

TO AUTHORIZE THE CONVEYANCE OF TWO SMALL PARCELS OF LAND  
WITHIN THE BOUNDARIES OF THE COCONINO NATIONAL FOREST CON-  
TAINING PRIVATE IMPROVEMENTS THAT WERE DEVELOPED BASED  
UPON THE RELIANCE OF THE LANDOWNERS IN AN ERRONEOUS SUR-  
VEY CONDUCTED IN MAY 1960

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MAY 17, 2013.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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

## R E P O R T

[To accompany H.R. 862]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 862) 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 without amendment and recommend that the bill do pass.

### PURPOSE OF THE BILL

The purpose of H.R. 862 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. 862 would correct a longstanding boundary issue between private landowners and the Forest Service in Coconino County, Arizona. The two parcels that would be conveyed under this bill contain private improvements that were developed based on 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 inside the Coconino National Forest. H.R. 862 authorizes the 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 authority to conduct the conveyance will sunset three years from the date of enactment of the legislation.

#### COMMITTEE ACTION

H.R. 862 was introduced on February 27, 2013, by Congresswoman Ann Kirkpatrick (D-AZ). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On April 24, 2013, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. No amendments were offered, and the bill 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. 862—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. 862 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. 862 would not affect revenues.

H.R. 862 would authorize the Secretary to sell 19 small parcels of federal land totaling less than 3 acres to a representative of sev-

eral private homeowners. The bill 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, 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 bill would have a negligible impact 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 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.

#### 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.

