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MAMMOTH COMMUNITY WATER RESTRICTIONS ACT

JUNE 16, 2008.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 356]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 356) 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, reports favorably thereon with an amendment and recommends that the Act, 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. REMOVAL OF CERTAIN RESTRICTIONS ON PROPERTY.

Notwithstanding Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a), the approximately 36.25 acres patented to the Mammoth County Water District (now known as the "Mammoth Community Water District") by Patent No. 04-87-0038, on June 26, 1987, and recorded in volume 482, at page 516, of the official records of the Recorder's Office, Mono County, California, may be used for any public purpose.

PURPOSE

The purpose of H.R. 356 is to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by the District from the United States.

BACKGROUND AND NEED

In 1987, the Mammoth Community Water District acquired 36.25 acres from the Forest Service under the authority of Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a). By the terms of that Act, the District is restricted to using the conveyed land only for the purposes for which it was used prior to the

conveyance: In this case, for wastewater treatment facilities. The District has since upgraded its wastewater treatment facilities and no longer needs all of the land for that purpose.

The District has indicated that it may want to lease a portion of the land, following appropriate public review and in compliance with local, state, and Federal mandates. Several potential uses for the property have been presented to the District or otherwise considered by the community, including a mosquito abatement district laboratory, a storage facility for search and rescue vehicles and equipment, a transit storage/maintenance facility, a centralized propane storage facility, and similar uses.

The Act would permit the District to use the land not only for wastewater treatment, but also for other public purposes.

LEGISLATIVE HISTORY

H.R. 356 was introduced on January 9, 2007, and the House of Representatives passed the bill on a voice vote on February 6, 2007. A similar bill (H.R. 853) was reported by the Committee on Resources in the 109th Congress (H. Rept. 109–109) and passed the House of Representatives by a voice vote on December 13, 2005. Similar bills also were introduced in the 108th (H.R. 4580) and 107th (H.R. 5222) Congresses.

The Subcommittee on Public Lands and Forests held a hearing on H.R. 356 on May 3, 2007. At its business meeting on May 7, 2008, the Committee on Energy and Natural Resources ordered H.R. 356 favorably reported, with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on May 7, 2008, by voice vote of a quorum present, recommends that the Senate pass H.R. 356, if amended as described herein.

COMMITTEE AMENDMENT

The amendment recommended by the Committee corrects the acreage description and recording citation for the land at issue and restricts the District's use of the land to any public purpose.

SUMMARY OF H.R. 356

H.R. 356 authorizes the Mammoth Community Water District to use the 36.25 acres of land it acquired in 1987 from the Forest Service pursuant to the Sisk Act for any public purpose. Specifically, the Act lifts the restriction imposed by the Sisk Act that the land be used by the District only for the purposes for which it was being used prior to the conveyance and instead permits the land to be used for any public purpose, as determined by the Forest Service under Federal law.

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 356—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 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. 356 would authorize the Secretary of Agriculture 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 Agriculture, CBO estimates that allowing the proposed change in land use would not affect the federal budget.

H.R. 356 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 the Mammoth Community Water District and any costs would be incurred voluntarily.

The CBO staff contact for this estimate is Tyler Kruzich. This 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 H.R. 356.

The Act 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 H.R. 356.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 356 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 views of the Administration were included in testimony received by the Committee at a hearing on H.R. 356, on May 3, 2007 (as corrected pursuant to a request by letter from the Forest Service dated July 13, 2007).

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

Thank you for the opportunity to present our views on this bill, which would remove use restrictions included in the patent the Mammoth County [California] Water District received when it purchased approximately 36.25 acres of land from the U.S. Forest Service [Inyo National Forest]

in 1987. The lands were purchased at market value by the District for a community sewage treatment facility, which up to that time had been authorized under a Forest Service Special Use Permit. The District has since upgraded their sewage treatment system, and their aeration ponds are no longer necessary. The District wishes to convert these ponds to a more suitable community use that would be compatible with the adjacent sewage treatment facility, but the use restriction must first be lifted.

The Department supports the bill.

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 Act H.R. 356 as ordered reported.

