

Calendar No. 61

104TH CONGRESS }
1st Session }

SENATE

{ REPORT
104-38

COLUMBIA BASIN LAND EXCHANGE

APRIL 7, (legislative day, APRIL 5), 1995.—Ordered to be printed

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

REPORT

[To accompany S. 378]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 378) to authorize the Secretary of the Interior to exchange certain lands of the Columbia Basin Federal reclamation project, Washington, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 378, as ordered reported, is to authorize the Secretary of the Interior to exchange certain lands of the Columbia Basin Federal reclamation project in the State of Washington.

BACKGROUND AND NEED

Kettle Falls, located in the Northeast portion of the State of Washington, is the site of the Coulee Dam National Recreation Area (the "CODA"). This area is currently administered by the National Park Service, although the Bureau of Reclamation (the "Bureau") owns the land. Boise Cascade Corporation, a lumber company, operates its business adjacent to the Bureau lands. A segment of the Bureau land, totaling 26 acres, provides a buffer between scenic Lake Roosevelt and Boise Cascade's plywood and sawmill operations.

In the 1960's, Boise Cascade obtained a special use permit to the 26 acres along the edge of the CODA. The Corporation currently uses this land for log storage. In 1990, the Park Service determined that Boise Cascade's use of this Federal land did not meet the re-

quirements of NPS-53, the Special Use Permit Guidelines. A phase-out was instituted, slated to take full effect in the year 2000.

The Boise Cascade Corporation contacted the Administration in 1991, proposing a land exchange involving approximately 6.7 acres of the 26 acres involved in the special use permit. The Corporation felt that this land was indispensable to its operation, and the loss of its use would compromise more than 350 jobs. Also, the land involved in the special use permit borders so closely the Corporation's industrial activities that its value to the Bureau and the Park Service is greatly diminished. In exchange for the 6.7 acres, the Corporation would convey title of up to 136 acres of land to the Bureau. This land, located along the Federal boundary in the Kettle River area, has significant wildlife habitat and recreation potential.

Both the Bureau and the Park Service have expressed support for the land exchange. Similarly, local environmental groups have endorsed the plan.

LEGISLATIVE HISTORY

S. 378 was introduced by Senators Gorton and Murray on February 9, 1995.

In the 103rd Congress, identical legislation, S. 1324, was introduced by Senators Gorton and Murray on July 30, 1993. The Subcommittee on Public lands, National Parks and Forests held a hearing on S. 1324 on March 23, 1994. The Bureau of Reclamation testified in support of S. 1324. At the business meeting on September 21, 1994, the Committee on Energy and Natural Resources favorably reported S. 1324 but no further action was taken.

At the business meeting on March 29, 1995, the Committee on Energy and Natural Resources ordered S. 378 favorably reported, without amendment.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on March 29, 1995, by a unanimous vote of a quorum present, recommends that the Senate pass S. 378 without amendment.

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

YEAS	NAYS
Mr. Murkowski	
Mr. Hatfield ¹	
Mr. Domenici	
Mr. Nickles ¹	
Mr. Craig	
Mr. Campbell ¹	
Mr. Thomas ¹	
Mr. Kyl ¹	
Mr. Grams	
Mr. Jeffords ¹	
Mr. Burns ¹	
Mr. Johnston	
Mr. Bumpers	

Mr. Ford
 Mr. Bradley
 Mr. Bingaman
 Mr. Akaka
 Mr. Wellstone ¹
 Mr. Heflin ¹
 Mr. Dorgan

¹ Indicates voted by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1 authorizes the Secretary of the Interior (the "Secretary") to convey seven areas of land in Stevens County, Washington, to the Boise Cascade Corporation in exchange for one hundred thirty-six (136) acres of land also located in Stevens County, Washington.

Section 2 requires that the exchanged properties be approximately equal value and provides that the Secretary appraise the value of each tract of land included in the exchange. Any cash payment received by the Secretary to equalize the value of the lands shall be covered in the Reclamation Fund and credited to the Columbia Basin project.

Section 3 stipulates that the costs of surveying, preparing legal descriptions of the land to be conveyed, performing appraisals, and administrative costs in completing the exchange shall be borne by the Boise Cascade Corporation.

Section 4 provides that the Secretary shall not acquire any lands that have become contaminated with hazardous substances, nor shall the United States be responsible or liable for contamination occurring after land has been transferred to another party. The Boise Cascade Corporation shall indemnify the United States for liabilities arising under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601, and the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.

Section 5 authorizes the appropriation of such sums as are necessary to carry out the Act.

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, March 31, 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. 378, a bill to authorize the Secretary of the Interior to exchange certain lands of the Columbia Basin federal reclamation project, Washington, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources on March 29, 1995. We estimate that enactment of this bill would result in no significant additional costs to the federal government and no

costs to state or local governments. Because enactment of S. 378 would increase direct spending in the form of lost offsetting receipts, pay-as-you-go procedures would apply to the bill. We estimate that such increases would not be significant.

S. 378 would authorize the Secretary of the Interior to acquire about 136 acres of land from the Boise Cascade Corporation in exchange for about seven acres of land owned by the federal government. Based on an appraisal to be carried out after enactment, the lands involved in the exchange would have to be of equal value. If lands are determined not to be of equal value, cash equalization payments would be made. The bill would authorize the appropriation of such sums as may be necessary to carry out the provisions of the bill, but stipulates that the corporation would ultimately be responsible for paying all administrative costs associated with the bill.

Based on information provided by the Bureau of Reclamation and the National Park Service—the two agencies affected by the bill—CBO estimates that implementation of this bill would not significantly increase costs to the federal government. While the bill would authorize the federal government to make cash payments to equalize land exchanges if necessary, we do not expect such payments to be made. Furthermore, any such payments would be subject to future appropriations. The corporation is currently paying the federal government about \$3,000 annually for a use permit on the land it would relinquish. The corporation would no longer make these payments once the land exchange is complete.

The following table shows the estimated pay-as-you-go impact of this bill.

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998
Change in outlays	0	0	0	0
Change in receipts	(¹)	(¹)	(¹)	(¹)

¹ Not applicable.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Ian McCormick and Theresa Gullo.

Sincerely,

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. 378. 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. 378, as ordered reported.

EXECUTIVE COMMUNICATIONS

On March 24, 1995, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 378. These reports had not been received at the time the report on S. 378 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

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. 378, as ordered reported.

