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HOUSE OF REPRESENTATIVES
REPORT
107–500

MARTIN'S COVE LAND TRANSFER ACT

JUNE 11, 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. 4103]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4103) to direct the Secretary of the Interior to transfer certain public lands in Natrona County, Wyoming, to the Corporation of the Presiding Bishop, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend 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 "Martin's Cove Land Transfer Act".

SEC. 2. CONVEYANCE TO THE CORPORATION OF THE PRESIDING BISHOP.

(a) CONVEYANCE REQUIRED.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Secretary of the Interior (hereafter in this section referred to as the "Secretary") shall offer to convey to the Corporation of the Presiding Bishop, all right, title, and interest of the United States in and to the public lands identified for disposition on the map entitled "Martin's Cove Land Transfer Act" numbered MC/0002, and dated May 17, 2002, for the purpose of public education, historic preservation, and the enhanced recreational enjoyment of the public. Such map shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management and the Lander District of the Bureau of Land Management.

(b) CONSIDERATION.—

(1) IN GENERAL.—The Corporation of the Presiding Bishop shall pay to the United States an amount equal to the historic fair market value of the property conveyed under this section, including any improvements to that property.

(2) DETERMINATION OF FAIR MARKET VALUE.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall determine the historic fair market value of the property conveyed under this section, including any improvements to the property.

(c) ACCESS AGREEMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary and the Corporation of the Presiding Bishop shall enter

into an agreement, binding on any successor or assignee, that ensures that the property conveyed shall, consistent with the historic purposes of the site—

(1) be available in perpetuity for public education and historic preservation; and

(2) provide to the public, in perpetuity and without charge, access to the property conveyed.

(d) RIGHT OF FIRST REFUSAL.—As a condition of any conveyance under this section, the Secretary shall require that the Church of Jesus Christ of Latter Day Saints and its current or future affiliated corporations grant the United States a right of first refusal to acquire all right, title, and interest in and to the property conveyed under this section, at historic fair market value, if the Church of Jesus Christ of Latter Day Saints or any of its current or future affiliated corporations seeks to dispose of any right, title, or interest in or to the property.

(e) DISPOSITION OF PROCEEDS.—Proceeds of this conveyance shall be used exclusively by the National Historic Trails Interpretive Center Foundation, Inc., a nonprofit corporation located in Casper, Wyoming, for the sole purpose of advancing the public understanding and enjoyment of the National Historic Trails System in accordance with subsection (f).

(f) USE OF PROCEEDS.—Funds shall be used by the Foundation only for the following purposes and according to the following priority:

(1) To complete the construction of the exhibits connected with the opening of the National Historic Trails Center scheduled for August 2002.

(2) To maintain, acquire, and further enhance the exhibits, artistic representations, historic artifacts, and grounds of the Center.

(g) NO PRECEDENT SET.—This Act does not set a precedent for the resolution of land sales between or among private entities and the United States.

PURPOSE OF THE BILL

The purpose of H.R. 4103 is to direct the Secretary of the Interior to transfer certain public lands in Natrona County, Wyoming, to the Corporation of the Presiding Bishop, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Pioneer companies of Latter-Day Saints (Mormons) first began making the difficult trek from the Midwestern United States to the Rocky Mountains in 1846 in an effort to avoid intense religious persecution. Between 1856 and 1860, ten pioneer handcart companies of Latter-Day Saints made their way from Iowa City, Iowa, and Florence, Nebraska, to the Salt Lake Valley. Two of these companies, known as the Willie Company and the Martin Company, were overcome and became stranded due to deep snow and freezing temperatures. The companies had little food and inadequate clothing for the intense weather conditions. Along the Sweetwater River in the State of Wyoming, the Martin Company sought refuge in a protected area later named Martin's Cove. As they fought against the weather conditions, 135 to 150 members of their party perished along the trail.

The Martin's Cove area is typified by remote, undeveloped land with sagebrush and high desert vegetation having negligible resource value. While Martin's Cove was first listed on the National Register of Historic Places in 1977, it is 1 of 31 sites listed in Natrona County, Wyoming alone, and over 75,000 nationally. Of primary historical interest and significance to Members of the Church of Jesus Christ of Latter-Day Saints (LDS Church) and of limited importance to the general public, it is located more than two miles away and on the opposite side of the Sweetwater River from historic emigrant trails of broader national significance such as the Oregon Trail.

Until 1996, public access to the Martin's Cove site, located on Bureau of Land Management (BLM) land, was very limited due to

the need to cross private land known as the Sun Ranch. When access was permitted, visitors were charged as much as $30 dollars by the private land owners. Martin's Cove was not deemed by the BLM to be of sufficient public interest for it to devote any resources to make it more accessible. For example, the BLM did not make even minimal efforts to place signage to try to prevent undue degradation of the site by vehicles driving into the Cove.

In 1996, the LDS Church acquired the Sun Ranch and signed a cooperative agreement with the BLM facilitating free public access. Church-coordinated volunteers then spent more than 31,000 man hours making the site accessible by building a trail and replacing a bridge, establishing a visitor center, and constructing public restrooms and campground sites. In order to develop the trail, because the BLM did not have the resources to do so, the LDS church paid for a needed archaeological survey that did not involve large scale excavation. The LDS church has since maintained a full time force of volunteers at the visitor center for public interpretation, education, site maintenance and visitor assistance.

Not long after its acquisition of the ranch, the LDS Church expressed its interest in acquiring the Cove property as well through an administrative land exchange with the BLM. However, those efforts were ultimately unsuccessful in spite of five years of repeated attempts to identify lands acceptable by the BLM for exchange elsewhere.

H.R. 4103 would direct the Secretary of Interior to convey approximately 940 acres of the Martin's Cove area to the Corporation of the Presiding Bishop of the LDS Church in exchange for fair market value consideration (not including the value of improvements already paid for by the church) and the agreement that the lands be managed consistent with their historical character and remain accessible to the public at no charge. The bill would further grant the federal government the first right of refusal to repurchase the lands should the church wish to dispose of the lands in the future, and allows the proceeds from the sale to remain within the State of Wyoming for uses by the National Historic Trails Interpretive Center Foundation.

H.R. 4103 follows other precedents in providing for the conveyance of federal lands deemed to be of unique religious or cultural importance to a particular group. For example, the Zuni and Havasupai Indian tribes in Arizona, and the Ho Chunk Nation in Wisconsin, have had federal lands conveyed to them for religious and cultural reasons.

COMMITTEE ACTION

H.R. 4103 was introduced on April 9, 2002 by Congressman James V. Hansen (R–UT). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands. On May 4, 2002, the Subcommittee held a legislative field hearing on the bill in Casper, Wyoming. This Subcommittee held a second hearing in Washington on May 16, 2002. On May 22, the Full Committee met to mark up the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. Congresswoman Barbara Cubin (R–WY) offered an amendment in the nature of a substitute to: (1) narrow the size of the site to be conveyed; (2) require the

parties to enter into an access agreement to provide that the property conveyed would, consistent with the historic purposes of the site, be available in perpetuity for the purposes of public education and historic preservation, and to provide to the public free access, in perpetuity, to the site; (3) provide the federal government with a right of first refusal should the church ever decide to divest itself of the property; and (4) to direct the proceeds to trail purposes in Wyoming. It was adopted by voice vote. There were no further amendments and the bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

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 grant 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 revenues or tax expenditures. While H.R. 4103 would affect direct spending, according to the Congressional Budget Office, it would have no significant impact on the federal budget.

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 28, 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. 4103, the Martin's Cove Land Transfer Act.

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.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 4103—Martin's Cove Land Transfer Act

CBO estimates that H.R. 4103 would have no significant impact on the federal budget. The bill would affect spending (including offsetting receipts); therefore, pay-as-you-go procedures would apply, but we estimate that any such impacts would be negligible. H.R. 4103 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. 4103 would authorize the Secretary of the Interior to convey to the Corporation of the Presiding Bishop (the Church of Jesus Christ of Latter-Day Saints; also known as the Mormon Church) 940 acres of federal lands located in Natrona County, Wyoming. The corporation would pay the historic fair market value of those lands. Under the bill, net proceeds from the sale would be used by the National Historic Trails Interpretive Center Foundation, a nonprofit corporation, to complete and operate a facility designed to interpret the experience of emigrants who traveled through Wyoming during the nineteenth century on several national historic trails.

The lands that would be sold under H.R. 4103 are listed on the National Register of Historic Sites. According to the Bureau of Land Management (BLM), the agency has no plans to sell the lands, which currently generate no significant receipts and are not expected to in the future. Based on information from BLM, we estimate that the sale would increase offsetting receipts by $200,000 in 2003. That amount would be fully offset by a corresponding increase in direct spending in 2003 to pay a portion of those proceeds to Natrona County, with the remaining balance transferred to the National Historic Trails Interpretive Center Foundation.

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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