

104TH CONGRESS
1ST SESSION

S. 1371

Entitled “Snowbasin Land Exchange Act of 1995”.

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 1995

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

A BILL

Entitled “Snowbasin Land Exchange Act of 1995”.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Snowbasin Land Ex-
5 change Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) Salt Lake City, Utah, will host the 2002
9 Winter Olympics and certain Forest Service lands
10 are necessary to facilitate certain events of the
11 Olympic Games;

1 (2) Snowbasin Ski Resort, which is owned by
2 the Sun Valley Company, will host the men's and
3 women's downhill ski events plus other events associ-
4 ated with the 2002 Winter Olympics;

5 (3) in order to facilitate the events at the
6 Snowbasin Ski Resort and insure that all necessary
7 support facilities can be constructed, tested for safe-
8 ty and other purposes, and become fully operational
9 in advance of the 2002 Winter Olympics and earlier
10 pre-olympic events, it is in the public interest to ex-
11 change to the Sun Valley Company certain National
12 Forest System lands adjacent to the Snowbasin Ski
13 Resort in return for similar lands identified as desir-
14 able for acquisition by the Forest Service and which
15 possess outstanding recreational and other values for
16 future public use and enjoyment; and

17 (4) the Sun Valley Company and the Snowbasin
18 Ski Resort have long established histories as respon-
19 sible caretakers and operators of ski areas adjacent
20 to Forest Service lands and have worked in coopera-
21 tion with the Forest Service to negotiate this ex-
22 change.

23 **SEC. 3. PURPOSE AND INTENT.**

24 The purpose of this Act is to authorize and direct
25 the Secretary to exchange 1,320 acres of federally-owned

1 land within the Cache National Forest in the State of
2 Utah for lands of approximately equal value owned by the
3 Sun Valley Company. It is the intent of Congress that this
4 exchange be effected without delay within the period speci-
5 fied by section 5.

6 **SEC. 4. DEFINITIONS.**

7 As used in this Act—

8 (1) the term “Sun Valley Company” means the
9 Sun Valley Company, a division of Sinclair Oil Cor-
10 poration, a Wyoming Corporation, or its successors
11 or assigns; and

12 (2) the term “Secretary” means the Secretary
13 of Agriculture.

14 **SEC. 5. EXCHANGE.**

15 (a) FEDERAL SELECTED LANDS.—

16 (1) IN GENERAL.—Not later than 45 days after
17 the final determination of value of the Federal se-
18 lected lands, the Secretary shall, subject to this Act,
19 transfer all right, title, and interest of the United
20 States in and to the lands referred to in paragraph
21 (2) to the Sun Valley Company.

22 (2) LANDS DESCRIBED.—The lands referred to
23 in paragraph (1) are certain lands within the Cache
24 National Forest in the State of Utah comprising
25 1,320 acres, more or less, as generally depicted on

1 the map entitled “Snowbasin Land Exchange—Pro-
2 posed” and dated October 1995.

3 (b) NON-FEDERAL OFFERED LANDS.—Upon trans-
4 fer of the Federal selected lands under subsection (a), and
5 in exchange for those lands, the Sun Valley Company shall
6 convey to the Secretary all right, title and interest of the
7 Sun Valley Company in and to so much of the following
8 offered lands which have been previously identified by the
9 United States Forest Service as desirable by the United
10 States, or which are identified pursuant to paragraph (5),
11 as are of approximate equal value to the Federal selected
12 lands:

13 (1) Certain lands located within the exterior
14 boundaries of the Cache National Forest in Weber
15 County, Utah, which comprise approximately 640
16 acres and are generally depicted on a map entitled
17 “Lightning Ridge Offered Lands”, dated October
18 1995.

19 (2) Certain lands located within the Cache Na-
20 tional Forest in Weber County, Utah, which com-
21 prise approximately 635 acres and are generally de-
22 picted on a map entitled “Wheeler Creek Watershed
23 Offered Lands-Section 21”, dated October 1995.

24 (3) Certain lands located within the exterior
25 boundaries of the Cache National Forest in Weber

1 County, Utah, and lying immediately adjacent to the
2 outskirts of the City of Ogden, Utah, which comprise
3 approximately 800 acres and are generally depicted
4 on a map entitled “Taylor Canyon Offered Lands”,
5 dated October 1995.

6 (4) Certain lands located within the exterior
7 boundaries of the Cache National Forest in Weber
8 County, Utah, which comprise approximately 2,040
9 acres and are generally depicted on a map entitled
10 “North Fork Ogden River-Devil’s Gate Valley”,
11 dated October 1995.

12 (5) Such additional offered lands as are mutu-
13 ally identified by the Secretary and the Sun Valley
14 Company as being desirable for acquisition by the
15 United States and which are necessary to make the
16 values of the lands exchanged pursuant to this Act
17 approximately equal.

18 (c) SUBSTITUTION OF OFFERED LANDS.—If one or
19 more of the precise offered land parcels identified in para-
20 graphs (1) through (4) of subsection (b) is unable to be
21 conveyed to the United States due to appraisal or other
22 reasons, or if the Secretary and the Sun Valley Company
23 mutually agree and the Secretary determines that an al-
24 ternative offered land package would better serve long
25 term public needs and objectives, the Sun Valley Company

1 may, at its discretion, convey to the United States alter-
2 native offered lands identified by the Secretary in lieu of
3 any or all of the lands identified in paragraphs (1) through
4 (4) of subsection (b).

5 (d) VALUATION AND APPRAISALS.—

6 (1) Values of the lands to be exchanged pursu-
7 ant to this Act shall be approximately equal as de-
8 termined by the Secretary utilizing nationally recog-
9 nized appraisal standards. If due to size, location, or
10 use of lands exchanged under this Act, the values
11 are not exactly equal, they shall be equalized by the
12 payment of cash equalization money to the Secretary
13 or the Sun Valley Company as appropriate in ac-
14 cordance with section 206(b) of the Federal Land
15 Policy and Management Act of 1976 (43 U.S.C.
16 1716). In order to expedite the consummation of the
17 exchange directed by this Act, the Sun Valley Com-
18 pany shall arrange and pay for appraisals of the of-
19 fered and selected lands by a qualified appraiser mu-
20 tually acceptable to the Sun Valley Company and
21 the Secretary. The appraisal of the Federal selected
22 lands shall be completed and submitted to the Sec-
23 retary for approval no later than 90 days after the
24 date of enactment of this Act and the Secretary
25 shall make a determination of value not later than

1 30 days after receipt of the appraisal. In the event
2 the Secretary and the Sun Valley Company are un-
3 able to agree to the appraised value of a certain
4 tract or tracts of land, the appraisal, appraisals, or
5 appraisal issues in dispute and a final determination
6 of value shall be resolved through a process of bar-
7 gaining or submitted to arbitration in accordance
8 with section 206(d) of the Federal Land Policy and
9 Management Act of 1976 (43 U.S.C. 1716(d)).

10 (2) In order to expedite the appraisal of the
11 Federal selected lands, such appraisal shall—

12 (A) value the land as a single entity for its
13 highest and best use as if in private ownership
14 and as of the date of enactment of this Act;

15 (B) consider the effect on value of im-
16 provements constructed on the land by the For-
17 est Service or third parties but not consider im-
18 provements owned or constructed by the
19 Snowbasin Ski Resort or previous permittee;

20 (C) recognize that Snowbasin is a proven
21 ski area and assume that special use permits
22 which are required for operation of a ski resort
23 would be granted a buyer of the Federal se-
24 lected lands;

1 (D) consider the effect on value of any ex-
2 isting special use permits on the land held by
3 parties other than the Snowbasin Ski Resort;

4 (E) not reflect any enhancement in value
5 to the Federal selected lands based on the exist-
6 ence of private lands owned by the Sun Valley
7 Company in the vicinity of the Snowbasin Ski
8 Resort, and shall assume that private lands
9 owned by the Sun Valley Company are not
10 available for use in conjunction with the Fed-
11 eral selected lands; and

12 (F) reflect any diminution in value result-
13 ing from deed restrictions or other conditions
14 on the transfer of the Federal selected lands.

15 **SEC. 6. GENERAL PROVISIONS RELATING TO THE EX-**
16 **CHANGE.**

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

19 (1) RESERVED RIGHTS-OF-WAY.—In the deed to
20 be issued pursuant to section 5(a), the Secretary
21 shall reserve in the United States a right of reason-
22 able access across the property conveyed for admin-
23 istrative purposes of the United States necessary to
24 manage adjacent federally-owned lands. The terms
25 of such access shall be prescribed by the Secretary

1 within 30 days after the date of the enactment of
2 this Act.

3 (2) RIGHT OF RESCISSION.—This Act shall not
4 be binding on either the United States or the Sun
5 Valley Company if, within 30 days after the final de-
6 termination of value of the Federal selected lands,
7 the Sun Valley Company submits to the Secretary a
8 duly authorized and executed resolution of the Com-
9 pany stating its intention not to enter into the ex-
10 change authorized by this Act.

11 (b) WITHDRAWAL.—Subject to valid existing rights,
12 effective on the date of enactment of this Act, the Federal
13 selected lands described in section 5(a) and all National
14 Forest System lands currently under special use permit
15 to the Sun Valley Company at the Snowbasin Ski Resort
16 are hereby withdrawn from all forms of appropriation
17 under the public land laws (including the mining laws) and
18 from disposition under all laws pertaining to mineral and
19 geothermal leasing.

20 (c) DEED.—The conveyance of the offered lands to
21 the United States under this Act shall be by general war-
22 ranty or other deed acceptable to the Secretary and in con-
23 formity with applicable title standards of the Attorney
24 General of the United States.

1 (d) STATUS OF LANDS.—Upon acceptance of title by
2 the Secretary, the lands conveyed to the United States
3 pursuant to section 5 shall be added to and made part
4 of the National Forest System and shall be administered
5 and managed by the Secretary in accordance with the laws
6 and regulations pertaining to the National Forest System.

7 (e) IMPLEMENTATION OF PLAN.—The Secretary
8 shall implement the Phase I Master Development Plan for
9 the Snowbasin Ski Area dated November 14, 1995. Noth-
10 ing in this subsection is intended to affect the Forest Serv-
11 ice’s responsibility to monitor and assure compliance with
12 the environmental provisions of the Phase I Master Devel-
13 opment Plan and permit during development and oper-
14 ation.

15 (f) MODIFICATION OF PLAN.—The Phase I Master
16 Development Plan referenced in this subsection may be
17 modified at any time after November 14, 1995, by mutual
18 agreement of the Secretary and the Sun Valley Company.

19 (g) REPORT TO CONGRESS.—The Secretary shall re-
20 port to the Committee on Resources of the House of Rep-
21 resentatives and the Committee on Energy and Natural
22 Resources of the Senate that implementation of the Mas-
23 ter Development Plan provides sufficient environmental
24 protections.

1 (h) OTHER LAWS.—Congress finds this exchange and
2 the Phase I Master Development Plan referred to in sub-
3 section (d) and any mutually agreed to modifications
4 thereof to be in conformity with all other laws, including
5 those pertaining to the exchange and acquisition of lands
6 and regarding environmental protection. Except as specifi-
7 cally required in this Act, the Secretary shall not conduct
8 any environmental analysis, resource surveys, or under-
9 take any other action or procedure as a condition to
10 effecting any other provision of this Act.

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