

Union Calendar No. 118

103D CONGRESS
1ST SESSION

S. 184

[Report No. 103-207]

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AUGUST 2, 1993

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1993

Referred to the Committee on Natural Resources

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[Omit the part struck through and insert the part printed in italic]

AN ACT

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”.

1 **SEC. 2. UTAH-NAVAJO LAND EXCHANGE.**

2 (a) ADDITIONS TO RESERVATION.—For the purpose
3 of securing in trust for the Navajo Nation certain lands
4 belonging to the State of Utah, which comprise approxi-
5 mately thirty-eight thousand five hundred acres of surface
6 and subsurface estate, and approximately an additional
7 nine thousand five hundred acres of subsurface estate, as
8 generally depicted on the map entitled “Utah-Navajo
9 Land Exchange”, dated May 18, 1992, such lands are
10 hereby declared to be part of the Navajo Indian Reserva-
11 tion in the State of Utah effective upon the completion
12 of conveyance from the State of Utah and acceptance of
13 title by the United States.

14 (b) AUTHORIZATION.—The Secretary of the Interior
15 is authorized to acquire through exchange those lands and
16 interests in land described in subsection (a) which are
17 owned by the State of Utah, subject to valid existing
18 rights.

19 **SEC. 3. STATE LANDS WITHIN THE GOSHUTE INDIAN RES-**
20 **ERVATION.**

21 (a) ADDITIONS TO RESERVATION.—For the purpose
22 of securing in trust for the Goshute Indian Tribe certain
23 lands belonging to the State of Utah, which comprise ap-
24 proximately nine hundred eighty acres of surface and sub-
25 surface estate, and an additional four hundred and eighty
26 acres of subsurface estate, as generally depicted on the

1 map entitled “Utah-Goshute Land Exchange”, dated May
2 18, 1992, such lands are hereby declared to be part of
3 the Goshute Indian Reservation in the State of Utah effec-
4 tive upon the completion of conveyance from the State of
5 Utah and acceptance of title by the United States.

6 (b) AUTHORIZATION.—The Secretary of the Interior
7 is authorized to acquire through exchange those lands and
8 interests in land described in subsection (a) which are
9 owned by the State of Utah, subject to valid existing
10 rights.

11 (c) OTHER LAND.—(1) The following tract of Fed-
12 eral land located in the State of Nevada, comprising ap-
13 proximately five acres more or less, together with all im-
14 provements thereon, is hereby declared to be part of the
15 Goshute Indian Reservation, and shall be held in trust for
16 the Goshute Indian Tribe: Township 30 North, Range 69
17 East, lots 5, 6, 7, 9, 11, and 14 of section 34.

18 (2) No part of the lands referred to in paragraph (1)
19 shall be used for gaming or any related purpose.

20 **SEC. 4. IMPLEMENTATION.**

21 The exchanges authorized by sections 2 and 3 of this
22 Act shall be conducted without cost to the Navajo Nation
23 and the Goshute Indian Tribe.

1 **SEC. 5. STATE LANDS WITHIN THE NATIONAL FOREST SYS-**
2 **TEM.**

3 (a) AUTHORIZATION.—The Secretary of Agriculture
4 is authorized to accept on behalf of the United States title
5 to the school and institutional trust lands by the State
6 of Utah within units of the National Forest System, com-
7 prising approximately seventy-six thousand acres as de-
8 picted on a map entitled “Utah Forest Land Exchange”,
9 dated May 18, 1992.

10 (b) STATUS.—Any lands acquired by the United
11 States pursuant to this section shall become a part of the
12 national forest within which such lands are located and
13 shall be subject to all the laws and regulations applicable
14 to the National Forest System.

15 **SEC. 6. STATE LANDS WITHIN THE NATIONAL PARK SYS-**
16 **TEM.**

17 (a) AUTHORIZATION.—The Secretary of the Interior
18 is hereby authorized to accept on behalf of the United
19 States title to all school and institutional trust lands
20 owned by the State of Utah located within all units of the
21 National Park System, comprising approximately eighty
22 thousand acres, located within the State of Utah on the
23 date of enactment of this Act.

24 (b) STATUS.—(1) Notwithstanding any other provi-
25 sion of law, all lands of the State of Utah within units
26 of the National Park System that are conveyed to the

1 United States pursuant to this section shall become a part
2 of the appropriate unit of the National Park System, and
3 shall be subject to all laws and regulations applicable to
4 that unit of the National Park System.

5 (2) The Secretary of the Interior shall, as a part of
6 the exchange process of this Act, compensate the State
7 of Utah for the fair market value of five hundred eighty
8 and sixty-four one-hundredths acres within Capitol Reef
9 National Park that were conveyed by the State of Utah
10 to the United States on July 2, 1971, for which the State
11 has never been compensated. The fair market value of
12 these lands shall be established pursuant to section 8 of
13 this Act.

14 **SEC. 7. OFFER TO STATE.**

15 (a) SPECIFIC OFFERS.—Within thirty days after en-
16 actment of this Act, the Secretary of the Interior shall
17 transmit to the State of Utah a list of lands, or interests
18 in lands, within the State of Utah for transfer to the State
19 of Utah in exchange for the state lands and interests de-
20 scribed in sections 2, 3, 5, and 6 of this Act. Such list
21 shall include only the following Federal lands, or interests
22 therein:

23 (1) Blue Mountain Telecommunications Site,
24 fee estate, approximately six hundred and forty
25 acres.

1 (2) Beaver Mountain Ski Resort site, fee estate,
2 approximately three thousand acres, as generally de-
3 picted on the map entitled “Beaver Mountain Ski
4 Resort” dated September 16, 1992.

5 (3) The unleased coal located in the Winter
6 Quarters Tract.

7 (4) The unleased coal located in the Crandall
8 Canyon Tract.

9 (5) All royalties receivable by the United States
10 with respect to coal leases in the Quitcupah (Con-
11 vulsion Canyon) Tract.

12 (6) The unleased coal located in the Cotton-
13 wood Canyon Tract.

14 (7) The unleased coal located in the Soldier
15 Creek Tract.

16 (b) ADDITIONAL OFFERS.—(1) In addition to the
17 lands and interests specified in subsection (a), the Sec-
18 retary of the Interior shall offer to the State of Utah a
19 portion of the royalties receivable by the United States
20 with respect to Federal geothermal, oil, gas, or other min-
21 eral interests in Utah which on December 31, 1992, were
22 under lease and covered by an approved permit to drill
23 or plan of development and plan of reclamation, were in
24 production, and were not under administrative or judicial
25 appeal.

1 (2) No offer under this subsection shall be for royal-
2 ties aggregating more than 50 per centum of the total ap-
3 praised value of the State lands described in sections 2,
4 3, 5, and 6.

5 ~~(3) The Secretary shall make no offer under this sub-~~
6 ~~section which would enable the State of Utah to receive~~
7 ~~royalties under this section exceeding \$12,500,000 annu-~~
8 ~~ally.~~

9 (3) *The Secretary shall make no offer under this sub-*
10 *section which would enable the State of Utah to receive roy-*
11 *alties under this section exceeding \$25,000,000.*

12 (4) If the total value of lands and interests therein
13 and royalties offered to the State pursuant to subsections
14 (a) and (b) is less than the total value of the State lands
15 described in sections 2, 3, 5, and 6, the Secretary shall
16 provide the State a list of all public lands in Utah that
17 as of December 31, 1992, the Secretary, in resource man-
18 agement plans prepared pursuant to the Federal Land
19 Policy and Management Act of 1976, had identified as
20 suitable for disposal by exchange or otherwise, and shall
21 offer to transfer to the State any or all of such lands,
22 as selected by the State, in partial exchange for such State
23 lands, to the extent consistent with other applicable laws
24 and regulations.

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

2 (a) EQUAL VALUE.—All exchanges authorized under
3 this Act shall be for equal value. No later than ninety days
4 after enactment of this Act, the Secretary of the Interior,
5 the Secretary of Agriculture, and the Governor of the
6 State of Utah shall provide for an appraisal of the lands
7 or interests therein involved in the exchanges authorized
8 by this Act. A detailed appraisal report shall utilize nation-
9 ally recognized appraisal standards including, to the ex-
10 tent appropriate, the uniform appraisal standards for Fed-
11 eral land acquisition.

12 (b) DEADLINE AND DISPUTE RESOLUTION.—(1) If
13 after two years from the date of enactment of this Act,
14 the parties have not agreed upon the final terms of some
15 or all of the exchanges authorized by this Act, including
16 the value of the lands involved in some or all of such ex-
17 changes, notwithstanding any other provisions of law, *any*
18 *appropriate United States District Court, including but not*
19 *limited to* the United States District Court for the District
20 of Utah, Central Division, shall have jurisdiction to hear,
21 determine, and render judgment on the value of any and
22 all lands, or interests therein, involved in the exchange.
23 (2) No action provided for in this subsection may be
24 filed with the Court sooner than two years and later than
25 five years after the date of enactment of this Act. Any

1 decision of a District Court under this Act may be ap-
2 pealed in accordance with the applicable laws and rules.

3 (c) ADJUSTMENT.—If the State shares revenue from
4 the selected Federal properties, the value of such prop-
5 erties shall be the value otherwise established under this
6 section, less the percentage which represents the Federal
7 revenue sharing obligation, but such adjustment shall not
8 be considered as reflecting a property right of the State
9 of Utah.

10 (d) INTEREST.—Any royalty offer by the Secretary
11 pursuant to subsection 7(b) shall be adjusted to reflect
12 net present value as of the effective date of the exchange.
13 The State shall be entitled to receive a reasonable rate
14 of interest at a rate equivalent to a five-year Treasury note
15 on the balance of the value owed by the United States
16 from the effective date of the exchange until full value is
17 received by the State and mineral rights revert to the
18 United States as prescribed by subsection 9(a)(3).

19 **SEC. 9. TRANSFER OF TITLE.**

20 (a) TERMS.—(1) The State of Utah shall be entitled
21 to receive so much of those lands or interests in lands and
22 additional royalties described in section 7 that are offered
23 by the Secretary of the Interior and accepted by the State
24 as are equal in value to the State lands and interests de-
25 scribed in sections 2, 3, 5, and 6.

1 (2) For those properties where fee simple title is to
2 be conveyed to the State of Utah, the Secretary of the
3 Interior shall convey, subject to valid existing rights, all
4 right, title, and interest, subject to the provisions of sub-
5 section (b). For those properties where less than fee simple
6 is to be conveyed to the State of Utah, the Secretary shall
7 reserve to the United States all remaining right, title, and
8 interest of the United States.

9 (3) All right, title, and interest in any mineral rights
10 described in section 7 that are conveyed to the State of
11 Utah pursuant to this Act shall revert to the United States
12 upon removal of minerals equal in value to the value at-
13 tributed to such rights in connection with an exchange
14 under this Act.

15 (4) If the State of Utah accepts the offers provided
16 for in this Act, the State shall convey to the United States,
17 subject to valid existing rights, all right, title, and interest
18 of the State to all school and institutional trust lands de-
19 scribed in sections 2, 3, 5, and 6 of this Act. Except as
20 provided in section 7(b), conveyance of all lands or inter-
21 ests in lands shall take place within sixty days following
22 agreement by the Secretary of the Interior and the Gov-
23 ernor of the State of Utah, or entry of an appropriate
24 order of judgment by the District Court.

1 (b) INSPECTIONS.—Both parties shall inspect all per-
2 tinent records and shall conduct a physical inspection of
3 the lands to be exchanged pursuant to this Act for the
4 presence of any hazardous materials as presently defined
5 by applicable law. The results of those inspections shall
6 be made available to the parties. Responsibility for costs
7 of remedial action related to materials identified by such
8 inspections shall be borne by those entities responsible
9 under existing law.

10 (c) CONDITIONS.—(1) With respect to the lands and
11 interests described in section 7(a), enactment of this Act
12 shall be construed as satisfying the provisions of section
13 206(a) of the Federal Land Policy and Management Act
14 of 1976 requiring that exchanges of lands be in the public
15 interest.

16 (2) Development of any mineral interest transferred
17 to the State of Utah pursuant to this Act shall be subject
18 to all laws, rules, and regulations applicable to develop-
19 ment of non-Federal mineral interests, including, where
20 appropriate, laws, rules, and regulations applicable to such
21 development within National Forests. *Extraction of any*
22 *coal resources described in section 7(a) shall occur only*
23 *through underground coal mining operations.*

1 **SEC. 10. LEGAL DESCRIPTIONS.**

2 (a) IN GENERAL.—As soon as practicable after the
3 date of enactment of this Act, a map and legal description
4 of the lands added to the Navajo and Goshute Indian Res-
5 ervations and all lands exchanged under this Act shall be
6 filed by the appropriate Secretary with the Committee on
7 Natural Resources of the United States House of Rep-
8 resentatives and the Committee on Energy and Natural
9 Resources of the United States Senate, and each such map
10 and description shall have the same force and effect as
11 if included in this Act, except that the appropriate Sec-
12 retary may correct clerical and typographical errors in
13 each such legal description and map. Each such map and
14 legal description shall be on file and available for public
15 inspection in the offices of the Secretary of Agriculture
16 and the Secretary of the Interior and the Utah offices of
17 the appropriate agencies of the Department of the Interior
18 and Department of Agriculture.

19 (b) PILT.—Section 6902(b) of title 31, United States
20 Code, is amended by striking “acquisition.” and inserting
21 in lieu thereof “acquisition, nor does this subsection apply
22 to payments for lands in Utah acquired by the United
23 States if at the time of such acquisition units, under appli-
24 cable State law, were entitled to receive payments from
25 the State for such lands, but in such case no payment
26 under this chapter with respect to such acquired lands

1 shall exceed the payment that would have been made
2 under State law if such lands had not been acquired.”.

3 (c) INTENT.—The lands and interests described in
4 section 7 are an offer related only to the State lands and
5 interests described in this Act, and nothing in this Act
6 shall be construed as precluding conveyance of other lands
7 or interests to the State of Utah pursuant to other ex-
8 changes under applicable existing law or subsequent act
9 of Congress. It is the intent of Congress that the State
10 should establish a funding mechanism, or some other
11 mechanism, to assure that counties within the State are
12 treated equitably as a result of this exchange.

13 (d) COSTS.—The United States and the State of
14 Utah shall each bear its own respective costs incurred in
15 the implementation of this Act.

16 (e) DEFINITION.—As used in this Act, the term (1)
17 “School and Institutional Trust Lands” means those
18 properties granted by the United States in the Utah Ena-
19 bling Act to the State of Utah in trust and other lands
20 which under State law must be managed for the benefit
21 of the public school system or the institutions of the State
22 which are designated by the Utah Enabling Act; and (2)
23 “Secretary” means the Secretary of the Interior; unless
24 specifically defined otherwise.

