

**Statement of John W. Andrews
Associate Director
Utah School and Institutional Trust Lands Administration**

**House Committee on Natural Resources
Subcommittee on Federal Lands**

Hearing on

**H.R. 2582
Confirming State Land Grants for Education Act**

Friday July 14, 2017

Introduction

On behalf of the Utah School and Institutional Trust Lands Administration, I thank Chairman McClintock, ranking member Hanabusa, and all of the Subcommittee members for the opportunity to provide this statement in support of H.R. 2582. I also wish to thank Utah Congresswoman Mia Love for her sponsorship of this legislation. H.R. 2582 will resolve a lingering impasse between the federal government and the State of Utah over statehood era land grants, in a way that promotes rational land management while providing financial support for Utah's public universities and schools.

About SITLA

The School and Institutional Trust Lands Administration ("SITLA") is an independent, non-partisan state agency established to manage lands granted by Congress to the State of Utah at statehood for the financial support of K-12 public education and other state institutions. In addition to public schools, beneficiaries of Utah's trust lands grants include the University of Utah, Utah State University, a hospital that provides healthcare to disabled miners, and the state schools for the blind and deaf.

SITLA manages approximately 3.3 million acres of state trust lands, and an additional million acres of mineral estate. Revenue from trust lands – most of which comes from mineral and real estate development - is deposited in a permanent endowment maintained for each trust beneficiary. Investment income from these endowments is distributed annually to each beneficiary.

Background

The Utah Enabling Act¹ granted Utah the right to select public lands for the support and benefit of state institutions of higher education, in addition to the more familiar school trust land grants. Lands granted to Utah under the Enabling Act were originally managed by the Utah State Land Board, and since 1994 have been entrusted by state law to SITLA.

Section 8 of the Utah Enabling Act originally granted 200,000 acres to Utah for the support of an agricultural college (subsequently established as Utah State University). Of the original 200,000 acre land grant, less than two thousand acres of unfulfilled selection rights are currently outstanding. In 1998, SITLA filed an application with the U.S. Bureau of Land Management (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.

BLM worked for several years processing this application, and SITLA incurred significant expenses in obtaining necessary archaeological clearances for the selection. However, in 2007, BLM determined that the applicable federal land management plan did not allow BLM to proceed with the selections. 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, so selections (as opposed to a land exchange) could not be processed.

SITLA believes that under applicable legal authority state selections are in fact authorized under the land management plan, but BLM has continued to disagree. SITLA also requested that BLM consider a plan amendment to authorize the proposed selections, but BLM formally declined to do so in 2015, due to inadequate staff and funding to process a site-specific plan amendment.

The Subject Lands

The subject lands are located approximately 15 miles west of Provo, Utah, in the foothills of the Lake Mountains. The communities where the lands are located – Eagle Mountain and Saratoga Springs – are among the most rapidly urbanizing municipalities in the entire United States. The 444.05 acre tract in Eagle Mountain, Utah is located on a sloping hillside east of the Eagle Mountain town center. It is adjacent to an existing municipal water tank, and was selected by SITLA for future real estate development as the local community expands. The 80 acre parcel in Saratoga Springs, Utah connects two existing state trust lands parcels. Its control by the state will facilitate remediation of historic clay mining activities in the area, and the construction of a future foothill transportation corridor.

No known environmental issues are associated with the two parcels. The parcels have been surveyed for archaeological resources and cleared, and no wildlife, wilderness, or other similar issues have been identified. As noted below, after passage of H.R. 2852, BLM would still be required to complete National Environmental Policy Act (NEPA) analysis of the proposed

¹ Act of July 16, 1894, ch. 138, 28 Stat. 107.

selections before completion of the transaction. After conveyance, future real estate development of the parcels would be coordinated through the local planning and zoning process.

Need for H.R. 2852

Although BLM has classified the subject lands as available for land exchange in its existing land use plan (the Pony Express Resource Management Plan), it has determined that the absence of any reference in the plan to conveyances by state selection precludes it from approving the selections without a plan amendment. However, the local office of BLM has declined to process a plan amendment due to lack of available resources.

H.R. 2582 solves this Catch-22 by confirming that BLM may process the current selections, and future state selections in the immediate area (outlined in yellow on the attached map), without further land use planning. The legislation would simply put state selections on an equal footing with land exchanges – currently allowed - in the existing land use plans.

The proposed legislation does not affect BLM's obligation to comply with any applicable BLM procedures, including the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and other applicable laws and regulations, in processing state selections in the designated area. These statutes and regulations are part of the normal BLM process for processing state selections under 43 C.F.R. Parts 2621-2622, and would be applied in BLM's process for considering the State of Utah's selection applications. As noted above, this administrative process was well along at the time when BLM changed its position, and determined that the Pony Express RMP did not allow it to approve the State's selections.

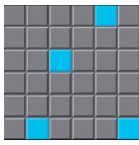
The Enabling Act land grants were reflections of Congress' intent, at the time that western states entered the Union, that resources be made available to support public education, including higher education. H.R. 2582 will allow one of those educational beneficiaries – Utah State University – to receive the full benefit of its land grant, by removing an administrative technicality that has prevented an otherwise valid selection from moving forward.

Conclusion

SITLA appreciates the efforts of Chairman McClintock, the Subcommittee, and Congresswoman Love in holding a hearing on H.R. 2582. We respectfully ask that it be passed out of committee favorably at the earliest possible time. Thank you.

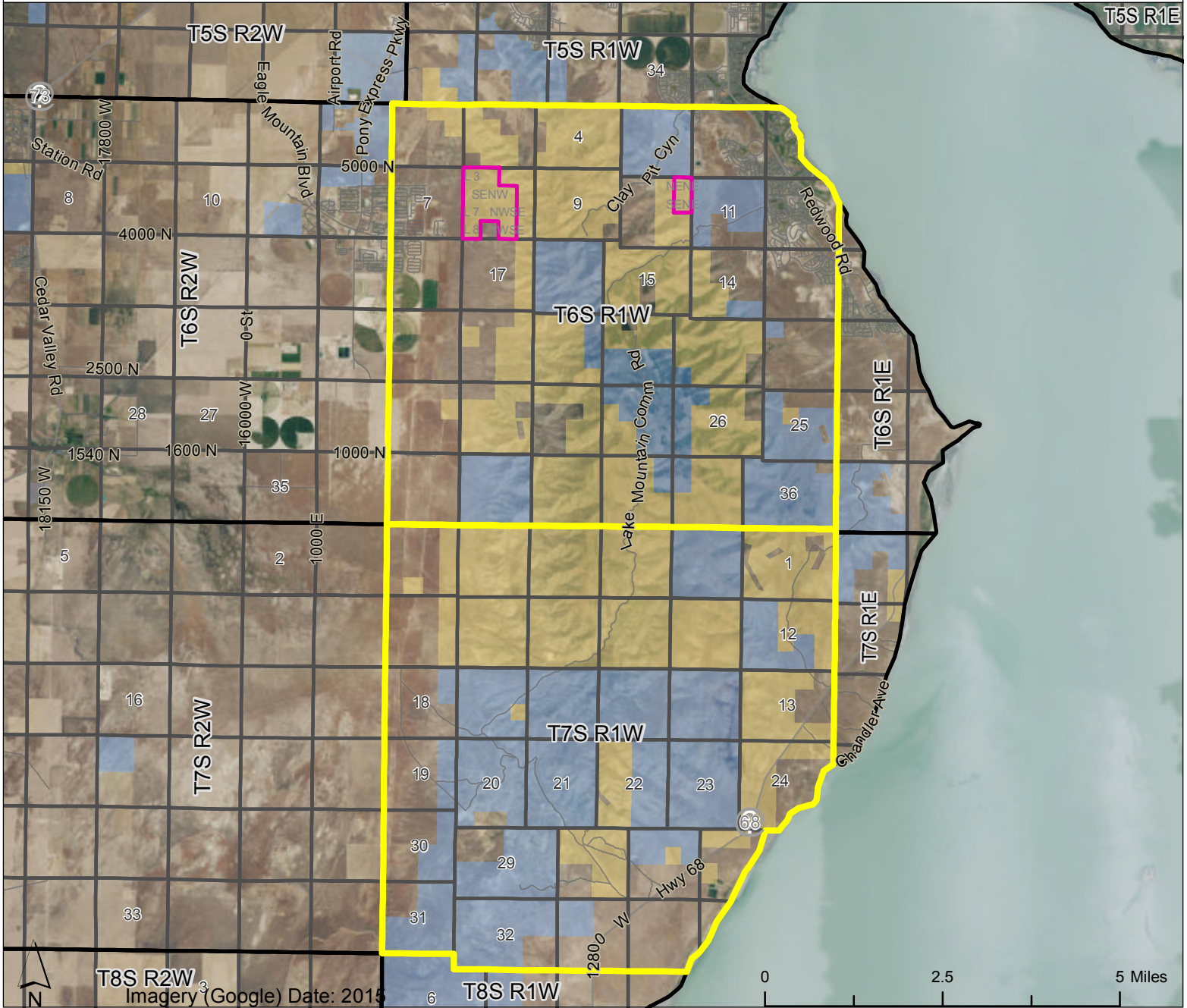
[end]

Attachment – HR 2582 Parcel Map



HR 2582 - Confirming State Land Grants for Education

T6S R1W & T7S R1W, SLB&M
Utah County

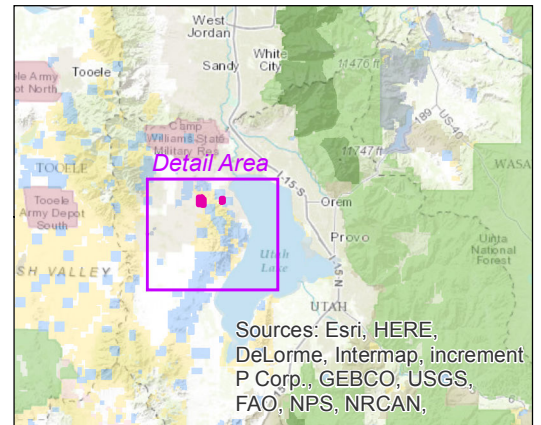
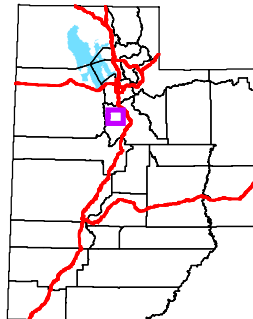


Utah County Quantity Grants

T6S R1W, T7S R1W

Land Ownership and Administration

- Bureau of Land Management
- Private
- State Trust Lands
- State Sovereign Land
- State Parks and Recreation



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN,

Data represented on this map is for REFERENCE USE ONLY and is not suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. SITLA provides this data in good faith and shall in no event be liable for any incorrect results, or any special, indirect or consequential damages to any party, arising out of or in connection with the use or the inability to use the data hereon. Land parcels, lease boundaries and associated SITLA data layers may have been adjusted to allow for visual "best fit." The Surface Ownership Land Status data (if present) are maintained by SITLA to reflect current trust land status and surface ownership. Basemap image provided by Utah AGRC. Please Note: While SITLA seeks to verify data for accuracy and content, discrepancies may exist within the data. Acquiring the most updated SITLA ownership GIS data may require contacting the GIS staff directly 801-538-5100 or TLA-GIS@utah.gov. The SITLA GIS department welcomes your comments and concerns regarding the data and will attempt to resolve issues as they are brought to our attention. Produced: June 26, 2017 - katestaley