AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

108TH CONGRESS, 2d Session } HOUSE OF REPRESENTATIVES { REPORT 108–647

RANCHO EL CAJON BOUNDARY RECONCILIATION ACT

SEPTEMBER 7, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources, submitted the following

R E P O R T

[To accompany H.R. 3954]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3954) to authorize the Secretary of the Interior to resolve boundary discrepancies in San Diego County, California, arising from an erroneous survey conducted by a Government contractor in 1881 that resulted in overlapping boundaries for certain lands, 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 all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rancho El Cajon Boundary Reconciliation Act".

SEC. 2. RESOLUTION OF BOUNDARY DISCREPANCIES, SAN DIEGO COUNTY, CALIFORNIA.

(a) RESOLUTION OF BOUNDARY DISCREPANCIES.—The Secretary of the Interior shall provide compensation to any landowner whose title to land in lots 1 and 2 of section 9, township 15 south, range 1 east, San Bernardino Meridian, in San Diego County, California, is based on an erroneous survey conducted by a Government contractor in 1881 and is rendered void because that title is inferior to the title to the same land established by a survey of the Rancho El Cajon conducted in 1872 and approved by the Commissioner of the General Land Office in 1876.

(b) FORMS OF COMPENSATION.—Compensation under subsection (a) shall be mutually agreed upon by the Secretary and the landowner and shall consist of—

(1) public lands in San Diego or Imperial Counties, California, selected jointly by the Secretary and the landowner and conveyed by the Secretary to the landowner;

(2) a cash payment to the landowner; or

(3) a combination of a conveyance under paragraph (1) and a cash payment under paragraph (2).

(c) EQUAL VALUE.—Compensation provided under subsection (a) for a parcel of land whose title was rendered void, as described in such subsection, may not exceed

the fair market value of the land, as determined by an appraisal satisfactory to the Secretary and the landowner.

(d) SOURCE OF FUNDS.—The Secretary may make payments under subsection (a) using funds available to the Secretary to equalize land exchanges under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(e) PUBLIC LANDS DEFINED.—In this section, the term "public lands" has the meaning given the term in section 103(e) of the Federal Land Policy and Management Act of 1976 (7 U.S.C. 1702(e)).

PURPOSE OF THE BILL

The purpose of H.R. 3954 is to authorize the Secretary of the Interior to resolve boundary discrepancies in San Diego County, California, arising from an erroneous survey conducted by a Government contractor in 1881 that resulted in overlapping boundaries for certain lands, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

In 1848, the California Territory received a 48,000 acre land grant known as the Rancho El Cajon from Mexico. Following the 1848 Treaty of Guadalupe Hidalgo and the Act of March 3, 1851, which established a process for confirming Mexican land grant titles, the Board of Land Commissioners confirmed the validity of the Mexican land grant for Rancho El Cajon in November 1854. The original northern Rancho El Cajon boundary was depicted on the official plat of survey in May 1859. In 1881, portions of this Rancho boundary were retraced, subdivisional lines were surveyed, and an official plat of survey was approved. In 1945, the State of California selected Lots 1 and 2 of Section 9 of the Rancho El Cajon as Indemnity School Land Selections. Then, in 1962 the State sold these lots to a private individual and Mr. Frederick Gruner. Thus, Mr. Gruner's title to Lots 1 and 2 of Section 9 trace back to the State of California, which selected these lands from among those made available by the United States based on the 1881 federal survey. Over the subsequent years, conflicts arose over the actual location of this Rancho boundary as these two surveys were apparently different in their results.

To resolve this long standing conflict, the Bureau of Land Management (BLM) Cadastral Staff in 1998 initiated a dependent resurvey of a portion of the Rancho El Cajon boundary to identify the federal interest lands in several sections within the survey area. The results of the survey determined that several lots, specifically Lots 1 and 2 of Section 9, did overlap into the Rancho El Cajon northern boundary. For many years, local landowners and professional land surveyors have known that discrepancies exist between the 1859 and 1881 surveys of this Rancho boundary.

Following the resurvey, the County of San Diego removed Lots 1 and 2 from its taxable property rolls. Since that time, Mr. Gruner and others have been seeking redress from the federal government. However, according to the BLM, it does not have the means, through regulation or otherwise, to resolve ownership issues between or among private landowners, including the ability to reimburse the property owners. H.R. 3954 would begin the process to compensate Mr. Gruner and possible others for the loss of their property.

COMMITTEE ACTION

H.R. 3954 was introduced on March 11, 2004, by Congressman Duncan Hunter (R–CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On June 15, 2004, the Subcommittee held a hearing on the bill. On July 8, 2004, the Subcommittee met to mark up the bill. Congressman George Radanovich (R–CA) offered an amendment in the nature of a substitute that struck the Bureau of Land Management study from the bill and provided compensation to those landowners affected by the erroneous survey. The amendment was adopted by unanimous consent. The bill as amended was forwarded to the Full Resources Committee by unanimous consent. On July 14, 2004, the Full Resources Committee met to consider the bill. No further amendments were offered and the bill as amended was ordered favorably reported to the House of Representatives by unanimous consent.

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 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 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. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

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. 3954—Rancho El Cajon Boundary Reconciliation Act

CBO estimates that implementing H.R. 3954 would not significantly affect the federal budget. The bill would not affect direct spending or revenue. H.R. 3954 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.

H.R. 3954 would direct the Secretary of the Interior to compensate private landowners whose title to certain land in San Diego County, California, is rendered void because of an erroneous federal survey conducted in 1881. Based on information from the Bureau of Land Management about the estimated value of the affected land, CBO estimates that the agency would pay between $200,000 and $500,000 in 2005 to compensate those individuals, assuming the availability of appropriated funds.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

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 to existing law.

○