

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

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land in the State of Utah from all forms of public appropriation, to provide for the shared management of the withdrawn land by the Secretary of the Interior and the Secretary of the Air Force to facilitate enhanced weapons testing and pilot training, enhance public safety, and provide for continued public access to the withdrawn land, to provide for the exchange of certain Federal land and State land, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**
- 4 (a) SHORT TITLE.—This Act may be cited as the
- 5 “Utah Test and Training Range Encroachment Preven-
- 6 tion and Temporary Closure Act”.
- 7 (b) TABLE OF CONTENTS.—The table of contents for
- 8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION FOR TEMPORARY CLOSURE OF CERTAIN PUBLIC LAND ADJACENT TO THE UTAH TEST AND TRAINING RANGE.

Sec. 101. Definitions.
 Sec. 102. Memorandum of agreement.
 Sec. 103. Temporary closures.
 Sec. 104. Liability.
 Sec. 105. Community Resource Advisory Group.
 Sec. 106. Savings clauses.

TITLE II—BUREAU OF LAND MANAGEMENT LAND EXCHANGE WITH STATE OF UTAH

Sec. 201. Definitions.
 Sec. 202. Exchange of Federal land and non-Federal land.
 Sec. 203. Status and management of non-Federal land acquired by the United States.
 Sec. 204. Hazardous materials.

1 **TITLE I—AUTHORIZATION FOR**
 2 **TEMPORARY CLOSURE OF**
 3 **CERTAIN PUBLIC LAND ADJA-**
 4 **CENT TO THE UTAH TEST**
 5 **AND TRAINING RANGE.**

6 **SEC. 101. DEFINITIONS.**

7 In this Act:

8 (1) BLM LAND.—The term “BLM land” means
 9 certain public land administered by the Bureau of
 10 Land Management land in the State comprising ap-
 11 proximately 703,621 acres, as generally depicted on
 12 the map entitled “Utah Test and Training Range
 13 Enhancement/West Desert Land Exchange” and
 14 dated May 7, 2016.

15 (2) SECRETARY.—The term “Secretary” means
 16 the Secretary of the Interior.

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

3 (4) UTAH TEST AND TRAINING RANGE.—The
4 term “Utah Test and Training Range” means the
5 portions of the military land and airspace operating
6 area of the Utah Test and Training Area that are
7 located in the State, including the Dugway Proving
8 Ground.

9 **SEC. 102. MEMORANDUM OF AGREEMENT.**

10 (a) MEMORANDUM OF AGREEMENT.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, the Secretary and
13 the Secretary of the Air Force shall enter into a
14 memorandum of agreement to authorize the Sec-
15 retary of the Air Force, in consultation with the Sec-
16 retary, to impose limited closures of the BLM land
17 for military operations and national security and
18 public safety purposes, as provided in this title.

19 (2) DRAFT.—

20 (A) IN GENERAL.—Not later than 180
21 days after the date of enactment of this Act,
22 the Secretary and the Secretary of the Air
23 Force shall complete a draft of the memo-
24 randum of agreement required under paragraph
25 (1).

1 (B) PUBLIC COMMENT PERIOD.—During
2 the 30-day period beginning on the date on
3 which the draft memorandum of agreement is
4 completed under subparagraph (A), there shall
5 be an opportunity for public comment on the
6 draft memorandum of agreement, including an
7 opportunity for the Utah Test and Training
8 Range Community Resource Advisory Group es-
9 tablished under section 105(a) to provide com-
10 ments on the draft memorandum of agreement.

11 (3) MANAGEMENT BY SECRETARY.—The memo-
12 randum of agreement entered into under paragraph
13 (1) shall provide that the Secretary shall continue to
14 manage the BLM land in accordance with the Fed-
15 eral Land Policy and Management Act of 1976 (43
16 U.S.C. 1701 et seq.) and applicable land use plans,
17 while allowing for the temporary closure of the BLM
18 land in accordance with this title.

19 (4) PERMITS AND RIGHTS-OF-WAY.—

20 (A) IN GENERAL.—The Secretary shall
21 consult with the Secretary of the Air Force re-
22 garding Utah Test and Training Range mission
23 requirements before issuing new use permits or
24 rights-of-way on the BLM land.

1 (B) FRAMEWORK.—The Secretary and the
2 Secretary of the Air Force shall establish within
3 the memorandum of agreement entered into
4 under paragraph (1) a framework agreed to by
5 the Secretary and the Secretary of the Air
6 Force for resolving any disagreement on the
7 issuance of permits or rights-of-way on the
8 BLM land.

9 (5) TERMINATION.—

10 (A) IN GENERAL.—The memorandum of
11 agreement entered into under paragraph (1)
12 shall be for a term to be determined by the Sec-
13 retary and the Secretary of the Air Force, not
14 to exceed 25 years.

15 (B) EARLY TERMINATION.—The memo-
16 randum of agreement may be terminated before
17 the date determined under subparagraph (A) if
18 the Secretary of the Air Force determines that
19 the temporary closure of the BLM land is no
20 longer necessary to fulfill Utah Test and Train-
21 ing Range mission requirements.

22 (b) MAP.—The Secretary may correct any minor er-
23 rors in the map described in section 101(1).

1 (c) LAND SAFETY.—If corrective action is necessary
2 on the BLM land due to an action of the Air Force, the
3 Secretary of the Air Force shall—

4 (1) render the BLM land safe for public use;

5 and

6 (2) appropriately communicate the safety of the
7 land to the Secretary on the date on which the BLM
8 land is rendered safe for public use under paragraph
9 (1).

10 (d) CONSULTATION.—The Secretary shall consult
11 with any federally recognized Indian tribe in the vicinity
12 of the BLM land before entering into any agreement
13 under this title.

14 (e) GRAZING.—

15 (1) EFFECT.—Nothing in this title impacts the
16 management of grazing on the BLM land.

17 (2) CONTINUATION OF GRAZING MANAGE-
18 MENT.—The Secretary shall continue grazing man-
19 agement on the BLM land pursuant to the Federal
20 Land Policy and Management Act of 1976 (43
21 U.S.C. 1701 et seq.) and applicable resource man-
22 agement plans.

23 (f) MEMORANDUM OF UNDERSTANDING ON EMER-
24 GENCY ACCESS AND RESPONSE.—Nothing in this section
25 precludes the continuation of the memorandum of under-

1 standing between the Department of the Interior and the
2 Department of the Air Force with respect to emergency
3 access and response, as in existence on the date of enact-
4 ment of this Act.

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

9 **SEC. 103. TEMPORARY CLOSURES.**

10 (a) IN GENERAL.—If the Secretary of the Air Force
11 determines that military operations (including operations
12 relating to the fulfillment of the mission of the Utah Test
13 and Training Range), public safety, or national security
14 require the temporary closure to public use of any road,
15 trail, or other portion of the BLM land, the Secretary of
16 the Air Force may take such action as the Secretary of
17 the Air Force, in consultation with the Secretary, deter-
18 mines necessary to carry out the temporary closure.

19 (b) LIMITATIONS.—Any temporary closure under
20 subsection (a)—

21 (1) shall be limited to the minimum areas and
22 periods during which the Secretary of the Air Force
23 determines are required to carry out a closure under
24 this section;

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

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

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

9 (B) shall only be for longer than a 3-hour
10 period per day—

11 (i) for mission essential reasons; and

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

14 and

15 (C) shall in no case be for longer than a
16 6-hour period per day.

17 (c) NOTICE.—

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

20 (A) keep appropriate warning notices post-
21 ed before and during any temporary closure;
22 and

23 (B) provide notice to the Secretary, public,
24 and relevant stakeholders concerning the tem-
25 porary closure—

1 (i) at least 30 days before the date on
2 which the temporary closure goes into ef-
3 fect;

4 (ii) in the case of a closure during the
5 period beginning on March 1 and ending
6 on May 31, at least 60 days before the
7 date on which the closure goes into effect;
8 or

9 (iii) in the case of a closure described
10 in paragraph (3) or (4) of subsection (b),
11 at least 90 days before the date on which
12 the closure goes into effect.

13 (2) SPECIAL NOTIFICATION PROCEDURES.—In
14 each case for which a mission-unique security re-
15 quirement does not allow for the notifications de-
16 scribed in paragraph (1)(B), the Secretary of the Air
17 Force shall work with the Secretary to achieve a mu-
18 tually agreeable timeline for notification.

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

23 (e) PROHIBITION ON CERTAIN TEMPORARY CLO-
24 SURES.—The northernmost area identified as “Newfound-
25 land’s” on the map described in section 101(1) shall not

1 be subject to any temporary closure between August 21
2 and February 28, in accordance with the lawful hunting
3 seasons of the State of Utah.

4 (f) EMERGENCY GROUND RESPONSE.—A temporary
5 closure of a portion of the BLM land shall not affect the
6 conduct of emergency response activities on the BLM land
7 during the temporary closure.

8 (g) LIVESTOCK.—Livestock authorized by a Federal
9 grazing permit shall be allowed to remain on the BLM
10 land during a temporary closure of the BLM land under
11 this section.

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

19 **SEC. 104. LIABILITY.**

20 The United States (including all departments, agen-
21 cies, officers, and employees of the United States) shall
22 be held harmless and shall not be liable for any injury
23 or damage to any individual or property suffered in the
24 course of any mining, mineral, or geothermal activity, or

1 any other authorized nondefense-related activity, con-
2 ducted on the BLM land.

3 **SEC. 105. COMMUNITY RESOURCE ADVISORY GROUP.**

4 (a) ESTABLISHMENT.—Not later than 90 days after
5 the date of enactment of this Act, there shall be estab-
6 lished the Utah Test and Training Range Community Re-
7 source Advisory Group (referred to in this section as the
8 “Community Group”) to provide regular and continuing
9 input to the Secretary and the Secretary of the Air Force
10 on matters involving public access to, use of, and overall
11 management of the BLM land.

12 (b) MEMBERSHIP.—

13 (1) IN GENERAL.—The Secretary shall appoint
14 members to the Community Group, including—

15 (A) 1 representative of Indian tribes in the
16 vicinity of the BLM land, to be nominated by
17 a majority vote conducted among the Indian
18 tribes in the vicinity of the BLM land;

19 (B) not more than 1 county commissioner
20 from each of Box Elder, Tooele, and Juab
21 Counties, Utah;

22 (C) 2 representatives of off-road and high-
23 way use, hunting, or other recreational users of
24 the BLM land;

1 (D) 2 representatives of livestock permittees
2 on public land located within the BLM land;

3 (E) 1 representative of the Utah Depart-
4 ment of Agriculture and Food; and

5 (F) not more than 3 representatives of
6 State or Federal offices or agencies, or private
7 groups or individuals, if the Secretary deter-
8 mines that such representatives would further
9 the goals and objectives of the Community
10 Group.

11 (2) CHAIRPERSON.—The members described in
12 paragraph (1) shall elect from among the members
13 of the Community Group—

14 (A) 1 member to serve as Chairperson of
15 the Community Group; and

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

18 (3) AIR FORCE PERSONNEL.—The Secretary of
19 the Air Force shall appoint appropriate operational
20 and land management personnel of the Air Force to
21 serve as a liaison to the Community Group.

22 (c) CONDITIONS AND TERMS OF APPOINTMENT.—

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

1 (2) TERM OF APPOINTMENT.—

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

5 (B) ORIGINAL MEMBERS.—Notwith-
6 standing subparagraph (A), the Secretary shall
7 select $\frac{1}{2}$ of the original members of the Com-
8 munity Group to serve for a term of 4 years
9 and the $\frac{1}{2}$ to serve for a term of 2 years to en-
10 sure the replacement of members shall be stag-
11 gered from year to year.

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

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

18 (ii) the member has retired; or

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

25 (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 5 or more of the mem-
4 bers 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) RECOMMENDATIONS OF COMMUNITY GROUP.—
18 The Secretary and Secretary of the Air Force, consistent
19 with existing laws (including regulations), shall take under
20 consideration recommendations from the Community
21 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.

1 **SEC. 106. SAVINGS CLAUSES.**

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

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

7 (1) the designation of new units of special use
8 airspace; or

9 (2) the expansion of existing units of special
10 use airspace.

11 (c) EFFECT ON EXISTING MILITARY SPECIAL USE
12 AIRSPACE AGREEMENT.—Nothing in this title limits or al-
13 ters the Military Operating Areas of Airspace Use Agree-
14 ment between the Federal Aviation Administration and
15 the Air Force in effect on the date of enactment of this
16 Act.

17 (d) EFFECT ON EXISTING RIGHTS AND AGREE-
18 MENTS.—

19 (1) KNOLLS SPECIAL RECREATION MANAGE-
20 MENT AREA; BLM COMMUNITY PITS.—Except as oth-
21 erwise provided in section 103, nothing in this title
22 limits or alters any existing right or right of access
23 to—

24 (A) the Knolls Special Recreation Manage-
25 ment Area; or

1 (B)(i) the Bureau of Land Management
2 Community Pits Central Grayback and South
3 Grayback; and

4 (ii) any other county or community
5 pit located within close proximity to the
6 BLM land.

7 (e) INTERSTATE 80.—Nothing in this title authorizes
8 any additional authority or right to the Secretary or the
9 Secretary of the Air Force to temporarily close Interstate
10 80.

11 (f) EFFECT ON LIMITATION ON AMENDMENTS TO
12 CERTAIN INDIVIDUAL RESOURCE MANAGEMENT
13 PLANS.—Nothing in this title affects the limitation estab-
14 lished under section 2815(d) of the National Defense Au-
15 thorization Act for Fiscal Year 2000 (Public Law 106–
16 65; 113 Stat. 852).

17 (g) EFFECT ON PREVIOUS MEMORANDUM OF UN-
18 DERSTANDING.—Nothing in this title affects the memo-
19 randum of understanding entered into by the Air Force,
20 the Bureau of Land Management, the Utah Department
21 of Natural Resources, and the Utah Division of Wildlife
22 Resources relating to the reestablishment of bighorn sheep
23 in the Newfoundland Mountains and signed by the parties
24 to the memorandum of understanding during the period

1 beginning on January 24, 2000, and ending on February
2 4, 2000.

3 (h) EFFECT ON FEDERALLY RECOGNIZED INDIAN
4 TRIBES.—Nothing in this title alters any right reserved
5 by treaty or Federal law for a Federally recognized Indian
6 tribe for tribal use.

7 (i) PAYMENTS IN LIEU OF TAXES.—Nothing in this
8 title diminishes, enhances, or otherwise affects any other
9 right or entitlement of the counties in which the BLM land
10 is situated to payments in lieu of taxes based on the BLM
11 land, under section 6901 of title 31, United States Code.

12 (j) WILDLIFE IMPROVEMENTS.—The Secretary and
13 the Utah Division of Wildlife Resources shall continue the
14 management of wildlife improvements, including guzzlers,
15 in existence as of the date of enactment of this Act on
16 the BLM land.

17 **TITLE II—BUREAU OF LAND**
18 **MANAGEMENT LAND EX-**
19 **CHANGE WITH STATE OF**
20 **UTAH**

21 **SEC. 201. DEFINITIONS.**

22 In this title:

23 (1) EXCHANGE MAP.—The term “Exchange
24 Map” means the map prepared by the Bureau of
25 Land Management entitled “Utah Test and Train-

1 ing Range Enhancement/West Desert Land Ex-
2 change” and dated May 7, 2016.

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

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

13 (A) “State Trust Land Proposed for
14 Transfer to BLM”; and

15 (B) “State Trust Minerals Proposed for
16 Transfer to BLM”.

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

19 (5) STATE.—The term “State” means the State
20 of Utah, acting through the School and Institutional
21 Trust Lands Administration.

1 **SEC. 202. EXCHANGE OF FEDERAL LAND AND NON-FED-**
2 **ERAL LAND.**

3 (a) **IN GENERAL.**—If the State offers to convey to
4 the United States title to the non-Federal land, the Sec-
5 retary shall—

6 (1) accept the offer; and

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

11 (b) **APPLICABLE LAW.**—

12 (1) **IN GENERAL.**—The land exchange shall be
13 subject to section 206 of the Federal Land Policy
14 and Management Act of 1976 (43 U.S.C. 1716) and
15 other applicable law.

16 (2) **EFFECT OF STUDY.**—The Secretary shall
17 carry out the land exchange under this title notwith-
18 standing section 2815(d) of the National Defense
19 Authorization Act for Fiscal Year 2000 (Public Law
20 106–65; 113 Stat. 852).

21 (3) **LAND USE PLANNING.**—The Secretary shall
22 not be required to undertake any additional land use
23 planning under section 202 of the Federal Land Pol-
24 icy and Management Act of 1976 (43 U.S.C. 1712)
25 before the conveyance of the Federal land under this
26 title.

1 (c) VALID EXISTING RIGHTS.—The exchange author-
2 ized under subsection (a) shall be subject to valid existing
3 rights.

4 (d) TITLE APPROVAL.—Title to the Federal land and
5 non-Federal land to be exchanged under this title shall
6 be in a format acceptable to the Secretary and the State.

7 (e) APPRAISALS.—

8 (1) IN GENERAL.—The value of the Federal
9 land and the non-Federal land to be exchanged
10 under this title shall be determined by appraisals
11 conducted by 1 or more independent and qualified
12 appraisers.

13 (2) STATE APPRAISER.—The Secretary and the
14 State may agree to use an independent and qualified
15 appraiser retained by the State, with the consent of
16 the Secretary.

17 (3) APPLICABLE LAW.—The appraisals under
18 paragraph (1) shall be conducted in accordance with
19 nationally recognized appraisal standards, including,
20 as appropriate, the Uniform Appraisal Standards for
21 Federal Land Acquisitions and the Uniform Stand-
22 ards of Professional Appraisal Practice.

23 (4) MINERALS.—

24 (A) MINERAL REPORTS.—The appraisals
25 under paragraph (1) may take into account

1 mineral and technical reports provided by the
2 Secretary and the State in the evaluation of
3 minerals in the Federal land and non-Federal
4 land.

5 (B) MINING CLAIMS.—Federal land that is
6 encumbered by a mining or millsite claim lo-
7 cated under sections 2318 through 2352 of the
8 Revised Statutes (commonly known as the
9 “Mining Law of 1872”) (30 U.S.C. 21 et seq.)
10 shall be appraised in accordance with standard
11 appraisal practices, including, as appropriate,
12 the Uniform Appraisal Standards for Federal
13 Land Acquisition.

14 (C) VALIDITY EXAMINATION.—Nothing in
15 this title requires the Secretary to conduct a
16 mineral examination for any mining claim on
17 the Federal land.

18 (5) APPROVAL.—An appraisal conducted under
19 paragraph (1) shall be submitted to the Secretary
20 and the State for approval.

21 (6) DURATION.—An appraisal conducted under
22 paragraph (1) shall remain valid for 3 years after
23 the date on which the appraisal is approved by the
24 Secretary and the State.

25 (7) COST OF APPRAISAL.—

1 (A) IN GENERAL.—The cost of an ap-
2 praisal conducted under paragraph (1) shall be
3 paid equally by the Secretary and the State.

4 (B) REIMBURSEMENT BY SECRETARY.—If
5 the State retains an appraiser in accordance
6 with paragraph (2), the Secretary shall reim-
7 burse the State in an amount equal to 50 per-
8 cent of the costs incurred by the State.

9 (f) CONVEYANCE OF TITLE.—It is the intent of Con-
10 gress that the land exchange authorized under this title
11 shall be completed not later than 1 year after the date
12 of final approval by the Secretary and the State of the
13 appraisals conducted under subsection (e).

14 (g) PUBLIC INSPECTION AND NOTICE.—

15 (1) PUBLIC INSPECTION.—At least 30 days be-
16 fore the date of conveyance of the Federal land and
17 non-Federal land, all final appraisals and appraisal
18 reviews for the Federal land and non-Federal land
19 to be exchanged under this title shall be available for
20 public review at the office of the State Director of
21 the Bureau of Land Management in the State.

22 (2) NOTICE.—The Secretary or the State, as
23 applicable, shall publish in a newspaper of general
24 circulation in Salt Lake County, Utah, a notice that

1 the appraisals conducted under subsection (e) are
2 available for public inspection.

3 (h) CONSULTATION WITH INDIAN TRIBES.—The
4 Secretary shall consult with any federally recognized In-
5 dian tribe in the vicinity of the Federal land and non-Fed-
6 eral land to be exchanged under this title before the com-
7 pletion of the land exchange.

8 (i) EQUAL VALUE EXCHANGE.—

9 (1) IN GENERAL.—The value of the Federal
10 land and non-Federal land to be exchanged under
11 this title—

12 (A) shall be equal; or

13 (B) shall be made equal in accordance with
14 paragraph (2).

15 (2) EQUALIZATION.—

16 (A) SURPLUS OF FEDERAL LAND.—

17 (i) IN GENERAL.—If the value of the
18 Federal land exceeds the value of the non-
19 Federal land, the value of the Federal land
20 and non-Federal land shall be equalized by
21 the State conveying to the Secretary, as
22 necessary to equalize the value of the Fed-
23 eral land and non-Federal land—

24 (I) State trust land parcel 1, as
25 described in the assessment entitled

1 “Bureau of Land Management Envi-
2 ronmental Assessment UT-100-06-
3 EA”, numbered UTU-82090, and
4 dated March 2008; or

5 (II) State trust land located
6 within any of the wilderness areas or
7 national conservation areas in Wash-
8 ington County, Utah, established
9 under subtitle O of title I of the Om-
10 nibus Public Land Management Act
11 of 2009 (Public Law 111–11; 123
12 Stat. 1075).

13 (ii) ORDER OF CONVEYANCES.—Any
14 non-Federal land required to be conveyed
15 to the Secretary under clause (i) shall be
16 conveyed until the value of the Federal
17 land and non-Federal land is equalized.

18 (B) SURPLUS OF NON-FEDERAL LAND.—If
19 the value of the non-Federal land exceeds the
20 value of the Federal land, the value of the Fed-
21 eral land and the non-Federal land shall be
22 equalized—

23 (i) by the Secretary making a cash
24 equalization payment to the State, in ac-
25 cordance with section 206(b) of the Fed-

1 eral Land Policy and Management Act of
2 1976 (43 U.S.C. 1716(b)); or

3 (ii) by removing non-Federal land
4 from the exchange.

5 (j) GRAZING PERMITS.—

6 (1) IN GENERAL.—If the Federal land or non-
7 Federal land exchanged under this title is subject to
8 a lease, permit, or contract for the grazing of domes-
9 tic livestock in effect on the date of acquisition, the
10 Secretary and the State shall allow the grazing to
11 continue for the remainder of the term of the lease,
12 permit, or contract, subject to the related terms and
13 conditions of user agreements, including permitted
14 stocking rates, grazing fee levels, access rights, and
15 ownership and use of range improvements.

16 (2) RENEWAL.—To the extent allowed by Fed-
17 eral or State law, on expiration of any grazing lease,
18 permit, or contract described in paragraph (1), the
19 holder of the lease, permit, or contract shall be enti-
20 tled to a preference right to renew the lease, permit,
21 or contract.

22 (3) CANCELLATION.—

23 (A) IN GENERAL.—Nothing in this title
24 prevents the Secretary or the State from can-
25 celing or modifying a grazing permit, lease, or

1 contract if the Federal land or non-Federal
2 land subject to the permit, lease, or contract is
3 sold, conveyed, transferred, or leased for non-
4 grazing purposes by the Secretary or the State.

5 (B) LIMITATION.—Except to the extent
6 reasonably necessary to accommodate surface
7 operations in support of mineral development,
8 the Secretary or the State shall not cancel or
9 modify a grazing permit, lease, or contract be-
10 cause the land subject to the permit, lease, or
11 contract has been leased for mineral develop-
12 ment.

13 (4) BASE PROPERTIES.—If non-Federal land
14 conveyed by the State under this title is used by a
15 grazing permittee or lessee to meet the base prop-
16 erty requirements for a Federal grazing permit or
17 lease, the land shall continue to qualify as a base
18 property for—

19 (A) the remaining term of the lease or per-
20 mit; and

21 (B) the term of any renewal or extension
22 of the lease or permit.

23 (k) WITHDRAWAL OF FEDERAL LAND FROM MIN-
24 ERAL ENTRY PRIOR TO EXCHANGE.—Subject to valid ex-
25 isting rights, the Federal land to be conveyed to the State

1 under this title is withdrawn from mineral location, entry,
2 and patent under the mining laws pending conveyance of
3 the Federal land to the State.

4 **SEC. 203. STATUS AND MANAGEMENT OF NON-FEDERAL**
5 **LAND ACQUIRED BY THE UNITED STATES.**

6 (a) IN GENERAL.—On conveyance to the United
7 States under this title, the non-Federal land shall be man-
8 aged by the Secretary in accordance with the Federal
9 Land Policy and Management Act of 1976 (43 U.S.C.
10 1701 et seq.) and applicable land use plans.

11 (b) NON-FEDERAL LAND WITHIN CEDAR MOUN-
12 TAINS WILDERNESS.—On conveyance to the Secretary
13 under this title, the non-Federal land located within the
14 Cedar Mountains Wilderness shall, in accordance with sec-
15 tion 206(c) of the Federal Land Policy Act of 1976 (43
16 U.S.C. 1716(c)), be added to, and administered as part
17 of, the Cedar Mountains Wilderness.

18 (c) NON-FEDERAL LAND WITHIN WILDERNESS
19 AREAS OR NATIONAL CONSERVATION AREAS.—On con-
20 veyance to the Secretary under this title, non-Federal land
21 located in a national wilderness area or national conserva-
22 tion area shall be managed in accordance with the applica-
23 ble provisions of subtitle O of title I of the Omnibus Public
24 Land Management Act of 2009 (Public Law 111–11).

1 **SEC. 204. HAZARDOUS MATERIALS.**

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

6 (b) REMEDIATION OF PRIOR TESTING AND TRAINING
7 ACTIVITY.—The Secretary of the Air Force shall bear all
8 costs of evaluation, management, and remediation caused
9 by the previous testing of military weapons systems and
10 the training of military forces on non-Federal land to be
11 conveyed to the United States under this title.