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REPORT
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BOUNTIFUL CITY LAND CONSOLIDATION ACT

FEBRUARY 28, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 3473]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3473) to provide for a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bountiful City Land Consolidation Act".

SEC. 2. LAND EXCHANGE, WASATCH-CACHE NATIONAL FOREST, UTAH.

(a) LAND EXCHANGE AUTHORIZED.—If the City of Bountiful, Utah (in this section referred to as the "City"), conveys to the Secretary of Agriculture all right, title, and interest of the City in and to three parcels of land consisting of a total of approximately 1,680 acres identified on the map entitled "Bountiful City Land Consolidation Act", the Secretary may convey to the City in exchange all right, title, and interest of the United States in and to such quantity of National Forest System land located in the Wasatch-Cache National Forest in Township 2, North, Range 1 East, Salt Lake Meridian, and identified for possible conveyance on the map such that the value of the land acquired by the Secretary is equal to the value of the Federal land conveyed. The value of the Federal and City lands to be exchanged shall be determined by an appraisal carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(b) AVAILABILITY OF MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(c) LAND EXCHANGE PROCESS.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized by subsection (a).

(d) MANAGEMENT OF ACQUIRED LAND.—The lands acquired by the Secretary under subsection (a) shall be added to and administered as part of the Wasatch-Cache National Forest and managed in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.) and the laws and regulations applicable to the National Forest System.

(e) BONNEVILLE SHORELINE TRAIL AND OTHER RIGHTS-OF-WAY.—In making the land exchange authorized by subsection (a), the Secretary shall ensure that an easement not less than 60 feet in width is reserved for the Bonneville Shoreline Trail. The Secretary and the City may reserve such other rights-of-way for utilities, roads, and trails as they may agree upon and which they consider to be in the public interest.

(f) TREATMENT OF REMAINING FEDERAL LAND.—

(1) DISPOSAL AUTHORITY.—In the case of any National Forest System land identified for possible conveyance on the map referred to in subsection (a) and not exchanged under such subsection, the Secretary may dispose of all or a portion of the remaining land upon a determination by the Secretary, pursuant to an amendment of the land and resource management plan for Wasatch-Cache National Forest and a public process consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), that the land or portion thereof is in excess to the needs of the National Forest System.

(2) CONSIDERATION.—As consideration for any conveyance of land under this subsection, the Secretary shall require an amount equal to not less than the fair market value of the conveyed land.

(3) RELATION TO OTHER LAWS.—Any conveyance of land under this subsection by exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(g) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to such additional terms and conditions as the Secretary and the City may agree upon, and any conveyance under subsection (f) shall be subject to such additional terms and conditions as the Secretary may require.

PURPOSE OF THE BILL

The purpose of H.R. 3473 is to provide a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in the National Forest, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3473 facilitates a land exchange in the Wasatch-Cache National Forest in Utah.

Of the 220 acres of National Forest System lands identified for possible exchange on the map entitled "Bountiful City Land Consolidation Map," approximately 38 acres are currently under a special use permit to the Bountiful Lions Club for a shooting range. The City of Bountiful, Utah, is interested in acquiring the land occupied by the shooting range, and any additional federal land identified on the map and determined to be of equal value to the City of Bountiful land exchanged. The City of Bountiful will exchange three parcels, one of 400 acres, a second of 640 acres, and a third of 640 acres.

Preliminary estimates of the value of the federal land identified for possible exchange on the map indicate that the federal land is approximately 2–3 times more valuable than the City of Bountiful land identified on the map. Therefore, H.R. 3473, as amended, would require that the Secretary of Agriculture exchange such quantity of federal land identified on the map and determined to be equal to the value of the City of Bountiful land.

COMMITTEE ACTION

H.R. 3473 was introduced on September 5, 2007 by Representative Rob Bishop (R–UT). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On October 30, 2007 the Subcommittee held a hearing on the bill during which the Forest Service testified in support of H.R. 3473. On February 13, 2008, the full Natural Resources Committee met to consider the bill. Representative Rob Bishop (R–UT) offered an amendment in the nature of a substitute making the land exchange an equal value land exchange subject to Section 206 of the Federal Land Policy Management Act. The amendment in the nature of a substitute also gives the Secretary of Agriculture authority to dispose of all or a portion of the remaining federal land not exchanged upon a determination by the Secretary that the land or portion thereof is in excess to the needs of the National Forest System. The Bishop amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 cites this Act as the "Bountiful City Land Consolidation Act".

Section 2. Land exchange, Wasatch-Cache National Forest, Utah

Section 2(a) authorizes a land exchange between the Secretary of Agriculture and the City of Bountiful, Utah. If the City of Bountiful conveys to the Secretary of Agriculture all right, title, and interest of the City in and to three parcels of land consisting of a total of approximately 1,680 acres, the Secretary may convey to the City in exchange all right, interest, and title in and to such quantity of National Forest System land identified for possible conveyance on the map, such that the value of the land acquired by the Secretary is equal to the value of the federal land conveyed. The value of the federal and city lands shall be determined by an appraisal carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976.

Section 2(c) requires that Section 206 of the Federal Land Policy and Management Act of 1976 apply to the land exchange authorized by subsection (a).

Section 2(e) requires that in making the land exchange authorized by subsection (a), the Secretary of Agriculture ensure that an easement of not less than 60 feet in width is reserved for the Bonneville Shoreline Trail.

Section 2(f) covers the treatment of remaining federal land not exchanged in subsection (a). In the case of any National Forest System land identified for conveyance on the map but not exchanged under subsection (a), the Secretary may dispose of all or a portion of the remaining land upon a determination by the Secretary, pursuant to an amendment of the land and resource management plan for the Wasatch-Cache National Forest and a public process consistent with the National Environmental Policy Act of 1969, that the land or portion thereof is in excess to the needs of the National

Forest System. The Secretary shall require an amount equal to not less than fair market value for these lands, and any conveyance of land shall be subject to section 206 of the Federal Land Policy and Management Act of 1976.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

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H.R. 3473 would authorize the Forest Service to exchange up to 220 acres ofland in Utah for about 1,680 acres owned by the city of Bountiful. CBO estimates that implementing this bill would have no significant effect on discretionary spending. The bill could increase offsetting receipts and direct spending, but we estimate that any such changes would offset each other over the next few years.

Under H.R. 3473, the Forest Service would exchange land located in the Wasatch-Cache National Forest for lands of equal value owned by the city. If the agency does not have to exchange all of the 220 acres to receive the city land, it would be authorized to sell the remainder. As a result, enacting this legislation could increase offsetting receipts (a credit against direct spending). The bill does not specify how those proceeds—an estimated $1 million should be treated. Based on the treatment of similar proceeds, however, CBO

assumes that they would be available to the Forest Service without further appropriation. Therefore, enacting the bill would have no net impact on direct spending. Finally, the bill would not affect revenues.

H.R. 3473 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 contact for this estimate is Tyler Kruzich. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 3473 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

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