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104TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 104-348

ADDITION OF LANDS TO THE GOSHUTE INDIAN RESERVATION

AUGUST 1, 1996.—Ordered to be printed

Mr. MCCAIN, from the Committee on Indian Affairs,
submitted the following

REPORT

[To accompany H.R. 2464]

The Committee on Indian Affairs, to which was referred the bill (H.R. 2464) Addition of Lands to the Goshute Indian Reservation, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 2464 is to amend Public Law 103-93 to provide additional lands within the State of Utah for the Goshute Indian Reservation.

BACKGROUND

Public Law 103-93, the “Utah Schools and Lands Improvements Act of 1993” provides a framework for resolving Federal and State land management problems resulting from interspersed land ownership within the boundaries of National Parks, National Forests, and Indian Reservations in Utah. The Act authorizes the Secretary of the Interior to acquire approximately 200,000 acres of Utah school trust land, consisting of about 575 separate tracts, in exchange for Federal lands and mineral rights of equal value.

The Goshute Tribe’s reservation is located astride the border between Utah and Nevada, with approximately half of the reservation within each state. When the Congress was considering the legislation that became Public Law 103-93, the Goshute Tribe asked that legislative language be included to resolve problems along their reservation’s southern boundary. The irregular configuration

and remote location of about 8,000 acres of State and Federal land along that boundary make proper management virtually impossible. The State, the Bureau of Land Management, and the Tribe have been unable to prevent trespassing and poaching in the area. In addition, fencing and patrolling the boundary has been costly and difficult. At the request of the sponsors of the 1993 bill, however, the Tribe agreed to address these matters later in a free standing bill.

H.R. 2464 would amend the 1993 Act to provide for the exchange of approximately 7,000 acres of additional State land, located within the Goshute Reservation boundaries, for Federal lands or interests of equal value. These State lands would be added, in trust, to the reservation upon acquisition by the United States. About 320 acres of surface and subsurface land and another 960 acres of unencumbered reserved Federal minerals, managed by the Bureau of Land Management, would also be added to the reservation. Addition of these lands to the reservation would provide a more clearly defined and manageable preservation boundary. The bill provides for the Tribe to be responsible for the cost of appraising the additional State and Federal lands, estimated at \$10,000.

The Committee held a hearing on H.R. 2464 on July 17, 1996. Maitland Sharpe, Assistant Director of the Bureau of Land Management (BLM), John Paul Kennedy, general counsel to the Goshute Indian Tribe; and John A. Harja, Vice Chair, Board of Trustees for the School and Institutional Trust Lands Administration for the State of Utah, testified in strong support of the bill. The Committee also received supporting testimony from Senators Robert F. Bennett (R-UT) and Orrin Hatch (R-UT), Juab County, Utah, and the Utah Wilderness Coalition.

LEGISLATIVE HISTORY

H.R. 2464 was introduced on October 11, 1995, by Representative James V. Hansen (R-UT), and referred to the Committee on Resources. The Subcommittee on National Parks, Forests and Lands held a hearing on the bill on October 16, 1995. On December 19, 1995, the Subcommittee, by voice vote, ordered the bill favorably reported, without amendment, to the full Committee. On April 25, 1996, the full Resources Committee, by voice vote, ordered the bill favorably reported, without amendment, to the House of Representatives. On May 14, 1996, the House of Representatives passed H.R. 2464, by voice vote, under Suspension of the Rules. In the Senate, H.R. 2464 was referred to the Committee on Indian Affairs, which held a hearing on the bill on July 18, 1996.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

On July 24, 1996, the Committee on Indian Affairs, in an open business session, considered H.R. 2464 and ordered it reported, without amendment, with a recommendation that the bill be passed.

SECTION-BY-SECTION ANALYSIS

Section 1. This section amends the Utah Schools and Lands Improvements Act of 1993 by adding a new section 11.

Subsection 11(a) adds approximately 8,000 acres of surface and subsurface estate (as depicted on the map entitled “Additional Utah-Goshute Exchange” dated July 1, 1994) to the Goshute Indian Reservation.

Subsection 11(b) authorizes the Secretary of the Interior to acquire through exchange the lands belonging to the State of Utah, subject to existing rights, to be held in trust for the Goshute Indian Tribe.

Subsection 11(c) applies other sections of the 1993 Act to the lands to be transferred under this section, and provides that the Goshute Indian Tribe will be responsible for payment of the costs of appraisal of the lands to be acquired, which payment shall be paid prior to the transfer of the lands.

COST AND BUDGETARY CONSIDERATION

The cost and budgetary impact of H.R. 2464, as evaluated by the Congressional Budget Office, is set forth below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 31, 1996.

Hon. JOHN MCCAIN,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2464, an act to amend Public Law 103–93 to provide additional lands within the state of Utah for the Goshute Indian Reservation, and for other purposes, as ordered reported by the Senate Committee on Indian Affairs on July 24, 1996. H.R. 2464 would add a provision to the Utah Schools and Lands Improvement Act of 1993 to authorize an exchange of land with the state of Utah. The land acquired by the federal government would be held in trust for the Goshute Indian Tribe. CBO estimates that enacting H.R. 2464 would have no significant impact on the federal budget, nor would it affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply.

H.R. 2464 contains no intergovernmental mandates, as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), and would impose no costs on state, local, or tribal governments. This land exchange would be voluntary on the part of the state. The lands acquired from the state would be added to the Goshute Indian Reservation, and the tribe would pay for an appraisal of the acquired lands. This cost also would be voluntary—a condition of acquiring the lands—and CBO estimates that it would not be significant. In addition, the act would impose no new private-sector mandates.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Rachel Robertson (for federal costs), and Marjorie Miller (for the state, local, and tribal impact).

Sincerely,

JUNE E. O'NEILL, *Director.*

REGULATORY IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that H.R. 2464 will have no regulatory or paperwork impact.

EXECUTIVE COMMUNICATIONS

The statement presented by the Department of the Interior at the July 18, 1996, hearing is set forth below:

STATEMENT OF MAITLAND SHARPE, ASSISTANT DIRECTOR,
BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE
INTERIOR

Thank you for the opportunity to testify today on H.R. 2464, which amends Public Law 103-93 to add additional lands to the Goshute Indian Reservation in the State of Utah. We support H.R. 2464 with a suggested amendment.

P.L. 103-93, "The Utah Schools and Lands Improvements Act of 1993" authorized and directed the exchange of approximately 200,000 acres of Utah's institutional and trust lands located within the boundaries of National Parks, National Forests or Indian Reservations for certain Federal lands and interests. This exchange was to resolve Federal and State land management problems resulting from interspersed land ownership. H.R. 2464 amends the 1993 Act by placing approximately 8,000 acres of land located within the boundaries of the Goshute Indian Reservation in trust for the Tribe. Approximately 7000 acres of this land are currently owned by the State, and will become part of the Reservation upon acquisition by the United States.

The public lands to be placed in trust include four parcels of about 320 acres where both the surface and subsurface are managed by BLM and another 960 acres of reserved Federal minerals. The reserved minerals are not encumbered by any leases or claims of record. The four parcels under BLM surface management will be removed from an existing grazing allotment following passage of the bill. No reduction in authorized Animal Unit Months (AUMs) for the grazing operator's permit will occur as a result of these lands being converted to trust status.

The Secretary of the Interior must compensate the State of Utah for the State lands transferred to the Secretary through an equal value exchange of Federal lands or interests as described in section 7 of P.L. 103-93. This is a reasonable proposal and one which we support.

The bill requires the Goshute Tribe to pay the appraisal costs for these lands. We support this provision.

The bill is silent with regard to liability. We suggest that the bill include a section that provides that, notwithstanding any other provision of law, the United States shall not

incur any liability for conditions existing on the State lands prior to the acceptance of title by the United States.

I would be more than happy to answer any questions you might have.

CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXIV of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

UTAH SCHOOLS AND LANDS IMPROVEMENT ACT OF 1993

* * * * *

107 Stat. 995

SEC. 11. ADDITIONAL GOSHUTE INDIAN RESERVATION LANDS.

(a) *FURTHER ADDITIONS TO GOSHUTE RESERVATION.*—*In addition to the lands described in section 3, for the purpose of securing in trust for the Goshute Indian Tribe certain additional public lands and lands belonging to the State of Utah, which comprise approximately 8,000 acres of surface and subsurface estate, as generally depicted on the map entitled "Additional Utah-Goshute Exchange", dated July 1 1994, such public lands and State lands are hereby declared to be part of the Goshute Indian Reservation in the State of Utah effective upon the completion of conveyance of the State lands from the State of Utah and acceptance of title by the United States.*

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

(c) *APPLICATION OF PRIOR PROVISIONS.*—(1) *Except as provided in paragraph (2), the remaining provisions of this Act which are applicable to the lands to be transferred to the Goshute Indian Tribe pursuant to section 3 shall also apply to the land subject to this section.*

(2) *The Goshute Indian Tribe will be responsible for payment of the costs of appraisal of the lands to be acquired pursuant to this section, which costs shall be paid prior to the transfer of such lands.*

SEC. [11.] 12. AUTHORIZATION OF APPROPRIATIONS.

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