

LAND CONVEYANCE, FARAWAY RANCH, MENDOCINO
NATIONAL FOREST, CALIFORNIA

SEPTEMBER 24, 2002.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 5032]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 5032) to authorize the Secretary of Agriculture to convey certain National Forest System lands in the Mendocino National Forest, California, to authorize the use of the proceeds from such conveyances for National Forest purposes, 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. LAND CONVEYANCE, FARAWAY RANCH, MENDOCINO NATIONAL FOREST, CALIFORNIA.

(a) **CONVEYANCE REQUIRED.**—Subject to subsection (b), the Secretary of Agriculture shall convey to the owner of the property known as the Faraway Ranch in Lake County, California (in this section referred to as the “recipient”), by quitclaim deed, all right, title, and interest of the United States in and to the following National Forest System lands in Mendocino National Forest in Lake County, California:

(1) “Faraway Ranch, Tract 39” (approximately 15.8 acres) consisting of a portion of lot 6 of section 4, township 18 north, range 10 west, Mount Diablo base and meridian, as generally depicted on the map entitled “Faraway Ranch, Tracts 39 and 40” and dated June 30, 2002.

(2) “Faraway Ranch, Tract 40” (approximately 105.1 acres) consisting of a portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ and lot 7 of section 4, and a portion of lots 15 and 16 of section 5, township 18 north, range 10 west, Mount Diablo base and meridian, as generally depicted on the map entitled “Faraway Ranch, Tracts 39 and 40” and dated June 30, 2002.

(b) **TIME FOR CONVEYANCE.**—The Secretary shall make the conveyance under subsection (a) not later than 120 days after the date on which the recipient deposits sufficient funds with the Bureau of Land Management, California State Office, Branch of Geographic Services, to cover survey work costs and with the Forest Serv-

ice, Mendocino National Forest, to cover Forest Service direct transaction costs described in subsection (e).

(c) CORRECTIONS.—With the agreement of the recipient, the Secretary may make minor corrections to the legal descriptions and map of the lands to be conveyed pursuant to this Act.

(d) CONSIDERATION.—As consideration for the conveyance under subsection (a), the recipient shall pay to the Secretary an amount equal to the fair market value of the National Forest System lands conveyed under such subsection. The fair market value of such lands shall be determined by an appraisal that is acceptable to the Secretary and conforms with the Federal appraisal standards, as defined in the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

(e) PAYMENT OF COSTS.—All direct transaction costs associated with the conveyance under section (a), including the costs of appraisal, title, and survey work, shall be paid by the recipient.

(f) USE OF PROCEEDS.—

(1) DEPOSIT.—The Secretary shall deposit the amounts received by the Secretary as consideration under subsection (d) in the fund established by Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

(2) USE.—Funds deposited under paragraph (1) shall be available to the Secretary until expended, without further appropriation—

(A) for the acquisition of land and interests in land for National Forest System purposes in the State of California; and

(B) for reimbursement of costs incurred by the Forest Service in making the conveyance under subsection (a).

(3) STATUS OF ACQUIRED LAND.—Notwithstanding Public Law 85–862 (16 U.S.C. 521a), any lands acquired under paragraph (2)(A) shall be managed as lands acquired under the March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480, 500, 515 et seq.), regardless of whether any of the lands conveyed under subsection (a) were reserved from the public domain.

(g) WITHDRAWAL.—Subject to valid existing rights, the lands to be conveyed under subsection (a) are hereby withdrawn from all forms of location, entry, and patent under the public land laws and the mining and mineral leasing laws of the United States.

PURPOSE OF THE BILL

The purpose of H.R. 5032 is to authorize the Secretary of Agriculture to convey certain National Forest System lands in the Mendocino National Forest, California, to authorize the use of the proceeds from such conveyances for National Forest purposes, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 5032 resolves a long-standing problem regarding the property boundary between the Mendocino National Forest and the Faraway Ranch in rural northern California. Faraway Ranch is a tract of several hundred acres of private land in Lake County, California, surrounded by Mendocino National Forest lands. The original ranch was settled and patented as private land in 1884, prior to establishment of the National Forest. Various dwellings, roads, fences, water impoundments, and other improvements were constructed on the ranch over the years. The current owner purchased the main portion of the ranch in 1989 from the prior ranch resident.

An updated survey of the area conducted in the 1990s revealed substantial errors in the official historical survey. However, because the private owners had relied on the historical survey for the last century, they had constructed buildings that had unintentionally encroached onto federal lands.

The corrected property boundary lines are in an untenable location for the ranch owner and for the public use and management

of the adjacent Mendocino National Forest lands. This bill adjusts the property boundaries to eliminate the encroachments, and provides a buffer around the ranch dwelling area. A buffer will enhance safety and provide reasonable privacy for public hunting, camping, and motorized vehicle use on national forest lands in the area. Besides eliminating the encroachments, more logical boundary corners and lines will simplify and reduce the expense of administration of the area for the Forest Service.

The ranch owner and Forest Service have been working cooperatively for several years on land exchange proposals to provide adjusted boundaries between the ranch and the Mendocino National Forest. In 1999, the parties reached a basic agreement regarding the configuration of bordering lands that should be transferred to the ranch to resolve the encroachment and property boundary management issues. These parcels total approximately 120 acres.

Since that time, the ranch owner and the Forest Service have pursued a series of proposed exchanges involving these 120 acres and non-federal lands of equal value located adjacent to Mendocino National Forest lands. However, these particular exchanges have not gone forward because the owners of the lands sought by the Forest Service in these transactions turned down purchase option proposals tendered by the agency. Thus, the encroachment and boundary management issues at Faraway Ranch remain unresolved.

This bill provides for prompt transfer of the 120 acres of national forest lands to the current ranch owner, in exchange for a payment equal to the fair market value of these lands according to federal appraisal standards. The ranch owner will pay the direct costs of the transfer, including the title work, survey, and appraisal. The payments will be deposited in the Treasury fund established by Public Law 90-171, known as the Sisk Act. This bill designates these funds for use by the Forest Service to purchase priority non-federal lands adjacent to other national forest lands in California.

No significant environmental or other issues have been identified regarding transfer of the specified 120 acres to the Faraway Ranch. These parcels are not considered of particular value for retention in the Mendocino National Forest. National forest boundary maintenance costs, use conflicts, and safety risks will be reduced at the ranch location. The priority lands to be acquired by the Forest Service will be identified based on their adjacency and contribution to national forest lands, wildlife habitat, and for other uses. These lands will be purchased from willing sellers. Boundaries will be simplified and national forest values will be enhanced at the locations where the Forest Service acquires these lands.

COMMITTEE ACTION

H.R. 5032 was introduced on June 27, 2002, by Congressman Mike Thompson (D-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On July 25, 2002, the Subcommittee held a hearing on the bill. On September 12, 2002, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration by unanimous consent. Congressman Scott McInnis (R-CO) offered an amendment to change the time for the conveyance to 120 days after the private party de-

posits sufficient funds to cover the survey costs and the direct costs of the transaction, and to make some technical corrections. It was adopted by unanimous consent. The bill as amended was then 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 grants 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, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, the Secretary of Agriculture would receive up to \$200,000 in 2003 and then spend those proceeds over the 2003–2004 time period. The net change in direct spending over that time frame would be “negligible”.

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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 23, 2002.

Hon. JAMES V. HANSEN,
*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. 5032, a bill to authorize the Secretary of Agriculture to convey certain National Forest System lands in the Mendocino National Forest, California, to author-

ize the use of the proceeds from such conveyances for National Forest purposes, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 5032—A bill to authorize the Secretary of Agriculture to convey certain National Forest System lands in the Mendocino National Forest, California, to authorize the use of the proceeds from such conveyances for National Forest purposes, and for other purposes

CBO estimates that H.R. 5032 would not significantly affect the federal budget. The bill would affect direct spending (including offsetting receipts); therefore, pay-as-you-go procedures would apply, but we estimate that any such effects would be negligible. H.R. 5032 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

H.R. 5032 would direct the Secretary of Agriculture to convey to a private landowner about 120 acres of federal lands within the Mendocino National Forest in California. The private landowner would pay fair market value for those lands. The bill would authorize the Secretary to use proceeds from the conveyance to cover certain administrative costs and to acquire other lands and interests in California.

According to the Forest Service, the lands to be sold currently generate no significant receipts and are not expected to do so over the next 10 years. Based on information from the agency, CBO estimates that proceeds from the proposed sale would total up to \$200,000 in 2003, and that the agency would spend those proceeds over the 2003–2004 period. Hence, we estimate that, under H.R. 5032, the net change in direct spending in those years would be negligible.

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 in existing law.