

Subcommittee on Federal Lands

Tom McClintock, Chairman
Hearing Memo

June 11, 2015

To: Federal Lands Subcommittee Members

From: Spencer Kimball, Subcommittee Staff, x 6-7736

Subject: Legislative hearing on H.R. 1554, entitled the “Elkhorn Ranch and White River National Forest Conveyance Act of 2015”
June 16, 2015 at 10:00 AM; 1324 Longworth

H.R. 1554 - “Elkhorn Ranch and White River National Forest Conveyance Act of 2015”

Bill Summary

H.R. 1554, introduced by Congressman Scott Tipton (R-CO), would require a U.S. Forest Service (USFS) land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado. Specifically, the bill would require USFS to convey by patent 148 acres near Rifle, Colorado to the Gordman - Leverich Partnership (GLP).

Cosponsors

Rep. Jared Polis (D-CO)

Invited Witnesses

Ms. Leslie Weldon, Deputy Chief, National Forest System
U.S. Forest Service
U.S. Department of Agriculture
Washington, D.C.

Background

The main purpose of this legislation is to correct a discrepancy in the survey of 148 acres in Garfield County, Colorado, now known as Elkhorn Ranch, and require USFS to convey by patent the area to GLP. In 1908, three families began homesteading portions of the parcel after it was patented and conveyed into private ownership. The area, which is directly north of the boundary of the White River National Forest (WRNF), has been owned by several successors since it was originally patented and was purchased by GLP in 1998. Since it was originally homesteaded in 1908, Elkhorn Ranch has been improved and used by patentees and their successors for ranching and agricultural purposes. Today, seven stock ponds, two developed springs, fences, and roads exist on the property.

Shortly before the parcel was originally patented, the General Land Office confirmed with the original patentees that their homesteads were located in Sec. 18 with east-west fence lines, which conforms to present fence lines. A new survey conducted in 1949, which portrayed the southern-most boundary of the area on an angle rather than a true east-west line, resulted in the inclusion of the 148 acres at question into the boundaries of the WRNF and called into question the true ownership of the acreage. The patentees were not notified of this conflicting survey after its completion and the USFS first learned of this discrepancy in 2002.

Beginning in 2002, the Surveyor of the WRNF began to closely examine the conflicting surveys. In 2014, the Surveyor issued a report indicating that the original patents were based on a proper survey and recommended a “legislative boundary correction protecting bona fide rights” in order to correct the survey discrepancy and ensure that the area is re-patented to the appropriate private landowner.¹ The Garfield County Surveyor agreed with the Forest Service’s conclusion and recommendations.²

As a result of the Surveyor’s 2014 report, the Forest Supervisor of the WRNF recommended that the area be “confirmed in the successors in interest to the original patentees” and admitted that “the White River National Forest does not currently manage the 148 acres as National Forest land.”³ The Forest Supervisor also stated that reaffirming the land as private would not “be counter to the Forest Land Management Plan...Nor would such conveyance have any meaningful impact on the goals that Congress intended to impose when it designated the boundaries of the White River National Forest.”⁴

In 2011, the BLM issued Federal oil and gas lease COC-75070, which overlaps a portion of the Elkhorn Ranch. The bill would retain valid existing rights of the lessee of this lease and would provide United States the continued right to collect rent and royalty payments from that lease.

Further, the conveyance does not modify the exterior boundary of the White River National Forest. The bill also requires GLP to pay for all costs related to any survey, platting, legal description, or other activities carried out to prepare and issue the patent.

The following organizations support Congressional action on this issue: Garfield County Board of County Commissioners; Rifle Area Chamber of Commerce; Garfield County Surveyor; Piceance Energy, LLC; City of Rifle, Colorado; Club 20; White River Forest Surveyor; White River Forest Supervisor.

Administration Position

Unknown at this time.

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

¹ Bontrager, Wyman M. Professional Licensed Surveyor 29408, Forest Land Surveyor, White River National Forest Service, “Short Summary of Boundary Status – Beaver Creek; Sections 18 and 19, T. 7 S. R. 93 W., 6th PM.” February 19, 2014.

² Letter from Scott E. Aibner, P.L.S. Garfield County Surveyor to Andy Wiessner, Western Land Group. May 7, 2104.

³ Letter from Scott G. Fitzwilliams, Forest Supervisor, White River National Forest, to Senator Mark Udall. March 25, 2014.

⁴ Letter from Don G. Carroll, Acting Forest Supervisor, White River National Forest to John Case, Esq. October 20, 2004.