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SNOQUALMIE PASS LAND CONVEYANCE ACT

JUNE 16, 2008.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 1285]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1285) to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

The purpose of H.R. 1285 is to provide for the conveyance of a parcel of National Forest System land on Snoqualmie Pass in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station.

BACKGROUND AND NEED

Snoqualmie Pass Fire and Rescue serves King and Kittitas Counties Fire District #51. The District consists of about two dozen volunteers who serve a community of approximately 350 full-time residents and 1,500 seasonal residents. During the winter, however, the weekend population can exceed 20,000 due to the many visitors to the nearby ski area, and approximately 60,000 vehicles travel through Snoqualmie Pass along Interstate Highway 90 on a busy day. As a result, Snoqualmie Pass Fire and Rescue reports that non-residents generate up to 78% of its emergency response incidents.

The Snoqualmie Pass Fire and Rescue Station currently is located on National Forest System land that is leased from the Forest Service. The leased facility was built in the 1930s and is defi-

cient in a number of important respects. As a result, the District has made building a new fire and rescue station a top priority.

The parcel identified for conveyance by H.R. 1285 currently is vacant and is informally used as a parking lot by members of the public. Relocating the fire and rescue station to that site would significantly improve response times to many of the emergencies that occur in the area. The Forest Service and the Fire District have discussed conveying the property under existing law, but the Fire District does not have the funds available to acquire the parcel at fair market value.

LEGISLATIVE HISTORY

H.R. 1285 was introduced on March, 1, 2007. Hearings were held in the House Committee on Natural Resources on April 17, 2007, and that Committee reported H.R. 1285 on July 23, 2007, with an amendment (H. Rept. 110–249). The House of Representatives passed H.R. 1285, as amended, by voice vote on July 23, 2007. A similar bill was introduced in the 109th Congress (H.R. 5999).

Senators Cantwell and Murray introduced a companion bill (S. 2601) on February 6, 2008, and the Subcommittee on Public Lands and Forests held a hearing on S. 2601 and H.R. 1285 on February 27, 2008.

At its business meeting on May 7, 2008, the Committee on Energy and Natural Resources ordered H.R. 1285 favorably reported, without amendment.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on May 7, 2008, by voice vote of a quorum present, recommends that the Senate pass H.R. 1285.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title for the Act.

Section 2(a) directs the Secretary of Agriculture to convey, without consideration, a 1.5 acre parcel of National Forest System land to the King and Kittitas Counties Fire District #51 to build a new fire and rescue station.

Subsection (b) reserves a reversionary interest in the conveyed land. If the Secretary determines (on the record and after an opportunity for a hearing) that the property is being used for something other than as a site for a fire and rescue station, the land shall, at the option of the Secretary, revert to the United States.

Subsection (c) provides that the Secretary may determine the exact acreage and legal description of the land pursuant to a survey, if necessary, and that the District shall pay for such a survey.

Subsection (d) authorizes the Secretary to require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

COST AND BUDGETARY CONSIDERATIONS

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

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H.R. 1285 would provide for the conveyance, without consideration, of 1.5 acres of Forest Service land to the King and Kittitas Counties Fire District #51. The land would be available only to the fire district to be used to construct a new firehouse. Based on information from the Forest Service, CBO expects that any cost to the government of implementing this legislation would not be significant. Enacting H.R. 1285 would not affect direct spending or revenues.

H.R. 1285 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.

On July 10, 2007, CBO transmitted a cost estimate for H.R. 1285, the Snoqualmie Pass Land Conveyance Act, as ordered reported by the House Committee on Natural Resources on June 28, 2007. The versions of the legislation are identical, as are the estimated costs.

The CBO staff contact for this estimate is Tyler Kruzich. This estimate was approved by Peter H. Fontaine, 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. 1285.

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. 1285.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 1285 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 views of the Administration were included in testimony received by the Committee at a hearing on H.R. 1285 on February 27, 2008.

STATEMENT OF MELISSA SIMPSON, DEPUTY UNDER SECRETARY, NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE

This testimony concerns both S. 2601 and H.R. 1285, as passed by the U.S. House of Representatives. The bills would require the Secretary of Agriculture to convey, without consideration, approximately 1.5-acres of land on the Wenatchee National Forest to the King and Kittitas Counties Fire District #51 for use as a site for a new Snoqualmie Pass fire and rescue station.

The Fire District currently has a fire station located on National Forest System lands under a special use permit, several miles away from the property covered by this legislation. We understand that the Fire District wants to construct an updated facility situated at an interchange on Interstate 90 to improve response times to the many emergency situations that occur in that area. We agree that the proposed 1.5-acre parcel will meet this need. Among other administrative procedures necessary to facilitate the conveyance, a land survey will be needed to properly locate and describe the property. As is required under the Townsite Act and exchange authorities, the Fire District would normally be expected to pay administrative costs of making the conveyance, such as the survey.

The Department does not support the bills in their present form. We appreciate that the acreage has been reduced from the original House proposal of 3 acres to 1.5 acres. We do not object to conveying the lands, but we oppose the bills because they do not require market value compensation for the conveyance, although the bill does require the District to cover the survey costs associated with the conveyance. It is long-standing policy that the taxpayers of the United States should receive market value for the sale, exchange, or use of their National Forest System lands.

We also believe that this legislation is unnecessary because the Forest Service can meet the bill's objectives through current statutes that allow the Forest Service to convey this parcel to the Fire District for land or cash value. For example, under the Townsite Act, the Secretary of Agriculture may convey, for market value, up to 640 acres of land to established communities located adjacent to National Forests. Under the General Exchange Act, the Secretary of Agriculture can conduct a land for land exchange with non-Federal entities, including State and Local governments. These laws require the Secretary of Agriculture to obtain market value for exchanges or sales of National Forest lands.

Although we can not support the bills, we are eager to continue discussions with the sponsors, the Fire District, and the committee, in the hopes of assisting the District in achieving its desire to improve its capacity to provide necessary fire and rescue services.

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 H.R. 1285 as ordered reported.