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104TH CONGRESS, *1st Session* | SENATE | REPORT 104–45

CONVEYANCE OF LANDS IN BUTTE COUNTY, CALIFORNIA

APRIL 7 (legislative day, APRIL 5), 1995.—Ordered to be printed

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

REPORT

[To accompany H.R. 440]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 440) to provide for the conveyance of lands to certain individuals in Butte County, California, 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. 440, as ordered reported, is to resolve boundary issues caused by erroneous surveys between Federal and private lands along the boundary of the Plumas National Forest in California.

BACKGROUND AND NEED

The lands affected by H.R. 440 are located in an area known as Stephens Ridge in Butte County, California. Prior to 1992, this land was considered to be outside the boundaries of the Plumas National Forest and held in private ownership. In 1961, the Forest Service accepted the results of a survey that located a new corner of the National Forest because the surveyor evidently could not locate the original corner. This survey was used as a basis for establishing boundaries of adjacent private lands.

A 1992 BLM resurvey and subsequent Forest Service land line location surveys have demonstrated that approximately 30 acres of public lands are within the National Forest boundary and therefore technically in the ownership of the United States. H.R. 440 would authorize and direct the Secretary of Agriculture to convey, without

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consideration, all right, title, and interest of the United States to these lands to 16 claimants.

LEGISLATIVE HISTORY

H.R. 440, introduced by Representative Herger, passed the House of Representatives by voice vote on February 1, 1995 and was referred to the Senate Committee on Energy and Natural Resources. Companion legislation, S. 99, was introduced by Senator Feinstein on January 4, 1994.

In the 103rd Congress, similar legislation was introduced in both the House and the Senate. The Subcommittee on Public Lands, National Parks and Forests held a hearing on H.R. 457 and S. 399 on August 4, 1994. The Department of Agriculture testified in support of H.R. 457, with technical corrections.

At the business meeting on September 21, 1994, the Committee on Energy and Natural Resources ordered H.R. 457 favorably reported, without amendment.

At the business meeting on March 15, 1995, the Committee on Energy and Natural Resources ordered H.R. 440 favorably reported without amendment.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on March 15, 1995, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 440 without amendment.

The roll call vote on reporting the measure was 18 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Murkowski	
Mr. Hatfield [1]	
Mr. Domenici	
Mr. Nickles [1]	
Mr. Craig	
Mr. Campbell	
Mr. Thomas	
Mr. Kyl [1]	
Mr. Grams	
Mr. Jeffords [1]	
Mr. Burns	
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman [1]	
Mr. Akaka	
Mr. Wellstone	

[1] Indicates voted by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1 sets forth Congressional findings and purposes.

Section 2 provides legal descriptions of the affected lands and defines certain terms used in the bill.

Section 3 directs the Secretary of Agriculture (the "Secretary") to convey lands described in section 2 of this bill to any claimant who has completed the proper application.

Section 4(a) requires claimants to provide written notice of the Secretary of their claim to the affected lands.

Subsection (b) requires the Secretary to issue a quitclaim deed for affected lands, provided that the Secretary has determined that such issuance is consistent with the purposes and requirements of the bill; that the parcel(s) to be conveyed have been surveyed in accordance with the Memorandum of Understanding between the Forest Service and BLM dated November 11, 1989; that all new property lines established by such surveys have been marked; and Government rights-of-way and other interests are protected in the deed. The subsection further requires the Federal government to be responsible for all surveys and markings to implement the subsection.

Subsection (c) requires the Secretary to submit a copy of each deed issued pursuant to this Act to the Secretary of the Interior within 30 days of the issuance of the deed.

Section 5 authorizes the appropriation of such sums as are necessary to carry out the purposes of the Act.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 20, 1995.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 440, an act to provide for the conveyance of lands to certain individuals in Butte County, California, as ordered reported by the Senate Committee on Energy and Natural Resources on March 15, 1995. We estimate that enactment of this legislation would not result in any significant costs to the federal government.

H.R. 440 would authorize and direct the Secretary of Agriculture to convey, without consideration, certain lands in Butte Count, California, that are adjacent to the Plumas National Forest. These lands had previously been considered private lands based on erroneous surveys, but recently have been determined to be part of the national forest. This act would authorize and direct the Secretary to convey the lands to landowners who believed the land was their property before more accurate surveys were conducted, and would authorize the appropriation of such sums as necessary to carry out the provisions of the act.

Based on information from the Forest Service, CBO estimates that this land conveyance would not result in significant additional costs to the federal government or to state and local governments.

If the Department of Agriculture were to sell these parcels of land, the federal government would receive additional offsetting receipts Since H.R. 440 would authorize the Secretary to give them

away, this act would result in direct spending (i.e., a loss of offsetting receipts) if the land would otherwise be sold. Thus, pay-as-you-go procedures would apply to this act. Based on information from the Forest Service, however, CBO believes that the department is not likely to sell the land in any case. Accordingly, CBO estimates that H.R. 440 would result in no direct spending.

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

Sincerely,

JUNE E. O'NEILL, *Director.*

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. 440. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic 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. 440, as ordered reported.

EXECUTIVE COMMUNICATIONS

On March 21, 1995, the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture, the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 440. These reports had not been received at the time the report on H.R. 440 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

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. 440, as ordered reported.

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