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POWELL SHOOTING RANGE LAND CONVEYANCE

APRIL 22, 2013.—Ordered to be printed

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

R E P O R T

[To accompany S. 130]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 130) to require the Secretary of the Interior to convey certain Federal land to the Powell Recreation District in the State of Wyoming, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 130 is to direct the Secretary of the Interior to convey approximately 322 acres of land administered by the Bureau of Land Management near Powell, Wyoming, to the Powell Recreation District for use as a shooting range.

BACKGROUND AND NEED

The town of Powell is located in Park County, in northwestern Wyoming. Since 1980, the Powell Recreation District has used approximately 322 acres of public lands as a public shooting range. Because the lands were located within the boundaries of an irrigation district, they were presumed to be under the jurisdiction of the Bureau of Reclamation. The Bureau issued the original lease for the shooting range in 1980 and a renewal in 2007. Recently, it was determined that the lands were actually administered by the Bureau of Land Management.

In October 2005, the recreation district applied for a transfer of the land under the Recreation and Public Purposes Act (43 U.S.C. 869 et seq.). However, because the land had not been identified by the BLM as appropriate for conveyance under the R&PP Act, and because the land is contaminated with lead, the Department of the

Interior concluded that it does not have authority to administratively transfer the land under that Act.

S. 130 directs the Secretary of the Interior to convey all right, title, and interest, of the United States to approximately 322 acres of land identified on the referenced map to the Powell Recreation District for continued use as a shooting range, or for any other public purpose allowed under the Recreation and Public Purposes Act. The conveyance is to be made for no cost. The District is required to pay for any administrative costs associated with the conveyance.

LEGISLATIVE HISTORY

S. 130 was introduced by Senators Enzi and Barrasso on January 24, 2013. At its business meeting on March 14, 2013, the Committee ordered S. 130 favorably reported.

During the 112th Congress, the Committee considered similar legislation, S. 2015, also sponsored by Senators Enzi and Barrasso. The Subcommittee on Public Lands and Forests held a hearing on S. 2015 on March 22nd, 2012 (S. Hrg. 112–642). S. 2015 was discharged by the Committee and passed the Senate without amendment by unanimous consent on December 30, 2012.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on March 14, 2013, by voice vote of a quorum present, recommends that the Senate pass S. 130.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the “Powell Shooting Range Land Conveyance Act.”

Section 2 defines key terms used in the bill.

Section 3(a) instructs the Secretary of the Interior to convey all right, title and interest of the Federal government to the land described in section (b).

Subsection (b) defines the land referred to in section (a) as 332 acres of land managed by the Bureau of Land Management, Wind River District, Wyoming, commonly known as the “Powell Gun Club.”

Subsection (c) describes the map and legal description.

Subsection (d) directs the land conveyed only be used (1) as a shooting range or (2) for other public purpose allowed under the Recreation and Public Purpose Act (43 U.S.C. 869 et seq.).

Subsection (e) requires the District to pay all survey cost and administrative costs necessary for the preparation and completion of the land conveyance.

Subsection (f) allows the land conveyed to revert back to the United States if it ceases to be used for a public purpose outlined in subsection (d).

Subsection (g) sets the conditions of the conveyance (1) the District agrees to pay administrative costs and costs associated with any environmental, wildlife, cultural, or historical studies and (2) clarifies that the United States will not be held liable from any claims on the lands conveyed to the District.

COST AND BUDGETARY CONSIDERATIONS

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

S. 130—Powell Shooting Range Land Conveyance Act

S. 130 would require the Bureau of Land Management (BLM) to convey 322 acres of federal land near Powell, Wyoming, to the Powell Recreation District. Based on information provided by BLM, CBO estimates that implementing the legislation would have no significant impact on the federal budget. Enacting S. 130 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

The bill would require BLM to convey the affected lands, without consideration, to the Powell Recreation District, which currently operates a shooting range on those lands. Because the bill requires the district to pay all administrative costs associated with the conveyance, CBO estimates that implementing S. 130 would have no significant impact on discretionary spending. In addition, the affected lands are not expected to generate receipts over the next 10 years under current law.

S. 130 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

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. 130.

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. 130, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 130, 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

Executive Communications were not requested by the Senate Committee on Energy and Natural Resources in the 113th Congress. The following Administration testimony references similar legislation introduced in the 112th Congress.

The testimony provided by the Bureau of Land Management at the March 22, 2012, Subcommittee on Public Lands and Forests hearing on S. 2015 follows.

STATEMENT OF MIKE POOL, DEPUTY DIRECTOR, BUREAU OF
LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to present the views of the Department of the Interior on S. 2015, the Powell Shooting Range Land Conveyance Act, which conveys an isolated 322-acre tract of public land to the Powell Recreation District (District) in northwestern Wyoming. The Bureau of Land Management (BLM) supports S. 2015.

BACKGROUND

Powell, Wyoming, is a town of approximately 5,000 people in northwestern Wyoming. This region of Wyoming is generally irrigated farmland with scattered BLM-managed public land parcels.

In 1980, the Bureau of Reclamation (BOR) granted the District a Special Use Permit (SUP) for a 25-year period to construct and operate a shooting range on this isolated tract of public land southeast of the town of Powell. The District constructed the facilities and infrastructure for the shooting range over 30 years ago, and has operated the range ever since. The District is a local entity created under state statute for the purpose of providing public recreation programs. It is funded from local property taxes and has authority to acquire land and facilities appropriate to carry out its recreational purposes.

The SUP for the shooting range expired in 2005. That year, the District filed an application for a Recreation and Public Purposes Act conveyance of this land to continue the shooting range operations. The BOR extended the SUP pending transfer of the land to the District. In 2010, the BLM discovered that, as a result of a 1950 land exchange with the state of Wyoming, the parcel is actually under the BLM's jurisdiction and not the BOR's jurisdiction as was previously understood. The BLM has used the authority of a Special Recreation Permit to temporarily authorize the use of the existing shooting complex until long-term resolution of the land use issues could be achieved. BLM authorities for conveyance of land under the Recreation and Public Purpose Act do not permit the transfer of this land administratively to the District under its current use as a shooting range.

S. 2015

S. 2015 requires the BLM to convey an isolated 322-acre tract of public land southeast of Powell, Wyoming, to the Powell Recreation District. The bill requires that the parcel of land be transferred subject to valid existing rights, and be used only as a shooting range or for any other public purpose consistent with the Recreation and Public Purposes Act.

If the land conveyed to the District ceases to be used for its intended purpose then the land shall, at the discretion of the Secretary, revert to the United States.

S. 2015 requires the Powell Recreation District to pay administrative costs to prepare the patent and transfer title as well as costs necessary to complete environmental, wildlife, cultural, historical studies, and NEPA review prior to the transfer. The bill also releases and indemnifies the United States from any claims or liabilities that may arise from uses carried out on the land on or before the date the Act is signed.

The BLM supports the bill as it represents an opportunity to resolve land use issues on an isolated tract of public land that has been used as a shooting range for over 30 years and is identified for disposal in current land use plans. The legislation facilitates a reasonable and practicable conveyance of lands to the Powell Recreation District.

CONCLUSION

Thank you for the opportunity to provide testimony in support of S. 2015.

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. 130 as ordered reported.

