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SENATE

{ REPORT  
{ 109-306

### EUGENE LAND CONVEYANCE ACT

JULY 31, 2006.—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. 2150]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2150) to direct the Secretary of Interior to convey certain Bureau of Land Management land to the City of Eugene, Oregon, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, lines 4 and 5, strike “Not later than 60 days after the date of enactment of this Act” and insert “Except as provided in subsection (c)”.
2. On page 2, strike lines 14 through 25 and insert the following:
  - “(1) IN GENERAL.—The land referred to in subsection 9a) is the parcel of approximately 12 acres of land under the administrative jurisdiction of the Bureau of Land Management in Lane County, Oregon, as depicted on the map entitled “West Eugene Wetlands Land Transfer” and dated April 11, 2005.
  - “(2) SURVEY.—
    - “(A) IN GENERAL.—The legal description of the land described in paragraph (1) may be based on the survey of the land completed in 1979.”
3. On page 3, line 12, insert “, at the discretion of the Secretary,” before “revert”.

#### PURPOSE OF THE MEASURE

The purpose of S. 2150 is to direct the Secretary of the Interior to convey 12 acres of land administered by the Bureau of Land Management to the city of Eugene, Oregon.

## BACKGROUND AND NEED

S. 2150 authorizes the transfer of 12 acres from the Bureau of Land Management (BLM) to the city of Eugene for the purpose of constructing the West Eugene Environmental Education Center (WEEEC). The WEEEC is a planned campus that will eventually hold laboratories, greenhouses, a reference library, and public gathering places including an exhibit hall, auditorium, and three classrooms that will serve the 2,200 acre West Eugene Wetlands.

The WEEEC was established through the West Eugene Wetland Partnership. The Partnership is made up of the BLM, Eugene School Districts, Northwest Youth Corp, and the Willamette Resources and Educational Network.

The development of the education center will be the culmination of over a decade of work on the part of local residents to preserve the West Eugene Wetlands. The BLM has used \$12 million of LWCF land acquisition to purchase over 1,400 acres of wetlands for the purpose of consolidating the land base for the center.

The parcel to be conveyed under S. 2150 was acquired by the BLM in 1979 with Oregon and California Lands Act (O&C) appropriated funds. The BLM originally planned to build its Eugene District Office on the parcel, but because much of the site is occupied by wetlands, a different location was ultimately selected for the office. A parcel such as this would typically be conveyed under the authority of the Recreation and Public Purpose Act (R&PP) (43 USC 869 et seq.). However, because the parcel was purchased with O&C funds, the R&PP Act does not apply and legislation is necessary to transfer the property.

## LEGISLATIVE HISTORY

S. 2150 was introduced on December 20, 2005, by Senators Wyden and Smith. The Subcommittee on Public Lands and Forests held a hearing on S. 2150 on March 29, 2006. At the business meeting on May 24, 2006, the Committee on Energy and Natural Resources ordered S. 2150 favorably, reported with amendments.

## COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 24, 2006, by a unanimous voice vote of a quorum present recommends that the Senate pass S. 2150, if amended as described herein.

## COMMITTEE AMENDMENTS

During its consideration of S. 2150, the Committee adopted three amendments. Amendment No. 1 removes a time requirement to complete the conveyance. Amendment No. 2 corrects the map reference and establishes that an existing 1979 survey may serve as a basis for the legal description of the land to be conveyed. Amendment No. 3 provides discretion for the Secretary on imposing the reversionary clause.

## SECTION-BY-SECTION ANALYSIS

*Sections 1 and 2* provides the short title and defines key terms.

*Section 3(a)* directs the Secretary of the Interior to convey land to the city of Eugene, Oregon for the purposes of establishing a wildlife viewing area and an environmental education center.

Subsection (b) describes the land to be conveyed and specifies that an existing 1979 survey is adequate for the purposes of the conveyance.

Subsection (c) provides that the parcel shall revert back to the United States (at the discretion of the Secretary of the Interior) if it is not being used for the purpose specified in the bill.

Subsection (d) authorizes the Secretary of the Interior to include other additional terms and conditions as the Secretary determines to be appropriate to protect the interests of the United States.

#### COST AND BUDGETARY CONSIDERATIONS

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

##### *S. 2150—Eugene Land Conveyance Act*

S. 2150 would direct the Secretary of the Interior to convey certain property in Oregon to the city of Eugene. CBO estimates that enacting S. 2150 would have no significant impact on the federal budget and would not affect revenues or direct spending.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on budgets on state, local, or tribal governments. Enacting this legislation would benefit the city of Eugene.

Under S. 2150, the Bureau of Land Management (BLM) would convey to Eugene, Oregon, for no consideration, about 12 acres of land in Lane County. Based on information provided by BLM, we estimate that the administrative costs of completing the conveyance would not be significant. Also, the land to be conveyed under S. 2150 generates no offsetting receipts that would be forgone if the bill is enacted.

The CBO staff contact for this estimate is Deborah Reis. This estimate was 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. 2150. 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. 2150.

#### EXECUTIVE COMMUNICATIONS

The views of the Administration that were included in testimony provided by the Department of the Interior at the Subcommittee hearing follows:

STATEMENT OF LAWRENCE E. BENNA, DEPUTY DIRECTOR,  
BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE  
INTERIOR

Mr. Chairman, thank you for the opportunity to testify. The Bureau of Land Management (BLM) manages 261.8 million acres of surface land primarily in 12 western states. As the Nation's largest Federal land manager, the BLM administers the public lands for a wide range of multiple uses including energy production, outdoor recreation, livestock grazing, and by conserving natural, historical, cultural, and other resources. The Federal Land Policy and Management Act (FLPMA) directs the BLM to make decisions about the appropriate use of the public lands through the development of resource management plans using a collaborative public process.

FLPMA allows the BLM to convey lands out of public ownership if, for example, they have been identified for disposal through the BLM land use planning process in order to serve important public objectives, such as community expansion and economic development. In partnering with local communities across the West, we understand their needs and are supportive of efforts that ensure a balanced approach to local land use management. As a matter of both policy and practice, the BLM generally requires receipt of fair market value for any public lands transferred out of public ownership. This serves to ensure that taxpayers are fairly compensated for the removal of public lands from Federal ownership while also supporting local communities.

The various BLM-related bills before the Subcommittee today cover a wide range of Federal land issues, but at their core all are intended to support the needs of local communities. I will discuss each bill individually.

S. 2150. EUGENE LAND CONVEYANCE ACT

S. 2150, the Eugene Land Conveyance Act, directs the Secretary of the Interior to convey to the City of Eugene, Oregon, without consideration and subject to valid existing rights, a parcel of approximately 12 acres currently under the administrative jurisdiction of the BLM for the purposes of constructing an environmental education center and establishing a wildlife viewing area. The BLM supports the conveyance authorized by S. 2150; however, we have some concerns and would appreciate the opportunity to work with the sponsor and the Committee on minor technical amendments.

The parcel to be conveyed under S. 2150 is located within the city limits of Eugene, Oregon. The BLM purchased the parcel on September 21, 1979, with \$510,000 of Oregon and California Lands Act (O&C) appropriated funds. The BLM originally planned to build its Eugene District Office on the parcel; however, about half the site was determined to be occupied by wetlands, and the Eugene office was

built at another location. We have not had the site appraised since the original purchase.

If the parcel to be conveyed under S. 2150 were public domain land, the BLM could convey it under the authority of the Recreation and Public Purposes (R&PP) Act (43 U.S.C. 869 et seq.). However, because the BLM purchased the parcel with O&C funds, it is designated as “Revested O&C Railroad Grant Lands”, and the R&PP Act does not apply.

An old ranch house located on the parcel, known as the “Red House”, was converted for office use and currently hosts employees and volunteers associated with the West Eugene Wetlands (WEW) Partnership. The WEW Partnership includes the BLM, the City of Eugene, The Nature Conservancy, the U.S. Army Corps of Engineers, the Oregon Youth Conservation Corps, the U.S. Fish and Wildlife Service, the McKenzie River Trust, and the Willamette Resources and Educational Network (WREN). The WEW Partnership (primarily the City of Eugene and The Nature Conservancy) have worked to leverage Federal dollars to reach nearly \$4.5 million for acquisition and management of the wetlands.

In addition, the Eugene 4J School District and the Bethel School District joined with the WEW Partnership to form the WEW Education Center Partnership. This group is working to build the Wetlands Education Center on the parcel to be conveyed under S. 2150. The wetlands education program has secured funding from a wide variety of public and private sources, including the U.S. Department of Education, the City of Eugene, the Eugene 4J School District, the Environmental Protection Agency, the Oregon Watershed Enhancement Board, the Collins Foundation, and private donations. The Education Center will contain the Rachel Carson Center for Natural Resources (a 4J High School), the Northwest Youth Corps, laboratories and green houses, visiting classrooms and office space for WEW Partnership staff. In May 2002, voters in Eugene approved a school bond that included the first installment for construction of the Rachel Carson Center for Natural Resources.

The following are concerns we would like to address through technical amendments:

- *Survey*: The BLM has a survey from its purchase of the property in 1979 that is adequate to support the BLM’s issuing a Quit Claim Deed to the City of Eugene. If this meets the sponsor’s intentions, Section 3(b)(1) should be amended to state “12.36 acres,” and the “Survey” in section 3(b)(2) should refer to the existing survey from the 1979 acquisition.

- *Reversion*: We urge that Section 3(c) be amended to make reversion at the Secretary’s discretion.

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. 2150, as ordered reported.

