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112TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ 112-60

BOX ELDER UTAH LAND CONVEYANCE ACT

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AUGUST 30 (legislative day, AUGUST 2), 2011.—Ordered to be printed

Filed under authority of the order of the Senate of August 2, 2011
—————

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

R E P O R T

[To accompany S. 683]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 683) to provide for the conveyance of certain parcels of land to the town of Mantua, Utah, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 1, line 10, strike “July 14, 2008” and insert “June 23, 2011”.
2. On page 2, strike lines 1 through 12 and insert the following:
 - (2) NATIONAL FOREST SYSTEM LAND.—The term “National Forest System land” means the approximately 31.5 acres of National Forest System land in Box Elder County, Utah, that is generally depicted on the map as parcels A, B, and C.
3. On page 2, strike line 17 and insert the following:
 - (b) CONVEYANCE.—On the request of the Town submitted to the Secretary by the date that is not later than 1 year after the
4. On page 2, strike line 22 and insert the following:
 - (c) SURVEY; COSTS.—
5. On page 3, strike lines 3 and 4 and insert the following:
 - (2) COSTS.—The Town shall pay the reasonable survey and other administrative costs associated with the conveyance.

PURPOSE

The purpose of S. 683 is to provide for the conveyance of approximately 31.5 acres of Federal 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, to provide land for a new park, to erect new town offices, a court and law enforcement facilities, or to build a fire station.

LEGISLATIVE HISTORY

S. 683 was introduced by Senator Lee on March 30, 2011. The Subcommittee on Public Lands and Forests held a hearing on S. 683 on May 18, 2011 (S. Hrg. 112–39). At its business meeting on July 14, 2011, the Committee on Energy and Natural Resources ordered S. 683 favorably reported with amendments. In the 111th Congress, a similar bill (H.R. 601), passed the House of Representatives by a vote of 396–1 on February 23, 2009, and was reported by the Committee (S. Rept. 111–271), but the Senate took no further action on H.R. 601.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 14, 2011, by a voice vote of a quorum present, recommends that the Senate pass S. 683, if amended as described herein.

COMMITTEE AMENDMENTS

During its consideration of S. 683, the Committee adopted amendments that clarify that the direction to the Secretary to convey the Federal land is contingent on the town submitting a prior request for the conveyance, that require the town to pay the administrative costs associated with the conveyance, and that make other technical and conforming changes to the bill.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title for the bill.

Section 2(a) provides the definitions for a number of terms used in the bill.

Subsection (b) directs the Secretary of Agriculture to convey to the Town of Mantua, Utah, for no consideration, approximately 31.5 acres of land within Uinta-Wasatch-Cache National Forest, as generally depicted on the referenced map.

Subsection (c) provides for a survey of the land, if necessary, paid for by the town along with other reasonable costs associated with the conveyance.

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

Subsection (e) 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 (f) requires the conveyance to be subject to such additional terms and conditions as the Secretary may require.

COST AND BUDGETARY CONSIDERATIONS

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

S. 683—Box Elder Utah Land Conveyance Act

S. 683 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 S. 683 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Under the bill, the Secretary would be required to convey about 32 acres of land within the Uinta-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 carrying out the conveyance would be paid by the town.

S. 683 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.

On July 27, 2011, CBO transmitted a cost estimate for H.R. 1258, the Box Elder Utah Land Conveyance Act, as ordered reported by the House Committee on Natural Resources on July 20, 2011. S. 683 and H.R. 1258 are similar, and the CBO cost estimates are the same.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, 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. 683.

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 S. 683, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 683, 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 testimony provided by the Forest Service at the May 18, 2011, hearing on S. 683 follows.

STATEMENT OF MARY WAGNER, ASSOCIATE CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the Subcommittee, I am Mary Wagner, Associate Chief of the Forest Service. Thank you for the opportunity today to present the Department's view on S. 683, legislation to provide for the conveyance of certain parcels of land in the Town of Mantua, Utah.

S. 683 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 (NFS) land in Box Elder County, Utah. This land is currently part of the Uinta-Wasatch-Cache National Forest. The 31.5 acres in question comprise three parcels identified in the bill as parcels A, B, and C as shown on the accompanying map. 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.

The Department does not object to conveyance of this NFS land, but notes that these parcels have not been officially described; a federal survey would be required in advance of conveyance. Although the bill does require the Town to cover the Federal land survey costs associated with the conveyance, it does not clearly state who would be responsible for bearing other administrative costs.

We believe that the Forest Service could meet the objectives of the bill administratively through either the Townsite Act of July 31, 1958 (16 U.S.C. 478a) or the Weeks Act of March 1, 1911 (16 U.S.C. 516) as supplemented by the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (P.L. 94-579, 90 Stat. 2743; 43 U.S.C. 1716; as amended). The Townsite Act authorizes communities to acquire up to 640 acres of NFS land in order to serve community objectives and requires payment to the United States of the market value of the federal land. The Weeks Act authorizes the exchange of NFS land for non-Federal land on the basis of equal value.

It is long standing policy that the United States receive market value for the sale, exchange or use of NFS land. This policy is well established in law, including the Independent Offices Appropriation Act (31 U.S.C. 9701), section 102(9) of FLPMA, as well as numerous land exchange authorities. The parcels were acquired by donation from Box Elder County in 1941. They have value to the United

States for their potential to be used to facilitate future land exchanges.

Mr. Chairman, regardless of the ultimate outcome of the congressional consideration of S. 683, the Forest Service is committed to working with the bill sponsors, the Town of Mantua, and the Committee, in hopes of assisting the Town. We would appreciate the opportunity to work with the Committee to address concerns with S. 683, including regarding the definition of public purpose and the revisionary language.

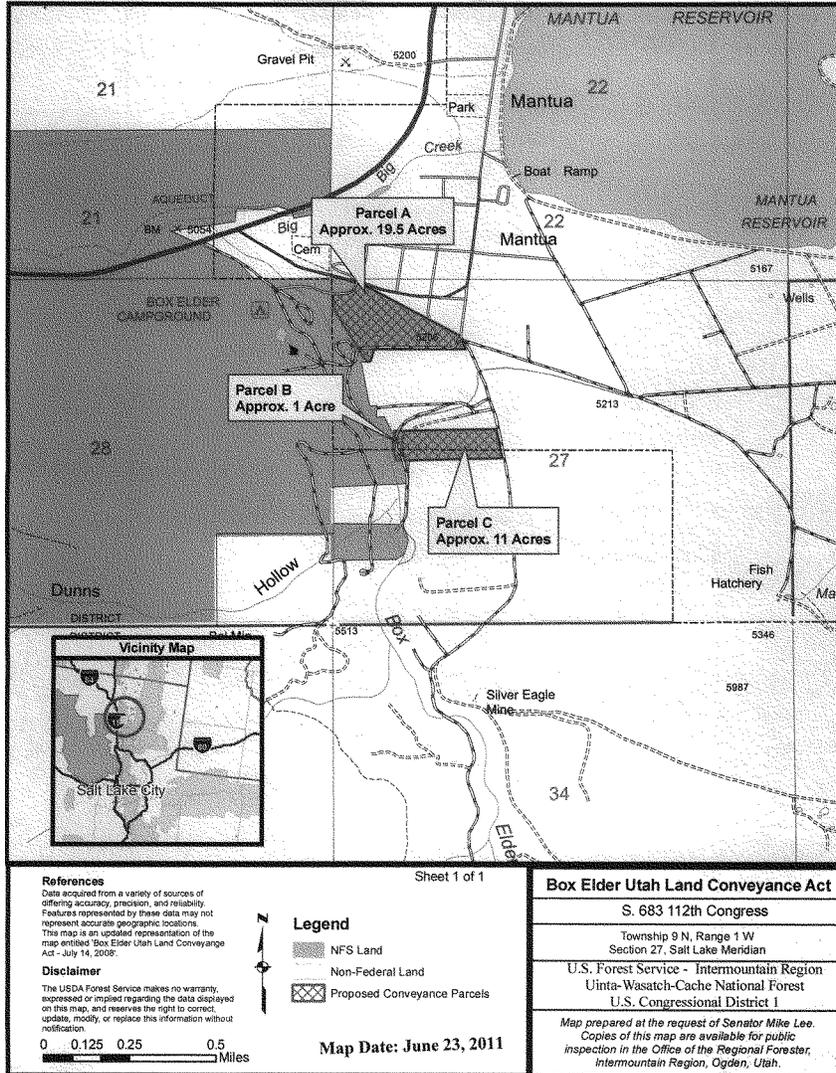
Also, to avoid constitutional concerns, the Department of Justice recommends that the bill be revised to make absolutely clear that the town would have to agree to the proposed conveyance, which is what we understand Congress intends. This change might be accomplished by adding "and subject to the Town's agreement" after "the Secretary shall convey to the Town," in section 2(b) of the bill.

This concludes my statement and I would be happy to answer any questions you might have.

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. 683, as ordered reported.

APPENDIX



Sheet 1 of 1

References

Data acquired from a variety of sources of differing accuracy, precision, and reliability. Features represented by these data may not represent accurate geographic locations. This map is an updated representation of the map entitled Box Elder Utah Land Conveyance Act - July 14, 2008.

Disclaimer

The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.

0 0.125 0.25 0.5 Miles



Legend

- NFS Land
- Non-Federal Land
- Proposed Conveyance Parcels

Map Date: June 23, 2011

Box Elder Utah Land Conveyance Act

S. 683 112th Congress

Township 9 N, Range 1 W
Section 27, Salt Lake Meridian

U.S. Forest Service - Intermountain Region
Uinta-Wasatch-Cache National Forest
U.S. Congressional District 1

Map prepared at the request of Senator Mike Lee.
Copies of this map are available for public inspection in the Office of the Regional Forester, Intermountain Region, Ogden, Utah.