

PROVIDING FOR STABILITY OF TITLE TO CERTAIN LANDS
IN THE STATE OF LOUISIANA, AND FOR OTHER PUR-
POSES

SEPTEMBER 6, 2016.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 3342]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3342) to provide for stability of title to certain lands in the State of Louisiana, 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. 3342 is to provide for the stability of title to certain lands in the State of Louisiana.

BACKGROUND AND NEED FOR LEGISLATION

In 1842, the U.S. government completed a survey of lands in Louisiana that included the area surrounding Lake Bistineau. Using the results of this survey, Louisiana delineated its ownership of lands under the Equal Footing Doctrine and transferred 7,000 acres of land around Lake Bistineau to the Commissioners of the Bossier Levee District in 1901. Three years later, the Commissioners of the Bossier Levee District conveyed this land to private ownership.

In September 1967, the Bureau of Land Management (BLM) re-surveyed this land and two additional islands in the Lake. This survey presented a new boundary line based on what the BLM believed was the size of Lake Bistineau when Louisiana was admitted to the Union in 1812. Although the BLM published a notice in the Federal Register two years later stating that this new survey occurred, the agency did not notify all affected landowners that the new survey served as the BLM's claim of the lands. Further, the agency did not file its claim in local property records, or take any other action to claim title of the land.

Almost 50 years later, in September 2013, BLM notified landowners that their property appeared "to be still vested in the United States" based on the results of the 1967 survey. Since then, the federal government and over 100 private landowners, with over 50 homes, have been in a dispute over the ownership of roughly 200 acres of land. To resolve these clouded titles, H.R. 3342 would invalidate the 1967 BLM survey and prevent any future surveys or re-surveys of the area from legally affecting the current titles of the affected lands in the area.

COMMITTEE ACTION

H.R. 3342 was introduced on July 29, 2015, by Congressman John Fleming (R-LA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On November 4, 2015, the Subcommittee held a hearing on the bill. On February 2, 2016, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered, and the bill was ordered favorably reported to the House of Representatives by a roll call vote of 24 yeas and 17 nays on February 3, 2016, as follows:

Committee on Natural Resources

U.S. House of Representatives

114th Congress

Date: 02-03-16

Recorded Vote # 1

Meeting on / Amendment on: On favorably reporting **H.R. 3342 (Rep. John Fleming), To provide for stability of title to certain lands in the State of Louisiana, and for other purposes.**

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Bishop, UT, Chairman	X			Mr. LaMalfa, CA	X		
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mrs. Dingell, MI</i>		X	
Mr. Young, AK				Mr. Denham, CA	X		
<i>Mrs. Napolitano, CA</i>		X		<i>Mr. Gallego, AZ</i>		X	
Mr. Gohmert, TX	X			Mr. Cook, CA	X		
<i>Mrs. Bordallo, Guam</i>		X		<i>Mrs. Capps, CA</i>		X	
Mr. Lamborn, CO	X			Mr. Westerman, AR	X		
<i>Mr. Costa, CA</i>		X		<i>Mr. Polis, CO</i>		X	
Mr. Wittman, VA	X			Mr. Graves, LA	X		
<i>Mr. Sablan, CNMI</i>		X		<i>Mr. Clay, MO</i>		X	
Mr. Fleming, LA	X			Mr. Newhouse, WA	X		
<i>Mrs. Tsongas, MA</i>		X		Mr. Zinke, MT	X		
Mr. McClintock, CA	X			Mr. Hice, GA	X		
<i>Mr. Peirluisi, Puerto Rico</i>		X		Mrs. Radewagen, AS	X		
Mr. Thompson, PA				Mr. MacArthur, NJ	X		
<i>Mr. Huffman, CA</i>		X		Mr. Mooney, WV	X		
Mrs. Lummis, WY	X			Mr. Hardy, NV	X		
<i>Mr. Ruiz, CA</i>		X		Mr. LaHood, IL	X		
Mr. Benishek, MI	X						
<i>Mr. Lowenthal, CA</i>		X					
Mr. Duncan, SC	X						
<i>Mr. Cartwright, PA</i>		X					
Mr. Gosar, AZ	X						
<i>Mr. Beyer, VA</i>							
Mr. Labrador, ID	X						
<i>Mrs. Torres, CA</i>		X		TOTALS	24	17	

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 and Section 308(a) of the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 27, 2016.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3342, a bill to provide for stability of title to certain lands in the State of Louisiana, and for other purposes.

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

Sincerely,

KEITH HALL.

Enclosure.

H.R. 3342—A bill to provide for stability of title to certain lands in the State of Louisiana, and for other purposes

H.R. 3342 would void a Bureau of Land Management (BLM) survey of lands near Lake Bistineau in northwest Louisiana. The bill also would nullify the legal effect of any future land survey of the affected areas. Based on information provided by BLM and other affected entities, CBO estimates that implementing the legislation would have no effect on the federal budget.

Enacting H.R. 3342 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting the bill would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

The bill aims to clarify ownership of 230 acres of land that were omitted from a federal land survey in 1842. The State of Louisiana subsequently deeded those lands to the Bossier Levee District, which transferred them to private individuals. Following a resurvey of the area published in 1969, BLM determined that the affected lands, which were then held by private individuals, fell under federal jurisdiction. In recent years, both BLM and private titleholders have claimed ownership of the affected lands and the subsurface mineral estate, but the ownership issue remains unresolved. Under current law, the federal government is spending no

money to maintain the lands, and is receiving no income from them.

H.R. 3342 would void the survey from 1969 and nullify the legal effect of any future surveys of the affected area. As a result, the 1842 survey would become the survey of record and, because the affected lands were omitted from the 1842 survey, enacting the bill would not resolve the dispute over ownership of those lands or the subsurface mineral estate. Because the probability of the federal government receiving income from the affected lands would not change, CBO estimates that enacting it would not affect the federal budget.

The affected lands are located in an area with significant natural gas deposits. The development of nonfederal natural gas leases on adjacent lands has resulted in the extraction of natural gas from the mineral estate beneath the affected lands; royalties on that production could total up to \$350,000. Any party ultimately determined to be the owner of the mineral estate of the disputed lands will be entitled to those royalties on past production. CBO also expects that additional production could occur in the future, which may result in the owner of the mineral estate receiving additional royalty payments over the next 10 years. The amount of future royalties is uncertain, and would depend on who owns the mineral estate, the quantity of natural gas within the mineral estate, the future price of natural gas, and the timing of any future development.

H.R. 3342 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.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. 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 provide for the stability of title to certain lands in the State of Louisiana.

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.

DISSENTING VIEWS

We oppose H.R. 3342; the bill voids the results of a 1967 Bureau of Land Management (BLM) re-survey of lands in the Bossier Levee District of Northern Louisiana and restricts future federal surveys. In effect, this bill transfers public land that belongs to the American tax payer to private interests.

The land at issue was originally surveyed in 1842, transferred to the Bossier Levee District in 1892, and conveyed to private owners in 1904. However, BLM conducted a re-survey in 1967 after realizing that certain lands were omitted from previous federal surveys. The re-survey put more than 200 acres of land previously thought to belong to Louisiana and private interests, back into federal ownership. Until recently, and despite BLM's outreach efforts to notify landowners, the results of this re-survey were largely ignored or forgotten. Today, approximately 50 homes may be impacted, and BLM is currently working to evaluate ownership and authorize conveyance, where appropriate, under the Color of Title Act. The Color of Title Act authorizes the BLM to convey public lands that have been acquired by peaceful adverse possession, often caused by historical surveying anomalies, such as in this case.

H.R. 3342 voids the results of the 1967 survey, keeping ownership in the hands of local landowners without further consideration, potentially authorizing the conveyance of the federally owned sub-surface mineral estate with an estimated value of \$10 million.

BLM has the tools to resolve this situation and is committed to working with the affected landowners; Congress should not revoke its survey authority or convey a substantial mineral estate without fair compensation to the American taxpayer. For these reasons, we oppose H.R. 3342.

RAÚL GRIJALVA.
NIKI TSONGAS.
GRACE F. NAPOLITANO.
JARED HUFFMAN.
JARED POLIS.
ALAN S. LOWENTHAL.

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