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SENATE

{ REPORT
{ 111-139

LA PINE LAND CONVEYANCE ACT

MARCH 2, 2010.—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 S. 1140]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1140) to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon, 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 all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “La Pine Land Conveyance Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term “City” means the City of La Pine, Oregon.

(2) COUNTY.—The term “County” means the County of Deschutes, Oregon.

(3) MAP.—The term “map” means the map entitled “La Pine, Oregon Land Transfer” and dated December 11, 2009.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 3. CONVEYANCES OF LAND.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights and the provisions of this Act, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the City or County, without consideration, all right, title, and interest of the United States in and to each parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) consist of—

(1) the approximately 150 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as “parcel A”, to be conveyed to the County, which is subject to a right-of-way retained by the Bureau of Land Management for a power substation and transmission line;

(2) the approximately 750 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as “parcel B”, to be conveyed to the County; and

(3) the approximately 10 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as “parcel C”, to be conveyed to the City.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LAND.—

(1) IN GENERAL.—Consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.), the land conveyed under subsection (a) shall be used for the following public purposes and associated uses:

(A) The parcel described in subsection (b)(1) shall be used for outdoor recreation, open space, or public parks, including a rodeo ground.

(B) The parcel described in subsection (b)(2) shall be used for a public sewer system.

(C) The parcel described in subsection (b)(3) shall be used for a public library, public park, or open space.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions for the conveyances under subsection (a) as the Secretary determines to be appropriate to protect the interests of the United States.

(e) ADMINISTRATIVE COSTS.—The Secretary shall require the County to pay all survey costs and other administrative costs associated with the conveyances to the County under this Act.

(f) REVERSION.—If the land conveyed under subsection (a) ceases to be used for the public purpose for which the land was conveyed, the land shall, at the discretion of the Secretary, revert to the United States.

PURPOSE

The purpose of S. 1140 is to direct the Secretary of Interior to convey approximately 910 acres of land administered by the Bureau of Land Management to Deschutes County, Oregon.

BACKGROUND AND NEED

The town of La Pine in Deschutes County, Oregon, is an incorporated town located in the central part of the state. The majority of land within La Pine Township is federally owned and the community has expressed interest in acquiring additional land to serve public purposes, including land for public parks, a rodeo ground facility, and expansion of the town’s wastewater treatment operations.

S. 1140 directs the Secretary of the Interior to transfer 150 acres of Bureau of Land Management (BLM) land contiguous to the La Pine city limit on its western boundary to enable construction of a rodeo facility. In addition, the land will provide a location for future development of ball fields, parks, and recreation facilities as budgets allow.

Additionally, S. 1140 provides for the transfer of approximately 750 acres of BLM land to Deschutes County for the purpose of expanding the town’s wastewater treatment operation. The transfer will allow the community to compete for state and Federal economic stimulus funds while addressing water quality issues by reducing nitrate loading in the groundwater. As ordered reported, S. 1140 also conveys 10 acres of BLM land to Deschutes County for a public library and for open space.

LEGISLATIVE HISTORY

Senator Wyden introduced S. 1140 on May 21, 2009. The Subcommittee on Public Lands and Forests held a hearing on the bill on June 17, 2009 (S. Hrg. 111–65). At its business meeting on December 16, 2009, the Committee on Energy and Natural Resources ordered S. 1140 favorably reported, with amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on December 16, 2009, by a voice vote of a quorum present, recommends that the Senate pass S. 1140, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 1140, the Committee adopted an amendment in the nature of a substitute. The amendment corrects the acreage of the lands to be conveyed, and authorizes an additional conveyance of 10 acres for use as a public library or for a public park. The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title for the bill, the “La Pine Land Conveyance Act”.

Section 2 defines key terms used in the legislation.

Section 3(a) directs the Secretary of the Interior to convey to the City of La Pine or the County of Deschutes, Oregon, without consideration, all right, title, and interest of the United States in and to each of the three parcels of land, as described in subsection (b).

Subsection (b) describes the parcels of land to be conveyed, including: 150 acres of Bureau of Land Management (BLM) land for outdoor recreation, open space, or public parks, including a rodeo ground; 750 acres of BLM land for a public sewer system; and 10 acres of BLM land for a public library, public park, or open space.

Subsection (c) provides that the map identifying the lands to be conveyed shall be available for public inspection in the appropriate offices of the BLM.

Subsection (d) describes the allowed uses of the lands to be conveyed, and authorizes the Secretary of the Interior to require any additional terms and conditions that the Secretary determines to be appropriate to protect the interests of the United States.

Subsection (e) requires the County to pay all survey costs and other administrative costs associated with the conveyances.

Subsection (f) states that if the land conveyed ceases to be used for public purposes, the land shall, at the discretion of the Secretary, revert to the United States.

COST AND BUDGETARY CONSIDERATIONS

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

S. 1140—La Pine Land Conveyance Act

S. 1140 would direct the Bureau of Land Management (BLM) to convey, without consideration, 910 acres of land in Oregon to certain local governments. Based on information provided by BLM, CBO estimates that implementing S. 1140 would have no significant effect on discretionary spending. Enacting the bill would have no significant effect on direct spending and would not affect revenues.

Under S. 1140, BLM would convey two parcels of land totalling 900 acres to Deschutes County and one parcel of 10 acres to the city of La Pine. The conveyed properties would be used for various public purposes, including recreation. Deschutes County would be responsible for administrative costs associated with conveying the land that it would receive.

Because some of the property to be conveyed under S. 1140 has already been identified by BLM for potential sale, CBO estimates that enacting the bill would reduce offsetting receipts (a credit against direct spending). However, we expect that any such sale would be conducted under the Recreation and Public Purposes Act (RPPA), which allows state or local governments to receive federal property at less than fair market value. Therefore, we estimate that any loss of receipts that would result from donating the property to the county or the city (rather than selling it under the RPPA) would be less than \$500,000. We further estimate that any discretionary costs of the conveyances would be negligible.

S. 1140 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. The land conveyance authorized in the bill would benefit the city of La Pine and Deschutes County. Any costs to those entities would be incurred voluntarily.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, 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. 1140.

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. 1140, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1140, as ordered reported, 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 testimony provided by the Department of the Interior was included in testimony received by the Committee on Energy and Natural Resources at a hearing on S. 1140 on June 17, 2009.

STATEMENT OF NED FARQUHAR, DEPUTY ASSISTANT SECRETARY, LAND & MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to testify on S. 1140, the La Pine Land Conveyance Act. The BLM does not object to the conveyances in S. 1140. We note that these conveyances are consistent with our existing authority under the Recreation and Public Purposes (R&PP) Act, so they could be accomplished administratively. We would also like to work with the sponsor and the Committee on modifications to parcel boundaries.

BACKGROUND

La Pine is a rural community located in southern Deschutes County, Oregon. The BLM and the City of La Pine have a long history of working together and have completed several Recreation and Public Purposes (R&PP) Act conveyances, including the sites of the La Pine library and fire station. Since La Pine is surrounded by BLM-administered lands, community leaders have held ongoing discussions with the BLM concerning the city's need for additional land to serve other public purposes.

The R&PP Act authorizes the Secretary of the Interior to lease or convey public lands for recreational and public purposes, including campgrounds, municipal buildings, hospitals, and other facilities benefitting the public. The La Pine Special Sewer District submitted an R&PP application to BLM's Prineville District Office in 2007, and an amended application in January 2009, for 750 acres of BLM-administered lands on the eastern edge of the La Pine city limits. Their intention is to use the lands to expand their current wastewater treatment facilities. The parcel is largely vacant, but does contain a number of rights-of-way including a natural gas pipeline, transmission line, and roads. This parcel of land is shown as "Parcel B" on the map prepared at the request of Senator Wyden, dated May 22, 2009.

Additionally, the City of La Pine has expressed an interest in developing a public rodeo grounds and equestrian center on a 320-acre parcel of BLM-administered lands adjacent to the southwest border of the city. This parcel is also largely vacant, but contains a number of rights-of-way, including a road and transmission lines. This parcel of land is shown as "Parcel A" on the map prepared at the request of Senator Wyden, dated May 22, 2009.

S. 1140

S. 1140 proposes to convey, at no cost, to Deschutes County, Oregon, all right, title and interest of the United

States to the two parcels (320 acres and 750 acres), detailed on the map prepared at the request of Senator Wyden, dated May 22, 2009. These conveyances would be subject to valid existing rights and are intended to address the city's stated need for additional land to accommodate the expansion of its wastewater treatment facilities and provide land for the development of a public rodeo grounds and equestrian center.

The bill requires that the two parcels of land be used only for purposes consistent with the R&PP Act and includes a reversionary clause to enforce that requirement. Finally, the bill requires the County to pay all administrative costs associated with the transfer.

As a matter of policy, the BLM supports working with local governments to resolve land tenure issues that advance worthwhile public policy objectives. In general, the BLM supports the proposed conveyances, as they are consistent with the existing R&PP authority. We also recommend modifying the boundaries of Parcel A to address an important travel corridor and shelter area for elk along the Little Deschutes River.

CONCLUSION

Thank you for the opportunity to testify. We look forward to working with Senator Wyden and the Committee to address the needs of La Pine, Oregon.

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. 1140 as ordered reported.

