

108TH CONGRESS
2D SESSION

H. R. 5330

To authorize and direct the exchange of lands in Grand and Uintah Counties,
Utah, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2004

Mr. MATHESON (for himself and Mr. CANNON) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To authorize and direct the exchange of lands in Grand
and Uintah Counties, 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 Recreational
5 Lands Exchange Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds and declares that—

8 (1) Areas surrounding the Colorado River in
9 Grand County, Utah, Dinosaur National Monument
10 in Uintah County, Utah, and the Book Cliffs area

1 of Uintah County, Utah, contain nationally recog-
2 nized scenic values, significant archaeological and
3 historic resources, valuable wildlife habitat, and out-
4 standing opportunities for public recreation that are
5 enjoyed by hundreds of thousands of people annu-
6 ally.

7 (2) In these areas, the State of Utah owns mul-
8 tiple parcels of lands granted by Congress to the
9 State pursuant to the Utah Enabling Act of 1894
10 (chapter 138; 23 Stat. 107), to be held in trust for
11 the benefit of the State's public school system and
12 other public institutions. The lands are largely scat-
13 tered in checkerboard fashion amid the Federal
14 lands comprising the remainder of the Colorado
15 River corridor, Dinosaur National Monument and
16 Book Cliffs areas.

17 (3) These State trust lands were granted for
18 the purpose of generating financial support for
19 Utah's public schools through sale or development of
20 natural resources, and the lands are held in trust
21 under State and Federal law for the benefit of the
22 public school system of the State and other bene-
23 ficiary institutions.

24 (4) State trust lands in the Colorado River cor-
25 ridor, Dinosaur National Monument, and Book

1 Cliffs areas contain significant natural and rec-
2 reational values, including portions of Westwater
3 Canyon of the Colorado River, the nationally-recog-
4 nized Kokopelli and Slickrock trails, several of the
5 largest natural rock arches in the United States,
6 multiple wilderness study areas and proposed wilder-
7 ness areas, and viewsheds for Arches National Park
8 and Dinosaur National Monument.

9 (5) The large presence of State trust lands lo-
10 cated within the Colorado River corridor, Dinosaur
11 National Monument, and Book Cliffs areas make
12 land and resource management in the areas more
13 difficult, costly, and controversial for both the State
14 of Utah and the United States.

15 (6) Development of Utah State trust lands in
16 these areas in accordance with the purpose for which
17 the lands were granted could be incompatible with
18 management of such areas for recreational, natural,
19 and scenic values.

20 (7) The United States owns lands and interests
21 in lands elsewhere in Utah that can be transferred
22 to the State of Utah in exchange without jeopard-
23 izing Federal management objectives or needs.

24 (8) It is in the public interest to enact legisla-
25 tion authorizing an exchange of other federally

1 owned lands in Utah for the Utah State trust lands
2 located within the Colorado River corridor, Dinosaur
3 National Monument and Book Cliffs areas, on terms
4 fair to the State of Utah and the United States.

5 (b) PURPOSE.—It is the purpose of this Act to au-
6 thorize, direct, facilitate and expedite the land exchange
7 described herein in order to further the public interest by
8 disposing of Federal lands with limited recreational and
9 conservation values and acquiring in exchange therefore
10 State trust lands with important recreational, scenic, and
11 conservation values for permanent public management and
12 use.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) OFFERED LANDS.—The term “Offered
16 Lands” means the Utah State school trust lands de-
17 scribed in section 4(b) to be conveyed to the United
18 States under this Act.

19 (2) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (3) SELECTED LANDS.—The term “Selected
22 Lands” means the public lands described in section
23 4(c) to be conveyed to the State under this Act.

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

1 **SEC. 4. LAND EXCHANGE.**

2 (a) **CONDITION.**—The exchange directed by this sec-
3 tion shall be consummated if, not later than 30 days after
4 the date of enactment of this Act, the State offers to
5 transfer to the United States the Offered Lands.

6 (b) **CONVEYANCE OF OFFERED LANDS BY STATE.**—
7 In accordance with this Act, the State shall convey to the
8 United States by State patent acceptable to the Secretary,
9 subject to valid existing rights, all right, title, and interest
10 of the State in and to the following Offered Lands:

11 (1) Certain land comprising approximately
12 _____ acres and located in the Colorado River
13 corridor in Grand County, Utah, as generally de-
14 picted on a map entitled “Utah Recreational Land
15 Exchange Offered Lands”, dated October 2004.

16 (2) Certain land comprising approximately
17 _____ acres and located in the vicinity of Dino-
18 saur National Monument in Uintah County, Utah,
19 also as generally depicted on the map entitled “Utah
20 Recreational Land Exchange Offered Lands”, dated
21 October 2004.

22 (3) Certain land comprising approximately
23 _____ acres and located in the Book Cliffs area
24 of Uintah County, Utah, also as generally depicted
25 on the map entitled “Utah Recreational Land Ex-
26 change Offered Lands”, dated October 2004.

1 (c) CONVEYANCE OF SELECTED LAND BY THE
2 UNITED STATES.—At the time of receipt of title to the
3 Offered Lands, the Secretary shall simultaneously convey
4 to the State all right, title, and interest of the United
5 States, subject to valid existing rights, in and to certain
6 land comprising approximately _____ acres and
7 located in Grand and Uintah Counties, Utah, as generally
8 depicted on a map entitled “Utah Recreational Land Ex-
9 change Selected Lands”, dated October 2004.

10 **SEC. 5. EXCHANGE VALUATION, APPRAISALS, AND EQUALI-**
11 **ZATION.**

12 (a) EQUAL VALUE EXCHANGE.—The values of the
13 Offered Lands and Selected Lands—

14 (1) shall be approximately equal; or

15 (2) if the values are not approximately equal,
16 values shall be made approximately equal in accord-
17 ance with subsection (e) or (f).

18 (b) APPRAISALS.—The values of the Offered Lands
19 and Selected Lands shall be determined by appraisals
20 using comparable sales of surface and subsurface property
21 and nationally recognized appraisal standards, including,
22 to the extent appropriate, the Uniform Appraisal Stand-
23 ards for Federal Land Acquisitions (1992), the Uniform
24 Standards of Professional Appraisal Practice, and section
25 206(d) of the Federal Land Policy and Management Act

1 of 1976 (43 U.S.C. 1716(d)) and its implementing regula-
2 tions. The appraisals of the Offered Lands and the Se-
3 lected Lands shall consider all otherwise comparable pub-
4 lic and private sales without regard to whether such lands
5 were acquired for conservation or preservation purposes,
6 or the governmental or non-profit status of the entity
7 making the acquisition. If value is attributed to minerals
8 subject to lease under Federal mineral leasing laws, then
9 such value shall be proportionately adjusted to reflect Fed-
10 eral mineral revenue sharing, upon the condition that the
11 Utah School and Institutional Trust Lands Administra-
12 tion shall assume the revenue sharing obligation of the
13 United States with respect to that land.

14 (c) APPRAISALS; REVIEW BY SECRETARY AND
15 STATE.—The State shall contract for appraisals of the Of-
16 fered Lands and the Selected Lands with an independent
17 third-party appraiser or appraisers jointly selected from
18 a list approved by both the State and the Secretary. The
19 list shall be approved not later than 30 days after the
20 State offers the Offered Lands in accordance with sub-
21 section (a). Completed appraisals shall be submitted to the
22 Secretary and the State for review not later than 120 days
23 after selection of the appraisers.

24 (d) RESOLUTION OF DISAGREEMENT.—The Sec-
25 retary and the State shall independently review and ap-

1 prove or disapprove appraisals submitted pursuant to sub-
2 section (c) not later than 90 days after receipt of such
3 appraisals. If the Secretary and the State are unable to
4 agree on the value of a parcel of land, the value may, by
5 mutual agreement, be determined in accordance with the
6 methods set forth in sections 206(d)(2) and 206(d)(4) of
7 the Federal Land Policy and Management Act of 1976
8 (43 U.S.C. 1716(d)(2), (4)). If, one year after the date
9 of the enactment of this Act, the parties have not agreed
10 upon the value of any parcel or parcels involved in the
11 exchange, any appropriate United States District Court,
12 including the United States District Court for the District
13 of Utah, Central Division, shall have jurisdiction to hear,
14 determine, and render judgment on the value of such
15 lands. No action provided for in this subsection may be
16 filed with the Court sooner than 1 year or later than 3
17 years after the date of the enactment of this Act.

18 (e) EQUALIZATION IF SURPLUS OF OFFERED
19 LANDS.—In general if, after the completion of the ap-
20 praisal and dispute resolution process set forth in sub-
21 sections (b), (c), and (d), the final value of the Offered
22 Lands exceeds the final value of the Selected Lands the
23 Secretary shall delete Offered Lands from the exchange
24 until the values are approximately equal.

1 (f) EQUALIZATION IF SURPLUS OF SELECTED
2 LAND.—In general if, after the completion of the ap-
3 praisal and dispute resolution process set forth in sub-
4 sections (b), (c), and (d), the final value of the Selected
5 Lands exceeds the final value of the Offered Lands—

6 (1) the State and the Secretary may mutually
7 agree to delete lands from the Selected Lands until
8 the values are approximately equal; or

9 (2) the State and the Secretary may mutually
10 agree to add additional State trust lands to the Of-
11 fered Lands, provided the additional lands have been
12 previously appraised pursuant to an ongoing Federal
13 acquisition process or program and the appraised
14 value has been accepted by the Secretary.

15 **SEC. 6. MISCELLANEOUS PROVISIONS.**

16 (a) LAND STATUS.—

17 (1) ADMINISTRATION OF LANDS ACQUIRED BY
18 UNITED STATES.—In accordance with the provisions
19 of section 206(c) of the Federal Land Policy and
20 Management Act of 1976 (43 U.S.C. 1716(c)), all
21 lands acquired by the United States pursuant to this
22 Act shall upon acceptance of title by the United
23 States and without further action by the Secretary
24 become part of and be managed as part of the ad-
25 ministrative unit or area within which they are lo-

1 cated. The payment of mineral revenues from the
2 acquired lands shall be subject to the provisions of
3 section 35 of the Mineral Leasing Act (30 U.S.C.
4 2191).

5 (2) WITHDRAWAL OF SELECTED LAND.—Sub-
6 ject to valid existing rights, the Federal lands de-
7 scribed in subsection (c)(2) are hereby withdrawn
8 from disposition under the public land laws and
9 from location, entry, and patent under the mining
10 laws of the United States, from the operation of the
11 mineral leasing laws of the United States, from op-
12 eration of the Geothermal Steam Act of 1970, and
13 from the operation of the Act of July 31, 1947, com-
14 monly known as the Materials Act of 1947 (30
15 U.S.C. 601 and following).

16 (b) GRAZING PERMITS.—

17 (1) IN GENERAL.—On all lands exchanged
18 under this Act, the party acquiring title to such
19 lands shall honor, for the remainder of the applica-
20 ble term, all leases, permits, and contracts for the
21 grazing of domestic livestock, and the related terms
22 and conditions of user agreements on exchanged
23 lands, including permitted stocking rates, grazing
24 fee levels, access rights, and ownership and use of
25 range improvements. Upon expiration of any lease or

1 permit, the holder shall be entitled to a preference
2 right to renew such lease or permit to the extent
3 provided by Federal or State law. Nothing in this
4 Act shall prevent the State from canceling any graz-
5 ing permit when the underlying land is sold, con-
6 veyed, transferred, or leased for nongrazing purposes
7 by the State.

8 (2) BASE PROPERTIES.—In any instance where
9 lands conveyed by the State under this Act are used
10 by a grazing permittee or lessee to meet the base
11 property requirements for a Federal grazing permit
12 or lease, such lands shall continue to qualify as base
13 properties for the remaining term of the lease or
14 permit and any renewal or extensions thereof.

15 (c) HAZARDOUS MATERIALS.—The Secretary and, as
16 a condition of the exchange, the State shall make available
17 for review and inspection all pertinent records relating to
18 hazardous materials (if any) on the lands to be exchanged
19 pursuant to this Act. The responsibility for costs of reme-
20 dial action related to such materials shall be borne by
21 those entities responsible under existing law.

22 (d) TIMING.—The land exchange authorized under
23 this Act shall be complete not later than 330 days after
24 the date on which the State makes the Secretary an offer
25 to exchange under section 4(a), unless the Secretary and

1 the State agree to extend the date of the completion of
2 the land exchange.

3 (e) PROVISIONS RELATING TO FEDERAL LANDS.—

4 The enactment of this Act shall be construed as satisfying
5 the provisions of section 206(a) of the Federal Land Pol-
6 icy and Management Act of 1976 (43 U.S.C. 1716(a)) re-
7 quiring that exchanges of lands be in the public interest.

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