

TRANSFER OF PROPERTY IN WHITE RIVER NATIONAL
FOREST

MAY 7, 1998.—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

together with

DISSENTING VIEWS

[To accompany H.R. 2416]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2416) to provide for the transfer of certain rights and property to the United States Forest Service in exchange for a payment to the occupant of such property, and for other purposes, 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. AUTHORITY FOR SETTLEMENT.

(a) SETTLEMENT.—If the Rocky Mountain Conference of the United Church of Christ agrees to vacate the approximately 6.3 acre property located in the Dillon Ranger District of the White River National Forest in Summit County, Colorado, as described in subsection (b), and all buildings on such property and to surrender any permit to use such property, buildings, and associated water rights and to transfer to the United States all right, title, and interest of the United Church of Christ to such property, buildings and water rights, the Secretary of Agriculture, acting through the Chief of the United States Forest Service, shall pay the Rocky Mountain Conference of the United Church of Christ an amount equal to the sum of—

(1) the appraised fair market value of the water rights decreed in Case No. W-1319 by the District Court, Water Division No. 5, State of Colorado; and

(2) the appraised fair market value of the two residential structures constructed by the United Church of Christ on such property.

The appraisal of such water rights and of such structures shall be made by an independent appraiser selected by the Chief of the United States Forest Service. The costs of such appraisal shall be divided between the Church and the United States Forest Service, with each party paying 50 percent.

(b) DESCRIPTION OF LAND.—The property referred to in subsection (a) is a tract of land being a portion of Government lot 3, Section 31, Township 5 South, Range 77 West of the 6th principal meridian, Summit County, Colorado, beginning at a point on the east line of said Government lot 3; whence the northeast corner of said lot bears N 00 degrees 06 minutes 30 seconds E 280.00 feet distant. Said point being a Denver water board brass cap; thence south 00 degrees 06 minutes 30 seconds W a distance of 500.00 feet; thence N 89 degrees 53 minutes 30 seconds W a distance of 590.00 feet; thence N 00 degrees 06 minutes 30 seconds E a distance of 440.00 feet; thence S 89 degrees 53 minutes 30 seconds E a distance of 290.00 feet; thence N 00 degrees 06 minutes 30 seconds E a distance of 60.00 feet; thence S 89 degrees 53 minutes 30 seconds E a distance of 300.00 feet to the point of beginning. Containing 277,600 sq. ft. or 6.3 acres, together with a 25.00 foot wide easement for an existing well and water line serving the above referenced tract. Said well being located south 56 degrees 15 seconds W 126.00 feet distant from the SW corner of said tract.

(c) EXCHANGE.—The Secretary is authorized to convey the lands described in subsection (b) to the United Church of Christ by exchange.

(d) SEWAGE TREATMENT.—As a condition of the transfer under subsection (a), the permittee shall be required to bring all sewage treatment facilities associated with the property described in subsection (b) into compliance with all Federal, State, and local standards.

(e) FOREST PLAN.—The Secretary of Agriculture is authorized to make such modifications in the management plan for the White River National Forest as may be necessary to reflect the enactment of this Act.

PURPOSE OF THE BILL

The purpose of H.R. 2416 is to provide for the transfer of certain rights and property to the United States Forest Service in exchange for a payment to the occupant of such property.

BACKGROUND AND NEED FOR LEGISLATION

The Rocky Mountain Conference of the United Church of Christ operates the La Foret Camp and Retreat Center on approximately 6.3 acres of land within the Dillon Ranger District of the White River National Forest in Summit County, Colorado. Operating under a special use permit from the U.S. Forest Service, the Church has developed and operated the retreat center since 1968.

The United Church of Christ owns two buildings and related improvements on the camp site and holds adjudicated water rights. The existing sewer system needs improvements to meet current standards of the Colorado Department of Health. The previous special use permit, issued in 1968, expired in 1993. The Forest Service has issued a temporary one-year permit to the Church to provide time for necessary reconstruction and repair of the sewer system. After the system is repaired, the Forest Service has stated it is willing to issue a new ten-year term permit for camp activities, at the expiration of which the Church would be required to remove all improvements from the land.

The United Church of Christ would prefer to acquire the land by exchange or vacate the property and sell its rights and improvements for fair market value to the Forest Service. H.R. 2416 authorizes the Secretary of Agriculture to pay the Rocky Mountain Conference of the United Church of Christ the appraised fair market value of the water rights, and the replacement value of the two residential structures, based on an appraisal of the water rights

and structures by an independent appraiser selected by the Chief of the Forest Service, upon agreement by the Rocky Mountain Conference of the United Church of Christ to vacate the property. Alternatively, it authorizes the Secretary to convey the lands to the United Church of Christ by land exchange.

COMMITTEE ACTION

H.R. 2416 was introduced on September 5, 1997, by Congressman Joel Hefley (R-CO). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On October 28, 1997, the Subcommittee held a hearing on H.R. 2416, where Sandra Key, Associate Deputy Chief, Programs and Legislation, USDA Forest Service, testified on behalf of the Administration in opposition to the bill. The Administration objected to the acquisition of facilities that fail to meet State and local health and safety standards and that cannot be utilized without considerable investment. After the hearing, the District Ranger renewed the Church's special use permit for the site, requiring reconstruction of the sewage facilities. Once the work is completed, the Forest Service indicated it would issue a nonrenewable ten-year permit for continued use of the property by the Church.

On November 4, 1997, the Subcommittee met to mark up H.R. 2416. No amendments were offered and the bill was ordered favorably reported to the Full Committee by voice vote. On March 11, 1998, the Full Resources Committee met to consider H.R. 2416. Mr. Hefley offered an amendment in the nature of a substitute to provide that, if the property acquisition option is exercised, the Rocky Mountain Conference of the United Church of Christ shall pay one-half of the cost of the appraisal of the property. In addition, the amendment added a requirement that the Church must bring all sewage treatment facilities into compliance with all Federal, State and local standards, and it provided that the Secretary of Agriculture is authorized to make any modifications to the White River National Forest management plan that may be necessary to reflect enactment of the Act. The amendment was adopted by voice vote. The bill was then ordered favorably reported, as amended, to the House of Representatives by voice vote.

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.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact H.R. 2416.

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. 2416. 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. 2416 does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of H.R. 2416 could increase direct spending by the Forest Service if the Church vacates the land, but this would have no significant effect on the Federal budget.

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. 2416.

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. 2416 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 26, 1998.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives,
Washington, DC, March 26, 1998.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2416, a bill to provide for the transfer of certain rights and property to the United States Forest Service in exchange for payment to the occupant of such property, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria V. Heid.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

H.R. 2416—A bill to provide for the transfer of certain rights and property to the United States Forest Service in exchange for a payment to the occupant of such property, and for other purposes

H.R. 2416 would direct the Secretary of Agriculture, acting through the Forest Service, to pay the Rocky Mountain Conference of the United Church of Christ (RMC) the fair market value for certain water rights and residential structures if the RMC agrees to vacate about six acres of federal land (described in the bill) in the White river National Forest in Colorado. The bill would direct the RMC and the Forest Service to split the appraisal costs. Alternatively, H.R. 2416 would authorize the Secretary to convey the six acres of federal land to the RMC through an exchange.

CBO estimates that implementing the bill would have no significant impact on the federal budget. If the RMC vacates the land, H.R. 2416 would increase direct spending by the Forest Service in fiscal year 1999, and thus pay-as-you-go procedures would apply. But we estimate that the increase in direct spending would total less than \$500,000.

H.R. 2416 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Victoria V. Heid. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 2416 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 2416 would make no changes in existing law.

DISSENTING VIEWS

We oppose this legislation because it sets a bad precedent by allowing a special use permittee of national forest lands to avoid, at taxpayer expense, its legal obligations. As the Forest Service testified at the October 28, 1997 hearing on H.R. 2416:

The Administration objects to this bill as an unnecessary expenditure of tax dollars to acquire a site that fails to meet state and local health and safety standards and that cannot be utilized without substantial investment. There are thousands of special use authorizations issued to non-profit organizations throughout the National Forest System. Each of these permittees agreed to certain terms and conditions, among them the removal of improvements, after the termination of the permit and conformity with state and local health and safety codes.

To afford this permittee relief from the obligations to which it voluntarily agreed would establish a precedent for other such users to the overall detriment of the management of public lands. It is unfair that the public should bear these substantial costs of removal of improvements or, in the alternative, complying with state and local health and safety codes. The public should not be required to assume liability for the improvements to the site allowed under special use authority when the permittee constructed the improvements knowing they had responsibility for maintenance of the facilities or removal upon termination of the permit.

The substitute adopted at full committee seeks to address the Administration's concerns by requiring, as a condition of an exchange, that the permittee upgrade sewage treatment facilities to conform with health standards. But that was already required under the special use permit. Moreover, the substitute fails to address the fundamental problems that the special use permittee also agreed to remove improvements from these lands. For Congress to intervene, as H.R. 2416 provides, to use tax dollars or federal assets to bail out one special use permittee is fundamentally unfair to other permit holders who live up to their obligations.

GEORGE MILLER.
MAURICE HINCHEY.
BRUCE VENTO.

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