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LA PINE LAND CONVEYANCE ACT

AUGUST 30 (legislative day, AUGUST 2), 2011.—Ordered to be printed

Filed, under authority of the order of the Senate of August 2, 2011

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

R E P O R T

[To accompany S. 270]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 270) to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 2, line 18, insert before the period at the end the following: "for which the City or County has submitted to the Secretary a request for conveyance by the date that is not later than 1 year after the date of enactment of this Act".

PURPOSE

The purpose of S. 270 is to direct the Secretary of the Interior to convey three parcels totaling approximately 910 acres of land administered by the Bureau of Land Management to the city of La Pine and Deschutes County, Oregon.

BACKGROUND AND NEED

The city of La Pine in Deschutes County, Oregon, is an incorporated town located in the central part of the State and surrounded by Federally-owned land. The community has expressed interest in acquiring additional land to serve public purposes, and has identified through discussions with the Bureau of Land Management ("BLM") three parcels of Federal land that it would like to acquire for public use.

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The County would like to develop a 150-acre parcel that is adjacent to the city for use as a public rodeo grounds and a 750-acre parcel to expand the community wastewater treatment facility. The city would like to acquire a 10-acre parcel on which it has built a library, parking lot, and picnic area pursuant to a lease from the BLM.

S. 270 provides for the Secretary of the Interior ("Secretary") to convey the three parcels to the community, subject to valid existing rights and such terms and conditions that the Secretary may require. The legislation provides an abbreviated timeframe for resolving the community's ongoing lease and application under the Recreation and Public Purposes Act (43 U.S.C. 869 et seq.) by requiring the community to seek the conveyances within one year of the date of enactment of the bill and by directing the Secretary to convey the land as soon as practicable thereafter.

LEGISLATIVE HISTORY

S. 270 was introduced by Senators Wyden and Merkley on February 3, 2011. The Subcommittee on Public Lands and Forests held a hearing on the bill on May 18, 2011 (S. Hrg. 112–39). At its business meeting on July 14, 2011, the Committee on Energy and Natural Resources ordered S. 270 favorably reported with an amendment. The Committee reported a similar bill, S. 1140, in the 111th Congress (S. Rept. 111–139).

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 14, 2011, by a voice vote of a quorum present, recommends that the Senate pass S. 270, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 270, the Committee adopted an amendment that clarifies that the direction to the Secretary to convey the land identified in the bill is contingent on the city or county submitting a prior request for the conveyance.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title for the bill.

Section 2 defines key terms used in the legislation.

Section 3(a) directs the Secretary to convey to the city of La Pine or the county of Deschutes, Oregon, all right, title, and interest of the United States in and to each of the three parcels of land described in subsection (b) if the county (with regard to parcels A and B) or the city (with regard to parcel C) requests the conveyance within one year of the date of enactment of the bill. The conveyance would be for no consideration and would be subject to valid existing rights, including various rights-of-way across a number of the parcels.

Subsection (b) describes each of the three parcels of land to be conveyed.

Subsection (c) requires that the map identifying the lands to be conveyed shall be available for public inspection in the appropriate offices of the BLM.

Subsection (d) describes the allowed uses for each of the three parcels of land to be conveyed and authorizes the Secretary to include additional terms and conditions for the conveyance.

Subsection (e) requires the city or county to pay all of the survey and other administrative costs associated with the conveyances.

Subsection (f) states that if the conveyed land ceases to be used for the public purposes described in subsection (d), the land shall, at the discretion of the Secretary, revert to the United States.

COST AND BUDGETARY CONSIDERATIONS

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

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S. 270 would direct the Bureau of Land Management (BLM) to convey, without consideration, 910 acres of land in Oregon to certain local governments. Based on information provided by BLM, CBO estimates that implementing S. 270 would have no significant impact on discretionary spending. Enacting the bill would affect direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that any such effects would be negligible. Enacting the bill would not affect revenues.

Under S. 270, BLM would convey two parcels of land totalling 900 acres to Deschutes County and one parcel of 10 acres to the city of La Pine. The conveyed properties would be used for various public purposes, including recreation. Deschutes County would be responsible for administrative costs associated with conveying the land that it would receive.

Because some of the property to be conveyed under S. 270 has already been identified by BLM for potential sale, CBO estimates that enacting the bill would reduce offsetting receipts (a credit against direct spending). However, we expect that any such sale would be conducted under the Recreation and Public Purposes Act (RPPA), which allows state or local governments to receive federal property at less than fair market value. Therefore, we estimate that any loss of receipts that would result from donating the property to the county or the city (rather than selling it under the RPPA) would be less than $10,000. We further estimate that any discretionary costs of the conveyances would be negligible.

S. 270 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. The land conveyance authorized in the bill would benefit the city of La Pine and Deschutes County. Any costs to those entities would be incurred voluntarily.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, 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. 270.

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. 270, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 270, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Bureau of Land Management at the May 18, 2011, hearing on S. 270 follows.

STATEMENT OF MIKE POOL, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to testify on S. 270, the La Pine Land Conveyance Act. The bill proposes to convey to the city of La Pine and Deschutes County, Oregon, three parcels (consisting of 150 acres, 750 acres, and 10 acres). The BLM does not object to the conveyances in S. 270. We note that these conveyances are consistent with our existing authority under the Recreation and Public Purposes (R&PP) Act, so they could be accomplished administratively. We appreciate the improvements made to this legislation since last Congress, and would like the opportunity to continue to work with Senator Wyden and the Committee on S. 270.

BACKGROUND

La Pine is a rural community located in southern Deschutes County, Oregon. The BLM and the City of La Pine have a long history of working together and have completed several Recreation and Public Purposes (R&PP) Act conveyances, including the sites of the La Pine library and fire station. Since La Pine is surrounded by BLM-administered lands, community leaders have held ongoing discussions with the BLM concerning the city's need for additional land to serve other public purposes.

The R&PP Act authorizes the Secretary of the Interior to lease or convey public lands for recreational and public purposes, such as campgrounds, municipal buildings, hospitals, and other facilities benefitting the public. The La Pine Special Sewer District submitted an R&PP application to BLM's Prineville District Office in 2007, and an amended application in January 2009, for 750 acres of BLM-administered lands on the eastern edge of the La Pine city limits. The District has informed BLM that its intention is to use the lands to expand their current wastewater treatment facilities. The parcel is largely vacant, but does contain rights-of-way for a natural gas pipeline,

transmission line, and roads. This parcel of land is shown as "Parcel B" on the map prepared at the request of Senator Wyden, dated December 11, 2009. "Parcel C" on the map is currently leased under R&PP through 2020 and consists of a library, parking lot and picnic area.

Additionally, the City of La Pine has expressed an interest in developing a public rodeo grounds and equestrian center on a 150-acre parcel of BLM-administered lands adjacent to the southwest border of the city. This parcel is also largely vacant, but contains rights-of-way for a road and transmission lines. It also provides important habitat and a travel corridor for elk. This parcel of land is shown as "Parcel A" on the map prepared at the request of Senator Wyden, dated December 11, 2009.

S. 270

S. 270 proposes to convey, at no cost, to the city of La Pine and Deschutes County, Oregon, all right, title and interest of the United States to the three parcels (consisting of 150 acres, 750 acres, and 10 acres), detailed on the map prepared at the request of Senator Wyden, dated December 11, 2009. These conveyances would be subject to valid existing rights and are intended to address the city's and county's stated need for additional land to accommodate the expansion of its wastewater treatment facilities and provide land for a public library, rodeo grounds and equestrian center.

The bill requires that the three parcels of land be used only for purposes consistent with the R&PP Act and includes a reversionary clause to enforce that requirement. Finally, the bill requires the County to pay all administrative costs associated with the transfer.

As a matter of policy, the BLM supports working with local governments to resolve land tenure issues that advance worthwhile public policy objectives. In general, the BLM supports the proposed conveyances, as they are consistent with the existing R&PP authority. We would like to work with Senator Wyden and the Committee to further address concerns related to Parcel A, which serves as an important travel corridor and shelter area for elk along the Little Deschutes River, either through additional boundary modifications or through identification of alternative sites. To avoid constitutional concerns, the Department of Justice recommends that the bill be revised to make absolutely clear that the city or county would have to agree to the proposed conveyance, which is what we understand Congress intends. This change might be accomplished by adding "and subject to the city's or county's agreement" after "without reimbursement" in section 3(a) of the bill.

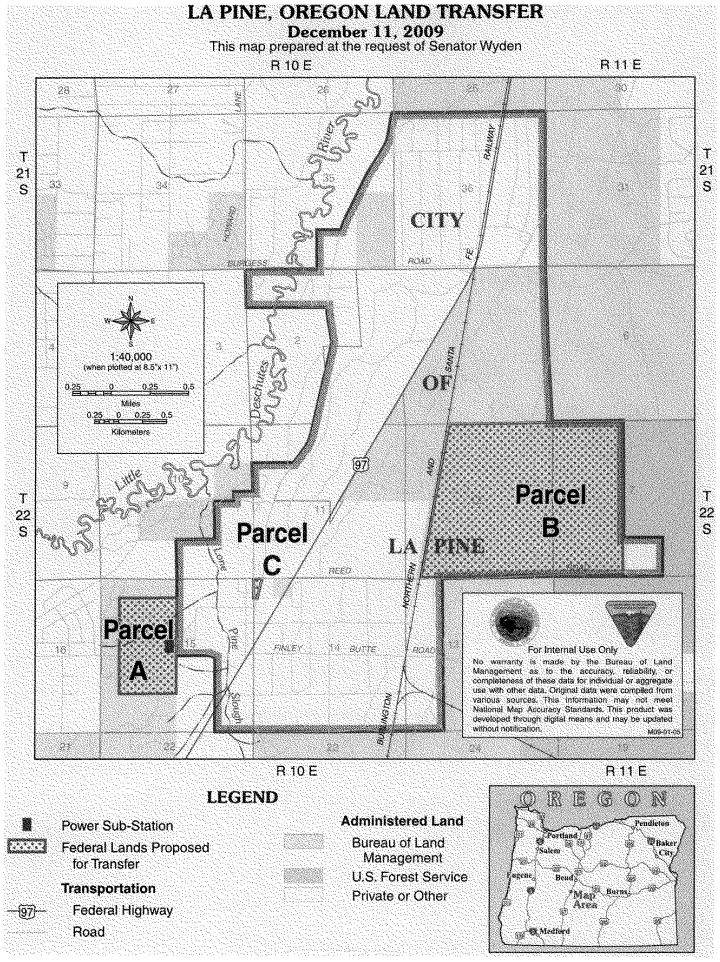
CONCLUSION

Thank you for the opportunity to testify. We look forward to working with Senator Wyden and the Committee to address the needs of La Pine, Oregon.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of the XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 270 as ordered reported.

APPENDIX


LA PINE, OREGON LAND TRANSFER
December 11, 2009
This map prepared at the request of Senator Wyden
R 10 E
R 11 E
T 21 S
T 22 S
CITY
OF
LA PINE
Parcel A
Parcel B
Parcel C
Deschutes
River
Little
Lone
Pine
Slough
97
1:40,000
(when plotted at 8.5"x 11")
Miles
Kilometers
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LEGEND
Power Sub-Station
Federal Lands Proposed for Transfer
Transportation
Federal Highway
Road
Administered Land
Bureau of Land Management
U.S. Forest Service
Private or Other
OREGON
Portland
Salem
Pendleton
Baker City
Eugene
Bend
Burns
Map Area
Medford

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