

**Statement of
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U.S. Department of the Interior
House Natural Resources Committee
Subcommittee on Federal Lands
H.R. 2582, Confirming State Land Grants for Education Act
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Thank you for inviting the Department of the Interior (Department) to testify on H.R. 2582, the Confirming State Land Grants for Education Act. H.R. 2582 authorizes the State of Utah (State) to select certain public lands managed by the Bureau of Land Management (BLM) in fulfillment of the land grants made under the Utah Enabling Act of 1894 (28 Stat. 107) without further land use planning action by the BLM. The Department has no objection to the State's selection of these lands and supports the goal of H.R. 2582 to fulfill these specific land grants. We would like the opportunity to work with the sponsor and Subcommittee on a few clarifying amendments, including language to ensure the protection of valid existing rights.

Background

Under the Utah Enabling Act of 1894, the State is authorized to select certain lands for the support of common schools, the establishment and support of a state university and agricultural college, the establishment of permanent water reservoirs for irrigating purposes, and the establishment and support of various other state health institutions and schools.

In 1998, the State made an application for selection of approximately 440 acres of BLM-managed public lands in Utah County, Utah, for an agricultural college (Utah State University) in partial fulfillment of the grant authorized under the Utah Enabling Act of 1894. In 2004, the State amended its application to include an additional 80 acres of BLM-managed public lands in the County. In 2007, the BLM ultimately determined, based on a review of existing law and in consultation with the Department's Office of the Solicitor, that the lands in question were not available for State selection because they had been identified in the 1997 Pony Express Resource Management Plan (RMP) as potentially suitable for exchange, but not other forms of disposal. The Department notes that the Pony Express RMP would need to be amended to enable State selection of the lands in question.

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H.R. 2582 authorizes the State to select certain BLM-managed public lands in Utah County, Utah, in fulfillment of the land grants made under sections 6, 8, and 12 of the Utah Enabling Act. In addition, the bill exempts the lands authorized for selection from the exchange limitation in the Pony Express RMP without the need for further land use planning action by the BLM.

The Department has no objection to the State's selection of these lands, which we understand correspond to the State's 1998 and 2004 applications and would be for the purpose of supporting Utah State University. While the BLM could undertake an amendment to the Pony Express

RMP to permit the State to select the lands in question, the agency has not yet been able to do so because of other important land management priorities across Utah. As such, the Department believes H.R. 2582 represents a creative solution to a complex issue. We recommend the inclusion of language clarifying that the lands to be selected would be used for Utah State University and a legislative map depicting these lands.

In addition, the Department notes that the lands authorized for selection contain several inactive community pits, where the BLM could authorize the sale of landscape rock. These lands also contain a number of existing rights-of-way, including highways and roads, natural gas pipelines, fiber optic lines, and communications sites. We recommend that the bill be amended to make the State selections subject to valid existing rights to ensure protection of these important uses. Additionally, we note that there are a number of identified ancient petroglyph sites known to exist on some of the lands to be authorized for selection. The Department understands that the State would be required to work with the State Historic Preservation Office to ensure protection of these and other cultural resources that may be present on these lands. Finally, the Department notes that these lands are part of two grazing allotments. State selection of these parcels would reduce acreage in the allotments and the amount of forage available to two permittees.

Conclusion

Thank you again for the opportunity to testify in support of H.R. 2582, the Confirming State Land Grants for Education Act. We appreciate the work of Representative Love on this legislation, and we look forward to collaborating with her and the Subcommittee as the bill moves through the legislative process.