

PARK CITY, UTAH, CONVEYANCES

APRIL 25, 2006.—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

R E P O R T

[To accompany H.R. 3462]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3462) to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, 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:

**SEC. 1. CONVEYANCE OF LAND BY THE BUREAU OF LAND MANAGEMENT TO PARK CITY, UTAH.**

(a) **LAND TRANSFER.**—Subject to the conditions set forth in subsections (b) and (c), and notwithstanding the planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall convey within 180 days of enactment of this Act, to Park City, Utah, all right, title, and interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and designated as parcel 8 (commonly known as the White Acre parcel) and parcel 16 (commonly known as the Gambel Oak parcel). The conveyance shall be subject to all valid existing rights.

(b) **DEED RESTRICTION.**—The conveyance of the lands under subsection (a) shall be made by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.

(c) **CONSIDERATION.**—In consideration for the transfer of the land under subsection (a), Park City shall pay to the Secretary of the Interior an amount consistent with conveyances to governmental entities for recreational purposes under the Act of

June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 689 et seq.).

**SEC. 2. SALE OF LANDS AT AUCTION.**

(a) **SALE OF LANE.**—Notwithstanding the planning provisions of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall, in accordance with that Act and other applicable law, and subject to valid existing rights, offer for sale within 180 days of enactment of this Act, any right, title or interest in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and are designated as parcels 17 and 18 in the Park City, Utah, area.

(b) **METHOD OF SALE.**—The sale of land under subsection (a) shall be consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) through a competitive bidding process and for not less than fair market value.

**SEC. 3. DISPOSITION OF LAND SALES PROCEEDS.**

(a) **IN GENERAL.**—All proceeds derived from the sale of the lands described in this Act shall be deposited in a special account in the treasury of the United States and shall be available without further appropriation to the Secretary of the Interior until expended for—

(1) the reimbursement of costs incurred by the Bureau of Land Management in implementing the provisions of this Act, including surveys, appraisals, and compliance with applicable Federal laws; and

(2) environmental restoration projects on Bureau of Land Management administered public lands within the Salt Lake City Field Office of the Bureau of Land Management.

(b) **INVESTMENT OF SPECIAL ACCOUNT.**—Any amounts deposited in the special account shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities, and may be expended according to the provisions of this section.

**PURPOSE OF THE BILL**

The purpose of H.R. 3462 is to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes.

**BACKGROUND AND NEED FOR LEGISLATION**

Park City, Utah currently holds a 25 year Recreation and Public Purposes Act lease on Bureau of Land Management (BLM) lands within the city limits. Consistent with Park City's long-term management plan for sensitive lands, the City has begun purchasing large blocks of environmentally-sensitive land and has placed those lands in conservation status. Park City recently approved a \$20 million bond for the purchase of such lands.

H.R. 3462 as ordered reported, authorizes the Secretary of the Interior, under the Recreation and Public Purposes Act, to convey to Park City, Utah, two parcels totaling 88.5 acres for recreational open space. Additionally, H.R. 3462 instructs the Secretary to sell at public auction one smaller parcel of land, which has already been marked for disposal by BLM. The proceeds of the sale of this land will be used to enhance existing BLM resources in the State of Utah.

H.R. 3462 enjoys wide support in the State of Utah from a variety of stakeholders, including Park City, Summit County, and local conservation and environmental organizations.

## COMMITTEE ACTION

H.R. 3462 was introduced on July 27, 2005, by Congressman Rob Bishop (R-UT). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On September 27, 2005, the Subcommittee held a hearing on the bill. On March 29, 2006, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. Congressman Greg Walden (R-OR) offered an amendment in the nature of a substitute to make minor technical modifications to the bill. It was adopted by unanimous consent. The bill as amended was then 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, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, the sale of the parcels authorized in this bill would generate offsetting receipts which could then be spent by the Secretary of the Interior without appropriation. The Congressional Budget Office concludes that because these proceeds would be spent soon after they are received, "any resulting change in direct spending would be insignificant in any year."

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. 3462—A bill to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes*

H.R. 3462 would direct the Secretary of the Interior to convey to the city of Park City, Utah, two parcels of federal land located in that state. The city would pay a negligible amount to the federal government to acquire those parcels. H.R. 3462 also would direct the Secretary to sell, at public auction, two other parcels of federal land in Utah. The Secretary could use, without further appropriation, proceeds from those sales to offset the cost of the proposed land transactions and to restore federal land in Utah.

Based on information from the Bureau of Land Management, CBO estimates that enacting H.R. 3462 would have no significant impact on the federal budget. The bill would not affect revenues. According to the agency, the affected federal parcels currently generate no significant receipts and are not expected to do so over the next 10 years; therefore, we estimate that conveying them would not result in forgone offsetting receipts (a credit against direct spending) from programs to develop natural resources. Based on information about the value of federal land to be auctioned, we estimate that offsetting receipts from sale proceeds could total more than \$500,000 in 2007. However, because we expect that those proceeds would be spent soon after they are received, we estimate that any resulting change in direct spending would be insignificant in any year.

H.R. 3462 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 legislation would benefit Park City, Utah. Any costs incurred by the city to comply with the conditions established by the bill would be incurred voluntarily.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Paul R. Cullinan, Chief, Human Resources Cost Estimates Unit for the Budget Analysis Division.

#### 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.