

CONVEYANCE OF LAND TO CORRECT ERRONEOUS  
SURVEY, COCONINO NATIONAL FOREST, ARIZONA

APRIL 16, 2012.—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. 1038]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1038) to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960, 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. CONVEYANCE OF LAND TO CORRECT ERRONEOUS SURVEY, COCONINO NATIONAL FOREST, ARIZONA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of Agriculture may convey by quit-claim deed all right, title, and interest of the United States in and to the two parcels of land described in subsection (b) to a person or legal entity that represents (by power of attorney) the majority of landowners with private property adjacent to the two parcels. These parcels are within the boundaries of the Coconino National Forest and contain private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960.

(b) DESCRIPTION OF LAND.—The two parcels of land authorized for conveyance under subsection (a) consist of approximately 2.67 acres described in the Bureau of Land Management's Survey Plat titled Subdivision and Metes and Bounds Surveys in secs. 28 and 29, T. 20 N., R. 7 E., Gila and Salt River Meridian approved February 2, 2010, as follows:

(1) Lot 2, sec. 28, T. 20 N., R. 7 E., Gila and Salt River Meridian, Coconino County, Arizona.

(2) Lot 1, sec. 29, T. 20 N., R. 7 E., Gila and Salt River Meridian, Coconino County, Arizona.

(c) CONSIDERATION.—

(1) AMOUNT OF CONSIDERATION.—As consideration for the conveyance of the two parcels under subsection (a), the person or legal entity that represents (by power of attorney) the majority of landowners with private property adjacent to the parcels shall pay to the Secretary consideration in the amount of \$20,000.

(2) DEPOSIT.—The Secretary shall deposit the consideration received under this subsection in a special account in the fund established under Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

(3) USE.—The deposited funds shall be available to the Secretary, without further appropriation and until expended, for acquisition of land in the National Forest System.

(d) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit conveyance of the Federal land under subsection (a).

(e) WITHDRAWAL OF FEDERAL LAND.—Subject to valid existing rights, the Federal land authorized for conveyance under subsection (a) is withdrawn from all forms of entry and appropriation under the public land laws, location, entry, and patent under the mining laws, and operation of the mineral leasing and geothermal leasing laws until the date which the conveyance is completed.

(f) OTHER TERMS AND CONDITIONS.—The conveyance authorized by subsection (a) shall be subject only to those surveys and clearances as needed to protect the interests of the United States.

(g) DURATION OF AUTHORITY.—The authority provided under this section shall terminate three years after the date of the enactment of this Act.

#### PURPOSE OF THE BILL

The purpose of H.R. 1038, as ordered reported, is to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960.

#### BACKGROUND AND NEED FOR LEGISLATION

H.R. 1038 would correct a longstanding boundary issue between private landowners and the U.S. Forest Service in Coconino County, Arizona. The 19 parcels that would be conveyed under this bill contain private improvements that were developed pursuant to an erroneous land survey conducted in 1960. As a result of that survey, the landowners had developed and maintained the property as their own until a subsequent survey in 2007 found that the improvements were actually just within the boundary of the Coconino National Forest.

H.R. 1038 authorizes the U.S. Forest Service to convey all right, title and interest to approximately 2.67 acres of the Coconino National Forest to the adjacent landowners. The landowners will be required to pay \$20,000 for the two parcels. The Secretary's authority to conduct the conveyance will sunset three years from the date of enactment of the legislation.

#### COMMITTEE ACTION

H.R. 1038 was introduced on March 11, 2011, by Congressman Paul Gosar (R–AZ). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On December 2, 2011, the Subcommittee held a hearing on the bill. On February 29, 2012, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Rob Bishop (R–UT) offered amendment designated 1 to the bill; the amendment was approved by voice vote. Congressman Raul Gri-

jalva (D–AZ) offered amendment designated .AM1 to the bill; the amendment was not adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

#### 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. 1038—A bill to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960*

H.R. 1038 would authorize the Secretary of Agriculture to sell certain federal lands located within the Coconino National Forest. Based on information provided by the Forest Service, CBO estimates that implementing the bill would have a negligible impact on the federal budget. Implementing the legislation would increase offsetting receipts and associated direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that those changes would have no significant impact on future budget deficits. Enacting H.R. 1038 would not affect revenues.

H.R. 1038 would authorize the Secretary to sell 19 small parcels of federal land totaling less than 3 acres to a representative of several private homeowners. The law would require the homeowners to pay a total of \$20,000 for the parcels and to cover any administrative costs associated with the sale. The Secretary has the authority to sell the lands under current law; however, the bill would allow the Secretary to sell the parcels in a single transaction rather than through separate transactions with each affected homeowner. The bill also would allow the Forest Service to retain and spend proceeds from the sale, without further appropriation, to acquire other lands. CBO estimates that the agency would spend those proceeds within the next three years.

The bill 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. 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, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the U.S. Forest Service, CBO estimates that implementing the bill would have a negligible impact on the federal budget. Implementing the legislation would increase offsetting receipts and associated direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that those changes would have no significant impact on future budget deficits.

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, as ordered reported, is to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960.

#### 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 as defined under Public Law 104-4.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any local or tribal law.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.