

DISCLAIMING OF FEDERAL INTEREST IN LANDS ADJACENT  
TO SPIRIT LAKE AND TWIN LAKES, IDAHO

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SEPTEMBER 24, 2002.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

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Mr. HANSEN, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany H.R. 4874]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4874) to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey, 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. 4874 is to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey.

BACKGROUND AND NEED FOR LEGISLATION

In 1880, a public land survey was prepared by John B. Davis with the General Land Office around Spirit Lake and Twin Lakes in Kootenai County, Idaho. While the survey of the south end of Spirit Lake was fairly accurate, the survey of the northern region grossly misrepresented portions of the actual lakeshore. In some areas, measurements are off by as much as a half mile. The errors were discovered only recently when a Kootenai County surveyor and a private surveyor discovered the miscalculations and contacted the Bureau of Land Management (BLM).

Today, the shoreline is heavily developed with residential homes. Many individuals claim ownership of the property and hold titles that go back over 100 years. More than 400 people claim to be

“property owners” of the 600 acres of shoreline land in question. The proposed legislation would allow the current owners to retain ownership without imposing the expense of correcting it on the affected property owners. The legislation would allow the BLM to issue a quit-claim deed, or “disclaimer of interest” to the affected lands so title companies and Kootenai County could proceed with ownership matters to clear title to the lands in question. In addition, the legislation provides the necessary funding for the BLM to conduct a contract survey and perform required administrative procedures.

The standard BLM procedure would be to resurvey the shoreline, and then deal with the problem through BLM’s established omitted lands process. Under this process, the landowners would be required to purchase the land at fair market value. The property owners and landowners would bear the cost of this process. BLM agrees that this process is unnecessary and burdensome.

#### COMMITTEE ACTION

H.R. 4874 was introduced on June 5, 2002, by Congressman C.L. “Butch” Otter (R-ID). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands. On July 9, 2002, the Subcommittee held a hearing on the bill. On July 18, 2002, the Subcommittee met to mark up the bill. No amendments were offered and the bill was ordered favorably reported to the Full Resources Committee by voice vote. On September 12, 2002, the Full Committee met to consider the bill. No amendments were offered and the bill was 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 Resources’ oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) 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)(3)(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.

2. 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.

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 direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey.

4. Congressional Budget Office Cost Estimate. 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:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 23, 2002.*

Hon. JAMES V. HANSEN,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4874, a bill to direct the Secretary of the Interior to disclaim any federal interest in lands adjacent to Spirit Lake and Twin Lakes in the state of Idaho resulting from possible omission of lands from an 1880 survey.

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

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 4874—A bill to direct the Secretary of the Interior to disclaim any federal interest in lands adjacent to Spirit Lake and Twin Lakes in the state of Idaho resulting from possible omission of lands from an 1880 survey*

CBO estimates that implementing H.R. 4874 would cost \$400,000 in fiscal year 2003, assuming appropriation of the authorized amounts. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 4874 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.

H.R. 4874 would authorize the appropriation of \$400,000 for the Secretary of the Interior to survey certain lands in Idaho. Assuming appropriation of that amount, we estimate that the Bureau of Land Management would complete that work during fiscal year 2003. Once the surveys have been finalized, H.R. 4874 would direct the Secretary to issue a disclaimer of interest to some of the surveyed lands which have long been claimed by private landowners based on an erroneous federal survey prepared in 1880. By issuing such a disclaimer, the Secretary would allow those landowners to establish clear title to their lands.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

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.

