

## Calendar No. 65

109TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
109-46

### LAND IN FRANNIE, WYOMING

MARCH 30, 2005.—Ordered to be printed

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

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

### R E P O R T

[To accompany S. 101]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 101) to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE MEASURE

The purpose of S. 101 is to convey to the town of Frannie, Wyoming, approximately eight-tenths of an acre of land previously withdrawn by the Commissioner of Reclamation.

#### BACKGROUND AND NEED

The parcel to be conveyed by this Act was originally withdrawn from the public domain in 1920 by the Commissioner of Reclamation for the Frannie Townsite Reservation. The Bureau of Reclamation continues to manage the parcel, though in recent years, the Town of Frannie has used it for the Wyoming Centennial Garden under a special use permit issued by the Bureau. The Bureau of Reclamation has determined that it has no further need for the parcel and no vested interest in any appurtenances on the parcel. The Bureau of Land Management has determined that the parcel is no longer suitable for return to the public domain or management under the public land and mining laws. In view of the fact that the Federal Government has no further need for the parcel and the Town is currently using the parcel for public purposes, the

Department found that the conveyance of the parcel to the Town will be in the public interest.

#### LEGISLATIVE HISTORY

S. 101 was introduced by Senator Enzi on January 24, 2005. At the business meeting on February 16, 2005, the Committee on Energy and Natural Resources ordered S. 101 favorably reported. A similar bill (S. 155) was introduced by Senator Enzi in the 108th Congress. The Subcommittee on Public Lands and Forests held a hearing on S. 155 on May 5, 2004 (S. Hrg. 108–575). At the business meeting on June 16, 2004, the Committee on Energy and Natural Resources ordered S. 155 favorably reported (S. Rept. 108–302). S. 155 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. 101.

#### SECTION-BY-SECTION ANALYSIS

Section 1(a) directs the Secretary of the Interior to convey lands described in subsection (b) to the town of Frannie, Wyoming.

Subsection (b) describes the parcel to be conveyed totaling approximately eight-tenths of an acre.

Subsection (c) reserves mineral rights to the United States.

Subsection (d) revokes a special use permit to the town of Frannie, Wyoming, for the site and Secretarial orders with respect to the withdrawal for the Shoshone Reclamation Project and another for the Frannie Townsite reservation for the lands to be conveyed.

#### COST AND BUDGETARY CONSIDERATIONS

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

FEBRUARY 22, 2005.

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. 101, a bill to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Julie Middleton.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure.

*S. 101—A bill to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation*

This bill would convey all rights, title, and interest of the United States in approximately 37,500 square feet of land to the town of Frannie, Wyoming. CBO estimates that implementing S. 101 would

have no significant impact on the federal budget. According to the Bureau of Reclamation, the federal land to be conveyed currently generates no significant receipts and is not expected to do so over the next 10 years. Hence, we estimate that conveying that land would not affect offsetting receipts (a credit against direct spending). Enacting S. 101 would not affect revenues.

S. 101 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 the city of Frannie, Wyoming.

The CBO staff contact for this estimate is Julie Middleton. 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. 101. 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. 101, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

The views of the Administration were included in testimony received by the Committee at a hearing on S. 155 in the 108th Congress on May 5, 2004, as follows:

#### STATEMENT OF THE U.S. BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR

This statement presents the views of the Department of the Interior on S. 155, a bill to require the Secretary of the Interior to convey certain land withdrawn by the Commissioner of Reclamation consisting of approximately 37,500 square feet located in the N $\frac{1}{2}$  of block 26, T.58 N., R.97 W., to the Town of Frannie, Wyoming. This land was originally withdrawn from the public domain on April 29, 1920, for reclamation purposes and is managed by the Bureau of Reclamation. Reclamation has concluded that it does not have any continuing project need for the land or any vested interest in or ownership of any appurtenances on the land. The Bureau of Land Management (BLM) conducted a survey of the land and determined that the land is no longer suitable for return to the public domain and management under the public land and mining law.

The Town of Frannie has title to the S $\frac{1}{2}$  of Block 26, the adjacent parcel, which is where the Town Hall is located. In addition, pursuant to a Special Use Permit issued by the Bureau of Reclamation in 1990, the Town uses the NE $\frac{1}{4}$  of Block 26 for the Wyoming Centennial Garden. The Deaver Irrigation District ("Deaver") managed this

land for the Bureau of Reclamation. Previously, Deaver authorized the relocation of a building on the NW $\frac{1}{4}$  of Block, which was subsequently conveyed to the Town of Frannie and is now being used as a meeting hall by the Town.

S. 155 would direct the Secretary of the Interior to convey, without consideration, all right, title, and interest of the United States in and to the parcel of land to the Town of Frannie. The bill would also revoke the Special Use Permit with the town of Frannie for the Centennial Garden City Park and Secretarial Orders issued by the Commissioner of Reclamation which withdrew the land for the Shoshone Project in 1913 and the Frannie Townsite Reservation in 1920.

It is customary for the Department to seek fair market value for land proposed for transfer. However, in this case, given that the parcel is less than one acre, its value is minimal as compared to the costs associated with the process of selling it, and the Town currently uses the land for the benefit of the public, the Department has determined that it can support S. 155, provided that the bill is modified to include language that more clearly describes the means by which the Secretary would convey this property. Similar legislation was passed in 1994 by Title VI of P.L. 103-434, directing the Secretary to convey certain lands which are adjacent to the lands proposed for transfer under S. 155, by quitclaim deed, to the Big Horn County School District. The Department recommends that the words "by quitclaim deed" be added in subsection (a) after "the Secretary of the Interior shall convey," which would then read "the Secretary of the Interior shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (b) to the Town of Frannie, Wyoming."

Thank you for the opportunity to detail the position of the Department of the Interior on S. 155.

#### 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. 101, as ordered reported.