

SAND MOUNTAIN WILDERNESS
STUDY AREA, IDAHO LAND CON-
VEYANCE

Mr. SIMPSON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2818) to authorize the Secretary of the Interior to convey certain public land within the Sand Mountain Wilderness Study Area in the State of Idaho to resolve an occupancy encroachment dating back to 1971.

The Clerk read as follows:

H.R. 2818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, SAND MOUNTAIN WILDERNESS STUDY AREA, IDAHO.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the Secretary of the Interior may convey to the owner of the Sand Hills Resort in the State of Idaho (in this section referred to as the “Sand Hills Resort”), all right, title, and interest of the United States in and to a parcel of land consisting of approximately 10.23 acres of public land in the Sand Mountain Wilderness Study Area (#ID 35-3) of the Bureau of Land Management in the State of Idaho, as more fully described in subsection (b).

(b) DESCRIPTION OF LAND.—The public land to be conveyed under subsection (a) is lot 8 in section 19, township 8 north, range 40 east, Boise meridian, Idaho.

(c) CONSIDERATION.—As consideration for the conveyance of the land under subsection (a), the Sand Hills Resort shall pay to the Secretary an amount equal to the fair market value of the land, as valued by qualified land appraisal.

(d) EXEMPTION FROM INTERIM MANAGEMENT POLICY.—To facilitate the conveyance authorized by subsection (a), the land to be conveyed is exempt from all requirements of the Interim Management Policy for Lands Under Wilderness Review of the Bureau of Land Management.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. SIMPSON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2818 is a simple, straightforward bill that would convey approximately 10.23 acres of public land located within the Bureau of Land Management Sand Mountain Wilderness Study Area, located near St. Anthony in southeast Idaho, to the owner of the Sand Hills Resort. The Sand Hills Resort will pay fair market value for the land as valued by an appraisal.

In 1971, Mr. Williams, the current owner of the Sand Hills Resort, purchased the 5-acre resort and existing developments and over the ensuing 31

years has added numerous improvements to the property. The resort is a gateway to the St. Anthony Sand Dunes, a popular recreational area in southeast Idaho. Unfortunately, the 5-acre resort and a small strip of land containing roads, camping sites and power lines was inadvertently included in BLM’s Sand Mountain Wilderness Study Area boundary, which was established in 1981.

Mr. Williams successfully operated the resort until the early 1990s, when the BLM began to question the location of the resort and several facilities located on the resort. In 1995, a survey was initiated confirming that the majority of the resort’s facilities, including a portion of Mr. Williams’ house, were encroaching on public land. Since June of 1998, the resort has operated under a Special Land Use Permit, which temporarily authorizes Mr. Williams’ use of the public land in question and allows the BLM to collect a fair market rent.

In June of 1997, the BLM began working to sell Mr. Williams 10 acres of land in order to resolve the encroachment issue. In September of 1997, the BLM published A Notice of Intent to Prepare a Land Use Plan Amendment, the first step in the process that would have adjusted the boundary of the Sand Mountain Wilderness Study Area and allowed the BLM to sell approximately 10 acres to the Sand Hills Resort. Unfortunately, the local BLM office was not able to move forward with the plan amendment due to concerns that the proposed sale violated the BLM’s Interim Management Policy for Wilderness Study Area Management.

Until the encroachment issue is resolved, Mr. Williams cannot gain clear title to his property, preventing him from obtaining a loan against the property or making improvements to the property. Furthermore, this prevents Mr. Williams or his family from selling the resort, placing an undue financial hardship on Mr. Williams and his family.

H.R. 2818 is a win-win solution to this longstanding issue. The Resources Committee and the administration support it, and I urge my colleagues to support this bipartisan, common sense legislation.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I might consume.

The problem this bill is intended to address is the result of two different but related mistakes. The first mistake was to include this small parcel of private property within the boundaries of a Wilderness Study Area. The second was the encroachment onto Federal lands by the Sand Hills Resort. The Bureau of Land Management might have resolved the encroachment administratively had the area not been within a Wilderness Study Area. Thus, the two mistakes compounded each other.

Clearly, the sale of part of a WSA raises serious concerns. We would

strongly oppose any legislation authorizing such a sale to a landowner who had purposely trespassed on Federal land as a means of eventually acquiring property that might not otherwise have been available for disposal.

Unfortunately, determining precisely what this landowner knew or should have known and when he knew or should have known it would require an investigation of events that transpired more than 30 years ago. Further, it appears the property lines in this area of shifting sand dunes have only recently been established conclusively, and a certain amount of confusion is not surprising.

Therefore, allowing this landowner to purchase a small parcel for fair market value seems a reasonable solution to a difficult problem, and therefore we will not oppose H.R. 2818.

Madam Speaker, I have no further speakers on this bill, and I yield back the balance of my time.

Mr. SIMPSON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. SIMPSON) that the House suspend the rules and pass the bill, H.R. 2818.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

**CARIBBEAN NATIONAL FOREST
WILD AND SCENIC RIVERS ACT
OF 2002**

Mr. SIMPSON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3954) to designate certain waterways in the Caribbean National Forest in the Commonwealth of Puerto Rico as components of the National Wild and Scenic Rivers System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Caribbean National Forest Wild and Scenic Rivers Act of 2002”.

SEC. 2. WILD AND SCENIC RIVER DESIGNATIONS, CARIBBEAN NATIONAL FOREST, PUERTO RICO.

(a) FINDINGS.—*The Congress finds the following:*

(1) *In the revised land and resource management plan for the Caribbean National Forest/Luquillo Experimental Forest, approved April 17, 1997, and the environmental impact statement prepared as part of the plan, the Secretary of Agriculture examined the suitability of rivers within the Caribbean National Forest/Luquillo Experimental Forest for inclusion in the National Wild and Scenic Rivers System.*

(2) *Based on such examination, the Rio Icacos, Rio Mameyes, and Rio de La Mina were found to be free flowing waterways and to possess outstandingly remarkable scenic, recreational, geological, hydrological, biological, historical, and cultural values, and, therefore,*