

# Subcommittee on Federal Lands

Tom McClintock, Chairman

Hearing Memorandum

July 12, 2017

**To:** All Subcommittee on Federal Lands Members

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

**Hearing:** **Legislative hearing on 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 14, 2017; 9:00AM 1324 Longworth HOB**

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

## **Summary of the Bill**

H.R. 2582 (Rep. Mia Love), the Confirming State Land Grants for Education Act, introduced on May 22, 2017, would facilitate the Utah School and Institutional Trust Lands Administration’s (SITLA) selection of approximately 500 acres of Bureau of Land Management (BLM) lands near the towns of Eagle Mountain and Saratoga Springs in Utah County. The selection 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.

## **Invited Witnesses**

### **Panel I**

*The Honorable Mia Love*  
Member of Congress

### **Panel II**

*Mr. John Andrews*  
Chief Legal Counsel and Associate Director  
Utah School and Institutional Trust Lands Administration  
Salt Lake City, Utah

## **Background**

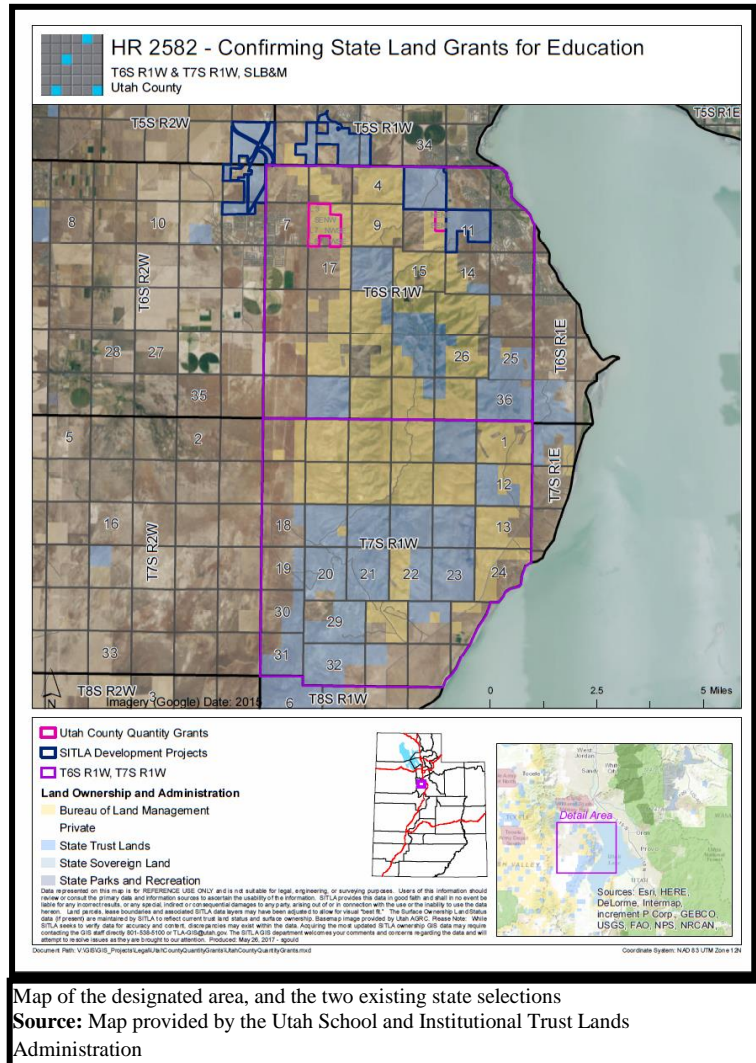
The Utah Enabling Act, passed in 1894, granted the State of Utah the right to select public lands for the support and benefit of state institutions, including an agricultural college (now Utah State University). Lands granted to Utah under this Act are managed by SITLA, an

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 the State of Utah’s unfulfilled selection rights are currently outstanding.<sup>3</sup> 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>4</sup>

For several years the BLM worked to process this application, and SITLA has incurred significant expenses to obtain 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. The basis for this decision was 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, therefore selections (as opposed to land exchange) could not be processed.<sup>5</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 land use plan amendment to authorize the proposed selections, but BLM declined to do so, citing inadequate staff and funding resources to process a plan amendment.<sup>6</sup>



<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  
<sup>4</sup> Ibid.  
<sup>5</sup> Ibid.  
<sup>6</sup> Ibid.

H.R. 2582 would correct the legal technicality cited by the BLM and confirm that the BLM may process the current approximately 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 legislation will allow the United States to fulfil commitments made in the Utah Enabling Act to provide land for support of higher education and other public purposes.

**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.