

112TH CONGRESS
2D SESSION

S. 2056

To authorize the Secretary of the Interior to convey certain interests in Federal land acquired for the Scofield Project in Carbon County, Utah.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2012

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

A BILL

To authorize the Secretary of the Interior to convey certain interests in Federal land acquired for the Scofield Project in Carbon County, Utah.

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 “Scofield Land Transfer
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CLAIMANT.—The term “claimant” means
9 any person or entity that, according to the records
10 in the office of the Recorder for Carbon County,

1 Utah, as of the date of enactment of this Act, claims
2 title to, or an interest in, the Federal land.

3 (2) FEDERAL LAND.—The term “Federal land”
4 means the land acquired by Price River Water Con-
5 servation District and transferred to the United
6 States for use in the construction and operation of
7 Scofield Dam and Reservoir located between the nor-
8 mal water surface elevation and the property bound-
9 ary elevation in the Scofield Reservoir basin.

10 (3) FLOOD SURCHARGE ELEVATION.—The term
11 “flood surcharge elevation” means the elevation of
12 7640.3 in the North American Vertical Datum of
13 1988, which corresponds to the elevation of the crest
14 of Scofield Dam.

15 (4) FUND.—The term “Fund” means the Sco-
16 field Reservoir Fund established by section
17 3(b)(7)(A).

18 (5) LIFE ESTATE.—The term “life estate”
19 means an interest of the claimant in the Federal
20 land that will revert to the United States on the
21 date of the death of the claimant.

22 (6) NORMAL WATER SURFACE ELEVATION.—
23 The term “normal water surface elevation” means
24 the contour elevation of 7621.8 in the North Amer-
25 ican Vertical Datum of 1988, which corresponds to

1 the elevation of the lip of the spillway of Scofield
2 Dam.

3 (7) PROPERTY BOUNDARY ELEVATION.—The
4 term “property boundary elevation” means the con-
5 tour elevation 7630, as surveyed by McGonagle and
6 Ulrich, Land Surveyors, in 1926, which was trans-
7 mitted to the current elevation of 7638.9 in the
8 North American Vertical Datum of 1988 and which
9 corresponds to 1.4 vertical feet below the crest of
10 Scofield Dam.

11 (8) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 **SEC. 3. CONVEYANCE OF SCOFIELD PROJECT LAND.**

14 (a) SURVEY; NOTIFICATION.—As soon as practicable
15 after the date of enactment of this Act, the Secretary
16 shall—

17 (1) complete a full physical and title survey of
18 the Federal land and any other related land in and
19 around the Scofield Reservoir Basin; and

20 (2) attempt to notify each of the claimants of
21 the trespass or encroachment on the Federal land by
22 the applicable claimant, including the existence of
23 any trespassing or encroaching structures of the
24 claimant.

25 (b) AUTHORIZATION TO CONVEY FEDERAL LAND.—

1 (1) IN GENERAL.—To resolve the issues of tres-
2 pass and encroachment on the Federal land by the
3 claimants, the Secretary may, on election by the
4 claimant in accordance with paragraph (5)—

5 (A) convey to a claimant fee interest in the
6 claimed portion of the Federal land that is lo-
7 cated above the normal water surface elevation,
8 subject to paragraph (2); or

9 (B) grant to a claimant a life estate per-
10 mitting the continued occupation of the claimed
11 portion of the Federal land above the normal
12 water surface elevation, subject to paragraph
13 (3).

14 (2) CONVEYANCE REQUIREMENTS.—A convey-
15 ance under paragraph (1)(A) shall be subject to—

16 (A) the claimant paying to the Secretary
17 the fair market value of the fee interest in the
18 claimed portion of the Federal land, exclusive of
19 the value of any permanent structures;

20 (B) the United States retaining a flood
21 easement over the entire portion of Federal
22 land conveyed; and

23 (C) deed restrictions requiring that—

24 (i) to prevent any structure on the
25 portion of the Federal land conveyed from

1 being displaced during a flood event, the
2 claimant—

3 (I) secure or tie down the struc-
4 ture;

5 (II) rebuild the structure with
6 the same footprint as the original
7 structure; or

8 (III) repair the structure; and

9 (ii) all activities carried out by the
10 claimant under clause (i) with respect to a
11 structure be carried out in accordance
12 with—

13 (I) the International Building
14 Code (as adopted by Utah Adminis-
15 trative Code R156–56); or

16 (II) any other building code or
17 engineering standard that is—

18 (aa) similar to the Inter-
19 national Building Code;

20 (bb) widely used; and

21 (cc) nationally recognized.

22 (3) LIFE ESTATE REQUIREMENTS.—A life es-
23 tate granted under paragraph (1)(B) shall be subject
24 to—

1 (A) the claimant paying to the Secretary
 2 the fair market value of the life estate on the
 3 claimed portion of the Federal land;

4 (B) provisions under which the claimant
 5 agrees to hold the United States harmless for
 6 all claims arising from the design, construction,
 7 operation, or replacement of Scofield Dam and
 8 Reservoir; and

9 (C) provisions requiring the claimant to se-
 10 cure or tie down all structures on the portion
 11 of Federal land conveyed to prevent the struc-
 12 tures from being displaced during a flood event
 13 in accordance with a code described in clause (i)
 14 or (ii) of paragraph (2)(C).

15 (4) COMPLIANCE WITH ENVIRONMENTAL
 16 LAWS.—

17 (A) IN GENERAL.—Before conveying the
 18 Federal land under paragraph (1)(A) or grant-
 19 ing a life estate under paragraph (1)(B), the
 20 Secretary shall comply with all applicable re-
 21 quirements under—

22 (i) the National Environmental Policy
 23 Act of 1969 (42 U.S.C. 4321 et seq.);

24 (ii) the Endangered Species Act of
 25 1973 (16 U.S.C. 1531 et seq.); and

1 (iii) any other applicable law.

2 (B) EFFECT.—Nothing in this Act modi-
3 fies or alters any obligations under—

4 (i) the National Environmental Policy
5 Act of 1969 (42 U.S.C. 4321 et seq.); or

6 (ii) the Endangered Species Act of
7 1973 (16 U.S.C. 1531 et seq.).

8 (5) DEADLINE FOR ELECTION.—Not later than
9 5 years after the date of enactment of this Act, each
10 of the claimants shall notify the Secretary in writing
11 of whether the claimant opts to receive—

12 (A) a fee interest in the claimed portion of
13 the Federal land, in accordance with paragraph
14 (1)(A); or

15 (B) a life estate in the claimed portion of
16 the Federal land, in accordance with paragraph
17 (1)(B).

18 (6) FAILURE TO NOTIFY SECRETARY.—

19 (A) IN GENERAL.—If a claimant fails to
20 submit to the Secretary a notice of an election
21 in accordance with paragraph (5), any future
22 claim by the claimant with respect to the Fed-
23 eral land shall be extinguished.

24 (B) QUIET TITLE.—On extinguishment of
25 the claim under subparagraph (A), the Sec-

1 retary shall take such action as is necessary to
2 quiet title to the applicable portion of the Fed-
3 eral land, including removal of persons, entities,
4 structures, and materials encumbering the ap-
5 plicable portion of the Federal land.

6 (7) TRUST FUND.—

7 (A) ESTABLISHMENT.—There is estab-
8 lished in the Treasury of the United States a
9 fund to be known as the “Scofield Reservoir
10 Fund”, to be administered by the Secretary and
11 to be available, without fiscal year limitation,
12 for providing enhanced recreation opportunities
13 at Scofield Reservoir.

14 (B) TRANSFERS TO FUND.—There shall be
15 deposited in the Fund any amounts received as
16 consideration for a conveyance under paragraph
17 (2)(A) or a granting of a life estate under para-
18 graph (3)(A).

19 **SEC. 4. REPORT.**

20 Not later than 3 years after the date of enactment
21 of this Act, the Secretary shall submit to Congress a re-
22 port that—

23 (1) describes the status of any activities author-
24 ized under this Act;

1 (2) describes any obstacles to completing any
2 outstanding transfers of title or grants of life es-
3 tates;

4 (3) specifies an anticipated date for completion
5 of any outstanding transfers of title or grants of life
6 estates; and

7 (4) describes efforts to quiet title to any portion
8 of the Federal land to which a claimant did not sub-
9 mit an election under section 3(b)(5).

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