

107TH CONGRESS
2D SESSION

S. 2745

To provide for the exchange of certain lands in Utah.

IN THE SENATE OF THE UNITED STATES

JULY 17, 2002

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

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

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

1 oped recreational opportunities for people through-
2 out the United States.

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

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

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

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

24 (7) The large presence of State trust land
25 inholdings in the San Rafael Swell region, the

1 Manti-La Sal National Forest, and the Red Cliffs
2 Desert Reserve makes land and resource manage-
3 ment in these areas difficult, costly, and controver-
4 sial for both the State of Utah and the United
5 States.

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

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

23 (10) The parties agreed at the outset of nego-
24 tiations to avoid identifying Federal assets for con-
25 veyance to the State where any of the following was

1 known to exist or likely to be an issue as a result
2 of foreseeable future uses of the lands:

3 (A) Wilderness study areas.

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

6 (C) Significant endangered species habitat.

7 (D) Significant archaeological resources.

8 (E) Areas of critical environmental con-
9 cern.

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

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

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

8 (b) PURPOSE.—The purpose of this Act is to enact
9 into law and direct prompt implementation of this agree-
10 ment, and thereby to further the public interest by consoli-
11 dating State and Federal lands into manageable units
12 while facilitating the protection of lands with significant
13 scientific, 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 Depart-
18 ment of the Interior, and the Department of Agriculture
19 have agreed to exchange certain Federal lands in the State
20 of Utah for lands of approximately equal value managed
21 by the Utah School and Institutional Trust Lands Admin-
22 istration in the San Rafael Swell area of Utah, the Manti-
23 La Sal National Forest, and the Red Cliffs Desert Re-
24 serve.

1 (b) RATIFICATION.—All terms, conditions, proce-
 2 dures, covenants, reservations, and other provisions set
 3 forth in the document entitled “Agreement for Exchange
 4 of Lands 2002 Federal-Utah State Trust Lands Consoli-
 5 dation”, dated June ____, 2002 (in this Act referred to
 6 as “the Agreement”), are hereby incorporated in this Act,
 7 are ratified and confirmed, and set forth the obligations
 8 of the United States, the State of Utah, and the Utah
 9 School and Institutional Trust Lands Administration, as
 10 a matter of Federal law.

11 **SEC. 4. CONVEYANCES.**

12 (a) CONVEYANCES.—All conveyances under sections
 13 2, 3, and 4 of the Agreement shall be completed not later
 14 than 70 days after enactment of this Act.

15 (b) MAPS AND LEGAL DESCRIPTIONS.—

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

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

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

4 **SEC. 5. MINERAL DEVELOPMENT.**

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

11 **SEC. 6. AUTHORIZATION.**

12 There are authorized to be appropriated such sums
13 as are necessary to carry out this Act, including such sums
14 as may be desired to reduce the balance of the interest
15 and principal amounts owed by the United States to the
16 Trust Lands Administration pursuant to sections 4 and
17 5 of the Agreement.

18 **SEC. 7. COSTS.**

19 The United States and the State of Utah shall each
20 bear its own respective costs incurred in the implementa-
21 tion of this Act.

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