

Public Law 106-301
106th Congress

An Act

To provide for the exchange of certain lands within the State of Utah.

Oct. 13, 2000

[H.R. 4579]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Utah West
Desert Land
Exchange Act of
2000.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah West Desert Land Exchange Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

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

(1) The State of Utah owns approximately 95,095.19 acres of land, as well as approximately 11,187.60 acres of mineral interests, located in the West Desert region of Utah and contained wholly or partially within certain wilderness study areas created pursuant to section 603 of the Federal Lands Policy and Management Act of 1976, or proposed by the Bureau of Land Management for wilderness study area status pursuant to section 202 of that Act. These lands were granted by the Congress to the State of Utah pursuant to the Utah Enabling Act of 1894 (chapter 138; 23 Stat. 107), to be held in trust for the benefit of the State's public school system and other public institutions. The lands are largely scattered in checkerboard fashion amidst the Federal lands comprising the remainder of such existing and proposed wilderness study areas.

(2) Development of surface and mineral resources on State trust lands within existing or proposed wilderness study areas, or the sale of such lands into private ownership, could be incompatible with management of such lands for nonimpairment of their wilderness characteristics pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 or with future congressional designation of the lands as wilderness.

(3) The United States owns lands and interests in lands outside of existing and proposed wilderness study areas that can be transferred to the State of Utah in exchange for the West Desert wilderness inholdings without jeopardizing Federal management objectives or needs.

(4) The large presence of State trust land inholdings in existing and proposed wilderness study areas in the West Desert region makes land and resource management in these areas difficult, costly, and controversial for both the State of Utah and the United States.

(5) It is in the public interest to reach agreement on exchange of such inholdings, on terms fair to both the State of Utah and the United States. Such an agreement, subject to ratification by the Congress, would save much time and delay in meeting the legitimate expectations of the State school and institutional trusts, in simplifying management of Federal lands, and in avoiding the significant time and expense associated with administrative land exchanges.

(6) The State of Utah and the United States have reached an agreement under which the State would exchange certain State trust lands within specified wilderness study areas and areas identified as having wilderness characteristics in the West Desert region for various Federal lands and interests in lands outside of those areas but in the same region of Utah. The agreement also provides for the State to convey to the United States approximately 483 acres of land in Washington County, Utah, that has been designated as critical habitat for the Desert Tortoise, a threatened species, for inclusion in the Red Cliffs Desert Reserve.

(7) Because the inholdings to be acquired by the Federal Government include properties within some of the most spectacular wild areas in the western United States, and because a mission of the Utah School and Institutional Trust Lands Administration is to produce economic benefits for Utah's public schools and other beneficiary institutions, the exchange of lands called for in this agreement will resolve longstanding environmental conflicts with respect to the existing and proposed wilderness study areas, place important natural lands into public ownership, and further the interests of the State trust lands, the school children of Utah, and these conservation resources.

(8) Under this agreement taken as a whole, the State interests to be conveyed to the United States by the State of Utah, and the Federal interests to be conveyed to the State of Utah by the United States, will be approximately equal in value.

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

SEC. 3. RATIFICATION OF THE AGREED EXCHANGE BETWEEN THE STATE OF UTAH AND THE DEPARTMENT OF THE INTERIOR.

(a) **AGREEMENT.**—The State of Utah and the Department of the Interior have agreed to exchange certain Federal lands and mineral interests in the State of Utah for lands and mineral interests of approximately equal value managed by the Utah School and Institutional Trust Lands Administration wholly or partially within certain existing and proposed wilderness study areas in the West Desert region of Utah.

(b) **RATIFICATION.**—All terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "Agreement for Exchange of Lands—West Desert State-Federal Land Consolidation", dated May 30, 2000 (in this Act referred to as "the Agreement"), are hereby incorporated in this Act, are

ratified and confirmed, and set forth the obligations of the United States, the State of Utah, and the Utah School and Institutional Trust Lands Administration, as a matter of Federal law.

(c) **CONDITION.**—Before exchanging any lands under this Act, the Secretary of the Interior and the State of Utah shall each document in a statement of value how the determination of approximately equal value was made in accordance with section 206(h) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(h)), provided that the provisions of paragraph (1)(A) of section 206(h) of such Act shall not apply. In addition, the Secretary and the State shall select an independent qualified appraiser who shall review the statements of value as prepared by the Secretary and the State of Utah and all documentation and determine if the lands are of approximately equal value. If there is a finding of a difference in value, then the Secretary and the State shall adjust the exchange to achieve approximately equal value.

SEC. 4. CONVEYANCES.

(a) **CONVEYANCES.**—All conveyances under sections 2 and 3 of the Agreement shall be completed within 70 days after the date on which the condition set forth in section 3(c) is met. Deadline.

(b) **MAPS AND LEGAL DESCRIPTIONS.**—

(1) **IN GENERAL.**—The maps and legal descriptions referred to in the Agreement depict the lands subject to the conveyances under the Agreement.

(2) **PUBLIC AVAILABILITY.**—The maps and descriptions referred to in the Agreement shall be on file and available for public inspection in the offices of the Secretary of the Interior and the Utah State Director of the Bureau of Land Management.

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

SEC. 5. COSTS.

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

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.R. 4579:

SENATE REPORTS: No. 106-463 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 11, considered and passed House.

Oct. 3, considered and passed Senate.