

BOUNDARY ADJUSTMENT AND LAND CONVEYANCES,
ROOSEVELT NATIONAL FOREST, COLORADO

JULY 29, 2008.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3299]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3299) to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land, 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 all after the enacting clause and insert the following:

SECTION 1. BOUNDARY ADJUSTMENT AND LAND CONVEYANCES, ROOSEVELT NATIONAL FOREST, COLORADO.

(a) **BOUNDARY ADJUSTMENT.**—The boundaries of Roosevelt National Forest, Colorado, are hereby modified to exclude from the national forest a parcel of real property consisting of approximately 7 acres within the Crystal Lakes Subdivision as depicted on the map entitled “Crystal Lakes Encroachment, HR 3299” and dated July 15, 2008.

(b) **CONVEYANCE OF LAND REMOVED FROM NATIONAL FOREST.**—The Secretary of Agriculture shall use the authority provided by Public Law 97-465 (commonly known as the Small Tracts Act; 16 U.S.C. 521c-521i) to convey all right, title, and interest of the United States in and to the real property excluded from the boundaries of Roosevelt National Forest under subsection (a) to the landowners whose real property adjoins the excluded land and who, as of the date of the enactment of this Act, occupy the excluded land.

(c) **CONSIDERATION.**—The conveyances required by subsection (b) shall be made without consideration.

(d) **DESCRIPTION OF REAL PROPERTY.**—The exact acreage and legal description of the land excluded from the boundaries of Roosevelt National Forest under sub-

section (a) and conveyed under subsection (b) shall be determined by a survey satisfactory to the Secretary.

PURPOSE OF THE BILL

The purpose of H.R. 3299 is to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3299 responds to an ongoing boundary dispute between the USDA Forest Service (FS) and private land owners with property adjacent to the Roosevelt National Forest in Colorado. The private land is part of the “Crystal Lakes subdivision,” and the original boundaries were determined by a private survey in 1975.

In 2003, the FS was working with Crystal Lakes residents on fuel reduction programs to mitigate damage from wildfires. As part of that process, the FS was required to survey the land to ensure no trees were being cleared on privately owned land. The Bureau of Land Management (BLM) conducted the survey for the FS and found that the 1975 private survey was inaccurate and did not correctly locate the original boundary. The BLM survey thus concluded that seven acres of the Crystal Lakes subdivision were actually located on national forest land.

In 2006, the FS notified the Crystal Lakes’ residents that the boundary was inaccurate and that they were encroaching on federal land. The FS further informed the residents that if they wished to continue to occupy the land, they would need to purchase it from the federal government under the authority of the Small Tracts Act (16 U.S.C. 521c–521i). However, the Crystal Lakes residents claim that they relied on the 1975 survey boundary when they purchased and developed their property—some as far back as the 1970’s—and so they contend they should not have to pay to buy the land back.

The seven acres in dispute include 20 parcels of varying sizes; of those, only four would be impacted substantially by the boundary relocation. In most cases, the landowners’ property encroaches on the forest land by one-tenth of an acre and involves only minor improvements to the land, such as fences, which can be easily moved. However, two parcels have homes situated completely on the encroachment, one house is situated partially on the encroachment, and one parcel has out-buildings on the encroachment.

H.R. 3299 modifies the boundary to exclude from the National Forest the seven acres of property included in the Crystal Lakes subdivision. The bill would then convey all right, title, and interest of the United States in and to the seven acres to affected Crystal Lake landowners under the authority of the Small Tracts Act. However, this bill would waive the fair market value provision of the Small Tracts Act, and thus the land would be conveyed without consideration.

COMMITTEE ACTION

H.R. 3299 was introduced on August 1, 2007 by Representative Marilyn Musgrave (R-CO). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee National Parks, Forests, and Public Lands. At a Na-

tional Parks, Forests and Public Lands Subcommittee Legislative hearing on July 10, 2008, the Forest Service testified against the bill because it waives the Small Tracts Act requirement of paying fair market value for the encroached upon national forest land proposed for conveyance.

On July 16, 2008, the Subcommittee was discharged from further consideration of H.R. 3299 and the Full Natural Resources Committee met to consider the bill. Subcommittee Ranking Member Rob Bishop (R-UT) offered an amendment in the nature of a substitute that included technical changes to the bill. The amendment was agreed to by unanimous consent. The bill was then ordered favorably reported, as amended, to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Boundary Adjustment and Land Conveyances, Roosevelt National Forest, Colorado

Subsection (a) directs that the boundaries of the Roosevelt National Forest be modified to exclude a parcel of real property consisting of approximately 7 acres within the Crystal Lakes Subdivision and depicted on the map entitled: "Crystal Lakes Encroachment, H.R. 3299" and dated July 15, 2008.

Subsection (b) directs that the Secretary of Agriculture shall use the authority provided by the Small Tracts Act (16 U.S.C. 521c-521i) to convey all right, title, and interest of the United States in and to the real property excluded under subsection (a), to the landowners whose real property adjoins the excluded land, and who, as of the date of enactment of this Act, occupy the excluded land.

Subsection (c) provides that the conveyances under subsection (b) shall be made without consideration.

Subsection (d) provides that the exact acreage and legal description of the land excluded from the boundaries of Roosevelt National Forest under subsection (a), and conveyed under subsection (b), shall be determined by a survey satisfactory to the Secretary.

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 Natural 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, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land.

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:

H.R. 3299—A bill to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately seven acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land

H.R. 3299 would require the Secretary of Agriculture to adjust the boundary of the Roosevelt National Forest to convey approximately seven acres of Forest Service land to private property owners adjacent to the forest. The land would be conveyed for no consideration. Based on information from the Forest Service, CBO expects that implementing the legislation would cost less than \$500,000.

According to the Forest Service, the agency plans to sell the seven acres of land to the private landholders adjacent to the forest. Under current law, funds received from that sale (classified as offsetting receipts) would revert to the general fund of the Treasury, where they could not be spent without an appropriation. Conveying the land for no consideration would result in a loss of those offsetting receipts, thereby increasing net direct spending by an estimated \$200,000.

H.R. 3299 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.

The CBO staff contact for this estimate is Tyler Kruzich. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 3299 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

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.

