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REPORT
113–710

SAN JUAN COUNTY FEDERAL LAND CONVEYANCE ACT

DECEMBER 22, 2014.—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 S. 609]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (S. 609) to authorize the Secretary of the Interior to convey certain Federal land in San Juan County, New Mexico, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "San Juan County Federal Land Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term "Federal land" means the approximately 19 acres of Federal surface estate generally depicted as "Lands Authorized for Conveyance" on the map.

(2) LANDOWNER.—The term "landowner" means the plaintiffs in the case styled Blancett v. United States Department of the Interior, et al., No. 10–cv–00254–JAP–KBM, United States District Court for the District of New Mexico.

(3) MAP.—The term "map" means the map entitled "San Juan County Land Conveyance" and dated June 20, 2012.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of New Mexico.

SEC. 3. CONVEYANCE OF CERTAIN FEDERAL LAND IN SAN JUAN COUNTY, NEW MEXICO.

(a) IN GENERAL.—On request of the landowner, the Secretary shall, under such terms and conditions as the Secretary may prescribe and subject to valid existing rights, convey to the landowner all right, title, and interest of the United States in and to any portion of the Federal land (including any improvements or appurtenances to the Federal land) by sale.

(b) SURVEY; ADMINISTRATIVE COSTS.—

(1) SURVEY.—The exact acreage and legal description of the Federal land to be conveyed under subsection (a) shall be determined by a survey approved by the Secretary.

(2) COSTS.—The administrative costs associated with the conveyance shall be paid by the landowner.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance of the Federal land under subsection (a), the landowner shall pay to the Secretary an amount equal to the fair market value of the Federal land conveyed, as determined under paragraph (2).

(2) APPRAISAL.—The fair market value of any Federal land that is conveyed under subsection (a) shall be determined by an appraisal acceptable to the Secretary that is performed in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the Uniform Standards of Professional Appraisal Practice; and

(C) any other applicable law (including regulations).

(d) DISPOSITION AND USE OF PROCEEDS.—The Secretary shall deposit the proceeds of any conveyance of Federal land under subsection (a) in the general account of the Treasury to be used for deficit reduction.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions for a conveyance under subsection (a) as the Secretary determines to be appropriate to protect the interests of the United States.

(f) WITHDRAWAL.—Subject to valid existing rights, the Federal land is withdrawn from—

(1) location, entry, and patent under the mining laws; and

(2) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

PURPOSE OF THE BILL

The purpose of S. 609 is to authorize the Secretary of the Interior to convey certain Federal land in San Juan County, New Mexico.

BACKGROUND AND NEED FOR LEGISLATION

In 1998, the Bureau of Land Management (BLM) settled a lawsuit regarding protection of the southwestern willow flycatcher in New Mexico and agreed to exclude livestock grazing from riparian areas in New Mexico by fencing BLM-managed river tracts identified as having suitable flycatcher habitat. While surveying lands for fencing under the settlement agreement the BLM determined that there were as many as 20 different cases of trespass on BLM administered public lands in New Mexico. These trespass cases included a 14-acre trespass into the Bald Eagle Area of Critical Environmental Concern (ACEC) north of Aztec, New Mexico.

In 1999, the Blancett family, who were actively farming these acres, was cited for trespass on approximately 19 acres of public lands. Despite resolution of many of the identified trespass cases, including cases with the Blancett's neighbors to the north and south, the Blancetts and the BLM were unable to reach an agreement. Following failed negotiations and a failed mediation attempt, the Blancetts sued the Department of the Interior in U.S. District Court in 2010. On February 27, 2012 a settlement was reached between the two parties and the case was dismissed with prejudice. Under the settle agreement, the Blancetts have to obtain a legislative solution to address the trespass solution by March 5, 2014. If substantial progress was not made by that time, the BLM will offer to sell the approximately two-acre parcel with the family residence to the Blancetts and the BLM may immediately begin to fence and reclaim the remaining 17 acres, which will remain in federal ownership for bald eagle habitat. Reporting this legislation, as amended, should be construed as substantial progress.

S. 609 would allow BLM to sell at fair market value these 19 acres of lands in San Juan County, New Mexico, to the Blancett family, and resolve the trespassing issue per the 2012 settlement agreement. The Committee on Natural Resources generally feels that when federal survey errors result in a potential conflict of title, State and local land ownership records should be the arbiter for determining ownership. In this case, to expedite a resolution to meet the terms established and recognized by the court, agreed to by both parties, and included in S. 609, the Committee reluctantly reports this bill, as amended, while recognizing that the Blancetts are in the difficult position of either repurchasing land that was previously recognized to be theirs or losing that land because the federal government failed to recognize their established property rights.

In title disputes, especially in incidents where the long-standing management, care or knowledge of ownership (including improvements) were exercised, and a clear delinquency, dereliction or nonexistent control of federal responsibility over the land has occurred (without fault or negligence by the State or affected property owner), the Committee recognizes the rights of the property owners. The longstanding ownership, management and care of these disputed lands, recognized as previously paid for and/or maintained under State jurisdiction, should protect and guarantee the property rights of the affected land owners. They should be insulated from federal behaviors or responses so severe as to hold them in trespass, mimic a taking of their property or hold their land hostage for a ransom to regain title to property they already own.

COMMITTEE ACTION

S. 609 was introduced on March 19, 2013, by Senator Tom Udall (D–NM). On July 9, 2014, the bill passed the Senate by unanimous consent with an amendment. The bill was then referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On July 29, 2014, the Subcommittee held a hearing on the bill. On September 18, 2014, the Natural Resources Committee met to consider S. 609. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Rob Bishop (R–UT) offered an amendment designated #1 to the bill; the amendment was adopted by unanimous consent. No further amendments were offered and the bill, as amended, was 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 car-

rying 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:

S. 609—San Juan County Federal Land Conveyance Act

S. 609 would authorize the Bureau of Land Management (BLM) to sell certain federal lands located in San Juan County, New Mexico. Based on information provided by the agency, CBO estimates that implementing the act would have no significant effect on the federal budget. Because enacting the legislation would increase offsetting receipts, pay-as-you-go procedures apply. However, CBO estimates that those receipts would not exceed $500,000. Enacting S. 609 would not affect revenues.

S. 609 would authorize BLM to sell 19 acres of federal land to private landowners. The act would require the landowners to pay fair market value for the property. Based on information provided by BLM, CBO estimates that proceeds from the sale of the affected lands would increase offsetting receipts by about $300,000. In addition, S. 609 would require landowners to pay for the required survey and cover any administrative costs associated with the sale.

S. 609 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.

On May 30, 2013, CBO transmitted a cost estimate for S. 609, the San Juan County Federal Land Conveyance Act, as ordered reported by the Senate Committee on Energy and Natural Resources on May 16, 2013. The Senate version of the legislation authorized BLM to retain and spend proceeds from the sale of the affected lands. That difference is reflected in the cost estimates for the two versions of the legislation.

The CBO staff contact for this estimate is Jeff LaFave. The 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, spending authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the Bureau of Land Management, CBO estimates that implementing the act would have no significant effect on the federal budget. CBO estimates enactment of the bill would increase offsetting receipts by about $300,000.

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 Secretary of the Interior to convey certain Federal land in San Juan County, New Mexico.

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.

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