

Calendar No. 574

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

**H. R. 3830**

**[Report No. 105-331]**

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IN THE SENATE OF THE UNITED STATES

JUNE 25, 1998

Received; read twice and referred to the Committee on Energy and Natural  
Resources

SEPTEMBER 14, 1998

Reported by Mr. MURKOWSKI, without amendment

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**AN ACT**

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:

1           (1) The State of Utah owns approximately  
2           176,600 acres of land, as well as approximately  
3           24,165 acres of mineral interests, administered by  
4           the Utah School and Institutional Trust Lands  
5           Administration, within the exterior boundaries of the  
6           Grand Staircase-Escalante National Monument, es-  
7           tablished by Presidential proclamation on September  
8           18, 1996, pursuant to section 2 of the Antiquities  
9           Act of 1906 (16 U.S.C. 431). The State of Utah  
10          also owns approximately 200,000 acres of land, and  
11          76,000 acres of mineral interests, administered by  
12          the Utah School and Institutional Trust Lands Ad-  
13          ministration, within the exterior boundaries of sev-  
14          eral units of the National Park System and the Na-  
15          tional Forest System, and within certain Indian res-  
16          ervations in Utah. These lands were granted by Con-  
17          gress to the State of Utah pursuant to the Utah En-  
18          abling Act, chap. 138, 28 Stat. 107 (1894), to be  
19          held in trust for the benefit of the State's public  
20          school system and other public institutions.

21           (2) Many of the State school trust lands within  
22          the monument may contain significant economic  
23          quantities of mineral resources, including coal, oil,  
24          and gas, tar sands, coalbed methane, titanium, ura-  
25          nium, and other energy and metalliferous minerals.

1 Certain State school trust lands within the Monu-  
2 ment, like the Federal lands comprising the Monu-  
3 ment, have substantial noneconomic scientific, his-  
4 toric, cultural, scenic, recreational, and natural re-  
5 sources, including ancient Native American archeo-  
6 logical sites and rare plant and animal communities.

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

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

21 (5) In 1993, Congress passed and the President  
22 signed Public Law 103–93, which contained a proc-  
23 ess for exchanging State of Utah school trust  
24 inholdings in the National Park System, the Na-  
25 tional Forest System, and certain Indian reserva-

1 tions in Utah. Among other things, it identified var-  
2 ous Federal lands and interests in land that were  
3 available to exchange for these State inholdings.

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

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

21 (8) The large presence of State school trust  
22 land inholdings in the monument, national parks,  
23 national forests, and Indian reservations make land  
24 and resource management in these areas difficult,

1       costly, and controversial for both the State of Utah  
2       and the United States.

3           (9) It is in the public interest to reach agree-  
4       ment on exchange of inholdings, on terms fair to  
5       both the State and the United States. Agreement  
6       saves much time and delay in meeting the expecta-  
7       tions of the State school and institutional trusts, in  
8       simplifying management of Federal and Indian lands  
9       and resources, and in avoiding expensive, protracted  
10      litigation under Public Law 103–93.

11          (10) The State of Utah and the United States  
12      have reached an agreement under which the State  
13      would exchange of all its State school trust lands  
14      within the monument, and specified inholdings in  
15      national parks, forests, and Indian reservations that  
16      are subject to Public Law 103–93, for various Fed-  
17      eral lands and interests in lands located outside the  
18      monument, including Federal lands and interests  
19      identified as available for exchange in Public Law  
20      103–93 and additional Federal lands and interests  
21      in lands.

22          (11) The State school trust lands to be con-  
23      veyed to the Federal Government include properties  
24      within units of the National Park System, the Na-  
25      tional Forest System, and the Grand Staircase-

1 Escalante National Monument. The Federal assets  
2 made available for exchange with the State were se-  
3 lected with a great sensitivity to environmental con-  
4 cerns and a belief and expectation by both parties  
5 that Federal assets to be conveyed to the State  
6 would be unlikely to trigger significant environ-  
7 mental controversy.

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

20 (13) The parties further agreed that the use of  
21 any mineral interests obtained by the State of Utah  
22 where the Federal Government retains surface and  
23 other interest, will not conflict with established Fed-  
24 eral land and environmental management objectives,  
25 and shall be fully subject to all environmental regu-

1 lations applicable to development of non-Federal  
2 mineral interest on Federal lands.

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

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

21 (16) The purpose of this legislation is to enact  
22 into law and direct prompt implementation of this  
23 historic agreement.

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

4 (a) AGREEMENT.—The State of Utah and the De-  
5 partment of the Interior have agreed to exchange certain  
6 Federal lands, Federal mineral interests, and payment of  
7 money for lands and mineral interests managed by the  
8 Utah School and Institutional Trust Lands Administra-  
9 tion, lands and mineral interests of approximately equal  
10 value inheld within the Grand Staircase-Escalante Na-  
11 tional Monument the Goshute and Navajo Indian Reserva-  
12 tions, units of the national park system, the national for-  
13 est system, and the Alton coal fields.

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

1 **SEC. 4. LEGAL DESCRIPTIONS.**

2 (a) IN GENERAL.—The maps and legal descriptions  
3 referred to in the Agreement depict the lands subject to  
4 the conveyances.

5 (b) PUBLIC AVAILABILITY.—The maps and descrip-  
6 tions referred to in the Agreement shall be on file and  
7 available for public inspection in the offices of the Sec-  
8 retary of the Interior and the Utah State Director of the  
9 Bureau of Land Management.

10 (c) CONFLICT.—In case of conflict between the maps  
11 and the legal descriptions, the legal descriptions shall con-  
12 trol.

13 **SEC. 5. COSTS.**

14 The United States and the State of Utah shall each  
15 bear its own respective costs incurred in the implementa-  
16 tion of this Act.

17 **SEC. 6. REPEAL OF PUBLIC LAW 103-93 AND PUBLIC LAW**  
18 **104-211.**

19 The provisions of Public Law 103-93 (107 Stat.  
20 995), other than section 7(b)(1), section 7(b)(3) and sec-  
21 tion 10(b) thereof, are hereby repealed. Public Law 104-  
22 211 (110 Stat. 3013) is hereby repealed.

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

24 As previously authorized and made available by sec-  
25 tion 7(b)(1) and (b)(3) of Public Law 103-93, upon com-  
26 pletion of all conveyances described in the Agreement, the

1 United States shall pay \$50,000,000 to the State of Utah  
2 from funds not otherwise appropriated from the Treasury.

3 **SEC. 8. SCHEDULE FOR CONVEYANCES.**

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

Passed the House of Representatives June 24, 1998.

Attest:

ROBIN H. CARLE,

*Clerk.*



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