

## Calendar No. 541

111TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 111-271

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### BOXER ELDER UTAH LAND CONVEYANCE ACT

—————  
AUGUST 5, 2010.—Ordered to be printed  
—————

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

### R E P O R T

[To accompany H.R. 601]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 601) to provide for the conveyance of parcels of land to Mantua, Box Elder County, Utah, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

#### PURPOSE

The purpose of H.R. 601 is to provide for the conveyance approximately 31.5 acres of land administered by the Forest Service to the town of Mantua, Utah.

#### BACKGROUND AND NEED

The town of Mantua, Utah, is a small town in Box Elder County in northern Utah. The town has a total area of about 5.6 square miles, about 8 acres of which is owned by the town and used for a cemetery (about 4 acres), park (about 2.5 acres), and municipal buildings. The Uinta-Wasatch-Cache National Forest borders a portion of Mantua, and it includes two peninsula-shaped parcels of land that are largely surrounded by private land near the cemetery and municipal buildings. The two parcels were donated by Box Elder County to the United States in 1940. The town would like to acquire the two parcels to add to the existing cemetery, provide land for a new park, or to erect new town offices, a court and law enforcement facilities, or a fire station.

## LEGISLATIVE HISTORY

H.R. 601, sponsored by Representative Bishop, passed the House of Representatives by a vote of 396–1 on February 23, 2009. Senators Bennett and Hatch introduced a companion bill (S. 1546) on July 30, 2009. The Subcommittee on Public Lands and Forests held a hearing on S. 1546 on April 21, 2010.

The Committee on Energy and Natural Resources considered H.R. 601 at its business meeting on June 16, 2010, and ordered the bill favorably reported without amendment at its business meeting on June 21, 2010.

## COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on June 21, 2010, by a voice vote of a quorum present, recommends that the Senate pass H.R. 601.

## SECTION-BY-SECTION ANALYSIS

*Section 1* provides the short title.

*Section 2(a)* directs the Secretary of Agriculture to convey to the Town of Mantua, Utah, for no consideration, all right, title and interest of the United States in approximately 31.5 acres of land within Wasatch-Cache National Forest, as generally depicted on the referenced map.

Subsection (b) provides for a survey of the land, if necessary, paid for by the town.

Subsection (c) directs that the conveyed land be used only for public purposes.

Subsection (d) provides for the land to revert to the Secretary, at the election of the Secretary, if the land is used for other than public purposes.

Subsection (e) requires the conveyance to be subject to such additional terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

## COST AND BUDGETARY CONSIDERATIONS

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

*H.R. 601—Box Elder Utah Land Conveyance Act*

H.R. 601 would direct the Secretary of Agriculture to convey, without consideration, certain lands in Utah to the town of Mantua. Based on information from the Forest Service, CBO estimates that implementing the legislation would have no significant impact on the federal budget. Enacting H.R. 601 would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

Under the act, the Secretary would be required to convey about 32 acres of land within the Wasatch-Cache National Forest to Mantua, Utah. The conveyed land could be used by the town for public purposes only and would revert to the federal government if used for other purposes. The affected lands do not currently generate offsetting receipts for the federal government and are not expected to generate such receipts over the next 10 years. Any costs associated

with surveying the lands prior to conveyance would be paid by the town.

H.R. 601 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 CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Sam Papenfuss, Unit Chief for Income Security and Education Cost Estimates, Budget Analysis Division.

#### 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 H.R. 601.

The Act 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. 601, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

H.R. 601, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

#### EXECUTIVE COMMUNICATIONS

The views of the Administration were included in testimony received by the Committee at a hearing on S. 1546 on April 21, 2010, which is printed below:

#### TESTIMONY OF HARRIS SHERMAN, UNDER SECRETARY, NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, thank you for the opportunity today to present the Department's view on S. 1546. I am Harris Sherman, USDA Under Secretary for Natural Resources and Environment. S. 1546 would direct the Secretary of Agriculture to convey, without consideration, to the Town of Mantua, Utah, all right, title and interest of the United States in approximately 31.5 acres of National Forest System lands in Box Elder County, Utah. These lands are currently part of the Unita-Wasatch-Cache National Forest. The conveyance would be conditioned upon the town using the conveyed land for public purposes. If the land is ever used for other than public purposes, title would revert to the United States at the election of the Secretary. While the Department does not object to these lands being made available for conveyance to Mantua, Utah, we object to the terms of the bill.

The 31.5 acres in question comprise two irregular peninsula-shaped parcels which are surrounded on three sides

by private land. The parcels are encumbered with several outstanding rights in Brigham City including three pipelines, a right to construct a pipeline, and use of four springs. A survey would be required to be made in advance of any proposed conveyance.

We oppose the bill because it does not require market value consideration for the conveyance and because of the reverter provisions.

A general public policy is that the Federal Government receive market value consideration for the conveyance or use of its property. This policy is well established in law including the Independent Offices Appropriation Act (31 U.S.C. 9701), section 102(9) of the Federal Land Policy and Management Act (43 U.S.C. 1701), as well as the numerous land exchange authorities.

There are also practical problems with S. 1546. The land is required to revert to the Secretary in the event it is used for other than "public purposes." However, public purposes are not defined and could cover a vast array of land uses from municipal waste treatment, low income housing, to industrial parks. This lack of public purpose definition could draw a future Secretary of Agriculture into future local land use controversies. Therefore, we oppose the Reversionary Clause listed in Section 2 (e).

There are laws on the books which would accommodate the municipal needs of the Town of Mantua, Utah. Specifically, the Townsite Act of July 31, 1958 (16 U.S.C. 478a) was enacted to permit established communities to acquire up to 640 acres of National Forest land to serve indigenous community objectives. Consistent with the aforementioned public policy, the Townsite Act requires payment to the United States of the fair market value of the land. Similarly, the lands could be made available by exchange for equal value consideration.

#### 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. 601, as ordered reported.

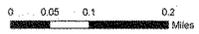


**Box Elder Utah Land Conveyance Act - July 14, 2008**  
**Wasatch-Cache National Forest**  
*Township 9 North, Range 1 West*  
*Section 27, Salt Lake Meridian*



**Legend**

- Parcels
- National Forest System Land



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Map produced at the request of Congressman Bishop. Parcels have not been officially described and a Federal survey would be required in advance of conveyance.

