lands within the Conservation
485 and Recreation Area. Any admission fees and fees
486 assessed for recreational activities shall be applied to
487 operations, maintenance and improvements of recreation
488 and transportation infrastructure within the Conservation
489 and Recreation Area and implemented only after public
490 notice and a period of not less than 60 days for public
491 comment.

492 (e) MAPS AND LEGAL DESCRIPTIONS.

493 (1) IN GENERAL.— As soon as practicable after
494 the date of enactment of this act, the Secretary shall
495 file a map and legal description of the Recreation
496 Area with—

497 (A) The Committee on Energy and Natural
498 Resources of the Senate; and

499 (B) the Committee on Natural Resources of
500 the House of Representatives.

501 (2) FORCE OF LAW.— The map and legal
502 descriptions filed under subsection (A) shall have the
503 same force and effect as if included in this section,
504 except that the Secretary may correct errors in the
505 legal description and map.

506 (3) PUBLIC AVAILABILITY.— The map and legal
507 descriptions filed under subsection (A) shall be on
508 file and available for public inspection in the
509 appropriate offices of the Forest Service.

510 **SEC. 7. LAND EXCHANGES.**

511 (a) DEFINITIONS.—In this subsection—

512 (1) FEDERAL LAND.—The term “Federal land”
513 means all or a portion of the National Forest System
514 land identified as “Federal Land To Be Evaluated for
515 Private Ownership” as generally depicted on the map
516 entitled “Preliminary Conceptual Map for Proposed
517 Land Exchange between the U.S. Forest Service and
518 certain Utah Ski Areas” and dated ____, 2019.

519 (2) NON-FEDERAL LAND.—The term “non-
520 Federal land” means—

521 (A) land, or interests in land, owned by
522 Snowbird Ski and Summer Resort, including
523 split estate properties, identified as “Private
524 Land To be Evaluated for Public Ownership –
525 From Snowbird” as generally depicted on the
526 map entitled “Preliminary Conceptual Map for
527 Proposed Land Exchange between the U.S.

528 Forest Service and certain Utah Ski Areas” and
529 dated ____, 2019, including any adjustments
530 agreed upon under subsection (b)(1);

531 (B) land, or interests in land, owned by
532 Brighton Mountain Resort, including split estate
533 properties, identified as “Private Land To be
534 Evaluated for Public Ownership - From
535 Brighton” as generally depicted on the map
536 entitled “Preliminary Conceptual Map for
537 Proposed Land Exchange between the U.S.
538 Forest Service and certain Utah Ski Areas” and
539 dated ____, 2019, including any adjustments
540 agreed upon under subsection (b)(1); and

541 (C) land, or interests in land, owned by
542 Solitude Mountain Resort, including split estate
543 properties, identified as “Private Land To be
544 Evaluated for Public Ownership - From
545 Solitude” as generally depicted on the map
546 entitled “Preliminary Conceptual Map for
547 Proposed Land Exchange between the U.S.
548 Forest Service and certain Utah Ski Areas” and
549 dated ____, 2019, including any adjustments
550 agreed upon under subsection (b)(1).

551 (b) MODIFICATION; MAP.—

552 (1) MODIFICATION.—The Secretary and a ski area
553 may, by mutual agreement,—

554 (A) modify the non-Federal land to be
555 exchanged under this section; and

556 (B) include additional non-Federal lands not
557 depicted on the map entitled “Preliminary
558 Conceptual Map for Proposed Land Exchange
559 between the U.S. Forest Service and certain Utah
560 Ski Areas”.

561 (2) MAP AVAILABILITY.—The maps depicting the
562 Federal and non-Federal lands to be exchanged under
563 this section shall be available for public inspection in
564 the Office of the Supervisor, Wasatch-Cache
565 National Forest and Office of the Regional Forester,
566 Intermountain Region.

567 (c) CONVEYANCE OF LAND.—

568 (1) SNOWBIRD SKI AND SUMMER RESORT.—
569 Subject to valid existing rights and the provisions of
570 this section, if Snowbird Ski and Summer Resort
571 offers to convey to the United States all right, title,
572 and interest of in and to the non-Federal land
573 described in subsection (a)(2)(A), and the offer is
574 acceptable to the Secretary—

575 (A) the Secretary shall accept the offer; and

576 (B) upon receipt of acceptable title to the
577 non-Federal land described in subsection
578 (a)(2)(A), the Secretary shall convey to
579 Snowbird Ski and Summer Resort all right, title,
580 and interest of the United States in and to the
581 Federal Land.

582 (2) BRIGHTON MOUNTAIN RESORT.—Subject to
583 valid existing rights and the provisions of this
584 section, if Brighton Mountain Resort offers to

585 convey to the United States all right, title, and
586 interest in and to the non-Federal land described in
587 subsection (a)(2)(C), and the offer is acceptable to
588 the Secretary—

589 (A) the Secretary shall accept the offer; and

590 (B) upon receipt of acceptable title to the
591 non-Federal land described in subsection
592 (a)(2)(C), the Secretary shall convey to Brighton
593 Mountain Resort all right, title, and interest of
594 the United States in and to the Federal Land.

595 (3) SOLITUDE MOUNTAIN RESORT.—Subject to
596 valid existing rights and the provisions of this
597 section, if Solitude Mountain Resort offers to convey
598 to the United States all right, title, and interest in and
599 to the non-Federal land described in subsection
600 (a)(2)(D), and the offer is acceptable to the
601 Secretary—

602 (A) the Secretary shall accept the offer; and

603 (B) upon receipt of acceptable title to the
604 non-Federal land described in subsection
605 (a)(2)(D), the Secretary shall convey to Brighton
606 Mountain Resort all right, title, and interest of
607 the United States in and to the Federal Land.

608 (d) CONDITIONS ON ACCEPTANCE.—

609 (1) TITLE.—As a condition of the land exchange
610 under this subsection, title to the non-Federal land to
611 be acquired by the Secretary under this subsection
612 shall be acceptable to the Secretary based on
613 Department of Justice Title Standards.

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

617 (A) all applicable laws, including the
618 National Environmental Policy Act of 1969 (42
619 U.S.C. § 4321 et seq.) and section 206 of the
620 Federal Land Policy and Management Act of
621 1976 (43 U.S.C. § 1716); and

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

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

629 (4) PUBLIC ENGAGEMENT PROCESS.— The
630 Secretary shall initiate a public engagement process
631 to be conducted in accordance with the National
632 Environmental Policy Act (42 U.S.C. 4321 et seq.)
633 and other applicable Federal laws for the purpose
634 of—

635 (A) evaluating existing private and public
636 access to and uses of the Federal land and non-
637 Federal land; and

638 (B) determining specific descriptions of the
639 non-Federal and Federal land to be exchanged
640 that will be acceptable to the Secretary and that
641 can be agreed to by the ski area.

642 (e) APPRAISALS.— The values of the lands to be
643 exchanged under this section shall be determined by the
644 Secretary through appraisals performed in accordance
645 with—

646 (1) the Uniform Appraisal Standards for Federal
647 Land Acquisitions; and

648 (2) the Uniform Standards of Professional
649 Appraisal Practice.

650 (f) COSTS.—The administrative costs of a land
651 exchange under this section, including the costs of
652 appraisal under paragraph (e), shall be paid by the
653 relevant ski area.

654 (g) VALUATION AND EQUALIZATION.—

655 (1) GENERAL.—The value of the Federal land and
656 non-Federal land to be conveyed in a land exchange
657 under this section—

658 (A) shall be equal, as determined by appraisals
659 conducted in accordance with paragraph (5); or

660 (B) if not equal, shall be equalized in
661 accordance with paragraph (2).

662 (2) EQUALIZATION.—If the value of the
663 Federal land and non-Federal land to conveyed in
664 a land exchange under this section is not equal,
665 the value may be equalized by—

666 (A) making a cash equalization payment to the
667 Secretary or the owner of the non-Federal land in
668 accordance with section 206(b) of the Federal
669 Land Policy and Management Act of 1976 (43
670 U.S.C. 1716(b)); or

671 (B) reducing the acreage of the Federal land
672 or the non-Federal land to be exchanged, as
673 appropriate.

674 (h) DISPOSITION OF PROCEEDS.—

675 (1) IN GENERAL.—The Secretary shall deposit in
676 the fund established under Public Law 90-171
677 (commonly known as the Sisk Act; 16 U.S.C. 484a)
678 any amount received by the Secretary as the result of
679 any cash equalization payment .

680 (2) USE OF PROCEEDS.—Amounts deposited
681 under paragraph (1) shall be available to the
682 Secretary, without further appropriation and until
683 expended, for the acquisition of lands and interests in
684 lands in the Conservation and Recreation Area.

685 (i) REVOCATION OF ORDERS; WITHDRAWAL.—

686 (1) REVOCATION OF ORDERS.—Any public order
687 withdrawing the Federal land from entry,
688 appropriation, or disposal under the public land laws
689 is revoked to the extent necessary to permit the
690 conveyance of the Federal land to the ski area under
691 this section.

692 (2) WITHDRAWAL.—On the date of enactment of
693 this Act, and until the date of a conveyance of
694 Federal land to a ski area under this section, all of the
695 Federal land is withdrawn from—

696 (A) location, entry, and patent under the
697 mining laws; and

698 (B) disposition under laws relating to mineral
699 and geothermal leasing.

700 (j) HAZARDOUS MATERIALS.—

701 (1) IN GENERAL.— For any conveyance of
702 Federal land under this section, the Secretary shall
703 meet disclosure requirements for hazardous
704 substances, pollutants, or contaminants under section
705 102(h) of the Comprehensive Environmental
706 Response, Compensation, and Liability Act of 1980
707 (42 U.S.C. 9620(h)(1)), but shall otherwise not be
708 required to remediate or abate such hazardous
709 substances, pollutants, or contaminants.

710 (2) CONDITIONS.—As a condition of a land
711 exchange under this section, the ski area shall agree
712 to—

713 (A) indemnify and hold harmless the United
714 States for any costs associated with remediating
715 or abating any hazardous substances, pollutants,
716 or contaminants located on, or being released
717 from, land conveyed under this section; and

718 (B) restore any natural resources damaged or
719 lost as result of hazardous substances, pollutants,
720 or contaminants located on, or being released
721 from, the Federal land or non-Federal land
722 conveyed under this subsection.

723 (3) ENVIRONMENTAL SITE ASSESSMENT.—

724 (A) AVAILABILITY.—The Secretary shall
725 make available for review and inspection any
726 record relating to hazardous materials on the land
727 to be exchanged under this Act. Prior to the
728 conveyance of Federal or non-Federal land under

729 this section, the ski area shall conduct an
730 Environmental Site Assessment of the Federal
731 land and non-Federal land proposed for exchange.

732 (B) REQUIREMENTS.—The Environmental
733 Site Assessment shall—

734 (i) meet the requirements set forth in
735 ASTM E1527–13 and 40 CFR 312 that apply
736 to the non-Federal land to be conveyed to or
737 the Federal land to be conveyed from the
738 United States; and

739 (ii) shall be provided to the Secretary.

740 (4) COSTS.—The costs of any response action or
741 restoration of injured or lost natural resource relating
742 to hazardous materials, pollutants, or contaminants
743 on land exchanged under this section shall be paid by
744 the appropriate ski area. No claim shall be made
745 against the United States by any ski area for any
746 costs associated with the Federal land on non-Federal
747 land exchange under this section.

748 (5) FEDERAL LAND.— Notwithstanding the
749 Comprehensive Environmental Response,
750 Compensation, and Liability Act of 1980 (42 U.S.C.
751 9601 et seq.), the Secretary is only required to
752 comply with the requirements set forth in paragraph
753 (1) of section 102(h) of that Act (42 U.S.C.
754 9620(h)(1)), but not otherwise required to comply
755 with any other provisions of section 102(h) (42
756 U.S.C. 9620(h)) for Federal land conveyed to a ski
757 area under this section.

758 (k) DEADLINE FOR COMPLETION OF LAND
759 EXCHANGE.— Not later than 4 years after the date of the
760 proposal from the non-Federal party is accepted by the
761 Secretary, the Secretary shall complete the land
762 exchanges under this section.

763 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

764 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
765 authorized to be appropriated to the Secretary to carry out
766 this Act ___ for each of fiscal years 2019 through ___.

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