

# Union Calendar No. 440

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4968

[Report No. 107-709]

To provide for the exchange of certain lands in Utah.

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## 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

OCTOBER 1, 2002

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 19, 2002]

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## 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”.*

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) *FINDINGS.*—Congress finds the following:

3 (1) *The San Rafael Swell in Utah is a 900-*  
4 *square mile, wild and beautiful region west of the*  
5 *Green River. The San Rafael Swell is dominated by*  
6 *the jagged, uplifted San Rafael Reef, which has near-*  
7 *ly two dozen major canyons and many side draws*  
8 *and box canyons. The San Rafael Swell towers above*  
9 *the desert like a wilderness castle, ringed by 1,000-foot*  
10 *ramparts of Navajo sandstone. Its highlands have*  
11 *been fractured by uplift and scooped hollow by erosion*  
12 *over countless millennia, leaving a tremendous basin*  
13 *punctuated by mesas, buttes, and canyons and tra-*  
14 *versed by sediment-laden desert streams.*

15 (2) *The San Rafael Swell region was one of the*  
16 *country's last frontiers and possesses important nat-*  
17 *ural, historical, and cultural resources, including ex-*  
18 *ceptional backcountry recreation opportunities, pro-*  
19 *ductive habitat for Desert Bighorn Sheep, important*  
20 *historical sites, including sections of the Old Spanish*  
21 *Trail and the Outlaw Trail, significant paleontolog-*  
22 *ical resources, and multiple wilderness study areas*  
23 *created pursuant to section 603 of the Federal Lands*  
24 *Policy and Management Act of 1976, or otherwise*  
25 *identified by local government and conservation inter-*  
26 *ests as having significant conservation values. The*

1        *beautiful rural landscapes, historic and cultural land-*  
2        *scapes, and spectacular scenic vistas of the San*  
3        *Rafael Swell region contain significant undeveloped*  
4        *recreational opportunities for people throughout the*  
5        *United States.*

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

17                *(4) Development of surface and mineral resources*  
18        *on State trust lands within the San Rafael Swell*  
19        *area, or the sale of such lands into private ownership,*  
20        *could be incompatible with management of such lands*  
21        *for nonimpairment of their wilderness characteristics*  
22        *pursuant to section 603(c) of the Federal Land Policy*  
23        *and Management Act of 1976, with future congres-*  
24        *sional designation of the lands as wilderness, or with*  
25        *future designation of such lands as a national monu-*

1 *ment, national heritage area, or other conservation*  
2 *designation.*

3 *(5) The State of Utah also owns 3,533 acres of*  
4 *land within or directly adjacent to the Manti-La Sal*  
5 *National Forest in Grand and Emery Counties, Utah,*  
6 *and 6,411 acres of land within the Red Cliffs Desert*  
7 *Reserve, a conservation reserve established in 1995 by*  
8 *the United States and Washington County, Utah, to*  
9 *implement a multiple-species habitat conservation*  
10 *plan approved by the Fish and Wildlife Service under*  
11 *section 10(a) of the Endangered Species Act of 1973.*  
12 *The Reserve contains the highest density of critical*  
13 *habitat for the Mojave desert tortoise, a threatened*  
14 *species, in the United States. These State trust lands*  
15 *are also administered by the Utah School and Institu-*  
16 *tional Trust Lands Administration, but the use of*  
17 *such lands by the State is limited because of the con-*  
18 *servation designations of surrounding Federal lands.*

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

1           (7) *The large presence of State trust land*  
2 *inholdings in the San Rafael Swell region, the Manti-*  
3 *La Sal National Forest, and the Red Cliffs Desert Re-*  
4 *serve makes land and resource management in these*  
5 *areas difficult, costly, and controversial for both the*  
6 *State of Utah and the United States.*

7           (8) *It is in the public interest to reach agreement*  
8 *on exchange of such inholdings, on terms fair to both*  
9 *the State of Utah and the United States. Such an*  
10 *agreement, subject to ratification by Congress and*  
11 *consent by the Utah legislature, would save much*  
12 *time and delay in meeting the legitimate expectations*  
13 *of the State school and institutional trusts, in simpli-*  
14 *fying management of Federal lands, and in avoiding*  
15 *the significant time and expense associated with ad-*  
16 *ministrative land exchanges.*

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

24           (10) *The parties agreed at the outset of negotia-*  
25 *tions to avoid identifying Federal assets for convey-*

1        *ance to the State where any of the following was*  
2        *known to exist or likely to be an issue as a result of*  
3        *foreseeable future uses of the lands:*

4                    *(A) Wilderness study areas.*

5                    *(B) Areas proposed for wilderness designa-*  
6        *tion in pending Federal legislation.*

7                    *(C) Significant endangered species habitat.*

8                    *(D) Significant archaeological resources.*

9                    *(E) Areas of critical environmental concern.*

10                   *(F) Other lands known to raise significant*  
11        *environmental concerns of any kind.*

12                   *(11) Because the State trust lands to be acquired*  
13        *by the Federal Government include properties within*  
14        *some of the most spectacular wild areas in the west-*  
15        *ern United States, and because a mission of the Utah*  
16        *School and Institutional Trust Lands Administration*  
17        *is to produce economic benefits for Utah's public*  
18        *schools and other beneficiary institutions, the ex-*  
19        *change of lands called for in this agreement will re-*  
20        *solve longstanding environmental conflicts with re-*  
21        *spect to existing and proposed wilderness study areas,*  
22        *place important natural lands into public ownership,*  
23        *and further the interests of the State trust lands, the*  
24        *school children of Utah, and these conservation re-*  
25        *sources.*

1           (12) *Under this agreement, the State interests to*  
2           *be conveyed to the United States by the State of Utah,*  
3           *and the Federal interests to be conveyed to the State*  
4           *of Utah by the United States, have been examined by*  
5           *licensed independent real estate consultants and,*  
6           *taken as a whole, have been found to be approxi-*  
7           *mately equal in value.*

8           (b) *PURPOSE.*—*The purpose of this Act is to enact into*  
9           *law and direct prompt implementation of this agreement,*  
10          *and thereby to further the public interest by consolidating*  
11          *State and Federal lands into manageable units while facili-*  
12          *tating the protection of lands with significant scientific,*  
13          *cultural, and natural resources.*

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

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

24          (b) *RATIFICATION.*—*All terms, conditions, procedures,*  
25          *covenants, reservations, and other provisions set forth in the*

1 *document entitled “Agreement for Exchange of Lands 2002*  
2 *Federal-Utah State Trust Lands Consolidation”, dated*  
3 *June 18, 2002 (in this Act referred to as “the Agreement”),*  
4 *are hereby incorporated in this Act, are ratified and con-*  
5 *firmed, and set forth the obligations of the United States,*  
6 *the State of Utah, and the Utah School and Institutional*  
7 *Trust Lands Administration, as a matter of Federal law.*

8 **SEC. 4. CONVEYANCES.**

9       (a) *CONVEYANCES.—All conveyances under sections 2,*  
10 *3, and 4 of the Agreement shall be completed not later than*  
11 *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 legal*  
17 *descriptions referred to in the Agreement shall be on*  
18 *file and available for public inspection in the offices*  
19 *of the Secretary of the Interior, the Secretary of Agri-*  
20 *culture, the Intermountain Regional Office of the For-*  
21 *est Service, and the Utah State Director of the Bu-*  
22 *reau of Land Management.*

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



1       (c) *CERTAIN COAL LANDS.*—

2               (1) *IDENTIFICATION.*—*The Secretary of the Inte-*  
3       *rior shall prepare legal descriptions for the approxi-*  
4       *mately 4,000 acres of Federal lands that State of*  
5       *Utah and the Secretary have identified within sec-*  
6       *tions 1 through 17 of township 22 south, range 6 east,*  
7       *and within township 22 south, range 7 east, Salt*  
8       *Lake Base and Meridian, Utah.*

9               (2) *RESTRICTION ON CONVEYANCE.*—*Conveyance*  
10       *of the lands identified in paragraph (1) shall reserve*  
11       *to the United States the coal estate and the right to*  
12       *develop the coal estate.*

13              (3) *FUTURE DISPOSITION.*—*Reservation of the*  
14       *coal estate pursuant to paragraph (2) shall not re-*  
15       *strict future disposition of the coal estate pursuant to*  
16       *applicable law.*

17              (d) *SPECIES IDENTIFICATION.*—*Prior to any convey-*  
18       *ances under this Act, the Secretary of the Interior shall*  
19       *identify Federal lands subject to the Agreement which con-*  
20       *tain wildlife species, or habitat of wildlife species, listed as*  
21       *a threatened species or an endangered species under the En-*  
22       *dangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or*  
23       *that is a candidate for such a listing.*

24              (e) *INDEPENDENT MINERAL ASSESSMENT.*—*Prior to*  
25       *any conveyances under this Act, the Secretary of the Inte-*

1 rior and the State of Utah shall select an independent quali-  
2 fied mineral appraiser, or other qualified expert agreeable  
3 to both parties, who shall determine whether the terms of  
4 the Agreement related to the UA/UB parcel, identified in  
5 section 3(d) of the Agreement, are fair and equitable to both  
6 parties. If there is a contrary determination, the Secretary  
7 and the State shall adjust the exchange or terms of the  
8 Agreement so that the terms are fair and equitable to both  
9 parties.

10 **SEC. 5. PLANT AND WILDLIFE SPECIES.**

11 *For the lands identified under section 4(d), and the*  
12 *lands identified in Exhibit E to the Agreement, the Sec-*  
13 *retary of the Interior and the State of Utah shall enter into*  
14 *an agreement which provides a process for the State to con-*  
15 *sult or take other appropriate action to avoid, offset, or*  
16 *mitigate adverse effects to any species or habitat identified.*

17 **SEC. 6. MINERAL DEVELOPMENT.**

18 *All payments received by the United States pursuant*  
19 *to section 13(c) of the Agreement shall be subject to sharing*  
20 *with the State of Utah in the same manner the United*  
21 *States shares bonus bids, rentals, and royalties with the*  
22 *State of Utah under section 35 of the Mineral Leasing Act*  
23 *(30 U.S.C. 191).*

1 **SEC. 7. AUTHORIZATION.**

2 *There are authorized to be appropriated such sums as*  
3 *are necessary to carry out this Act, including such sums*  
4 *as may be desired to reduce the balance of the interest and*  
5 *principal amounts owed by the United States to the Trust*  
6 *Lands Administration pursuant to sections 4 and 5 of the*  
7 *Agreement.*

8 **SEC. 8. COSTS.**

9 *The United States and the State of Utah shall each*  
10 *bear its own respective costs incurred in the implementation*  
11 *of this Act.*

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