

Committee Reports

105th Congress; 1st Session

House Rpt. 105-112

105 H. Rpt. 112

RAGGEDS WILDERNESS, COLORADO, BOUNDARY ADJUSTMENT

DATE: June 3, 1997. Ordered to be printed

SPONSOR: Mr. Young of Alaska submitted the following Report

COMMITTEE: from the Committee on Resources

(To accompany H.R. 1019)
(Including cost estimate of the Congressional Budget Office)

TEXT:

The Committee on Resources, to whom was referred the bill (H.R. 1019) to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys, 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. 1019 is to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys.

BACKGROUND AND NEED FOR LEGISLATION

In 1993, following a boundary survey, an encroachment into the Raggeds Wilderness Area was discovered in the White River National Forest, just west of the Town of Marble. The encroachment consists of approximately 400 feet of power line and 450 feet of road. In addition, portions of four subdivision lots extend into the Wilderness. The road is a county road and provides the sole legal access to the four lots. The entire encroachment is less than one acre of land.

Portions of Section 28, Township 11 South, Range 88 West became private land through the homesteading process in the late 1800s. In 1959, the area was surveyed and subdivided as the Crystal Meadows Subdivision, lots were sold, roads constructed and utilities installed. Landowners in the area have used the roads and built homes since 1959. In 1982, Public Law 96-560 created the Raggeds Wilderness. In 1988, the Bureau of Land Management, acting under the request of U.S. Forest Service, surveyed Section 28. In 1993, the Forest Service posted and marked the federal boundary. During the posting process, the Forest Service identified the encroachment in an area where the private/federal property line is coincident with the boundary

of the Raggeds Wilderness.

The Bureau of Land Management/Forest Service surveys found that the original survey of the Crystal Meadows subdivision in 1959 was erroneous. Although less than one acre is affected, the Forest Service cannot settle the matter under the authority of the Small Tracts Act because the lands in question are within the Raggeds Wilderness. The wilderness boundary may only be modified by an act of Congress. Generally, H.R. 1019 follows the guidelines established by the Small Tracts Act (Public Law 97-465).

H.R. 1019 is identical to H.R. 2438, which passed the House of Representatives by voice vote in the 104th Congress. However, the legislation was not acted upon in the Senate.

COMMITTEE ACTION

H.R. 1019 was introduced on March 11, 1997, by Congressman Scott McInnis (R-CO). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On May 6, 1997, the Subcommittee held a hearing on H.R. 1019, where the Administration testified in support of H.R. 1019. On May 8, 1997, the Subcommittee met to mark up H.R. 1019. The bill was ordered favorably reported to the Full Committee without amendment. On May 21, 1997, the Full Resources Committee met to consider H.R. 1019. The bill was ordered favorably reported to the House of Representatives without amendment by voice vote.

SECTION-BY-SECTION ANALYSIS

H.R. 1019 adjusts the boundary of the Raggeds Wilderness and directs the Secretary of Agriculture to convey the affected property to the private landowners under the authority of Small Tracts Act (16 U.S.C. 521c-521i).

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(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. 1019.

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. 1019. 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(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, H.R. 1019 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. Enactment of H.R. 1019 would increase revenues to the United States by less than \$5,000.

2. With respect to the requirement of clause 2(l)(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. 1019.

3. With respect to the requirement of clause 2(l)(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. 1019 from the Director of the Congressional Budget Office.

Congressional Budget Office cost estimate
U.S. Congress,
Congressional Budget Office,
Washington, DC, May 27, 1997.
Hon. Don Young,
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. 1019, a bill to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys.

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. 1019 A bill to provide for a boundary adjustment and land conveyance involving the

Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys

CBO estimates that enacting H.R. 1019 would have no significant impact on the federal budget. The bill would adjust the boundaries of the Raggeds Wilderness Area in Colorado to exclude about one acre of land on which roads and other improvements were inadvertently constructed. Enacting this bill would allow the Secretary of Agriculture to sell the property under the Small Tracts Act. Based on information from the Forest Service, CBO estimates that enacting H.R. 1019 could increase offsetting receipts as a result of the sale, but that the increase would total less than \$5,000. This amount would be considered the proceeds of an asset sale.

Enacting the bill would not affect direct spending or receipts, except to the extent that it results in receipts from an asset sale. Under the Balanced Budget Act, proceeds from asset sales are not counted in determining compliance with pay-as-you-go requirements. Hence, pay-as-you-go procedures would not apply to the bill.

H.R. 1019 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 and would have no 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. 1019 contains no unfunded mandates.

changes in existing law

If enacted, H.R. 1019 would make no changes in existing law.