

TO VALIDATE FINAL PATENT NUMBER 27-2005-0081, AND
FOR OTHER PURPOSES

JUNE 23, 2009.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 762]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 762) to validate final patent number 27-2005-0081, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 762 is to validate final patent number 27-2005-0081, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

In 1988, Congress directed the Secretary of the Interior to exchange certain federal lands in the Coyote Springs Valley of Nevada, just outside Las Vegas, to the Aerojet Corporation, in return for certain sensitive lands in the Everglades of Florida (Nevada-Florida Land Exchange Authorization Act of 1988 [Public Law 100-275]). Under this land exchange Aerojet acquired nearly 29,000 acres of patented lands to develop, and also acquired a 99-year lease on another approximately 14,000 acres in Nevada.

Under the exchange agreement, these leased lands were intended to be used for habitat, primarily for the conservation of the endangered desert tortoise. However, the lands were located entirely within the boundary of the patented lands and surrounded by development activities. This configuration of the land resulted in the isolation of tortoise populations, led to habitat fragmentation and

undermined the long-term recovery of the species. Citing these concerns in 2001, the U.S. Fish and Wildlife Service (FWS) requested that the Bureau of Land Management (BLM) initiate a boundary adjustment to prevent the further decline of tortoise populations.

In 2005, the BLM issued a final patent (Patent No. 27-2005-0081), that would adjust the boundary line between the leased and patented lands by reconfiguring them to accommodate habitat connectivity for the tortoise. However, in 2006 the Western Lands Project and Nevada Outdoor Recreation Association sued the BLM, and the current property owners (Aerojet had sold the lands to a development company, Coyote Springs Investment) claiming the process used to reconfigure the boundary failed to comply with federal law.

In 2007, the parties agreed to settle the lawsuit. H.R. 762 will implement one of several settlement stipulations by validating the final patent to the land, and to the associated reconfiguration of lands. All parties to the litigation support H.R. 762.

COMMITTEE ACTION

H.R. 762 was introduced on January 28, 2009, by Representative Heller (R-NV). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands.

At a National Parks, Forests and Public Lands Subcommittee hearing on May 14, 2009, a representative of the Department of the Interior testified that the BLM supports the bill and no changes were recommended.

On June 10, 2009, the Subcommittee was discharged from further consideration of H.R. 762 and the full Natural Resources Committee met to consider the bill. The bill 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 Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 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, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to validate final patent number 27–2005–0081, and for other purposes.

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:

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H.R. 762 would validate a patent issued by the Bureau of Land Management (BLM) in 2005. The patent would convey title to about 7,000 acres of land in Clark County, Nevada, to the Coyote Springs Investment LLC (CSI). Based on information provided by BLM, CBO estimates that implementing this legislation would have no effect on the federal budget because the affected land was already conveyed to the CSI in a previously authorized land exchange. The legislation would confirm that conveyance, which had been disputed in a lawsuit with environmental organizations.

H.R. 762 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose cost on state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 762 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

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.