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IDAHO PANHANDLE NATIONAL FOREST IMPROVEMENT ACT OF 2003

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. 434]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 434) to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes, 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 out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Idaho Panhandle National Forest Improvement Act of 2003”.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of Agriculture.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the following National Forest System land and improvements:

(1) Granite/Reeder Bay, Priest Lake Parcel, T61N, R4E, Boise Principal Meridian, section 17, S½NE¼ (80 acres, more or less).

(2) North South Ski area, T43N, R3W, Boise Principal Meridian, section 13, SE¼SE¼SW¼, S½SW¼SE¼, NE¼SW¼SE¼, and SW¼SE¼SE¼ (50 acres more or less).

- (3) Shoshone work camp (including easements for utilities), a portion of the S½SE¼ (19 acres, more or less).
 - (b) DESCRIPTIONS.—The Secretary may modify the descriptions in subsection (a) to correct errors or to make minor adjustments to the parcels in order to facilitate the conveyance of the parcels.
 - (c) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a)—
 - (1) shall be equal to the fair market value of the land; and
 - (2) may include cash or improved or unimproved land.
 - (d) APPLICABLE LAW.—Except as otherwise provided in this Act, any sale or exchange of National Forest System land under subsection (a) shall be subject to the laws applicable to the conveyance and acquisition of land for the National Forest System.
 - (e) VALUATION.—The market value of the land and the improvements to be sold or exchanged under this Act shall be determined by an appraisal that is acceptable to the Secretary and conforms with the Uniform Appraisal Standards for Federal Land Acquisitions.
 - (f) CASH EQUALIZATION.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary may accept a cash equalization payment in excess of 25 percent of the value of land exchanged under subsection (a).
 - (g) SOLICITATIONS OF OFFERS.—
 - (1) IN GENERAL.—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.
 - (2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.
 - (h) METHODS OF SALE.—The Secretary may sell land under subsection (a) at public or private sale (including at auction), in accordance with any terms, conditions, and procedures that the Secretary determines to be in the best interests of the United States.
- SEC. 4. DISPOSITION OF FUNDS.**
- (a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or the cash equalization proceeds, if any, from an exchange under section 3(a) in the fund established under Public Law 90–171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).
 - (b) USE OF PROCEEDS.—Amounts deposited under subsection (a) shall be available to the Secretary, without further appropriation—
 - (1) for the acquisition of, construction of, or rehabilitation of existing facilities for, a new ranger station in the Silver Valley portion of the Panhandle National Forest; or
 - (2) to the extent that the amount of funds deposited exceeds the amount needed for the purpose described in paragraph (1), for the acquisition, construction, or rehabilitation of other facilities in the Panhandle National Forest.
 - (c) NONDISTRIBUTION OF PROCEEDS.—Proceeds from the sale or exchange of land under this Act shall not be paid or distributed to States or counties under any provision of law, or otherwise treated as money received from a national forest, for purposes of—
 - (1) the Act of May 23, 1908 (16 U.S.C. 500);
 - (2) section 13 of the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 500); or
 - (3) the Act of March 4, 1913 (16 U.S.C. 501).

SEC. 5. ADMINISTRATION.

- (a) IN GENERAL.—Land transferred to or otherwise acquired by the Secretary under this Act shall be managed in accordance with—
 - (1) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and
 - (2) other laws relating to the National Forest System.
- (b) EXEMPTION FROM PROPERTY MANAGEMENT REGULATIONS.—Part 1955 of title 7, Code of Federal Regulations (or any successor regulation), shall not apply to any actions taken under this Act.
- (c) WITHDRAWALS AND REVOCATIONS.—
 - (1) WITHDRAWAL.—Subject to valid existing rights, all land described in section 3(a) is withdrawn from—
 - (A) location, entry, and patent under the mining laws; and
 - (B) the operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) REVOCATION OF PUBLIC LAND ORDERS.—As of the date of this Act, any public land order withdrawing land described in section 3(a) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

PURPOSE OF THE MEASURE

The purpose of S. 434 is to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds, without further appropriation, for the construction of a new Ranger District Office on the Idaho Panhandle National Forest.

BACKGROUND AND NEED

S. 434 authorizes the Secretary of Agriculture to sell identified tracts of land that are no longer needed for Forest Service administration purposes on the Silver Valley of the Idaho Panhandle National Forest. Conveyance of these tracts will reduce the long term cost of administering the related special use permits. The bill will offer for sale, or exchange, administrative parcels on the Idaho Panhandle National Forest that the Forest Service has identified for disposal. The proceeds from these sales will be used to improve, or replace, the Forest Service's Ranger Station in Idaho's Silver Valley. The current ranger station is in dire need of repair or replacement.

The Forest Service administrative parcels identified for disposal include land currently under permit to the Granite/Reeder Sewer District on Priest Lake, Shoshone Camp in Shoshone county, and North-South Ski Bowl, south of St. Maries.

LEGISLATIVE HISTORY

S. 434 was introduced by Senators Craig and Crapo on February 25, 2003. The Subcommittee on Public Lands and Forests held a hearing on S. 434 on June 12, 2003. The Committee favorably reported the bill, with an amendment in the form of a substitute. A similar bill, S. 3047, was introduced in the 107th session of Congress and a companion bill, H.R. 5638, was also introduced in the House of Representatives in the 107th Congress. No further action was taken on either bill during the 107th Congress.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in an open business session on July 23, 2003, by a voice vote of a quorum present, recommends that the Senate pass S. 434, if amended as described herein.

COMMITTEE AMENDMENT

The Committee on Energy and Natural Resources adopted an amendment in the nature of a substitute that dropped map references; included legal references for three parcels of land; clarified that the Secretary of Agriculture could accept cash, improved, or unimproved lands in consideration for the Federal land to be sold

or exchanged; and that corrected number of citations to laws referred to in the bill.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title.

Section 2 defines a key term used in the bill.

Section 3, subsection (a) authorizes the Secretary to sell or exchange three parcels of land: the Granite/Reeder Bay comprising approximately 80 acres; the North South Ski Area comprising approximately 50 acres; and the Shoshone Work Camp comprising approximately 19 acres.

Subsection (b) authorizes the Secretary to correct errors and to make minor adjustments to the descriptions of the parcels identified in subsection (a) in order to facilitate the conveyance.

Subsection (c) directs that consideration for a sale or exchange of land to the fair market value of the land and may include cash or improved or unimproved lands.

Subsection (d) directs that any sales or exchanges shall be subject to the laws applicable to the National Forest System.

Subsection (e) requires that the market value of lands shall be determined by an appraisal that conforms with the Uniform Appraisal Standards for Federal Land Acquisitions.

Subsection (f) states that the Secretary may accept cash equalization payments greater than 25 percent of land value.

Subsection (g) provides that the Secretary can reject and solicit offers for the sale or exchange of land.

Subsection (h) authorizes the Secretary to sell land at public or private sales.

Section 4, subsection (a) states that the Secretary shall deposit any proceeds in the fund established by Public Law 90–171.

Subsection (b) allows the Secretary to use any proceeds to pay for building and improving facilities in the Silver Valley portion of the Idaho Panhandle National Forest and, if additional funds are available, other facilities on the Forest.

Subsection (c) prohibits proceeds from being distributed to states or counties.

Section 5 directs that the lands acquired by the Secretary of Agriculture shall be managed in accordance to the Weeks Act, be exempt from Part 1955 of Title 7 of the Code of Federal Regulations and, subject to valid existing rights, and be withdrawn from location, entry, and patent under the mining and mineral leasing laws.

Section 6 authorizes to be appropriated such sums as are necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATION

The Congressional Budget Office estimate of the costs of this measure has been requested, but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI, of the Standing Rules of the Senate, the Committee makes the following eval-

uation of the regulatory impact which would be incurred in carrying out S. 434. 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 impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 434, as ordered reported.

EXECUTIVE COMMUNICATION

The Committee on Energy and Natural Resources has requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth Executive agency recommendations on S. 434. These reports had not been received at the time the report on S. 434 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 United States Forest Service at the Subcommittee hearing follows:

STATEMENT OF TOM THOMPSON, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

S. 434 authorizes the Secretary of Agriculture to sell or exchange all or parts of certain tracts of National Forest System land in the State of Idaho and to use the proceeds for the acquisition of land and construction of a new Ranger District office in the Silver Valley portion of the Idaho Panhandle National Forest (IPNF). To the extent there are excess proceeds after construction of the Ranger District Office, the bill allows the proceeds to be used to acquire land, construct, or rehabilitate other facilities in the IPNF.

The Department supports S. 434 because the tracts identified for sale or exchange are no longer needed for Forest Service administrative purposes and conveyance of these tracts will reduce the long term cost of administering the related special use permits. Additionally, the construction of a new Ranger District office in the Silver Valley would enhance public service and improve public safety.

As S. 434 illustrates, the Department has a number of facilities and appurtenant administrative land excess to agency needs. The FY 2004 Budget contains a proposal for the establishment of a Facilities Acquisition and Enhancement Fund that would enable the Secretary to sell such units excess to the agency's need and to utilize proceeds from those sales for the acquisition or development of land and improvements for administrative purposes. Funds collected under this authority would address backlogs and administrative consolidations while improving efficiencies through the reconstruction of functionally obsolete facilities or construction of new facilities. To this end, the Department will submit proposed legislation concerning this Fund in the upcoming weeks.

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. 434 as ordered reported.

