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104TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 104-201

SNOWBASIN LAND EXCHANGE ACT OF 1995

JANUARY 3, 1996.—Ordered to be printed

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

REPORT

[To accompany S. 1371]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1371) entitled “Snowbasin Land Exchange Act of 1995, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Snowbasin Land Exchange Act of 1995”.

SEC. 2. FINDINGS AND DETERMINATION.

(a) FINDINGS.—The Congress finds that—

(1) in June 1995, Salt Lake City, Utah, was selected to host the 2002 Winter Olympic Games, and the Snowbasin Ski Resort, which is owned by the Sun Valley Company, was identified as the site of six Olympic events: the men’s and women’s downhill, men’s and women’s Super-Gs, and men’s and women’s combined downhill;

(2) in order to adequately accommodate these events, which are traditionally among the most popular and heavily attended at the Winter Olympic Games, major new skiing, visitor, and support facilities will have to be constructed at the Snowbasin Ski Resort on land currently administered by the United States Forest Service;

(3) while certain of these new facilities can be accommodated on National Forest land under traditional Forest Service permitting authorities, the base area facilities necessary to host visitors to the ski area and the Winter Olympics are of such a nature that they should logically be located on private land;

(4) land exchanges have been routinely utilized by the Forest Service to transfer base area lands to many other ski areas, and the Forest Service and the Sun Valley Company have concluded that a land exchange to transfer base area lands at the Snowbasin Ski Resort to the Sun Valley Company is both logical and advisable;

(5) an environmental impact statement and numerous resource studies have been completed by the Forest Service and the Sun Valley Company for the lands proposed to be transferred to the Sun Valley Company by this Act;

(6) the Sun Valley Company has assembled lands with outstanding environmental, recreational, and other values to convey to the Forest Service in return for the lands it will receive in the exchange, and the Forest Service has identified such lands as desirable for acquisition by the United States; and

(7) completion of a land exchange and approval of a development plan for Olympic related facilities at the Snowbasin Ski Resort is essential to ensure that all necessary facilities can be constructed, tested for safety and other purposes, and become fully operational in advance of the 2002 Winter Olympics and earlier pre-Olympic events.

(b) DETERMINATION.—The Congress has reviewed the previous analyses and studies of the lands to be exchanged and developed pursuant to this Act, and has made its own review of these lands and issues involved, and on the basis of those reviews hereby finds and determines that a legislated land exchange and development plan approval with respect to certain National Forest System Lands is necessary to meet Olympic goals and timetables.

SEC. 3. PURPOSE AND INTENT.

The purpose of this Act is to authorize and direct the Secretary to exchange 1,320 acres of federally-owned land within the Cache National Forest in the State of Utah for lands of approximately equal value owned by the Sun Valley Company. It is the intent of Congress that this exchange be completed without delay within the period specified by section 5.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term “Sun Valley Company” means the Sun Valley Company, a division of Sinclair Oil Corporation, a Wyoming Corporation, or its successors or assigns; and

(2) the term “Secretary” means the Secretary of Agriculture.

SEC. 5. EXCHANGE.

(a) FEDERAL SELECTED LANDS.—(1) Not later than 45 days after the final determination of value of the Federal selected lands, the Secretary shall, subject to this Act, transfer all right, title, and interest of the United States in and to the lands referred to in paragraph (2) to the Sun Valley Company.

(2) The lands referred to in paragraph (1) are certain lands within the Cache National Forest in the State of Utah comprising 1,320 acres, more or less, as generally depicted on the map entitled “Snowbasin Land Exchange—Proposed” and dated October 1995.

(b) NON-FEDERAL OFFERED LANDS.—Upon transfer of the Federal selected lands under subsection (a), and in exchange for those lands, the Sun Valley Company shall simultaneously convey to the Secretary all right, title and interest of the Sun Valley Company in and to so much of the following offered lands which have been previously identified by the United States Forest Service as desirable by the United States, or which are identified pursuant to paragraph (5) prior to the transfer of lands under subsection (a), as are of approximate equal value to the Federal selected lands:

(1) Certain lands located within the exterior boundaries of the Cache National Forest in Weber County, Utah, which comprise approximately 640 acres and are generally depicted on a map entitled “Lightning Ridge Offered Lands”, dated October 1995.

(2) Certain lands located within the Cache National Forest in Weber County, Utah, which comprise approximately 635 acres and are generally depicted on a map entitled “Wheeler Creek Watershed Offered Lands-Section 21”, dated October 1995.

(3) Certain lands located within the exterior boundaries of the Cache National Forest in Weber County, Utah, and lying immediately adjacent to the outskirts of the City of Ogden, Utah, which comprise approximately 800 acres and are generally depicted on a map entitled “Taylor Canyon Offered Lands”, dated October 1995.

(4) Certain lands located within the exterior boundaries of the Cache National Forest in Weber County, Utah, which comprise approximately 2,040 acres and are generally depicted on a map entitled “North Fork Ogden River-Devil’s Gate Valley”, dated October 1995.

(5) Such additional offered lands in the State of Utah as may be necessary to make the values of the lands exchanged pursuant to this Act approximately equal, and which are acceptable to the Secretary.

(c) **SUBSTITUTION OF OFFERED LANDS.**—If one or more of the precise offered land parcels identified in paragraphs (1) through (4) of subsection (b) is unable to be conveyed to the United States due to appraisal or other reasons, or if the Secretary and the Sun Valley Company mutually agree and the Secretary determines that an alternative offered land package would better serve long term public needs and objectives, the Sun Valley Company may simultaneously convey to the United States alternative offered lands in the State of Utah acceptable to the Secretary in lieu of any or all of the lands identified in paragraphs (1) through (4) of subsection (b).

(d) **VALUATION AND APPRAISALS.**—(1) Values of the lands to be exchanged pursuant to this Act shall be equal as determined by the Secretary utilizing nationally recognized appraisal standards and in accordance with section 206 of the Federal Land Policy and Management Act of 1976. The appraisal reports shall be written to Federal standards as defined in the Uniform Appraisal Standards for Federal Land Acquisitions. If, due to size, location, or use of lands exchanged under this Act, the values are not exactly equal, they shall be equalized by the payment of cash equalization money to the Secretary or the Sun Valley Company as appropriate in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)). In order to expedite the consummation of the exchange directed by this Act, the Sun Valley Company shall arrange and pay for appraisals of the offered and selected lands by a qualified appraiser with experience in appraising similar properties and who is mutually acceptable to the Sun Valley Company and the Secretary. The appraisal of the Federal selected lands shall be completed and submitted to the Secretary for technical review and approval no later than 120 days after the date of enactment of this Act, and the Secretary shall make a determination of value not later than 30 days after receipt of the appraisal. In the event the Secretary and the Sun Valley Company are unable to agree to the appraised value of a certain tract or tracts of land, the appraisal, appraisals, or appraisal issues in dispute and a final determination of value shall be resolved through a process of bargaining or submission to arbitration in accordance with section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)).

(2) In order to expedite the appraisal of the Federal selected lands, such appraisal shall—

(A) value the land in its unimproved state, as a single entity for its highest and best use as if in private ownership and as of the date of enactment of this Act;

(B) consider the Federal lands as an independent property as though in the private marketplace and suitable for development to its highest and best use;

(C) consider in the appraisal any encumbrance on the title anticipated to be in the conveyance to Sun Valley Company and reflect its effect on the fair market value of the property; and

(D) not reflect any enhancement in value to the Federal selected lands based on the existence of private lands owned by the Sun Valley Company in the vicinity of the Snowbasin Ski Resort, and shall assume that private lands owned by the Sun Valley Company are not available for use in conjunction with the Federal selected lands.

SEC. 6. GENERAL PROVISIONS RELATING TO THE EXCHANGE.

(a) **IN GENERAL.**—The exchange authorized by this Act shall be subject to the following terms and conditions:

(1) **RESERVED RIGHTS-OF-WAY.**—In any deed issued pursuant to section 5(a), the Secretary shall reserve in the United States a right of reasonable access across the conveyed property for public access and for administrative purposes of the United States necessary to manage adjacent federally-owned lands. The terms of such reservation shall be prescribed by the Secretary within 30 days after the date of the enactment of this Act.

(2) **RIGHT OF RESCISSION.**—This Act shall not be binding on either the United States or the Sun Valley Company if, within 30 days after the final determination of value of the Federal selected lands, the Sun Valley Company submits to the Secretary a duly authorized and executed resolution of the Company stating its intention not to enter into the exchange authorized by this Act.

(b) **WITHDRAWAL.**—Subject to valid existing rights, effective on the date of enactment of this Act, the Federal selected lands described in section 5(a)(2) and all National Forest System lands currently under special use permit to the Sun Valley Company at the Snowbasin Ski Resort are hereby withdrawn from all forms of ap-

propriation under the public land laws (including the mining laws) and from disposition under all laws pertaining to mineral and geothermal leasing.

(c) DEED.—The conveyance of the offered lands to the United States under this Act shall be by general warranty or other deed acceptable to the Secretary and in conformity with applicable title standards of the Attorney General of the United States.

(d) STATUS OF LANDS.—Upon acceptance of title by the Secretary, the land conveyed to the United States pursuant to this Act shall become part of the Wasatch or Cache National Forests as appropriate, and the boundaries of such National Forests shall be adjusted to encompass such lands. Once conveyed, such lands shall be managed in accordance with the Act of March 1, 1911, as amended (commonly known as the “Weeks Act”), and in accordance with the other laws, rules and regulations applicable to National Forest System lands. This subsection does not limit the Secretary’s authority to adjust the boundaries pursuant to section 11 of the Act of March 1, 1911 (“Weeks Act”). For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460A–9), the boundaries of the Wasatch and Cache National Forests, as adjusted by this Act, shall be considered to be boundaries of the forests as of January 1, 1965.

SEC. 7. PHASE I FACILITY CONSTRUCTION AND OPERATION.

(a) PHASE I FACILITY FINDING AND REVIEW.—(1) The Congress has reviewed the Snowbasin Ski Area Master Development Plan dated October 1995 (hereinafter in this section referred to as the “Master Plan”). On the basis of such review, and review of previously completed environmental and other resource studies for the Snowbasin Ski Area, Congress hereby finds that the “Phase I” facilities referred to in the Master Plan to be located on National Forest System land after consummation of the land exchange directed by this Act are limited in size and scope, are reasonable and necessary to accommodate the 2002 Olympics, and in some cases are required to provide for the safety of skiing competitors and spectators.

(2) Within 60 days after the date of enactment of this Act, the Secretary and the Sun Valley Company shall review the Master Plan insofar as such plan pertains to Phase I facilities which are to be constructed and operated wholly or partially on National Forest System lands retained by the Secretary after consummation of the land exchange directed by this Act. The Secretary may modify such Phase I facilities upon mutual agreement with the Sun Valley Company or by imposing conditions pursuant to subsection (b) of this section.

(3) Within 90 days after the date of enactment of this Act, the Secretary shall submit the reviewed Master Plan on the Phase I facilities, including any modifications made thereto pursuant to paragraph (2), to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives for a 30-day review period. At the end of the 30-day period, unless otherwise directed by Act of Congress, the Secretary may issue all necessary authorizations for construction and operation of such facilities or modifications thereof in accordance with the procedures and provisions of subsection (b) of this section.

(b) PHASE I FACILITY APPROVAL, CONDITIONS, AND TIMETABLE.—Within 120 days of receipt of an application by the Sun Valley Company to authorize construction and operation of any particular Phase I facility, facilities, or group of facilities, the Secretary, in consultation with the Sun Valley Company, shall authorize construction and operation of such facility, facilities, or group of facilities, subject to the general policies of the Forest Service pertaining to the construction and operation of ski area facilities on National Forest System lands and subject to reasonable conditions to protect National Forest System resources. In providing authorization to construct and operate a facility, facilities, or group of facilities, the Secretary may not impose any condition that would significantly change the location, size, or scope of the applied for Phase I facility unless—

(1) the modification is mutually agreed to by the Secretary and the Sun Valley Company; or

(2) the modification is necessary to protect health and safety.

Nothing in this section shall be construed to affect the Secretary’s responsibility to monitor and assure compliance with the conditions set forth in the construction and operation authorization.

(c) CONGRESSIONAL DIRECTIONS.—Notwithstanding any other provision of law, Congress finds that consummation of the land exchange directed by this Act and all determinations, authorizations, and actions taken by the Secretary pursuant to this Act pertaining to Phase I facilities on National Forest System lands, or any modifications thereof, to be nondiscretionary actions authorized and directed by Congress and hence to comply with all procedural and other requirements of the

laws of the United States. Such determinations, authorizations, and actions shall not be subject to administrative or judicial review.

SEC. 8. NO PRECEDENT.

Nothing in section 5(d)(2) of this Act relating to conditions or limitations on the appraisal of the Federal lands, or any provision of section 7 relating to the approval by the Congress or the Forest Service of facilities on National Forest System lands, shall be construed as a precedent for subsequent legislation.

PURPOSE OF THE MEASURE

The purpose of S. 1371 is to authorize an exchange of lands in the State of Utah at Snowbasin Ski Area.

BACKGROUND AND NEED

Snowbasin Ski Area is located on a mountain located directly west of Ogden, Utah, and approximately 30 miles north of Salt Lake City. Snowbasin has been in operation since the early 1940s. The Sun Valley Company purchased Snowbasin in 1984 and immediately began exploring land exchange possibilities with the U.S. Forest Service.

In 1985, the Sun Valley Company asked the Forest Service to exchange 2,500 acres of land at Snowbasin. The Forest Service reduced the requested acres to 1,320 acres. After the Forest Service conducted an environmental impact statement that included the requisite study, review, and public comment, the agency decided in September 1990 to exchange approximately 700 acres with Sun Valley. Despite ongoing work on this exchange by the Forest Service and the Sun Valley Company, little progress has been made since 1990.

Salt Lake City has been chosen the site for the 2002 Winter Olympic Games. Snowbasin, because of its unique nature, will be the site of the six major Olympic ski events: the Men and Women's Downhill, Combined Downhill and Super G. The Olympics require that the land exchange proceed as soon as possible to begin the necessary construction of facilities at the base of the mountain, to properly accommodate spectators, athletes, media, and others connected with these events.

S. 1371 would exchange 1,320 acres of Federal lands at the base of Snowbasin for over 4,100 acres of high priority private lands in and around the Cache National Forest. This is an equal value exchange that will add critical lands to the existing National Forest and will allow Snowbasin to host the Olympic events.

LEGISLATIVE HISTORY

S. 1371 was the subject of a hearing before the Forests and Public Land Management Subcommittee on November 7, 1995. At the business meeting on December 21, 1995, the Committee on Energy and Natural Resources ordered the measure favorably reported, as amended.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on December 21, 1995, by a unanimous vote of a quorum present, recommends that the Senate pass S. 1371, as described herein.

The rollcall vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS—20

NAYS—0

Mr. Murkowski
 Mr. Hatfield
 Mr. Domenici
 Mr. Nickles¹
 Mr. Craig
 Mr. Campbell
 Mr. Thomas
 Mr. Kyl
 Mr. Grams
 Mr. Jeffords¹

Mr. Burns
 Mr. Johnston ¹
 Mr. Bumpers
 Mr. Ford ¹
 Mr. Bradley ¹
 Mr. Bingaman ¹
 Mr. Akaka
 Mr. Wellstone ¹
 Mr. Heflin ¹
 Mr. Dorgan ¹

¹ Indicates voted by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

The short title of the bill is the Snowbasin Land Exchange Act of 1995.

Sec. 2. Findings and determination

This section contains seven findings and a determination that a legislative land exchange is necessary to meet Olympic goals and timetables.

Sec. 3. Purpose of intent

The bill would authorize and direct the Secretary of Agriculture to exchange 1,320 acres of the Cache National Forest with the Sun Valley Company.

Sec. 4. Definitions

This section defines “Sun Valley Company” and “Secretary”.

Sec. 5. Exchange

Under subsection (a) the Secretary must transfer title to the described 1,320 acres in the Cache National Forest not later than 45 days after final determination of value.

Under subsection (b), upon the transfer of the 1,320 acres, the Sun Valley Company shall simultaneously convey title to the Secretary of the lands described in subsections (b)(1–5) as previously identified by the Forest Service as desirable additions to the Cache National Forest.

Under subsection (c), if the lands described in subsection (b) cannot be exchanged, the Sun Valley Company may convey other selected lands acceptable to the Secretary in lieu of the previously selected lands.

Subsection (d) relates to valuation and appraisals. Values of the exchanged properties are to be of approximate equal value using nationally-recognized appraisal standards. If the values cannot be equalized with land, they may be equalized through cash payments pursuant to the Federal Land Policy and Management Act. The Sun Valley Company will pay for the appraisals to be completed within 90 days of enactment of this Act. The Secretary is directed to make a determination of value not later than 30 days after receipt of the appraisals consistent with existing law and policy. Any disputes will be resolved through a bargaining process or arbitra-

tor. To expedite the appraisal of the Federal selected lands, the appraisals shall consider several conditions as specified in subsections (d)(2)(A–D).

Sec. 6. General provisions relating to the exchange

Under subsection (a), the exchange to subject to the following terms and conditions: (1) The Secretary shall reserve a right of reasonable public and administrative access across the Federal lands to be conveyed and the terms of such access shall be prescribed by the Secretary within 30 days of enactment; and (2) This Act is not binding on either party if within 30 days of final determination of value, the Sun Valley Company submits an intention not to exchange to the Secretary.

In addition, subject to existing rights, the Federal lands to be conveyed and the existing lands under permit are withdrawn from all forms of appropriation under the public land laws. Lands to be conveyed to the Federal Government shall be under a general warranty deed or other acceptable deed. Lands accepted by the Secretary shall be part of the National Forest System and be administered as such.

Sec. 7. Phase I facility construction and organization

Phase I development of the Snowbasin Master Plan would be deemed to be in conformity with federal law after a 60 day review with the opportunity for modifications by the Forest Service and a subsequent 30 day review by the Senate and House Committees and the Congress. Unless directed otherwise by an Act of Congress, the Forest Service is authorized to issue all the necessary permits for construction. Later modifications are possible if mutually agreed to by the Forest Service and Sun Valley Company or if necessary to protect health and safety. Actions taken by the agency pursuant to this Act related to Phase I facilities on Forest Service lands are not subject to administrative appeal or judicial review. These controversial provisions have been included in this legislation because of concern over potential delays and the special circumstances surrounding this exchange. Phase I involves those items needed for the 2002 Winter Olympic Games, namely, snowmaking, chair lifts, fencing, and safety netting, a new day lodge, power expansion, roads, and parking. Development beyond Phase I would be subject to the normal approval and review process.

Sec. 8. No precedent

In recognition of the special circumstances involved with this particular exchange, the Committee adopted an amendment providing that nothing in either section 5(d)(2) relating to conditions or limitations on the appraisal of the Federal lands, or any provision of section 7 dealing with Phase I facility construction and operation is intended to establish a precedent for subsequent legislation. These exceptional provisions were deemed necessary by the Committee due to: (1) the dependency of the 2002 Winter Olympics; (2) the fact that there had already been completed an environmental impact statement and record of decision for the earlier land exchange proposal; and (3) the limited nature of the facilities to be

constructed on the Forest Service Lands. The Committee was also cognizant of the strong environmental record of the Sun Valley Company in approving the provisions in Sections 5(d)(2) and 7.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 21, 1995.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1371, the Snowbasin Land Exchange Act of 1995, as ordered by the Senate Committee Energy and Natural Resources on December 21, 1995. We estimate that enacting this bill would affect direct spending; therefore, pay-as-you-go procedures would apply to the bill. However, we estimate that any such change would be insignificant.

S. 1371 would authorize and direct the Secretary of Agriculture to transfer about 1,300 acres of federally owned land to the Snowbasin Ski Area, located within the Cache National Forest in Utah. In exchange, the Forest Service would receive about 4,100 acres of privately owned land of roughly equal value located within the Cache National Forest. Based on information from the Forest Service, CBO estimates this exchange would cause the federal government to lose receipts from permit fees totalling less than \$10,000 annually. We estimate that no significant change in discretionary spending would result from enacting this bill.

The state of Utah would also lose a small amount of receipts as a result of the proposed land transfer because it receives 25 percent of the permit fees paid by ski areas on federal lands within the state.

If you wish further details on this estimate, we will be pleased to provide them. The staff contacts are Victoria V. Heid, and, for state and local impacts, Marjorie Miller.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, *Director*).

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. 1371. 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. 1371 as ordered reported.

EXECUTIVE COMMUNICATIONS

The Committee requested on November 6 legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth agency recommendations on S. 1371. The report of the Department of Agriculture follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, November 7, 1995.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As a followup to our testimony of November 7, 1995, before the Senate Subcommittee on Forests and Public Lands Management, we would like to offer our views on S. 1371, a bill "Snowbasin Land Exchange Act of 1995". Our comments are to the bill as reported by the Subcommittee on Forests and Public Lands Management of the Committee on Energy and Natural Resources.

The Department of Agriculture cannot support S. 1371 as reported unless it is amended, as we suggest. We would be happy to work with the Committee to draft language that is agreeable to both Congress and the Administration.

S. 1371 would direct an exchange of 1,320 acres of federally-owned land at Snowbasin Ski Area within the Wasatch-Cache National Forest for lands of approximately equal value owned by the Sun Valley Company in the State of Utah. The proposed legislation would direct that the exchange be made without delay to facilitate certain ski events as part of the 2002 Olympic Winter Games, and would exempt the exchange from the requirements of all environmental and other laws. It would prohibit any environmental analysis, resource surveys, or other procedures as a condition to effecting any other provision of the Act.

The Administration strongly opposes the inclusion of sufficiency language in this bill. The Administration pledges to work with Congress to make certain that adequate resources are allocated to ensure a timely transfer consistent with current laws.

We should note that there are alternatives to a legislated land exchange. One option is to complete the process for an administrative land exchange. Since 1986, the Sun Valley Company has sought to exchange land with the Forest Service in order to develop a four season resort at Snowbasin. As stated, in 1990, after environmental analysis and public involvement, the Forest Service approved an amendment to the Forest Land and Resource Management Plan that designated 700 acres of Federal land at Snowbasin available for land exchange. Before the Forest Service would approve an administrative land exchange, the Sun Valley Company was to complete a Master Development Plan that would include, among other things, the types of activities that will be covered, and the location and timing of construction. The Master Development Plan is to cover National Forest lands that would remain under special-use permit and the National Forest lands to be exchanged. This Master Development Plan has been drafted and is expected to

be completed by the Sun Valley Company in the fall of 1995. As soon as the Master Plan is completed, the Forest Service plans to begin an environment impact statement (EIS) to consider the Master Development Plan and the concurrent administrative land exchange including the private lands offered in exchange. The EIS is planned for completion by the fall of 1996. This bill would supersede the administrative processes.

The objective of S. 1371 is to expedite planning and development of the Snowbasin Ski Area in preparation for the 2002 Olympic Winter Games. We support this objective. However, we have the following concerns with the provisions of S. 1371 and recommend that the bill be amended.

Conveyance provisions.—Language in Section 5 of the bill concerning conveyance of Federal lands requires the United States to convey approximately 1,320 acres of Federal lands no later than 45 days after a final determination of value of the Federal lands. Upon transfer of the Federal lands, Sun Valley Company is to convey title to certain lands of approximately equal value that have previously been identified as desirable by the Secretary of Agriculture, or additional lands mutually identified as desirable for United States acquisition by Sun Valley and the Secretary. Additionally, if some of the identified lands cannot be conveyed, or if the Secretary and Sun Valley mutually agree, Sun Valley Company is given discretion to convey alternative lands identified by the Secretary to the United States.

We would interpret Section 5 as allowing a simultaneous exchange of the Federal and non-Federal lands. We would oppose any legislative land exchange requiring conveyance of Federal lands prior to the conveyance of non-Federal lands. In such a case, there would not be adequate means to ensure that the United States receive conveyance of appropriate lands after the Federal lands have been conveyed.

We are concerned about the provisions in Section 5(b)(5) that would allow Sun Valley Company to participate in identifying which lands are desirable for acquisition by the United States. Such a determination should be made exclusively by the Secretary. Moreover, we are concerned that Section 5(c) gives Sun Valley Company too much discretion in deciding whether and which alternative non-Federal lands will be conveyed in the exchange. If alternative lands are allowed to be conveyed, the legislation should state clearly that the lands are to be lands identified and acceptable to the Secretary.

Valuation and appraisals.—Language in Section 5(d) concerning valuation calls for the values of land to be approximately equal value as determined by the Secretary using nationally recognized appraisal standards. The provision specifically lists a number of conditions or assumptions that are to be included in the appraisal, and directs Sun Valley to arrange for appraisal of lands by a mutually acceptable qualified appraiser. Finally, it provides for bargaining or arbitration if the Secretary and Sun Valley disagree as the value. These two processes to determine approximately equal value are contradictory and the special conditions and assumptions to be considered are inconsistent with national professional appraisal standards.

We recommend that the language concerning appraisals be deleted and that the Secretary be given authority to determine that the lands to be exchanged pursuant to this Act are approximately equal. The Secretary's determination will be based on a consultation by a Forest Service qualified appraiser.

Reserved rights-of-way.—Language in Section 6(a) concerning reservation of public access authorizes the Secretary of Interior to reserve a right of access for administrative purposes of the United States. We believe the legislation also should clearly provide authority for a reservation for public access across the property to adjacent Federal lands.

Implementation of plan.—Language in Section 6(e) concerning restrictions on Federal land management directs the Secretary to implement the Master Development Plan for the Federal lands in the Snowbasin Ski Area and language in Section 6(f) provides for modification of the Master Development Plan by mutual agreement. This Plan is not complete and has not been reviewed by the Forest Service. Because this Plan is being developed by Sun Valley Company, these provisions effectively would require the Secretary to manage Federal lands in accordance with the directions of a private company. Although the company's Master Development Plan is needed to determine how lands under special-use permits should be utilized, the Secretary must retain ultimate authority to review and approve the plan and to determine how Federal lands are managed. Consequently, we oppose this provision.

We are waiting the completion of the Master Development Plan by Sun Valley, which is anticipated by mid-November 1995. Once the Plan is submitted to the Secretary for review, we will move expeditiously to review and approve the Plan.

Report to Congress.—Language in Section 6(g) concerning a Report to the Congress directs the Secretary to report to Congress that the implementation of the Master Development Plan provides sufficient environmental protections. This reporting condition is unclear as to the ability of the Secretary to report if the plan does not provide sufficient environmental protection and should be deleted.

Protection of wetlands and riparian areas.—There is a need for language in the bill to protect wetlands and riparian habitats. Critical wetlands associated with Wheeler Spring and Wheeler Creek are unique to the Wasatch Range. In addition, Wheeler Creek is Ogden's municipal watershed. Therefore, the Wheeler Creek riparian corridor should be protected in this exchange.

Finding of conformity with other laws.—Language in Section 6(h) of the bill exempts the 1,320 acres land exchange and Phase I of the Master Development Plan from the requirements of all other laws, including those relating to environmental protection. No environmental analysis, resource surveys, or other action could be taken to protect areas of concern. Exemption of the entire 1,320 acres and implementation of Phase I of the Master Development Plan would circumvent our responsibilities under environmental protection and other existing laws. As we stated earlier, the Administration strongly opposes the inclusion of sufficiency language in this bill. The Administration pledges to work with Congress to

make certain that adequate resources are allocated to ensure a timely transfer consistent with current law.

Status of lands and adjustment of national forest boundaries.— There is a need to clarify the status of lands and adjustment of National Forest boundaries upon acceptance of title of non-Federal lands. We believe that the bill should provide for adjustment of the boundaries of the Wasatch or Cache National Forest to encompass the conveyed lands. The bill should state that, the lands are to be administered according to the Weeks Act and in accordance with any other laws, and regulations applicable to National Forest System lands. Additionally, the bill should state that the adjusted boundaries are to be considered to be the boundaries of the National Forest as of January 1, 1965, for the purposes of Section 7 of the Land and Conservation Fund.

The estimated administrative costs for land survey, appraisal, and title work on this exchange is \$80,900. This cost could be covered within the FY 1996 President's Budget amount for land exchange.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DAN GLICKMAN, *Secretary.*

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. 1371 as reported.

