

Calendar No. 529

111TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 111-259

CONVEYANCE OF LAND TO THE TOWN OF ALTA, UTAH

AUGUST 5, 2010.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 1719]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1719) to provide for the conveyance of certain parcels of land to the town of Alta, Utah, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Wasatch-Cache National Forest Land Conveyance Act of 2010”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **FEDERAL LAND.**—The term “Federal land” means the following 3 parcels of National Forest System land located in the Wasatch-Cache National Forest in the incorporated boundary of the Town:

(A) A parcel of land occupied by the administration building of the Town pursuant to Forest Service special use permit SLC102708.

(B) A parcel of land occupied by the public service building of the Town pursuant to Forest Service special use permit SLC102708

(C) A parcel of land occupied by the water service building of the Town pursuant to Forest Service special use permit SLC102707.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(3) **TOWN.**—The term “Town” means the town of Alta, Utah.

SEC. 3. CONVEYANCE OF FEDERAL LAND TO ALTA, UTAH.

(a) **IN GENERAL.**—Subject to subsection (b) and 18 valid existing rights, as soon as practicable after the date of enactment of this Act, the Secretary shall convey to the Town, without consideration, all right, title, and interest of the United States in and to the Federal land.

(b) **CONDITIONS.**—

(1) USE OF FEDERAL LAND.—As a condition of the conveyance under subsection (a), the Town shall use the Federal land only for public purposes consistent with the applicable special use permit described in section 2(1).

(2) DEED AND REVERSION.—The conveyance under subsection (a) shall be by quitclaim deed, which shall provide that the Federal land shall revert to the Secretary, at the election of the Secretary, if the Federal land is used for a purpose other than a purpose provided under paragraph (1).

(3) ACREAGE.—

(A) IN GENERAL.—The boundaries of the Federal land conveyed under subsection (a) shall be determined by the Secretary, in consultation with the Town, subject to the condition that the Federal land conveyed may not exceed a total of 2 acres.

(B) SURVEY AND LEGAL DESCRIPTION.—The exact acreage and legal description of the Federal land shall be determined, in accordance with subparagraph (A), by a survey approved by the Secretary.

(4) COSTS.—The Town shall pay each administrative cost of the conveyance under subsection (a), including the costs of the survey carried out under paragraph (3).

(5) ADDITIONAL TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be subject to such terms and conditions as the Secretary may require.

PURPOSE

The purpose of S. 1719 is to provide for the conveyance of up to two acres of National Forest System land to the town of Alta, Utah, for continued use by the town for certain public purposes.

BACKGROUND AND NEED

The town of Alta, Utah, (hereinafter “Town”) is home to a permanent population of 370 people and a popular ski area. The Town does not own any land within its municipality, and much of its municipal infrastructure is located on National Forest System land in the Wasatch-Cache National Forest pursuant to—as the Department of Agriculture describes it—“a complex suite of existing special use permits.”

The Town’s administration building and public service building were constructed pursuant to a non-assignable special use permit (SLC102708) authorizing buildings for the town’s emergency operations center, Marshall’s Office, central dispatch, community center, emergency equipment storage, and library, for example. A water service building was constructed pursuant to another non-assignable separate special use permit (SLC102707) to house municipal water infrastructure. Legislation is needed to direct the Secretary of Agriculture to transfer the land under those three municipal buildings to the Town to provide it with greater certainty and flexibility in the maintenance and continued use of those buildings for the purposes specified in the special use permits.

LEGISLATIVE HISTORY

S. 1719 was introduced by Senators Bennett and Hatch on September 25, 2009. The Subcommittee on Public Lands and Forests held a hearing on the bill on December 17, 2009 (S. Hrg. 111–364). The Committee on Energy and Natural Resources considered the bill and adopted an amendment in the nature of a substitute at its business meeting on June 16, 2010. The Committee ordered S. 1719 favorably reported, as amended, at its business meeting on June 21, 2010.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on June 21, 2010, by a voice vote of a quorum present, recommends that the Senate pass S. 1719, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 1719, the Committee adopted an amendment in the nature of a substitute. The amendment restricts the continued use of the three parcels of land to be conveyed to the Town to the public purposes specified in the current special use permits that authorize the Town to use the land for the three municipal buildings listed in the amended bill. The amendment also includes a number of technical and conforming changes. The amendment is explained in detail in the section-by-section analysis below.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title for the bill.

Section 2 defines key terms in the bill, including “Federal land”, which includes references to the three parcels of National Forest System land to be conveyed to the Town and the applicable special use permit authorization identification numbers for each.

Section 3(a) directs the Secretary of Agriculture to convey, subject to the conditions in subsection (b), the Federal land to the Town for no consideration.

Subsection (b) conditions the conveyance on the Town using each parcel of land only for public purposes consistent with those listed in the applicable special use permit and provides for the land to revert to the United States if the Town uses a parcel for some other purpose. The bill leaves the determination of the exact boundaries of the land to be conveyed under and immediately around the three buildings to the Secretary’s discretion, except that it may not exceed a total of 2 acres. Once the Secretary determines the appropriate boundaries of the parcels to be conveyed, the Secretary is required to conduct a survey to establish the exact acreage and a legal description of each parcel. The Town is required to pay the costs of the survey and all other administrative costs of the conveyance. The conveyance also shall be subject to any additional terms and conditions that the Secretary may require.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 1719—Wasatch-Cache National Forest Land Conveyance Act of 2010

S. 1719 would direct the Secretary of Agriculture to convey, without consideration, certain lands in Utah to the town of Alta. Based on information from the Forest Service, CBO estimates that enacting the legislation would have no significant impact on the federal budget. CBO expects that enacting the legislation would increase direct spending; therefore, pay-as-you-go procedures would apply.

CBO estimates, however, that such effects would be negligible. Enacting the legislation would not affect revenues.

Under current law, the Forest Service receives payments totaling less than \$20,000 per year for easements on the affected lands. Under the bill, those lands would be conveyed to Alta, Utah. Thus, CBO estimates that enacting the legislation would reduce offsetting receipts (a credit against direct spending) by less than \$200,000 over the 2010–2020 period. Because the bill would require the town to pay the administrative costs associated with the land exchange, CBO estimates that implementing the bill would not have a significant impact on spending subject to appropriation.

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. S. 1719 would reduce offsetting receipts; therefore, pay-as-you-go procedures would apply. However, CBO estimates that the increase in direct spending under the bill would not be significant over the 2010–2020 period.

S. 1719 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Sam Papenfuss, Unit Chief for Income Security and Education Cost Estimates Unit, Budget Analysis Division.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1719.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1719, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1719, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The views of the Administration were included in testimony received by the Committee at the December 17, 2009, subcommittee hearing on S. 1719 (S. Hrg. 111–364), which is printed below:

STATEMENT OF HARRIS SHERMAN, UNDERSECRETARY, NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE

S. 1719 would direct the Secretary of Agriculture to convey, without consideration, certain parcels of land not to exceed two acres located in the Wasatch-Cache National Forest to the Town of Alta, Utah for public purposes. The

bill includes a clause for reversion of the property to the United States, at the election of the Secretary based on the best interests of the United States, if the land is not being used for the purpose stated in the bill.

While we support Alta's need to consolidate their municipal resources, the Department cannot support the bill because it does not provide for market value compensation for the conveyance. It is long-standing policy that the taxpayers of the United States receive market value for the sale, exchange, or use of their National Forest System land. Based on recent land sales in the Alta area, we estimate the average value of the lands to be conveyed under S. 1719 to be \$500,000. Although, the bill does require the Town of Alta to cover the Federal land survey costs associated with the conveyance, it does not clearly state who would be responsible for bearing other administrative costs associated with the conveyance.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 1719, as ordered reported.