

PISGAH NATIONAL FOREST BOUNDARY ADJUSTMENT ACT
OF 2009

SEPTEMBER 10, 2009.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. PETERSON, from the Committee on Agriculture,
submitted the following

R E P O R T

[To accompany H.R. 1002]

[Including cost estimate of the Congressional Budget Office]

The Committee on Agriculture, to whom was referred the bill (H.R. 1002) to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

BRIEF EXPLANATION

H.R. 1002 adjusts the boundaries of Pisgah National Forest in McDowell County, North Carolina.

PURPOSE AND NEED

H.R. 1002 authorizes the Forest Service to alter the boundaries of the Pisgah National Forest in North Carolina to give better access to the Catawba Falls. The bill modifies the boundaries of the forest to include a parcel of land consisting of 301 acres.

In the 1990s, the Forest Service purchased 239 acres adjacent to the falls to ensure its preservation. Recently, another adjacent private parcel of 88 acres became available making possible parking and trailhead expansion for the falls area. The Foothills Conservancy purchased this land but would like to sell it to the Forest Service and have it included within the Pisgah boundary.

The bill would permit the sale of privately held land by the Forest Service and alter the boundary of the National Forest.

SECTION-BY-SECTION

Section 1. Short title

Short title; states that the Act may be cited as “Pisgah National Forest Boundary Adjustment Act of 2009”.

Section 2. Boundary adjustment, Pisgah National Forest, North Carolina

Modifies the boundaries of the Pisgah National Forest in McDowell County, North Carolina, to include a parcel of land consisting of 301 acres, of which approximately 213 acres are owned by the United States and administered by the U.S. Forest Service.

Subject to appropriations of funds and with the consent of the owner of the private land located within the modified boundaries, the Secretary of Agriculture may acquire the private land.

Any federally owned lands that have been, or may be, acquired for National Forest System purposes within the modified boundaries are to be managed under the authority provided to the Secretary of Agriculture by the Weeks Act, and in accordance with other laws and regulations pertaining to the National Forest System.

COMMITTEE CONSIDERATION

The Committee on Agriculture met, pursuant to notice, with a quorum present, on July 29, 2009, to consider H.R. 1002 and other pending legislation.

Members were recognized and each made a statement in support of the legislation.

There being no amendments, Mr. Lucas moved that H.R. 1002 be reported favorably to the House with the recommendation that it do pass.

By a voice vote, and in the presence of a quorum, H.R. 1002 was ordered favorably reported to the House.

Chairman Peterson then advised Members that pursuant to the rules of the House of Representatives that Members have 2 calendar days to file such views with the Committee. No Members came forth with intent to file additional views.

Without objection, staff was given permission to make any necessary clerical, technical or conforming changes to reflect the intent of the Committee.

Chairman Peterson thanked all the Members and adjourned the meeting subject to the call of the chair.

REPORTING THE BILL—ROLLCALL VOTES

In compliance with clause 3(b) of rule XIII of the House of Representatives, H.R. 1002 was reported by voice vote with a majority quorum present. There was no request for a recorded vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Agriculture’s oversight findings and recommendations are reflected in the body of this report.

BUDGET ACT COMPLIANCE (SECTIONS 308, 402, AND 423)

The provisions of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a)(1) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority, new spending authority, new credit authority, or increased or decreased revenues or tax expenditures) are not considered applicable. The estimate and comparison required to be prepared by the Director of the Congressional Budget Office under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and sections 402 and 423 of the Congressional Budget Act of 1974 submitted to the Committee prior to the filing of this report are as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 19, 2009.

Hon. COLLIN C. PETERSON,
*Chairman, Committee on Agriculture,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1002, the Pisgah National Forest Boundary Adjustment Act of 2009.

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

Sincerely,

ROBERT A. SUNSHINE
(For Douglas W. Elmendorf, Director).

Enclosure.

H.R. 1002—Pisgah National Forest Boundary Adjustment Act of 2009

H.R. 1002 would expand the boundary of the Pisgah National Forest in North Carolina by about 300 acres and authorize the Forest Service to acquire private land within the new boundary. Based on information provided by the Forest Service and assuming the availability of appropriated funds, CBO estimates that implementing H.R. 1002 would cost less than \$1 million over the next year or two. Enacting the legislation would not affect direct spending or revenues.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

Under H.R. 1002, about 213 acres of federal land already administered by the Forest Service would be transferred into the national forest, and 88 acres of private land would be purchased from a local conservation group. The new parcels would be used to improve public access to the national forest.

CBO estimates that acquiring the private property would cost about \$700,000 in 2010. Additional upfront costs related to surveying, mapping, and signage (along with minor trail development expenses) are estimated to total a few thousand dollars over the next two years. We expect that the cost of managing the national forest would not change significantly as a result of the expansion.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objections of this legislation are to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the Constitutional authority for this legislation in Article I, clause 8, section 18, that grants Congress the power to make all laws necessary and proper for carrying out the powers vested by Congress in the Constitution of the United States or in any department or officer thereof.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the Committee report incorporates the cost estimate prepared by the Director of the Congressional Budget Office pursuant to sections 402 and 423 of the Congressional Budget Act of 1974.

ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

FEDERAL MANDATES STATEMENT

The Committee adopted as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

EARMARK STATEMENT REQUIRED BY CLAUSE 9 OF RULE XXI OF THE RULES OF HOUSE OF REPRESENTATIVES

H.R. 1002 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House Representatives.