

107TH CONGRESS
1ST SESSION

H. R. 880

To provide for the acquisition of property in Washington County, Utah,
for implementation of a desert tortoise habitat conservation plan.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2001

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

A BILL

To provide for the acquisition of property in Washington
County, Utah, for implementation of a desert tortoise
habitat conservation plan.

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. ACQUISITION OF CERTAIN PROPERTY IN WASH-**
4 **INGTON COUNTY, UTAH.**

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of law, effective 30 days after the date of the enact-
7 ment of this Act, all right, title, and interest in and to,
8 and the right to immediate possession of, the 1,516 acres
9 of real property owned by Environmental Land Tech-
10 nology, Ltd. (ELT), within the Red Cliffs Reserve in

1 Washington County, Utah, and the 34 acres of real prop-
2 erty owned by ELT which is adjacent to the land within
3 the Reserve but is landlocked as a result of the creation
4 of the Reserve, is hereby vested in the United States.

5 (b) COMPENSATION FOR PROPERTY.—Subject to sec-
6 tion 309(f) of the Omnibus Parks and Public Lands Man-
7 agement of 1996 (Public Law 104–333), the United
8 States shall pay just compensation to the owner of any
9 real property taken pursuant to this section, determined
10 as of the date of the enactment of this Act. An initial pay-
11 ment of \$15,000,000 shall be made to the owner of such
12 real property not later than 30 days after the date of tak-
13 ing. The full faith and credit of the United States is here-
14 by pledged to the payment of any judgment entered
15 against the United States with respect to the taking of
16 such property. Payment shall be in the amount of—

17 (1) the appraised value of such real property as
18 agreed to by the land owner and the United States,
19 plus interest from the date of the enactment of this
20 Act; or

21 (2) the valuation of such real property awarded
22 by judgment, plus interest from the date of the en-
23 actment of this Act, reasonable costs and expenses
24 of holding such property from February 1990 to the
25 date of final payment, including damages, if any,

1 and reasonable costs and attorneys fees, as deter-
2 mined by the court. Payment shall be made from the
3 permanent judgment appropriation established pur-
4 suant to section 1304 of title 31, United States
5 Code, or from another appropriate Federal Govern-
6 ment fund.

7 Interest under this subsection shall be compounded in the
8 same manner as provided for in section 1(b)(2)(B) of the
9 Act entitled “An Act to preserve within Manassas Na-
10 tional Battlefield Park, Virginia, the most important prop-
11 erties relating to the battle of Manassas, and for other
12 purposes”, approved April 17, 1954 (16 U.S.C.
13 429b(b)(2)(B)), except that the reference in that provision
14 to “the date of the enactment of the Manassas National
15 Battlefield Park Amendments of 1988” shall be deemed
16 to be a reference to the date of the enactment of this Act.

17 (c) DETERMINATION BY COURT IN LIEU OF NEGO-
18 TIATED SETTLEMENT.—In the absence of a negotiated
19 settlement, or an action by the owner, the Secretary of
20 the Interior shall initiate within 90 days after the date
21 of the enactment of this section a proceeding in the United
22 States Federal District Court for the District of Utah,
23 seeking a determination, subject to section 309(f) of the
24 Omnibus Parks and Public Lands Management Act of
25 1996 (Public Law 104–333), of the value of the real prop-

1 erty, reasonable costs and expenses of holding such prop-
2 erty from February 1990 to the date of final payment,
3 including damages, if any, and reasonable costs and attor-
4 neys fees.

○