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SENATE

{ REPORT  
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### TIMPANOGOS INTERAGENCY LAND EXCHANGE ACT OF 2001

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JUNE 25, 2002.—Ordered to be printed

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

### R E P O R T

[To accompany S. 1240]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1240) to provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, Utah, and for other 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 “Timpanogos Interagency Land Exchange Act”.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) the facility that houses the administrative office of the Pleasant Grove Ranger District of the Uinta National Forest can no longer properly serve the purpose of the facility;

(2) a fire destroyed the Timpanogos Cave National Monument Visitor Center and administrative office in 1991, and the temporary structure that is used for a visitor center cannot adequately serve the public; and

(3) combining the administrative office of the Pleasant Grove Ranger District with a new Timpanogos Cave National Monument visitor center and administrative office in 1 facility would—

(A) facilitate interagency coordination;

(B) serve the public better; and

(C) improve cost effectiveness.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to authorize the Secretary of Agriculture to acquire by exchange non-Federal land located in Highland, Utah as the site for an interagency administrative and visitor facility;

(2) to direct the Secretary of the Interior to construct an administrative and visitor facility on the non-Federal land acquired by the Secretary of Agriculture; and

(3) to direct the Secretary of Agriculture and the Secretary of the Interior to cooperate in the development, construction, operation, and maintenance of the facility.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) **FACILITY.**—The term “facility” means the facility constructed under section 7 to house—

(A) the administrative office of the Pleasant Grove Ranger District of the Uinta National Forest; and

(B) the visitor center and administrative office of the Timpanogos Cave National Monument.

(2) **FEDERAL LAND.**—The term “Federal land” means the parcels of land and improvements to the land in the Salt Lake Meridian comprising—

(A) approximately 237 acres located in T.5 S., R.3 E., sec. 13, lot 1, SW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>, NW<sup>1</sup>/<sub>4</sub> and E<sup>1</sup>/<sub>2</sub>, SW<sup>1</sup>/<sub>4</sub>, as depicted on the map entitled “Long Hollow-Provo Canyon Parcel”, dated March 12, 2001;

(B) approximately 0.18 acre located in T.7 S., R.2 E., sec. 12 NW<sup>1</sup>/<sub>4</sub>, as depicted on the map entitled “Provo Sign and Radio Shop”, dated March 12, 2001;

(C) approximately 20 acres in T.3 S., R.1 E., sec. 33, SE<sup>1</sup>/<sub>4</sub>, as depicted on the map entitled “Corner Canyon Parcel”, dated March 12, 2001;

(D) approximately 0.18 acre located in T.29 S., R. 7 W., sec. 15, S<sup>1</sup>/<sub>2</sub>, as depicted on the map entitled “Beaver Administrative Site”, dated March 12, 2001;

(E) approximately 7.37 acres located in T.7 S., R.3 E., sec. 28, NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, as depicted on the map entitled “Springville Parcel”, dated March 12, 2001; and

(F) approximately 0.83 acre located in T.5 S., R.2 E., sec. 20, as depicted on the map entitled “Pleasant Grove Ranger District Parcel”, dated March 12, 2001.

(3) **NON-FEDERAL LAND.**—The term “non-Federal land” means the parcel of land in the Salt Lake Meridian comprising approximately 37.42 acres located at approximately 4,400 West, 11,000 North (SR-92), Highland, Utah in T.4 S., R.2 E., sec. 31, NW<sup>1</sup>/<sub>4</sub>, as depicted on the map entitled “The Highland Property”, dated March 12, 2001.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

**SEC. 4. MAPS AND LEGAL DESCRIPTIONS.**

(a) **AVAILABILITY OF MAPS.**—The maps described in paragraphs (2) and (3) of section 3 shall be on file and available for public inspection in the Office of the Chief of the Forest Service until the date on which the land depicted on the maps is exchanged under this Act.

(b) **TECHNICAL CORRECTIONS TO LEGAL DESCRIPTION.**—The Secretary may correct minor errors in the legal descriptions in paragraphs (2) and (3) of section 3.

**SEC. 5. EXCHANGE OF LAND FOR FACILITY SITE.**

(a) **IN GENERAL.**—Subject to subsection (b), the Secretary may, under such terms and conditions as the Secretary may prescribe, convey by quitclaim deed all right, title, and interest of the United States in and to the Federal land in exchange for the conveyance of the non-Federal land.

(b) **TITLE TO NON-FEDERAL LAND.**—Before the land exchange takes place under subsection (a), the Secretary shall determine that title to the non-Federal land is acceptable based on the approval standards applicable to Federal land acquisitions.

(c) **VALUATION OF NON-FEDERAL LAND.**—

(1) **DETERMINATION.**—The fair market value of the land and the improvements on the land exchanged under this Act shall be determined by an appraisal that—

(A) is approved by the Secretary; and

(B) conforms with the Federal appraisal standards, as defined in the publication entitled “Uniform Appraisal Standards for Federal Land Acquisitions”.

(2) **SEPARATE APPRAISALS.**—

(A) **IN GENERAL.**—Each parcel of Federal land described in section 3(2) shall be appraised separately.

(B) **INDIVIDUAL PROPERTY VALUES.**—The property values of each parcel shall not be affected by the unit rule described in the Uniform Appraisal Standards for Federal Land Acquisitions.

(d) **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, as the cir-

cumstances require, either make or accept a cash equalization payment in excess of 25 percent of the total value of the lands or interests transferred out of Federal ownership.

(e) ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—On acceptance of title by the Secretary—

- (i) the non-Federal land conveyed to the United States shall become part of the Uinta National Forest; and
- (ii) the boundaries of the national forest shall be adjusted to include the land.

(B) ALLOCATION OF LAND AND WATER CONSERVATION FUND MONEYS.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–099), the boundaries of the national forest, as adjusted under this section, shall be considered to be boundaries of the national forest as of January 1, 1965.

(2) APPLICABLE LAW.—Subject to valid existing rights, the Secretary shall manage any land acquired under this section in accordance with

- (A) the Act of March 1, 1911 (16 U.S.C. 480 et seq.) (commonly known as the “Weeks Act”); and
- (B) other laws (including regulations) that apply to National Forest System land.

**SEC. 6. DISPOSITION OF FUNDS.**

(a) DEPOSIT.—The Secretary shall deposit any cash equalization funds received in the land exchange in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the “Sisk Act”).

(b) USE OF FUNDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further appropriation, for the acquisition of land and interests in land for administrative sites in the State of Utah and land for the National Forest System.

**SEC. 7. CONSTRUCTION AND OPERATION OF FACILITY.**

(a) CONSTRUCTION.—

(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after funds are made available to carry out this Act, the Secretary of the Interior shall construct, and bear responsibility for all costs of construction of, a facility and all necessary infrastructure on non-Federal land acquired under section 5.

(2) DESIGN AND SPECIFICATIONS.—Prior to construction, the design and specifications of the facility shall be approved by the Secretary and the Secretary of the Interior.

(b) OPERATION AND MAINTENANCE OF FACILITY.—The facility shall be occupied, operated, and maintained jointly by the Secretary (acting through the Chief of the Forest Service) and the Secretary of the Interior (acting through the Director of the National Park Service) under terms and conditions agreed to by the Secretary and the Secretary of the Interior.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

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

PURPOSE

The purpose of S. 1240 is to authorize the exchange of 266 acres of National Forest System land within the Uinta and Wasatch-Cache National Forests in Utah for 37 acres of private land at the mouth of American Fork Canyon. The bill also requires the Secretary of the Interior to construct a joint visitor center and administrative site on the acquired land to serve both the Timpanogos Cave National Monument, administered by the National Park Service, and the Uinta National Forest, administered by the Forest Service.

BACKGROUND AND NEED

A new visitor center and administrative offices are needed to serve the public better at both the Timapanogos Cave National Monument and the Uinta National Forest. The original visitor cen-

ter at Timapanogos Cave National Monument burned down in 1991. The National Park Service began using a double-wide trailer to serve temporarily as a make-shift visitor center. The trailer still serves today as the visitor center. The trailer is not suitable for the monument's annual visitation of 125,000 people. On high visitation days, the center is easily overrun by the public. Additionally, the center suffers from rock-fall that has caused significant damage to the roof of the trailer and raises obvious safety issues.

The Pleasant Grove Ranger District of the Uinta National Forest is housed in a 1950's era building that was not designed for today's staffing requirements or modern day computer and communications needs. The new facility will meet the space needs of the ranger district and be more technology friendly. Furthermore, the construction of a unified center would allow the public to be able to visit a single office to inquire about National Park Service and Forest Service activities.

Enactment of S. 1240 is needed to authorize construction of the new visitor center and administrative offices and to acquire 37 acres of private land near the mouth of the American Fork Canyon for the new center and offices. The 37-acre site would be acquired by an equal-value exchange for 266 acres of National Forest System land.

The largest parcel of land that would be transferred out of Federal ownership is the 237-acre Long Hollow-Provo Canyon Parcel, which includes general resource lands near the edge of the Uinta National Forest. The Forest Service attributes no outstanding resource values to these lands. The next largest parcel is a 20-acre site located in Corner Canyon. This parcel is surrounded on three sides by subdivisions and is on the edge of the Uinta National Forest.

The remaining parcels to be conveyed out of Federal ownership are old administrative sites that are no longer used: (1) the Provo Sign and Radio Shop (0.18 acres); (2) the Beaver Administrative Site (0.18 acres); (3) the Springville Parcel (7.37 acres), which is a horse pasture along the edge of the forest; and (4) the Pleasant Grove Ranger District Office (0.83 acre), which is the current home of the Pleasant Grove District.

#### LEGISLATIVE HISTORY

S. 1240 was introduced by Senator Bennett on July 25, 2001. The Subcommittee on Public Lands and Forests held a hearing on S. 1240 on November 27, 2001. The Committee on Energy and Natural Resources considered S. 1240 and adopted an amendment in the nature of a substitute to it at its business meeting on May 15, 2002. The Committee ordered the bill as amended favorably reported at its business meeting on June 5, 2002.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on June 5, 2002, by a voice vote of a quorum present, recommends that the Senate pass S. 1240 as amended.

## COMMITTEE AMENDMENTS

During the consideration of S. 1240, the Committee adopted an amendment in the nature of a substitute. The amendment authorizes the Secretary of Agriculture to correct minor errors in the legal descriptions, modifies the reference to the uniform appraisal standards to reflect the most current update to the standards, and clarifies the authority for cash equalization payments. The amendment is explained in detail in the section-by-section analysis, below.

## SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title.

Section 2 sets forth the findings.

Section 3 defines terms used in the Act.

Section 4 states that the maps described in the bill shall be on file and available for public inspection in the Office of the Chief of the Forest Service until the land depicted in the maps is exchanged under this Act.

Section 5(a) authorizes the Secretary of Agriculture to enter into the land exchange.

Subsection (b) requires the Secretary of Agriculture to determine that title to the non-Federal land is acceptable prior to completion of the land exchange.

Subsection (c)(1) states that the fair market value of the land exchanged under this Act shall be determined by an appraisal that is approved by the Secretary and conforms with Federal appraisal standards.

Paragraph (2) requires each parcel of Federal land to be appraised separately and states that the property values of each parcel shall not be affected by the unit rule described in the Uniform Appraisal Standards for Federal Land Acquisitions.

Subsection (d) authorizes the Secretary of Agriculture to accept a cash equalization payment in excess of 25 percent of the value of the Federal land.

Subsection (e) adjusts the boundaries of the Uinta National Forest to include the land acquired pursuant to this Act.

Section 6 directs the Secretary of Agriculture to deposit any cash equalization funds into the fund established under Public Law 90-171 (the Sisk Act) and states that funds deposited pursuant to this section shall be available to the Secretary to acquire lands for administrative sites in the State of Utah and land for the National Forest System.

Section 7(a) requires the Secretary of the Interior to construct a visitor center and administrative facility on the land acquired pursuant to section 5.

Subsection (b) requires the Secretary of Agriculture and the Secretary of the Interior to jointly occupy, operate, and maintain the facility.

Section 8 authorizes to be appropriated such sums as are necessary to carry out this Act.

## COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 21, 2002.*

Hon. JEFF BINGAMAN,  
*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. 1240, the Timpanogos Interagency Land Exchange Act.

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

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*S. 1240—Timpanogos Interagency Land Exchange Act*

Summary: CBO estimates that implementing S. 1240 would cost \$9 million over the 2003–2005 period, assuming appropriation of the necessary amounts. The bill would increase direct spending by resulting in the loss of offsetting receipts; therefore, pay-as-go procedures would apply, but we estimate that those effects would not exceed \$1,000 annually. S. 1240 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no significant impact on the budgets of state, local, or tribal governments.

S. 1240 would authorize the Secretary of Agriculture to exchange certain federal lands in Utah for privately owned lands in that state. If the value of the lands are not equal, the Secretary could accept or make cash equalization payments. Following the exchange, the bill would direct the Secretary of the Interior to build administrative and visitor facilities on the acquired lands. Under the bill, both agencies would jointly occupy, operate, and maintain the proposed facilities.

Estimated cost to the Federal Government: For this estimate, CBO assumes that S. 1240 will be enacted in fiscal year 2002 and that funds necessary to implement the bill will be provided near the start of each year. Estimates of outlays are based on historical spending patterns for similar activities. The estimated budgetary impact of S. 1240 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION <sup>1</sup>					
Estimated authorization level .....	2	5	2	0	0
Estimated outlays .....	2	5	2	0	0

<sup>1</sup> Enacting S. 1240 would also have a very small impact on direct spending—an increase of less than \$1,000 a year.

Basis of estimate: S. 1240 would authorize the Secretary of Agriculture to exchange roughly 266 acres of federal lands in Utah for about 37 acres of privately owned lands in that state. According to

the Forest Service, the federal lands that would be exchanged under S. 1240 currently generate less than \$1,000 a year in offsetting receipts (a credit against direct spending) from grazing permits. Hence, we estimate that exchanging the lands would increase direct spending by that amount each year.

S. 1240 would direct the Secretary of the Interior to construct administrative and visitor facilities on the lands acquired by the Secretary of Agriculture. Based on preliminary plans for the proposed facilities provided by the National Park Service (NPS), CBO estimates that building those structures would cost \$9 million over the 2003–2005 period, assuming appropriation of the necessary amounts. Under the bill, the NPS and the Forest Service would jointly occupy the new buildings and share annual costs to operate and maintain them. Based on information from the agencies, we estimate that any increase in federal spending for such costs would not exceed \$200,000 a year.

According to the Forest Service, the agency would probably make payments to the private landowner to compensate for differences in the value of lands exchanged. Based on information from the agency on the estimated value of those lands, we estimate that such payments, which would be subject to appropriation, would be less than \$200,000.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: S. 1240 contains no intergovernmental or private-sector mandates as defined in UMRA and would have no significant impact on the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Megan Carroll. Impact on State, Local, and Tribal Governments: Marjorie Miller. Impact on the Private Sector: Jean Talarico.

Estimate 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. 1240. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant 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. 1240.

#### EXECUTIVE COMMUNICATIONS

The testimony provided by the Forest Service at the Subcommittee hearing follows:

STATEMENT OF ABIGAIL KIMBELL, ACTING ASSOCIATE DEPUTY CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today. I am

Abigail Kimbell, Acting Associate Deputy Chief for the National Forest System, USDA Forest Service. I am testifying today on S. 1240, a bill to provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, Utah.

The Department supports S. 1240 with a few minor technical corrections and would like to thank Senator Bennett for introducing this bill. S. 1240 will authorize the acquisition of land for much needed administrative and visitor facilities at the gateway to popular recreation destinations in American Fork Canyon, Utah.

S. 1240 provides for the acquisition of land through an equal value exchange in the State of Utah. Approximately 37 acres of private land near the mouth of American Fork Canyon would be acquired for the construction of administrative and visitor information facilities for the Uinta National forest and Timpanogos Cave National Monument. The bill identifies five national forest properties in the State of Utah, including bare land parcels and parcels with improvements, that would be exchanged for the 37-acre private land parcel.

The bill requires separate appraisals for each property and authorizes a cash equalization payment in excess of the amount limitation under current law. If cash equalization payments are made to the Secretary, S. 1240 allows the funds to be used to acquire administrative sites within the State of Utah and national forest system lands. S. 1240 also requires the Secretary of the Interior, upon availability of funds, to construct a visitor and administrative facility for the Uinta National Forest and Timpanogos Cave National Monument on the acquired privately owned land.

We would like to work with the Committee to address a few, minor technical concerns with the bill.

Mr. Chairman, we look forward to working with you and the other members of the Committee on this important issue. This concludes my testimony. I would be happy to answer any questions that you may have.

#### 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. 1240, as ordered reported.