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108TH CONGRESS, 2d Session | SENATE | REPORT 108–271

CRAIG RECREATION LAND PURCHASE ACT

MAY 20, 2004.—Ordered to be printed

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

R E P O R T

[To accompany S. 1778]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1778) to authorize a land conveyance between the United States and the City of Craig, Alaska, 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 "Craig Recreation Land Purchase Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the City of Craig, Alaska.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. CONVEYANCE TO SECRETARY OF AGRICULTURE.

(a) IN GENERAL.—If, not later than 180 days after the date on which the City receives a copy of the appraisal conducted under subsection (c), the City offers to convey to the Secretary all right, title, and interest of the City in and to the parcels of non-Federal land described in subsection (b), the Secretary, subject to the availability of appropriations, shall—

(1) accept the offer; and

(2) on conveyance of the land to the Secretary, pay to the City an amount equal to the appraised value of the land, as determined under subsection (c).

(b) DESCRIPTION OF LAND.—The non-Federal land referred to in subsection (a) consists of—

(1) the municipal land identified on the map entitled "Informational Map, Sunnahae Trail and Recreation Parcel and Craig Cannery Property" and dated August 2003;

(2) lots 1 and 1A, Block 11–A, as identified on the City of Craig Subdivision Plat, Craig Tideland Addition, Patent # 155 (Inst. 69–982, Ketchikan Recording

Office), dated April 21, 2004, consisting of approximately 22,353 square feet of land; and

(3) the portion of Beach Road eastward of a projected line between the southwest corner of lot 1, Block 11, USS 1430 and the northwest corner of lot 1, Block 11–A, as identified on the City of Craig Subdivision Plat, Craig Tideland Addition, Patent # 155 (Inst. 69–982, Ketchikan Recording Office), dated April 21, 2004, consisting of approximately 4,700 square feet of land.

(c) APPRAISALS.—

(1) IN GENERAL.—Before conveying the land under subsection (a), the Secretary shall—

(A) conduct an appraisal of the land, in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions;

(ii) the Uniform Standards of Professional Appraisal Practice; and

(iii) Forest Service Appraisal Directives; and

(B) submit to the City a copy of the appraisal.

(2) PAYMENT OF COSTS.—

(A) CITY.—The City shall pay the costs of appraising the land described in subsection (b)(1).

(B) SECRETARY.—The Secretary shall pay the costs of appraising the land described in paragraphs (2) and (3) of subsection (b).

(d) MANAGEMENT.—Any land acquired under subsection (a) shall be—

(1) included in the Tongass National Forest; and

(2) administered by the Secretary in accordance with the laws (including regulations) and forest plan applicable to the Tongass National Forest.

SEC. 4. ACQUISITION OF LAND BY THE CITY OF CRAIG.

The amount received by the City under section 3(a)(2) shall be used by the City to acquire the Craig cannery property, as depicted on the map entitled "Informational Map, Sunnahae Trail and Recreation Parcel and Craig Cannery Property" and dated August 2003.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) to the Forest Service for the reconstruction of the Sunnahae Trail, $250,000; and

(2) such sums as are necessary to carry out this Act.

PURPOSE OF THE MEASURE

The purpose of S. 1778 is to authorize a land conveyance between the United States and the City of Craig, Alaska.

BACKGROUND AND NEED

S. 1778 authorizes the Secretary of Agriculture to acquire approximately 350 acres of land from the City of Craig, Alaska for addition to the Tongass National Forest. It further authorizes the Secretary to pay to the City of Craig, subject to the availability of appropriated funds, the appraised value of the land, which the Committee believes will be around $2 million. The land in question is known as the "Sunnahae Trail and Recreation Parcel" and consists of a recreational trail, trailhead, and mountaintop property.

The will use the proceeds from the sale of the Sunnahae Trail and Recreation Parcel to acquire approximately 10 acres in downtown Craig, known as the "Craig Cannery Property" from the Wards Cove Packing Company. The plans to use the Cannery Property to expand its harbor and for commercial development.

The City of Craig is located on Prince of Wales Island in southeastern Alaska. The economy of Prince of Wales Island has suffered in recent years with the loss of jobs in the timber industry. Unemployment in the area has reached seasonal highs of between 19 and 25 percent in the past decade.

Enactment of S. 1778 will enable the U.S. Forest Service to acquire a recreational trail and two lots adjacent to their administra-

tive site in Craig and, at the same time, help the City of Craig acquire a valuable industrial site for commercial redevelopment. The entire transaction will be subject to Federal appraisal standards, will take place only on a willing-seller basis, and will be subject to the availability of appropriated funds. The Committee believes the transaction is in the public interest.

LEGISLATIVE HISTORY

S. 1778 was introduced by Senator Lisa Murkowski on October 23, 2003. Senator Stevens is a cosponsor. The Subcommittee on Public Lands and Forests held a hearing on March 10, 2004. At its business meeting on April 28, 2004, the Committee ordered S. 1778 favorably reported, with an amendment in the nature of a substitute.

In the 107th Congress, a similar measure (S. 3003) was introduced by Senators Frank Murkowski and Stevens on September 25, 2002, and was favorably reported by the Committee on October 8, 2002, without amendment. It was placed on the Senate Legislative Calendar, but no further action occurred in the 107th Congress.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on April 27, 2004, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 1778, if amended as described herein.

COMMITTEE AMENDMENT

The joint staff amendment in the nature of a substitute added lots currently owned by the City of Craig, Alaska, that the City of Craig will convey to the Tongass National Forest and clarifies which parties will pay for the surveys and appraisals of each parcel of land involved in the conveyance. Further, it makes technical corrections to map references.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the measure the "Craig Recreation Land Purchase Act".

Section 2 defines terms used in the bill.

Section 3 directs the Secretary of Agriculture to accept title and all rights to the Sunnahae Trail and Recreation Parcel if offered within 180 days after the date the City of Craig receives the appraisal conducted pursuant to section 3(c), and if appropriated funds are made available.

Subsection (c) directs the Secretary of Agriculture to conduct an appraisal of the Sunnahae Trail and Recreation Parcel that conforms with the Uniform Appraisal Standards for Federal Land Acquisitions, among other things.

Subsection (d) directs that lands received by the Secretary shall be included in the Tongass National Forest and managed in accordance with the laws, regulations, and forest plan applicable to the Tongass National Forest.

Section 4 requires the City of Craig to use the funds received for the Sunnahae Trail and Recreation Parcel to purchase the Craig Cannery property.

Section 5 authorizes appropriations, including $250,000 for the reconstruction of the Sunnahae Trail.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

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. 1778.

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. 1778.

EXECUTIVE COMMUNICATIONS

On March 10, 2004, the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth executive views on S. 1778. These reports had not been received at the time the report on S. 1778 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by (agency) at the Subcommittee hearing follows:

STATEMENT OF MARK REY, UNDER SECRETARY, NATURAL RESOURCES AND ENVIRONMENT, UNITED STATES DEPARTMENT OF AGRICULTURE

Mr. Chairman:

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S. 1778—Craig Recreation Land Purchase Act

The Department would have no objection to the enactment of S. 1778 if all the following concerns are addressed.

S. 1778 would require the Secretary of Agriculture to purchase, at appraised value, the "Sunnahae Trail and Recreation Parcel" described in Sec. 2, as an addition to the Tongass National Forest. The funds received by the City of Craig under S. 1778 would be used by the to purchase the "Wards Cove Property" described in Sec. 3, for local economic development.

We support the City of Craig's interest in economic development opportunities. The City of Craig is surrounded by ANCSA corporate land, and has a limited taxable land base. Craig anchors the nine smaller towns and villages on Prince of Wales Island, and the economic stability of Craig is critical to the economy of the island as a whole.

We do note that acquisition of the "Sunnahae Trail" parcel will present significant challenges for its administration as a component of the National Forest System. The parcel is small, isolated from other federal lands, and encumbered by outstanding mineral rights. We would like to work with the Committee and the City of Craig to investigate other options that address mutual interests. For example, the City of Craig holds beach lots adjacent to the Craig Ranger District compound, which might be more appropriate for sale to the United States.

The "Sunnahae Trail" parcel includes about 350 acres of trail, trailhead, and mountaintop property surrounded by private land. Much of the parcel is a narrow strip on either side of a trail in need of extensive reconstruction. Surrounding lands are owned by Shan Seet, an ANCSA Corporation, and have been extensively logged. The City of Craig owns only the surface estate; the subsurface estate is owned by Sealaska Corporation.

S. 1778 would directly authorize appropriation of $250,000 to the Forest Service for reconstruction of the Sunnahae Trail. Reconstruction of the trail would cost far more. Section 2 would require the Secretary to purchase the Sunnahae Trail parcel, at appraised value. Without a current appraisal, we do not know how much this would cost, but a total cost to the government of more than one million dollars is possible. This purchase and reconstruction would limit the flexibility of the Forest Service to address other priority needs throughout the full length of the trails under its administration. This flexibility is essential to protecting and enhancing the Nation's comprehensive interstate network of trails that provide a wide variety of experiences, resources, and services for all types of trail users.

We also note that proper reconstruction of the Sunnahae Trail to avoid steep slopes and minimize environmental impacts would follow a different alignment. The parcel to be conveyed under S. 1778 follows the existing alignment.

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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. 1778, as ordered reported.

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