

105TH CONGRESS  
2D SESSION

# S. 2146

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

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## IN THE SENATE OF THE UNITED STATES

JUNE 9, 1998

Mr. HATCH (for himself and Mr. BENNETT) introduced the following bill;  
which was read twice and referred to the Committee on Energy and Nat-  
ural Resources

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## A BILL

To provide for the exchange of certain lands within 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 Schools and  
5       Lands Exchange Act of 1998”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

8               (1) The State of Utah owns approximately  
9       176,600 acres of land, as well as approximately  
10      24,165 acres of mineral interests, administered by

1 the Utah School and Institutional Trust Lands Ad-  
2 ministration, within the exterior boundaries of the  
3 Grand Staircase-Escalante National Monument, es-  
4 tablished by Presidential proclamation on September  
5 18, 1996, pursuant to section 2 of the Antiquities  
6 Act of 1906 (16 U.S.C. 431). The State of Utah  
7 also owns approximately 200,000 acres of land, and  
8 76,000 acres of mineral interests, administered by  
9 the Utah School and Institutional Trust Lands Ad-  
10 ministration, within the exterior boundaries of sev-  
11 eral units of the National Park System and the Na-  
12 tional Forest System, and within certain Indian res-  
13 ervations in Utah. These lands were granted by Con-  
14 gress to the State of Utah pursuant to the Utah En-  
15 abling Act, chap. 138, 28 Stat. 107 (1894), to be  
16 held in trust for the benefit of the State's public  
17 school system and other public institutions.

18 (2) Many of the State school trust lands within  
19 the monument may contain significant economic  
20 quantities of mineral resources, including coal, oil,  
21 and gas, tar sands, coalbed methane, titanium, ura-  
22 nium, and other energy and metalliferous minerals.  
23 Certain State school trust lands within the Monu-  
24 ment, like the Federal lands comprising the Monu-  
25 ment, have substantial noneconomic scientific, his-

1        toric, cultural, scenic, recreational, and natural re-  
2        sources, including ancient Native American archeo-  
3        logical sites and rare plant and animal communities.

4            (3) Development of surface and mineral re-  
5        sources on State school trust lands within the monu-  
6        ment could be incompatible with the preservation of  
7        these scientific and historic resources for which the  
8        monument was established. Federal acquisition of  
9        State school trust lands within the monument would  
10       eliminate this potential incompatibility, and would  
11       enhance management of the Grand Staircase-  
12       Escalante National Monument.

13           (4) The United States owns lands and interest  
14       in lands outside of the monument that can be trans-  
15       ferred to the State of Utah in exchange for the  
16       monument inholdings without jeopardizing Federal  
17       management objectives or needs.

18           (5) In 1993, Congress passed and the President  
19       signed Public Law 103–93, which contained a proc-  
20       ess for exchanging State of Utah school trust  
21       inholdings in the National Park System, the Na-  
22       tional Forest System, and certain Indian reserva-  
23       tions in Utah. Among other things, it identified var-  
24       ious Federal lands and interests in land that were  
25       available to exchange for these State inholdings.

1           (6) Although Public Law 103–93 offered the  
2       hope of a prompt, orderly exchange of State  
3       inholdings for Federal lands elsewhere, implementa-  
4       tion of the legislation has been very slow. Comple-  
5       tion of this process is realistically estimated to be  
6       many years away, at great expense to both the State  
7       and the United States in the form of expert wit-  
8       nesses, lawyers, appraisers, and other litigation  
9       costs.

10          (7) The State also owns approximately 2,560  
11       acres of land in or near the Alton coal field which  
12       has been declared an area unsuitable for coal mining  
13       under the terms of the Surface Mining Control and  
14       Reclamation Act. This land is also administered by  
15       the Utah School and Institutional Trust Lands Ad-  
16       ministration, but its use is limited given this dec-  
17       laration.

18          (8) The large presence of State school trust  
19       land inholdings in the monument, national parks,  
20       national forests, and Indian reservations make land  
21       and resource management in these areas difficult,  
22       costly, and controversial for both the State of Utah  
23       and the United States.

24          (9) It is in the public interest to reach agree-  
25       ment on exchange of inholdings, on terms fair to

1 both the State and the United States. Agreement  
2 saves much time and delay in meeting the expecta-  
3 tions of the State school and institutional trusts, in  
4 simplifying management of Federal and Indian lands  
5 and resources, and in avoiding expensive, protracted  
6 litigation under Public Law 103–93.

7 (10) The State of Utah and the United States  
8 have reached an agreement under which the State  
9 would exchange of all its State school trust lands  
10 within the monument, and specified inholdings in  
11 national parks, forests, and Indian reservations that  
12 are subject to Public Law 103–93, for various Fed-  
13 eral lands and interests in lands located outside the  
14 monument, including Federal lands and interests  
15 identified as available for exchange in Public Law  
16 103–93 and additional Federal lands and interests  
17 in lands.

18 (11) The State school trust lands to be con-  
19 veyed to the Federal Government include properties  
20 within units of the National Park System, the Na-  
21 tional Forest System, and the Grand Staircase-  
22 Escalante National Monument. The Federal assets  
23 made available for exchange with the State were se-  
24 lected with a great sensitivity to environmental con-  
25 cerns and a belief and expectation by both parties

1       that Federal assets to be conveyed to the State  
2       would be unlikely to trigger significant environ-  
3       mental controversy.

4           (12) The parties agreed at the outset of nego-  
5       tiations to avoid identifying Federal assets for con-  
6       veyance to the State where any of the following was  
7       known to exist or likely to be an issue as a result  
8       of foreseeable future uses of the land: significant  
9       wildlife resources, endangered species habitat, sig-  
10      nificant archaeological resources, areas of critical en-  
11      vironmental concern, coal resources requiring sur-  
12      face mining to extract the mineral deposits, wilder-  
13      ness study areas, significant recreational areas, or  
14      any other lands known to raise significant environ-  
15      mental concerns of any kind.

16           (13) The parties further agreed that the use of  
17      any mineral interests obtained by the State of Utah  
18      where the Federal Government retains surface and  
19      other interest, will not conflict with established Fed-  
20      eral land and environmental management objectives,  
21      and shall be fully subject to all environmental regu-  
22      lations applicable to development of non-Federal  
23      mineral interest on Federal lands.

24           (14) Because the inholdings to be acquired by  
25      the Federal Government include properties within

1 the boundaries of some of the most renowned con-  
 2 servation land units in the United States, and be-  
 3 cause a mission of the Utah School and Institutional  
 4 Trust Lands Administration is to produce economic  
 5 benefits for Utah's public schools and other bene-  
 6 ficiary institutions, the exchange of lands called for  
 7 in this agreement will resolve many longstanding en-  
 8 vironmental conflicts and further the interest of the  
 9 State trust lands, the school children of Utah, and  
 10 these conservation resources.

11 (15) The Congress finds that, under this Agree-  
 12 ment taken as a whole, the State interests to be con-  
 13 veyed to the United States by the State of Utah,  
 14 and the Federal interests and payments to be con-  
 15 veyed to the State of Utah by the United States, are  
 16 approximately equal in value.

17 (16) The purpose of this legislation is to enact  
 18 into law and direct prompt implementation of this  
 19 historic agreement.

20 **SEC. 3. RATIFICATION OF AGREED EXCHANGE BETWEEN**  
 21 **THE STATE OF UTAH AND THE DEPARTMENT**  
 22 **OF THE INTERIOR.**

23 (a) AGREEMENT.—The State of Utah and the De-  
 24 partment of the Interior have agreed to exchange certain  
 25 Federal lands, Federal mineral interests, and payment of

1 money for lands and mineral interests managed by the  
 2 Utah School and Institutional Trust Lands Administra-  
 3 tion, lands and mineral interests of approximately equal  
 4 value inheld within the Grand Staircase-Escalante Na-  
 5 tional Monument the Goshute and Navajo Indian Reserva-  
 6 tions, units of the national park system, the national for-  
 7 est system, and the Alton coal fields.

8 (b) RATIFICATION.—All terms, conditions, proce-  
 9 dures, covenants, reservations, and other provisions set  
 10 forth in the document entitled “Agreement to Exchange  
 11 Utah School Trust Lands Between the State of Utah and  
 12 the United States of America” (herein referred to as “the  
 13 Agreement”) are hereby incorporated in this title, are rati-  
 14 fied and confirmed, and set forth the obligations and com-  
 15 mitments of the United States, the State of Utah, and  
 16 Utah School and Institutional Trust Lands Administra-  
 17 tion (herein referred to as “SITLA”), as a matter of Fed-  
 18 eral law.

19 **SEC. 4. LEGAL DESCRIPTIONS.**

20 (a) IN GENERAL.—The maps and legal descriptions  
 21 referred to in the Agreement depict the lands subject to  
 22 the conveyances.

23 (b) PUBLIC AVAILABILITY.—The maps and descrip-  
 24 tions referred to in the Agreement shall be on file and  
 25 available for public inspection in the offices of the Sec-



1   retary of the Interior and the Utah State Director of the  
2   Bureau of Land Management.

3       (c) CONFLICT.—In case of conflict between the maps  
4   and the legal descriptions, the legal descriptions shall con-  
5   trol.

6   **SEC. 5. COSTS.**

7       The United States and the State of Utah shall each  
8   bear its own respective costs incurred in the implementa-  
9   tion of this Act.

10   **SEC. 6. REPEAL OF PUBLIC LAW 103–93 AND PUBLIC LAW**  
11                           **104–211.**

12       The provisions of Public law 103–93 (107 Stat. 995),  
13   other than section 7(b)(1), section 7(b)(3) and section  
14   10(b) thereof, are hereby repealed. Public Law 104–211  
15   (110 Stat. 3013) is hereby repealed.

16   **SEC. 7. CASH PAYMENT PREVIOUSLY AUTHORIZED.**

17       As previously authorized and made available by sec-  
18   tion 7(b)(1) and (b)(3) of Public Law 103–93, upon com-  
19   pletion of all conveyances described in the Agreement, the  
20   United States shall pay \$50,000,000 to the State of Utah  
21   from funds not otherwise appropriated from the Treasury.

1 **SEC. 8. SCHEDULE FOR CONVEYANCES.**

2       All conveyances under sections 2 and 3 of the agree-  
3 ment shall be completed within 70 days after the enact-  
4 ment of this Act.

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