

114TH CONGRESS  
1ST SESSION

# S. 2383

To withdraw certain Bureau of Land Management land in the State of Utah from all forms of public appropriation, to provide for the shared management of the withdrawn land by the Secretary of the Interior and the Secretary of the Air Force to facilitate enhanced weapons testing and pilot training, enhance public safety, and provide for continued public access to the withdrawn land, to provide for the exchange of certain Federal land and State land, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2015

Mr. HATCH (for himself and Mr. LEE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To withdraw certain Bureau of Land Management land in the State of Utah from all forms of public appropriation, to provide for the shared management of the withdrawn land by the Secretary of the Interior and the Secretary of the Air Force to facilitate enhanced weapons testing and pilot training, enhance public safety, and provide for continued public access to the withdrawn land, to provide for the exchange of certain Federal land and State land, and for other purposes.

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

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

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “Utah Test and Training Range Encroachment Preven-  
 4 tion and Temporary Closure Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—UTAH TEST AND TRAINING RANGE

- Sec. 101. Management of BLM land.
- Sec. 102. Temporary closures.
- Sec. 103. Community resource group.
- Sec. 104. Liability.
- Sec. 105. Effects of title.

TITLE II—LAND EXCHANGE

- Sec. 201. Findings and purpose.
- Sec. 202. Definitions.
- Sec. 203. Exchange of Federal land and non-Federal land.
- Sec. 204. Status and management of non-Federal land after exchange.
- Sec. 205. Hazardous materials.

TITLE III—HIGHWAY RIGHTS-OF-WAY

- Sec. 301. Recognition and transfer of certain highway rights-of-way.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

9 (1) the testing and development of military  
 10 weapons systems and the training of military forces  
 11 are critical to ensuring the national security of the  
 12 United States;

13 (2) the Utah Test and Training Range is a  
 14 unique and irreplaceable national asset at the core

1 of the test and training mission of the Department  
2 of Defense;

3 (3) continued access to the special use airspace  
4 and land that comprise the Utah Test and Training  
5 Range, under the terms and conditions described in  
6 this Act is a national security priority;

7 (4) multiple use of, sustained yield activities on,  
8 and access to the BLM land are vital to the cus-  
9 toms, culture, economy, ranching, grazing, and  
10 transportation interests of the counties in which the  
11 BLM land is situated; and

12 (5) the limited use by the military of the BLM  
13 land and airspace above the BLM land is vital to  
14 improving and maintaining the readiness of the  
15 Armed Forces.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) **BLM LAND.**—The term “BLM land”  
19 means the Bureau of Land Management land in the  
20 State comprising approximately 625,643 acres, as  
21 generally depicted on the map entitled “Utah Test  
22 and Training Range Enhancement/West Desert  
23 Land Exchange” and dated October 28, 2015.

24 (2) **SECRETARY.**—The term “Secretary” means  
25 the Secretary of the Interior.

1           (3) STATE.—The term “State” means the State  
2 of Utah.

3           (4) UTAH TEST AND TRAINING RANGE.—

4           (A) IN GENERAL.—The term “Utah Test  
5 and Training Range” means the portions of the  
6 military land and airspace operating area of the  
7 Utah Test and Training Area that are located  
8 in the State.

9           (B) INCLUSION.—The term “Utah Test  
10 and Training Range” includes the Dugway  
11 Proving Ground.

## 12           **TITLE I—UTAH TEST AND** 13           **TRAINING RANGE**

### 14           **SEC. 101. MANAGEMENT OF BLM LAND.**

15           (a) MEMORANDUM OF AGREEMENT.—

16           (1) DRAFT.—

17           (A) IN GENERAL.—Not later than 90 days  
18 after the date of enactment of this Act, the Sec-  
19 retary and the Secretary of the Air Force shall  
20 complete a draft of the memorandum of agree-  
21 ment required under paragraph (2).

22           (B) PUBLIC COMMENT PERIOD.—During  
23 the 30-day period beginning on the date on  
24 which the draft memorandum of agreement is  
25 completed under subparagraph (A), there shall

1 be an opportunity for public comment on the  
2 draft memorandum of agreement, including an  
3 opportunity for the Utah Test and Training  
4 Range Community Resource Group established  
5 under section 103(a) to provide comments on  
6 the draft memorandum of agreement.

7 (2) REQUIREMENT; DEADLINE.—

8 (A) IN GENERAL.—Not later than 180  
9 days after the date of enactment of this Act,  
10 the Secretary and the Secretary of the Air  
11 Force shall enter into a memorandum of agree-  
12 ment that provides for the continued manage-  
13 ment of the BLM land by the Secretary, in a  
14 manner that provides for the limited use of the  
15 BLM land by the Secretary of the Air Force,  
16 consistent with this Act.

17 (B) SIGNATURES REQUIRED.—The terms  
18 of the memorandum of agreement, including a  
19 temporary closure of the BLM land under the  
20 memorandum of agreement, may not be carried  
21 out until the date on which all parties to the  
22 memorandum of agreement have signed the  
23 memorandum of agreement.

24 (3) MANAGEMENT BY SECRETARY.—The memo-  
25 randum of agreement under paragraph (2) shall pro-

1       vide that the Secretary (acting through the Director  
2       of the Bureau of Land Management) shall continue  
3       to manage the BLM land—

4               (A) as land described in section  
5       6901(1)(B) of title 31, United States Code;

6               (B) for multiple use and sustained yield  
7       goals and activities as required under sections  
8       102(a)(7) and 202(c)(1) of the Federal Land  
9       Policy and Management Act of 1976 (43 U.S.C.  
10      1701(a)(7), 1712(c)(1)) and defined in sections  
11      103 of that Act (43 U.S.C. 1702), including all  
12      principal or major uses on Federal land recog-  
13      nized pursuant to the definition of the term in  
14      section 103 of that Act (43 U.S.C. 1702);

15              (C) in accordance with section 202 of the  
16      Federal Land Policy and Management Act of  
17      1976 (43 U.S.C. 1712); and

18              (D) subject to use by the Secretary of the  
19      Air Force provided under section 102 for—

20                      (i) the preservation of the Utah Test  
21                      and Training Range against current and  
22                      future encroachments that the Secretary of  
23                      the Air Force finds to be incompatible with  
24                      current and future test and training re-  
25                      quirements;

1 (ii) the testing of—

2 (I) advanced weapon systems, in-  
3 cluding current weapons systems, 5th  
4 generation weapon systems, and fu-  
5 ture weapon systems; and

6 (II) the standoff distance for  
7 weapons;

8 (iii) the testing and evaluation of  
9 hypersonic weapons;

10 (iv) increased public safety for civil-  
11 ians accessing the BLM land; and

12 (v) other purposes relating to meeting  
13 national security needs.

14 (b) MAP.—The Secretary may correct any minor er-  
15 rors in the map described in section 3(1).

16 (c) LAND USE PLANS.—Any land use plan in exist-  
17 ence on the date of enactment of this Act that applies to  
18 the BLM land shall continue to apply to the BLM land.

19 (d) MAINTAIN CURRENT USES.—

20 (1) IN GENERAL.—Notwithstanding subsection  
21 (a)(3)(D), the memorandum of agreement entered  
22 into under subsection (a) and the land use plans de-  
23 scribed in subsection (c) shall not diminish any  
24 major or principle use that is recognized pursuant to  
25 section 103(l) of the Federal Land Policy and Man-

1       agement Act of 1976 (43 U.S.C. 1702(l)), except to  
2       the extent authorized in subsection (a).

3               (2) ACTIONS BY SECRETARY OF THE AIR  
4       FORCE.—The Secretary of the Air Force shall—

5               (A) if corrective action is necessary due to  
6               an action of the Air Force, as determined by  
7               the Secretary of the Air Force, render the BLM  
8               land safe for public use; and

9               (B) appropriately communicate the safety  
10              of the land to the Secretary once the BLM land  
11              is rendered safe for public use.

12       (e) GRAZING.—

13              (1) NEW GRAZING LEASES AND PERMITS.—

14              (A) IN GENERAL.—The Secretary shall  
15              issue and administer any new grazing lease or  
16              permit on the BLM land, in accordance with  
17              applicable law (including regulations) and other  
18              authorities applicable to livestock grazing on  
19              Bureau of Land Management land.

20              (B) NON-FEDERAL LAND LEVELS.—The  
21              Secretary (acting through the Director of the  
22              Bureau of Land Management) shall continue to  
23              issue and administer livestock grazing leases  
24              and permits on the non-Federal land described  
25              in section 202(3), subject to the requirements



1 described in subparagraphs (A) through (C) of  
2 paragraph (2).

3 (2) EXISTING GRAZING LEASES AND PER-  
4 MITS.—Any livestock grazing lease or permit appli-  
5 cable to the BLM land that is in existence on the  
6 date of enactment of this Act shall continue in ef-  
7 fect—

8 (A) at the number of permitted animal  
9 unit months authorized under current applica-  
10 ble land use plans;

11 (B) if range conditions permit, at levels  
12 greater than the level of active use; and

13 (C) subject to such reasonable increases  
14 and decreases of active use of animal unit  
15 months and other reasonable regulations, poli-  
16 cies, and practices as the Secretary may con-  
17 sider appropriate based on rangeland condi-  
18 tions.

19 (f) MEMORANDUM OF UNDERSTANDING ON EMER-  
20 GENCY ACCESS AND RESPONSE.—Nothing in this section  
21 precludes the continuation of the memorandum of under-  
22 standing that is between the Department of the Interior  
23 and the Department of the Air Force with respect to emer-  
24 gency access and response, as in existence as of the date  
25 of enactment of this Act.

1 (g) WITHDRAWAL.—Subject to valid existing rights,  
2 the BLM land is withdrawn from all forms of appropria-  
3 tion under the public land laws, including the mining laws,  
4 the mineral leasing laws, and the geothermal leasing laws.

5 (h) LIMITATION ON FUTURE RIGHTS-OF-WAY OR  
6 USE PERMITS.—The Secretary may not issue any new use  
7 permits or rights-of-way on the BLM land for any pur-  
8 poses that the Secretary of the Air Force determines to  
9 be incompatible with current or projected military require-  
10 ments, with consideration given to the rangeland improve-  
11 ments under section 105(h).

12 (i) GRAZING AND RANCHING.—Efforts described in  
13 this Act to facilitate grazing and ranching on the BLM  
14 land and the non-Federal land described in section 202(3)  
15 shall be considered to be compatible with mission require-  
16 ments of the Utah Test and Training Range.

17 **SEC. 102. TEMPORARY CLOSURES.**

18 (a) IN GENERAL.—If the Secretary of the Air Force  
19 determines that military operations (including operations  
20 relating to the fulfillment of the mission of the Utah Test  
21 and Training Range), public safety, or national security  
22 require the temporary closure to public use of any road,  
23 trail, or other portion of the BLM land, the Secretary of  
24 the Air Force may take such action as the Secretary of

1 the Air Force determines necessary to carry out the tem-  
2 porary closure.

3 (b) LIMITATIONS.—Any temporary closure under  
4 subsection (a)—

5 (1) shall be limited to the minimum areas and  
6 periods during which the Secretary of the Air Force  
7 determines are required to carry out a closure under  
8 this section;

9 (2) shall not occur on a State or Federal holi-  
10 day, unless notice is provided in accordance with  
11 subsection (c)(1)(B);

12 (3) shall not occur on a Friday, Saturday, or  
13 Sunday, unless notice is provided in accordance with  
14 subsection (c)(1)(B); and

15 (4)(A) if practicable, shall be for not longer  
16 than a 3-hour period per day;

17 (B) shall only be for longer than a 3-hour pe-  
18 riod per day—

19 (i) for mission essential reasons; and

20 (ii) as infrequently as practicable and in no  
21 case for more than 10 days per year; and

22 (C) shall in no case be for longer than a 6-hour  
23 period per day.

24 (c) NOTICE.—

1           (1) IN GENERAL.—Except as provided in para-  
2 graph (2), the Secretary of the Air Force shall—

3           (A) keep appropriate warning notices post-  
4 ed before and during any temporary closure;  
5 and

6           (B) provide notice to the Secretary, public,  
7 and relevant stakeholders concerning the tem-  
8 porary closure—

9           (i) at least 30 days before the date on  
10 which the temporary closure goes into ef-  
11 fect;

12           (ii) in the case of a closure during the  
13 period beginning on March 1 and ending  
14 on May 31, at least 60 days before the  
15 date on which the closure goes into effect;  
16 or

17           (iii) in the case of a closure described  
18 in paragraph (3) or (4) of subsection (b),  
19 at least 90 days before the date on which  
20 the closure goes into effect.

21           (2) SPECIAL NOTIFICATION PROCEDURES.—In  
22 each case for which a mission-unique security re-  
23 quirement does not allow for the notifications de-  
24 scribed in paragraph (1)(B), the Secretary of the Air

1 Force shall work with the Secretary to achieve a mu-  
2 tually agreeable timeline for notification.

3 (d) MAXIMUM ANNUAL CLOSURES.—The total cumu-  
4 lative hours of temporary closures authorized under this  
5 section with respect to the BLM land shall not exceed 100  
6 hours annually.

7 (e) PROHIBITION ON CERTAIN TEMPORARY CLO-  
8 SURES.—The northernmost area identified as “Newfound-  
9 land’s” on the map described in section 3(1) shall not be  
10 subject to any temporary closure between August 21 and  
11 February 28, in accordance with the lawful hunting meth-  
12 ods and seasons of the State of Utah.

13 (f) EMERGENCY GROUND RESPONSE.—A temporary  
14 closure of a portion of the BLM land shall not affect the  
15 conduct of emergency response activities on the BLM land  
16 during the temporary closure.

17 (g) LAW ENFORCEMENT AND SECURITY.—The Sec-  
18 retary and the Secretary of the Air Force may enter into  
19 cooperative agreements with State and local law enforce-  
20 ment officials with respect to lawful procedures and proto-  
21 cols to be used in promoting public safety and operation  
22 security on or near the BLM land during noticed test and  
23 training periods.

1 (h) LIVESTOCK.—Livestock shall be allowed to re-  
2 main on the BLM land during a temporary closure of the  
3 BLM land under this section.

4 **SEC. 103. COMMUNITY RESOURCE GROUP.**

5 (a) ESTABLISHMENT.—Not later than 60 days after  
6 the date of enactment of this Act, there shall be estab-  
7 lished the Utah Test and Training Range Community Re-  
8 source Group (referred to in this section as the “Commu-  
9 nity Group”) to provide regular and continuing input to  
10 the Secretary and the Secretary of the Air Force on mat-  
11 ters involving public access to, use of, and overall manage-  
12 ment of the BLM land.

13 (b) MEMBERSHIP.—

14 (1) IN GENERAL.—The Secretary (acting  
15 through the State Bureau of Land Management Of-  
16 fice) shall appoint members to the Community  
17 Group, including—

18 (A) operational and land management per-  
19 sonnel of the Air Force;

20 (B) 1 Indian representative, to be nomi-  
21 nated by a majority vote conducted among the  
22 Indian tribes in the vicinity of the BLM land;

23 (C) not more than 2 county commissioners  
24 from each of Box Elder, Tooele, and Juab  
25 Counties, Utah;

1 (D) 2 representatives of off-road and high-  
2 way use, hunting, and other recreational  
3 groups;

4 (E) 2 representatives of livestock grazers  
5 on any public land located within the BLM  
6 land;

7 (F) 1 representative of the Utah Depart-  
8 ment of Agriculture and Food; and

9 (G) not more than 3 representatives of  
10 State or Federal offices or agencies, or private  
11 groups, if the Secretary determines that such  
12 representatives would further the goals and ob-  
13 jectives of the Community Group.

14 (2) CHAIRPERSON.—The members described in  
15 paragraph (1) shall elect from among the members  
16 of the Community Group—

17 (A) 1 member to serve as Chairperson of  
18 the Community Group; and

19 (B) 1 member to serve as Vice-Chairperson  
20 of the Community Group.

21 (c) CONDITIONS AND TERMS OF APPOINTMENT.—

22 (1) IN GENERAL.—Each member of the Com-  
23 munity Group shall serve voluntarily and without re-  
24 munerated.

25 (2) TERM OF APPOINTMENT.—

1 (A) IN GENERAL.—Each member of the  
2 Community Group shall be appointed for a  
3 term of 4 years.

4 (B) ORIGINAL MEMBERS.—Notwith-  
5 standing subparagraph (A), the Chairperson  
6 shall select  $\frac{1}{2}$  of the original members of the  
7 Community Group to serve for a term of 4  
8 years and the  $\frac{1}{2}$  to serve for a term of 2 years  
9 to ensure the replacement of members shall be  
10 staggered from year to year.

11 (C) REAPPOINTMENT AND REPLACE-  
12 MENT.—The Secretary may reappoint or re-  
13 place a member of the Community Group ap-  
14 pointed under subsection (b)(1), if—

15 (i) the term of the member has ex-  
16 pired;

17 (ii) the member has retired; or

18 (iii) the position held by the member  
19 described in subparagraph (A) through (G)  
20 of paragraph (1) has changed to the extent  
21 that the ability of the member to represent  
22 the group or entity that the member rep-  
23 resents has been significantly affected.

24 (d) MEETINGS.—



1           (1) IN GENERAL.—The Community Group shall  
2           meet not less than once per year, and at such other  
3           frequencies as determined by five or more of the  
4           members of the Community Group.

5           (2) RESPONSIBILITIES OF COMMUNITY  
6           GROUP.—The Community Group shall be responsible  
7           for determining appropriate schedules for, details of,  
8           and actions for meetings of the Community Group.

9           (3) NOTICE.—The Chairperson shall provide  
10          notice to each member of the Community Group not  
11          less than 10 business days before the date of a  
12          scheduled meeting.

13          (4) EXEMPT FROM FEDERAL ADVISORY COM-  
14          MITTEE ACT.—The Federal Advisory Committee Act  
15          (5 U.S.C. App.) shall not apply to meetings of the  
16          Community Group.

17          (e) COORDINATION WITH RECOMMENDATIONS OF  
18          COMMUNITY GROUP.—The Secretary and Secretary of the  
19          Air Force, consistent with existing laws (including regula-  
20          tions), shall take under consideration recommendations  
21          from the Community Group.

22          (f) TERMINATION OF AUTHORITY.—The Community  
23          Group shall terminate on the date that is 10 years after  
24          the date of enactment of this Act, unless the Secretary

1 and the Community Group mutually elect to terminate the  
2 Community Group before that date.

3 (g) RENEWAL.—The Community Group may elect, by  
4 simple majority, to renew the term of the Community  
5 Group for 10 years, upon or within 90 days of termi-  
6 nation, with the option to renew every 10 years thereafter.

7 **SEC. 104. LIABILITY.**

8 The United States (including all departments, agen-  
9 cies, officers, and employees of the United States) shall  
10 be held harmless and shall not be liable for any injury  
11 or damage to any individual or property suffered in the  
12 course of any mining, mineral, or geothermal activity, or  
13 any other authorized nondefense-related activity, con-  
14 ducted on the BLM land.

15 **SEC. 105. EFFECTS OF TITLE.**

16 (a) EFFECT ON WEAPON IMPACT AREA.—Nothing in  
17 this title expands the boundaries of the weapon impact  
18 area of the Utah Test and Training Range.

19 (b) EFFECT ON SPECIAL USE AIRSPACE AND TRAIN-  
20 ING ROUTES.—Nothing in this title precludes—

21 (1) the designation of new units of special use  
22 airspace; or

23 (2) the expansion of existing units of special  
24 use airspace.

1 (c) EFFECT ON EXISTING RIGHTS AND AGREE-  
2 MENTS.—

3 (1) KNOLLS SPECIAL RECREATION MANAGE-  
4 MENT AREA; BLM COMMUNITY PITS CENTRAL  
5 GRAYBACK AND SOUTH GRAYBACK.—Except as pro-  
6 vided in section 102, nothing in this title limits or  
7 alters any existing right or right of access to—

8 (A) the Knolls Special Recreation Manage-  
9 ment Area; or

10 (B)(i) the Bureau of Land Management  
11 Community Pits Central Grayback and South  
12 Grayback; and

13 (ii) any other county or community pit lo-  
14 cated within close proximity to the BLM land.

15 (2) NATIONAL HISTORIC TRAILS AND OTHER  
16 HISTORICAL LANDMARKS.—Except as provided in  
17 section 102, nothing in this title limits or alters any  
18 existing right or right of access to a component of  
19 the National Trails System or other Federal or  
20 State historic landmarks within the BLM land, in-  
21 cluding the California National Historic Trail, the  
22 Pony Express National Historic Trail, or the GAPA  
23 Launch Site and Blockhouse.

24 (3) CLOSURE OF INTERSTATE 80.—Nothing in  
25 this title authorizes any additional authority or right

1 to the Secretary or the Secretary of the Air Force  
2 to temporarily close Interstate 80.

3 (4) EFFECT ON LIMITATION ON AMENDMENTS  
4 TO CERTAIN INDIVIDUAL RESOURCE MANAGEMENT  
5 PLANS.—Nothing in this title affects the limitation  
6 established under section 2815(d) of the National  
7 Defense Authorization Act for Fiscal Year 2000  
8 (Public Law 106–65; 113 Stat. 852).

9 (5) EFFECT ON MEMORANDUM OF UNDER-  
10 STANDING.—Nothing in this title affects the memo-  
11 randum of understanding entered into by the Air  
12 Force, the Bureau of Land Management, the Utah  
13 Department of Natural Resources, and the Utah Di-  
14 vision of Wildlife Resources relating to the reestab-  
15 lishment of bighorn sheep in the Newfoundland  
16 Mountains and signed by the parties to the memo-  
17 randum of understanding during the period begin-  
18 ning on January 24, 2000, and ending on February  
19 4, 2000.

20 (6) EFFECT ON EXISTING MILITARY SPECIAL  
21 USE AIRSPACE AGREEMENT.—Nothing in this title  
22 limits or alters the Military Operating Areas of Air-  
23 space Use Agreement between the Federal Aviation  
24 Administration and the Air Force in effect on the  
25 date of enactment of this Act.

1 (d) EFFECT ON WATER RIGHTS.—

2 (1) NO RESERVATION CREATED.—Nothing in  
3 this title—

4 (A) establishes any reservation in favor of  
5 the United States with respect to any water or  
6 water right on the BLM land; or

7 (B) authorizes any appropriation of water  
8 on the BLM land, except in accordance with  
9 applicable State law.

10 (2) PREVIOUSLY ACQUIRED AND RESERVED  
11 WATER RIGHTS.—Nothing in this title affects—

12 (A) any water right acquired or reserved  
13 by the United States before the date of enact-  
14 ment of this Act; or

15 (B) the authority of the Secretary or the  
16 Secretary of the Air Force, as applicable, to ex-  
17 ercise any water right described in subpara-  
18 graph (A).

19 (3) NO EFFECT ON MCCARRAN AMENDMENT.—  
20 Nothing in this title diminishes, enhances, or other-  
21 wise affects in any way the rights, duties, and obli-  
22 gations of the United States, the State of Utah, the  
23 counties in which the BLM land is situated, and the  
24 residents and stakeholders in those counties under  
25 section 208 of the Act of July 10, 1952 (commonly

1 known as the “McCarran Amendment”) (43 U.S.C.  
2 666).

3 (e) EFFECT ON FEDERALLY RECOGNIZED INDIAN  
4 TRIBES.—

5 (1) IN GENERAL.—Nothing in this title alters  
6 any right reserved by treaty or Federal law for a  
7 federally recognized Indian tribe for tribal use.

8 (2) CONSULTATION.—The Secretary of the Air  
9 Force shall consult with any federally recognized In-  
10 dian tribe in the vicinity of the BLM land before  
11 taking any action that will affect any tribal right or  
12 cultural resource protected by treaty or Federal law.

13 (f) EFFECT ON PAYMENTS IN LIEU OF TAXES.—

14 (1) ELIGIBILITY OF BLM LAND AND NON-FED-  
15 ERAL LAND.—The BLM land and the non-Federal  
16 land described in section 202(3) shall remain eligible  
17 as entitlement land under section 6901 of title 31,  
18 United States Code.

19 (2) NO PREJUDICE TO COUNTY PAYMENT IN  
20 LIEU OF TAXES RIGHTS.—Nothing in this title di-  
21 minishes, enhances, or otherwise affects any other  
22 right or entitlement of the counties in which the  
23 BLM land is situated to payments in lieu of taxes  
24 based on the BLM land, under section 6901 of title  
25 31, United States Code.

1 (g) WILDLIFE GUZZLERS.—

2 (1) IN GENERAL.—The Bureau of Land Man-  
3 agement and the Utah Division of Wildlife Re-  
4 sources shall continue the management of wildlife  
5 guzzlers in existence as of the date of enactment of  
6 this Act on the BLM land.

7 (2) NEW GUZZLERS.—Nothing in this title pre-  
8 vents the Bureau of Land Management and the  
9 Utah Division of Wildlife Resources from entering  
10 into agreements for new wildlife guzzlers.

11 (3) ACQUIRED GUZZLERS.—The Secretary shall  
12 continue to manage existing wildlife guzzlers or wild-  
13 life improvements on the non-Federal land conveyed  
14 to the Secretary under section 203(a) that were in  
15 existence on the day before the date of the convey-  
16 ance.

17 (h) RANGELAND IMPROVEMENTS.—The Secretary  
18 shall continue to manage, in a manner that promotes and  
19 facilitates grazing—

20 (1) rangeland improvements on the BLM land  
21 that are in existence on the date of enactment of  
22 this Act; and

23 (2) rangeland improvements on the non-Federal  
24 land conveyed to the Secretary under section 203(a)

1 that were in existence on the day before the date of  
2 the conveyance.

3 (i) NEW RANGELAND IMPROVEMENTS.—Nothing in  
4 this title prevents the Bureau of Land Management, the  
5 Utah Department of Agriculture or other State entity, or  
6 a Federal land permittee from entering into agreements  
7 for new rangeland improvements that promote and facili-  
8 tate grazing.

9 (j) SCHOOL AND INSTITUTIONAL TRUST LANDS AD-  
10 MINISTRATION.—The Bureau of Land Management shall  
11 maintain rangeland grazing improvements in existence as  
12 of the date of enactment of this Act on acquired land of  
13 the School and Institutional Trust Lands Administration.

## 14 **TITLE II—LAND EXCHANGE**

### 15 **SEC. 201. FINDINGS AND PURPOSE.**

16 (a) FINDINGS.—Congress finds that—

17 (1) the State owns approximately 68,057 acres  
18 of land and approximately 10,280 acres of mineral  
19 interests located within the Utah Test and Training  
20 Range in Box Elder, Tooele, and Juab Counties,  
21 Utah;

22 (2) the State owns approximately 2,353 acres  
23 of land and approximately 3,560 acres of mineral in-  
24 terests located wholly or partially within the Cedar  
25 Mountains Wilderness in Tooele County, Utah;



1           (3) the parcels of State land described in para-  
2           graphs (1) and (2)—

3                   (A) were granted by Congress to the State  
4                   pursuant to the Act of July 16, 1894 (28 Stat.  
5                   107, chapter 138), to be held in trust for the  
6                   benefit of the public school system and other  
7                   public institutions of the State; and

8                   (B) are largely scattered in checkerboard  
9                   fashion among Federal land;

10           (4) continued State ownership and development  
11           of State trust land within the Utah Test and Train-  
12           ing Range and the Cedar Mountains Wilderness is  
13           incompatible with—

14                   (A) the critical national defense uses of the  
15                   Utah Test and Training Range; and

16                   (B) the Federal management of the Cedar  
17                   Mountains Wilderness; and

18           (5) it is in the public interest of the United  
19           States to acquire in a timely manner all State trust  
20           land within the Utah Test and Training Range and  
21           the Cedar Mountains Wilderness, in exchange for  
22           the conveyance of the Federal land to the State, in  
23           accordance with the terms and conditions described  
24           in this title.

1 (b) PURPOSE.—It is the purpose of this title to di-  
2 rect, facilitate, and expedite the exchange of certain Fed-  
3 eral land and non-Federal land between the United States  
4 and the State.

5 **SEC. 202. DEFINITIONS.**

6 In this title:

7 (1) EXCHANGE MAP.—The term “Exchange  
8 Map” means the map prepared by the Bureau of  
9 Land Management entitled “Utah Test and Train-  
10 ing Range Enhancement/West Desert Land Ex-  
11 change” and dated October 28, 2015.

12 (2) FEDERAL LAND.—The term “Federal land”  
13 means the Bureau of Land Management land lo-  
14 cated in Box Elder, Millard, Juab, Tooele, and Bea-  
15 ver Counties, Utah, that is identified on the Ex-  
16 change Map as “BLM Lands Proposed for Transfer  
17 to State Trust Lands”.

18 (3) NON-FEDERAL LAND.—The term “non-Fed-  
19 eral land” means the land owned by the State in  
20 Box Elder, Tooele, and Juab Counties, Utah, that is  
21 identified on the Exchange Map as—

22 (A) “State Trust Land Proposed for  
23 Transfer to BLM”; and

24 (B) “State Trust Minerals Proposed for  
25 Transfer to BLM”.

1           (4) STATE.—The term “State” means the State  
2           of Utah, acting through the School and Institutional  
3           Trust Lands Administration.

4 **SEC. 203. EXCHANGE OF FEDERAL LAND AND NON-FED-**  
5 **ERAL LAND.**

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

9           (1) accept the offer; and

10           (2) on receipt of all right, title, and interest in  
11 and to the non-Federal land, convey to the State (or  
12 a designee) all right, title, and interest of the United  
13 States in and to the Federal land.

14           (b) VALID EXISTING RIGHTS.—The exchange author-  
15 ized under subsection (a) shall be subject to valid existing  
16 rights.

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

20           (d) APPRAISALS.—

21           (1) IN GENERAL.—The value of the Federal  
22 land and the non-Federal land to be exchanged  
23 under this section shall be determined by appraisals  
24 conducted by one or more independent appraisers re-

1       tained by the State, with the consent of the Sec-  
2       retary.

3               (2) APPLICABLE LAW.—The appraisals under  
4       paragraph (1) shall be conducted in accordance with  
5       nationally recognized appraisal standards, including,  
6       as appropriate, the Uniform Appraisal Standards for  
7       Federal Land Acquisitions.

8               (3) MINERAL LAND.—

9                       (A) MINERAL REPORTS.—The appraisals  
10       under paragraph (1) shall take into account  
11       mineral and technical reports provided by the  
12       Secretary and the State in the evaluation of  
13       mineral deposits in the Federal land and non-  
14       Federal land.

15                      (B) MINING CLAIMS.—An appraisal of any  
16       parcel of Federal land that is encumbered by a  
17       mining or millsite claim located under sections  
18       2318 through 2352 of the Revised Statutes  
19       (commonly known as the “Mining Law of  
20       1872”) (30 U.S.C. 21 et seq.) shall take into  
21       account the encumbrance created by the claim  
22       for purposes of determining the value of the  
23       parcel of the Federal land.

24                      (C) VALIDITY EXAMINATION.—Nothing in  
25       this title requires the United States to conduct

1 a mineral examination for any mining claim on  
2 the Federal land.

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

6 (5) DISPUTE RESOLUTION.—If, by the date  
7 that is 90 days after the date of submission of an  
8 appraisal for review and approval under this sub-  
9 section, the Secretary or State do not agree to ac-  
10 cept the findings of the appraisals with respect to  
11 one or more parcels of Federal land or non-Federal  
12 land, the dispute shall be resolved in accordance  
13 with section 206(d)(2) of the Federal Land Policy  
14 and Management Act of 1976 (43 U.S.C.  
15 1716(d)(2)).

16 (6) DURATION.—The appraisals conducted  
17 under paragraph (1) shall remain valid until the  
18 date of the completion of the exchange authorized  
19 under this title.

20 (7) REIMBURSEMENT OF STATE COSTS.—The  
21 Secretary shall reimburse the State in an amount  
22 equal to 50 percent of the costs incurred by the  
23 State in retaining independent appraisers under  
24 paragraph (1).

1 (e) CONVEYANCE OF TITLE.—The land exchange au-  
2 thorized under this title shall be completed by the later  
3 of—

4 (1) the date that is 1 year after the date of  
5 final approval by the Secretary and the State of the  
6 appraisals conducted under subsection (d); and

7 (2) the date that is 1 year after the date of  
8 completion of the dispute resolution process author-  
9 ized under subsection (d)(5).

10 (f) PUBLIC INSPECTION AND NOTICE.—

11 (1) PUBLIC INSPECTION.—At least 30 days be-  
12 fore the date of conveyance of the Federal land and  
13 non-Federal land, all final appraisals and appraisal  
14 reviews for land to be exchanged under this section  
15 shall be available for public review at the office of  
16 the State Director of the Bureau of Land Manage-  
17 ment in the State of Utah.

18 (2) NOTICE.—The Secretary or the State, as  
19 applicable, shall publish in a newspaper of general  
20 circulation in Salt Lake County, Utah, a notice that  
21 the appraisals conducted under subsection (d) are  
22 available for public inspection.

23 (g) EQUAL VALUE EXCHANGE.—

1           (1) IN GENERAL.—The value of the Federal  
2 land and non-Federal land to be exchanged under  
3 this section—

4                   (A) shall be equal; or

5                   (B) shall be made equal in accordance with  
6 paragraph (2).

7           (2) EQUALIZATION.—

8                   (A) SURPLUS OF FEDERAL LAND.—

9                           (i) IN GENERAL.—If the value of the  
10 Federal land exceeds the value of the non-  
11 Federal land, the value of the Federal land  
12 and non-Federal land shall be equalized by  
13 the State conveying to the United States—

14                                   (I) State trust land parcel 1, as  
15 described in the assessment entitled  
16 “Bureau of Land Management Envi-  
17 ronmental Assessment UT–100–06–  
18 EA”, numbered UTU–82090, and  
19 dated March 2008; or

20                                   (II) State trust land located  
21 within any of the wilderness areas or  
22 national conservation areas in Wash-  
23 ington County, Utah, established  
24 under subtitle O of title I of the Om-  
25 nibus Public Land Management Act

1 of 2009 (Public Law 111–11; 123  
2 Stat. 1075) that has an appraised  
3 value equal to the difference be-  
4 tween—

5 (aa) the value of the Federal  
6 land; and

7 (bb) the value of the non-  
8 Federal land.

9 (ii) ORDER OF CONVEYANCES.—Any  
10 non-Federal land required to be conveyed  
11 to the United States under clause (i) shall  
12 be conveyed until the value of the Federal  
13 land and non-Federal land is equalized, in  
14 the following order:

15 (I) The State trust land parcel  
16 described in clause (i)(I)

17 (II) State trust land parcels lo-  
18 cated in the Red Cliffs National Con-  
19 servation Area.

20 (III) State trust land parcels lo-  
21 cated in the Does Pass Wilderness.

22 (IV) State trust land parcels lo-  
23 cated in the Beaver Dam Wash Na-  
24 tional Conservation Area.



1 (B) SURPLUS OF NON-FEDERAL LAND.—If  
2 the value of the non-Federal land exceeds the  
3 value of the Federal land, the value of the Fed-  
4 eral land and the non-Federal land shall be  
5 equalized by the Secretary making a cash  
6 equalization payment to the State, in accord-  
7 ance with section 206(b) of the Federal Land  
8 Policy Management (43 U.S.C. 1716(b)).

9 (h) WITHDRAWAL OF FEDERAL LAND FROM MIN-  
10 ERAL ENTRY PRIOR TO EXCHANGE.—Subject to valid ex-  
11 isting rights, the Federal land to be conveyed to the State  
12 under this section is withdrawn from mineral location,  
13 entry, and patent under the mining laws pending convey-  
14 ance of the Federal land to the State.

15 **SEC. 204. STATUS AND MANAGEMENT OF NON-FEDERAL**  
16 **LAND AFTER EXCHANGE.**

17 (a) NON-FEDERAL LAND WITHIN UTAH TEST AND  
18 TRAINING RANGE.—On conveyance to the United States  
19 under this title, the non-Federal land located within the  
20 Utah Test and Training Range shall be managed in ac-  
21 cordance with the memorandum of agreement entered into  
22 under section 101(a).

23 (b) NON-FEDERAL LAND WITHIN CEDAR MOUN-  
24 TAINS WILDERNESS.—On conveyance to the United  
25 States under this title, the non-Federal land located within

1 the Cedar Mountains Wilderness shall, in accordance with  
 2 section 206(c) of the Federal Land Policy Act of 1976  
 3 (43 U.S.C. 1716(c)), be added to, and administered as  
 4 part of, the Cedar Mountains Wilderness.

5 **SEC. 205. HAZARDOUS MATERIALS.**

6 (a) COSTS.—Except as provided in subsection (b), the  
 7 costs of remedial actions relating to hazardous materials  
 8 on land acquired under this title shall be paid by those  
 9 entities responsible for the costs under applicable law.

10 (b) REMEDIATION OF PRIOR TESTING AND TRAINING  
 11 ACTIVITY.—The Department of Defense shall bear all  
 12 costs of evaluation, management, and remediation caused  
 13 by the previous testing of military weapons systems and  
 14 the training of military forces on non-Federal land to be  
 15 conveyed to the United States under this title.

16 **TITLE III—HIGHWAY RIGHTS-OF-**  
 17 **WAY**

18 **SEC. 301. RECOGNITION AND TRANSFER OF CERTAIN HIGH-**  
 19 **WAY RIGHTS-OF-WAY.**

20 (a) DEFINITIONS.—In this section:

21 (1) HIGHWAY RIGHT-OF-WAY.—The term  
 22 “highway right-of-way” means a right-of-way across  
 23 Federal land for all county roads in the Counties of  
 24 Box Elder, Tooele, and Juab, in the State of Utah,  
 25 according to official transportation map and center-

1 line descriptions of each county in existence as of  
2 March 1, 2015.

3 (2) MAP.—The term “official transportation  
4 map and centerline description” means—

5 (A) the map entitled “Official Transpor-  
6 tation Map of Box Elder County, Utah” and  
7 dated March 1, 2015, and accompanying cen-  
8 terline description of each road on file with the  
9 Clerk of Box Elder County as of March 1,  
10 2015;

11 (B) the map entitled “Official Transpor-  
12 tation Map of Tooele County” and dated March  
13 1, 2015, and accompanying centerline descrip-  
14 tion of each road on file with the Clerk of  
15 Tooele County as of March 1, 2015; and

16 (C) the map entitled “Official Transpor-  
17 tation Map of Juab County” and dated March  
18 1, 2015, and accompanying centerline descrip-  
19 tion of each road on file with the Clerk of Juab  
20 County as of March 1, 2015.

21 (3) SECRETARY.—The term “Secretary”  
22 means—

23 (A) the Secretary of Agriculture, with re-  
24 spect to land administered by the Chief of the  
25 Forest Service; or

1 (B) the Secretary of the Interior, with re-  
2 spect to land administered by the Director of  
3 the Bureau of Land Management.

4 (b) RECOGNITION OF EXISTENCE AND VALIDITY OF  
5 RIGHTS-OF-WAY.—Congress recognizes the existence and  
6 validity of each of the highway rights-of-way identified on  
7 the official transportation maps and centerline descrip-  
8 tions.

9 (c) CONVEYANCE OF AN EASEMENT ACROSS FED-  
10 ERAL LAND.—

11 (1) BOX ELDER COUNTY, UTAH.—The Sec-  
12 retary shall convey, without consideration, to Box  
13 Elder County, Utah, and the State of Utah as joint  
14 tenants with undivided interests, easements for mo-  
15 torized travel rights of way across Federal land for  
16 all highways shown and described in the official  
17 transportation map and centerline description of the  
18 county described in subsection (a)(2)(A).

19 (2) JUAB COUNTY, UTAH.—The Secretary shall  
20 convey, without consideration, to Juab County,  
21 Utah, and the State of Utah as joint tenants with  
22 undivided interests, easements for motorized travel  
23 rights of way across Federal land for all highways  
24 shown and described in the official transportation

1 map and centerline description of the county de-  
 2 scribed in subsection (a)(2)(B).

3 (3) TOOELE COUNTY, UTAH.—The Secretary  
 4 shall convey, without consideration, to Tooele Coun-  
 5 ty, Utah, and the State of Utah as joint tenants  
 6 with undivided interests, easements for motorized  
 7 travel rights of way across Federal land for all high-  
 8 ways shown and described in the official transpor-  
 9 tation map and centerline description of the county  
 10 described in subsection (a)(2)(C).

11 (d) DESCRIPTION OF FEDERAL LAND SUBJECT TO  
 12 EASEMENT.—

13 (1) IN GENERAL.—All easements under sub-  
 14 section (c) shall include—

15 (A) the current disturbed width of each  
 16 subject highway as shown and described in the  
 17 official transportation maps and centerline de-  
 18 scriptions; and

19 (B) any additional acreage on either side  
 20 of the disturbed width that the respective coun-  
 21 ty transportation department determines is nec-  
 22 essary for the efficient maintenance, repair,  
 23 signage, administration, and use of the Federal  
 24 land subject to the easement.

25 (2) DESCRIPTION.—

1 (A) IN GENERAL.—The exact acreage and  
2 legal description of the Federal land subject to  
3 the easements conveyed under subsection (c)  
4 shall be—

5 (i) as described in the centerline de-  
6 scriptions;

7 (ii) as referenced in the official trans-  
8 portation maps; and

9 (iii) as described and referenced ac-  
10 cording to the disturbed width of each  
11 highway as of the date of conveyance for  
12 travel purposes, plus any reasonable addi-  
13 tional width as may be necessary for sur-  
14 face maintenance, repairs, and turnaround  
15 purposes.

16 (B) SURVEY NOT REQUIRED.—Notwith-  
17 standing any other provision of law, the convey-  
18 ance of easements under subsection (c) shall be  
19 effective without a survey of the exact acreage  
20 and local description of the Federal land subject  
21 to the easements.

22 (e) RETENTION OF MAPS AND CENTERLINE DE-  
23 SCRIPTIONS.—The maps and centerline descriptions re-

- 1 ferred to in clauses (i) and (ii) of subsection (d)(2)(A)
- 2 shall be on file in the appropriate office of the Secretary.

○