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EXCHANGE OF PRIVATE LAND IN CAMPBELL COUNTY, WYOMING

OCTOBER 6, 1999.—Ordered to be printed

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

REPORT

[To accompany S. 1030]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1030) to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

At the end, add the following:

"(c) SEGREGATION FROM ENTRY.—Land acquired by the United States in the exchange under subsection (a) shall be segregated from entry under the mining laws until appropriate land use planning is completed for the land.".

PURPOSE OF THE MEASURE

The purpose of S. 1030 is to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the mineral estate retained by the United States from operation of the mining laws.

BACKGROUND AND NEED

The Bureau of Land Management (BLM) is seeking to finalize an equal-value exchange under section 206 of the Federal Land Policy and Management Act whereby the United States will acquire 9,480 acres of land of high scenic and recreational value near Gillette,

Wyoming. In exchange, BLM will convey 20,832 acres of scattered, isolated public lands with mostly limited public access. BLM will retain the mineral estate to all of the conveyed lands. Pursuant to the exchange agreement, this Federal mineral estate will stay open to the operation of the mining laws. BLM regulations at 43 CFR 2201.1–2(d) and 2090.3–2(c) require that the mineral estate remain closed to the operation of the mining laws pending the issuance of land use regulations. S. 1030 will exempt the conveyed lands from these regulatory requirements, thereby allowing the exchange to proceed.

LEGISLATIVE HISTORY

S. 1030 was introduced by Senator Enzi on May 13, 1999. The Subcommittee on Forests and Public Land Management held a hearing on S. 1030 on July 27, 1999. At the business meeting on September 22, 1999, the Committee on Energy and Natural Resources ordered S. 1030 favorably reported, with an amendment.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on September 22, 1999, by a voice vote of a quorum present, recommends that the Senate pass S. 1030, with an amendment.

COMMITTEE AMENDMENTS

An amendment is recommended by the Committee to clarify that lands acquired by BLM shall be segregated from entry under the mining laws until appropriate land use planning is completed for the panel.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 5, 1999.

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 S. 1030, a bill to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the state of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contract is Victoria Heid Hall.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 1030—A bill to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the state of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws

CBO estimates that enacting this bill would have no significant impact on the federal budget. Enacting the bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 1030 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

S. 1030 concerns the administration of certain federal land which the Bureau of Land Management (BLM) plans to exchange in Wyoming. In the proposed exchange, the federal government would convey the surface rights to about 20,830 acres of federal land in exchange for the surface rights to about 9,500 acres of privately owned land. No subsurface mineral right would be exchanged. However, under current federal regulations, public land administered by BLM that is conveyed in an exchange is automatically removed from operation of the mining laws. S. 1030 provides that the subsurface rights retained by the federal government in the land exchange would not be subject to those regulations and would therefore remain open to the mining laws. As a result, enacting this bill would allow a uranium mining company to pursue its existing subsurface claims to the federal land after the exchange is completed.

The CBO staff contact is Victoria Heid Hall. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rule of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carry out S. 1030.

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. 1030, as ordered reported.

EXECUTIVE COMMUNICATIONS

On September 23, 1999, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 1030. These reports had not been received at the time the report on S. 1030 was filed. When the 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 the Bureau of Land Management at the Subcommittee hearing follows:

STATEMENT OF LARRY FINFER, ASSISTANT DIRECTOR FOR COMMUNICATIONS, BUREAU OF LAND MANAGEMENT

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before you today to testify on S. 1030.

The BLM does not object to S. 1030 because, once completed, the exchange will result in a trace public land consisting of approximately 18,600 acres with public access. However, we recommend that S. 1030 be amended as more specifically set forth below. Before addressing the amendment, let me describe the mechanics of the land exchange.

This act involves the exchange of approximately 20,000 acres of public lands for approximately 9,500 acres of private lands within the State of Wyoming. The private lands were formerly located within the 60 Bar Ranch, adjacent to existing BLM and Wyoming State lands. They have been purchased by Cow Creek LLC, a limited liability company, and will be exchanged for scattered, isolated tracts of public land located within the private ranch units of the owners of Cow Creek LLC. An existing uranium company holds surface rights on the scattered public lands proposed for exchange. The company stated a willingness to relinquish its mining claims if this act passes. With respect to the lands begin transferred by the BLM, S. 1030 provides for an exemption to 43 CFR Sections 2201.1–2(d) and 2091.3–2(c). These exemptions will allow the uranium mine to pursue subsurface claims in the future. We realize that these exemptions are unusual. However, it is our understanding that the owners of Cow Creek LLC support this legislation.

With respect to the lands to be acquired, the BLM recommends that the bill be amended to withdraw the lands from entry under the general mining laws until appropriate land use planning is completed for the acquired lands.

That concludes my testimony. I would be glad to respond to any questions.

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 bill S. 1030 as ordered reported.

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