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SENATE

{ REPORT
110-301

SANTA FE NATIONAL FOREST TITLE CLAIM RESOLUTION ACT

APRIL 10, 2008.—Ordered to be printed

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

R E P O R T

[To accompany S. 1939]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1939) to provide for the conveyance of certain land in the Santa Fe National Forest, New Mexico, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Beginning on page 1, strike line 9 and all that follows through page 2, line 7, and insert the following:

“of the Claimants to any right, title, or interest in any land located in lot 10, sec. 22, T. 18 N., R. 12 E., New Mexico Principal Meridian, San Miguel County, New Mexico, except as provided in section (3)(a).”.

2. On page 2, strike lines 10 through 23 and insert the following:

“(3) FEDERAL LAND.—The term ‘Federal land’ means a parcel of National Forest System land in the Santa Fe National Forest, New Mexico, that is—

“(A) comprised of approximately 6.20 acres of land; and

“(B) described and delineated in the survey.”.

PURPOSE OF THE MEASURE

The purpose of S. 1939 is to provide for the conveyance of certain land in the Santa Fe National Forest, New Mexico.

BACKGROUND AND NEED

S. 1939 would resolve an ongoing land title dispute between Ramona and Boyd Lawson—who are defined by the bill as “claimants”—and the Forest Service. At issue is the claimants’ land title claim involving approximately 12 acres of Federal land in New Mexico that are within the boundaries of the Pecos Wild and Scenic River in the Santa Fe National Forest.

In 2003, the Interior Board of Land Appeals (IBLA) ruled that the claimants were entitled to a correction of the homestead patent that was issued to one of the claimant’s grandfather in 1888 because it erroneously failed to include the main house, cabin and various outbuildings that he constructed. 159 IBLA 184 (June 4, 2003). The IBLA remanded the case to the Bureau of Land Management to correct the homestead patent.

Subsequently, the Forest Service and the Lawsons negotiated a compromise of the claim that includes the transfer of 6.2 acres of National Forest land to the claimants in exchange for a scenic easement to that property and a release of the land claim against the United States.

LEGISLATIVE HISTORY

S. 1939 was introduced by Senator Bingaman and Senator Domenici on August 2, 2007. The Subcommittee on Public Lands and Forests held a hearing on S. 1939 on September 20, 2007 (S. Hrg. 110–216).

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on January 30, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 1939, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 1939, the Committee adopted an amendment to the definition of “claim” in section 2(1) of the bill. The amendment makes clear that the claimants would waive all claims to any right, title, or interest to any of the land in the described parcel, except any future claims that may arise based on the conveyance of the approximately 6.2 acres provided for under section 3(a) of the bill. The amendment also simplifies the definition of “Federal land” in section 2(3) by deleting redundant information.

SECTION-BY-SECTION ANALYSIS

Sections 1 and 2 provide the short title and definitions for the bill.

Section 3(a) directs the Secretary of Agriculture (“Secretary”) to convey approximately 6.2 acres of National Forest land to the claimants in exchange for (1) a scenic easement to those lands that protect the purposes of the Pecos Wild and Scenic River and is otherwise acceptable to the Secretary and (2) a release of the claim and any related claims against the United States. Subsection (a) also makes clear that the conveyance is subject to valid existing

rights, and accordingly does not prejudice any third-party rights or interests that may exist to the 6.2 acres of land.

Subsection (b) authorizes the Secretary, with the approval of the claimants, to make certain minor corrections to the survey and legal description.

Subsection (c) states that the conveyance of the approximately 6.2 acres of National Forest land as provided for under subsection (a) would constitute a full satisfaction of the claim.

COST AND BUDGETARY CONSIDERATIONS

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

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S. 1939 would require the Secretary of Agriculture to convey 6.2 acres of federal land in the Santa Fe National Forest, New Mexico, to Ramona and Boyd Lawson. The Lawsons have a longstanding claim against the government for erroneously excluding some of their patented land in a government survey. The land conveyance would settle that claim and release the government from future claims while providing the Forest Service with a conservation easement on the property. Based on information from the Forest Service, CBO estimates that enacting the legislation would have no significant effect on the federal budget.

S. 1939 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Tyler Kruzich. This estimate was approved by Theresa Gullo, 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 S. 1939. The bill 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 S. 1939, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1939, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The views of the Administration were included in testimony received by the Committee at a hearing on S. 1939 on September 20, 2007.

STATEMENT OF JOEL HOLTROP, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the committee, I appreciate the opportunity to appear before you to provide the Department's views on the bills which are on the agenda today.

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S. 1939, SANTA FE NATIONAL FOREST TITLE CLAIM RESOLUTION ACT

S. 1939 would authorize and direct the Forest Service to quitclaim approximately 6.20 acres of Federal land to Ramona and Boyd Lawson in satisfaction of a longstanding land title claim.

The Department supports the enactment of this bill.

The land in question is in the Santa Fe National Forest and within the boundaries of the Pecos Wild and Scenic River. The Lawsons are successors to a land patent issued in 1888 and they claimed that a government survey of the patented land had erroneously excluded about 12 acres where their house and outbuildings were located.

There were sufficient legal and factual issues in dispute between the government and the Lawsons that this matter could have ended up in court. However, the parties worked out a solution that is simple and equitable, saving considerable time and expense for all. The Lawsons and the Forest Service agreed to limit the area of the claim to 6.2 acres which covers the land the Lawsons are actually occupying and using. In turn, the Lawsons have agreed to convey to the Forest Service a conservation easement on the property to protect wild and scenic river values, and to release the government from future claims. S. 1939 will authorize the Forest Service to implement this agreement and thereby allow the Lawsons the quiet enjoyment of their home while, at the same time, preserving the scenic and natural environs of the Pecos Wild & Scenic River.

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Mr. Chairman and members of the committee, this concludes my testimony. I am happy to answer any questions you may have at this time.

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 bill S. 1939, as ordered reported.