

Calendar No. 94

103D CONGRESS
1ST SESSION

S. 184

[Report No. 103-56]

A BILL

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

JUNE 16 (legislative day, JUNE 15), 1993
Reported with an amendment

Calendar No. 94

103^D CONGRESS
1ST SESSION

S. 184

[Report No. 103-56]

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

JUNE 16 (legislative day, JUNE 15), 1993

Reported by Mr. JOHNSTON, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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”.

1 **SEC. 2. DEFINITIONS.**

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

3 (1) GOVERNOR.—The term “Governor” means
4 the Governor of the State.

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

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

17 (B) other lands that under State law are
18 required to be managed for the benefit of the
19 public school system or the institutions of the
20 State that are designated by such Act.

21 (3) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 (4) STATE.—The term “State” means the State
24 of Utah.

1 **SEC. 3. STATE LANDS WITHIN THE NAVAJO INDIAN RES-**
2 **ERVATION.**

3 (a) **ADDITIONS TO RESERVATION.—**

4 (1) **IN GENERAL.—**For the purpose of securing
5 in trust for the Navajo Nation certain lands belong-
6 ing to the State, the lands described in paragraph
7 (2) shall become part of the Navajo Indian Reserva-
8 tion in the State upon the completion of conveyance
9 from the State and acceptance of title by the United
10 States.

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

17 (b) **AUTHORIZATION OF EXCHANGE.—**

18 (1) **IN GENERAL.—**The Secretary may acquire
19 through exchange the lands described in subsection
20 (a)(2), subject to valid existing rights.

21 (2) **COSTS.—**The exchange authorized by para-
22 graph (1) shall be conducted without cost to the
23 Navajo Nation.

1 **SEC. 4. STATE LANDS WITHIN THE GOSHUTE INDIAN RES-**
2 **ERVATION.**

3 (a) ADDITIONS TO RESERVATION OF UTAH
4 LANDS.—

5 (1) IN GENERAL.—For the purpose of securing
6 in trust for the Goshute Indian Tribe certain lands
7 belonging to the State, the lands described in para-
8 graph (2) shall become part of the Goshute Indian
9 Reservation in the State upon the completion of con-
10 veyance from the State and acceptance of title by
11 the United States.

12 (2) LANDS.—The lands referred to in para-
13 graph (1) comprise approximately 980 acres of sur-
14 face and subsurface estate, and an additional 480
15 acres of subsurface estate, as generally depicted on
16 the map entitled “Utah-Goshute Land Exchange”,
17 dated May 18, 1992.

18 (3) AUTHORIZATION OF EXCHANGE.—

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

22 (B) COSTS.—The exchange authorized by
23 subparagraph (A) shall be conducted without
24 cost to the Goshute Indian Tribe.

25 (b) ADDITIONS TO RESERVATION OF NEVADA
26 LANDS.—

1 (1) **IN GENERAL.**—The Federal lands located in
2 the State of Nevada and described in paragraph (2),
3 together with all improvements on the lands, are de-
4 clared to be part of the Goshute Indian Reservation,
5 and shall be held in trust for the Goshute Indian
6 Tribe.

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

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

15 **SEC. 5. STATE LANDS WITHIN THE NATIONAL FOREST SYS-**
16 **TEM.**

17 (a) **AUTHORIZATION OF ACQUISITION.**—The Sec-
18 retary of Agriculture may accept on behalf of the United
19 States the school and institutional trust lands that—

20 (1) are owned by the State;

21 (2) are located within units of the National
22 Forest System; and

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

1 (b) STATUS.—Any lands acquired by the United
 2 States pursuant to this section shall become part of the
 3 national forest within which the lands are located and
 4 shall be subject to all laws applicable to the National For-
 5 est System.

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

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

11 (1) owned by the State; and

12 (2) located within the units of the National
 13 Park System located within the State on the date of
 14 enactment of this Act.

15 (b) STATUS.—

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

22 (2) CAPITOL REEF NATIONAL PARK LANDS.—

23 (A) IN GENERAL.—The Secretary shall, as
 24 a part of the exchange process pursuant to this
 25 Act, compensate the State for the fair market

1 value of 580.64 acres within Capitol Reef Na-
2 tional Park that were conveyed by the State to
3 the United States on July 2, 1971 (for which
4 the State has never been compensated).

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

8 **SEC. 7. OFFER TO STATE.**

9 (a) SPECIFIC OFFERS.—

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

16 (2) LIST.—The list described in paragraph (1)
17 shall consist of the following Federal lands and in-
18 terests in lands:

19 (A) Blue Mountain Telecommunications
20 Site, fee estate, approximately 640 acres.

21 (B) Beaver Mountain Ski Resort Site, fee
22 estate, approximately 3,000 acres, as generally
23 depicted on the map entitled “Beaver Mountain
24 Ski Resort”, dated September 16, 1992.

1 (C) The unleased coal located in the Win-
2 ter Quarters tract.

3 (D) The unleased coal located in the
4 Crandall Canyon tract.

5 (E) All royalties receivable by the United
6 States with respect to coal leases in the
7 Quitcupah (Convulsion Canyon) tract.

8 (F) The unleased coal located in the Cot-
9 tonwood Canyon tract.

10 (G) The unleased coal located in the Sol-
11 dier Creek tract.

12 (b) ~~ADDITIONAL OFFERS OF ROYALTIES.—~~

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

20 (A) were under lease;

21 (B) were covered by an approved permit to
22 drill or a plan of development and plan of rec-
23 lamation;

24 (C) were in production; and

1 ~~(D)~~ were not under administrative or judi-
2 cial appeal.

3 ~~(2)~~ LIMITATIONS ON OFFERS.—

4 ~~(A)~~ PERCENTAGE OF VALUE OF STATE
5 LANDS.—The Secretary may not make an offer
6 pursuant to this subsection for royalties aggre-
7 gating more than 50 percent of the total ap-
8 praised value of the State lands described in
9 sections 3, 4, 5, and 6.

10 ~~(B)~~ DOLLAR AMOUNT LIMITATION.—The
11 Secretary may not make an offer pursuant to
12 this subsection that would enable the State to
13 receive royalties under this section in an
14 amount that exceeds \$12,500,000 annually.

15 ~~(c)~~ INSUFFICIENCY OF VALUE OF OFFER TO
16 STATE.—If the total value of lands, interests in lands, and
17 royalties offered to the State pursuant to subsections (a)
18 and (b) is less than the total value of the State lands de-
19 scribed in sections 3, 4, 5, and 6, the Secretary shall—

20 ~~(1)~~ provide the Governor a list of all public
21 lands in the State that as of December 31, 1992,
22 the Secretary had identified in resource management
23 plans prepared pursuant to the Federal Land Policy
24 and Management Act of 1976 (43 U.S.C. 1701 et

1 seq.) as suitable for disposal by exchange or other-
2 wise; and

3 ~~(2)~~ offer to transfer to the State any or all of
4 the lands, as selected by the State, in partial ex-
5 change for the State lands, to the extent consistent
6 with other applicable law.

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

8 ~~(a)~~ IN GENERAL.—

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

11 ~~(2)~~ APPRAISALS.—Not later than 90 days after
12 the date of enactment of this Act, the Secretary, the
13 Secretary of Agriculture, and the Governor shall
14 provide for an appraisal of the lands and interests
15 in lands involved in the exchanges authorized by this
16 Act.

17 ~~(3)~~ APPRAISAL REPORTS.—Each detailed ap-
18 praisal report prepared pursuant to paragraph ~~(2)~~
19 shall utilize nationally recognized appraisal stand-
20 ards including, to the extent appropriate, the Uni-
21 form Appraisal Standards for Federal Land Acquisi-
22 tions.

23 ~~(b)~~ INTEREST ON ROYALTY OFFERS.—Any royalty
24 offer by the Secretary pursuant to section 7(b) shall be
25 adjusted to reflect the net present value as of the effective

1 date of the exchange. The State shall be entitled to receive
2 a reasonable rate of interest at a rate equal to the average
3 yield on 5-year Treasury notes issued during the previous
4 fiscal year on the balance of the value owed by the United
5 States from the effective date of the exchange until full
6 value is received by the State and mineral rights revert
7 to the United States pursuant to section 9(a)(3)(A).

8 (c) ADJUSTMENT FOR REVENUE SHARING.—

9 (1) IN GENERAL.—If the State shares revenue
10 from any lands, interest in lands, or royalty trans-
11 ferred to the State under this Act, the value of the
12 lands, interest in lands, or royalty shall be the value
13 otherwise established under this section, less the per-
14 centage that represents the Federal revenue sharing
15 obligation.

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

19 (d) DISPUTE RESOLUTION.—

20 (1) IN GENERAL.—If, after the date that is 2
21 years after the date of enactment of this Act, the
22 parties described in subsection (a)(2) have not
23 agreed on the final terms of some or all of the ex-
24 changes authorized by this Act (including the value
25 of the lands involved in some or all of the ex-

1 changes), a party may bring an action in the United
2 States District Court for the District of Utah,
3 Central Division, concerning the value of any and all
4 lands, or interests in lands, involved in the exchange.

5 (2) TIME FOR FILING.—Any action described in
6 paragraph (1) may be filed with the court not earlier
7 than the date that is 2 years after the date of enact-
8 ment of this Act and not later than the date that
9 is 5 years after the date of enactment of this Act.

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

13 **SEC. 9. TRANSFER OF TITLE.**

14 (a) TERMS.—

15 (1) EXCHANGE.—

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

19 (i) are offered by the Secretary and
20 accepted by the State; and

21 (ii) are equal in value to the State
22 lands and interests in lands described in
23 sections 3, 4, 5, and 6.

24 (B) CONVEYANCE BY THE STATE.—

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

8 (ii) ~~TIMING.~~—Except as provided in
9 section 7(b), conveyance of all lands or in-
10 terests in lands shall take place not later
11 than 60 days after agreement by the Sec-
12 retary and the Governor, or entry of an
13 appropriate order of judgment by the dis-
14 trict court.

15 ~~(2) RIGHTS CONVEYED.~~—

16 (A) ~~FEE SIMPLE TITLES.~~—Subject to sub-
17 section (b), for each property described in para-
18 graph (1)(A) for which fee simple title is to be
19 conveyed to the State, the Secretary shall con-
20 vey, subject to valid existing rights, all right,
21 title, and interest in the property.

22 (B) ~~OTHER RIGHTS.~~—For each property
23 described in paragraph (1)(A) for which less
24 than fee simple title is to be conveyed to the
25 State, the Secretary shall reserve to the United

1 States all remaining right, title, and interest of
2 the United States.

3 ~~(3) MINERALS.—~~

4 ~~(A) RIGHTS.—~~All right, title, and interest
5 in any mineral rights described in section 7 that
6 are conveyed to the State pursuant to this Act
7 shall revert to the United States upon removal
8 of minerals equal in value to the value attrib-
9 uted to the rights in connection with an ex-
10 change under this Act.

11 ~~(B) DEVELOPMENT OF MINERAL INTER-~~
12 ~~ESTS.—~~Development of any mineral interest
13 transferred to the State pursuant to this Act
14 shall be subject to all laws applicable to the de-
15 velopment of non-Federal mineral interests, in-
16 cluding, when appropriate, laws applicable to
17 the development of non-Federal mineral inter-
18 ests within national forests.

19 ~~(b) INSPECTIONS FOR HAZARDOUS MATERIALS.—~~

20 ~~(1) IN GENERAL.—~~Prior to any exchange under
21 this Act, the Secretary and the Governor shall in-
22 spect all pertinent records and shall conduct a phys-
23 ical inspection of the lands to be exchanged pursuant
24 to this Act for the presence of any hazardous mate-

1 materials (as defined by applicable law at the time of the
2 inspection).

3 ~~(2) AVAILABILITY OF RESULTS.~~—Each party
4 described in paragraph (1) shall make available to
5 the other party the results of each inspection con-
6 ducted pursuant to paragraph (1).

7 ~~(3) REMEDIAL ACTION.~~—Responsibility for
8 costs of remedial action related to materials identi-
9 fied by the inspections described in paragraph (1)
10 shall be borne by those entities responsible under ex-
11 isting law.

12 ~~(c) PUBLIC INTEREST REQUIREMENT.~~—With respect
13 to the lands and interests described in section 7, the re-
14 quirement of section 206(a) of the Federal Land Policy
15 and Management Act of 1976 (43 U.S.C. 1716(a)) that
16 exchanges of lands be in the public interest is deemed to
17 be met.

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

19 ~~(a) FILING.~~—As soon as practicable after the date
20 of enactment of this Act, a map and legal description of
21 the lands added to the Navajo and Goshute Indian Res-
22 ervations and all lands exchanged under this Act shall be
23 filed by the appropriate Secretary with the Committee on
24 Energy and Natural Resources of the Senate and the

1 Committee on Interior and Insular Affairs of the House
2 of Representatives.

3 (b) ~~FORCE AND EFFECT.~~—Each map and legal de-
4 scription described in paragraph (1) shall have the same
5 force and effect as if included in this Act, except that the
6 appropriate Secretary may correct clerical and typo-
7 graphical errors in each map and legal description.

8 (c) ~~PUBLIC INSPECTION.~~—Each map and legal de-
9 scription shall be on file and available for public inspection
10 in—

11 (1) the offices of the Secretary of Agriculture
12 and the Secretary of the Interior in Washington,
13 District of Columbia; and

14 (2) the offices of the appropriate agencies of
15 the Department of the Interior and the Department
16 of Agriculture in the State.

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

18 Section 6902(b) of title 31, United States Code, is
19 amended by adding at the end the following new sen-
20 tences: “This subsection shall not apply to payments for
21 lands located in the State of Utah and acquired by the
22 United States if, at the time of the acquisition, a unit of
23 general local government, under applicable State law, was
24 entitled to receive payments from the State for the lands.
25 In the case described in the preceding sentence, a payment

1 under this chapter with respect to the acquired lands may
2 not exceed the payment that would have been made under
3 State law if the lands had not been acquired.”.

4 **SEC. 12. CONGRESSIONAL INTENT.**

5 (a) EFFECT ON FUTURE EXCHANGES.—The lands
6 and interests described in section 7 are an offer related
7 only to the State lands and interests in lands described
8 in this Act. Nothing in this Act is intended to preclude
9 conveyance of other lands or interests to the State pursu-
10 ant to other exchanges under applicable law in existence
11 on the date of enactment of this Act or enacted after the
12 date.

13 (b) EQUITABLE TREATMENT OF COUNTIES.—It is
14 the intent of Congress that the State should establish a
15 funding mechanism, or some other mechanism, to ensure
16 that counties within the State are treated equitably as a
17 result of the exchanges made pursuant to this Act.

18 **SEC. 13. COSTS.**

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

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

22 There are authorized to be appropriated such sums
23 as are necessary to carry out this Act.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Utah Schools and Lands*
3 *Improvement Act of 1993”.*

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

5 *(a) ADDITIONS TO RESERVATION.—For the purpose of*
6 *securing in trust for the Navajo Nation certain lands be-*
7 *longing to the State of Utah, which comprise approximately*
8 *thirty-eight thousand five hundred acres of surface and sub-*
9 *surface estate, and approximately an additional nine thou-*
10 *sand five hundred areas of subsurface estate, as generally*
11 *depicted on the map entitled “Utah-Navajo Land Ex-*
12 *change”, dated May 18, 1992, such lands are hereby de-*
13 *clared to be part of the Navajo Indian Reservation in the*
14 *State of Utah effective upon the completion of conveyance*
15 *from the State of Utah and acceptance of title by the United*
16 *States.*

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

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

23 *(a) ADDITIONS TO RESERVATION.—For the purpose of*
24 *securing in trust for the Goshute Indian Tribe certain lands*
25 *belonging to the State of Utah, which comprise approxi-*
26 *mately nine hundred eighty acres of surface and subsurface*

1 *estate, and an additional four hundred and eighty acres*
2 *of subsurface estate, as generally depicted on the map enti-*
3 *tled "Utah-Goshute Land Exchange", dated May 18, 1992,*
4 *such lands are hereby declared to be part of the Goshute*
5 *Indian Reservation in the State of Utah effective upon the*
6 *completion of conveyance from the State of Utah and ac-*
7 *ceptance of title by the United States.*

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

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

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

21 **SEC. 4. IMPLEMENTATION.**

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

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

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

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

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

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

1 *ed States pursuant to this section shall become a part of*
2 *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 of*
7 *Utah for the fair market value of five hundred eighty and*
8 *sixty-four one-hundredths acres within Capitol Reef Na-*
9 *tional Park that were conveyed by the State of Utah to the*
10 *United States on July 2, 1971, for which the State has*
11 *never been compensated. The fair market value of these*
12 *lands shall be established pursuant to section 8 of this Act.*

13 **SEC. 7. OFFER TO STATE.**

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

21 (1) *Blue Mountain Telecommunications Site, fee*
22 *estate, approximately six hundred and forty acres.*

23 (2) *Beaver Mountain Ski Resort site, fee estate,*
24 *approximately three thousand acres, as generally de-*

1 *picted on the map entitled "Beaver Mountain Ski Re-*
2 *sort" dated September 16, 1992.*

3 (3) *The unleased coal located in the Winter*
4 *Quarters Tract.*

5 (4) *The unleased coal located in the Crandall*
6 *Canyon Tract.*

7 (5) *All royalties receivable by the United States*
8 *with respect to coal leases in the Quitcupah (Convul-*
9 *sion Canyon) Tract.*

10 (6) *The unleased coal located in the Cottonwood*
11 *Canyon Tract.*

12 (7) *The unleased coal located in the Soldier*
13 *Creek Tract.*

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

23 (2) *No offer under this subsection shall be for royalties*
24 *aggregating more than 50 per centum of the total appraised*

1 value of the State lands described in sections 2, 3, 5, and
2 6.

3 (3) The Secretary shall make no offer under this sub-
4 section which would enable the State of Utah to receive roy-
5 alties under this section exceeding \$12,500,000 annually.

6 (4) If the total value of lands and interests therein and
7 royalties offered to the State pursuant to subsections (a)
8 and (b) is less than the total value of the State lands de-
9 scribed in sections 2, 3, 5, and 6, the Secretary shall provide
10 the State a list of all public lands in Utah that as of Decem-
11 ber 31, 1992, the Secretary, in resource management plans
12 prepared pursuant to the Federal Land Policy and Manage-
13 ment Act of 1976, had identified as suitable for disposal
14 by exchange or otherwise, and shall offer to transfer to the
15 State any or all of such lands, as selected by the State, in
16 partial exchange for such State lands, to the extent consist-
17 ent with other applicable laws and regulations.

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

19 (a) *EQUAL VALUE.*—All exchanges authorized under
20 this Act shall be for equal value. No later than ninety days
21 after enactment of this Act, the Secretary of the Interior,
22 the Secretary of Agriculture, and the Governor of the State
23 of Utah shall provide for an appraisal of the lands or inter-
24 ests therein involved in the exchanges authorized by this
25 Act. A detailed appraisal report shall utilize nationally rec-

1 *ognized appraisal standards including, to the extent appro-*
2 *priate, the uniform appraisal standards for Federal land*
3 *acquisition.*

4 **(b) DEADLINE AND DISPUTE RESOLUTION.**—(1) *If*
5 *after two years from the date of enactment of this Act, the*
6 *parties have not agreed upon the final terms of some or*
7 *all of the exchanges authorized by this Act, including the*
8 *value of the lands involved in some or all of such exchanges,*
9 *notwithstanding any other provisions of law, the United*
10 *States District Court for the District of Utah, Central Divi-*
11 *sion, shall have jurisdiction to hear, determine, and render*
12 *judgment on the value of any and all lands, or interests*
13 *therein, involved in the exchange.*

14 (2) *No action provided for in this subsection may be*
15 *filed with the Court sooner than two years and later than*
16 *five years after the date of enactment of this Act. Any deci-*
17 *sion of a District Court under this Act may be appealed*
18 *in accordance with the applicable laws and rules.*

19 **(c) ADJUSTMENT.**—*If the State shares revenue from*
20 *the selected Federal properties, the value of such properties*
21 *shall be the value otherwise established under this section,*
22 *less the percentage which represents the Federal revenue*
23 *sharing obligation, but such adjustment shall not be consid-*
24 *ered as reflecting a property right of the State of Utah.*

1 (d) *INTEREST.*—Any royalty offer by the Secretary
2 pursuant to subsection 7(b) shall be adjusted to reflect net
3 present value as of the effective date of the exchange. The
4 State shall be entitled to receive a reasonable rate of interest
5 at a rate equivalent to a five-year Treasury note on the
6 balance of the value owed by the United States from the
7 effective date of the exchange until full value is received by
8 the State and mineral rights revert to the United States
9 as prescribed by subsection 9(a)(3).

10 **SEC. 9. TRANSFER OF TITLE.**

11 (a) *TERMS.*—(1) The State of Utah shall be entitled
12 to receive so much of those lands or interests in lands and
13 additional royalties described in section 7 that are offered
14 by the Secretary of the Interior and accepted by the State
15 as are equal in value to the State lands and interests de-
16 scribed in sections 2, 3, 5, and 6.

17 (2) For those properties where fee simple title is to be
18 conveyed to the State of Utah, the Secretary of the Interior
19 shall convey, subject to valid existing rights, all right, title,
20 and interest, subject to the provisions of subsection (b). For
21 those properties where less than fee simple is to be conveyed
22 to the State of Utah, the Secretary shall reserve to the
23 United States all remaining right, title, and interest of the
24 United States.

1 (3) *All right, title, and interest in any mineral rights*
2 *described in section 7 that are conveyed to the State of Utah*
3 *pursuant to this Act shall revert to the United States upon*
4 *removal of minerals equal in value to the value attributed*
5 *to such rights in connection with an exchange under this*
6 *Act.*

7 (4) *If the State of Utah accepts the offers provided for*
8 *in this Act, the State shall convey to the United States, sub-*
9 *ject to valid existing rights, all right, title, and interest of*
10 *the State to all school and institutional trust lands de-*
11 *scribed in sections 2, 3, 5, and 6 of this Act. Except as*
12 *provided in section 7(b), conveyance of all lands or interests*
13 *in lands shall take place within sixty days following agree-*
14 *ment by the Secretary of the Interior and the Governor of*
15 *the State of Utah, or entry of an appropriate order of judg-*
16 *ment by the District Court.*

17 (b) *INSPECTIONS.*—*Both parties shall inspect all perti-*
18 *nent records and shall conduct a physical inspection of the*
19 *lands to be exchanged pursuant to this Act for the presence*
20 *of any hazardous materials as presently defined by applica-*
21 *ble law. The results of those inspections shall be made avail-*
22 *able to the parties. Responsibility for costs of remedial ac-*
23 *tion related to materials identified by such inspections shall*
24 *be borne by those entities responsible under existing law.*

1 (c) *CONDITIONS.*—(1) *With respect to the lands and*
2 *interests described in section 7, enactment of this Act shall*
3 *be construed as satisfying the provisions of section 206(a)*
4 *of the Federal Land Policy and Management Act of 1976*
5 *requiring that exchanges of lands be in the public interest.*

6 (2) *Development of any mineral interest transferred*
7 *to the State of Utah pursuant to this Act shall be subject*
8 *to all laws, rules, and regulations applicable to development*
9 *of non-Federal mineral interests, including, where appro-*
10 *priate, laws, rules, and regulations applicable to such devel-*
11 *opment within National Forests.*

12 **SEC. 10. LEGAL DESCRIPTIONS.**

13 (a) *IN GENERAL.*—*As soon as practicable after the*
14 *date of enactment of this Act, a map and legal description*
15 *of the lands added to the Navajo and Goshute Indian Res-*
16 *ervations and all lands exchanged under this Act shall be*
17 *filed by the appropriate Secretary with the Committee on*
18 *Natural Resources of the United States House of Represent-*
19 *atives and the Committee on Energy and Natural Resources*
20 *of the United States Senate, and each such map and de-*
21 *scription shall have the same force and effect as if included*
22 *in this Act, except that the appropriate Secretary may cor-*
23 *rect clerical and typographical errors in each such legal de-*
24 *scription and map. Each such map and legal description*
25 *shall be on file and available for public inspection in the*

1 *offices of the Secretary of Agriculture and the Secretary of*
2 *the Interior and the Utah offices of the appropriate agencies*
3 *of the Department of the Interior and Department of Agri-*
4 *culture.*

5 **(b) PILT.**—*Section 6902(b) of title 31, United States*
6 *Code, is amended by striking “acquisition.” and inserting*
7 *in lieu thereof “acquisition, nor does this subsection apply*
8 *to payments for lands in Utah acquired by the United*
9 *States if at the time of such acquisition units, under appli-*
10 *cable State law, were entitled to receive payments from the*
11 *State for such lands, but in such case no payment under*
12 *this chapter with respect to such acquired lands shall exceed*
13 *the payment that would have been made under State law*
14 *if such lands had not been acquired.”.*

15 **(c) INTENT.**—*The lands and interests described in sec-*
16 *tion 7 are an offer related only to the State lands and inter-*
17 *ests described in this Act, and nothing in this Act shall be*
18 *construed as precluding conveyance of other lands or inter-*
19 *ests to the State of Utah pursuant to other exchanges under*
20 *applicable existing law or subsequent act of Congress. It is*
21 *the intent of Congress that the State should establish a fund-*
22 *ing mechanism, or some other mechanism, to assure that*
23 *counties within the State are treated equitably as a result*
24 *of this exchange.*

1 (d) *COSTS.*—*The United States and the State of Utah*
2 *shall each bear its own respective costs incurred in the im-*
3 *plementation of this Act.*

4 (e) *DEFINITION.*—*As used in this Act, the term (1)*
5 *“School and Institutional Trust Lands” means those prop-*
6 *erties granted by the United States in the Utah Enabling*
7 *Act to the State of Utah in trust and other lands which*
8 *under State law must be managed for the benefit of the pub-*
9 *lic school system or the institutions of the State which are*
10 *designated by the Utah Enabling Act; and (2) “Secretary”*
11 *means the Secretary of the Interior; unless specifically de-*
12 *finied otherwise.*

13 ***SEC. 11. AUTHORIZATION OF APPROPRIATIONS.***

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

S 184 RH—2