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REPORT
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TURNABOUT RANCH, ESCALANTE, UTAH SALE ACT

JUNE 16, 2008.—Ordered to be printed

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

R E P O R T

[To accompany S. 832]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 832) to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value, 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 2, line 17, insert "of 1976" after "Act".
2. On page 2, line 17, insert "1712," after "U.S.C.".
3. On page 3, lines 16 and 17, strike "subsection (a)" and insert "this Act".
4. On page 3, line 22, strike ", Public Law 106–248" and insert "(43 U.S.C. 2305)".

PURPOSE

The purpose of S. 832 is to direct the Secretary of the Interior to sell approximately twenty-five acres of public land, currently managed by the Bureau of Land Management, to the Turnabout Ranch in Escalante, Utah.

BACKGROUND AND NEED

The Turnabout Ranch is a private, Christian boarding school and residential treatment center for at-risk youth in Escalante, Utah. For many years, a portion of the school's facilities have been located on a twenty-five acre parcel of land that, in the past, was state-owned land.

In 1996, President Clinton created the Grand Staircase-Escalante National Monument, managed by the Bureau of Land Management. The twenty-five acre parcel at issue is located within the boundaries of the monument. The Utah Schools and Lands Exchange Act of 1998, Public Law 105–335, included a transfer of ownership of the parcel from the state to the BLM.

The BLM does not have existing authority to sell the parcel because it is located within the monument boundaries. Therefore, S. 832 directs the Secretary of the Interior to sell the land to the school for an amount equal to the fair market value, based on a federally approved appraisal.

LEGISLATIVE HISTORY

S. 832 was introduced by Senator Hatch and Senator Bennett on March 9, 2007. The Subcommittee on Public Lands and Forests held a hearing on S. 832 on February 27, 2008. The Committee on Energy and Natural Resources ordered the bill favorably reported on May 7, 2008.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 7, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 832, if amended as described herein.

COMMITTEE AMENDMENTS

The Committee recommends four technical or clarifying amendments: (1) to cite the full short title of the Federal Land Policy and Management Act; (2) to provide a citation to the United States Code; (3) to clarify that the Turnabout Ranch be required to pay for any costs associated with the conveyance, including the appraisal; and (4) to cite the Federal Land Transaction Facilitation Act to the United States Code.

SECTION-BY-SECTION ANALYSIS

Section 1 defines several key terms used in the legislation.

Section 2(a) requires the Secretary of the Interior, upon receiving an offer from the Turnabout Ranch to acquire the parcel for the appraised value, to convey approximately twenty-five acres to Turnabout Ranch if the ranch.

Subsection (b) requires the Secretary to complete an appraisal of the federal land not later than 90 days after the date of enactment of this Act. This subsection also requires that the appraisal be completed in accordance with the "Uniform Appraisal Standards for Federal Land Acquisitions" and the "Uniform Standards of Professional Appraisal Practice."

Subsection (c) requires the Turnabout Ranch to pay the Secretary an amount equal to the appraised value of the Federal land as a condition of the conveyance.

Subsection (d) states that, as a condition of the conveyance, any costs of the conveyance shall be paid by the Turnabout Ranch.

Subsection (e) requires the Secretary to deposit the proceeds from the conveyance of the Federal land in the Federal Land Deposit Ac-

count established by section 206 of the Federal Land Transaction Facilitation Act.

Section 3 modifies the boundaries of the Grand Staircase-Escalante National Monument to exclude the federal land conveyed to the Turnabout Ranch upon completion of the conveyance.

COST AND BUDGETARY CONSIDERATIONS

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

S. 832—A bill to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value

S. 832 would authorize the Bureau of Land Management (BLM) to sell about 25 acres of land in the Grand Staircase-Escalante National Monument in Utah. Proceeds from the sale would be deposited into the federal land disposal account and could be spent, without further appropriation, to acquire other land.

Implementing S. 832 would have no net effect on the federal budget and no significant impact in any fiscal year. Based on information provided by BLM, CBO estimates that selling the 25 acres identified by the bill would increase offsetting receipts (a credit against direct spending) by less than $50,000 in 2009. That amount would be offset over the following five years by additional direct spending for land acquisition. We estimate that implementing the legislation would have no effect on revenues or discretionary spending. As required by the bill, appraisal expenses and other costs associated with the sale would be paid by the prospective buyer, the Turnabout Ranch.

S. 832 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, 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. 832. 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. 832, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 832, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined by rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The views of the Administration were included in testimony received by the Committee at a hearing on S. 832 on February 27, 2008.

STATEMENT OF LUKE JOHNSON, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT

Thank you for the opportunity to testify on S. 832, a bill to convey approximately 25 acres of lands managed by the Bureau of Land Management (BLM) to Turnabout Ranch in Utah. The BLM supports this legislation.

BACKGROUND

Turnabout Ranch is both a working ranch and a residential treatment center for troubled teens. Located north of Escalante, Utah the ranch is adjacent to Grand Staircase-Escalante National Monument (Monument). Several years ago, the owners of Turnabout Ranch realized that they were using a field that is on BLM-managed lands within the Monument for pasture and a corral and approached the BLM about purchasing these lands. It is clear that this long-standing trespass was inadvertent. (These lands were originally owned by the state of Utah and were exchanged to the BLM following the Monument designation under the provisions of Public Law 105–335.) These approximately 25 acres, which are on the edge of the Monument, are critical to the effective functioning of the ranch and treatment center. The BLM cannot undertake a sale of this parcel to the Ranch because the acres are within the Monument boundary.

S. 832

S. 832 provides for a legislated sale of the 25 acres on which Turnabout Ranch is in trespass to the ranch for appraised fair market value. The bill specifIes that the appraisal be completed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice. It further provides that all costs related to the sale be borne by Turnabout Ranch. Finally, following the sale of the land, the boundary of the Monument is modified to exclude just these 25 acres from the edge of the Monument.

The BLM has taken a close look at the land proposed for sale to the Ranch under S. 832. It is our belief that sale of these lands will not undermine the purposes for which the Monument was established. Therefore, we support this legislative remedy to clear title issues with a suggestion for one very technical modification.

Thank you for the opportunity to testify.

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. 832 as ordered reported.

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