

Committee on Resources

Subcommittee on National Parks & Public Lands

Witness Statement

STATEMENT OF MOLLY M^cUSIC
COUNSELOR TO THE SECRETARY, DEPARTMENT OF THE INTERIOR
before the
HOUSE COMMITTEE ON RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS
on
H.R. 4579 - THE UTAH WEST DESERT LAND EXCHANGE ACT OF 2000
June 13, 2000

Good morning, Mr. Chairman. Thank you for this opportunity to testify in support of H.R. 4579, the *Utah West Desert Land Exchange Act of 2000*. This bill ratifies a recently negotiated land exchange agreement between the Department of the Interior and the State of Utah that addresses long-standing issues of State-owned inholdings within sensitive areas of public land ownership in the west desert of Utah, including critical habitats and areas being considered for wilderness designation. The Administration supports this legislation, and it is our hope that we can work together quickly to see H.R. 4579 passed into law.

The administration has been working over the past few years with Governor Leavitt's office in the long overdue process of addressing Utah's inholding problems. One has only to look at a land ownership map for the State of Utah to appreciate the immense challenge before the State and the Federal government. The Utah Enabling Act of 1894 designated four sections from each township, one-ninth of the total land in the state, to finance public education. The scattered nature of these lands has complicated management ever since, both for the State of Utah and the Federal government. Realignment of Utah's school trust lands took a dramatic step forward with legislation passed in the 105th Congress (P.L. 105-335), the Utah Schools and Lands Exchange Act of 1998, the largest state-federal land exchange ever in the lower forty eight states. This exchange consolidated federal ownership in the National Parks, National Forests, Indian reservations, and the Grand Staircase-Escalante National Monument. However, most of the state remains with the checkerboard ownership pattern.

At the time of the negotiations that led to P.L. 105-335, the Governor and Secretary Babbitt discussed whether they should also seek agreement on some of the lands within the boundaries of wilderness study areas. They decided that while this goal was a worthy one, it was too much to consider at that time. They agreed however to begin tackling that problem next. H.R. 4579 represents a step in that process by transferring public lands in Utah's western desert managed by the Bureau of Land Management (BLM) which contain wilderness characteristics or critical habitat for desert tortoise to the Federal government.

As was the case with the *Utah Schools and Lands Exchange Act of 1998* (P.L. 105-335), these exchanges were designed with environmental integrity in mind. Trust lands chosen for transfer to BLM were properties located within existing Wilderness Study Areas, or within lands identified by BLM's Utah Wilderness Inventory as having wilderness characteristics or lands identified for acquisition in the Washington County

Habitat Conservation Plan. Consolidation of these lands with surrounding public lands managed by BLM is in keeping with planning recommendations for maintaining them in a wild state.

Public lands to be exchanged to the State of Utah were selected with the goal of equalizing values, while limiting environmental impacts and providing the State some long-term revenue potential. Recommended areas for transfer avoided endangered species habitats, other significant wildlife resources, archeological resources, areas of critical environmental concern, wilderness study areas, or any other lands known to raise significant environmental concerns. Properties to be acquired by Utah in this exchange are generally more amenable to economic development.

It took almost twelve months of deliberations for the State of Utah and BLM negotiators to arrive at what is now considered by both to be a fair agreement. Both parties initially established rough estimates of value for the properties in question independently, estimates which varied from each other less than twenty-five percent. The estimates were refined by comparable sales that identified a range of values acceptable to both parties. The proposal was adjusted by adding or subtracting parcels until both parties felt comfortable that the exchange was approximately equal and fair.

The majority of the lands on each side of the exchange are of comparatively low market value. The lands the State of Utah is receiving are generally higher value because they have better road access and closer proximity to utilities and other improvements that would allow for future development. The State of Utah would also receive title to several producing mineral areas, which are currently operating under unpatented mining claims subject to the Mining Law of 1872. These lands are currently earning no revenue for the Federal government but are of higher value in state ownership because the state would receive a revenue stream from the producing mines. To offset these higher value State-selected lands, while keeping the overall package approximately equal in acreage and value, the State offered additional state-owned lands within the boundaries of the Washington County Habitat Conservation Plan area for the protection of desert tortoise habitat. The Conservation Plan lands had high development potential within the city limits of St. George and thus offset the higher value BLM lands the State is receiving elsewhere. These lands had been the subject of a recent appraisal because they are BLM's highest priority for acquisition from the State, and they were valued at their appraised value .

The parties to the agreement are comfortable that this exchange has taken all relevant considerations into account. The State of Utah will be receiving approximately 106,000 acres of public land from BLM in exchange for approximately 106,000 acres of land that BLM would like to acquire. Complete titles will be exchanged. In the majority of cases, this means the entire estates will be conveyed, but in some parcels either BLM or the State only controls the mineral estate.

The Secretary and the Administration strongly support this legislation as it is currently written. We believe it would be a serious mistake to fail to seize the opportunity presented to us now to resolve the long standing issues and potential management problems raised by these inholdings. I want to thank Governor Leavitt, Brad Barber, John Harja and Utah's School and Institutional Trust Lands Administration for their hard work and commitment to completing this exchange. As we see it, the school children of Utah, Federal land users, taxpayers, and the environment will all be winners when this bill is passed. I would be pleased to answer any questions.

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