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LAND CONVEYANCES, CARSON AND SANTA FE NATIONAL FORESTS

JULY 2, 1998.—Ordered to be printed

Filed under authority of the order of the Senate of June 26, 1998

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

REPORT

[To accompany H.R. 434]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 434) to provide for the conveyance of small parcels of land in the Carson National Forest and the Sante Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico, having considered the same, reports favorably thereon with an amendment and recommends that the Act, 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. LAND CONVEYANCE, SANTA FE NATIONAL FOREST, NEW MEXICO.

(a) CONVEYANCE OF PROPERTY.—Within 60 days of enactment of this Act, the Secretary of Agriculture (herein "the Secretary") shall convey to the town of Jemez Springs, New Mexico, subject to the terms and conditions under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) consisting of approximately one acre located in the Santa Fe National Forest in Sandoval County, New Mexico.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the town of Jemez Springs.

(c) TERMS AND CONDITIONS.—

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and,

(B) an agreement between the Secretary and the town of Jemez Springs indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for the purposes of the construction and operation of a fire substation. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

PURPOSE OF THE MEASURE

H.R. 434, as ordered reported, directs the Secretary of Agriculture to convey one (1) acre of land within the Santa Fe National Forest to the Village of Jemez Springs, New Mexico, for the construction and operation of a fire sub-station.

BACKGROUND AND NEED

Jemez Springs is a small community of about 460 residents. The community is located in the Jemez National Recreation Area and is often called upon to assist with emergencies within the national forest. The State of New Mexico has provided funds to Jemez Springs to build a fire substation that would hold additional emergency vehicles.

LEGISLATIVE HISTORY

H.R. 434 was introduced on January 9, 1997, by Congressman Bill Richardson and passed the House by voice vote on November 4, 1997. S. 1468, a companion measure, was introduced on November 8, 1997, by Senator Bingaman. On March 25, 1998, a hearing was held by the Subcommittee on Forest and Public Land Management. At the business meeting on May 13, 1998, the Committee on Energy and Natural Resources ordered H.R. 434, favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 13, 1998, by unanimous vote of a quorum present recommends that the Senate pass H.R. 434 without amendment.

The rollcall vote on reporting the measure was 20 yeas, no nays as follows:

YEAS	NAYS
Mr. Murkowski	
Mr. Domenici	
Mr. Nickles [1]	
Mr. Craig	
Mr. Campbell	
Mr. Thomas	
Mr. Kyl	
Mr. Grams [1]	
Mr. Smith	
Mr. Gorton	
Mr. Burns [1]	
Mr. Bumpers	

Mr. Ford
Mr. Bingaman
Mr. Akaka
Mr. Dorgan [1]
Mr. Graham [1]
Mr. Wyden
Mr. Johnson
Ms. Landrieu

[1] Indicates vote by proxy.

COMMITTEE AMENDMENT

During the Committee's consideration of H.R. 434, the Committee adopted an amendment in the nature of a substitute offered by Senators Domenici and Bingaman. Because of an agreement reached between the Forest Service and the village of El Rito, New Mexico, the amendment deletes Section 1 of the original House bill.

The amendment provides that consideration for the conveyance of land to Jemez Springs will be consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purpose Act. The amendment also added a reversion clause.

SECTION-BY-SECTION ANALYSIS

Section 1(a) requires the Secretary of Agriculture to convey, to the village of Jemez Springs, New Mexico, all right, title, and interest of the United States in a parcel of real property, including any improvements on the land. This subsection also describes the parcel as approximately one acre of land located on the Santa Fe National Forest.

Subsection (b) states that the exact acreage and legal description of the real property conveyed under the bill shall be determined by a survey satisfactory to the Secretary. This subsection also requires that Jemez Springs will pay for the survey.

Subsection (c) sets forth the terms and conditions of the conveyance and provides that such transfer is contingent upon the village of Jemez Springs constructing and operating a fire sub-station on the site.

COST AND BUDGETARY CONSIDERATIONS

The cost and budgetary considerations prepared by the Congressional Budget Office are as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 19, 1998.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 434, an act to direct the Secretary of Agriculture to convey certain lands to the town of Jemez Springs, New Mexico.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Victoria V. Heid (for federal costs) and Marjorie Miller (for the state and local impact).

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 434—An act to direct the Secretary of Agriculture to convey certain lands to the town of Jemez Springs, New Mexico

H.R. 434 would direct the Secretary of Agriculture to convey about one acre of federal land in the Santa Fe National Forest to the town of Jemez Springs, New Mexico. The act would require the town of Jemez Springs to bear the cost of surveying the property to be conveyed.

CBO estimates that enacting this legislation would have no significant impact on the federal budget. Because H.R. 434 could affect direct spending in the form of offsetting receipts from the town's payment for the property, pay-as-you-go procedures would apply. However, CBO estimates that any such effect would total less than $50,000 over the 1999–2003 period. H.R. 434 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no costs on state, local, or tribal governments. Purchase of this land and payment of the associated survey costs would be voluntary on the part of the town.

The CBO staff contacts for this estimate are Victoria V. Heid (for federal costs) and Marjorie Miller (for the state and local impact). This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

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. 1807.

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 H.R. 434.

EXECUTIVE COMMUNICATIONS

On April 23, 1998, the Committee on Energy and Natural Resources requested executive comment from the Department of Agriculture and the Office of Management and Budget. These legislative reports were not available at the time this report was filed. When the requested reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by Forest Service at the Subcommittee hearing follows:

STATEMENT OF ELEANOR TOWNS, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the Administration's view on these ten bills proposing the transfer, conveyance, exchange, boundary adjustment, sale of public lands and management of wilderness. I am Eleanor Towns, the Director of Lands for the Forest Service.

Before I address each bill individually, let me summarize the Administration's position on all ten: The Administration supports: S. 1109, the Devil's Backbone Boundary Adjustment, S. 1752, the Authority to Convey Administrative Sites in Arizona, and H.R. 1439, Conveyance of Lands to Placer County. The Administration would support with amendments: S. 890, Dutch John Conveyances; S. 1510, Conveyance of Lands and Improvements to Rio Arriba County; S. 1683, Land Transfer between Lake Chelan National Recreation Area and the Wenatchee National Forest; and S. 1719, Big Sky Land Exchange. The Administration objects to: S. 1468, Conveyance of Lands to Jemez Springs; and S. 1469, Expansion of El Rito Cemetery by Special Use Designation. The Administration opposes H.R. 1663, Operation and Maintenance of Structures in Emigrant Wilderness.

Now, I will address the particulars.

S. 1468, Conveyance of one acre of land from Santa Fe National Forest to the Village of Jemez Springs, New Mexico, as the site of a fire substation

S. 1468 would direct the Secretary of Agriculture to convey all right, title, and interest of the United States to an unspecified acre of land in the Santa Fe National Forest to the Village of Jemez Springs in exchange for emergency services provided from the facility. We understand that the town plans to construct a fire substation on the property it would acquire from the Federal government and that the town has received a State grant to fund the construction of the building.

The Administration objects to the bill. We are concerned that the land to be conveyed to the Village has not been specifically identified. We object to conveying for less than fair market value. We are also concerned that the bill is internally inconsistent. It refers to both a revision and a right of reentry on the property, if the property ceases to be used for a fire substation. We would oppose an automatic reversion of the property that would prohibit the government's ability to determine whether the return of the property is in the public interest.

The Forest Service has worked with the community to explore a land exchange or sale under the Town-site Act. Other private lands are also available for acquisition for use as a substation. Since we understand the community has received a State grant to build a fire substation on the

property, it would seem reasonable for them to pay fair market value for the land on which the facility will be built, as reflected in the House passed H.R. 434.

If legislation is pursued, the Administration would prefer the provisions of H.R. 434 as referred to this Committee, with an amendment identifying the lands to be conveyed for fair market value. H.R. 434 meets the same objective of conveyance of the property needed for the Fire substation to Sandoval County and protects the public interest by assuring fair market value compensation through sale or exchange.

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 the Act H.R. 434, as ordered reported.

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