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107TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
107–440

LAND CONVEYANCE, SAND MOUNTAIN WILDERNESS STUDY AREA, IDAHO

MAY 7, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources, submitted the following

R E P O R T

[To accompany H.R. 2818]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2818) to authorize the Secretary of the Interior to convey certain public land within the Sand Mountain Wilderness Study Area in the State of Idaho to resolve an occupancy encroachment dating back to 1971, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 2818 is to authorize the Secretary of the Interior to convey certain public land within the Sand Mountain Wilderness Study Area in the State of Idaho to resolve an occupancy encroachment dating back to 1971.

BACKGROUND AND NEED FOR LEGISLATION

In 1953, the Bureau of Land Management (BLM) sold 5 acres of public land under the authority of the Small Tracts Act in the vicinity of the St. Anthony Sand Dunes. Over the years various improvements were developed at the site including a bar, restaurant, dance hall, and swimming pool. This area became known as the Sand Hills Resort.

In 1981, while conducting a Wilderness Characteristic inventory, the BLM discovered that the Sand Mountain Wilderness Study Area (WSA) boundary included five acres of patented land of the resort within the boundary of the WSA land. In addition, public land adjacent to the resort, containing numerous improvements such as ditches, fences and power lines, was also designated WSA.

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Then a May 1995 survey determined that the majority of the resort's facilities—showers, restrooms, storage buildings, a garage, improved camp sites, and much of a private home—were encroaching on public land. Likewise, sand from the dunes has encroached on the Sand Hills Resort property making it unusable. As a temporary measure, a special use permit was granted to the Resort to authorize the use of the land and enable the BLM to collect fair market rental. After negotiations, the BLM determined that outright sale of the land was not feasible because the land lies within boundaries of a Congressionally designated WSA.

H.R. 2818 would simply allow the owner of the Sand Hills Resort to continue operating, and to receive clear title to his property without adversely affecting the Sand Mountain WSA. The Resort would pay the BLM an amount equal to the fair market value of the land.

COMMITTEE ACTION

H.R. 2818 was introduced on August 2, 2001, by Congressman Mike Simpson (R–ID). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands. On April 16, 2002, the Subcommittee held a hearing on the bill. On April 18, 2002, the Subcommittee met to mark up the bill. No amendments were offered and the bill was then ordered favorably reported to the Full Committee by voice vote. On April 24, 2002, the Full Resources Committee met to consider the bill. No amendments were offered and the bill was then ordered favorably reported by unanimous consent to the House of Representatives.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According

to the Congressional Budget Office, enactment of this bill would increase offsetting receipts.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 6, 2002.

Hon. JAMES V. HANSEN,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2818, a bill to authorize the Secretary of the Interior to convey certain public land within the Sand Mountain Wilderness Study Area in the State of Idaho to resolve an occupancy encroachment dating back to 1971.

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

Sincerely,

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

Enclosure.

H.R. 2818—A bill to authorize the Secretary of the Interior to convey certain public land within the Sand Mountain Wilderness Study Area in the State of Idaho to resolve an occupancy encroachment dating back to 1971

CBO estimates that enacting H.R. 2818 would have no significant impact on the federal budget. The bill would increase offsetting receipts from the sale of federal land; therefore, pay-as-you-go procedures would apply, but we estimate that any such effects would be negligible. H.R. 2818 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

H.R. 2818 would authorize the Secretary of the Interior to convey to the Sand Hills Resort about 10 acres of federal land within the Sand Mountain Wilderness Study Area in Utah. In exchange, the resort would pay fair market value for the land. According to the Bureau of Land Management, the resort currently pays less than $500 a year for a special use permit to use the lands that would be conveyed under H.R. 2818. Under the bill, any foregone offsetting receipts from that permit would be more than offset by the net proceeds from the sale. Based on information from the agency and the resort, we estimate such net proceeds would total about $7,000 in 2003.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

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