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SENATE

{ REPORT
{ 109-166

RIO ARRIBA COUNTY LAND CONVEYANCE ACT

OCTOBER 27, 2005.—Ordered to be printed

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

R E P O R T

[To accompany S. 213]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 213) to direct the Secretary of the Interior to convey certain Federal land to Rio Arriba County, New Mexico, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

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 “Rio Arriba County Land Conveyance Act”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) COUNTY.—The term “County” means the County of Rio Arriba, New Mexico.
- (2) MAP.—The term “map” means the map entitled “Alcalde Proposed Land Transfer” and dated September 23, 2004.
- (3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF LAND TO RIO ARRIBA COUNTY, NEW MEXICO.

(a) IN GENERAL.—Subject to valid existing rights, the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the land (including any improvements to the land) described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 171 acres of land located on the Sebastian Martin Land Grant in the vicinity of Alcalde, Rio Arriba County, New Mexico, as depicted on the map.

(c) REVERSION.—If any portion of the land conveyed under subsection (a) ceases to be used for public purposes the land shall, at the option of the Secretary, revert to the United States.

(d) CONDITIONS ON SALES.—If the County sells any portion of the land conveyed to the County under subsection (a)—

- (1) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(2) the County shall pay to the Secretary an amount equal to the gross proceeds of the sale, for use by the Director of the Bureau of Land Management in the State of New Mexico, without further appropriation.

(e) COSTS.—The County shall pay any costs associated with the conveyance of land under subsection (a).

PURPOSE OF THE MEASURE

The purpose of S. 213 is to direct the Secretary of the Interior to convey approximately 171 acres of Federal land to Rio Arriba County, New Mexico.

BACKGROUND AND NEED

S. 213 provides for the conveyance of approximately 171 acres of land located on the Sebastian Martin Land Grant in the vicinity of Alcalde, New Mexico to Rio Arriba County. The land is needed for county facilities, a cemetery for a local parish, and a new public school. Rio Arriba County lack sufficient land to meet the population's growing needs. The county has worked with the Bureau of Land Management (BLM) to find a parcel of land that each agrees will best serve the public if it is transferred to county ownership. BLM was unable to handle this transfer administratively due to the particular history of how this parcel came into Federal ownership. S. 213 directs the Secretary of the Interior to convey the parcel without consideration, to the county.

LEGISLATIVE HISTORY

S. 213 was introduced by Senators Bingaman and Domenici on January 31, 2005. The Subcommittee on Public Lands and Forests held a hearing on S. 213 on March 8, 2005. At the business meeting on September 28, 2005, the Committee on Energy and Natural Resources ordered S. 213, favorably reported with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATIONS

The Committee on Energy and Natural Resources, in open business session on September 28, 2005, by a unanimous vote of a quorum present, recommends that the Senate pass S. 213, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 213, the Committee adopted an amendment in the nature of a substitute that simplifies the intended conveyance and corrects the acreage to be conveyed.

SECTION-BY-SECTION ANALYSIS

Sections 1 and 2 provide the short title and definitions for the bill.

Section 3 directs the Secretary of the Interior to convey approximately 171 acres to Rio Arriba County, including any improvements to the land. The section provides a reversionary clause where, at the discretion of the Secretary, the land may be returned to Federal ownership if it is used for other than a public purpose. The section also requires the county to pay any costs associated with the conveyance, forbids the sale of any land for less than fair

market value and directs proceeds of any such sale be remitted to the Bureau of Land Management.

COST AND BUDGETARY CONSIDERATIONS

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

S. 213—Rio Arriba County Land Conveyance Act

S. 213 would direct the Secretary of the Interior to convey, for no consideration, 171 acres of federal land in New Mexico to the county of Rio Arriba. As a condition of the proposed conveyance, the bill would require the county to use that land for public purposes.

CBO estimates that S. 213 would have no significant impact on the federal budget. According to the Bureau of Land Management, the land to be conveyed currently generates no significant receipts and is not expected to do so over the next 10 years. Therefore, we estimate that the bill would not significantly affect offsetting receipts (a credit against direct spending). Because the bill specifies that the county would pay any costs associated with the conveyance, we also estimate that the agency's administrative costs to complete the proposed transaction, which would be subject to appropriation, would be negligible. Enacting S. 213 would not affect revenues.

S. 213 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 land conveyance authorized by this bill would benefit Rio Arriba county, and they would incur any associated costs voluntarily.

The CBO staff contact for this estimate is Megan Carroll. 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 Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 213. 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. 213, as ordered reported.

EXECUTIVE COMMUNICATIONS

Views of the Administration on S. 213 were included in testimony provided by the Bureau of Land Management at the Subcommittee hearing as follows:

STATEMENT OF CHRISTOPHER KEARNY, DEPUTY ASSISTANT
SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS,
DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to present testimony on S. 213, the Rio Arriba County Land Conveyance Act. S. 213 would convey approximately 150.86 acres of land managed by the Bureau of Land Management (BLM) in Rio Arriba County (County), New Mexico, to the County for the purposes of providing County facilities, a new public school, and a cemetery for a local parish on the lands. The Department supports the conveyance. We recommend some technical clarifications to the bill, and would like the opportunity to work with the sponsors and the Subcommittee to develop language to address these clarifications.

The lands proposed for conveyance in S. 213 are located to the north of Santa Fe, in the vicinity of Alcalde in north-central New Mexico. The growing population in Rio Arriba County has led to an increasing demand for municipal services. However, Rio Arriba County has a limited land base, and has been working with the BLM in an effort to acquire Federal land for use in the County's efforts to provide expanded services.

Under the Recreation and Public Purposes (R&PP) Act, the BLM can administratively transfer Federal lands to local governments at a reduced price, for various public purposes, including schools and municipal facilities. If the lands to be conveyed under S. 213 were part of the public domain, the BLM would have been able to transfer the lands under R&PP Act without the need for authorizing legislation. However, these lands are located on the Sebastian Martin Land Grant and were acquired by the Federal government under the Bankhead-Jones Act. The R&PP Act does not apply to acquired lands. Section 3(c) of S. 213 resolves this issue by directing that the land conveyed under the legislation be treated as public land for purposes of the R&PP Act.

Under the R&PP Act, local governments may purchase Federal lands at reduced prices. The R&PP Act authorizes a schedule of reduced prices established by the Secretary, based upon the fair market value of the property, with a reduction based on the proposed use. For most public purposes, a local government may purchase Federal lands under the R&PP Act for \$10 per acre. The special pricing applies to land which will be under the control of the local government, used for government purposes, and serve the general public. Examples include land on which facilities will be constructed for education and public health, fire and law enforcement, administrative services, social services, storage and maintenance, and public works. We would like the opportunity to work with the Subcommittee to clarify exactly which lands among the 150.86 acres are proposed for which specific uses and to develop a more precise map. Once we have that information, the Secretary

would be able to apply the provisions of the R&PP Act to determine the appropriate price to be paid by the County.

We believe some clarifications to the legislation would be helpful. The bill should clarify that valid existing rights are protected. In addition, the bill should resolve the inconsistency between Section 3(a), which directs the Secretary to convey "all right, title, and interest" in the lands, and the R&PP Act, under which the mineral estate is reserved to the United States. In addition, conveyances under the R&PP Act require analysis under the National Environmental Policy Act (NEPA). Also, because the lands to be conveyed under S. 213 were identified for retention under the BLM's Taos Resource Management Plan (RMP), the RMP will need to be amended. Completion of the requisite NEPA analysis and RMP amendment may not be possible within the one-year time frame prescribed for the land transfer under bill.

Thank you again for the opportunity to testify. We look forward to working with the Subcommittee to help achieve a positive result. I will be happy to answer 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. 213, as ordered reported.

