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SENATE

{ REPORT
{ 115-367

CUSTER COUNTY AIRPORT CONVEYANCE ACT

NOVEMBER 15, 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 S. 2297]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2297) to direct the Secretary of Agriculture to transfer certain National Forest System land to Custer County, South Dakota, 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 4, strike lines 3 through 7.
2. On page 4, line 8, strike “(h)” and insert “(g)”.
3. On page 4, strike lines 14 through 19 and insert the following:

(h) PROCEEDS FROM THE SALE OF LAND.—Any proceeds received by the Secretary from the conveyance under subsection (a) shall be—

(1) deposited in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484(a)); and

(2) available to the Secretary until expended, without further appropriation, for the acquisition of inholdings in units of the National Forest System in the State of South Dakota.

PURPOSE

The purpose of S. 2297 is to direct the Secretary of Agriculture (Secretary) to transfer certain National Forest System land to Custer County, South Dakota.

BACKGROUND AND NEED

The Custer County airport is a small, municipal public airport located in southwest South Dakota, just a few miles outside of Custer, South Dakota. The airport is surrounded on three sides by rural, residential areas, and on a fourth side by an industrial area. The runway of the Custer County Airport, and part of the area at the end of the runway (the Runway Protection Zone), is located in the Black Hills National Forest.

Through an existing special use permit, the Custer County Airport uses approximately 65.7 acres of National Forest System land. Custer County seeks to have full ownership of all of the acres the airport occupies. Conveying the lands would allow Custer County to have greater flexibility in operating the airport facilities and enable its future expansion to better serve the community.

S. 2297 authorizes the U.S. Forest Service to convey to Custer County the approximately 65.7 acres of National Forest System land covered by the special use permit at fair market value.

LEGISLATIVE HISTORY

S. 2297 was introduced by Senators Thune and Rounds on January 11, 2018. The Subcommittee on Public Lands, Forests, and Mining, held a hearing on S. 2297 on August 22, 2018.

Representative Noem introduced companion legislation, H.R. 4781, in the House of Representatives on January 11, 2018. The bill was referred to the Natural Resources Committee.

The Senate Committee on Energy and Natural Resources met in open business session on October 2, 2018, and ordered S. 2297 favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on October 2, 2018, by a majority voice vote of a quorum present, recommends that the Senate pass S. 2297, if amended as described herein.

COMMITTEE AMENDMENTS

The Committee adopted two technical amendments and one substantive amendment to clarify that the land sale proceeds shall be deposited in a fund established under the Sisk Act (16 U.S.C. 484a) and used to purchase inholdings in units of the National Forest System in South Dakota.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title

Section 1 provides a short title.

Sec. 2. Definitions

Section 2 provides key definitions.

Sec. 3. Land conveyance

Subsection (a) directs the Secretary to convey approximately 65.7 acres of National Forest System land to Custer County, South Dakota, if the County offers the fair market value for the land.

Subsection (b) provides terms and conditions for the conveyance. Subsection (c) directs the Secretary to conduct an appraisal of the land within 60 days of the Act's enactment, in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

Subsection (d) requires the Forest Service to make the map publicly available and authorizes the Secretary to correct any errors in the map.

Subsection (e) directs the County to pay the fair market value for the land, as determined by the appraisal.

Subsection (f) requires the acreage and legal description of the land to be conveyed to be determined by a survey that is satisfactory to the Secretary.

Subsection (g) requires as a condition of the conveyance that the County pay all costs associated with carrying out the conveyance.

Subsection (h) directs the land sale proceeds to be deposited in a fund under the Sisk Act and requires those funds to be available to the Secretary to acquire inholdings in units of the National Forest System in South Dakota.

COST AND BUDGETARY CONSIDERATIONS

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

S. 2297 would direct the Forest Service to convey roughly 66 acres of federal land to Custer County, South Dakota, at fair market value if the county submits a request to purchase the land. CBO expects that under the bill, the county would submit such a request.

Because the bill would require Custer County to pay all costs associated with the conveyance, CBO estimates that implementing the bill would have no significant effect on spending subject to appropriation.

According to the Forest Service, the affected land currently produces no income from mineral or geothermal leasing or from timber production, and the Forest Service does not expect any such income in the future. Under the bill, proceeds from the conveyance (which would be recorded in the budget as offsetting receipts, or reductions in direct spending) would be available to the Forest Service to spend without further appropriation. Based on land values for similar tracts in Custer County, CBO estimates that those receipts would total less than \$500,000 and would be offset by an expenditure thereafter; thus, CBO estimates that the net effect on direct spending would be negligible.

Because enacting S. 2297 would affect direct spending, pay-as-you-go procedures apply. The bill would not affect revenues.

CBO estimates that enacting S. 2297 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

S. 2297 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Janani Shankaran. The 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 S. 2297. 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. 2297, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 2297, 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 Department of Agriculture at the August 22, 2018, hearing on S. 2297 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. 2297—Custer County Airport Conveyance Act. I am Glenn Casamassa, Associate Deputy Chief for the National Forest System (NFS), USDA Forest Service.

S. 2297 would convey, for market value consideration, all right, title, and interest in approximately 65.7 acres of National Forest System land on the Black Hills National Forest to Custer County, South Dakota for the continued operation of the Custer County Regional Airport.

USDA supports S. 2297. Airport infrastructure authorized under a special use permit currently occupies the subject NFS lands which are consequently not generally available for NFS multiple use purposes. Conveying the lands would allow Custer County greater flexibility in operating the facility which provides an important service to residents and visitors in western South Dakota.

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.