

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

115TH CONGRESS
2D SESSION

H.R. _____

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

IN THE HOUSE OF REPRESENTATIVES

XXX, 2018

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

A BILL

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

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

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

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

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

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

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

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

8 **SECTION 2. DEFINITIONS.**

9 (a) DEFINITIONS.—In this Act:

10 (1) CONSERVATION AND RECREATION AREA.—

11 The term “Conservation and Recreation Area” means
12 the Central Wasatch National Conservation and Recre-
13 ation Area established by section 3(a).

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

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

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

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

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

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1 the Secretary of Agriculture.

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

4 (A) Alta Ski Lifts Company.

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

7 (B) Brighton Mountain Resort.

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

10 (C) Snowbird Ski and Summer Resort.

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

13 (D) Solitude Mountain Resort.

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

16 (8) SKI LIFT. —Systems, such as tramways, fu-
17 niculars, ski lifts, conveyors, or tows, used for the pur-
18 pose of skiing.

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

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

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1 term in section 11(a) of the Forest and Rangeland Re-
2 newable Resources Planning Act of 1974 (16 U.S.C.
3 1609(a)).

4 **SEC. 3. CENTRAL WASATCH NATIONAL**
5 **CONSERVATION AND RECREATION**
6 **AREA.**

7 (a) ESTABLISHMENT.—

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

11 (2) AREA INCLUDED.—The Conservation and
12 Recreation Area shall be comprised of approximately
13 79,109 acres of National Forest System land in the Wa-
14 satch-Cache National Forest as generally depicted on
15 the Conservation and Recreation Area map as “Central
16 Wasatch National Conservation and Recreation Area”.

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

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

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

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

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

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

10 (c) MANAGEMENT PLAN.—

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

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

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

21 (B) private interests in the land; and

22 (C) the public.

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

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

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

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

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

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

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

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

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

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

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1 6(a)(10); and

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

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

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

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

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

17 (d) MANAGEMENT.—

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

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

23 (B) in accordance with—

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

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1 and

2 (ii) this Act.

3 (2) USES.— The Secretary shall only allow uses
4 of the Conservation and Recreation Area that—

5 (A) consistent with the management plan;

6 and

7 (B) in accordance with—

8 (i) the laws (including regulations) and
9 rules applicable to the National Forest Sys-
10 tem; and

11 (ii) this Act.

12 (3) AUTHORIZATIONS.—Nothing in this Act af-
13 fects—

14 (A) a permit, contract, easement, leases,
15 or other written authorization that is in existence
16 on the date of enactment of this Act that author-
17 izes use and occupancy of National Forest System
18 lands;

19 (B) the process by which a permit, con-
20 tract, easement, leases, or other written authoriza-
21 tion in subparagraph (A) is reissued or modified;
22 or

23 (C) the process by which a permit, con-
24 tract, easement, leases, or other written authoriza-
25 tion lands that was not in existence on the date of

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

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

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

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

17 **SEC. 4. WILDERNESS.**

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

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

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

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

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

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

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

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

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

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

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1 note) is amended by—

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

3 (2) striking the period at the end of paragraph 12
4 and inserting “; and”; and

5 (3) adding at the end the following: “(13) cer-
6 tain land in the Uinta-Wasatch-Cache National For-
7 est comprising approximately 6,158 acres, as gener-
8 ally depicted on the map entitled ‘Proposed Central
9 Wasatch National Conservation and Recreation Area
10 Map’ and dated [REDACTED], which shall be known as the
11 Grandeur Peak – Mount Aire Wilderness.”

12 (e) ADMINISTRATION OF LAND.—Land removed from
13 wilderness designation by this section shall be adminis-
14 tered in accordance with the provisions of the forest plan
15 and management plan applicable to the adjacent non-wil-
16 derness land.

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

19 (a) DESIGNATION.—Subject to valid existing rights,
20 certain National Forest System land in the Wasatch-Cache
21 National Forest comprising approximately 1,800 acres, as
22 generally depicted on the Conservation and Recreation
23 Area map, is designated the White Pine Special Manage-
24 ment Area (referred to in this section as the “special man-
25 agement area”).

26 (b) MANAGEMENT.—

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

5 (2) MECHANIZED OR MOTORIZED VEHICLES.—

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

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

13 (i) administrative purposes; or

14 (ii) responding to an emergency.

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

22 (4) EXISTING WATER INFRASTRUCTURE.—

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

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1 guarantee the continued viability of water resource fa-
2 cilities that currently exist or which may be necessary
3 in the future to prevent the degradation of the water
4 supply in the White Pine Special Management Area
5 designated by this Act.

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

8 (6) **FOREST PLAN.** —The Secretary shall man-
9 age the White Pine Special Management Area in ac-
10 cordance with the forest plan to the extent consistent
11 with this section. Notwithstanding section 6(i) of the
12 Forest and Rangeland Renewable Resources Planning
13 Act of 1974 (16 U.S.C. 1604(i)), in the event of conflict
14 between the forest plan and this section, this section
15 shall supersede the forest plan. The Secretary shall not
16 be required to amend the forest plan to incorporate the
17 White Pine Special Management Area before revision
18 of the forest plan.

19 **SEC. 6. GENERAL PROVISIONS.**

20 (a) **GENERAL PROVISIONS.**— In addition to section 3
21 and except as provided in section 3(e), the Secretary shall
22 manage the Conservation and Recreation Area in accord-
23 ance with this section.

24 (1) **ADJACENT MANAGEMENT.**—

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

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

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

10 (2) NON-FEDERAL LAND.—

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

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

22 (3) MOTORIZED AND MECHANIZED VEHICLES.—

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

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

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

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

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

(ii) responding to an emergency; or

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

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

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

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

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

(5) ACQUISITION OF LAND.—

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

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

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

13 (ii) be managed in accordance with—

14 (I) the management plan;

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

17 (III) this Act; and

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

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

25 (A) subject to—

26 (i) such reasonable regulations,

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

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

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

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

13 (8) TRANSPORTATION.—

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

23 (i) the management plan;

24 (ii) all applicable laws; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 and Recreation Area map, the proposed realign-
2 ment is subject to the permitting process as of the
3 date of enactment of this Act. After completion of
4 the full permitting process and permit approval by
5 the U.S. Forest Service, the Resort Area Bound-
6 ary shall be permanent.

7 (C) ALTA.—A realignment of the Alta
8 Resort Area Permit Boundary may be proposed
9 within the “ASL Resort Boundary Adjustment
10 Area” as depicted on the Conservation and Rec-
11 reation Area map. Any proposed realignment of
12 the Alta Resort Area Permit Boundary is subject
13 to the U.S. Forest Service plan amendment, per-
14 mitting process, review, and decision making.
15 There shall be no presumption of approval or dis-
16 approval of any realignment of the Alta Resort
17 Area Permit Boundary.

18 (11) FACILITIES.—

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

23 (B) EXISTING FACILITIES.—Nothing in
24 this section affects the operation or maintenance
25 of an existing facility located within the Conser-
26 vation and Recreation Area.

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1 (C) EXPANSION AND NEW FACILITIES.—

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

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

12 (12) WATER RIGHTS.—

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

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

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

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

4 (iii) establish a precedent with re-
5 gard to any future Conservation and Recre-
6 ation Area designations.

7 (C) UTAH WATER LAW.—The Secretary
8 shall follow the procedural and substantive re-
9 quirements of State law to obtain and hold any
10 water rights not in existence on the date of the en-
11 actment of this Act with respect to the Conserva-
12 tion and Recreation Area.

13 (D) EXISTING WATER INFRASTRUC-
14 TURE.—Nothing in this Act shall be construed to
15 limit motorized access and road maintenance by
16 local municipalities, water districts, water sys-
17 tems, or public or private utilities for those
18 maintenance activities necessary to guarantee the
19 continued viability of water resource facilities
20 that currently exist or which may be necessary in
21 the future to prevent the degradation of the water
22 supply in the Conservation and Recreation Area
23 designated by this Act.

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

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

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

13 (a) DEFINITIONS.—In this subsection—

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

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

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

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1 Snowbird” as generally depicted on the map en-
2 titled “Preliminary Conceptual Map for Pro-
3 posed Land Exchange between The U.S. Forest
4 Service and certain Utah Ski Areas” dated [REDACTED];

5 (B) land owned by Brighton Mountain
6 Resort identified as “Private Land To be Evalu-
7 ated for Public Ownership - From Brighton” as
8 generally depicted on the map entitled “Prelimi-
9 nary Conceptual Map for Proposed Land Ex-
10 change between The U.S. Forest Service and cer-
11 tain Utah Ski Areas” dated [REDACTED]; and

12 (C) land owned by Solitude Mountain
13 Resort identified as “Private Land To be Evalu-
14 ated for Public Ownership - From Solitude” as
15 generally depicted on the map entitled “Prelimi-
16 nary Conceptual Map for Proposed Land Ex-
17 change between The U.S. Forest Service and cer-
18 tain Utah Ski Areas” dated [REDACTED].

19 (b) MAP; LEGAL DESCRIPTION.—

20 (1) ADJUSTMENTS.—The Secretary and the ski
21 areas may, by mutual agreement, correct minor or ty-
22 pographical errors in any maps, acreage estimate, or
23 description of any land to be exchanged under this sec-
24 tion.

25 (2) MAP AVAILABILITY.—The maps depicting

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

6 (c) CONVEYANCE OF LAND.—

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

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

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

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

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1 acceptable to the Secretary—

2 (A) the Secretary shall accept the offer;

3 and

4 (B) upon receipt of acceptable title to the
5 non-Federal land in subsection (a)(2)(A), the Sec-
6 retary shall convey to Brighton Mountain Resort
7 Resort all right, title, and interest of the United
8 States in and to the Federal Land determined by
9 (d)(3).

10 (3) SOLITUDE MOUNTAIN RESORT.—

11 Subject to valid existing rights and the provisions of
12 this section, if Solitude Mountain Resort offers to con-
13 vey to the United States all right, title, and interest in
14 and to non-Federal land in subsection (a)(2)(D), and
15 the offer is acceptable to the Secretary—

16 (A) the Secretary shall accept the offer;

17 and

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

24 (d) CONDITIONS ON ACCEPTANCE.—

25 (1) TITLE.—As a condition of the land exchange
26 under this subsection, title to the non-Federal land to

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

4 (2) TERMS AND CONDITIONS.—The conveyance
5 of the Federal land and non-Federal land shall be sub-
6 ject to—

7 (A) all applicable laws, including the Na-
8 tional Environmental Policy Act of 1969 (42
9 U.S.C. §4321 et seq.) and section 206 of the Fed-
10 eral Land Policy Act of 1976 (43 U.S.C. §1716);
11 and

12 (B) such terms and conditions as the Sec-
13 retary may require.

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

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

21 (A) PRIVATE LANDS TO BE EVALU-
22 ATED—The private lands to be evaluated for ex-
23 change may include other lands within the NCRA
24 not identified as “Private Land to be Evaluated for
25 Public Ownership” as depicted on the “Prelimi-

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

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

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

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

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

20 (6) APPRAISALS.—

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

26 (B) REQUIREMENTS.—The values of the

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

(i) The Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) The Uniform Standards of Professional Appraisal Practice.

(C) COSTS.— The costs of appraisal under subparagraph (B) and any associated administrative costs shall be paid by the ski area.

(7) SURVEYS AND TITLE WORK.—

(A) IN GENERAL.— As soon as practicable after the date of enactment of this Act, the Secretary and the ski area shall reach mutual agreement on and select surveyors to conduct surveys of the Federal land and non-Federal land.

(B) REQUIREMENTS. The exact acreage and legal description of the Federal land and non-Federal land shall be determined by boundary surveys by state-licensed surveyors of the lands to be exchanged. The boundaries will be surveyed and monumented as required by all applicable Federal regulations.

(8) COSTS.— The ski area shall pay the costs associated with the land exchange, as appropriate, under this section for—

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1 (A) the appraisal under paragraph (6);

2 (B) any title work, including any ab-
3 stracts, title reports, escrow or closing fees, and
4 deed preparation;

5 (C) the preparation of any documenta-
6 tion under the National Environmental Policy
7 Act (43 U.S.C. 4321 et seq.);

8 (D) the valuation of timber; and

9 (E) any other administrative costs associ-
10 ated with the land exchange.

11 (9) VALUATION AND EQUALIZATION.—

12 (A) IN GENERAL.—The value of the Fed-
13 eral land and non-Federal land to be exchanged un-
14 der this section—

15 (i) shall be equal, as determined by ap-
16 praisals conducted in accordance with para-
17 graph (5); or

18 (ii) if not equal, may be equalized by a
19 cash equalization payment in the manner pro-
20 vided in section 206(b) of the Federal Land
21 Policy and Management Act of 1976 (43
22 U.S.C. 1716(b)); or

23 (iii) if not equal, the acreage of the Fed-
24 eral land or the non-Federal land may be re-
25 duced to achieve equalization, as appropriate.

26 (10) DISPOSITION OF PROCEEDS.—

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

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

13 (11) REVOCATION OF ORDERS; WITHDRAWAL.—

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

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

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

26 (ii) disposition under laws relating to

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1 mineral and geothermal leasing.

2 (12) HAZARDOUS MATERIALS.—

3 (A) IN GENERAL.— For any conveyance
4 of Federal land under this section, the Secretary
5 shall meet disclosure requirements for hazardous
6 substances, pollutants, or contaminants under sec-
7 tion 102(h) of the Comprehensive Environmental
8 Response, Compensation, and Liability Act of
9 1980 (42 U.S.C. 9620(h)(1)), but shall otherwise
10 not be required to remediate or abate such hazard-
11 ous substances, pollutants, or contaminants.

12 (B) CONDITIONS.—As a condition of a
13 land exchange under this section, the ski area must
14 agree to—

15 (i) indemnify and hold harmless the
16 United States for any costs associated with
17 remediating or abating any hazardous sub-
18 stances, pollutants, or contaminants located
19 on, or being released from, the land conveyed
20 under this Act: and

21 (ii) restore any injured or lost natural re-
22 sources as result of hazardous substances,
23 pollutants, or contaminants located on, or be-
24 ing released from, the Federal land or non-
25 Federal land conveyed under this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (c) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—

5 The maps and legal descriptions prepared under subsec-
6 tion (a) shall be on file and available for public inspection
7 in the appropriate offices of the Forest Service.

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

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

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