

103^D CONGRESS
1ST SESSION

S. 184

To provide for the exchange of certain lands within the State of Utah,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 26 (legislative day, JANUARY 5), 1993

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

A BILL

To provide for the exchange of certain lands within the
State of Utah, and for other purposes.

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 Improvement Act of 1993”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act (except as otherwise provided):

8 (1) GOVERNOR.—The term “Governor” means
9 the Governor of the State.

1 (2) SCHOOL AND INSTITUTIONAL TRUST
 2 LANDS.—The term “school and institutional trust
 3 lands” means certain lands comprising approxi-
 4 mately 200,000 acres, consisting of—

5 (A) those lands granted by the United
 6 States by the Act entitled “An Act to enable
 7 the people of Utah to form a constitution and
 8 State government, and to be admitted into the
 9 Union on an equal footing with the original
 10 States”, approved July 16, 1894 (28 Stat. 107)
 11 (commonly known as the “Utah Enabling
 12 Act”), to the State in trust; and

13 (B) other lands that under State law are
 14 required to be managed for the benefit of the
 15 public school system or the institutions of the
 16 State that are designated by such Act.

17 (3) SECRETARY.—The term “Secretary” means
 18 the Secretary of the Interior.

19 (4) STATE.—The term “State” means the State
 20 of Utah.

21 **SEC. 3. STATE LANDS WITHIN THE NAVAJO INDIAN RES-**
 22 **ERVATION.**

23 (a) ADDITIONS TO RESERVATION.—

24 (1) IN GENERAL.—For the purpose of securing
 25 in trust for the Navajo Nation certain lands belong-

1 ing to the State, the lands described in paragraph
2 (2) shall become part of the Navajo Indian Reserva-
3 tion in the State upon the completion of conveyance
4 from the State and acceptance of title by the United
5 States.

6 (2) LANDS.—The lands referred to in para-
7 graph (1) comprise approximately 38,500 acres of
8 surface and subsurface estate, and approximately an
9 additional 9,500 acres of subsurface estate, as gen-
10 erally depicted on the map entitled “Utah-Navajo
11 Land Exchange”, dated May 18, 1992.

12 (b) AUTHORIZATION OF EXCHANGE.—

13 (1) IN GENERAL.—The Secretary may acquire
14 through exchange the lands described in subsection
15 (a)(2), subject to valid existing rights.

16 (2) COSTS.—The exchange authorized by para-
17 graph (1) shall be conducted without cost to the
18 Navajo Nation.

19 **SEC. 4. STATE LANDS WITHIN THE GOSHUTE INDIAN RES-**
20 **ERVATION.**

21 (a) ADDITIONS TO RESERVATION OF UTAH
22 LANDS.—

23 (1) IN GENERAL.—For the purpose of securing
24 in trust for the Goshute Indian Tribe certain lands
25 belonging to the State, the lands described in para-

1 graph (2) shall become part of the Goshute Indian
2 Reservation in the State upon the completion of con-
3 veyance from the State and acceptance of title by
4 the United States.

5 (2) LANDS.—The lands referred to in para-
6 graph (1) comprise approximately 980 acres of sur-
7 face and subsurface estate, and an additional 480
8 acres of subsurface estate, as generally depicted on
9 the map entitled “Utah-Goshute Land Exchange”,
10 dated May 18, 1992.

11 (3) AUTHORIZATION OF EXCHANGE.—

12 (A) IN GENERAL.—The Secretary may ac-
13 quire through exchange the lands described in
14 paragraph (2), subject to valid existing rights.

15 (B) COSTS.—The exchange authorized by
16 subparagraph (A) shall be conducted without
17 cost to the Goshute Indian Tribe.

18 (b) ADDITIONS TO RESERVATION OF NEVADA
19 LANDS.—

20 (1) IN GENERAL.—The Federal lands located in
21 the State of Nevada and described in paragraph (2),
22 together with all improvements on the lands, are de-
23 clared to be part of the Goshute Indian Reservation,
24 and shall be held in trust for the Goshute Indian
25 Tribe.

1 (2) LANDS.—The lands referred to in para-
2 graph (1) comprise approximately 5 acres and have
3 the following legal description: Township 30 North,
4 range 69 East, Lots 5, 6, 7, 9, 11, and 14 of section
5 34.

6 (3) USE OF LANDS.—No part of the lands de-
7 scribed in paragraph (2) shall be used for gaming or
8 any related purpose.

9 **SEC. 5. STATE LANDS WITHIN THE NATIONAL FOREST SYS-**
10 **TEM.**

11 (a) AUTHORIZATION OF ACQUISITION.—The Sec-
12 retary of Agriculture may accept on behalf of the United
13 States the school and institutional trust lands that—

14 (1) are owned by the State;

15 (2) are located within units of the National
16 Forest System; and

17 (3) comprise approximately 76,000 acres, as
18 generally depicted on the map entitled “Utah Forest
19 Land Exchange”, dated May 18, 1992.

20 (b) STATUS.—Any lands acquired by the United
21 States pursuant to this section shall become part of the
22 national forest within which the lands are located and
23 shall be subject to all laws applicable to the National For-
24 est System.

1 **SEC. 6. STATE LANDS WITHIN THE NATIONAL PARK SYS-**
2 **TEM.**

3 (a) AUTHORIZATION OF ACQUISITION.—The Sec-
4 retary may accept on behalf of the United States all school
5 and institutional trust lands that are—

6 (1) owned by the State; and

7 (2) located within the units of the National
8 Park System located within the State on the date of
9 enactment of this Act.

10 (b) STATUS.—

11 (1) IN GENERAL.—All lands of the State within
12 units of the National Park System that are conveyed
13 to the United States pursuant to this section shall
14 become part of the appropriate unit of the National
15 Park System and shall be subject to all laws applica-
16 ble to that unit of the National Park System.

17 (2) CAPITOL REEF NATIONAL PARK LANDS.—

18 (A) IN GENERAL.—The Secretary shall, as
19 a part of the exchange process pursuant to this
20 Act, compensate the State for the fair market
21 value of 580.64 acres within Capitol Reef Na-
22 tional Park that were conveyed by the State to
23 the United States on July 2, 1971 (for which
24 the State has never been compensated).

1 (B) FAIR MARKET VALUE.—The fair mar-
2 ket value of these lands shall be determined
3 pursuant to section 8.

4 **SEC. 7. OFFER TO STATE.**

5 (a) SPECIFIC OFFERS.—

6 (1) IN GENERAL.—Not later than 30 days after
7 the date of enactment of this Act, the Secretary
8 shall transmit to the Governor a list of lands and in-
9 terests in lands within the State for transfer to the
10 State in exchange for the State lands and interests
11 described in sections 3, 4, 5, and 6.

12 (2) LIST.—The list described in paragraph (1)
13 shall consist of the following Federal lands and in-
14 terests in lands:

15 (A) Blue Mountain Telecommunications
16 Site, fee estate, approximately 640 acres.

17 (B) Beaver Mountain Ski Resort Site, fee
18 estate, approximately 3,000 acres, as generally
19 depicted on the map entitled “Beaver Mountain
20 Ski Resort”, dated September 16, 1992.

21 (C) The unleased coal located in the Win-
22 ter Quarters tract.

23 (D) The unleased coal located in the
24 Crandall Canyon tract.

1 (E) All royalties receivable by the United
2 States with respect to coal leases in the
3 Quitchupah (Convulsion Canyon) tract.

4 (F) The unleased coal located in the Cot-
5 tonwood Canyon tract.

6 (G) The unleased coal located in the Sol-
7 dier Creek tract.

8 (b) ADDITIONAL OFFERS OF ROYALTIES.—

9 (1) IN GENERAL.—In addition to the lands and
10 interests described in subsection (a)(2), and subject
11 to paragraph (2), the Secretary shall offer to the
12 State a portion of the royalties receivable by the
13 United States with respect to Federal geothermal,
14 oil, gas, and other mineral interests in the State that
15 on December 31, 1992—

16 (A) were under lease;

17 (B) were covered by an approved permit to
18 drill or a plan of development and plan of rec-
19 lamation;

20 (C) were in production; and

21 (D) were not under administrative or judi-
22 cial appeal.

23 (2) LIMITATIONS ON OFFERS.—

24 (A) PERCENTAGE OF VALUE OF STATE
25 LANDS.—The Secretary may not make an offer

1 pursuant to this subsection for royalties aggre-
2 gating more than 50 percent of the total ap-
3 praised value of the State lands described in
4 sections 3, 4, 5, and 6.

5 (B) DOLLAR AMOUNT LIMITATION.—The
6 Secretary may not make an offer pursuant to
7 this subsection that would enable the State to
8 receive royalties under this section in an
9 amount that exceeds \$12,500,000 annually.

10 (c) INSUFFICIENCY OF VALUE OF OFFER TO
11 STATE.—If the total value of lands, interests in lands, and
12 royalties offered to the State pursuant to subsections (a)
13 and (b) is less than the total value of the State lands de-
14 scribed in sections 3, 4, 5, and 6, the Secretary shall—

15 (1) provide the Governor a list of all public
16 lands in the State that as of December 31, 1992,
17 the Secretary had identified in resource management
18 plans prepared pursuant to the Federal Land Policy
19 and Management Act of 1976 (43 U.S.C. 1701 et
20 seq.) as suitable for disposal by exchange or other-
21 wise; and

22 (2) offer to transfer to the State any or all of
23 the lands, as selected by the State, in partial ex-
24 change for the State lands, to the extent consistent
25 with other applicable law.

1 **SEC. 8. APPRAISAL OF LANDS TO BE EXCHANGED.**

2 (a) IN GENERAL.—

3 (1) EQUAL VALUE.—All exchanges made pursu-
4 ant to this Act shall be for equal value.

5 (2) APPRAISALS.—Not later than 90 days after
6 the date of enactment of this Act, the Secretary, the
7 Secretary of Agriculture, and the Governor shall
8 provide for an appraisal of the lands and interests
9 in lands involved in the exchanges authorized by this
10 Act.

11 (3) APPRAISAL REPORTS.—Each detailed ap-
12 praisal report prepared pursuant to paragraph (2)
13 shall utilize nationally recognized appraisal stand-
14 ards including, to the extent appropriate, the Uni-
15 form Appraisal Standards for Federal Land Acquisi-
16 tions.

17 (b) INTEREST ON ROYALTY OFFERS.—Any royalty
18 offer by the Secretary pursuant to section 7(b) shall be
19 adjusted to reflect the net present value as of the effective
20 date of the exchange. The State shall be entitled to receive
21 a reasonable rate of interest at a rate equal to the average
22 yield on 5-year Treasury notes issued during the previous
23 fiscal year on the balance of the value owed by the United
24 States from the effective date of the exchange until full
25 value is received by the State and mineral rights revert
26 to the United States pursuant to section 9(a)(3)(A).

1 (c) ADJUSTMENT FOR REVENUE SHARING.—

2 (1) IN GENERAL.—If the State shares revenue
3 from any lands, interest in lands, or royalty trans-
4 ferred to the State under this Act, the value of the
5 lands, interest in lands, or royalty shall be the value
6 otherwise established under this section, less the per-
7 centage that represents the Federal revenue sharing
8 obligation.

9 (2) LIMITATION.—The adjustment described in
10 paragraph (1) shall not be considered to reflect a
11 property right of the State.

12 (d) DISPUTE RESOLUTION.—

13 (1) IN GENERAL.—If, after the date that is 2
14 years after the date of enactment of this Act, the
15 parties described in subsection (a)(2) have not
16 agreed on the final terms of some or all of the ex-
17 changes authorized by this Act (including the value
18 of the lands involved in some or all of the ex-
19 changes), a party may bring an action in the United
20 States District Court for the District of Utah,
21 Central Division, concerning the value of any and all
22 lands, or interests in lands, involved in the exchange.

23 (2) TIME FOR FILING.—Any action described in
24 paragraph (1) may be filed with the court not earlier
25 than the date that is 2 years after the date of enact-

1 ment of this Act and not later than the date that
2 is 5 years after the date of enactment of this Act.

3 (3) APPEALS.—Any decision of the court under
4 this subsection may be appealed in accordance with
5 applicable law.

6 **SEC. 9. TRANSFER OF TITLE.**

7 (a) TERMS.—

8 (1) EXCHANGE.—

9 (A) ENTITLEMENT.—The State shall be
10 entitled to receive such lands, interests in lands,
11 and royalties described in section 7 as—

12 (i) are offered by the Secretary and
13 accepted by the State; and

14 (ii) are equal in value to the State
15 lands and interests in lands described in
16 sections 3, 4, 5, and 6.

17 (B) CONVEYANCE BY THE STATE.—

18 (i) IN GENERAL.—If the State accepts
19 the offers described in subparagraph (A),
20 the State shall convey to the United
21 States, subject to valid existing rights, all
22 right, title, and interest of the State to the
23 school and institutional trust lands, as de-
24 scribed in sections 3, 4, 5, and 6.

1 (ii) TIMING.—Except as provided in
2 section 7(b), conveyance of all lands or in-
3 terests in lands shall take place not later
4 than 60 days after agreement by the Sec-
5 retary and the Governor, or entry of an
6 appropriate order of judgment by the dis-
7 trict court.

8 (2) RIGHTS CONVEYED.—

9 (A) FEE SIMPLE TITLES.—Subject to sub-
10 section (b), for each property described in para-
11 graph (1)(A) for which fee simple title is to be
12 conveyed to the State, the Secretary shall con-
13 vey, subject to valid existing rights, all right,
14 title, and interest in the property.

15 (B) OTHER RIGHTS.—For each property
16 described in paragraph (1)(A) for which less
17 than fee simple title is to be conveyed to the
18 State, the Secretary shall reserve to the United
19 States all remaining right, title, and interest of
20 the United States.

21 (3) MINERALS.—

22 (A) RIGHTS.—All right, title, and interest
23 in any mineral rights described in section 7 that
24 are conveyed to the State pursuant to this Act
25 shall revert to the United States upon removal

1 of minerals equal in value to the value attrib-
2 uted to the rights in connection with an ex-
3 change under this Act.

4 (B) DEVELOPMENT OF MINERAL INTER-
5 ESTS.—Development of any mineral interest
6 transferred to the State pursuant to this Act
7 shall be subject to all laws applicable to the de-
8 velopment of non-Federal mineral interests, in-
9 cluding, when appropriate, laws applicable to
10 the development of non-Federal mineral inter-
11 ests within national forests.

12 (b) INSPECTIONS FOR HAZARDOUS MATERIALS.—

13 (1) IN GENERAL.—Prior to any exchange under
14 this Act, the Secretary and the Governor shall in-
15 spect all pertinent records and shall conduct a phys-
16 ical inspection of the lands to be exchanged pursuant
17 to this Act for the presence of any hazardous mate-
18 rials (as defined by applicable law at the time of the
19 inspection).

20 (2) AVAILABILITY OF RESULTS.—Each party
21 described in paragraph (1) shall make available to
22 the other party the results of each inspection con-
23 ducted pursuant to paragraph (1).

24 (3) REMEDIAL ACTION.—Responsibility for
25 costs of remedial action related to materials identi-

1 fied by the inspections described in paragraph (1)
2 shall be borne by those entities responsible under ex-
3 isting law.

4 (c) PUBLIC INTEREST REQUIREMENT.—With respect
5 to the lands and interests described in section 7, the re-
6 quirement of section 206(a) of the Federal Land Policy
7 and Management Act of 1976 (43 U.S.C. 1716(a)) that
8 exchanges of lands be in the public interest is deemed to
9 be met.

10 **SEC. 10. MAPS AND LEGAL DESCRIPTIONS.**

11 (a) FILING.—As soon as practicable after the date
12 of enactment of this Act, a map and legal description of
13 the lands added to the Navajo and Goshute Indian Res-
14 ervations and all lands exchanged under this Act shall be
15 filed by the appropriate Secretary with the Committee on
16 Energy and Natural Resources of the Senate and the
17 Committee on Interior and Insular Affairs of the House
18 of Representatives.

19 (b) FORCE AND EFFECT.—Each map and legal de-
20 scription described in paragraph (1) shall have the same
21 force and effect as if included in this Act, except that the
22 appropriate Secretary may correct clerical and typo-
23 graphical errors in each map and legal description.

1 (c) PUBLIC INSPECTION.—Each map and legal de-
2 scription shall be on file and available for public inspection
3 in—

4 (1) the offices of the Secretary of Agriculture
5 and the Secretary of the Interior in Washington,
6 District of Columbia; and

7 (2) the offices of the appropriate agencies of
8 the Department of the Interior and the Department
9 of Agriculture in the State.

10 **SEC. 11. PAYMENTS IN LIEU OF TAXES.**

11 Section 6902(b) of title 31, United States Code, is
12 amended by adding at the end the following new sen-
13 tences: “This subsection shall not apply to payments for
14 lands located in the State of Utah and acquired by the
15 United States if, at the time of the acquisition, a unit of
16 general local government, under applicable State law, was
17 entitled to receive payments from the State for the lands.
18 In the case described in the preceding sentence, a payment
19 under this chapter with respect to the acquired lands may
20 not exceed the payment that would have been made under
21 State law if the lands had not been acquired.”.

22 **SEC. 12. CONGRESSIONAL INTENT.**

23 (a) EFFECT ON FUTURE EXCHANGES.—The lands
24 and interests described in section 7 are an offer related
25 only to the State lands and interests in lands described

1 in this Act. Nothing in this Act is intended to preclude
2 conveyance of other lands or interests to the State pursu-
3 ant to other exchanges under applicable law in existence
4 on the date of enactment of this Act or enacted after the
5 date.

6 (b) **EQUITABLE TREATMENT OF COUNTIES.**—It is
7 the intent of Congress that the State should establish a
8 funding mechanism, or some other mechanism, to ensure
9 that counties within the State are treated equitably as a
10 result of the exchanges made pursuant to this Act.

11 **SEC. 13. COSTS.**

12 The United States and the State shall each bear its
13 own respective costs incurred in carrying out this Act.

14 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated such sums
16 as are necessary to carry out this Act.

○

S 184 IS—2