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SENATE

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WEST FORK FIRE STATION ACT OF 2017

AUGUST 1, 2018.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 4609]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (H.R. 4609) to provide for the conveyance of a Forest Service site in Dolores County, Colorado, to be used for a fire station, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 4609 is to provide for the conveyance of approximately 3.61 acres of National Forest System land to Dolores County, Colorado, to be used for a fire station.

BACKGROUND AND NEED

The Dolores County Fire Protection District (DCFPD) has historically been headquartered in neighboring Montezuma County, Colorado. When responding to fire and emergency calls outside of Montezuma County in Dolores County, firefighters and taxpayers in Dolores County have shouldered increasingly difficult logistical and financial burdens. In addition, some private homeowners have been unable to obtain home insurance due to the lack of local fire protection.

Given these challenges, the Dolores County Board of County Commissioners (DCBOCC) worked with local constituents, as well as Congressional staff, the DCFPD, and the U.S. Forest Service, to resolve the issue. Local individuals have been trained as firefighters, and necessary equipment has been procured. A fire station

is now necessary to house the equipment and trained firefighters. After raising funds to cover construction costs, the DCBOCC approached the Forest Service about a land conveyance for a parcel that would provide enough space to house a fire station, as well as for ingress and egress of equipment.

H.R. 4609 directs the Forest Service to convey approximately 3.61 of National Forest lands in Dolores County to the County, to provide a site for the fire station. The County will pay for conveyance costs, and the Act includes a reversionary clause restricting use of the land for a fire station, related infrastructure, and roads to facilitate access to and through the West Fork Fire Station Conveyance Parcel.

LEGISLATIVE HISTORY

Representative Tipton introduced H.R. 4609 in the House of Representatives on December 11, 2017. H.R. 4609 was reported by the Committee on Natural Resources on April 9, 2018 (H. Rept. 115-624) and the House of Representatives passed the measure by voice vote on April 16, 2018.

Senators Bennet and Gardner introduced companion legislation, S. 2218, on December 12, 2017. On February 7, 2018, the Subcommittee on Public Lands, Forests, and Mining held a hearing on S. 2218.

The Senate Committee on Energy and Natural Resources met in an open business session on May 17, 2018, and ordered H.R. 4609 favorably reported.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on May 17, 2018, by a majority voice vote of a quorum present recommends that the Senate pass H.R. 4609.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides a short title.

Section 2. Definitions

Section 2 provides the definitions of key terms.

Section 3. Conveyance of West Fork Fire Station Conveyance Parcel, Dolores County, Colorado

Subsection (a) directs the Secretary of Agriculture (Secretary) to convey to the County, without consideration, all right, title, and interest of the United States in and to the West Fork Fire Station Conveyance Parcel. The subsection further states that such conveyance is to be made upon request from the County and subject to terms and conditions that are mutually satisfactory to the Secretary and County.

Subsection (b) provides that the County is responsible for any conveyance-related costs, including processing and transaction costs.

Subsection (c) specifies that the conveyed land shall only be used by the County for a fire station, related infrastructure, and roads

to facilitate access to and through the West Fork Fire Station Conveyance Parcel.

Subsection (d) states that if any portion of the conveyed land is used in a manner that is inconsistent with the specified uses, the land shall, at the discretion of the Secretary, revert to the United States.

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 4609 would require the Forest Service to convey roughly four acres of federal land to Dolores County, Colorado, at that county's request and without consideration.

Because H.R. 4609 would require the county to pay any administrative costs associated with the conveyance, implementing the act would not affect spending subject to appropriation.

Using information provided by the Forest Service, CBO estimates that enacting H.R. 4609 also would not affect direct spending because the affected lands are not expected to generate any income over the next 10 years and it would not affect revenues. Therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 4609 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029. H.R. 4609 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On March 22, 2018, CBO transmitted a cost estimate for H.R. 4609, the West Fork Fire Station Act of 2017, as ordered reported by the House Committee on Natural Resources on March 14, 2018. The two versions of the legislation are similar, and CBO's estimates of their budgetary effects are the same.

The CBO staff contact for this estimate is Jeff LaFave. This estimate was reviewed by H. Samuel Papenfuss, 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 H.R. 4609. 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 H.R. 4609, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 4609, 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 U.S. Forest Service at the February 7, 2018, hearing on S. 2218, the companion legislation to H.R. 4609, follows:

STATEMENT OF GLENN CASAMASSA, ASSOCIATE DEPUTY
CHIEF, NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE,
UNITED STATES DEPARTMENT OF AGRICULTURE

Chairman Lee, Ranking Member Wyden, members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 2218—West Fork Fire Station Act of 2017. I am Glenn Casamassa, Associate Deputy Chief for the National Forest System (NFS), USDA Forest Service.

S. 2218 would convey, without consideration, all right, title, and interest in approximately 3.61 acres of National Forest System land on the San Juan National Forest to Dolores County, Colorado for construction and operation of a fire station, associated infrastructure, and access roads.

USDA supports Dolores County in their efforts to provide improved emergency services to county residents and visitors. We agree that the parcel of land in question is in a practical location to provide these services and that there are not similarly situated non-federal lands of limited acreage available that provide the same locational benefits. However, we do note that Section 3(a) is inconsistent with longstanding federal policy that market value consideration should be paid to the United States for conveyance of federal lands owned by all Americans.

Thank you again for the opportunity to testify on this bill and I look forward to your questions at the appropriate time.

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 as ordered reported.