

111TH CONGRESS  
1ST SESSION

# H. R. 604

To provide for a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2009

Mr. BISHOP of Utah introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To provide for a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bountiful City Land  
5 Consolidation Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CITY.—The term “City” means the City of  
4 Bountiful, Utah.

5 (2) FEDERAL LAND.—The term “Federal land”  
6 means the land under the jurisdiction of the Sec-  
7 retary identified on the map as “Shooting Range  
8 Special Use Permit Area”.

9 (3) MAP.—The term “map” means the map en-  
10 titled “Bountiful City Land Consolidation Act” and  
11 dated October 15, 2007.

12 (4) NON-FEDERAL LAND.—The term “non-Fed-  
13 eral land” means the 3 parcels of City land com-  
14 prising a total of approximately 1,680 acres, as gen-  
15 erally depicted on the map.

16 (5) SECRETARY.—The term “Secretary” means  
17 the Secretary of Agriculture.

18 **SEC. 3. LAND EXCHANGE, WASATCH-CACHE NATIONAL FOR-**  
19 **EST, UTAH.**

20 (a) IN GENERAL.—Subject to subsections (c) through  
21 (g), if the City of Bountiful, Utah, conveys to the Sec-  
22 retary of Agriculture all right, title, and interest of the  
23 City in and to the non-Federal land, the Secretary shall  
24 convey to the City all right, title, and interest of the  
25 United States in and to the Federal land.

1 (b) AVAILABILITY OF MAP.—The map shall be on file  
2 and available for public inspection in the appropriate of-  
3 fices of the Forest Service.

4 (c) VALUATION AND EQUALIZATION.—

5 (1) VALUATION.—The value of the Federal land  
6 and the non-Federal land to be conveyed under sub-  
7 section (a)—

8 (A) shall be equal, as determined by ap-  
9 praisals carried out in accordance with section  
10 206 of the Federal Land Policy and Manage-  
11 ment Act of 1976 (43 U.S.C. 1716); or

12 (B) if not equal, shall be equalized in ac-  
13 cordance with paragraph (2).

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

18 (A) making a cash equalization payment to  
19 the Secretary or to the City, as appropriate; or

20 (B) reducing the acreage of the Federal  
21 land or the non-Federal land to be exchanged,  
22 as appropriate.

23 (d) APPLICABLE LAW.—Section 206 of the Federal  
24 Land Policy and Management Act of 1976 (43 U.S.C.  
25 1716) shall apply to the land exchange authorized under

1 subsection (a), except that the Secretary may accept a  
2 cash equalization payment in excess of 25 percent of the  
3 value of the Federal land.

4 (e) CONDITIONS.—

5 (1) LIABILITY.—

6 (A) IN GENERAL.—As a condition of the  
7 exchange under subsection (a), the Secretary  
8 shall—

9 (i) require that the City—

10 (I) assume all liability for the  
11 shooting range located on the Federal  
12 land, including the past, present, and  
13 future condition of the Federal land;  
14 and

15 (II) hold the United States harm-  
16 less for any liability for the condition  
17 of the Federal land; and

18 (ii) comply with the hazardous sub-  
19 stances disclosure requirements of section  
20 120(h) of the Comprehensive Environ-  
21 mental Response, Compensation, and Li-  
22 ability Act of 1980 (42 U.S.C. 9620(h)).

23 (B) LIMITATION.—Clauses (ii) and (iii) of  
24 section 120(h)(3)(A) of the Comprehensive En-  
25 vironmental Response, Compensation, and Li-

1 ability Act of 1980 (42 U.S.C. 9620(h)(3)(A))  
2 shall not apply to the conveyance of Federal  
3 land under subsection (a).

4 (2) ADDITIONAL TERMS AND CONDITIONS.—  
5 The land exchange under subsection (a) shall be  
6 subject to—

7 (A) valid existing rights; and

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

10 (f) MANAGEMENT OF ACQUIRED LAND.—The non-  
11 Federal land acquired by the Secretary under subsection  
12 (a) shall be—

13 (1) added to, and administered as part of, the  
14 Wasatch-Cache National Forest; and

15 (2) managed by the Secretary in accordance  
16 with—

17 (A) the Act of March 1, 1911 (commonly  
18 known as the Weeks Law; 16 U.S.C. 480 et  
19 seq.); and

20 (B) any laws (including regulations) appli-  
21 cable to the National Forest System.

22 (g) EASEMENTS; RIGHTS-OF-WAY.—

23 (1) BONNEVILLE SHORELINE TRAIL EASE-  
24 MENT.—In carrying out the land exchange under  
25 subsection (a), the Secretary shall ensure that an

1 easement not less than 60 feet in width is reserved  
2 for the Bonneville Shoreline Trail.

3 (2) OTHER RIGHTS-OF-WAY.—The Secretary  
4 and the City may reserve any other rights-of-way for  
5 utilities, roads, and trails that—

6 (A) are mutually agreed to by the Sec-  
7 retary and the City; and

8 (B) the Secretary and the City consider to  
9 be in the public interest.

10 (h) DISPOSAL OF REMAINING FEDERAL LAND.—

11 (1) IN GENERAL.—The Secretary may, by sale  
12 or exchange, dispose of all, or a portion of, the par-  
13 cel of National Forest System land comprising ap-  
14 proximately 220 acres, as generally depicted on the  
15 map that remains after the conveyance of the Fed-  
16 eral land authorized under subsection (a), if the Sec-  
17 retary determines, in accordance with paragraph (2),  
18 that the land or portion of the land is in excess of  
19 the needs of the National Forest System.

20 (2) REQUIREMENTS.—A determination under  
21 paragraph (1) shall be made—

22 (A) pursuant to an amendment of the land  
23 and resource management plan for the  
24 Wasatch-Cache National Forest; and

1 (B) after carrying out a public process  
2 consistent with the National Environmental  
3 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

4 (3) CONSIDERATION.—As consideration for any  
5 conveyance of Federal land under paragraph (1), the  
6 Secretary shall require payment of an amount equal  
7 to not less than the fair market value of the con-  
8 veyed National Forest System land.

9 (4) RELATION TO OTHER LAWS.—Any convey-  
10 ance of Federal land under paragraph (1) by ex-  
11 change shall be subject to section 206 of the Federal  
12 Land Policy and Management Act of 1976 (43  
13 U.S.C. 1716).

14 (5) DISPOSITION OF PROCEEDS.—Any amounts  
15 received by the Secretary as consideration under  
16 subsection (c) or paragraph (3) shall be—

17 (A) deposited in the fund established under  
18 Public Law 90–171 (commonly known as the  
19 Sisk Act; 16 U.S.C. 484a); and

20 (B) available to the Secretary, without fur-  
21 ther appropriation and until expended, for the  
22 acquisition of land or interests in land to be in-  
23 cluded in the Wasatch-Cache National Forest.

1           (6) ADDITIONAL TERMS AND CONDITIONS.—

2           Any conveyance of Federal land under paragraph

3           (1) shall be subject to—

4                     (A) valid existing rights; and

5                     (B) such additional terms and conditions

6           as the Secretary may require.

○