

Calendar No. 103113TH CONGRESS
1ST SESSION**S. 27****[Report No. 113–49]**

To clarify authority granted under the Act entitled “An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes”.

IN THE SENATE OF THE UNITED STATES

JANUARY 22 (legislative day, JANUARY 3), 2013

Mr. HATCH (for himself and Mr. LEE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 27, 2013

Reported by Mr. WYDEN, without amendment

A BILL

To clarify authority granted under the Act entitled “An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Hill Creek Cultural
3 Preservation and Energy Development Act”.

4 **SEC. 2. CLARIFICATION OF AUTHORITY.**

5 The Act entitled “An Act to define the exterior
6 boundary of the Uintah and Ouray Indian Reservation in
7 the State of Utah, and for other purposes”, approved
8 March 11, 1948 (62 Stat. 72), as amended by the Act
9 entitled “An Act to amend the Act extending the exterior
10 boundary of the Uintah and Ouray Indian Reservation in
11 the State of Utah so as to authorize such State to ex-
12 change certain mineral lands for other lands mineral in
13 character” approved August 9, 1955, (69 Stat. 544), is
14 further amended by adding at the end the following:

15 “SEC. 5. In order to further clarify authorizations
16 under this Act, the State of Utah is hereby authorized to
17 relinquish to the United States, for the benefit of the Ute
18 Indian Tribe of the Uintah and Ouray Reservation, State
19 school trust or other State-owned subsurface mineral
20 lands located beneath the surface estate delineated in Pub-
21 lic Law 440 (approved March 11, 1948) and south of the
22 border between Grand County, Utah, and Uintah County,
23 Utah, and select in lieu of such relinquished lands, on an
24 acre-for-acre basis, any subsurface mineral lands of the
25 United States located beneath the surface estate delin-
26 eated in Public Law 440 (approved March 11, 1948) and

1 north of the border between Grand County, Utah, and
2 Uintah County, Utah, subject to the following conditions:

3 “(1) RESERVATION BY UNITED STATES.—The
4 Secretary of the Interior shall reserve an overriding
5 interest in that portion of the mineral estate com-
6 prised of minerals subject to leasing under the Min-
7 eral Leasing Act (30 U.S.C. 171 et seq.) in any min-
8 eral lands conveyed to the State.

9 “(2) EXTENT OF OVERRIDING INTEREST.—The
10 overriding interest reserved by the United States
11 under paragraph (1) shall consist of—

12 “(A) 50 percent of any bonus bid or other
13 payment received by the State as consideration
14 for securing any lease or authorization to de-
15 velop such mineral resources;

16 “(B) 50 percent of any rental or other
17 payments received by the State as consideration
18 for the lease or authorization to develop such
19 mineral resources;

20 “(C) a 6.25 percent overriding royalty on
21 the gross proceeds of oil and gas production
22 under any lease or authorization to develop
23 such oil and gas resources; and

24 “(D) an overriding royalty on the gross
25 proceeds of production of such minerals other

1 than oil and gas, equal to 50 percent of the roy-
2 alty rate established by the Secretary of the In-
3 terior by regulation as of October 1, 2011.

4 “(3) RESERVATION BY STATE OF UTAH.—The
5 State of Utah shall reserve, for the benefit of its
6 State school trust, an overriding interest in that por-
7 tion of the mineral estate comprised of minerals sub-
8 ject to leasing under the Mineral Leasing Act (30
9 U.S.C. 181 et seq.) in any mineral lands relin-
10 quished by the State to the United States.

11 “(4) EXTENT OF OVERRIDING INTEREST.—The
12 overriding interest reserved by the State under para-
13 graph (3) shall consist of—

14 “(A) 50 percent of any bonus bid or other
15 payment received by the United States as con-
16 sideration for securing any lease or authoriza-
17 tion to develop such mineral resources on the
18 relinquished lands;

19 “(B) 50 percent of any rental or other
20 payments received by the United States as con-
21 sideration for the lease or authorization to de-
22 velop such mineral resources;

23 “(C) a 6.25 percent overriding royalty on
24 the gross proceeds of oil and gas production

1 under any lease or authorization to develop
2 such oil and gas resources; and

3 “(D) an overriding royalty on the gross
4 proceeds of production of such minerals other
5 than oil and gas, equal to 50 percent of the roy-
6 alty rate established by the Secretary of the In-
7 terior by regulation as of October 1, 2011.

8 “(5) NO OBLIGATION TO LEASE.—Neither the
9 United States nor the State shall be obligated to
10 lease or otherwise develop oil and gas resources in
11 which the other party retains an overriding interest
12 under this section.

13 “(6) COOPERATIVE AGREEMENTS.—The Sec-
14 retary of the Interior is authorized to enter into co-
15 operative agreements with the State and the Ute In-
16 dian Tribe of the Uintah and Ouray Reservation to
17 facilitate the relinquishment and selection of lands
18 to be conveyed under this section, and the adminis-
19 tration of the overriding interests reserved here-
20 under.”.

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