

**Statement of
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**House Committee on Natural Resources
Subcommittee on Federal Lands
Hearing on**

H.R. 3049, Utah School and Institutional Trust Lands Administration Exchange Act

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Thank you for the opportunity to testify on H.R. 3049, the Utah School and Institutional Trust Lands Administration Exchange Act. The bill will would ratify a land exchange between the Department of the Interior (DOI) and the Utah School and Institutional Trust Lands Administration (SITLA). Under the bill, the Bureau of Land Management (BLM) would acquire approximately 162,000 acres of lands, and interests in lands, managed by SITLA that are located largely within the Bears Ears National Monument (the Monument), in exchange for a roughly equivalent amount of public land and interests in land managed by the BLM across the State of Utah. The bill includes a post-conveyance appraisal and equalization process to ensure that the exchanged lands, and interests in land, would be of equal value.

The bill is consistent with President Obama’s 2016 Proclamation establishing the Monument and President Biden’s 2021 Proclamation restoring the boundaries and management conditions of the Monument. Both proclamations direct the Secretary of the Interior to explore entering into a memorandum of understanding (MOU) with the State of Utah that would set terms to exchange land owned by the State and administered by SITLA within the boundary of the Monument for land of approximately equal value managed by the BLM outside the Monument. The BLM supports H.R. 3049 as it would promote conservation and appropriate resource management, including the protection of invaluable cultural resources and sacred sites within Bears Ears National Monument.

Background

The Bears Ears National Monument is located in San Juan County, Utah, and is comprised of approximately 1.36 million acres of public land administered by the BLM as part of the National Landscape Conservation System and National Forest lands administered by the U.S. Department of Agriculture Forest Service. The Monument lands contain evidence of more than 13,000 years of occupation by indigenous peoples, including petroglyphs and pictographs, large villages, ancient cliff dwellings, ceremonial sites, and countless other objects that provide an extraordinary archaeological and cultural record. These archaeological and cultural resources were seminal to the passage of the Antiquities Act more than a century ago. The lands of the monument are profoundly sacred to many Tribal Nations, including the Ute Mountain Ute Tribe, Navajo Nation, Ute Indian Tribe of the Uintah and Ouray Reservation, Hopi Nation, and

the Pueblo of Zuni, who continue to rely on these lands for religious, traditional, and ceremonial uses.

The Monument contains several geologic marvels including deep sandstone canyons, desert mesas, the renowned Valley of the Gods, and the namesake Bears Ears Buttes, as well as a rich paleontological history that is only recently beginning to be understood. Areas within the Monument are also used by local communities and Tribal members for firewood gathering and livestock grazing. Beyond the vast cultural and natural resources found within the Monument, the area is also meaningful to recreationists who visit the Bears Ears region to backpack, rock climb, and river raft, among other recreational activities.

Proclamation 10285, issued by President Biden on October 8, 2021, directed the Secretary of the Interior to explore entering into an MOU with the State of Utah to exchange land administered by SITLA within the boundary of the Monument for land of approximately equal value managed by the BLM outside the boundary of the Monument in order to further the protective purposes of the Monument. On March 17, 2023, after more than a year of working closely to develop an agreement, the Department, the State of Utah, and SITLA entered into the “Memorandum of Understanding—Exchange of Lands.”

The MOU sets forth the terms of a broad land exchange that is designed to promote conservation and appropriate resource management by exchanging SITLA inholdings within BLM-administered public lands, including the Monument, for other BLM-administered public lands that are more suitable for revenue generation located in 20 counties within Utah that would further SITLA’s statutory duties to benefit schoolchildren and other trust beneficiaries in the state. The BLM-administered public lands identified by SITLA for conveyance to SITLA were identified to maximize the potential for revenue generation (per the applicable statutory requirement) while avoiding management conflicts from significant wildlife resources; endangered species habitat; significant archaeological, cultural, and historic resources; areas that are sacred or are traditionally, spiritually, or religiously significant to Tribal Nations; lands within the boundaries of Indian reservations; areas of critical environmental concern; coal resources requiring surface mining; wilderness study areas; and significant recreation areas; and to promote the objectives and legal mandates of both the BLM and SITLA.

H.R. 3049

H.R. 3049, the Utah School and Institutional Trust Lands Administration Exchange Act, would ratify the terms of the MOU between DOI, SITLA, and the State of Utah, thereby facilitating the exchange of state-owned land, the majority of which is located within or proximate to the Monument, for BLM-administered public lands throughout Utah. Under the bill, the BLM would acquire approximately 162,510 acres of lands administered by SITLA, including State inholdings within the Fish Creek Canyon, Road Canyon, Butler Wash, Mancos Mesa, and Bridger Jack Wilderness Study Areas. In return, SITLA would acquire approximately 167,012 acres of public lands currently managed by the BLM outside the Monument.

H.R. 3049 requires that the exchange outlined in the MOU take place within 45 days following enactment. To ensure that the exchange is of equal value, the legislation further requires that SITLA and DOI complete an appraisal of the exchanged lands within 18 months of the

exchange, using nationally recognized appraisal standards. If the appraisal identifies a disparity in the total value of the exchange, the value would be equalized through the conveyance of specific state or federal land, as appropriate. These “equalization parcels” are generally identified within the MOU.

The land exchange contemplated in the MOU would allow the BLM to acquire lands containing important or sensitive resources, mostly within or adjacent to the Monument, while transferring public lands into State ownership for revenue generation that would further SITLA’s statutory duties to provide a benefit for Utah schoolchildren and other trust beneficiaries. H.R. 3049 provides that the exchange of these lands is in the public interest, and that the values of the lands, as determined by the appraisal, are to be equal, consistent with land exchanges that would occur under Section 206 of the Federal Land Policy and Management Act (FLPMA). Like FLPMA, the land exchange provides options for equalizing the value including adding or removing parcels from the exchange.

Conclusion

The land exchange directed by this legislation would promote conservation and appropriate resource management in a manner consistent with the 2016 and 2021 presidential proclamations protecting the Monument. Thank you for the opportunity to provide testimony in support of H.R. 3049.