

Calendar No. 544

109TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 109-301

COFFMAN COVE ADMINISTRATIVE SITE CONVEYANCE ACT OF 2006

JULY 31, 2006.—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. 1548]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1548) to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska, 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 “Coffman Cove Administrative Site Conveyance Act of 2006”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) CITY.—The term “City” means the city of Coffman Cove, Alaska.
- (2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

SEC. 3. CONVEYANCE.

(a) IN GENERAL.—Subject to valid existing rights, the Secretary shall convey to the City, without consideration and by quitclaim deed all right, title, and interest of the United States, except as provided in subsections (c) and (d), in and to the parcel of National Forest System land described in subsection (b).

(b) DESCRIPTION OF LAND.—

(1) IN GENERAL.—The parcel of National Forest System land referred to in subsection (a) is the approximately 12 acres of land identified in U.S. Survey 10099, as depicted on the plat entitled “Subdivision of U.S. Survey No. 10099” and recorded as Plat 2003-1 on January 21, 2003, Petersburg Recording District, Alaska.

(2) EXCLUDED LAND.—The parcel of National Forest System land conveyed under subsection (a) does not include the portion of U.S. Survey 10099 that is

north of the right-of-way for Forest Development Road 3030–295 and southeast of Tract CC–8.

(c) RIGHT-OF-WAY.—The United States may reserve a right-of-way to provide access to the National Forest System land excluded from the conveyance to the City under subsection (b)(2).

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

(e) CONDITIONS ON SUBSEQUENT CONVEYANCES.—If the City sells any portion of the land conveyed to the City under subsection (a)—

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

(2) the City shall pay to the Secretary an amount equal to the gross proceeds of the sale, which shall be available, without further appropriation, for the Tongass National Forest.

PURPOSE OF THE MEASURE

The purpose of S. 1548 is to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska.

BACKGROUND AND NEED

The City of Coffman Cove, Alaska, is a small community with about 200 residents that developed around a Tongass National Forest logging camp and work site. The 12-acre Forest Service site now sits in the middle of town, and a new ferry terminal is planned for an adjacent parcel. The location of most of the administrative site makes it difficult and inefficient for the Forest Service to manage, and an obstacle to the future development and design of the city's downtown. Conveyance of the administrative site would benefit both the Forest Service and the city in these regards.

LEGISLATIVE HISTORY

S. 1548 was introduced on July 28, 2005, by Senator Murkowski for herself and Senator Stevens. The Subcommittee on Public Lands and Forests held a hearing on November 2, 2005, on S. 1548 (S. Hrg. 109–347). At a business meeting held on May 24, 2006, the Committee on Energy and Natural Resources ordered S. 1548 favorably reported with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on May 24, 2006, by unanimous voice vote of a quorum present recommends that the Senate pass S. 1548, if amended as described herein.

COMMITTEE AMENDMENT

The Committee adopted an amendment in the nature of a substitute that strikes the findings, provides for a conveyance of the land, adds reversionary provisions, provides conditions for the conveyance, and makes other technical changes.

SECTION-BY-SECTION ANALYSIS

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

Section 3(a and b) directs the Secretary of Agriculture to convey approximately 12 acres to the city of Coffman Cove, Alaska.

Subsection 3(c) provides the Secretary with the right to reserve a right-of-way to Forest Service land excluded from the conveyance.

Subsection 3(d) provides a reversionary clause if the land is not used to public purposes.

Subsection 3(e) directs conditions for subsequent conveyances such that if the city sells any portion of the land, it must pay the Secretary an amount equal to the gross proceeds of the sale and the fair market value.

COST AND BUDGETARY CONSIDERATIONS

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

S. 1548—Coffman Cove Administrative Site Conveyance Act of 2006

S. 1548 would direct the Secretary of Agriculture to convey to the city of Coffman Cove, Alaska, for no consideration, about 12 acres of land previously used as a Forest Service administrative site. Under the Forest Service Realignment and Enhancement Act of 2005, this property could be sold, and the Forest Service could spend the receipts without further appropriation. CBO expects, however, that it is unlikely that the land would be sold in the absence of this legislation. Moreover, we estimate that the loss of receipts—if any—would be less than \$500,000 and would be offset by a like reduction in direct spending. We estimate that the administrative costs of completing the conveyance under the bill would not be significant. Finally, we estimate that enacting S. 1548 would have no effect on revenues.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on budgets of state, local, or tribal governments. Enacting this legislation would benefit the city of Coffman Cove.

The CBO staff contact for this estimate is Deborah Reis. 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. 1548.

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. 1548.

EXECUTIVE COMMUNICATIONS

The views of the administration were included in testimony received by the Committee at a hearing on the bill on November 2, 2005, as follows:

STATEMENT OF GLORIA MANNING, ASSOCIATE DEPUTY
CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DE-
PARTMENT OF AGRICULTURE

Mr. Chairman: Thank you for the opportunity to appear before you today to provide the Department views on S. 1548, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska.

S. 1548 would convey a portion of a 15-acre Forest Service administrative site situated in the center of a small Alaskan community, Coffman Cove, to the City of Coffman Cove. The bill directs the Secretary of Agriculture, without consideration, to convey fee simple title to twelve acres of the administrative site, to the City.

The Department objects to S. 1548 on the basis of long-standing policy that the government receives market value for such conveyances. However, the Department is sympathetic to the needs of the City of Coffman Cove to control the future development of its future downtown area.

The Forest Service played a central role in the development of the community. In the 1960's, Coffman Cove was a logging camp and work site. Logs were harvested from the surrounding Tongass National Forest. Eventually, the community developed around the Forest Service administrative site.

In 1986, the State of Alaska received lands surrounding the Coffman Cove administrative site as part of its statehood entitlement. Over time, a decrease in timber sale activity led to a diminished need for the Forest Service administrative site. Within the last six years, all buildings have been removed from the site.

Coffman Cove was incorporated in 1989, and is currently home to about 200 residents. The City is seeking to diversify its economic base in response to changes in the management of the surrounding Tongass National Forest and other economic conditions. With the development of a new ferry terminal adjacent to the Forest Service administrative site, economic opportunities for the City to develop commercial operations and tourism support facilities are improving. However, the location of the Forest Service parcel in the center of town, along the main street bisecting the town and near the ferry terminal, presents a significant obstacle to Coffman Cove's efforts to more fully develop and diversify its economy and design its future downtown. The location of most of the parcel also makes it difficult and inefficient for the Forest Service to adequately manage the site.

Should the Subcommittee choose to move the bill in spite of these concerns, the Department would like to work with the Subcommittee on amendments that would improve accuracy and management efficiency.

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. 1548 as ordered reported.

