

114TH CONGRESS  
1ST SESSION

# S. 13

To establish the Hurricane Sand Dunes National Recreation Area in the State of Utah, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2015

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

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## A BILL

To establish the Hurricane Sand Dunes National Recreation Area in the State of Utah, 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 “Hurricane Sand Dunes  
5 National Recreation Area Act of 2015”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) **FEDERAL LAND.**—The term “Federal land”  
9       means land owned and managed by the Bureau of

1 Land Management in Washington County in the  
2 State.

3 (2) MAP.—The term “map” means the map  
4 prepared by the Bureau of Land Management enti-  
5 tled “Hurricane Sand Dunes National Recreation  
6 Area” and dated November 14, 2014.

7 (3) NON-FEDERAL LAND.—The term “non-Fed-  
8 eral land” means the State land identified on the  
9 map as State land.

10 (4) PROPOSED EXCHANGE PARCEL.—The term  
11 “proposed exchange parcel” means the approxi-  
12 mately 1,205 acres of Bureau of Land Management  
13 land identified on the map as “Proposed Exchange  
14 Parcel”.

15 (5) RECREATION AREA.—The term “Recreation  
16 Area” means the Hurricane Sand Dunes National  
17 Recreation Area established by section 3(a).

18 (6) SECRETARY.—The term “Secretary” means  
19 the Secretary of the Interior.

20 (7) STATE.—The term “State” means the State  
21 of Utah.

1 **SEC. 3. HURRICANE SAND DUNES NATIONAL RECREATION**  
 2 **AREA, UTAH.**

3 (a) DESIGNATION.—There is established in the State  
 4 the Hurricane Sand Dunes National Recreation Area to  
 5 provide for—

- 6 (1) the enhancement of recreational uses; and  
 7 (2) the use of off-highway vehicles.

8 (b) BOUNDARY.—

9 (1) IN GENERAL.—The Recreation Area shall  
 10 consist of the approximately 18,447 acres of Bureau  
 11 of Land Management land in the State identified on  
 12 the map as “Open OHV Area”.

13 (2) EXCLUSION.—The proposed exchange par-  
 14 cel shall be excluded from the Recreation Area.

15 (c) ADMINISTRATION OF RECREATION AREA AND  
 16 PROPOSED EXCHANGE PARCEL.—The Secretary, acting  
 17 through the Director of the Bureau of Land Management,  
 18 shall—

19 (1) administer the Recreation Area and pro-  
 20 posed exchange parcel—

21 (A) in accordance with—

22 (i) the applicable Federal laws (in-  
 23 cluding regulations) and rules applicable to  
 24 the Bureau of Land Management; and

25 (ii) applicable land use plans; and

1 (B) consistent with the administration of  
 2 the Sand Mountain Open OHV Area, as in ex-  
 3 istence on the day before the date of enactment  
 4 of this Act; and

5 (2) only allow uses of the Recreation Area that  
 6 are consistent with the purposes described in sub-  
 7 section (a).

8 (d) FISH AND WILDLIFE.—Nothing in this section  
 9 affects the jurisdiction or responsibilities of the State with  
 10 respect to fish and wildlife in the State.

11 (e) ADJACENT MANAGEMENT.—Nothing in this sec-  
 12 tion creates any protective perimeter or buffer zone  
 13 around the Recreation Area.

14 (f) USE OF OFF-HIGHWAY VEHICLES.—The land de-  
 15 scribed in subsection (b)(1) shall remain open, in per-  
 16 petuity, to the use of off-highway vehicles.

17 **SEC. 4. EXCHANGE OF FEDERAL LAND AND NON-FEDERAL**  
 18 **LAND.**

19 (a) IN GENERAL.—If the State offers to convey to  
 20 the United States title to the non-Federal land, the Sec-  
 21 retary shall—

22 (1) accept the offer; and

23 (2) on receipt of all right, title, and interest in  
 24 and to the non-Federal land, convey to the State all

1 right, title, and interest of the United States in and  
2 to the Federal land.

3 (b) VALID EXISTING RIGHTS.—The exchange author-  
4 ized under subsection (a) shall be subject to valid existing  
5 rights.

6 (c) TITLE APPROVAL.—Title to the Federal land and  
7 non-Federal land to be exchanged under this section shall  
8 be in a format acceptable to the Secretary and the State.

9 (d) APPRAISALS.—

10 (1) IN GENERAL.—The value of the Federal  
11 land and the non-Federal land to be exchanged  
12 under this section shall be determined by appraisals  
13 conducted by 1 or more independent appraisers re-  
14 tained by the State, with the consent of the Sec-  
15 retary.

16 (2) APPLICABLE LAW.—The appraisals under  
17 paragraph (1) shall be conducted in accordance with  
18 nationally recognized appraisal standards, including,  
19 as appropriate, the Uniform Appraisal Standards for  
20 Federal Land Acquisitions.

21 (3) APPROVAL.—The appraisals conducted  
22 under paragraph (1) shall be submitted to the Sec-  
23 retary and the State for approval.

24 (e) EQUAL VALUE EXCHANGE.—

1           (1) IN GENERAL.—The value of the Federal  
2 land and non-Federal land to be exchanged under  
3 this section—

4                   (A) shall be equal; or

5                   (B) shall be made equal in accordance with  
6 paragraph (2).

7           (2) EQUALIZATION.—

8                   (A) SURPLUS OF FEDERAL LAND.—If the  
9 value of the Federal land exceeds the value of  
10 the non-Federal land, the value of the Federal  
11 land and non-Federal land shall be equalized,  
12 as determined to be appropriate and acceptable  
13 by the Secretary and the State—

14                           (i) by reducing the acreage of the  
15 Federal land to be conveyed; or

16                           (ii) by adding additional State land to  
17 the non-Federal land to be conveyed.

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 non-Federal land shall be equal-  
22 ized by reducing the acreage of the non-Federal  
23 land to be conveyed, as determined to be appro-  
24 priate and acceptable by the Secretary and the  
25 State.

1           (f) STATUS AND MANAGEMENT OF NON-FEDERAL  
2 LAND.—On conveyance to the Secretary, the non-Federal  
3 land shall, in accordance with section 206(c) of the Fed-  
4 eral Land Policy Act of 1976 (43 U.S.C. 1716(c)), be  
5 added to, and administered by the Secretary as part of,  
6 the Recreation Area.

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