

Congresswoman Marilyn N. Musgrave
House Natural Resources Committee
Subcommittee on National Parks, Forests and Public Lands
Testimony on HR 3299, Roosevelt National Forest Boundary
Adjustment

Thank you Chairman Grijalva and Ranking Member Bishop for holding this hearing today on HR 3299, which would adjust the boundary of the Roosevelt National Forest in Colorado.

In May 2006 a number of constituents contacted my office after receiving notice from the Forest Service that they were encroaching upon federal property. To say this was a surprise to these homeowners would be an understatement. After all, many of these homeowners purchased this land in the 70's, improved it, built homes, and have lived here for decades.

However, the Forest Service informed these homeowners that a survey conducted between September 2003 and July 2004 found that an earlier 1975 survey was inaccurate. This 1975 survey was privately commissioned and was used in the development of the Crystal Lakes subdivision.

Thirty years after the property was originally developed, landowners are now being informed that the land they paid for--and improved--may actually be federal property. Even more, a number of these landowners are faced with the reality that their homes may be on federal land.

The property owners bought this land and made improvements all in good faith and are now faced with an undue burden to deal with this mistake.

For most of the impacted landowners, there is no recourse without the passage of HR 3299. These individuals will be forced to remove any improvements from this land and see land they paid for revert to Forest Service control. The only recourse for individuals whose homes are within the area of dispute is the Small Tracts Act.

However, this requires homeowners to pay for this land a *second* time at current fair market value. Because land prices in this area have increased dramatically over the past three decades, utilizing the Small Tracts Act would place an enormous financial burden on these homeowners.

Mr. Chairman, the 7 acres involved in this boundary dispute pale in comparison to the 1.3 million acres of the Arapaho-Roosevelt National Forest. Because this land has been cleared and occupied for a number of years, transferring it back to the Forest Service would not enhance the environmental or scenic attributes of the area. Additionally, HR 3299 would not, in any way, impact the integrity or affect the operation of the Forest.

Mr. Chairman, the landowners impacted by this boundary dispute need resolution. HR 3299 does this by allowing them to keep land they have purchased and improved. Thank you for allowing me to testify before this subcommittee and thank you for your consideration of HR 3299.

July 10, 2008

Carlton and LouAnne Garno
433 Knotty Place
Loveland, CO 80538

To: The Committee on Natural Resources and Chairman, the Honorable Nick Rahall:

Re: HR3299

Dear Mr. Chairman,

We purchased our land in the Red Feather Lakes area of the Rocky Mountains, just after a survey was completed in 1975, by a state licensed surveyor for Stewart Title Company. This survey was done to convey a portion of the Roosevelt National Forest Land to the development company, with approval of the US Forest Service, for forming the Crystal Lakes development area. We bought a 2.5 acre section within this section, bordering the National Forest, AKA: lot 116 in the 9th filing, that same year. A full 33 years ago. We cleared the land, built our home and lived there from 1979-2005 Ten years later we paid off the mortgage and have conscientiously paid our county taxes and Home Owners Associations dues on said property ever since, continuing to do so even with the encroachment issue looming. So for most of those 33 years that land was considered legally ours, not only by Larimer County, but by the State of Colorado and the U.S. Forest Service. We have obviously used that property for many happy and memorable get-togethers, we even convinced our friends, the Perrine's, to purchase the parcel next to us. We had hoped eventually to pass it on to our children or grandchildren so the family could continue to enjoy the property and pristine surroundings for years to come. This may not happen without the help of the US Government in passing HR3299.

Then in 2006 we were told by the US Forest Service that the land no longer was legally ours due to a 2004 survey done by the BLM that supersedes the 1975 survey. This despite several other independent surveys conducted since 1975, which never challenged the legitimacy of the 1975 one. This new survey left us with barely .5 acres. The alleged encroachment area not only included our entire home, but the garage, shed, the well and septic, as well as the power poles and driveway.

As American Citizens aren't we entitled to be protected legally by the adverse possession or grandfathering laws? Not so when the US Government is involved, for when protesting these finding we were told that we have no rights in that case, except to plead our case to the US Congress. Thanks to for the help of our representative Marilyn Musgrave; HR3299 is being brought to you. Yes, we have been told that we can "purchase" some land back through the Small Track Act, but that leaves us with un-saleable, unconnected patches of land. Why should we be forced to purchase back land, at today's market value, for land we have bought in good faith and have already paid for?

Does it really make sense to change all the county tax records or redo topographical maps just for the jagged boundaries which would be formed? Does the Roosevelt National Forest really NEED an additional 7 acres? That is the total of the land

area involved, 7 acres between 19 effected land owners. We only are asking for the land to be restored to its original boundaries that were originally and legally granted to us 33 years ago, nothing more and nothing less. The passing of this bill would help this to happen. We urge you to send HR3299 on its way through the proper government channels.

Thank you for your's and your committee's time to hear us out.

Sincerely:

Carlton and LouAnne Garno

July 10, 2008

Jon Platt
541 WCR 16
Loveland, CO 80537

To: The Committee on Natural Resources and Chairman, The Honorable Nick Rahall:
Re: H.R. 3299

Dear Mr. Chairman,

My name is Jon Platt and I am the son-in-law of Carlton and LouAnne Garno. I have been helping them do research on the 2004 survey which will cause them to loose approximately 75% of their mountain property. I have spent many hours learning about how the west was surveyed back in 1881 and walking the paths that the 1881 surveyors walked.

After much thought I have come up with one main reason why H.R. 3299 should be approved. That reason is because, the original intent of the federal government was for Crystal Lakes 9th Filing to have three, 40 acre sections in section 24, and, three, 40 acre sections in section 25. (These sections are called 'a 1/16th section' and are 40 acres, as specified by the federal government. In our case, $6 \times 40 = 240$ acres of land).

In 1880, if you homesteaded the area which contains the Crystal Lakes 9th Filing, you would receive 240 acres.

In 1975, after the land was poorly surveyed and after 95 years of neglected survey markers, you would receive about 210 acres.

In 2004, after another federal survey, you would receive about 203 acres. H.R. 3299 needs to be passed so the size of Crystal Lakes 9th Filing can be re-established to the size it was when the land was subdivided back in 1975. This is still short by 30 acres that the federal government originally wanted it to be, but it will at least resolve the boundary dispute with Roosevelt National Forest. This will also prevent the 20 landowners from losing the property they purchased in good faith.

Sincerely,
Jon Platt

July 10, 2008

John and Jeanne Perrine
2500 S C RD 15
Berthoud, Co 80513

To Whom It May Concern:
The Committee on Natural Resources
U.S. House of Representatives
Washington, D.C.

We have been going up to the Red Feather region since 1976. On July 31st, 1976 we lost our home in the Big Thompson Flood. We were lucky. Even though we lost our dog and our cat, we got out with our beautiful little girls, then 2 and 3 years old. 145 people lost their lives including our neighbors. One of them was never found. We always loved the mountains and camping but after that experience I could no longer camp by the rivers. That is what led us to the Red Feather Lakes region.

We started camping at Dowdy Lake and loved the area. As time went on, it got to be harder to make it up in time to get a campsite. If we got out of work late on Friday or had to work on Saturday it became impossible to get there soon enough. We would drive on and around sometimes not finding a campsite until midnight. We had friends who owned a place in Crystal Lakes so if we couldn't find a campsite they would let us stop at their place overnight.

As we worried that we would lose out entirely on camping in the area if we didn't act soon, we bought a place in the 9th filing of Crystal Lakes in 1987 right next door to our friend's place. It was a work in progress and we have had many years of joy building it piece by piece with friends and family. We thought we did all of our due diligence before we bought it. We had surveys done over the years. We have had title insurance from different companies. We had it paid off at one point, but then refinanced it once again to build our home in Berthoud.

The original survey for this portion of the Crystal Lakes subdivision was done in 1975. In 2004 the BLM prepared a new survey that they say supersedes the 1975 survey. You would think that we would be protected legally because of adverse possession laws. We have paid the taxes and HOA dues on the property since 1987 and we have openly used the property and have hundreds of witnesses since we have had an annual Memorial Weekend campout for the last 20 years dedicated to our Servicemen, Police, Fire and EMT's. Problem with the adverse possession law: it doesn't protect you if the neighbor that you have the dispute with is the US government.

Now I love this Country and I wouldn't want to live anywhere else. We do not want to take someone else's property. We just want to keep our own.

The passing of HR3299 would restore our boundaries and let us get on with our lives. Thank you for your time and consideration.