

TESTIMONY
OF
SUPERVISOR MATT RYAN
COCONINO COUNTY BOARD OF SUPERVISORS
BEFORE THE
HOUSE NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND
PUBLIC LANDS

“H.R. 1038, TO AUTHORIZE THE CONVEYANCE OF TWO SMALL PARCELS OF LAND WITHIN THE BOUNDARIES OF THE COCONINO NATIONAL FOREST CONTAINING PRIVATE IMPROVEMENTS THAT WERE DEVELOPED BASED UPON THE RELIANCE OF THE LANDOWNERS IN AN ERRONEOUS SURVEY CONDUCTED IN MAY 1960.”

DECEMBER 2, 2011

Chairman Bishop and members of the Subcommittee on National Parks, Forests and Public Lands, I appreciate the opportunity to provide testimony on H.R. 1038, legislation to address a boundary correction in the Mountaineer Subdivision in the Coconino National Forest in Coconino County, Arizona. My name is Matt Ryan and I serve on the Coconino County Board of Supervisors representing District Three. I am here today representing my district and the Coconino County Board of Supervisors.

Coconino County would like to thank the Subcommittee for considering H.R. 1038. On behalf of Coconino County and the residents of District Three, we would also like to thank Congressman Paul Gosar for introducing legislation to address this important issue. H.R. 1038 will provide much-needed relief to homeowners of the Mountaineer Subdivision.

As background, in November 2007, the United States Bureau of Land Management (BLM) completed a land survey in the Mountaineer Subdivision in the Coconino National Forest. During the 2007 survey, the BLM determined that an erroneous privately contracted survey of Mountaineer Unit I, which was completed between 1960 and 1961, misidentified several acres of United States Forest Service (USFS) land as private property. Since this time, the surveyors have passed away and the homeowners are faced with a situation of living on land owned by the USFS.

On some of the developed parcels, the revised boundary goes through portions of the landowner's residence. Furthermore, several of these residents have maintained these parcels and developed them as their own for years, and in some cases decades.

The boundary discrepancy impacts 26 lots and 27 property owners in the Mountaineer Subdivision. The entire encroachment for all lots involves a total land area

of 2.5 to 3 acres. Since 2007, a number of the property owners in this area have attempted to sell their properties and are having a difficult time doing so, due to questions associated with the land ownership.

As you are well aware, the USFS has limited ability to convey land to private landowners. Under the Small Tracts Act, Public Law 97-465, the USFS is authorized to sell or exchange small parcels of federal land that meet certain criteria. The Small Tracts Act requires the USFS to work with the individual landowners to convey the property at fair market value. This option, however, would prove costly to the landowners and federal government, and could potentially take several years to complete.

Following discussions with the USFS, Coconino County and the impacted homeowners, it was determined that pursuing legislation to correct the boundary discrepancy would be the most viable option. A legislative option was raised to provide the USFS the authority needed to convey the property to the landowners without any consideration from the landowners. Under this option, the cost to the USFS and landowners would be minimal and the amount of time to correct the discrepancy significantly reduced. Representative Paul Gosar introduced H.R. 1038 as a result of these discussions.

It's important to point out that this conveyance will have a cost to the county and homeowners. Both groups will pay for an additional survey of each individual parcel, the cost to create a legal entity to receive the property, as well as the \$20,000 included as consideration in the legislation. We believe this is a small price to pay to grant these homeowners the peace of mind of knowing the property they live on is their own.

Thank you for the opportunity to address the House Natural Resources Subcommittee on National Parks, Forests and Public Land. The Coconino County Board of Supervisors would like to extend our gratitude to Chairman Bishop, Congressman Gosar and the Committee for their continued efforts to address the Mountaineire boundary discrepancy.