

Calendar No. 457

106TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 106-241

WASHINGTON COUNTY, UTAH LAND EXCHANGE

MARCH 9, 2000.—Ordered to be printed

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

REPORT

[To accompany H.R. 2862]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 2862) to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah to facilitate an anticipated land exchange, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 2862 is to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange.

BACKGROUND AND NEED

The lands in question were granted to the State of Utah pursuant to the Recreation and Public Purposes Act (R&PPA) for inclusion in Snow Canyon State Park. The State now wishes to exchange this land with a private party in order to acquire other lands that will be used for desert tortoise habitat. However, under the R&PPA, the State is precluded from making such an exchange because the State park land carries a clause reverting the lands back to the United States if it is used for other than a public purpose. This bill would remove those reversionary clauses so that the State could pass clear title in the land exchange.

LEGISLATIVE HISTORY

H.R. 2862 passed the House of Representatives on November 16, 1999 and was referred to the Committee on Energy and Natural Resources on November 19, 1999. The Committee held a hearing on H.R. 2862 on February 10, 2000. At the business meeting on February 23, 2000, the Committee on Energy and Natural Resources ordered H.R. 2862 reported favorably without amendment.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on February 23, 2000, by a voice vote of a quorum present recommends that the Senate pass H.R. 2862.

SECTION-BY-SECTION ANALYSIS

Section 1(a) directs the Secretary of the Interior to release the reversionary interests in certain property in Washington County, Utah, to facilitate a land exchange.

Subsection (b) requires the Secretary to file an appropriate instrument to effect the release.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 1, 2000.

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 H.R. 2862, an act to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange.

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

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 2862—An act to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange

CBO estimates that enacting H.R. 2862 would have no impact on the federal budget. The act would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 2862 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

H.R. 2862 would direct the Secretary of the Interior to release the federal government's reversionary rights to reclaim about 352 acres of land in Washington County, Utah. This land was previously conveyed by the United States to the state of Utah. Under existing law, title to the land would revert to the federal government if the property is not used for recreation or other public uses. Upon enactment of H.R. 2862, this land is expected to be transferred by Utah to private landowners in exchange for other property.

The CBO staff contact is Deborah Reis. This estimate was approved by Peter H. Fontaine, 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. 2862.

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. 2862, as ordered reported.

EXECUTIVE COMMUNICATIONS

On February 23, 2000 the Committee on Energy and Natural Resources requested legislative reports from the Department of Interior and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 2862. These reports had not been received at the time the report on H.R. 2862 was filed. When the 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 the Bureau of Land Management at the House Subcommittee hearing follows:

STATEMENT OF HENRI BISSON, ASSISTANT DIRECTOR, BUREAU OF LAND MANAGEMENT

Mr. Chairman, members of the subcommittee, I appreciate the opportunity to appear before you today to testify on S. 1665, a bill to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange, and its companion bill in the House, H.R. 2862.

These bills would support the implementation of the Red Cliffs Desert Reserve which was created in February of 1996 near the City of St. George, Utah when the US Fish and Wildlife Service issued a permit to Washington County, Utah under section 10(a) of the Endangered Species Act. The permit approved the Washington County Habitat Conservation Plan (HCP) which calls for long-term man-

agement of approximately 61,000 acres within a reserve to be set aside for the protection and recovery of the federally listed Desert Tortoise. The HCP as developed by a steering committee comprised of local residents, businesses, interest groups and local, state and Federal government representatives.

S. 1665 and H.R. 2862 involve 98 acres of land within Snow Canyon, a unit of the Utah State Park System, which were originally transferred to the State by BLM under the Recreation and Public Purposes Act (R&PP). These lands, on the east periphery of the Park, remain undeveloped. The Park has entered into two proposed land exchanges with private land owners that would achieve important management objectives including acquisition of critical habitat for the Desert Tortoise, a high priority under the HCP, and other important recreational and aesthetic amenities on the present Park boundary. These amenities are at imminent risk from urban development taking place north of St. George. Lands to be exchanged out of the Park were selected so as to minimize adverse impacts to the Park's core mission and to be compatible with surrounding developments on adjacent lands. The lands would become subject to private development in accordance with local zoning. While processing the exchanges, the State determined that portions of the lands identified within the Park for exchange are encumbered by R&PP reverter clauses which were intended to prevent unauthorized transfers from taking place. Each of the exchanges is encumbered by 49 acres of land within the Park trade base which contain reverter clauses. This bill if passed would remove the reverter clauses and allow the exchanges to move forward. BLM does not object to the provisions of the bill. Not only would the public interest be served by the exchanges, but one of the exchanges would have the state acquire 217 acres of tortoise habitat that otherwise would have to be acquired by the Federal government under the terms of the HCP at a cost in excess of \$4 million. The exchanges are supported by local and state governments and local environmental groups including the Grand Canyon Trust and the Virgin River Land Preservation Association.

Conclusion

The BLM and the local communities and governments support these bills to further the species recovery goals of the Washington County HCP.

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 H.R. 2862, as ordered reported.