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SENATE

{ REPORT
104-189

CUPRUM TOWNSITE RELIEF ACT OF 1995

DECEMBER 19, 1995.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1196]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1196) to transfer certain National Forest System lands adjacent to the Townsite of Cuprum, Idaho, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 1196, as ordered reported, is to resolve boundary issues caused by the incorrect description of the original boundaries granting the land. This legislation will correct the boundary description and establish the boundary at the location that has been relied upon since the turn of this century.

BACKGROUND AND NEED

In 1909, President William Taft accepted payment and granted a tract of land contained within the townsite of Cuprum, Idaho, to the occupants. Cuprum was a mining community and remains a community to this day. The quarter corner locating the community was established in 1891. A private survey of the town was done in 1899 for the purpose of providing a basis for a townsite patent. A townsite patent was issued in 1909 that was based on the private survey. A recent Federal survey of the area has discovered inconsistencies between the description contained in the patent and the updated survey. This has called into question the boundaries of several lots within the townsite which, according to the updated extend into the National Forest System lands adjacent to the town-

site. S. 1196 would restore the original boundaries that were contained in the original private survey.

LEGISLATIVE HISTORY

S. 1196 was introduced by Senator Craig on August 11, 1995. The Subcommittee on Forests and Public Land Management held a hearing on November 7, 1995.

At the business meeting on November 30, 1995, the Committee on Energy and Natural Resources ordered S. 1196 favorably reported without amendment.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on November 30, 1995, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 1196 without amendment.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 14, 1995.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has revised S. 1196, the Cuprum Townsite Relief Act of 1995, as ordered reported by the Senate Committee on Energy and Natural Resources on November 30, 1995. CBO estimates that enacting S. 1196 would have no significant impact on the federal budget or on the budgets of state or local governments. Enacting the bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 1196 would transfer about seven acres of land in Payette National Forest to Cuprum Townsite and amend the 1909 Cuprum Townsite patent to include that land. Information from the Forest Service indicates that the land currently generates no offsetting receipts. Therefore, CBO estimates that enacting the bill would not affect direct spending.

Because the total number of acres of federal land in Idaho would decrease, the bill also could affect payments in lieu of taxes, which are discretionary costs based in part on the number of federally owned acres in a county. The change in such payments, however, would not be significant.

If you wish further details on this estimate, we will be pleased to provide them. The staff contact is Victoria V. Heid, and, for state and local impacts, Marjorie Miller.

Sincerely,

JUNE E. O'NEILL, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1196. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1196 as ordered reported.

EXECUTIVE COMMUNICATIONS

On December 11, 1995, the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth executive views on S. 1196. These reports had not been received at the time the report on S. 1196 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony of the Forest Service as submitted at the Committee hearing on this measure follows:

STATEMENT OF GRAY F. REYNOLDS, DEPUTY CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, thank you for the opportunity to offer the Administration's views on S. 590, a bill "For the relief of Matt Clawson;" S. 1371, "The Snowbasin Land Exchange Act of 1995;" and S. 1196, a bill "To transfer certain national forest system lands adjacent to the townsite of Cuprum, Idaho." I am accompanied today by Gordon Small, the Director of Lands.

* * * * *

S. 1196, a bill "To transfer certain National Forest System lands adjacent to the townsite of Cuprum, Idaho"

S. 1196 would transfer less than 7 acres of land from the Payette National Forest in Adams County, Idaho, to Cuprum Townsite for no consideration. It would also amend the townsite patent to include these lands. The bill further provides that the Forest Service complete the survey and posting of the forest property lines and it contains language to release the Federal Government from liability under the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

The Administration would normally object to the transfer of these lands without consideration. However, given the particular circumstances of this case, including the history of these surveys, the historical reliance on the original metes and bounds survey, and the number of acres involved, we would not object to S. 1196.

In 1899, the citizens of Cuprum, Idaho, commissioned E. S. Hesse to conduct a survey describing those lands occupied by their community. The purpose of this survey was to provide a basis for their application for townsite patent.

In 1909, the Cuprum Townsite patent (Number 52817) was granted, based on an aliquot parts description which was intended to circumscribe the Hesse survey.

Since the date of patent, the Hesse survey has been used continuously by the community of Cuprum and by Adams County, Idaho, as the official Townsite Plat and basis for conveyance of title within the townsite.

Recent Federal boundary surveys discovered inconsistencies between the official aliquot parts description of the patented Cuprum Townsite and the Hesse survey. Many lots along the south and east boundaries of the townsite are now known to extend onto National Forest System lands outside the townsite. In order to alleviate these unknowing encroachments and because these circumstances developed through dependence on an erroneous survey and in good faith, the Administration would not object to S. 1196.

Mr. Chairman, that concludes my statement. I would be happy to answer any questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1196 as reported.

