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109TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 109–109

REMOVING CERTAIN RESTRICTIONS ON THE MAMMOTH COMMUNITY WATER DISTRICTS ABILITY TO USE CERTAIN PROPERTY ACQUIRED BY THAT DISTRICT FROM THE UNITED STATES

JUNE 8, 2005.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources, submitted the following

REPORT

[To accompany H.R. 853]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 853) to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 853 is to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 853 removes restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the U.S. Forest Service. Specifically, H.R. 853 would allow specified land conveyed to the District in Mono County, California, to be used for purposes other than the purposes for which the land was being used prior to the conveyance. The bill removes this impediment to the District's ability to use its property to meet its current and future needs and those of the nearby community.

In 1987, the District acquired 25 acres from the U.S. Forest Service under Public Law 90–171. The District occupied these lands under a special use permit for many years prior to the conveyance, using the lands for administrative offices and wastewater treatment operations. Under Public Law 90–171, the District acquired the lands with the condition that they be used only for the pur-

poses for which they were being used *prior* to the time of conveyance. Of the 25 acres acquired by the District, the District continues to use approximately 13 acres for its offices and wastewater treatment facilities. The other 12 acres were used for material storage, but are no longer needed for that purpose. Because of the conditions imposed by Public Law 90–171, the District is unable to utilize these 12 acres for other purposes needed by the District and the Mammoth Lakes community. The District has worked with the Forest Service to change the use of the 12 acres, but the Forest Service has informed the District that Congressional authorization is necessary to implement the change. The area in question is within the existing city limits and would not affect the outlying area. Prior to implementation, an environmental impact review would be conducted to ensure compliance with appropriate mandates.

COMMITTEE ACTION

H.R. 853 was introduced February 16, 2005, by Congressman Howard P. "Buck" McKeon R–CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On May 18, 2005, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

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 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:

H.R. 853—A bill to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that district from the United States

In 1987, the federal government conveyed 25 acres of land in California to the Mammoth Community Water District. Under the terms of that conveyance, if the district uses the land for some purpose other than treating wastewater or storing materials, ownership reverts to the federal government. H.R. 853 would authorize the Secretary to release the federal government's reversionary interest in the land to allow the district to use the land for other public purposes.

Based on information from the Department of the Interior, CBO estimates that allowing the proposed change in land use would not affect the federal budget. H.R. 853 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 bill would benefit the Mammoth Community Water District; any costs that it might incur in association with enactment would be incurred voluntarily.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

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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