

DOUGLAS COUNTY, WASHINGTON, PUD CONVEYANCE
ACT

SEPTEMBER 6, 2006.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 4789]

The Committee on Resources, to whom was referred the bill (H.R. 4789) to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Douglas County, Washington, PUD Conveyance Act.”

SEC. 2. DEFINITIONS.

In this Act:

(1) PUBLIC LAND.—The term “public land” means the approximately 622 acres of Federal land managed by the Bureau of Land Management and identified on the map as “_____”.

(2) MAP.—The term “map” means the map entitled “_____”, prepared by the Bureau of Land Management and dated _____, 2006.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) PUD.—The term “PUD” means the Public Utility District No. 1 of Douglas County, Washington.

SEC. 3. CONVEYANCE OF PUBLIC LAND TO DOUGLAS COUNTY, WA, PUD.

(a) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), and notwithstanding section 24 of the Federal Power Act (16 U.S.C. 818) and Federal Power Order for Project 2149, and subject to valid existing rights, if not later than 45 days after the date of completion of the appraisal required under subsection (b), the PUD submits to the Secretary an offer to acquire the public land for the appraised value, the Secretary shall, not later than 30 days after the date of the offer, convey to the PUD all right, title, and interest to the public land.

(b) APPRAISAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the public land. The appraisal shall be conducted in accordance with the “Uniform Appraisal Standards for Federal Land Acquisitions” and the “Uniform Standards of Professional Appraisal Practice”.

(c) PAYMENT.—Not later than 30 days after the date on which the public land is conveyed under this section, the PUD shall pay to the Secretary an amount equal to the appraised value of the public land as determined under subsection (b).

(d) COSTS OF CONVEYANCE.—As a condition of conveyance, any costs related to the conveyance under this section shall be paid by the PUD.

(e) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the sale in the working capital fund of the Bureau of Land Management established by section 306 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1736).

SEC. 4. SEGREGATION OF LANDS.

(a) WITHDRAWAL.—Except as provided in section 3(a), effective immediately upon enactment of this Act, and subject to valid existing rights, the public land is withdrawn from

- (1) all forms or entry, appropriation, or disposal under the public land laws, and all amendments thereto;
- (2) location, entry, and patenting under the mining laws, and all amendments thereto; and
- (3) operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

(b) TERM.—This section expires two years from the date of enactment of this Act or on the date of the completion of the sale contemplated in section 3 of this Act, whichever is earlier.

PURPOSE OF THE BILL

The purpose of H.R. 4789 is to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district.

BACKGROUND AND NEED FOR LEGISLATION

The Wells Hydroelectric Project, located in Azwell, Washington, on the Columbia River, provides power for Douglas and Okanogan Counties, as well as power companies in coastal Oregon and Washington. The Project also provides several recreation opportunities including: a boat ramp, park, wildlife areas, fish piers, marinas, playgrounds, campgrounds, picnic areas, canoe launching areas and trails. Most of the land within the Project is owned by Public Utility District No. 1 (PUD) of Douglas County, Washington.

Currently, there are approximately eight small, isolated parcels of public land managed by the Bureau of Land Management (BLM) within or partially included in the Project boundary. Due to the isolation of these parcels, the BLM has difficulty managing the areas and has generally deferred management, including recreation management, to the PUD. Nonetheless, the PUD is still required to go through BLM for all actions on BLM land. H.R. 4789 would remedy this problem by conveying these parcels to the PUD within 90 days after enactment. The PUD is required to pay the BLM fair market value for the land and the PUD would continue to provide recreation opportunities. The proceeds received by the BLM would be deposited into the working capital fund to address some of the agency’s maintenance backlog.

COMMITTEE ACTION

H.R. 4789 was introduced on February 16, 2006, by Congressman Doc Hastings (R-WA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On March 9, 2006, the Subcommittee held a hearing on the bill. On July 19, 2006, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. Congressman Greg Walden (R-OR) offered an amendment in the nature of a substitute making minor substantive and technical changes requested by BLM. It was adopted by unanimous consent and the bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, clause 3, and Article IV, section 3, clause 2 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. The Committee has requested but not received the cost estimate. However, the Committee believes that enactment of this bill would have little effect on the federal budget. Proceeds from the land sale authorized by H.R. 4789 would be considered offsetting receipts. The Committee believe this sale would occur in fiscal year 2007. Because of the isolated nature of these parcels and their limited size, the Committee does not believe these proceeds would be substantial. These receipts would be retained in the BLM working capital fund and later spent by BLM if authorized by appropriation. Therefore, the net effect on the budget would be a small increase in offsetting receipts during fiscal year 2007.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

