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SENATE

{ REPORT
108-67

GLEN CANYON NATIONAL RECREATION AREA BOUNDARY REVISION ACT

JUNE 9, 2003.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 788]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 788) to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona, 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. 788 is to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

BACKGROUND AND NEED

Page One L.L.C., a private corporation, is in the process of developing approximately 1500 acres of private land adjacent to the Glen Canyon National Recreation Area (NRA) located between U.S. Highway 89 and the Arizona border. Following months of negotiation, Page One and the National Park Service (NPS) agreed to a mutually beneficial land exchange. S. 612 implements the exchange. It will enable Page One to consolidate its property while permitting the NPS to better protect the viewshed of the NRA. In addition, the legislation would correct the NRA's statutory acreage ceiling to accurately reflect the present acreage in the boundary.

Currently, Page One owns approximately 152 acres of land between U.S. Highway 89 and the southwestern shore of Lake Pow-

ell. This land features a primary viewshed corridor between the lake and highway, three established highway access right-of-ways, and a developed culinary water well producing 700 gallons per minute. According to an outside appraisal, the value of the private parcel is approximately \$836,000. The Park Service seeks to acquire this land in order to protect the scenic corridor and to establish a more manageable boundary at its most visited entrance. The 370 acres of NPS land are topographically isolated with no vehicular access, no right-of-way, no water rights and no site improvements. The appraised value of the NPS land, according to an outside appraisal is approximately \$480,000.

LEGISLATIVE HISTORY

H.R. 788 was introduced on February 2, 2003 and passed the House of Representatives by a vote of 423–0 on March 25, 2003. Companion legislation, S. 612, was introduced by Sen. Bennett on March 13, 2003. The Subcommittee on National Parks held a hearing on H.R. 788 and S. 612 on May 13, 2003. During the 107th Congress, the House of Representatives passed and the Committee reported a similar measure, H.R. 3786. The text of H.R. 3786 was included in an amendment to S. 2222, and was passed by the Senate on November 19, 2002.

At the business meeting on May 21, 2003, the Committee on Energy and Natural Resources ordered H.R. 788 favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 21, 2003, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 788 as described herein.

SECTION-BY-SECTION ANALYSIS

Section 1 titles the bill the “Glen Canyon National Recreation Area Boundary Revision Act”.

Section 2(a) amends Public Law 92–593, the Act establishing the Glen Canyon NRA, by authorizing the Secretary of the Interior to acquire approximately 152 acres from Page One in exchange for approximately 370 acres within the boundary of Glen Canyon NRA.

Subsection (b) further amends Public Law 92–593 to correct the authorized acreage of the Glen Canyon NRA.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 30, 2003.

Hon. PETE V. DOMENICI,
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. 788, the Glen Canyon National Recreation Area Boundary Revision Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Megan Carroll and Jenny Lin.

Sincerely,

BARRY B. ANDERSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 788—Glen Canyon National Recreation Area Boundary Revision Act

CBO estimates that implementing H.R. 788 would cost about \$560,000, subject to the availability of appropriated funds. H.R. 788 would authorize the Secretary of the Interior to acquire 152 acres of private land in exchange for 370 acres of land within the boundary of the Glen Canyon National Recreation Area. In addition, the act would change the acreage ceiling of that Recreation Area to reflect the land exchange.

Based on an appraisal paid for by the private landowner, the land the federal government would receive is valued at \$836,000, and the land that it would give to the private landowner is valued at \$278,000. The National Park Service may make a cash equalization payment to the private landowner for the difference in the appraisal. Making such a payment would be subject to the availability of appropriated funds.

H.R. 788 would not affect direct spending or receipts. H.R. 788 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 CBO staff contacts for this estimate are Megan Carroll and Jenny Lin. 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. 788. 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. 788, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 12, 2003, 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. 788. These reports had not been received at the time the report on H.R. 788 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 National Park Service at the Subcommittee hearing follows:

STATEMENT OF SUE MASICA, ASSOCIATE DIRECTOR OF PARK
PLANNING, FACILITIES AND LANDS, NATIONAL PARK
SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 612 and H.R. 788. These bills would revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

The Department supports S. 612 and the companion House legislation H.R. 788. The legislation would amend Public Law 92-593 and give the Secretary of the Interior the authority, through an exchange, to change the boundary of Glen Canyon National Recreation Area ("Park") by adding approximately 152 acres and deleting 370 acres in Kane County, Utah. The current owner of the private property to be exchanged, Page One, LLC. ("Page One"), initiated this proposal and although the National Park Service ("Service") has not yet appraised the parcels involved, the owner's appraisal indicates that the service will receive lands with a higher value than those the Service would exchange, which should remove the need for any land acquisition funds.

The bills would also revise the authorized acreage of the park from 1,236,880 acres to 1,256,000 acres. This change would correct the total acreage within the park boundary that was incorrectly identified in the park's enabling legislation. Correction of the authorized acreage ceiling would not add any new facilities, increase operating costs, or require additional staffing.

Since House passage of the H.R. 788 last March, we have learned through additional surveys, conducted by Page One, that the Page One exchange parcel identified as the Shoppman Land Exchange Parcel on the map entitled "Page One Land Exchange Proposal" number 608/60573a-2002 dated May 16, 2002 is closer to 122 acres than 152 acres. The acres that the Service would acquire are located east of Highway 89, approximately 5 miles south of Big Water, Utah and are contiguous to the existing park boundary. Both the Page One and Park exchange parcels are accurately reflected on the map. The lands that the Service would be authorized to exchange are located west of Highway 89 and are adjacent to privately owned lands. Although within the boundary of the recreation area, the

370 acres are physically and visually isolated from the rest of the recreation area by topographic features.

Page One, the owner of the private land has had an appraisal completed on the lands that are proposed for exchange. If this legislation is enacted, the Service would conduct its own appraisal on the two parcels. However, the owner's appraisal determined that their parcel (\$5,500 per acre for a total appraised value of \$671,000), which the Service would receive, was worth approximately two and one half times more than the appraised value of the land within the NRA Land Exchange Parcel identified on the map (\$750 per acre for a total appraised value of \$277,500).

S. 612 and H.R. 788 would also correct the acreage ceiling error stated in Public Law 92-593, the 1972 enabling legislation for Glen Canyon National Recreation Area. Public Law 92-593 incorrectly estimated Glen Canyon National Recreation Area's acreage within the boundary to be 1,236,880 acres. Using the same boundary identified on the map referenced in the 1972 enabling legislation, application of modern map reading and geographic information system technologies have determined that 1,256,000 acres more accurately reflects the amount of land within the 1972 boundary.

S. 612 and H.R. 788 enjoy a broad cross section of support. The nearest communities to the lands proposed for exchange, Big Water, Utah and Page, Arizona, recognize the importance of protecting the National Recreation Area. Also, this exchange would provide an opportunity for private development at one of the main access points to lands held by the Utah Schools and Institutional Trust Lands Administration ("SITLA"). Such private development could enhance the 40,000 acres held by SITLA and is supported by the State of Utah and Kane County, Utah.

As the House has passed H.R. 788 and the legislation is identical to S. 612 we would recommend passage of H.R. 788, in order to move this legislation expediently.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or other members of the subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 788, as ordered reported, are shown as follows:

AN ACT To establish the Glen Canyon National Recreation Area in the States of Arizona and Utah

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That in] Section 1. (a) In order to provide for public outdoor recreation use and enjoyment of Lake Powell and lands adjacent thereto in the States of Arizona and Utah and to preserve scenic, scientific, and historic features contributing to public enjoyment of the area, there is established the Glen Canyon National Recreation Area (hereafter re-

ferred to as the “recreation area”) to comprise the area generally depicted on the drawing entitled “Boundary Map Glen Canyon National Recreation Area,” numbered GLC-91,006 and dated August 1972, which is on file and available for public inspection in the office of the National Park Service, Department of the Interior. The Secretary of the Interior (hereafter referred to as the “Secretary”) may revise the boundaries of the recreation area from time to time by publication in the Federal Register of a revised drawing or other boundary description, but the total acreage of the national recreation area may not exceed ~~one million two hundred and thirty-six thousand eight hundred and eighty acres~~ 1,256,000 acres.

(b) In addition to the boundary change authority under subsection (a), the Secretary may acquire approximately 152 acres of private land in exchange for approximately 370 acres of land within the boundary of Glen Canyon National Recreation Area, as generally depicted on the map entitled “Page One Land Exchange Proposal”, number 608/60573a-2002, and dated May 16, 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon conclusion of the exchange, the boundary of the recreation area shall be revised to reflect the exchange.

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