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SENATE

{ REPORT
108-135

LAND IN DOUGLAS COUNTY, OREGON

AUGUST 26, 2003.—Ordered to be printed

Filed, under authority of the order of the Senate of July 29 (legislative day, July 21), 2003

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

R E P O R T

[To accompany S. 714]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 714) to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 1, line 7, insert “and subject to valid existing rights” after “consideration”.
2. On page 2, strike lines 5 through 11 and insert the following:

(2) PARCEL.—The parcel referred to in paragraph (1) is the parcel of land consisting of approximately 68.8 acres under the administrative jurisdiction of the Bureau of Land Management, as generally depicted on the map entitled “S. 714, Douglas County, Oregon Land Conveyance”, dated May 21, 2003.
3. Beginning on page 2, strike line 24 and all that follows through page 3, line 13.
4. On page 3, line 14, strike “(d)” and insert “(c)”.
5. On page 3, line 20, strike “(e)” and insert “(d)”.

PURPOSE

The purpose of S. 714 is to provide for the conveyance of approximately 68.8 acres of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area.

BACKGROUND AND NEED

S. 714 would authorize the Secretary of the Interior to convey without cost to Douglas County, Oregon all right, title, and interest to 68.8 acres of property currently under the management of the Bureau of Land Management (BLM). Douglas County would then be permitted to use the land, located just south of the Umpqua River in Winchester Bay, for recreational purposes.

Salmon Harbor Drive (County Road No. 251) runs through Douglas County and is connected to Ziolkouski Beach. Off-highway vehicles drivers unload their vehicles on Salmon Harbor Drive and drive them through Ziolkouski Beach to Oregon Dunes National Recreational Area. These actions create a safety hazard on the main road and cause considerable noise.

The intended effect of transferring the BLM land is to move recreational traffic off Salmon Harbor Drive and out of the nearby communities. The conveyance also will allow the county to establish a staging area for off-highway vehicles and provides improved access to the Oregon Dunes for other visitors, such as hikers and backpackers.

LEGISLATIVE HISTORY

S. 714 was introduced by Senator Wyden on March 26, 2003 and is cosponsored by Senator Smith. The Subcommittee on Public Lands and Forests held a hearing on S. 714 on June 4, 2003. At its business meeting on July 23, 2003, the Committee on Energy and Natural Resources ordered S. 714, as amended, favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 23, 2003, by a voice vote of quorum present, recommends that the Senate pass S. 714, if amended as described herein.

COMMITTEE AMENDMENTS

During the consideration of S. 714, the Committee adopted five amendments. Amendment No. 1 clarifies that the conveyance is subject to valid existing rights. Amendment No. 2 updates the map reference. Amendment No. 3 removes, at the request of the Department of the Interior, the requirement that the land revert back to the United States if used for other than recreation purposes. Amendments 4 and 5 are conforming amendments.

SECTION-BY-SECTION ANALYSIS

S. 714 directs the Secretary of the Interior to convey, subject to valid existing rights, 68.8 acres of lands administered by the Bureau of Land Management in Douglas County, Oregon, to the coun-

ty, without consideration, for recreational purposes (specifically, to improve public safety, reduce traffic congestion along Salmon Harbor Drive, provide a staging area for offhighway vehicles, and facilitate policing of unlawful camping and parking along Salmon Harbor Drive and adjacent areas). The Secretary may require such additional terms and conditions 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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 1, 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 S. 714, a bill to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Megan Carroll (for federal costs) and Marjorie Miller (for the state and local impact).

Sincerely,

ROBERT A. SUNSHINE
(For Douglas Holtz-Eakin, Director).

Enclosure.

S. 714—A bill to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes

CBO estimates that enacting S. 714 would have no significant effect on the federal budget. The bill would direct the Secretary of the Interior to convey, without consideration, 68.8 acres of federal land to Douglas County, Oregon. The county would use that land for recreational purposes. According to the Bureau of Land Management, the parcel to be conveyed currently does not generate significant receipts and is not expected to do so over the next 10 years. Hence, we estimate that enacting S. 714 would not significantly affect direct spending or revenues. We also estimate that the agency's administrative costs to complete the proposed conveyance would be negligible.

H.R. 714 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. This conveyance would be voluntary on the part of Douglas County, as would any costs incurred by the county to comply with the conditions established by the bill.

The CBO staff contacts for this estimate are Megan Carroll (for federal costs) and Marjorie Miller (for the state and local impact). 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 S. 714. 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. 714, as ordered reported.

EXECUTIVE COMMUNICATIONS

On July 28, 2003, the committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 714. These reports had not been received at the time the report on S. 714 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 Bureau of Land Management at the subcommittee hearing follows:

STATEMENT OF JIM HUGHES, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the position of the Department of the Interior on S. 714. This bill would provide for the conveyance of a 68-acre parcel of public domain land in Douglas County, Oregon, to the county in order to improve management of and recreational access to the Oregon Dunes National Recreation Area.

The Department of the Interior supports the goals of S. 714, but would like to work with the Subcommittee on certain changes to the bill.

Currently, the Bureau of Land Management's (BLM) Coos Bay District administers this land, which is located just south of where the Umpqua River empties into the Pacific Ocean, near Winchester Bay, in Douglas County, Oregon. The land is bordered on the west by public lands withdrawn for the U.S. Army Corps of Engineers and on the south, by the Umpqua Lighthouse State Park and various private lands. The Umpqua Lighthouse State Park is located less than a mile from the Salmon Harbor on Winchester Bay, and the lighthouse and adjacent museum are operated and maintained by the Douglas County Parks Department and the U.S. Coast Guard. There is no other BLM-managed land in the vicinity.

The 68.8-acre tract to be conveyed under S. 714 is isolated and difficult for the BLM to manage. It was identified in the Coos Bay District's 1995 Resource Management Plan as suitable for disposal.

Off-highway vehicle riders use this parcel for access to the Oregon Dunes National Recreation Area because it is one of the few free access points to the Area. Recreational access across this tract to the Oregon Dunes National Recreation Area can be managed more appropriately by Douglas County.

However, consistent with longstanding practice, we believe that the government should receive market value for the land being transferred out of public ownership. We would also like the opportunity to work with the Subcommittee to address technical issues including: clarifications to the reversionary clause, acknowledgment of existing rights-of-way, and corrections to the map referred to section 1(a).

Mr. Chairman, this concludes my testimony. I would be pleased to answer any questions.

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. 714, as ordered reported.

