

105TH CONGRESS
1ST SESSION

S. 890

To dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 1997

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

A BILL

To dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dutch John Federal
5 Property Disposition and Assistance Act of 1997”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1)(A) Dutch John, Utah, was founded by the
2 Secretary of the Interior in 1958 on Bureau of Rec-
3 lamation land as a community to house personnel,
4 administrative offices, and equipment for project
5 construction and operation of the Flaming Gorge
6 Dam and Reservoir as authorized by the Act of
7 April 11, 1956 (70 Stat. 105, chapter 203; 43
8 U.S.C. 620 et seq.); and

9 (B) permanent structures (including houses, ad-
10 ministrative offices, equipment storage and mainte-
11 nance buildings, and other public buildings and fa-
12 cilities) were constructed and continue to be owned
13 and maintained by the Secretary of the Interior;

14 (2)(A) Bureau of Reclamation land surrounding
15 the Flaming Gorge Reservoir (including the Dutch
16 John community) was included within the bound-
17 aries of the Flaming Gorge National Recreation
18 Area in 1968 under Public Law 90–540 (16 U.S.C.
19 460v et seq.);

20 (B) Public Law 90–540 assigned responsibility
21 for administration, protection, and development of
22 the Flaming Gorge National Recreation Area to the
23 Secretary of Agriculture and provided that lands and
24 waters needed or used for the Colorado River Stor-

1 age Project would continue to be administered by
2 the Secretary of the Interior; and

3 (C) most structures within the Dutch John
4 community (including the schools and public build-
5 ings within the community) occupy lands adminis-
6 tered by the Secretary of Agriculture;

7 (3)(A) the Secretary of Agriculture and the
8 Secretary of the Interior are unnecessarily burdened
9 with the cost of continuing to provide basic services
10 and facilities and building maintenance and with the
11 administrative costs of operating the Dutch John
12 community; and

13 (B) certain structures and lands are no longer
14 essential to management of the Colorado River Stor-
15 age Project or to management of the Flaming Gorge
16 National Recreation Area;

17 (4)(A) residents of the community are inter-
18 ested in purchasing the homes they currently rent
19 from the Secretary of the Interior and the land on
20 which the homes are located;

21 (B) Daggett County, Utah, is interested in re-
22 ducing the financial burden the County experiences
23 in providing local government support services to a
24 community that produces little direct tax revenue be-
25 cause of Federal ownership; and

1 (C) a withdrawal of the role of the Federal Gov-
2 ernment in providing basic direct community serv-
3 ices to Dutch John would require local government
4 to provide the services at a substantial cost;

5 (5)(A) residents of the Dutch John community
6 are interested in self-government of the community;
7 and

8 (B) with growing demands for additional com-
9 mercial recreation services for visitors to the Flam-
10 ing Gorge National Recreation Area and Ashley Na-
11 tional Forest, there are opportunities for private eco-
12 nomic development, but few private lands are avail-
13 able for the services; and

14 (6) the privatization and disposal to local gov-
15 ernment of certain lands in and surrounding Dutch
16 John would be in the public interest.

17 (b) PURPOSES.—The purposes of this Act are—

18 (1) to privatize certain lands in and surround-
19 ing Dutch John, Utah;

20 (2) to transfer jurisdiction of certain Federal
21 property between the Secretary of Agriculture and
22 the Secretary of the Interior;

23 (3) to improve the Flaming Gorge National
24 Recreation Area;

1 (4) to dispose of certain residential units, public
2 buildings, and facilities;

3 (5) to provide interim financial assistance to
4 local government to defray the cost of providing
5 basic governmental services;

6 (6) to achieve efficiencies in operation of the
7 Flaming Gorge Dam and Reservoir and the Flaming
8 Gorge National Recreation Area;

9 (7) to reduce long-term Federal outlays; and

10 (8) to serve the interests of the residents of
11 Dutch John and Daggett County, Utah, and the
12 general public.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) SECRETARY OF AGRICULTURE.—The term
16 “Secretary of Agriculture” means the Secretary of
17 Agriculture, acting through the Chief of the Forest
18 Service.

19 (2) SECRETARY OF THE INTERIOR.—The term
20 “Secretary of the Interior” means the Secretary of
21 the Interior, acting through the Commissioner of the
22 Bureau of Reclamation.

1 **SEC. 4. DISPOSITION OF CERTAIN LANDS AND PROP-**
2 **ERTIES.**

3 (a) IN GENERAL.—Lands, structures, and commu-
4 nity infrastructure facilities within or associated with
5 Dutch John, Utah, that have been identified by the Sec-
6 retary of Agriculture or the Secretary of the Interior as
7 unnecessary for support of the agency of the respective
8 Secretary shall be transferred or disposed of in accordance
9 with this Act.

10 (b) LAND DESCRIPTION.—Except as provided in sub-
11 section (e), the Secretary of Agriculture and the Secretary
12 of the Interior shall dispose of (in accordance with this
13 Act) approximately 2,450 acres within or associated with
14 the Dutch John, Utah, community in the NW¹/₄ NW¹/₄,
15 S¹/₂ NW¹/₄, and S¹/₂ of Section 1, the S¹/₂ of Section 2,
16 10 acres more or less within the NE¹/₄ SW¹/₄ of Section
17 3, Sections 11 and 12, the N¹/₂ of Section 13, and the
18 E¹/₂ NE¹/₄ of Section 14 of Township 2 North, Range 22
19 East, Salt Lake Base and Meridian, that have been deter-
20 mined to be available for transfer by the Secretary of Agri-
21 culture and the Secretary of the Interior, respectively.

22 (c) INFRASTRUCTURE FACILITIES AND LAND.—Ex-
23 cept as provided in subsection (e), the Secretary of the
24 Interior shall dispose of (in accordance with this Act) com-
25 munity infrastructure facilities and land that have been

1 determined to be available for transfer by the Secretary
2 of the Interior, including the following:

3 (1) The fire station, sewer systems, sewage la-
4 goons, water systems (except as provided in sub-
5 section (e)(3)), old post office, electrical and natural
6 gas distribution systems, hospital building, streets,
7 street lighting, alleys, sidewalks, parks, and commu-
8 nity buildings located within or serving Dutch John,
9 including fixtures, equipment, land, easements,
10 rights-of-way, or other property primarily used for
11 the operation, maintenance, replacement, or repair
12 of a facility referred to in this paragraph.

13 (2) The Dutch John Airport, comprising ap-
14 proximately 25 acres, including runways, roads,
15 rights-of-way, and appurtenances to the Airport,
16 subject to such monitoring and remedial action by
17 the United States as is necessary.

18 (3) The lands on which are located the Dutch
19 John public schools, which comprise approximately
20 10 acres.

21 (d) OTHER PROPERTIES AND FACILITIES.—The Sec-
22 retary of Agriculture and the Secretary of the Interior
23 shall dispose of (in accordance with this Act) the other
24 properties and facilities that have been determined to be
25 available for transfer or disposal by the Secretary of Agri-

1 culture and the Secretary of the Interior, respectively, in-
2 cluding the following:

3 (1) Certain residential units occupied on the
4 date of enactment of this Act, as determined by the
5 Secretary of the Interior.

6 (2) Certain residential units unoccupied on the
7 date of enactment of this Act, as determined by the
8 Secretary of the Interior.

9 (3) Lots within the Dutch John community
10 that are occupied on the date of enactment of this
11 Act by privately owned modular homes under lease
12 agreements with the Secretary of the Interior.

13 (4) Unoccupied platted lots within the Dutch
14 John community.

15 (5) The land, comprising approximately 3.8
16 acres, on which is located the Church of Jesus
17 Christ of Latter Day Saints, within Block 9, of the
18 Dutch John community.

19 (6) The lands for which special use permits,
20 easements, or rights-of-way for commercial uses
21 have been issued by the Forest Service.

22 (7) The lands on which are located the offices,
23 3 employee residences, warehouses, and facilities of
24 the Utah Division of Wildlife Resources, as de-
25 scribed in the survey required under section 7, in-

1 including yards and land defined by fences in existence
2 on the date of enactment of this Act.

3 (8) The Dutch John landfill site, subject to
4 such monitoring and remedial action by the United
5 States as is necessary, with responsibility for mon-
6 itoring and remediation being shared by the Sec-
7 retary of Agriculture and the Secretary of the Inte-
8 rior proportionate to their historical use of the site.

9 (9) Such fixtures and furnishing in existence
10 and in place on the date of enactment of this Act
11 as are mutually determined by Daggett County, the
12 Secretary of Agriculture, and the Secretary of the
13 Interior to be necessary for the full use of properties
14 or facilities disposed of under this Act.

15 (10) Such other properties or facilities at Dutch
16 John that the Secretary of Agriculture or the Sec-
17 retary of the Interior determines are not necessary
18 to achieve the mission of the respective Secretary
19 and the disposal of which would be consistent with
20 this Act.

21 (e) RETAINED PROPERTIES.—Except to the extent
22 the following properties are determined by the Secretary
23 of Agriculture or the Secretary of the Interior to be avail-
24 able for disposal, the Secretary of Agriculture and the Sec-

1 retary of the Interior shall retain for their respective use
2 the following:

3 (1) All buildings and improvements located
4 within the industrial complex of the Bureau of Rec-
5 lamation, including the maintenance shop, 40 indus-
6 trial garages, 2 warehouses, the equipment storage
7 building, the flammable equipment storage building,
8 the hazardous waste storage facility, and the prop-
9 erty on which the buildings and improvements are
10 located.

11 (2) 17 residences under the jurisdiction of the
12 Secretary of the Interior and the Secretary of Agri-
13 culture, of which—

14 (A) 15 residences shall remain under the
15 jurisdiction of the Secretary of the Interior; and

16 (B) 2 residences shall remain under the ju-
17 risdiction of the Secretary of Agriculture.

18 (3) The Dutch John water system raw water
19 supply line and return line between the power plant
20 and the water treatment plant, pumps and pumping
21 equipment, and any appurtenances and rights-of-way
22 to the line and other facilities, with the retained fa-
23 cilities to be operated and maintained by the United
24 States with pumping costs and operation and main-

1 tenance costs of the pumps to be included as a cost
2 to Daggett County in a water service contract.

3 (4) The heliport and associated real estate, con-
4 sisting of approximately 20 acres, which shall re-
5 main under the jurisdiction of the Secretary of Agri-
6 culture.

7 (5) The Forest Service warehouse complex and
8 associated real estate, consisting of approximately 2
9 acres, which shall remain under the jurisdiction of
10 the Secretary of Agriculture.

11 (6) The Forest Service office complex and asso-
12 ciated real estate, which shall remain under the ju-
13 risdiction of the Secretary of Agriculture.

14 (7) The United States Post Office, pursuant to
15 Forest Service Special Use Permit No. 1073, which
16 shall be transferred to the jurisdiction of the United
17 States Postal Service pursuant to section 6(d).

18 **SEC. 5. REVOCATION OF WITHDRAWALS.**

19 In the case of lands and properties transferred under
20 section 4, effective on the date of transfer to the Secretary
21 of the Interior (if applicable) or conveyance by quitclaim
22 deed out of Federal ownership, authorization for each of
23 the following withdrawals is revoked:

24 (1) The Public Water Reserve No. 16, Utah
25 No. 7, dated March 9, 1914.

1 (2) The Secretary of the Interior Order dated
2 October 20, 1952.

3 (3) The Secretary of the Interior Order dated
4 July 2, 1956, No. 71676.

5 (4) The Flaming Gorge National Recreation
6 Area, dated October 1, 1968, established under Pub-
7 lic Law 90540 (16 U.S.C. 460v et seq.), as to lands
8 described in section 4(b).

9 (5) The Dutch John Administrative Site, dated
10 December 12, 1951 (PLO 769, U0611).

11 **SEC. 6. TRANSFER OF JURISDICTION.**

12 (a) TRANSFERS FROM SECRETARY OF AGRICULTURE.—Except for properties retained under section
13 CULTURE.—Except for properties retained under section
14 4(e), all lands designated under section 4 for disposal shall
15 be—

16 (1) transferred from the jurisdiction of the Sec-
17 retary of Agriculture to the Secretary of the Interior
18 and, if appropriate, the United States Postal Serv-
19 ice; and

20 (2) removed from inclusion in the Ashley Na-
21 tional Forest and the Flaming Gorge National
22 Recreation Area.

23 (b) TRANSFERS FROM THE SECRETARY OF THE IN-
24 TERIOR.—

1 (1) IN GENERAL.—The Secretary of the Inte-
2 rior shall transfer to the Secretary of Agriculture
3 administrative jurisdiction over certain lands and in-
4 terests in land described in paragraph (2), contain-
5 ing approximately 2,167 acres located in Duchesne
6 and Wasatch Counties, Utah, acquired by the Sec-
7 retary of the Interior for the Central Utah Project
8 (and associated wildlife mitigation), and managed
9 and developed for wildlife mitigation purposes by the
10 Secretary of Agriculture under memoranda of agree-
11 ment between the Secretary of Agriculture and the
12 Secretary of the Interior.

13 (2) LAND DESCRIPTION.—The lands referred to
14 in paragraph (1) are lands indicated on the maps
15 generally depicting—

16 (A) the Dutch John transfer of the Ashley
17 National Forest to the State of Utah, dated
18 February 1997;

19 (B) the Dutch John transfer of the Uinta
20 National Forest to the State of Utah, dated
21 February 1997;

22 (C) lands to be transferred to the Forest
23 Service: Lower Stillwater Properties;

24 (D) lands to be transferred to the Forest
25 Service: Red Hollow (Diamond Properties); and

1 (E) lands to be transferred to the Forest
2 Service: Coal Mine Hollow (Current Creek Res-
3 ervoir).

4 (3) STATUS OF LANDS.—

5 (A) NATIONAL FORESTS.—The lands and
6 interests in land transferred to the Secretary of
7 Agriculture under paragraph (1) shall become
8 part of the Ashley or Uinta National Forest, as
9 appropriate. The Secretary of Agriculture shall
10 adjust the boundaries of each of the National
11 Forests to reflect the additional lands.

12 (B) MANAGEMENT.—The transferred lands
13 shall—

14 (i) be managed in accordance with the
15 Act of March 1, 1911 (commonly known as
16 the “Weeks Law”) (36 Stat. 962, chapter
17 186; 16 U.S.C. 515 et seq.) and other laws
18 (including rules and regulations) applicable
19 to the National Forest System; and

20 (ii) continue to be managed and devel-
21 oped for the benefit of wildlife mitigation
22 in accordance with each memorandum of
23 agreement applicable to each tract of the
24 lands.

1 (C) ADJUSTMENT OF BOUNDARIES.—This
2 paragraph does not limit the authority of the
3 Secretary of Agriculture to adjust the bound-
4 aries of the Ashley or Uinta National Forest
5 pursuant to section 11 of the Act of March 1,
6 1911 (commonly known as the “Weeks Law”)
7 (36 Stat. 963, chapter 186; 16 U.S.C. 521).

8 (4) LAND AND WATER CONSERVATION FUND.—
9 For the purposes of section 7 of the Land and
10 Water Conservation Fund Act of 1965 (16 U.S.C.
11 46019), the boundaries of the Ashley and Uinta Na-
12 tional Forests, as adjusted under this section, shall
13 be considered to be the boundaries of the Forests as
14 of January 1, 1965.

15 (c) FEDERAL IMPROVEMENTS.—The Secretary of the
16 Interior may transfer to the Secretary of Agriculture juris-
17 diction over Federal improvements to the lands trans-
18 ferred under this section.

19 (d) TRANSFERS FROM THE SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall transfer to
20 the United States Postal Service administrative jurisdic-
21 tion over certain lands and interests in land subject to
22 Forest Service Special Use Permit No. 1073, containing
23 approximately 0.34 acres.

1 (e) WITHDRAWALS.—Notwithstanding subsection
2 (a), lands retained by the Federal Government under this
3 Act shall continue to be withdrawn from mineral entry
4 under the United States mining laws.

5 **SEC. 7. SURVEYS.**

6 The Secretary of the Interior shall survey or resurvey
7 all or portions of the Dutch John community as nec-
8 essary—

9 (1) to accurately describe parcels identified
10 under this Act for transfer among agencies, for Fed-
11 eral disposal, or for retention by the United States;
12 and

13 (2) to facilitate future recordation of title.

14 **SEC. 8. PLANNING.**

15 The Secretary of Agriculture and the Secretary of the
16 Interior shall—

17 (1) recognize as an indication of potential fu-
18 ture land use the Daggett County Dutch John Com-
19 munity Plan, prepared in cooperation with the resi-
20 dents of Dutch John, the Secretary of Agriculture,
21 and the Secretary of the Interior; and

22 (2) cooperate with Daggett County in ensuring
23 that disposal processes are consistent with the Plan
24 and this Act.

1 **SEC. 9. APPRAISALS.**

2 (a) REQUIREMENTS.—

3 (1) IN GENERAL.—Not later than 180 days
4 after the date of enactment of this Act, the Sec-
5 retary of the Interior shall conduct appraisals to de-
6 termine the fair market value of properties des-
7 ignated for disposal under paragraphs (1), (2), (3),
8 (5), and (7) of section 4(d).

9 (2) UNOCCUPIED PLATTED LOTS.—Not later
10 than 90 days after the date of receipt by the Sec-
11 retary of the Interior from an eligible purchaser of
12 a written notice of intent to purchase an unoccupied
13 platted lot referred to in section 4(d)(4), the Sec-
14 retary of the Interior shall conduct an appraisal of
15 the lot.

16 (3) SPECIAL USE PERMITS.—

17 (A) IN GENERAL.—Not later than 90 days
18 after the date of receipt by the Secretary of the
19 Interior from a permit holder of a written no-
20 tice of intent to purchase a property described
21 in section 10(g), the Secretary of the Interior
22 shall conduct an appraisal of the property.

23 (B) IMPROVEMENTS AND ALTERNATIVE
24 LAND.—An appraisal to carry out subparagraph
25 (A) may include an appraisal of the value of

1 permit holder improvements and alternative
2 land in order to conduct an in-lieu land sale.

3 (4) OCCUPIED PARCELS.—In the case of an oc-
4 cupied parcel, an appraisal under this subsection
5 shall include an appraisal of the full fee value of the
6 occupied lot or land parcel and the value of resi-
7 dences, structures, facilities, and existing, in-place
8 federally owned fixtures and furnishings necessary
9 for full use of the property.

10 (5) UNOCCUPIED PARCELS.—In the case of an
11 unoccupied parcel, an appraisal under this sub-
12 section shall consider potential future uses of the
13 parcel that are consistent with the Daggett County
14 Dutch John Community Plan referred to in section
15 8(1), the land use map of the Plan, and subsection
16 (c).

17 (6) FUNDING.—Funds for appraisals conducted
18 under this section shall be derived from the Upper
19 Colorado River Basin Fund authorized by section 5
20 of the Act of April 11, 1956 (70 Stat. 107, chapter
21 203; 43 U.S.C. 620d).

22 (b) REDUCTIONS FOR IMPROVEMENTS.—An ap-
23 praisal of a residence or a structure or facility leased for
24 private use under this section shall deduct the contribu-
25 tory value of improvements made by the current occupant

1 or lessee if the occupant or lessee provides reasonable evi-
2 dence of expenditure of money or materials in making the
3 improvements.

4 (c) CURRENT USE.—An appraisal under this section
5 shall consider the current use of a property (including the
6 use of housing as a community residence) and avoid uncer-
7 tain speculation as to potential future use.

8 (d) REVIEW.—

9 (1) IN GENERAL.—The Secretary of the Inte-
10 rior shall make an appraisal under this section avail-
11 able for review by a current occupant or lessee.

12 (2) ADDITIONAL INFORMATION OR APPEAL.—

13 (A) IN GENERAL.—The current occupant
14 or lessee may provide additional information, or
15 appeal the findings of the appraisal in writing,
16 to the Upper Colorado Regional Director of the
17 Bureau of Reclamation.

18 (B) ACTION BY SECRETARY OF THE INTE-
19 RIOR.—The Secretary of the Interior—

20 (i) shall consider the additional infor-
21 mation or appeal; and

22 (ii) may conduct a second appraisal if
23 the Secretary determines that a second ap-
24 praisal is necessary.

1 (e) INSPECTION.—The Secretary of the Interior shall
2 provide opportunities for other qualified, interested pur-
3 chasers to inspect completed appraisals under this section.

4 **SEC. 10. DISPOSAL OF PROPERTIES.**

5 (a) CONVEYANCES.—

6 (1) PATENTS.—The Secretary of the Interior
7 shall dispose of properties identified for disposal
8 under section 4, other than properties retained
9 under section 4(e), without regard to law governing
10 patents.

11 (2) CONDITION AND LAND.—Except as other-
12 wise provided in this Act, conveyance of a building,
13 structure, or facility under this Act shall be in its
14 current condition and shall include the land parcel
15 on which the building, structure, or facility is situ-
16 ated.

17 (3) FIXTURES AND FURNISHINGS.—An existing
18 and in-place fixture or furnishing necessary for the
19 full use of a property or facility under this Act shall
20 be conveyed along with the property.

21 (4) MAINTENANCE.—

22 (A) BEFORE CONVEYANCE.—Before prop-
23 erty is conveyed under this Act, the Secretary
24 of the Interior shall ensure reasonable and pru-

1 dent maintenance and proper care of the prop-
2 erty.

3 (B) AFTER CONVEYANCE.—After property
4 is conveyed to a recipient under this Act, the
5 recipient shall be responsible for—

6 (i) maintenance and proper care of
7 the property; and

8 (ii) any contamination of the property.

9 (b) INFRASTRUCTURE FACILITIES AND LAND.—In-
10 frastructure facilities and land described in paragraphs
11 (1) and (2) of section 4(c) shall be conveyed, without con-
12 sideration, to Daggett County, Utah.

13 (c) SCHOOL.—The lands on which are located the
14 Dutch John public schools described in section 4(c)(3)
15 shall be conveyed, without consideration, to the Daggett
16 County School District.

17 (d) UTAH DIVISION OF WILDLIFE RESOURCES.—
18 Lands on which are located the offices, 3 employee resi-
19 dences, warehouses, and facilities of the Utah Division of
20 Wildlife Resources described in section 4(d)(7) shall be
21 conveyed, without consideration, to the Division.

22 (e) RESIDENCES AND LOTS.—

23 (1) IN GENERAL.—

24 (A) FAIR MARKET VALUE.—A residence
25 and occupied residential lot to be disposed of

1 under this Act shall be sold for the appraised
2 fair market value.

3 (B) NOTICE.—The Secretary of the Inte-
4 rior shall provide local general public notice,
5 and written notice to lessees and to current oc-
6 cupants of residences and of occupied residen-
7 tial lots for disposal, of the intent to sell prop-
8 erties under this Act.

9 (2) PURCHASE OF RESIDENCES OR LOTS BY
10 LESSEES.—

11 (A) IN GENERAL.—Subject to subpara-
12 graph (B), the Secretary of the Interior shall
13 provide a holder of a current lease from the
14 Secretary for a residence to be sold under para-
15 graph (1) or (2) of section 4(d) or for a resi-
16 dential lot occupied by a privately owned dwell-
17 ing described in section 4(d)(3) a period of 180
18 days beginning on the date of the written notice
19 of the Secretary of intent of the Secretary to
20 sell the residence or lot, to execute a contract
21 with the Secretary of the Interior to purchase
22 the residence or lot for the appraised fair mar-
23 ket value.

24 (B) NOTICE OF INTENT TO PURCHASE.—
25 To obtain the protection of subparagraph (A),

1 the lessee shall, during the 30-day period begin-
2 ning on the date of receipt of the notice re-
3 ferred to in subparagraph (A), notify the Sec-
4 retary in writing of the intent of the lessee to
5 purchase the residence or lot.

6 (C) NO NOTICE OR PURCHASE CON-
7 TRACT.—If no written notification of intent to
8 purchase is received by the Secretary in accord-
9 ance with subparagraph (B) or if a purchase
10 contract has not been executed in accordance
11 with subparagraph (A), the residence or lot
12 shall become available for purchase by other
13 persons under paragraph (3).

14 (3) PURCHASE OF RESIDENCES OR LOTS BY
15 OTHER PERSONS.—

16 (A) ELIGIBILITY.—If a residence or lot be-
17 comes available for purchase under paragraph
18 (2)(C), the Secretary of the Interior shall make
19 the residence or lot available for purchase by—

20 (i) a current authorized occupant of
21 the residence to be sold;

22 (ii) a holder of a current reclamation
23 lease for a residence within Dutch John;

1 (iii) an employee of the Bureau of
2 Reclamation or the Forest Service cur-
3 rently residing in Dutch John; or

4 (iv) an employee of another Federal
5 agency supporting the mission of Dutch
6 John who resides in Dutch John.

7 (B) PRIORITY.—

8 (i) SENIORITY.—Priority for purchase
9 of properties available for purchase under
10 this paragraph shall be by seniority of rec-
11 lamation lease or residency in Dutch John.

12 (ii) PRIORITY LIST.—The Secretary of
13 the Interior shall compile a priority list of
14 eligible potential purchasers that is based
15 on the length of continuous residency in
16 Dutch John or the length of a continuous
17 residence lease issued by the Bureau of
18 Reclamation in Dutch John, with the high-
19 est priority provided for purchasers with
20 the longest continuous residency or lease.

21 (iii) INTERRUPTIONS.—If a continu-
22 ous residency or lease was interrupted, the
23 Secretary shall consider only that most re-
24 cent continuous residency or lease.

1 (iv) OTHER FACTORS.—In preparing
2 the priority list, the Secretary shall not
3 consider a factor (including agency employ-
4 ment or position) other than the length of
5 the current residency or lease.

6 (v) DISPUTES.—A potential purchaser
7 may file a written appeal over a dispute in-
8 volving eligibility or ranking on the priority
9 list with the Secretary of the Interior, act-
10 ing through the Upper Colorado Regional
11 Director of the Bureau of Reclamation.
12 The Secretary, acting through the Regional
13 Director, shall consider the appeal and re-
14 solve the dispute.

15 (C) NOTICE.—The Secretary of the Inte-
16 rior shall provide general public notice and writ-
17 ten notice by certified mail to eligible pur-
18 chasers that specifies—

19 (i) properties available for purchase
20 under this paragraph;

21 (ii) the appraised fair market value of
22 the properties;

23 (iii) instructions for potential eligible
24 purchasers; and

1 (iv) any purchase contract require-
2 ments.

3 (D) NOTICE OF INTENT TO PURCHASE.—

4 An eligible purchaser under this paragraph
5 shall have a period of 90 days after receipt of
6 written notification to submit to the Secretary
7 of the Interior a written notice of intent to pur-
8 chase a specific available property at the listed
9 appraised fair market value.

10 (E) NOTICE OF ELIGIBILITY OF HIGHEST

11 ELIGIBLE PURCHASER TO PURCHASE PROP-

12 erty.—The Secretary of the Interior shall pro-

13 vide notice to the potential purchaser with the

14 highest eligible purchaser priority for each

15 property that the purchaser will have the first

16 opportunity to execute a sales contract and pur-

17 chase the property.

18 (F) AVAILABILITY TO OTHER PURCHASERS

19 ON PRIORITY LIST.—If no purchase contract is

20 executed for a property by the highest priority

21 purchaser within the 180 days after receipt of

22 notice under subparagraph (E), the Secretary

23 of the Interior shall make the property available

24 to other purchasers listed on the priority list.

1 (G) LIMITATION ON NUMBER OF PROP-
2 ERTIES.—No household may purchase more
3 than 1 residential property under this para-
4 graph.

5 (4) RESIDUAL PROPERTY TO COUNTY.—If a
6 residence or lot to be disposed of under this Act is
7 not purchased in accordance with paragraph (2) or
8 (3) within 2 years after providing the first notice of
9 intent to sell under paragraph (1)(B), the Secretary
10 of the Interior shall convey the residence or lot to
11 Daggett County without consideration.

12 (5) ADVISORY COMMITTEE.—The Secretary of
13 the Interior, acting through the Upper Colorado Re-
14 gional Director of the Bureau of Reclamation, may
15 appoint a nonfunded Advisory Committee comprised
16 of 1 representative from each of the Bureau of Rec-
17 lamation, Daggett County, and the Dutch John com-
18 munity to review and provide advice to the Secretary
19 on the resolution of disputes arising under this sub-
20 section and subsection (f).

21 (6) FINANCING.—The Secretary of the Interior
22 shall provide advice to potential purchasers under
23 this subsection and subsection (f) in obtaining ap-
24 propriate and reasonable financing for the purchase
25 of a residence or lot.

1 (f) UNOCCUPIED PLATTED LOTS.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), the Secretary of the Interior shall make
4 an unoccupied platted lot described in section
5 4(d)(4) available for sale to eligible purchasers for
6 the appraised fair market value of the lot.

7 (2) CONVEYANCE FOR PUBLIC PURPOSE.—On
8 request from Daggett County, the Secretary of the
9 Interior may convey directly to the County without
10 consideration a lot referred to in paragraph (1) that
11 will be used for a public use purpose that is consist-
12 ent with the Daggett County Dutch John Commu-
13 nity Plan.

14 (3) ADMINISTRATION.—The procedures estab-
15 lished under subsection (e) shall apply to this sub-
16 section to the maximum extent practicable, as deter-
17 mined by the Secretary of the Interior.

18 (4) LAND-USE DESIGNATION.—For each lot
19 sold under this subsection, the Secretary of the Inte-
20 rior shall include in the notice of intent to sell the
21 lot provided under this subsection the land-use des-
22 igation of the lot established under the Daggett
23 County Dutch John Community Plan.

1 (5) LIMITATION ON NUMBER OF LOTS.—No
2 household may purchase more than 1 residential lot
3 under this subsection.

4 (6) LIMITATION ON PURCHASE OF ADDITIONAL
5 LOTS.—No household purchasing an existing resi-
6 dence under this section may purchase an additional
7 single home, residential lot.

8 (7) RESIDUAL LOTS TO COUNTY.—If a lot de-
9 scribed in paragraph (1) is not purchased in accord-
10 ance with paragraphs (1) through (6) within 2 years
11 after providing the first notice of intent to sell under
12 this subsection, the Secretary of the Interior shall
13 convey the lot to Daggett County without consider-
14 ation.

15 (g) SPECIAL USE PERMITS.—

16 (1) SALE.—Lands on which Forest Service spe-
17 cial use permits are issued to holders numbered
18 4054 and 9303, Ashley National Forest, comprising
19 approximately 15.3 acres and 1 acre, respectively,
20 may be sold at appraised fair market value to the
21 holder of the permit.

22 (2) ADMINISTRATION OF PERMITS.—On trans-
23 fer of jurisdiction of the land to the Secretary of the
24 Interior pursuant to section 6, the Secretary of the

1 Interior shall administer the permits under the
2 terms and conditions of the permits.

3 (3) NOTICE OF AVAILABILITY FOR PUR-
4 CHASE.—The Secretary of the Interior shall notify
5 the respective permit holders in writing of the avail-
6 ability of the land for purchase.

7 (4) APPRAISALS.—The Secretary of the Interior
8 shall not conduct an appraisal of the land unless the
9 Secretary receives a written notice of intent to pur-
10 chase the land within 2 years after providing notice
11 under paragraph (3).

12 (5) ALTERNATIVE PARCELS.—On request by
13 permit holder number 9303, the Secretary of the In-
14 terior, in consultation with Daggett County, may—

15 (A) consider sale of a parcel within the
16 Daggett County community of similar size and
17 appraised value in lieu of the land under permit
18 on the date of enactment of this Act; and

19 (B) provide the holder credit toward the
20 purchase or other negotiated compensation for
21 the appraised value of improvements of the per-
22 mittee to land under permit on the date of en-
23 actment of this Act.

24 (6) RESIDUAL LAND TO COUNTY.—If land de-
25 scribed in paragraph (1) is not purchased in accord-

1 ance with paragraphs (1) through (5) within 2 years
2 after providing the first notice of intent to sell under
3 this subsection, the Secretary of the Interior shall
4 convey the land to Daggett County without consider-
5 ation.

6 (h) TRANSFERS TO COUNTY.—Other land occupied
7 by authorization of a special use permit, easement, or
8 right-of-way to be disposed of under this Act shall be
9 transferred to Daggett County if the holder of the author-
10 ization and the County, prior to transfer of the lands to
11 the County—

12 (1) agree to and execute a legal document that
13 grants the holder the rights and privileges provided
14 in the existing authorization; or

15 (2) enter into another arrangement that is mu-
16 tually satisfactory to the holder and the County.

17 (i) CHURCH LAND.—

18 (1) IN GENERAL.—The Secretary of the Inte-
19 rior shall offer to sell land to be disposed of under
20 this Act on which is located an established church to
21 the parent entity of the church at the appraised fair
22 market value.

23 (2) NOTICE.—The Secretary of the Interior
24 shall notify the church in writing of the availability
25 of the land for purchase.

1 (3) RESIDUAL LAND TO COUNTY.—If land de-
2 scribed in paragraph (1) is not purchased in accord-
3 ance with paragraphs (1) and (2) within 2 years
4 after providing the first notice of intent to sell under
5 this subsection, the Secretary of the Interior shall
6 convey the land to Daggett County without consider-
7 ation.

8 (j) RESIDUAL PROPERTIES TO COUNTY.—The Sec-
9 retary of the Interior shall convey all lands, buildings, or
10 facilities designated for disposal under this Act that are
11 not conveyed in accordance with subsections (a) through
12 (i) to Daggett County without consideration.

13 (k) WATER RIGHTS.—

14 (1) IN GENERAL.—Subject to the other provi-
15 sions of this subsection, the Secretary of the Interior
16 shall transfer all water rights the Secretary holds
17 that are applicable to the Dutch John municipal
18 water system to Daggett County.

19 (2) WATER SERVICE CONTRACT.—

20 (A) IN GENERAL.—Transfer of rights
21 under paragraph (1) is contingent on Daggett
22 County entering into a water service contract
23 with the Secretary of the Interior covering pay-
24 ment for and delivery of untreated water to
25 Daggett County pursuant to the Act of April

1 11, 1956 (70 Stat. 105, chapter 203; 43 U.S.C.
2 620 et seq.).

3 (B) DELIVERED WATER.—The contract
4 shall require payment only for water actually
5 delivered.

6 (3) EXISTING RIGHTS.—Existing rights for
7 transfer to Daggett County under this subsection in-
8 clude—

9 (A) Utah Water Right 41–2942 (A30557,
10 Cert No. 5903) for 0.08 cubic feet per second
11 from a water well; and

12 (B) Utah Water Right 413470 (A30414b),
13 an unapproved application to segregate 12,000
14 acre-feet per year of water from the original ap-
15 proved Flaming Gorge water right (412963) for
16 municipal use in the town of Dutch John and
17 surrounding areas.

18 (4) CULINARY WATER SUPPLIES.—The transfer
19 of water rights under this subsection is conditioned
20 on the agreement of Daggett County to provide cul-
21 inary water supplies to Forest Service campgrounds
22 served (on the date of enactment of this Act) by the
23 water supply system and to Forest Service and Bu-
24 reau of Reclamation facilities, at a rate equivalent to
25 other similar uses.

1 (5) MAINTENANCE.—The Secretary of Agri-
 2 culture and the Secretary of the Interior shall be re-
 3 sponsible for maintenance of their respective water
 4 systems from the point of the distribution lines of
 5 the systems.

6 (1) SHORELINE ACCESS.—On receipt of an acceptable
 7 application, the Secretary of Agriculture shall consider is-
 8 suance of a special use permit affording Flaming Gorge
 9 Reservoir public shoreline access and use within the vicin-
 10 ity of Dutch John in conjunction with commercial visitor
 11 facilities provided and maintained under such a permit.

12 (m) REVENUES.—All revenues derived from the sale
 13 of properties as authorized by this Act shall temporarily
 14 be deposited in a segregated interest-bearing trust account
 15 in the Treasury with the moneys on hand in the account
 16 paid to Daggett County semiannually to be used by the
 17 County for purposes associated with the provision of gov-
 18 ernmental and community services to the Dutch John
 19 community.

20 **SEC. 11. VALID EXISTING RIGHTS.**

21 (a) AGREEMENTS.—

22 (1) IN GENERAL.—If any lease, permit, right-
 23 of-way, easement, or other valid existing right is ap-
 24 purtenant to land conveyed to Daggett County,
 25 Utah, under this Act, the County shall honor and

1 enforce the right through a legal agreement entered
2 into by the County and the holder before the date
3 of conveyance.

4 (2) EXTENSION OR TERMINATION.—The Coun-
5 ty may extend or terminate an agreement under
6 paragraph (1) at the end of the term of the agree-
7 ment.

8 (b) USE OF REVENUES.—During such period as the
9 County is enforcing a right described in subsection (a)(1)
10 through a legal agreement between the County and the
11 holder of the right under subsection (a), the County shall
12 collect and retain any revenues due the Federal Govern-
13 ment under the terms of the right.

14 (c) EXTINGUISHMENT OF RIGHTS.—If a right de-
15 scribed in subsection (a)(1) with respect to certain land
16 has been extinguished or otherwise protected, the County
17 may dispose of the land.

18 **SEC. 12. CULTURAL RESOURCES.**

19 (a) MEMORANDA OF AGREEMENT.—Before transfer
20 and disposal under this Act of any land that contains cul-
21 tural resources and that may be eligible for listing on the
22 National Register of Historic Places, the Secretary of Ag-
23 riculture, in consultation with the Secretary of the Inte-
24 rior, the Utah Historic Preservation Office, and Daggett
25 County, Utah, shall prepare a memorandum of agreement,

1 for review and approval by the Utah Office of Historical
2 Preservation and the Advisory Council on Historic Preser-
3 vation established by title II of the National Historic Pres-
4 ervation Act (16 U.S.C. 470i et seq.), that contains a
5 strategy for protecting or mitigating adverse effects on
6 cultural resources on the land.

7 (b) INTERIM PROTECTION.—Until such time as a
8 memorandum of agreement has been approved, or until
9 lands are disposed of under this Act, the Secretary of Ag-
10 riculture shall provide clearance or protection for the re-
11 sources.

12 (c) TRANSFER SUBJECT TO AGREEMENT.—On com-
13 pletion of actions required under the memorandum of
14 agreement for certain land, the Secretary of the Interior
15 shall provide for the conveyance of the land to Daggett
16 County, Utah, subject to the memorandum of agreement.

17 **SEC. 13. TRANSITION OF SERVICES TO LOCAL GOVERN-**
18 **MENT CONTROL.**

19 (a) ASSISTANCE.—

20 (1) IN GENERAL.—The Secretary of the Inte-
21 rior shall provide training and transitional operating
22 assistance to personnel designated by Daggett Coun-
23 ty, Utah, as successors to the operators for the Sec-
24 retary of the infrastructure facilities described in
25 section 4(c).

1 (2) DURATION OF TRAINING.—With respect to
2 an infrastructure facility, training under paragraph
3 (1) shall continue for such period as is necessary for
4 the designated personnel to demonstrate reasonable
5 capability to safely and efficiently operate the facil-
6 ity, but not to exceed 2 years.

7 (3) CONTINUING ASSISTANCE.—The Secretary
8 shall remain available to assist with resolving ques-
9 tions about the original design and installation, op-
10 erating and maintenance needs, or other aspects of
11 the infrastructure facilities.

12 (b) TRANSITION COSTS.—For the purpose of defray-
13 ing costs of transition in administration and provision of
14 basic community services, an annual payment of \$300,000
15 (as adjusted by the Secretary for changes in the Consumer
16 Price Index for all-urban consumers published by the De-
17 partment of Labor) shall be provided from the Upper Col-
18 orado River Basin Fund authorized by section 5 of the
19 Act of April 11, 1956 (70 Stat. 107, chapter 203; 43
20 U.S.C. 620d), to Daggett County, Utah, or, in accordance
21 with subsection (c), to Dutch John, Utah, for a period
22 not to exceed 15 years beginning the first January 1 that
23 occurs after the date of enactment of this Act.

24 (c) DIVISION OF PAYMENT.—If Dutch John becomes
25 incorporated and become responsible for operating any of

1 the infrastructure facilities referred to in subsection (a)(1)
2 or for providing other basic local governmental services,
3 the payment amount for the year of incorporation and
4 each following year shall be proportionately divided be-
5 tween Daggett County and Dutch John based on the re-
6 spective costs paid by each government for the previous
7 year to provide the services.

8 (d) ELECTRIC POWER.—

9 (1) AVAILABILITY.—The United States shall
10 make available electric power and associated energy
11 from the Colorado River Storage Project for the
12 Dutch John community.

13 (2) AMOUNT.—The amount of electric power
14 and associated energy made available under para-
15 graph (1) shall not exceed 1,000,000 kilowatt-hours
16 per year.

17 (3) RATES.—The rates for power and associ-
18 ated energy shall be the firm capacity and energy
19 rates of the Salt Lake City Area/Integrated Projects.

20 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) RESOURCE RECOVERY AND MITIGATION.—There
22 are authorized to be appropriated to the Secretary of Agri-
23 culture, out of nonpower revenues to the Federal Govern-
24 ment from land transferred under this Act, such sums as
25 are necessary to implement such habitat, sensitive re-

1 source, or cultural resource recovery, mitigation, or re-
2 placement strategies as are developed with respect to land
3 transferred under this Act, except that the strategies may
4 not include acquisition of privately owned lands in Daggett
5 County.

6 (b) OTHER SUMS.—In addition to sums made avail-
7 able under subsection (a), there are authorized to be ap-
8 propriated such sums as are necessary to carry out this
9 Act.

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