

Committee Reports

104th Congress; 2nd Session

House Report 104-654 Part 1

104 H. Rpt. 654; Prt. 1

BOUNDARY ADJUSTMENT: DEVILS BACKBONE WILDERNESS

DATE: June 27, 1996. Ordered to be printed

SPONSOR: Mr. Roberts submitted the following Report

COMMITTEE: from the Committee on Agriculture

(To accompany H.R. 3464)

(Including cost estimate of the Congressional Budget Office)

TEXT:

The Committee on Agriculture, to whom was referred the bill (H.R. 3464) to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements, 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. BOUNDARY ADJUSTMENT, DEVILS BACKBONE WILDERNESS, MARK TWAIN NATIONAL FOREST, MISSOURI.

The boundary of the Devils Backbone Wilderness established by section 201(d) of Public Law 96-560 (16 U.S.C. 1132 note) in the Mark Twain National Forest, Missouri, is hereby modified to exclude from the area encompassed by the Devils Backbone Wilderness a parcel of real property consisting of approximately two acres in Ozark County, Missouri, and containing a garage, well, mailbox, driveway, and other improvements, as depicted on a map entitled "Devils Backbone Wilderness Boundary Modification", dated June 1996. The map shall be retained with other Forest Service maps and legal descriptions regarding the Devils Backbone Wilderness and shall be made available for public inspection as provided in section 202 of Public Law 96-560 (94 Stat. 3274).

brief explanation

H.R. 3464 provides for a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest in Ozark County, Missouri to exclude approximately two acres in real property to which improvements have been made.

purpose and need

H.R. 3464 is intended to provide relief to a private party who made improvements to the two acres in real property relying upon an incorrect survey. The improvements include a water well, mailbox, driveway, and garage. It is estimated that relevant property boundaries have been incorrectly described in surveys for the last 100 years. By excluding the two acres from the Devils Backbone Wilderness, the bill would permit the invocation of the Small Tracts Act of 1983, P.L. 97-465, (16 U.S.C. 521c et. seq.) which, in turn, would allow for a land exchange or other appropriate remedy.

section-by-section

Section 1 requires the Secretary to adjust the exterior boundary of the Devils Backbone Wilderness area in the Mark Twain National Forest in Ozark County, Missouri to exclude approximately two acres of land upon which improvements have been made.

committee consideration

The Subcommittee on Resource Conservation, Research, and Forestry held a public hearing on May 30, 1996 in regards to H.R. 3464 and other legislation. Following the hearing, the Subcommittee met, pursuant to notice and with a quorum being present, to consider H.R. 3464 and other pending business. An amendment to H.R. 3464 was offered by Chairman Allard to correct an error in the description of the land involved and such amendment was agreed to by a voice vote. H.R. 3464 was reported to the full Committee by a voice vote with a recommendation that it do pass.

The Committee on Agriculture met, pursuant to notice and with a quorum present, on June 19, 1996 to consider H.R. 3464, as amended in Subcommittee, and other pending business. Chairman Roberts recognized Mr. Allard, Chairman of the Subcommittee, for an explanation of H.R. 3464 and other pending legislation.

After an explanation of the bill and brief discussion, Mr. Allard moved that the bill be favorably reported to the House. Mr. Allards motion was agreed to by a voice vote of the Committee.

The Committee then proceeded to other items of business.

reporting the bill rollcall votes

In compliance with clause 2(l)(2) of rule XI of the House of Representatives, the bill was reported, as amended, with quorum actually present by a voice vote. There was no motion or request for a recorded vote.

administration position

At the May 30, 1996 hearing of the Subcommittee, the Department of Agriculture recommended enactment of H.R. 3464 if amended to exclude approximately two acres in Ozark County, Missouri by statute to modify the exterior boundary of the Devils Backbone Wilderness. Such amendment was offered by Chairman Allard in Subcommittee and approved by a voice vote.

budget act compliance (section 308 and section 403)

The provisions of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority, new spending authority, or new credit authority, or increased or decreased revenues or tax expenditures) are not considered applicable. The estimate and comparison required to be prepared by the Director of the Congressional Budget Office under clause 2(l)(C)(3) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974 submitted to the Committee prior to the filing of this report are as follows:

U.S. Congress,
Congressional Budget Office,
Washington, DC, June 27, 1996.
Hon. Pat Roberts,
Chairman, Committee on Agriculture,
House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 3464, a bill to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements. The bill was ordered reported by the House Committee on Agriculture on June 19, 1996.

H.R. 3464 would reduce the area of the Devils Backbone Wilderness within the Mark Twain National Forest by excluding about two acres of wilderness now occupied by a private party. Enacting H.R. 3464 could affect direct spending by increasing offsetting receipts because the

Forest Service would be likely to sell the property to the private party under the Small Tracts Act (16 U.S.C. 521d) once the property is removed from wilderness designation. Therefore, pay-as-you-go procedures would apply to the bill. However, CBO estimates that any such increase in receipts would total less than \$10,000. Adjusting the boundaries of the wilderness area might involve minor administrative costs, but we estimate that any such changes to discretionary spending would be negligible.

H.R. 3464 contains no intergovernmental or private-sector mandates as defined in Public Law 104-4 and would impose no direct costs on state, local, or tribal governments.

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

Sincerely,
James L. Blum
(For June E. O'Neill, Director).

inflationary impact statement

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that enactment of H.R. 3464, as amended, will have no inflationary impact on the national economy.

oversight statement

No summary of oversight findings and recommendations made by the Committee on Government Reform and Oversight under clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives was available to the Committee with reference to the subject matter specifically addressed by H.R. 3464, as amended.

No specific oversight activities other than the hearings detailed in this report were conducted by the Committee within the definition of clause 2((b)(1) of rule X of the Rules of the House of Representatives.

House of Representatives,
Committee on Resources,
Washington, DC, 27 June 1996.
Hon. Pat Roberts,
Chairman, Committee on Agriculture,
Washington, DC.

Dear Mr. Chairman: I understand that the Committee on Agriculture has completed consideration of H.R. 3464, to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements. This bill was primarily referred to the Committee on Agriculture and secondarily to the Committee on Resources.

Knowing of your interest in expediting this legislation on behalf of its author, Congressman Hancock, I would be pleased to waive any remaining referral of the bill to the Committee on Resources. I do so with the understanding that this waiver does not waive any future jurisdictional claim over this or similar measure. In addition, in the unlikely event the bill goes to conference with the Senate, I ask that the Committee on Resources be represented in that conference.

Once again, I appreciate the extensive and continuing consultation between our committees on matters of shared jurisdiction and look forward to enactment of this bill.

Sincerely,
Don Young, Chairman.