

BOUNDARY ADJUSTMENT: RAGGEDS WILDERNESS, WHITE
RIVER NATIONAL FOREST, COLORADO

SEPTEMBER 4, 1996.—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

R E P O R T

[To accompany H.R. 2438]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2438) to provide for the conveyance of lands to certain individuals in Gunnison County, Colorado, 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. BOUNDARY ADJUSTMENT AND LAND CONVEYANCE, RAGGEDS WILDERNESS, WHITE RIVER NATIONAL FOREST, COLORADO.

(a) FINDINGS.—The Congress finds the following:

(1) Certain landowners in Gunnison County, Colorado, who own real property adjacent to the portion of the Raggeds Wilderness in the White River National Forest, Colorado, have occupied or improved their property in good faith and in reliance on erroneous surveys of their properties that the landowners reasonably believed were accurate.

(2) In 1993, a Forest Service resurvey of the Raggeds Wilderness established accurate boundaries between the wilderness area and adjacent private lands.

(3) The resurvey indicated that a small portion of the Raggeds Wilderness is occupied by adjacent landowners on the basis of the earlier erroneous land surveys.

(b) PURPOSE.—It is the purpose of this section to remove from the boundaries of the Raggeds Wilderness certain real property so as to permit the Secretary of Agriculture to use the authority of Public Law 97-465 (commonly known as the Small Tracts Act; 16 U.S.C. 521c-521i) to convey the property to the landowners who occupied the property on the basis of erroneous land surveys.

(c) BOUNDARY ADJUSTMENT.—The boundary of the Raggeds Wilderness, Gunnison and White River National Forests, Colorado, as designated by section 102(a)(16) of Public Law 96-560 (16 U.S.C. 1132 note), is hereby modified to exclude from the area encompassed by the wilderness a parcel of real property approximately 0.86-

acres in size situated in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 28, Township 11 South, Range 88 West of the 6th Principal Meridian, as depicted on the map entitled "Encroachment-Raggeds Wilderness", dated November 17, 1993. Such map shall be on file and available for inspection in the appropriate offices of the United States Forest Service, Department of Agriculture.

(d) CONVEYANCE OF LAND REMOVED FROM WILDERNESS AREA.—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 the Raggeds Wilderness under subsection (c) to those owners of real property in Gunnison County, Colorado, whose real property adjoins the excluded lands and who have occupied the excluded lands in good faith reliance on an erroneous survey.

PURPOSE OF THE BILL

The purpose of H.R. 2438 is to provide for the conveyance of lands to certain individuals in Gunnison County, Colorado.

BACKGROUND AND NEED FOR LEGISLATION

In 1993, following a new boundary survey, the White River National Forest discovered an encroachment into the Raggeds Wilderness Area, just west of the Town of Marble, Colorado. 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 1 acre of land.

Portions of Section 28, Township 11 South, Range 88 West, 6th P.M. 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 surveyed Section 28 at the request of the White River National Forest. In 1993, the Forest Service posted and marked the Federal boundary and discovered 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 survey found that the original 1959 survey of the Crystal Meadows Subdivision was done in error. Although only one acre is affected, the Forest Service cannot settle the matter under 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. H.R. 2438 provides the necessary authority, following the guidelines established by the Small Tracts Act. H.R. 2438 as introduced would adjust the wilderness boundary and, notwithstanding any other provision of law, convey the lands within the area of encroachment to the affected private parties.

COMMITTEE ACTION

H.R. 2438 was introduced on September 29, 1995, by Congressman Scott McInnis (R-CO). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Forests and Lands. On June 6, 1996, the Sub-

committee held a hearing on H.R. 2438, where the Administration supported enactment of legislation resolving the issue but objected to the legislation as introduced. On June 27, 1996, the Subcommittee met to mark up H.R. 2438. An amendment in the nature of a substitute to address some of the Administration's concerns was offered by Congressman James V. Hansen (R-UT) and adopted by voice vote. The amendment 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 the Small Tracts Act (Public Law 97-465). The bill was then ordered favorably reported to the Full Committee. On July 17, 1996, the Full Resources Committee met to consider H.R. 2438. A technical amendment to revise the wording of the provision regarding the Small Tracts Act, requested by the Administration, was offered by Congressman James V. Hansen (R-UT), and adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote in the presence of a quorum.

SECTION-BY-SECTION ANALYSIS

Section 1. Boundary adjustment and land conveyance, Raggeds Wilderness, White River National Forest, Colorado

This section 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 the Small Tracts Act (Public Law 97-465).

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.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 2438 will have no significant inflationary impact on prices and costs in the operation of the national economy.

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. 2438. 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. 2438 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. Enactment of H.R. 2438 could increase receipts to the Federal Government by less than \$5000.

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. 2438.

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. 2438 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 23, 1996.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2438, a bill to provide for the conveyance of lands to certain individuals in Gunnison County, Colorado, and for other purposes, as ordered reported by the House Committee on Resources on July 17, 1996. We estimate that enacting H.R. 2438 would have no significant impact on the federal budget. 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. 2438 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. 2438 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.

H.R. 2438 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4) and would have no impact on the budgets of state, local, or tribal governments.

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.*

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 2438 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 2438 would make no changes in existing law.

