

# Committee on Natural Resources

Rob Bishop, Chairman  
Markup Memorandum

July 24, 2017

**To:** All Natural Resources Committee Members

**From:** Majority Staff – Brandon Miller  
Subcommittee on Federal Lands, (x6-7736)

**Mark-Up:** **H.R. 2582 (Rep. Mia Love)**, To authorize the State of Utah to select certain lands that are available for disposal under the Pony Express Resource Management Plan to be used for the support and benefit of State institutions, and for other purposes.  
**July 25-26, 2017; 1324 Longworth HOB**

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**H.R. 2582 (Rep. Mia Love), “Confirming State Land Grants for Education”**

## **Summary of the Bill**

H.R. 2582, introduced May 22, 2017, would facilitate the Utah School and Institutional Trust Lands Administration’s (SITLA) selection of 500 acres of Bureau of Land Management (BLM) lands near the towns of Eagle Mountain and Saratoga Springs in Utah County, which has been stalled by a legal technicality since 1998. SITLA would be permitted to acquire these lands, which have already been identified by BLM as available for disposal, by using outstanding land credits granted by the Utah Enabling Act.

## **Background**

### *History*

The Utah Enabling Act, passed in 1894, granted Utah the right to select public lands for the support and benefit of state institutions, including an agricultural college (now Utah State University), in addition to the more familiar school land grants. Lands granted to Utah under this Act are managed by SITLA, which is the independent state agency that manages Utah’s 3.4 million acres of trust lands.<sup>1</sup> These trust lands generate revenue primarily through resource extraction and real estate sales.<sup>2</sup>

Several thousand acres of unfulfilled selection rights are currently outstanding. In 1998, SITLA filed an application with the BLM to select 444.05 acres of BLM lands near the City of Eagle Mountain in Utah County for the benefit of the Utah State University land trust. This selection application was subsequently modified to add an additional 80 acres near the City of Saratoga Springs.<sup>3</sup>

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<sup>1</sup> State of Utah School and Institutional Trust Lands Administration webpage, Our Agency, <https://trustlands.utah.gov/our-agency/>

<sup>2</sup> Wendine Thompson Dawson and Alden Boetsc “Utah Trust Lands & Education Funding” the Sonoran Institute/Lincoln Institute of Land Policy Joint Venture and Children’s Land Alliance Supporting Schools (CLASS) <https://datatoolkits.lincolnst.edu/subcenters/managing-state-trust-lands/state-ed-funding-ut.pdf>

<sup>3</sup> Information provided by the Utah School and Institutional Trust Lands Administration to the Committee on Natural Resources

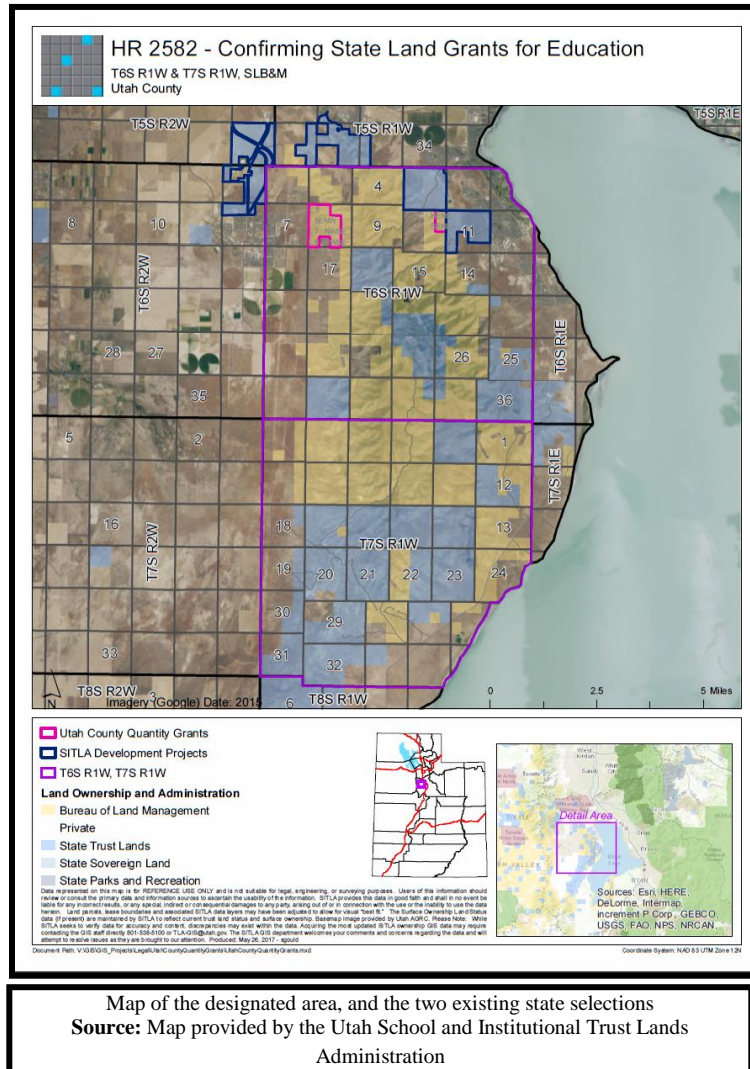
For several years the BLM worked to process this application, and SITLA has incurred significant expenses in obtaining necessary archaeological clearances for the selection. However, in 2006, BLM determined that the applicable federal land management plan did not allow BLM to proceed with the selection. BLM reasoned that although the subject lands were classified in the land management plan for disposal by land exchange, the disposal language did not expressly refer to state selections, so selections (as opposed to land exchange) could not be processed.<sup>4</sup>

SITLA believes that under applicable legal authority state selections are in fact authorized under the land management plan, but BLM disagrees. SITLA has also requested that BLM consider a plan amendment to authorize the proposed selections, but BLM declined to do so due to inadequate staff and funding to process the plan amendment.<sup>5</sup>

HR 2582 would correct the legal technicality, and confirm that the BLM may process the current 500 acre selection, and future state selections in the immediate area, without further land use planning. The selected lands would still be subject to environmental reviews before they are transferred to SITLA. This will allow the United States to fulfill commitments made in the Utah Enabling Act to provide land for support of higher education and other public purposes.

**Major Provisions**

- Amends both the Pony Express Resource Management Plan and Rangeland Program Summary for Utah County to expressly allow the Bureau of Land Management to process State of Utah selections of land identified as available for disposal in T6S and T7s, R1W, Salt Lake Base and Meridian.



<sup>4</sup> Ibid.  
<sup>5</sup> Ibid.

### **Anticipated Amendments**

We anticipate one small amendment from Chairman Bishop to explicitly state that nothing in the bill satisfies the “Hansen Moratorium” impacting Utah defense lands and airspace.

### **Administration Position**

The Administration’s position on H.R. 2582 is unknown at this time.

### **Cost**

A Congressional Budget Office cost estimate has not yet been completed for this bill.

### **Effect on Current Law**

None.