

Union Calendar No. 206

104TH CONGRESS
1ST Session

H. R. 2402

[Report No. 104-409]

A BILL

To authorize an exchange of lands in the State of Utah at Snowbasin Ski Area.

DECEMBER 15, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 1995

Mr. HANSEN introduced the following bill; which was referred to the
Committee on Resources

DECEMBER 15, 1995

Additional sponsors: Mr. CRAPO, Mrs. CHENOWETH, and Mr. HASTINGS of
Washington

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[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on September 27, 1995]

A BILL

To authorize an exchange of lands in the State of Utah
at Snowbasin Ski Area.

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.**

2 *This Act may be cited as the “Snowbasin Land Ex-*
3 *change Act of 1995”.*

4 **SEC. 2. FINDINGS AND DETERMINATION.**

5 *(a) FINDINGS.—The Congress finds that—*

6 *(1) in June 1995, Salt Lake City, Utah, was se-*
7 *lected to host the 2002 Winter Olympic Games, and*
8 *the Snowbasin Ski Resort, which is owned by the Sun*
9 *Valley Company, was identified as the site of six*
10 *Olympic events: the men’s and women’s downhill,*
11 *men’s and women’s Super-Gs, and men’s and wom-*
12 *en’s combined downhill;*

13 *(2) in order to adequately accommodate these*
14 *events, which are traditionally among the most popu-*
15 *lar and heavily attended at the Winter Olympic*
16 *Games, major new skiing, visitor, and support facili-*
17 *ties will have to be constructed at the Snowbasin Ski*
18 *Resort on land currently administered by the United*
19 *States Forest Service;*

20 *(3) while certain of these new facilities can be*
21 *accommodated on National Forest land under tradi-*
22 *tional Forest Service permitting authorities, the base*
23 *area facilities necessary to host visitors to the ski area*
24 *and the Winter Olympics are of such a nature that*
25 *they should logically be located on private land;*

1 (4) *land exchanges have been routinely utilized*
2 *by the Forest Service to transfer base area lands to*
3 *many other ski areas, and the Forest Service and the*
4 *Sun Valley Company have concluded that a land ex-*
5 *change to transfer base area lands at the Snowbasin*
6 *Ski Resort to the Sun Valley Company is both logical*
7 *and advisable;*

8 (5) *an environmental impact statement and nu-*
9 *merous resource studies have been completed by the*
10 *Forest Service and the Sun Valley Company for the*
11 *lands proposed to be transferred to the Sun Valley*
12 *Company by this Act;*

13 (6) *the Sun Valley Company has assembled*
14 *lands with outstanding environmental, recreational,*
15 *and other values to convey to the Forest Service in re-*
16 *turn for the lands it will receive in the exchange, and*
17 *the Forest Service has identified such lands as desir-*
18 *able for acquisition by the United States; and*

19 (7) *completion of a land exchange and approval*
20 *of a development plan for Olympic related facilities*
21 *at the Snowbasin Ski Resort is essential to ensure*
22 *that all necessary facilities can be constructed, tested*
23 *for safety and other purposes, and become fully oper-*
24 *ational in advance of the 2002 Winter Olympics and*
25 *earlier pre-Olympic events.*

1 (b) *DETERMINATION.*—*The Congress has reviewed the*
2 *previous analyses and studies of the lands to be exchanged*
3 *and developed pursuant to this Act, and has made its own*
4 *review of these lands and issues involved, and on the basis*
5 *of those reviews hereby finds and determines that a legis-*
6 *lated land exchange and development plan approval is nec-*
7 *essary to meet Olympic goals and timetables.*

8 **SEC. 3. PURPOSE AND INTENT.**

9 *The purpose of this Act is to authorize and direct the*
10 *Secretary to exchange 1,320 acres of federally-owned land*
11 *within the Cache National Forest in the State of Utah for*
12 *lands of approximately equal value owned by the Sun Val-*
13 *ley Company. It is the intent of Congress that this exchange*
14 *be effected without delay within the period specified by sec-*
15 *tion 5.*

16 **SEC. 4. DEFINITIONS.**

17 *As used in this Act—*

18 (1) *the term “Sun Valley Company” means the*
19 *Sun Valley Company, a division of Sinclair Oil Cor-*
20 *poration, a Wyoming Corporation, or its successors or*
21 *assigns; and*

22 (2) *the term “Secretary” means the Secretary of*
23 *Agriculture.*

24 **SEC. 5. EXCHANGE.**

25 (a) *FEDERAL SELECTED LANDS.*—

1 (1) *IN GENERAL.*—Not later than 45 days after
2 the final determination of value of the Federal selected
3 lands, the Secretary shall, subject to this Act, transfer
4 all right, title, and interest of the United States in
5 and to the lands referred to in paragraph (2) to the
6 Sun Valley Company.

7 (2) *LANDS DESCRIBED.*—The lands referred to in
8 paragraph (1) are certain lands within the Cache Na-
9 tional Forest in the State of Utah comprising 1,320
10 acres, more or less, as generally depicted on the map
11 entitled “Snowbasin Land Exchange—Proposed” and
12 dated October 1995.

13 (b) *NON-FEDERAL OFFERED LANDS.*—Upon transfer
14 of the Federal selected lands under subsection (a), and in
15 exchange for those lands, the Sun Valley Company shall
16 convey to the Secretary all right, title and interest of the
17 Sun Valley Company in and to so much of the following
18 offered lands which have been previously identified by the
19 United States Forest Service as desirable by the United
20 States, or which are identified pursuant to paragraph (5),
21 as are of approximate equal value to the Federal selected
22 lands:

23 (1) *Certain lands located within the exterior*
24 *boundaries of the Cache National Forest in Weber*
25 *County, Utah, which comprise approximately 640*

1 *acres and are generally depicted on a map entitled*
2 *“Lightning Ridge Offered Lands”, dated October*
3 *1995.*

4 *(2) Certain lands located within the Cache Na-*
5 *tional Forest in Weber County, Utah, which comprise*
6 *approximately 635 acres and are generally depicted*
7 *on a map entitled “Wheeler Creek Watershed Offered*
8 *Lands-Section 21”, dated October 1995.*

9 *(3) Certain lands located within the exterior*
10 *boundaries of the Cache National Forest in Weber*
11 *County, Utah, and lying immediately adjacent to the*
12 *outskirts of the City of Ogden, Utah, which comprise*
13 *approximately 800 acres and are generally depicted*
14 *on a map entitled “Taylor Canyon Offered Lands”,*
15 *dated October 1995.*

16 *(4) Certain lands located within the exterior*
17 *boundaries of the Cache National Forest in Weber*
18 *County, Utah, which comprise approximately 2,040*
19 *acres and are generally depicted on a map entitled*
20 *“North Fork Ogden River-Devil’s Gate Valley”, dated*
21 *October 1995.*

22 *(5) Such additional offered lands as may be nec-*
23 *essary to make the values of the lands exchanged pur-*
24 *suant to this Act approximately equal, and which are*
25 *acceptable to the Secretary.*

1 (c) *SUBSTITUTION OF OFFERED LANDS.*—If one or
2 more of the precise offered land parcels identified in para-
3 graphs (1) through (4) of subsection (b) is unable to be con-
4 veyed to the United States due to appraisal or other rea-
5 sons, or if the Secretary and the Sun Valley Company mu-
6 tually agree and the Secretary determines that an alter-
7 native offered land package would better serve long term
8 public needs and objectives, the Sun Valley Company may
9 convey to the United States alternative offered lands accept-
10 able to the Secretary in lieu of any or all of the lands identi-
11 fied in paragraphs (1) through (4) of subsection (b).

12 (d) *VALUATION AND APPRAISALS.*—

13 (1) Values of the lands to be exchanged pursuant
14 to this Act shall be equal as determined by the Sec-
15 retary utilizing nationally recognized appraisal
16 standards. If due to size, location, or use of lands ex-
17 changed under this Act, the values are not exactly
18 equal, they shall be equalized by the payment of cash
19 equalization money to the Secretary or the Sun Valley
20 Company as appropriate in accordance with section
21 206(b) of the Federal Land Policy and Management
22 Act of 1976 (43 U.S.C. 1716). In order to expedite the
23 consummation of the exchange directed by this Act,
24 the Sun Valley Company shall arrange and pay for
25 appraisals of the offered and selected lands by a

1 *qualified appraiser mutually acceptable to the Sun*
2 *Valley Company and the Secretary. The appraisal of*
3 *the Federal selected lands shall be completed and sub-*
4 *mitted to the Secretary for approval no later than 90*
5 *days after the date of enactment of this Act and the*
6 *Secretary shall make a determination of value not*
7 *later than 30 days after receipt of the appraisal. In*
8 *the event the Secretary and the Sun Valley Company*
9 *are unable to agree to the appraised value of a cer-*
10 *tain tract or tracts of land, the appraisal, appraisals,*
11 *or appraisal issues in dispute and a final determina-*
12 *tion of value shall be resolved through a process of*
13 *bargaining or submitted to arbitration in accordance*
14 *with section 206(d) of the Federal Land Policy and*
15 *Management Act of 1976 (43 U.S.C. 1716(d)).*

16 *(2) In order to expedite the appraisal of the Fed-*
17 *eral selected lands, such appraisal shall—*

18 *(A) value the land as a single entity for its*
19 *highest and best use as if in private ownership*
20 *and as of the date of enactment of this Act;*

21 *(B) consider the effect on value of improve-*
22 *ments constructed on the land by the Forest*
23 *Service or third parties but not consider im-*
24 *provements owned or constructed by the*
25 *Snowbasin Ski Resort or previous permittee;*

1 (C) recognize that Snowbasin is a proven
2 ski area and assume that special use permits
3 which are required for operation of a ski resort
4 would be granted a buyer of the Federal selected
5 lands;

6 (D) consider the effect on value, if any, of
7 the remaining permit periods of existing special
8 use permits on the lands held by parties other
9 than the Snowbasin Ski Resort;

10 (E) not reflect any enhancement in value to
11 the Federal selected lands based on the existence
12 of private lands owned by the Sun Valley Com-
13 pany in the vicinity of the Snowbasin Ski Re-
14 sort, and shall assume that private lands owned
15 by the Sun Valley Company are not available for
16 use in conjunction with the Federal selected
17 lands; and

18 (F) reflect a diminution in value resulting
19 from deed restrictions or other conditions on the
20 transfer of the Federal selected lands.

21 **SEC. 6. GENERAL PROVISIONS RELATING TO THE EX-**
22 **CHANGE.**

23 (a) *IN GENERAL.*—The exchange authorized by this
24 Act shall be subject to the following terms and conditions:

1 (1) *RESERVED RIGHTS-OF-WAY.*—*In the deed to*
2 *be issued pursuant to section 5(a), the Secretary shall*
3 *reserve in the United States a right of reasonable ac-*
4 *cess across the property conveyed for public access*
5 *and for administrative purposes of the United States*
6 *necessary to manage adjacent federally-owned lands.*
7 *The terms of such access shall be prescribed by the*
8 *Secretary within 30 days after the date of the enact-*
9 *ment of this Act.*

10 (2) *RIGHT OF RESCISSION.*—*This Act shall not*
11 *be binding on either the United States or the Sun*
12 *Valley Company if, within 30 days after the final de-*
13 *termination of value of the Federal selected lands, the*
14 *Sun Valley Company submits to the Secretary a duly*
15 *authorized and executed resolution of the Company*
16 *stating its intention not to enter into the exchange*
17 *authorized by this Act.*

18 (b) *WITHDRAWAL.*—*Subject to valid existing rights, ef-*
19 *fective on the date of enactment of this Act, the Federal se-*
20 *lected lands described in section 5(a) and all National For-*
21 *est System lands currently under special use permit to the*
22 *Sun Valley Company at the Snowbasin Ski Resort are here-*
23 *by withdrawn from all forms of appropriation under the*
24 *public land laws (including the mining laws) and from dis-*

1 *position under all laws pertaining to mineral and geo-*
2 *thermal leasing.*

3 (c) *DEED.*—*The conveyance of the offered lands to the*
4 *United States under this Act shall be by general warranty*
5 *or other deed acceptable to the Secretary and in conformity*
6 *with applicable title standards of the Attorney General of*
7 *the United States.*

8 (d) *STATUS OF LANDS.*—*Upon acceptance of title by*
9 *the Secretary, the land conveyed to the United States pursu-*
10 *ant to this Act shall become part of the Wasatch or Cache*
11 *National Forests as appropriate, and the boundaries of such*
12 *National Forests shall be adjusted to encompass such lands.*
13 *Once conveyed, such lands shall be managed in accordance*
14 *with the Act of March 1, 1911, as amended (commonly*
15 *known as the “Weeks Act”), and in accordance with the*
16 *other laws, rules and regulations applicable to National*
17 *Forest System lands. This subsection does not limit the Sec-*
18 *retary’s authority to adjust the boundaries pursuant to sec-*
19 *tion 11 of the Act of March 1, 1911 (“Weeks Act”). For*
20 *the purposes of section 7 of the Land and Water Conserva-*
21 *tion Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries*
22 *of the Wasatch and Cache National Forests, as adjusted by*
23 *this Act, shall be considered to be boundaries of the forests*
24 *as of January 1, 1965.*

1 **SEC. 7. PHASE I FACILITY CONSTRUCTION AND OPERATION.**

2 (a) *PHASE I FACILITY REVIEW AND FINDING.*—The
3 Congress has reviewed the Snowbasin Ski Area Master De-
4 velopment Plan dated October 1995 (hereinafter in this Act
5 referred to as the “Master Plan”), insofar as such plan per-
6 tains to “Phase I” facilities which are to be constructed and
7 operated wholly or partially on National Forest System
8 lands retained by the Secretary after consummation of the
9 land exchange directed by this Act. On the basis of such
10 review, Congress hereby finds that the Phase I facilities
11 identified and described in the Master Plan to be located
12 on National Forest System lands, or any modifications
13 thereof mutually agreed to by the Secretary and the Sun
14 Valley Company, are reasonable and necessary to accommo-
15 date the 2002 Olympics and directs the Secretary to issue
16 all necessary permits and authorizations for construction
17 and operation of such facilities in accordance with the pro-
18 cedures and provisions of this section.

19 (b) *PHASE I FACILITY APPROVAL, CONDITIONS AND*
20 *TIMETABLE.*—Within 120 days of receipt of an application
21 by the Sun Valley Company to authorize construction and
22 operation of any particular Phase I facility, facilities, or
23 group of facilities, the Secretary, in consultation with the
24 Sun Valley Company, shall authorize construction and op-
25 eration of such facility, facilities, or group of facilities, sub-
26 ject to the general policies of the Forest Service pertaining

1 *to the construction and operation of ski area facilities on*
2 *National Forest System lands. In providing authorization*
3 *to construct and operate a facility, facilities, or group of*
4 *facilities, the Secretary may not impose any condition that*
5 *would significantly change the location, size, or scope of the*
6 *applied for Phase I facility unless (1) the modification is*
7 *mutually agreed to by the Secretary and the Sun Valley*
8 *Company; or (2) the change is necessary to protect public*
9 *health and safety. In providing any such authorization, the*
10 *Secretary shall provide for resource protection without re-*
11 *gard to section 102(2)(C) of the National Environmental*
12 *Policy Act of 1969 or the participation requirements of sec-*
13 *tion 6(d) of the Forest and Rangeland Renewable Resources*
14 *Planning Act of 1974 (16 U.S.C. 1604(d)). Nothing in this*
15 *section shall be construed to affect the Secretary's respon-*
16 *sibility to monitor and assure compliance with the condi-*
17 *tions set forth in the construction and operation authoriza-*
18 *tion.*

19 *(c) CONGRESSIONAL DIRECTIONS.—Notwithstanding*
20 *any other provision of law, Congress finds consummation*
21 *of the land exchange directed by this Act and all determina-*
22 *tions, authorizations, and actions taken by the Secretary*
23 *pursuant to this Act pertaining to Phase I facilities (or*
24 *modifications thereof mutually agreed to by the Secretary*
25 *and the Sun Valley Company) to be non-discretionary ac-*

1 *tions authorized and directed by Congress and hence to*
2 *comply with all procedural and other requirements of the*
3 *laws of the United States.*

4 *(d) REPORT TO CONGRESS.—The Secretary shall re-*
5 *port to the Committee on Resources of the United States*
6 *House of Representatives and the Committee on Energy and*
7 *Natural Resources of the United States Senate as to whether*
8 *construction and operation of Phase I facilities have pro-*
9 *vided for sufficient environmental protection on National*
10 *Forest System lands affected by such facilities.*