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.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

1 Sec. 1. Short Title; Table of Contents.
2 Sec. 2. Definitions.
3 Sec. 3. Central Wasatch National Conservation and Recreation Area.
4 Sec. 4. Wilderness.
5 Sec. 5. White Pine Watershed Protection Area.
6 Sec. 6. General Provisions.
7 Sec. 7. Land Exchanges.
Sec. 8. Authorization for Appropriations.

SECTION 2. DEFINITIONS.

(a) DEFINITIONS.—In this Act:

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

(2) CONSERVATION AND RECREATION AREA MAP.—The term “Conservation and Recreation Area map” means the map entitled “Proposed Central Wasatch National Conservation and Recreation Area Map” and dated ___, 2019.

(3) COTTONWOOD CANYONS TRANSPORTATION ACTION PLAN.—The term “Cottonwood Canyons Transportation Action Plan” refers to the Transportation Plan jointly developed by the Utah Department of Transportation and the Central Wasatch Commission.


(5) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Central Wasatch National Conservation and Recreation Area developed under section 3(d).

(6) MOUNTAIN ACCORD.—The term “Mountain Accord” means the Mountain Accord agreement dated July 13, 2015.
(7) MOUNTAIN TRANSPORTATION SYSTEM.—A public transportation system used for the purpose of transporting people year-round between base destinations.

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

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

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

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

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

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

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 National Conservation and Recreation Area in the State.

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

(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, cultural, historical, geological, and wildlife values of the Conservation and Recreation Area;

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

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

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

(c) ADMINISTRATION.—

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

(A) in a manner that conserves, protects, and enhances the purposes for which the Recreation Area is established; and
(B) in accordance with—

(i) the laws generally applicable to the National Forest System, including the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(ii) this section; and

(iii) any other applicable law.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only uses of the Conservation and Recreation Area that are consistent with the purposes of the Conservation and Recreation Area, as described in subsection (b).

(B) MOTORIZED VEHICLES AND MECHANIZED TRANSPORT.—Except as necessary for the administration of the Conservation and Recreation Area or in responding to an emergency, the use of motor vehicles and mechanical transport in the Conservation and Recreation Area shall be permitted only on roads, trails, and areas designated for such use by the management plan.

(C) NEW ROADS.—

(i) IN GENERAL.—Except as necessary for the administration of the Conservation and Recreation Area or in responding to an emergency, and in accordance with applicable law (including regulations), no roads shall be constructed within the Conservation and
Recreation Area after the date of enactment of this Act.

(ii) SAVINGS CLAUSE.—Nothing in clause

(i) prohibits the Secretary from authorizing
maintenance or reconstruction of a road in existence on the date of enactment of this Act.

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

(d) MANAGEMENT PLAN.—

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

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

(A) protect water quality and watershed resources;

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

(C) provide for restoration and adaptive management of natural resources;
(D) promote public safety, including through avalanche control; and

(E) facilitate year-round outdoor recreation.

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

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

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

(C) the public.

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

(A) the forest plan;

(B) the Mountain Accord;

(C) local plans; or

(D) the Cottonwood Canyons Transportation Action Plan.

(e) ADJACENT MANAGEMENT.—

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

(2) ACTIVITIES OUTSIDE THE CONSERVATION AND RECREATION AREA.—The fact that activity or use on land outside the Conservation and Recreation Area can be seen or heard within the Conservation and
Recreation Area shall not preclude the activity or use outside the Conservation and Recreation Area.

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

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

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

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

(g) ACQUISITION OF LAND.—

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

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

(A) become part of the Conservation and Recreation Area; and
(B) be managed in accordance with applicable laws, including as provided in this section. (h) AVALANCHE CONTROL.—The Secretary may allow installation of, access to, and maintenance of avalanche control devices, excluding ski lifts, within the Conservation and Recreation Area to protect public health and property in accordance with the management plan and applicable law (including regulations). (i) SKI AREAS.—(1) IN GENERAL.—Ski area permit boundary expansion in the Conservation and Recreation Area shall be prohibited. (2) EFFECT.—The establishment of the Conservation and Recreation Area shall not affect the management of National Forest System lands within the permitted boundary of a ski area or permitted avalanche protection zone. (3) SKI LIFTS.—The construction of ski lifts on National Forest System land within the Conservation and Recreation Area shall be prohibited. (j) WILDLAND FIRE.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the Conservation and Recreation Area, including operations using aircraft or mechanized equipment. (k) VEGETATION MANAGEMENT.—Nothing in this section prevents the Secretary from conducting vegetation management projects, including fuels
reduction activities, within the Recreation Area for the purposes of improving water quality and reducing risks from wildfire.

(I) TRANSPORTATION.—

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

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

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

(A) ADJUSTMENTS.—Adjustments to the corridors may be made through a public engagement process in accordance with the National Environmental Policy Act of 1969 (42
U.S.C. §4321 et seq.) if applicable and consistent with the purposes described in subsection (b).

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

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

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

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

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

(C) add to the Utah Department of Transportation’s permitting process for
maintenance or improvement of any existing transportation facilities; or
(D) affect existing or future appropriations authorized by 23 U.S.C. § 107(d), 204(f), or 317.

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

(2) NEW FACILITIES.—The Secretary may authorize the expansion of an existing facility or the construction of a new facility (including parking areas, trailheads, and restrooms) within the Conservation and Recreation Area in accordance with—
(A) this section;
(B) the management plan;
(C) applicable law (including regulations);
and
(D) the purposes described in subsection (b).

(n) EFFECT ON PRIVATE PROPERTY RIGHTS.—
Nothing in this section—
(1) Requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or
(2) Modifies any provision of Federal, State, or local law with respect to public access to or use of private land.
(o) AUTHORIZED ACTIVITIES.—

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

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

SEC. 4. WILDERNESS.

(a) BOUNDARY MODIFICATIONS.—

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

(A) in paragraph (3) by—

(i) striking “sixteen thousand acres” and inserting “____”; and

(ii) striking “, dated August 1984” and inserting “and dated ____, 2019”;

(B) in paragraph (4) by—

(i) striking “thirteen thousand one hundred acres” and inserting “____”; and

(ii) striking “, dated June 1984” and inserting “and dated ____, 2019”.
(2) LONE PEAK WILDERNESS.— Section 2(i) of the Endangered American Wilderness Act of 1978 (P.L. 95-237; 92 Stat. 42; 16 U.S.C. 1132 note) is amended by—

(A) striking “twenty-nine thousand five hundred and sixty-seven acres” and inserting “____”; and

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

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

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

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

(3) by adding at the end the following:

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

(c) ADMINISTRATION OF LAND.—Until the date on which the management plan takes effect, the Federal land excluded from the boundaries of the Mount Olympus, Twin Peaks, and Lone Peak Wilderness Areas by this
section shall be administered in accordance with the provisions of the forest plan applicable to the adjacent non-wilderness land.

SEC. 5. WHITE PINE WATERSHED PROTECTION AREA.

(a) ESTABLISHMENT.—

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

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

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

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

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

(c) ADMINISTRATION.—

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

(A) the laws generally applicable to the National Forest System, including the Forest and
Rangeland Renewable Resources Planning Act
of 1974 (16 U.S.C. 1600 et seq.);

(B) this section; and

(C) any other applicable law.

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

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

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

(i) administrative purposes;

(ii) responding to an emergency; or

(iii) the landing of helicopters for
recreational purposes.

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

(C) the construction of new roads; and

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

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

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

SEC. 6. GENERAL PROVISIONS.

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

(b) WATER RIGHTS.—

(1) EFFECT.—Nothing in this Act—

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

(B) affect any water rights in the State existing on the date of enactment of this Act,
including any water rights held by the United States.

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

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

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

(e) MAPS AND LEGAL DESCRIPTIONS.

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

(A) The Committee on Energy and Natural Resources of the Senate; and
(B) the Committee on Natural Resources of the House of Representatives.

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

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

SEC. 7. LAND EXCHANGES.

(a) DEFINITIONS.—In this subsection—

(1) FEDERAL LAND.— The term “Federal land” means all or a portion of the National Forest System land identified as “Federal Land To Be Evaluated for Private Ownership” 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” and dated ____, 2019.

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

(A) land, or interests in land, owned by Snowbird Ski and Summer Resort, including split estate properties, identified as “Private Land To be Evaluated for Public Ownership – From 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” and dated ____, 2019, including any adjustments agreed upon under subsection (b)(1); (B) land, or interests in land, owned by Brighton Mountain Resort, including split estate properties, 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” and dated ____, 2019, including any adjustments agreed upon under subsection (b)(1); and (C) land, or interests in land, owned by Solitude Mountain Resort, including split estate properties, 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” and dated ____, 2019, including any adjustments agreed upon under subsection (b)(1).

(b) MODIFICATION; MAP.— (1) MODIFICATION.—The Secretary and a ski area may, by mutual agreement,— (A) modify the non-Federal land to be exchanged under this section; and
(B) include additional non-Federal lands not depicted on the map entitled “Preliminary Conceptual Map for Proposed Land Exchange between the U.S. Forest Service and certain Utah Ski Areas”.

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

(c) CONVEYANCE OF LAND.—

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

(A) the Secretary shall accept the offer; and

(B) upon receipt of acceptable title to the non-Federal land described 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.

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

(A) the Secretary shall accept the offer; and
(B) upon receipt of acceptable title to the
non-Federal land described in subsection
(a)(2)(C), the Secretary shall convey to Brighton
Mountain Resort all right, title, and interest of
the United States in and to the Federal Land.

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

(A) the Secretary shall accept the offer; and
(B) upon receipt of acceptable title to the
non-Federal land described in subsection
(a)(2)(D), the Secretary shall convey to Brighton
Mountain Resort all right, title, and interest of
the United States in and to the Federal Land.

(d) CONDITIONS ON ACCEPTANCE.—

(1) TITLE.—As a condition of the land exchange
under this subsection, title to the non-Federal land to
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 and Management 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) PUBLIC ENGAGEMENT PROCESS.—The Secretary shall initiate a public engagement process to be conducted in accordance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and other applicable Federal laws for the purpose of—

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

(B) determining specific descriptions of the non-Federal and Federal land to be exchanged that will be acceptable to the Secretary and that can be agreed to by the ski area.
(e) APPRAISALS.— The values of the lands to be exchanged under this section shall be determined by the Secretary through appraisals performed in accordance with—

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

(2) the Uniform Standards of Professional Appraisal Practice.

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

(g) VALUATION AND EQUALIZATION.—

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

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

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

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

(A) making a cash equalization payment to the Secretary or the owner of the non-Federal land in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or
(B) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(h) **DISPOSITION OF PROCEEDS.**—

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

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

(i) **REVOCATION OF ORDERS; WITHDRAWAL.**—

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

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

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

(B) disposition under laws relating to mineral and geothermal leasing.
(j) HAZARDOUS MATERIALS.—

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

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

(A) 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, land conveyed under this section; and

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

(3) ENVIRONMENTAL SITE ASSESSMENT.—

(A) AVAILABILITY.—The Secretary 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 land under
this section, the ski area shall conduct an
Environmental Site Assessment of the Federal
land and non-Federal land proposed for exchange.

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

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

(ii) shall be provided to the Secretary.

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

(5) FEDERAL LAND.— Notwithstanding the
Comprehensive Environmental Response,
9601 et seq.), the Secretary is only required to
comply with the requirements set forth in paragraph
(1) of section 102(h) of that Act (42 U.S.C.
9620(h)(1)), but not otherwise required to comply
with any other provisions of section 102(h) (42
U.S.C. 9620(h)) for Federal land conveyed to a ski
area under this section.
(k) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—Not later than 4 years after the date of the proposal from the non-Federal party is accepted by the Secretary, the Secretary shall complete the land exchanges under this section.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

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

DRAFT