

118TH CONGRESS
1ST SESSION

S. 1405

To provide for the exchange of certain Federal land and State land in
the State of Utah.

IN THE SENATE OF THE UNITED STATES

MAY 2, 2023

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

A BILL

To provide for the exchange of certain Federal land and
State land in the State of 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 “Utah School and Insti-
5 tutional Trust Lands Administration Exchange Act of
6 2023”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) ADMINISTRATION.—The term “Administra-
2 tion” means the Utah School and Institutional Trust
3 Lands Administration.

4 (2) AGREEMENT.—The term “Agreement”
5 means the agreement between the Administration,
6 the State, and the Secretary to exchange certain
7 Federal land and interests in Federal land for cer-
8 tain State land and interests in State land managed
9 by the Administration entitled “Memorandum of
10 Understanding—Exchange of Lands” and dated
11 March 17, 2023.

12 (3) LEGAL DESCRIPTION.—The term “Legal
13 Description” means a legal description that is in-
14 cluded in Exhibit A to the Agreement and that is
15 part of the Agreement as of the date of the convey-
16 ance of the applicable land under this Act.

17 (4) MAP.—The term “Map” means the map de-
18 scribed in the Agreement.

19 (5) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (6) STATE.—The term “State” means the State
22 of Utah.

1 **SEC. 3. RATIFICATION OF AGREEMENT BETWEEN THE AD-**
2 **MINISTRATION, THE STATE OF UTAH, AND**
3 **THE SECRETARY OF THE INTERIOR.**

4 (a) RATIFICATION.—All terms, conditions, proce-
5 dures, covenants, reservations, and other provisions in-
6 cluded in the Agreement—

7 (1) shall be considered to be in the public inter-
8 est;

9 (2) are incorporated by reference into this Act;

10 (3) are ratified and confirmed by Congress; and

11 (4) set forth the obligations of the United
12 States, the State, and the Administration under the
13 Agreement as a matter of Federal law.

14 (b) IMPLEMENTATION.—The Secretary shall imple-
15 ment the Agreement.

16 **SEC. 4. CONVEYANCES.**

17 (a) PUBLIC INTEREST DETERMINATION.—The land
18 exchange directed by the Agreement shall be considered
19 to be in the public interest.

20 (b) AUTHORIZATION.—

21 (1) CONVEYANCES.—Notwithstanding any other
22 provision of law, the conveyances of land and inter-
23 ests in land described in paragraphs (2), (3), and
24 (5) of the Agreement shall be executed in accordance
25 with this Act and the Agreement.

1 (2) DEADLINE FOR CERTAIN CONVEYANCES.—

2 The conveyances of land and interests in land de-
3 scribed in paragraphs (2) and (3) of the Agreement
4 shall be completed not later than 45 days after the
5 date of enactment of this Act.

6 (3) REQUIREMENT.—If necessary, the convey-
7 ances of land and interests in land described in the
8 Agreement shall be equalized in accordance with sec-
9 tion 5(b).

10 (c) MAP AND LEGAL DESCRIPTIONS.—

11 (1) PUBLIC AVAILABILITY.—The Map and
12 Legal Descriptions shall be on file and available for
13 public inspection in the offices of the Secretary and
14 the State Director of the Bureau of Land Manage-
15 ment.

16 (2) CONFLICT.—In the case of any conflict be-
17 tween the Map and the Legal Descriptions, the
18 Legal Descriptions shall control.

19 (3) TECHNICAL CORRECTIONS.—Nothing in this
20 Act prevents the Secretary and the Administration
21 from agreeing to the correction of technical errors or
22 omissions in the Map or Legal Descriptions.

23 (d) ADEQUACY OF APPLICABLE PLANS.—A convey-
24 ance of Federal land or an interest in Federal land to the
25 State under the Agreement shall be considered to comply

1 with any applicable land use plan developed under section
2 202 of the Federal Land Policy and Management Act of
3 1976 (43 U.S.C. 1712).

4 **SEC. 5. EQUALIZATION OF THE EXCHANGE.**

5 (a) APPRAISAL.—

6 (1) IN GENERAL.—Not later than 18 months
7 after the date of execution of the exchange under
8 section 4, the total value of the land exchanged shall
9 be determined by an appraisal in accordance with
10 paragraph (5) of the Agreement, that shall—

11 (A) be based on land and mineral values
12 determined as of the date of enactment of this
13 Act;

14 (B) be conducted in accordance with sec-
15 tion 206(d) of the Federal Land Policy and
16 Management Act of 1976 (43 U.S.C. 1716(d));
17 and

18 (C) use nationally recognized appraisal
19 standards, including—

20 (i) the Uniform Appraisal Standards
21 for Federal Land Acquisitions; and

22 (ii) the Uniform Standards of Profes-
23 sional Appraisal Practice.

24 (2) MINERALS.—

1 (A) MINERAL REPORTS.—The appraisals
2 conducted under paragraph (1) may take into
3 account mineral and technical reports provided
4 by the Secretary and the Administration in the
5 evaluation of mineral deposits in the land and
6 interests in land exchanged under the Agree-
7 ment.

8 (B) MINING CLAIMS.—The appraisal of
9 any parcel of Federal land or interest in Fed-
10 eral land that is encumbered by a mining claim,
11 mill site, or tunnel site located under the min-
12 ing laws shall be conducted in accordance with
13 standard appraisal practices, including, as ap-
14 propriate, the Uniform Appraisal Standards for
15 Federal Land Acquisition.

16 (C) VALIDITY EXAMINATIONS.—Nothing in
17 this paragraph requires the United States to
18 conduct a mineral examination for any mining
19 claim on the Federal land or interest in Federal
20 land conveyed under the Agreement.

21 (3) ADJUSTMENT.—

22 (A) IN GENERAL.—If value is attributed to
23 any parcel of Federal land or interest in Fed-
24 eral land through an appraisal under paragraph
25 (1) based on the presence of minerals subject to

1 leasing under the Mineral Leasing Act (30
 2 U.S.C. 181 et seq.), the value of the parcel or
 3 interest in Federal land (as otherwise estab-
 4 lished under this subsection) shall be reduced
 5 by the percentage of the applicable Federal rev-
 6 enue sharing obligation under section 35(a) of
 7 the Mineral Leasing Act (30 U.S.C. 191(a)).

8 (B) LIMITATION.—Any adjustment under
 9 subparagraph (A) shall not be considered to be
 10 a property right of the State.

11 (4) APPROVAL; DURATION.—An appraisal con-
 12 ducted under paragraph (1) shall—

13 (A) be submitted to the Secretary and the
 14 Administration for approval; and

15 (B) remain valid for 3 years after the date
 16 on which the appraisal is approved by the Sec-
 17 retary and the Administration under subpara-
 18 graph (A).

19 (5) DISPUTE RESOLUTION.—If, by the date
 20 that is 90 days after the date of submission of an
 21 appraisal for review and approval under paragraph
 22 (4)(A), the Secretary and the Administration do not
 23 agree to accept the findings of the appraisal with re-
 24 spect to any parcel of land or interest in land to be
 25 exchanged, the dispute shall be resolved in accord-

1 ance with section 206(d)(2) of the Federal Land
2 Policy and Management Act of 1976 (43 U.S.C.
3 1716(d)(2)).

4 (b) EQUALIZATION OF VALUES.—If the total value
5 of the State land described in paragraph (2) of the Agree-
6 ment and the total value of the Federal land and interests
7 in Federal land described in paragraph (3) of the Agree-
8 ment, as determined under subsection (a), are not equal—

9 (1) the value shall be equalized in accordance
10 with paragraph (5) of the Agreement; and

11 (2) the conveyance of equalization parcels, in
12 accordance with paragraph (5) of the Agreement,
13 shall occur not later than 45 days after the date of
14 the identification of the appraised equalization par-
15 cels or portions of parcels to be conveyed to ensure
16 that the exchange is of equal value.

17 **SEC. 6. WITHDRAWALS.**

18 (a) WITHDRAWAL OF FEDERAL LAND FROM MIN-
19 ERAL ENTRY PRIOR TO EXCHANGE.—Subject to valid ex-
20 isting rights, the Federal land and interests in Federal
21 land to be conveyed to the State under section 4(b) are
22 withdrawn from mineral location, entry, and patent under
23 the mining laws pending conveyance of the Federal land
24 and interests in Federal land to the State.

1 (b) WITHDRAWAL OF STATE LAND CONVEYED TO
 2 THE UNITED STATES.—Subject to valid existing rights,
 3 on the date of acquisition by the United States, the State
 4 land described in paragraph (2) of the Agreement acquired
 5 by the United States under section 4(b), to the extent not
 6 subject to previous withdrawals, is permanently withdrawn
 7 from all forms of appropriation and disposal under—

8 (1) the public land laws (including the mining
 9 and mineral leasing laws); and

10 (2) the Geothermal Steam Act of 1970 (30
 11 U.S.C. 1001 et seq.).

12 (c) WITHDRAWAL REVOCATION.—Any withdrawal of
 13 the parcels of Federal land and interests in Federal land
 14 described in paragraph (3) of the Agreement to be con-
 15 veyed to the State under section 4(b) from appropriation
 16 or disposal under a public land law shall be revoked to
 17 the extent necessary to permit the conveyance of the Fed-
 18 eral land parcel to the State free of any encumbrances
 19 associated with power site reserves or classifications.

20 **SEC. 7. SUNNYSIDE, UTAH, WATER SUPPLY PROVISIONS.**

21 The Act of January 7, 1921 (41 Stat. 1087, chapter
 22 13), is amended by adding at the end the following:

23 **“SEC. 5. CERTAIN EXCLUSIONS.**

24 “Notwithstanding any other provision of this Act, the
 25 provisions of this Act of shall not apply to the following:

1 “(1) $S^{1/2}SW^{1/4}$ sec 34, T. 13 S., R. 14 E., of
2 the Salt Lake Meridian.

3 “(2) Lots 1–4, T. 14 S., R. 14 E., sec. 11,
4 $S^{1/2}N^{1/2}$ and $S^{1/2}$, of the Salt Lake Meridian.

5 “(3) Lots 3 and 4, T. 14 S., R. 14 E., sec. 12,
6 $S^{1/2}NW^{1/4}$ and $SW^{1/4}$, of the Salt Lake Meridian.

7 “(4) Lots 1 and 2, T. 14 S., R. 14 E., sec. 13,
8 $NE^{1/4}$, $W^{1/2}$, and $N^{1/2}SE^{1/4}$, of the Salt Lake Merid-
9 ian.

10 “(5) T. 14 S., R. 14 E., sec. 14, of the Salt
11 Lake Meridian.”.

