

Calendar No. 454

105TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 105-240

RIO ARRIBA, NEW MEXICO LAND CONVEYANCE

JULY 2, 1998.—Ordered to be printed

Filed under authority of the order of the Senate of June 26, 1998

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

REPORT

[To accompany S. 1510]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1510) to direct the Secretary of the Interior and the Secretary of Agriculture to convey certain lands to the county of Rio Arriba, New Mexico, 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. OLD COYOTE ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of enactment of this Act, the Secretary of the Interior (herein “the Secretary”) shall convey to the County of Rio Arriba, New Mexico (herein “the County”), subject to the terms and conditions stated in subsection (b), all right, title, and interest of the United States in and to the land (including all improvements on the land) known as the “Old Coyote Administrative Site” located approximately ½ mile east of the Village of Coyote, New Mexico, on State Road 96, comprising one tract of 130.27 acres (as described in Public Land Order 3730), and one tract of 276.76 acres (as described in Executive Order 4599).

(b) TERM AND CONDITIONS.—

(1) Consideration for the conveyance described in subsection (a) shall be—

- (A) an amount that is consistent with the special pricing program for Governmental entities under the Recreation and Public Purposes Act; and,
- (B) an agreement between the Secretary and the County indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for public purposes. If such lands cease to be used for public purposes, at the option of the United States, such lands will revert to the United States.

(c) LAND WITHDRAWALS.—Land withdrawals under Public Land Order 3730 and Executive Order 4599 as extended in the Federal Register on May 25, 1989 (54 F.R. 22629) shall be revoked simultaneous with the conveyance of the property under subsection (a).

PURPOSE OF THE MEASURE

S. 1510, as ordered reported, would direct the Secretary of the Interior and the Secretary of Agriculture to convey to the county of Rio Arriba, New Mexico, land and facilities thereon known as the “Old Coyote Administrative Site,” a Forest Service administrative site.

BACKGROUND AND NEED

S. 1510 directs the Secretary of the Interior and the Secretary of Agriculture to convey land known as the “Old Coyote Administrative Site,” a Forest Service administrative site, to the county of Rio Arriba, New Mexico. The land to be transferred consists of one tract of 130.27 acres, and another tract of 276.76 acres. Both tracts of land are managed by the Bureau of Land Management and were withdrawn from entry for Forest Service use. The buildings were vacated in 1993 when the Forest Service moved to its present location. The Coyote Station will continue to be used for public purposes, including a community center and a fire sub-station. Some buildings will also be available for the county to use for storage and repair of road maintenance equipment, and other county vehicles.

LEGISLATIVE HISTORY

S. 1510 was introduced on November 9, 1997, by Senators Domenici and Bingaman. On March 25, 1998, a hearing was held by the Subcommittee on Forests and Public Land Management. At the business meeting on May 13, 1998, the Committee on Energy and Natural Resources ordered S. 1510, as amended, favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 13, 1998, by unanimous vote of a quorum present recommends that the Senate pass S. 1510, if amended as described herein.

The rollcall vote on reporting the measure was 20 yeas, no nays as follows:

YEAS	NAYS
Mr. Murkowski	
Mr. Domenici	
Mr. Nickles ¹	
Mr. Craig	
Mr. Campbell	
Mr. Thomas	
Mr. Kyl	
Mr. Grams ¹	
Mr. Smith	
Mr. Gorton	

Mr. Burns ¹
 Mr. Bumpers
 Mr. Ford
 Mr. Bingaman
 Mr. Akaka
 Mr. Dorgan ¹
 Mr. Graham ¹
 Mr. Wyden
 Mr. Johnson
 Ms. Landrieu

¹ Indicates vote by proxy.

COMMITTEE AMENDMENT

During consideration of S. 1510, the Committee adopted an amendment in the nature of a substitute offered by Senators Domenici and Bingaman. The amendment makes technical and clarifying changes. In addition, the amendment changes the terms of the conveyance by directing that consideration for the conveyance shall be an amount consistent with the special pricing program for Governmental entities under the Recreation and Public Purpose Act.

COST AND BUDGETARY CONSIDERATIONS

The cost and budgetary considerations prepared by the Congressional Budget Office are as follows:

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 21, 1998.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1510, a bill to direct the Secretary of the Interior to convey certain lands to the county of Rio Arriba, New Mexico.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria V. Heid.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1510—A bill to direct the Secretary of the Interior to convey certain lands to the county of Rio Arriba, New Mexico

S. 1510 would direct the Secretary of the Interior to convey about 407 acres of federal land to the county of Rio Arriba, New Mexico, to be used for public purposes. CBO estimates that enacting this bill would have no significant impact on the federal budget. Because the county would pay for this land, S. 1510 would affect direct spending by increasing offsetting receipts. Therefore, pay-as-you-go procedures would apply. However, CBO estimates that the payment would total less than \$5,000 in fiscal year 1999.

S. 1510 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no costs on state, local, or tribal governments. Purchase of this land would be voluntary on the part of the county.

The CBO staff contact for this estimate is Victoria V. Heid. This estimate was approved by Robert A. Sunshine, 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. 1807.

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. 1510.

EXECUTIVE COMMUNICATIONS

On April 23, 1998, the Committee on Energy and Natural Resources requested executive comment from the Department of Agriculture and the Office of Management and Budget. These legislative reports were not available at the time this report was filed. When the requested reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by Forest Service at the March 25, 1998 Subcommittee hearing follows:

Mr. Chairman and members of the subcommittee: thank you for the opportunity to present the Administration's view on these ten bills proposing the transfer, conveyance, exchange, boundary adjustment, sale of public lands and management of wilderness. I am Eleanor Towns, the Director of Lands for the Forest Service.

Before I address each bill individually, let me summarize the Administration's position on all ten: The Administration supports: S. 1109, the Devil's Backbone Boundary Adjustment, S. 1752, the Authority to Convey Administrative Sites in Arizona, and H.R. 1439, Conveyance of Lands to Placer County. The Administration would support with amendments: S. 890, Dutch John Conveyances; S. 1510, Conveyance of Lands and Improvements to Rio Arriba County; S. 1683, Land Transfer between Lake Chelan National Recreation Area and the Wenatchee National Forest; and S. 1719, Big Sky Land Exchange. The Administration objects to: S. 1468, Conveyance of Lands to Jemez Springs; and S. 1469, Expansion of El Rito Cemetery by Special Use Designation. The Administration opposes H.R. 1663, Operation and Maintenance of Structures in Emigrant Wilderness.

Now, I will address the particular bill.

S. 1510, CONVEYANCE OF TWO PARCELS OF FEDERALLY OWNED LAND AND FOREST SERVICE OWNED STRUCTURES TO RIO ARRIBA COUNTY, NEW MEXICO

S. 1510 directs the Secretary of the Interior and Secretary of Agriculture to convey all right title and interest, including improvements, in two tracts of land to Rio Arriba County. This site is currently the location of the Forest Service's old Coyote Ranger District Station. We recently completed construction of a new administrative facility for the Coyote Ranger District and we have notified the General Services Administration that this facility is available for disposal. The land on which the old Coyote Ranger District Station was located is public land managed by the Bureau of Land Management, land that had been withdrawn for Forest Service use.

The bill provides for the conveyance of approximately 400 acres of public lands and the structures thereon to Rio Arriba County. While the Administration generally supports the intent of the legislation, the Department of the Interior and the Bureau of Land Management advise that they would like to work with Senator Domenici's staff and the staff of the Senate Energy Committee to resolve several serious concerns before the bill moves to markup.

The Department of the Interior through the Bureau of Land Management advise that there are substantive and technical problems with the bill. The substantive issues include: the protection of cultural resources on the site; clarification of issues of compensation for the lands and facilities, specifically whether the intent of the legislation is to transfer the land at fair market value or at a reduced cost based on the Recreation and Public Purpose Act pricing guidelines; and improvement in the provisions regarding the liability language, particularly for hazardous materials and reversion to the Federal Government. The technical issues include: the most efficient way of transferring the property (a patent may be more appropriate than a quitclaim); revoking the current withdrawal of these lands; and providing adequate time to accomplish NEPA and other environmental clearances necessary to complete the transfer.

The Administration generally supports the concept of the bill and looks forward to working with Senator Domenici's staff and the staff of the Senate Energy and Natural Resources Committee to address these concerns.

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. 1510 as ordered reported.