

NEVADA NATIONAL FOREST LAND DISPOSAL ACT OF 2003

OCTOBER 2, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 1092]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1092) to authorize the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Nevada National Forest Land Disposal Act of 2003”.

SEC. 2. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds the following:

(1) The United States owns, and the Forest Service administers, land in small and large parcels in Carson City and Douglas County, Nevada.

(2) Much of this Federal land is interspersed with or adjacent to private land, which renders the Federal land difficult, inefficient, and expensive for the Forest Service to manage and more appropriate for disposal.

(3) In order to promote responsible and orderly development in Carson City and Douglas County, Nevada, appropriate parcels of the Federal land should be sold by the Federal Government based on recommendations made by units of local government and the public.

(b) **PURPOSE.**—The purpose of this Act is to provide for the sale of certain parcels of Federal land in Carson City and Douglas County, Nevada.

SEC. 3. DISPOSAL OF NATIONAL FOREST SYSTEM LANDS, CARSON CITY AND DOUGLAS COUNTY, NEVADA.

(a) **DISPOSAL REQUIRED.**—The Secretary of Agriculture (in this section referred to as the “Secretary”) shall sell any right, title, or interest of the United States in and to the following parcels of National Forest System lands in Carson City or Douglas County, Nevada:

(1) The parcel of land referred to as the “Carson Parcel”, consisting of approximately 3 acres, and more particularly described as being a portion of the southeast quarter, section 31, township 15 north, range 20 east, Mount Diablo Base and Meridian.

(2) The parcel of land referred to as the “Jacks Valley/Highway 395 Parcel”, consisting of approximately 28 acres, and more particularly described as being a portion of the southeast quarter, section 6, township 14 north, range 20 east, Mount Diablo Base and Meridian.

(3) The parcel of land referred to as the “Indian Hills Parcel”, consisting of approximately 75 acres, and more particularly described as being a portion of the southwest quarter, section 18, township 14 north, range 20 east, Mount Diablo Base and Meridian.

(4) The parcel of land referred to as the “Mountain House Area Parcel”, consisting of approximately 40 acres, and more particularly described as being a portion of the northwest quarter northeast quarter, section 12, township 10 north, range 21 east, Mount Diablo Base and Meridian.

(5) The parcel of land referred to as the “Holbrook Junction Area Parcel”, consisting of approximately 80 acres, and more particularly described as being a portion of the west half of the southwest quarter, section 7, township 10 north, range 22 east, Mount Diablo Base and Meridian.

(6) The two parcels of land referred to as the “Topaz Lake Parcels”, consisting of approximately 5 acres (approximately 2.5 acres per parcel), and more particularly described as being portions of the northwest quarter, section 29, township 10 north, range 22 east, Mount Diablo Base and Meridian.

(b) MODIFICATION OF DESCRIPTIONS.—The Secretary may—

(1) correct typographical or clerical errors in the descriptions of land specified in subsection (a); and

(2) for the purposes of soliciting offers for the sale of such land, modify the descriptions based on—

(A) a survey; or

(B) a determination by the Secretary that the modification is in the best interest of the public.

(c) SELECTION AND SALE.—

(1) COORDINATION.—The Secretary shall coordinate the sale of land under this section with the unit of local government in which the land is located.

(2) EXISTING RIGHTS.—The sale of land under this section shall be subject to all valid existing rights, such as rights-of-way, in effect as of the date of the sale.

(3) ZONING LAWS.—The sale of land under this section shall be in accordance with local land use planning and zoning laws and regulations.

(4) SOLICITATIONS OF OFFERS.—The Secretary shall solicit offers for the sale of land under this section, subject to any terms or conditions that the Secretary may prescribe. The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(5) METHOD OF SALE.—The Secretary may sell the land described in subsection (a) at public auction.

(d) DISPOSITION OF PROCEEDS.—

(1) PAYMENTS AND DEPOSITS.—Of the gross proceeds from any sale of land under this section, the Secretary shall—

(A) pay five percent to the State of Nevada for use for the general education program of the State;

(B) pay five percent to the Carson Water Subconservancy District in the State;

(C) deposit 25 percent in the fund established under Public Law 90–171 (commonly known as the “Sisk Act”; 16 U.S.C. 484a); and

(D) retain and use, without further appropriation, the remaining funds for the purpose of expanding the Minden Interagency Dispatch Center in Minden, Nevada, as provided in paragraph (3).

(2) USE OF SISK ACT FUNDS.—The amounts deposited under paragraph (1)(C) shall be available to the Secretary until expended, without further appropriation, for the following purposes:

(A) Reimbursement of costs incurred by the local offices of the Forest Service in carrying out land sales under this section, except that the total amount of reimbursement may not exceed 10 percent of the total proceeds of the lands sales.

(B) The development and maintenance of parks, trails, and natural areas in Carson City, Douglas County, or Washoe County, Nevada, in accordance

with a cooperative agreement entered into with the unit of local government in which the park, trail, or natural area is located.

(3) MINDEN INTERAGENCY DISPATCH CENTER.—The Minden Interagency Dispatch Center is located on land made available by the State of Nevada in Minden, Nevada, and will serve as a joint facility for the Forest Service and the Nevada Division of Forestry for the purpose of fighting wildland fires. The expansion of the center shall include living quarters and office space for the Blackmountain Hotshot Crew, a guard station for housing engines and patrol vehicles, an air traffic control tower, a training facility, and a warehouse.

(4) LIMITATION.—None of the amounts made available to the Carson Water Subconservancy District under paragraph (1)(B) shall be used to pay the costs of litigation.

(e) RELATION TO OTHER PROPERTY MANAGEMENT LAWS.—The land described in subsection (a) shall not be subject to chapter 5 of title 40, United States Code, as codified by Public Law 107–217 (116 Stat. 1062).

(f) WITHDRAWAL.—Subject to valid existing rights, all Federal land described in subsection (a) is withdrawn from location, entry, and patent under the public land laws, mining laws, and mineral leasing laws, including geothermal leasing laws.

(g) REVOCATION OF PUBLIC LAND ORDERS.—

(1) IN GENERAL.—To facilitate the sale of parcels of land described in subsection (a), the Secretary shall revoke any public land orders in existence on the date of the enactment of this Act that withdraw the parcels from all forms of appropriation under the public land laws, to the extent that the orders apply to land described in such subsection (a).

(2) EFFECTIVE DATE.—A revocation under paragraph (1) shall be effective on the date on which the instrument conveying the parcels of land subject to the public land order is executed.

(h) REPORT.—The Secretary shall submit to the Committee on Agriculture and the Committee on Resources of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on all land sales made under this section.

Amend the title so as to read:

A bill to direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada.

PURPOSE OF THE BILL

The purpose of H.R. 1092, as ordered reported, is to direct the Secretary of Agriculture to sell certain parcels of federal land in Carson City and Douglas County, Nevada.

BACKGROUND AND NEED FOR LEGISLATION

There are currently six parcels of Humboldt-Toiyabe National Forest land in Douglas County and Carson City in Nevada which have been identified for future community development. The parcels comprise approximately 231 acres. The County, City and the U.S. Forest Service agree that these parcels are isolated, difficult and expensive to manage, and have lost their national forest character. Furthermore, most of the identified parcels border private land and are in close proximity to highways and/or other developments.

H.R. 1092 directs the Secretary of Agriculture to sell these parcels to the County and City. The bill requires percentages of the gross proceeds from the sales to be earmarked for: (1) the State of Nevada general education program (5%); (2) the Carson Water Subconservancy in Nevada (5%); (3) the fund established under the Sisk Act to be used for land sale costs and for the development and maintenance of parks, trails and natural areas in specified Nevada counties (25%); and (4) the Minden Interagency Dispatch Center, a joint U.S. Forest Service-Nevada Division of Forestry facility used for fighting wildland fires (65%).

COMMITTEE ACTION

H.R. 1092 was introduced on March 5, 2003, by Congressman Jim Gibbons (R–NV). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On September 24, 2003, the Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration by unanimous consent. Mr. Gibbons offered an amendment in the nature of a substitute making minimal technical and substantive changes; this amendment was adopted by unanimous consent. The bill, as amended, was then 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, credit authority, or an increase or decrease in expenditures. According to the Congressional Budget Office, enactment of this bill would increase offsetting receipts and direct spending but "estimates that the net impact would be less than \$500,000 in any year."

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

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 29, 2003.

Hon. RICHARD W. POMBO,
 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. 1092, the Nevada National Forest Land Disposal Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Megan Carroll and Deborah Reis.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
 Director.

Enclosure.

H.R. 1092—Nevada National Forest Land Disposal Act of 2003

CBO estimates that H.R. 1092 would not significantly affect the federal budget. Enacting the bill would increase offsetting receipts and direct spending but we estimate that the net impact would be less than \$500,000 in any year. H.R. 1092 would not affect revenues.

H.R. 1092 would direct the Secretary of Agriculture to sell 231 acres of National Forest System land in Nevada. Under the bill, the state of Utah and a local water district would each receive 5 percent of the gross proceeds from such sales. The balance of proceeds would be available to the Secretary, without further appropriation, to administrate the proposed sales, develop and maintain certain parks, trails, and natural areas in Nevada, and expand a facility to support federal and state wildland firefighting programs.

Based on information from the Forest Service about the value of the lands involved, CBO estimates that selling them would generate offsetting receipts (a credit against direct spending) totaling about \$1 million over the 2004–2005 period. We also estimate that the agency would spend those amounts over the same period, resulting in a negligible change in net direct spending in each of those years.

H.R. 1092 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Enacting this legislation would benefit the state of Utah and a local water district in that state because each would receive a share of the proceeds from the land sales.

The CBO staff contacts for this estimate are Megan Carroll and Deborah Reis. 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.

