

## Calendar No. 62

109TH CONGRESS } 1st Session }	SENATE	{ REPORT 109-43
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### BEAVER COUNTY, UTAH LAND CONVEYANCE ACT

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MARCH 30, 2005.—Ordered to be printed

Filed, under authority of the order of the Senate of March 17, 2005

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

### R E P O R T

[To accompany S. 52]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 52) to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE MEASURE

The purpose of S. 52 is to convey approximately 200 acres to Beaver County, Utah, for public recreation purposes.

#### BACKGROUND AND NEED

In 1961, Beaver County, Utah obtained a lease for 207 acres of land from the Bureau of Land Management to develop a recreational site under the Recreation and Public Purposes Act. In 1963, the lease was transferred to the State of Utah, which developed and managed the site as the Minersville Reservoir State Park. To reduce costs, the State transferred control back to Beaver County in 2002. The County wants to sell some of the property in order to generate revenue to maintain the park. S. 52 would convey the site to Beaver County and provide authority to sell some of the land to pay for park maintenance.

#### LEGISLATIVE HISTORY

S. 52 was introduced by Senator Hatch on January 24, 2005. At the business meeting on February 16, 2005, the Committee on En-

ergy and Natural Resources ordered S. 52 favorably reported. A similar bill (S. 2285) was introduced by Senators Hatch and Bennett in the 108th Congress. The Subcommittee on Public Lands and Forests held a hearing on the bill on May 5, 2004 (S. Hrg. 108–321). The Committee ordered the bill favorably reported with an amendment in the nature of a substitute on July 14, 2004 (S. Rept. 108–324). S. 2285 passed the Senate by unanimous consent, as amended, on September 15, 2004.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in an open business session on February 16, 2005, by a voice vote of a quorum present, recommends that the Senate pass S. 52.

#### SECTION-BY-SECTION ANALYSIS

Section 1(a) directs the Secretary of the Interior to convey approximately 200 acres to Beaver County, Utah.

Subsection (b) authorizes Beaver County to sell a portion of the conveyed lands if the proceeds are used for maintenance of the park. Failure to comply with this condition would require the proceeds be paid to the United States. The subsection also provides that the Secretary may require the remaining lands to revert back to the United States.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

*S. 52—A bill to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah*

CBO estimates that S. 52 would not significantly affect the federal budget. S. 52 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. Enacting this legislation would benefit Beaver County.

S. 52 would direct the Secretary of the Interior to convey to Beaver County, Utah, for no consideration, approximately 200 acres of federal land in that county. The county currently manages that land as a park under a lease from the Bureau of Land Management (BLM). According to BLM, the land currently generates no significant receipts and is not expected to do so over the next 10 years. Therefore, CBO estimates that conveying it would not significantly affect offsetting receipts (a credit against direct spending). Enacting the bill would not affect revenues. Based on information from BLM, we also estimate that the agency's costs to complete the proposed conveyance would be minimal; any such costs would be subject to the availability of appropriated funds.

The CBO staff contacts for this estimate are Megan Carroll and Deborah Reis. 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. 52.

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. 52, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

The views of the Administration were included in testimony received by the Committee at a hearing on S. 2285 in the 108th Congress on May 5, 2004, as follows:

STATEMENT OF BOB ANDERSON, DEPUTY ASSISTANT DIRECTOR, MINERALS, REALTY AND RESOURCE PROTECTION, BUREAU OF LAND MANAGEMENT

S. 2285

S. 2285 proposes to convey approximately 200 acres surrounding the Minersville Reservoir to Beaver County, Utah. The Administration supports the conveyance, but would like to recommend a few modifications to the legislation.

In 1963, the BLM first granted a patent to Beaver County, Utah, for the lands that are now part of Minersville State Park pursuant to the Recreation & Public Purposes Act (R&PP) (43 U.S.C. 869 et seq.). In 1964, title was transferred to the State of Utah Division of Parks and Recreation. Over the years the State made substantial investments in the park facilities including campgrounds, restrooms, and an entrance station. In 2002, the State of Utah moved to transfer title to Beaver County as part of cost cutting efforts. However, because the State did not have authority under the R&PP Act to transfer title, such an action was not possible. Beaver County has indicated that it will not accept a transfer of the lands because of the restrictions associated with the R&PP Act. Specifically, the reversionary clause prevents the re-sale of lands transferred under the R&PP Act.

Beaver County however, is willing to take over the park if it has an opportunity to create a funding source. The County proposes to sell some of the undeveloped lands within the park for cabin sites and use the revenue generated from the sales to operate and maintain the park for the benefit of the people of Beaver County and visitors. Under the provisions of the R&PP Act such sales would result in a reversion to the BLM. The BLM does not object to this proposal because this type of small, local park is most appropriately operated and maintained by a local government.

S. 2285 proposes to transfer all right, title and interest of the United States for the approximately 200 acres to Beaver County would then be authorized by the legislation

to sell, at fair market value, portions of that property. The legislation further directs that those proceeds may be used only for the maintenance and further development of the public recreation facilities on the site.

Normally we would require payment of fair market value for any interest in lands conveyed without the requirement that they be used for a public purpose. However, we recognize the unique circumstances here, including the historical use of the area as a park, and support this proposal as a creative solution to a difficult problem. However, we recommend the elimination of the reversionary clause in section 1(c), which provides for the reversion of the site to the United States if the provisions of the Act are not complied with, and the elimination of a subsequent requirement that Beaver County repay to the United States any payments received from sales of land. We recommend the elimination of the reversionary clause to avert a situation where the BLM would be responsible for managing a small local park, or abandoning its use as a park, either of which we are ill-prepared to do. We believe the requirements of section 1(b), limiting the use of sale proceeds specifically for the operational and maintenance of the park, are adequate to protect the interests of the Federal government.

Finally, we would like the opportunity to work with the Committee on an appropriate map of the area to be conveyed.

#### 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. 52, as ordered reported.

