

107TH CONGRESS
2^D SESSION

H. R. 4968

To provide for the exchange of certain lands in Utah.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2002

Mr. CANNON (for himself, Mr. HANSEN, and Mr. MATHESON) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for the exchange of certain lands in 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 “Federal-Utah State
5 Trust Lands Consolidation Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The San Rafael Swell in Utah is a 900-
9 square mile, wild and beautiful region west of the
10 Green River. The San Rafael Swell is dominated by
11 the jagged, uplifted San Rafael Reef, which has
12 nearly two dozen major canyons and many side

1 draws and box canyons. The San Rafael Swell tow-
2 ers above the desert like a wilderness castle, ringed
3 by 1,000-foot ramparts of Navajo sandstone. Its
4 highlands have been fractured by uplift and scooped
5 hollow by erosion over countless millennia, leaving a
6 tremendous basin punctuated by mesas, buttes, and
7 canyons and traversed by sediment-laden desert
8 streams.

9 (2) The San Rafael Swell region was one of the
10 country's last frontiers and possesses important nat-
11 ural, historical, and cultural resources, including ex-
12 ceptional backcountry recreation opportunities, pro-
13 ductive habitat for Desert Bighorn Sheep, important
14 historical sites, including sections of the Old Spanish
15 Trail and the Outlaw Trail, significant paleontolog-
16 ical resources, and multiple wilderness study areas
17 created pursuant to section 603 of the Federal
18 Lands Policy and Management Act of 1976, or oth-
19 erwise identified by local government and conserva-
20 tion interests as having significant conservation val-
21 ues. The beautiful rural landscapes, historic and cul-
22 tural landscapes, and spectacular scenic vistas of the
23 San Rafael Swell region contain significant undevel-
24 oped recreational opportunities for people through-
25 out the United States.

1 (3) The State of Utah owns approximately
2 102,871 acres of land located in the San Rafael
3 Swell region and administered by the Utah School
4 and Institutional Trust Lands Administration.
5 These lands were granted by the Congress to the
6 State of Utah pursuant to the Utah Enabling Act of
7 1894 (chapter 138; 23 Stat. 107), to be held in
8 trust for the benefit of the State's public school sys-
9 tem and other public institutions. The lands are
10 largely scattered in checkerboard fashion amidst the
11 Federal lands comprising the remainder of the San
12 Rafael Swell area.

13 (4) Development of surface and mineral re-
14 sources on State trust lands within the San Rafael
15 Swell area, or the sale of such lands into private
16 ownership, could be incompatible with management
17 of such lands for nonimpairment of their wilderness
18 characteristics pursuant to section 603(c) of the
19 Federal Land Policy and Management Act of 1976,
20 with future congressional designation of the lands as
21 wilderness, or with future designation of such lands
22 as a national monument, national heritage area, or
23 other conservation designation.

24 (5) The State of Utah also owns 3,533 acres of
25 land within or directly adjacent to the Manti-La Sal

1 National Forest in Grand and Emery Counties,
2 Utah, and 6,411 acres of land within the Red Cliffs
3 Desert Reserve, a conservation reserve established in
4 1995 by the United States and Washington County,
5 Utah, to implement a multiple-species habitat con-
6 servation plan approved by the Fish and Wildlife
7 Service under section 10(a) of the Endangered Spe-
8 cies Act of 1973. The Reserve contains the highest
9 density of critical habitat for the Mojave desert tor-
10 toise, a threatened species, in the United States.
11 These State trust lands are also administered by the
12 Utah School and Institutional Trust Lands Adminis-
13 tration, but the use of such lands by the State is
14 limited because of the conservation designations of
15 surrounding Federal lands.

16 (6) The United States owns lands and interests
17 in lands elsewhere in Utah that can be transferred
18 to the State of Utah in exchange for the San Rafael
19 Swell inholdings, the Manti-La Sal forest lands, and
20 the Red Cliffs Desert Reserve lands without jeopard-
21 izing Federal management objectives or needs.

22 (7) The large presence of State trust land
23 inholdings in the San Rafael Swell region, the
24 Manti-La Sal National Forest, and the Red Cliffs
25 Desert Reserve makes land and resource manage-

1 ment in these areas difficult, costly, and controver-
2 sial for both the State of Utah and the United
3 States.

4 (8) It is in the public interest to reach agree-
5 ment on exchange of such inholdings, on terms fair
6 to both the State of Utah and the United States.
7 Such an agreement, subject to ratification by Con-
8 gress and consent by the Utah legislature, would
9 save much time and delay in meeting the legitimate
10 expectations of the State school and institutional
11 trusts, in simplifying management of Federal lands,
12 and in avoiding the significant time and expense as-
13 sociated with administrative land exchanges.

14 (9) The State of Utah and the United States
15 have reached an agreement under which the State
16 would exchange certain State trust lands within the
17 San Rafael Swell region, the Manti-La Sal National
18 Forest, and the Red Cliffs Desert Reserve for var-
19 ious Federal lands outside of those areas but in the
20 same region of Utah.

21 (10) The parties agreed at the outset of nego-
22 tiations to avoid identifying Federal assets for con-
23 veyance to the State where any of the following was
24 known to exist or likely to be an issue as a result
25 of foreseeable future uses of the lands:

1 (A) Wilderness study areas.

2 (B) Areas proposed for wilderness designa-
3 tion in pending Federal legislation.

4 (C) Significant endangered species habitat.

5 (D) Significant archaeological resources.

6 (E) Areas of critical environmental con-
7 cern.

8 (F) Other lands known to raise significant
9 environmental concerns of any kind.

10 (11) Because the State trust lands to be ac-
11 quired by the Federal Government include properties
12 within some of the most spectacular wild areas in
13 the western United States, and because a mission of
14 the Utah School and Institutional Trust Lands Ad-
15 ministration is to produce economic benefits for
16 Utah's public schools and other beneficiary institu-
17 tions, the exchange of lands called for in this agree-
18 ment will resolve longstanding environmental con-
19 flicts with respect to existing and proposed wilder-
20 ness study areas, place important natural lands into
21 public ownership, and further the interests of the
22 State trust lands, the school children of Utah, and
23 these conservation resources.

24 (12) Under this agreement, the State interests
25 to be conveyed to the United States by the State of

1 Utah, and the Federal interests to be conveyed to
2 the State of Utah by the United States, have been
3 examined by licensed independent real estate con-
4 sultants and, taken as a whole, have been found to
5 be approximately equal in value.

6 (b) PURPOSE.—The purpose of this Act is to enact
7 into law and direct prompt implementation of this agree-
8 ment, and thereby to further the public interest by consoli-
9 dating State and Federal lands into manageable units
10 while facilitating the protection of lands with significant
11 scientific, cultural, and natural resources.

12 **SEC. 3. RATIFICATION OF THE AGREED EXCHANGE BE-**
13 **TWEEN THE STATE OF UTAH AND THE**
14 **UNITED STATES.**

15 (a) AGREEMENT.—The State of Utah, the Depart-
16 ment of the Interior, and the Department of Agriculture
17 have agreed to exchange certain Federal lands in the State
18 of Utah for lands of approximately equal value managed
19 by the Utah School and Institutional Trust Lands Admin-
20 istration in the San Rafael Swell area of Utah, the Manti-
21 La Sal National Forest, and the Red Cliffs Desert Re-
22 serve.

23 (b) RATIFICATION.—All terms, conditions, proce-
24 dures, covenants, reservations, and other provisions set
25 forth in the document entitled “Agreement for Exchange

1 of Lands 2002 Federal-Utah State Trust Lands Consoli-
2 dation”, dated June ____, 2002 (in this Act referred to
3 as “the Agreement”), are hereby incorporated in this Act,
4 are ratified and confirmed, and set forth the obligations
5 of the United States, the State of Utah, and the Utah
6 School and Institutional Trust Lands Administration, as
7 a matter of Federal law.

8 **SEC. 4. CONVEYANCES.**

9 (a) CONVEYANCES.—All conveyances under sections
10 2, 3, and 4 of the Agreement shall be completed not later
11 than 70 days after enactment of this Act.

12 (b) MAPS AND LEGAL DESCRIPTIONS.—

13 (1) IN GENERAL.—The maps and legal descrip-
14 tions referred to in the Agreement depict the lands
15 subject to the conveyances under the Agreement.

16 (2) PUBLIC AVAILABILITY.—The maps and
17 legal descriptions referred to in the Agreement shall
18 be on file and available for public inspection in the
19 offices of the Secretary of the Interior, the Secretary
20 of Agriculture, the Intermountain Regional Office of
21 the Forest Service, and the Utah State Director of
22 the Bureau of Land Management.

23 (3) CONFLICT.—In case of any conflict between
24 the maps and the legal descriptions in the Agree-
25 ment, the legal descriptions shall control.

1 **SEC. 5. MINERAL DEVELOPMENT.**

2 All payments received by the United States pursuant
3 to section 13(c) of the Agreement shall be subject to shar-
4 ing with the State of Utah in the same manner the United
5 States shares bonus bids, rentals, and royalties with the
6 State of Utah under section 35 of the Mineral Leasing
7 Act (30 U.S.C. 191).

8 **SEC. 6. AUTHORIZATION.**

9 There are authorized to be appropriated such sums
10 as are necessary to carry out this Act, including such sums
11 as may be desired to reduce the balance of the interest
12 and principal amounts owed by the United States to the
13 Trust Lands Administration pursuant to sections 4 and
14 5 of the Agreement.

15 **SEC. 7. COSTS.**

16 The United States and the State of Utah shall each
17 bear its own respective costs incurred in the implementa-
18 tion of this Act.

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