

LAND CONVEYANCE, DEL NORTE COUNTY, CALIFORNIA

SEPTEMBER 4, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 2709]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2709) to provide for the conveyance of certain land to the Del Norte County Unified School District of Del Norte County, California, 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 out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. CONVEYANCE.

As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall convey to the Del Norte County Unified School District of Del Norte County, California, in accordance with this Act, all right, title, and interest of the United States in and to the property described in section 2.

SEC. 2. PROPERTY DESCRIPTION.

The property referred to in section 1 is that portion of Township 17 North, Range 2 East, Humboldt Meridian in Del Norte County, California, which is further described as follows:

Beginning at Angle Point No. 3 of Tract 41 as resurveyed by the Bureau of Land Management under survey Group No. 1013, approved August 13, 1990, and shown on the official plat thereof;

thence on the line between Angle Points No. 3 and No. 4 of Tract 41, North 89 degrees, 24 minutes, 20 seconds East, a distance of 345.44 feet to Angle Point No. 4 of Tract 41;

thence on the line between Angle Points No. 4 and No. 5 of Tract 41, South 00 degrees, 01 minutes, 20 seconds East, a distance of 517.15 feet;

thence West, a distance of 135.79 feet;

thence North 88 degrees, 23 minutes, 01 seconds West, a distance of 61.00 feet;

thence North 39 degrees, 58 minutes, 18 seconds West, a distance of 231.37 feet to the East line of Section 21, Township 17 North, Range 2 East;

thence along the East line of Section 21, North 00 degrees, 02 minutes, 20 seconds West, a distance of 334.53 feet to the point of beginning.

SEC. 3. CONSIDERATION.

The conveyance provided for in section 1 shall be without consideration except as required by this Act.

SEC. 4. CONDITIONS OF CONVEYANCE.

The conveyance provided for in section 1 shall be subject to the following conditions:

(1) Del Norte County shall be provided, for no consideration, an easement for County Road No. 318 which crosses the Northeast corner of the property conveyed.

(2) The Pacific Power and Light Company shall be provided, for no consideration, an easement for utility equipment as necessary to maintain the level of service provided by the utility equipment on the property as of the date of the conveyance.

(3) The United States shall be provided, for no consideration, an easement to provide access to the United States property that is south of the property conveyed.

SEC. 5. LIMITATIONS ON CONVEYANCE.

The conveyance authorized by section 1 is subject to the following limitations:

(1) ENCUMBRANCES.—Such conveyance shall be subject to all encumbrances on the land existing as of the date of enactment of this Act.

(2) RE-ENTRY RIGHT.—The United States shall retain a right of re-entry in the land described for conveyance in section 2. If the Secretary determines that the conveyed property is not being used for public educational or related recreational purposes, the United States shall have a right to re-renter the property conveyed therein without consideration.

SEC. 6. ADDITIONAL TERMS AND CONDITIONS.

The conveyance provided for in section 1 shall be subject to such additional terms and conditions as the Secretary of Agriculture and the Del Norte County Unified School District agree are necessary to protect the interests of the United States.

PURPOSE OF THE BILL

The purpose of H.R. 2709 is to provide for the conveyance of certain land to the Del Norte County Unified School District of Del Norte County, California.

BACKGROUND AND NEED FOR LEGISLATION

The Gasquet Mountain School is located on 4.32 acres of national forest land in Del Norte County, California. H.R. 2709 would transfer ownership of the land to the Del Norte County Unified School District.

Gasquet is a small rural community located in the middle of national forest and national park lands in Northwest California. The school district has leased the land in question for \$900 per year for a school since 1961. While technically part of the Six Rivers National Forest, the parcel is actually in a town setting and would otherwise be unused by the Forest Service.

Because the school district does not own title to the land, it has been unable to qualify for funding to upgrade or add to the school. There is no indoor facility for children in inclement weather. In addition, Gasquet is over 20 miles from the nearest community facility available for social or recreational purposes. If the transfer is approved, the school would build a multipurpose room to be used as a cafeteria, gymnasium and meeting room.

In a July 31, 1995, letter, the Supervisor of the Six Rivers National Forest noted that the Forest Service would have no objection to the proposed method for conveying the site to the school district

“due to its close proximity to the town of Gasquet, long range need, location outside the [Smith River] National Recreation Area, over-all development of the site, and the difficulty of the Forest Service to manage the site for other National Forest purposes.”

COMMITTEE ACTION

H.R. 2709 was introduced on December 5, 1995, by Congressman Frank Riggs (R-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Forests and Lands. On June 6, 1996, the Subcommittee held a hearing on H.R. 2709, where the Administration testified in support of the objectives of the bill but requested amendments to address several concerns. On June 27, 1996, the Subcommittee met to mark up H.R. 2709. An amendment in the nature of a substitute to reserve for the Federal Government all mineral rights in the land, and to subject the conveyance to a reversionary interest if the land ceases to be used for public education or recreational purposes, was offered by Congressman James V. Hansen (R-UT) and adopted by voice vote. The bill was then ordered favorably reported to the Full Committee. On July 17, 1996, the Full Resources Committee met to consider H.R. 2709. An amendment, requested by the Forest Service, to delete the Federal Governments retention of mineral rights and to change the retention of a reversionary interest to a right of re-entry, was offered by Congressman Hansen and adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote in the presence of a quorum.

SECTION-BY-SECTION ANALYSIS

Section 1. Conveyance

This section directs the Secretary of Agriculture to convey the lands described in Section 2 to the Del Norte County Unified School District as soon as possible after the date of enactment of this Act.

Section 2. Property description

This section describes the location of properties to be conveyed from the Six Rivers National Forest to the Del Norte County Unified School District.

Section 3. Consideration

This section provides that the lands shall be conveyed to the school district without consideration except as required by the Act.

Section 4. Conditions of conveyance

This section describes the conditions for conveyance, including: (1) an easement for a road provided to Del Norte County; (2) an easement for utility equipment to the Pacific Power and Light Company; and (3) an easement to provide the Federal Government access to lands south of the property conveyed.

Section 5. Limitations on conveyance

This section makes the conveyance subject to certain limitations, including all encumbrances existing as of the date of enactment of the Act, and retention of a re-entry right in the land to be held by the Federal Government if the land ceases to be used for public educational or recreational purposes.

Section 6. Additional terms and conditions

This section provides for such additional terms and conditions as the Secretary of Agriculture and the Del Norte County Unified School District agree are necessary to protect the interests of the Federal Government.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 2709 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) 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 H.R. 2709. However, clause 7(d) 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 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 2709 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. The bill would decrease receipts to the federal Government by less than \$5,000 per year.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2709.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI 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 H.R. 2709 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 29, 1996.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2709, a bill to provide for the conveyance of certain land to Del Norte County Unified School District of Del Norte County, California, as ordered reported by the House Committee on Resources on July 17, 1996. Enacting the bill would affect direct spending; therefore, pay-as-you-go procedures would apply. However, we estimate that any change in direct spending would be insignificant.

H.R. 2709 would authorize and direct the Secretary of Agriculture to transfer about 4 acres of federally owned land in the Six Rivers National Forest to the Del Norte County Unified School District. The school district currently leases the land and has a school located on it. Based on information from the Forest Service, CBO estimates this exchange would cause the federal government to lose receipts from fees for the current lease totaling less than \$1,500 a year. The federal government would not receive any compensation for the land. We estimate that enacting this bill would have no significant effect on direct spending by the Forest Service.

H.R. 2709 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4) and would impose no costs on state, local, or tribal governments. The school district would not be required to provide any compensation for this conveyance and any costs that the district might subsequently incur to improve the property would be incurred voluntarily.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Victoria Heid and Jonathan Womer (for federal costs), and Marjorie Miller (for the state and local impact).

Sincerely,

JUNE E. O'NEIL, *Director.*

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 2709 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 2709 would make no changes in existing law.