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105TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 105-232

DEVILS BACKBONE WILDERNESS BOUNDARY ADJUSTMENT

JUNE 26, 1998.—Ordered to be printed

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

REPORT

[To accompany H.R. 1779]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1779) to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

H.R. 1779 would make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest in Missouri to exclude a small parcel of land containing improvements.

BACKGROUND AND NEED

A recent forest survey of the Devils Backbone Wilderness Area in the Mark Twain National Forest revealed that an elderly couple's garage, well, mailbox, and driveway were within the Wilderness Area boundaries. The elderly couple bought the 80 acre farm in 1979, and drilled a well shortly thereafter. Their neighbor, John Fox, who had served on the 1930's survey crew, assured them that the well as was least 20 feet outside the boundary line of the National Forest. The elderly couple, who want to sell their farm, now find that impossible with a Wilderness Area survey stake in their front yard.

H.R. 1779 redefines the boundaries of the Mark Twain National Forest to exclude about a two acre parcel of real property, which includes a garage, well, mailbox, and driveway from the Devils Backbone Wilderness.

LEGISLATIVE HISTORY

H.R. 1779 was introduced on June 4, 1997, by Representative Blunt. The bill passed the House of Representatives by voice vote on October 21, 1997.

Companion legislation, S. 1109, was introduced on July 31, 1997, by Senator Bond. The Subcommittee on Forests and Public Land Management held a hearing on S. 1109 and H.R. 1779 on March 25, 1998.

At a business meeting on May 13, 1998, the Committee on Energy and Natural Resources ordered H.R. 1779 favorably reported without amendment.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 13, 1998, by unanimous vote of a quorum present recommends that the Senate pass H.R. 1779, without amendment.

The rollcall vote on reporting the measure was 20 yeas, no nays as follows:

YEAS	NAYS
Mr. Murkowski	
Mr. Domenici	
Mr. Nickles	
Mr. Craig	
Mr. Campbell	
Mr. Thomas	
Mr. Kyl	
Mr. Grams ¹	
Mr. Smith	
Mr. Gorton	
Mr. Burns ¹	
Mr. Bumpers	
Mr. Ford	
Mr. Bingaman	
Mr. Akaka	
Mr. Dorgan ¹	
Mr. Graham ¹	
Mr. Wyden	
Mr. Johnson	
Ms. Landrieu	

¹ Indicates vote by proxy.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 14, 1998.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1779, an act to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements.

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

Sincerely,

JUNE E. O'NEILL, *Director.*

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 1779.—An act to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements

CBO estimates that enacting this legislation would not have a significant impact on the federal budget. Because enacting H.R. 1779 could affect offsetting receipts, pay-as-you-go procedures would apply; however, CBO estimates that any such effect would be negligible. H.R. 1779 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no significant costs on state, local, or tribal governments.

H.R. 1779 would reduce the area of the Devils Backbone Wilderness within the Mark Twain National Forest by excluding about two acres of wilderness now occupied by a private party. Enacting H.R. 1779 could affect direct spending by increasing offsetting receipts because the Forest Service would be likely to sell the property to the private party under the Small Tracts Act (16 U.S.C. 521d) once the property is removed from wilderness designation. Therefore, pay-as-you-go procedures would apply. However, CBO estimates that any such increase in receipts would total less than \$10,000. Adjusting the boundaries of the wilderness area might involve minor administrative costs, but we estimate that any such changes to discretionary spending would be negligible.

The CBO staff contact for this estimate is Victoria V. Heid. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

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 H.R. 1779.

EXECUTIVE COMMUNICATIONS

The legislative report from the Department of Agriculture setting for Executive agency recommendations relating to H.R. 1779 is set forth below:

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, November 7, 1997.

Hon. ROBERT F. SMITH,
Chairman, House Committee on Agriculture,
Washington, DC.

DEAR BOB: As you requested, I am transmitting the Department of Agriculture's (USDA) views on H.R. 1779, a bill "to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements."

USDA recommends enactment of H.R. 1779.

The language in H.R. 1779 is consistent with that recommended by USDA in testimony last year on similar legislation before the Committee on Agriculture. This bill would resolve a problem created by the inadvertent inclusion within the wilderness boundary of a small parcel of land containing various improvements. The boundary adjustment would have no significant impact to the wilderness or its ecosystems.

Thank you for the opportunity to provide USDA's views on this legislation.

Sincerely,

DAN GLICKMAN,
Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 1 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. 1779.