

## Calendar No. 452

108TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
108-242

### MENDOCINO NATIONAL FOREST, CALIFORNIA

MARCH 9, 2004.—Ordered to be printed

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

### R E P O R T

[To accompany H.R. 708]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 708) to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

#### PURPOSE OF THE MEASURE

The purpose of H.R. 708 is to require the conveyance of certain National Forest lands in the Mendocino National Forest in California and provide for use of the proceeds from the conveyance for national forest purposes.

#### BACKGROUND AND NEED

The 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 the establishment of the national forest. Various dwellings, roads, fences, and other improvements were constructed on the ranch over the years.

An updated survey in the area in the 1990s revealed substantial errors in the official historical survey and unintentional encroachments of ranch structures onto neighboring national forest lands. The new, corrected survey places the boundary line between the ranch and national forest lands, and runs through existing structures, including the ranch dwelling house.

The corrected property boundary lines are in an untenable location for the ranch owner. They also cause public use and management problems for the adjacent national forest lands. H.R. 708 adjusts the property boundaries to eliminate the encroachments and provides a buffer around the ranch dwelling area. A buffer will enhance safety and privacy in terms of public hunting, camping, and motorized vehicle use on the national forest, particularly in relation to fire risk and discharge of firearms. 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.

#### LEGISLATIVE HISTORY

H.R. 708 was introduced on February 11, 2003, by Congressman Mike Thompson. The House of Representatives passed the bill by voice vote on November 8, 2003. The Public Lands and Forests Subcommittee held a hearing on the bill on November 18, 2003. S. Hrg. 108-321. The Senate Energy and Natural Resources Committee ordered the bill to be favorably reported on February 11, 2004.

#### COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in an open business session on February 11, 2004, by unanimous vote of a quorum present recommends that the Senate pass H.R. 708.

The rollcall vote on reporting the measure was 23 yeas, 0 nays.

##### YEAS

##### NAYS

Mr. Domenici  
 Mr. Nickles  
 Mr. Craig  
 Mr. Campbell\*  
 Mr. Thomas  
 Mr. Alexander  
 Ms. Murkowski  
 Mr. Talent  
 Mr. Burns  
 Mr. Smith\*  
 Mr. Bunning  
 Mr. Kyl\*  
 Mr. Bingaman  
 Mr. Akaka  
 Mr. Dorgan\*  
 Mr. Graham\*  
 Mr. Wyden\*  
 Mr. Johnson\*  
 Ms. Landrieu\*  
 Mr. Bayh\*  
 Mrs. Feinstein\*  
 Mr. Schumer\*  
 Ms. Cantwell

\*Indicates vote by proxy

## SECTION-BY-SECTION ANALYSIS

Section 1(a) directs the Secretary of Agriculture to convey, by quitclaim deed, certain tracts within Faraway Ranch to the owner of the Faraway Ranch.

Subsection (b) requires the Secretary to make the conveyance within 120 days of the recipient depositing sufficient funds to the appropriate Bureau of Land Management and Forest Service offices.

Subsection (c) provides the Secretary authority to make minor corrections to the legal descriptions of the lands to be conveyed.

Subsection (d) requires that the recipient pay an amount equal to the appraised fair market value of the property to be conveyed, determined in accordance with the Federal appraisal standards.

Subsection (e) provides for payment by the recipient of all direct transaction costs associated in the conveyance.

Subsection (f) directs the Secretary to deposit the proceeds from the conveyance in the fund established by the Sisk Act, to be used for National Forest purposes.

Section 2 withdraws land from location and entry under the public land, mining and mineral leasing laws.

## COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, February 23, 2004.*

Hon. PETE V. DOMENICI,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 708, an act to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance 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,

ELIZABETH M. ROBINSON  
(For Douglas Holtz-Eakin, Director).

Enclosure.

*H.R. 708—An act to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, and for other purposes*

CBO estimates that enacting H.R. 708 would not significantly affect the federal budget. The legislation would affect direct spending (including offsetting receipts), but we estimate that any such effects would be negligible. H.R. 708 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. 708 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 legislation 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 2004 and that the agency would spend those proceeds over the 2004–2005 period. Hence, we estimate that, under H.R. 708, the net change in direct spending in those years would be negligible.

On September 25, 2003, CBO transmitted a cost estimate for H.R. 708 as ordered reported by the House Committee on Resources on September 24, 2003. The two versions of this legislation are identical, and our cost estimates are the same.

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

#### 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 H.R. 708. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant 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 H.R. 708.

#### EXECUTIVE COMMUNICATIONS

On February 10, 2004, 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 H.R. 708. These reports had not been received at the time the report on H.R. 708 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Forest Service on H.R. 708 at the Subcommittee hearing follows:

STATEMENT OF TOM THOMPSON, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today. I would like to present the Department's views on H.R. 708, the

Mendocino National Forest Land Exchange, S. 1167, to resolve boundary conflicts in Barry and Stone Counties, in the State of Missouri, and S. 1848, the Bend Pine Nursery Administrative Site Act. The Department supports H.R. 708, objects to S. 1167 unless the bill is amended to address the concerns identified in my testimony, and would like to discuss a different alternative for S. 1848.

H.R. 708—THE MENDOCINO NATIONAL FOREST LAND  
EXCHANGE

H.R. 708 authorizes the direct sale of two parcels comprising 120.9 acres of National Forest System lands on the Mendocino National Forest in California to the Faraway Ranch. Various improvements and facilities have been constructed on these lands and they have lost much of their National Forest character. This bill provides Faraway Ranch the opportunity to acquire these lands associated with their improvements and activities.

At the time of conveyance, Faraway Ranch will make full payment of the fair market value as determined by an appraisal that conforms to the Federal appraisal standards and is acceptable to the Secretary, as well as cover all direct costs associated with completing this transaction. The Department supports this bill because it will improve management efficiency for the forest while recognizing the value of the public's assets.

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 Act H.R. 708, as ordered reported.

