

ARAPAHO NATIONAL FOREST BOUNDARY ADJUSTMENT
ACT OF 2014

NOVEMBER 12, 2014.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 4846]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4846) to adjust the boundary of the Arapaho National Forest, Colorado, 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 “Arapaho National Forest Boundary Adjustment Act of 2014”.

SEC. 2. ARAPAHO NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) **IN GENERAL.**—The boundary of the Arapaho National Forest in the State of Colorado is adjusted to incorporate the approximately 92.95 acres of land generally depicted as “The Wedge” on the map entitled “Arapaho National Forest Boundary Adjustment” and dated November 6, 2013, and described as lots three, four, eight, and nine of section 13, Township 4 North, Range 76 West, Sixth Principal Meridian, Colorado. A lot described in this subsection may be included in the boundary adjustment only after the Secretary of Agriculture obtains written permission for such action from the lot owner or owners.

(b) **BOWEN GULCH PROTECTION AREA.**—The Secretary of Agriculture shall include all Federal land within the boundary described in subsection (a) in the Bowen Gulch Protection Area established under section 6 of the Colorado Wilderness Act of 1993 (16 U.S.C. 539j).

(c) **LAND AND WATER CONSERVATION FUND.**—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Arapaho National Forest, as modified under subsection (a), shall be considered to be the boundaries of the Arapaho National Forest as in existence on January 1, 1965.

(d) ACQUISITION.—The Secretary of Agriculture is authorized to acquire only by donation or exchange non-Federal lands within the boundary described in subsection (a).

(e) PUBLIC MOTORIZED USE.—Nothing in this Act opens privately-owned lands within the boundary described in subsection (a) to public motorized use.

(f) ACCESS TO NON-FEDERAL LANDS.—Notwithstanding the provisions of section 6(f) of the Colorado Wilderness Act of 1993 (16 U.S.C. 539j(f)) regarding motorized travel, the owners of any non-Federal lands within the boundary described in subsection (a) who historically have accessed their lands through lands now or hereafter owned by the United States within the boundary described in subsection (a) shall have the continued right of motorized access to their lands across the exiting roadway.

PURPOSE OF THE BILL

The purpose of H.R. 4846 is to adjust the boundary of the Arapaho National Forest, Colorado.

BACKGROUND AND NEED FOR LEGISLATION

The Arapaho National Forest Boundary Adjustment Act of 2014 would adjust the boundary of the Arapaho National Forest in the State of Colorado to incorporate 92.95 additional acres. Federal land to be included in the new boundary will become part of the Bowen Gulch Protection Area established under section 6 of the Colorado Wilderness Act of 1993 (16 U.S.C. 539j).

Owners of non-Federal lands within the expanded boundary who historically have accessed their lands through lands included in the Arapaho expansion would have continued right of motorized access to their lands across an existing roadway. The bill also authorizes the Secretary of Agriculture to acquire non-Federal lands within the boundary.

During Natural Resources Committee markup, the bill was amended to require written permission of the landowner before a parcel of private land can be included within the expanded boundary. The amendment also requires that any land acquisition in the added area can be achieved “only by donation or exchange,” and the motorized use provision was clarified to ensure that the bill does not open privately-owned land to motorized trespass.

COMMITTEE ACTION

H.R. 4846 was introduced on June 11, 2014, by Congressman Jared Polis (D-CO). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On September 9, 2014, the Subcommittee held a hearing on the bill. On September 18, 2014, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated #1 to the bill; the amendment was adopted by unanimous consent. The bill, as amended, was then adopted and 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.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(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. 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. 4846—Arapaho National Forest Boundary Adjustment Act of 2014

H.R. 4846 would modify the boundary of the Arapaho National Forest in Colorado to include an additional 93 acres of land. Based on information provided by the Forest Service, CBO estimates that implementing the legislation would have no significant effect on the federal budget. We expect that any additional costs to revise brochures, maps, and signs to reflect the new boundary would not be significant because such revisions would take place in conjunction with scheduled reprinting and routine maintenance. Because enacting H.R. 4846 would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

H.R. 4846 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

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

2. Section 308(a) of 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. Based on information provided by the Forest Service, CBO estimates that implementing the legislation would have no significant effect on the federal budget.

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 adjust the boundary of the Arapaho National Forest, Colorado.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

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.

