

LAND CONVEYANCE, FARAWAY RANCH, MENDOCINO
NATIONAL FOREST, CALIFORNIA

OCTOBER 2, 2003.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 708]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 708) to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for national forest purposes, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 708 is to require the conveyance of certain National Forest System lands in the Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for national forest purposes, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Faraway Ranch is a tract of several hundred acres of private land in Lake County, California surrounded by Mendocino National Forest lands. The original ranch was settled and patented as private land in 1884, prior to the establishment of the national forest. Various dwellings, roads, fences and other improvements were constructed on the ranch over the years.

An updated survey in the area in the 1990s revealed substantial errors in the official historical survey and unintentional encroachments of both old and newer ranch structures onto neighboring national forest lands. The new, corrected survey to which the current

ranch owner, Forest Service, and Bureau of Land Management have agreed, places the boundary line between the ranch and national forest lands through some existing structures, including the ranch dwelling house.

The corrected property boundary lines are in an untenable location for the ranch owner as well as the public use and management of the adjacent national forest lands. This bill adjusts the property boundaries to eliminate the encroachments and provide a buffer around the ranch dwelling area. A buffer will enhance safety and privacy in terms of public hunting, camping, and motorized vehicle use on national forest lands in the area, particularly in relation to fire risk and discharge of firearms. Besides eliminating the encroachments, more logical boundary corners and lines will simplify and reduce the expense of administration of the area for the Forest Service.

The bill provides for prompt transfer of the 120 acres of specified adjacent national forest lands to the current ranch owner, in exchange for a payment equal to the fair market value of these lands according to federal appraisal standards. The ranch owner will pay the direct costs of the transfer, including the title work, survey, and appraisal. The payments made will be deposited in the U.S. Treasury fund established by Public Law 90–171, known as the Sisk Act. These funds are designated in H.R. 708 for the use by the Forest Service to purchase non-federal lands adjacent to other national forest lands in California that the agency has determined are a priority to acquire, and to reimburse agency costs.

COMMITTEE ACTION

H.R. 708 was introduced on February 11, 2003, by Congressman Mike Thompson (D–CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On June 19, 2003, the Subcommittee held a hearing on the bill. On September 24, 2003, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII 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 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) 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 this bill. However, clause 3(d)(3)(B) 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 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease tax expenditures. According to the Congressional Budget Office, proceeds from the sale of the land will generate less than \$200,000 in 2004 and the Forest Service would spend those proceeds over the 2004–2005 time period. CBO concludes that the “net change in direct spending in those years would be negligible.”

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII 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 this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 25, 2003.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 708, a bill to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, and for other purposes.

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

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 708—A bill to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, and for other purposes

CBO estimates that H.R. 708 would not significantly affect the federal budget. The bill would affect direct spending (including offsetting receipts), but we estimate that any such effects would be negligible. H.R. 708 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

H.R. 708 would direct the Secretary of Agriculture to convey to a private landowner about 120 acres of federal lands within the Mendocino National Forest in California. The private landowner

would pay fair market value for those lands. The bill would authorize the Secretary to use proceeds from the conveyance to cover certain administrative costs and to acquire other lands and interests in California.

According to the Forest Service, the lands to be sold currently generate no significant receipts and are not expected to do so over the next 10 years. Based on information from the agency, CBO estimates that proceeds from the proposed sale would total up to \$200,000 in 2004 and that the agency would spend those proceeds over the 2004–2005 period. Hence, we estimate that, under H.R. 708, the net change in direct spending in those years would be negligible.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

