

**Statement of  
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**Senate Committee on Energy & Natural Resources  
Subcommittee on Public Lands, Forests, & Mining  
S. 1665, Confirming State Land Grants for Education Act  
February 7, 2018**

Thank you for inviting the Department of the Interior (Department) to testify on S. 1665, the Confirming State Land Grants for Education Act. S. 1665 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. S. 1665 is consistent with Secretary Zinke's priority of serving the American family by enhancing our relationships with States and local communities. The Department has no objection to the State's selection of these lands and supports the goals of S. 1665 to fulfill these specific land grants. We would like the opportunity to work with the sponsor and Subcommittee on a clarifying amendment.

**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.

**S. 1665**

S. 1665 is identical to H.R. 2582 as reported by the House Natural Resources Committee on September 12, 2017. S. 1665 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 and as generally depicted on the legislative map. In addition, the bill exempts the lands authorized for selection from the exchange limitation in the Pony Express RMP making further land use planning by the BLM unnecessary. The State selections would be subject to valid existing rights.

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. The Department believes S. 1665 represents a creative solution to a complex issue. We recommend the inclusion of language further clarifying that the lands to be selected would be used for the support of Utah State University, as intended under the Utah Enabling Act of 1894.

In addition, the Department notes that the lands authorized for selection contain several inactive community rock 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 communication sites. 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 S. 1665, the Confirming State Land Grants for Education Act. We appreciate the work of Senator Hatch on this legislation, and we look forward to collaborating with him and the Subcommittee as the bill moves through the legislative process.