

BIG THICKET NATIONAL PRESERVE LAND EXCHANGES

NOVEMBER 30, 1995.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 826]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 826) to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. FINDINGS.

The Congress finds that—

- (1) under the Big Thicket National Preserve Addition Act of 1993 (Public Law 103-46), Congress increased the size of the Big Thicket National Preserve through authorized land exchanges;
- (2) such land exchanges were not consummated by July 1, 1995, as required by Public Law 103-46; and
- (3) failure to consummate such land exchanges by the end of the three-year extension provided by this Act will necessitate further intervention and direction from Congress concerning such land exchanges.

SEC. 2. TIME PERIOD FOR LAND EXCHANGE.

(a) EXTENSION.—The last sentence of subsection (d) of the first section of the Act entitled “An Act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes”, approved October 11, 1974 (16 U.S.C. 698(d)), is amended by striking out “two years after date of enactment” and inserting “five years after the date of enactment”.

(b) INDEPENDENT APPRAISAL.—Subsection (d) of the first section of such Act (16 U.S.C. 698(d)) is further amended by adding at the end the following: “The Secretary, in considering the values of the private lands to be exchanged under this

subsection, shall consider independent appraisals submitted by the owners of the private lands.”.

(c) LIMITATION.—Subsection (d) of the first section of such Act (16 U.S.C. 698(d)), as amended by subsection (b), is further amended by adding at the end the following: “The authority to exchange lands under this subsection shall expire on July 1, 1998.”.

SEC. 3. REPORTING REQUIREMENT.

Not later than six months after the date of the enactment of this Act and every six months thereafter until the earlier of the consummation of the exchange or July 1, 1998, the Secretary of the Interior and the Secretary of Agriculture shall each submit a report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate concerning the progress in consummating the land exchange authorized by the amendments made by Big Thicket National Preserve Addition Act of 1993 (Public Law 103–46).

SEC. 4. LAND EXCHANGE IN LIBERTY COUNTY, TEXAS.

If, within one year after the date of the enactment of this Act—

(1) the owners of the private lands described in subsection (b)(1) offer to transfer all their right, title, and interest in and to such lands to the Secretary of the Interior, and

(2) Liberty County, Texas, agrees to accept the transfer of the Federal lands described in subsection (b)(2),

the Secretary shall accept such offer of private lands and, in exchange and without additional consideration, transfer to Liberty County, Texas, all right, title, and interest of the United States in and to the Federal lands described in subsection (b)(2).

(b) LANDS DESCRIBED.—

(1) PRIVATE LANDS.—The private lands described in this paragraph are approximately 3.76 acres of lands located in Liberty County, Texas, as generally depicted on the map entitled “Big Thicket Lake Estates Access—Proposed”.

(2) FEDERAL LANDS.—The Federal lands described in this paragraph are approximately 2.38 acres of lands located in Menard Creek Corridor Unit of the Big Thicket National Preserve, as generally depicted on the map referred to in paragraph (1).

(c) ADMINISTRATION OF LANDS ACQUIRED BY THE UNITED STATES.—The lands acquired by the Secretary under this section shall be added to and administered as part of the Menard Creek Corridor Unit of the Big Thicket National Preserve.

Amend the title so as to read:

A bill to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 826 is to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas.

BACKGROUND AND NEED FOR LEGISLATION

The Big Thicket National Preserve was the first “preserve” established for management by the National Park Service in 1974 (Public Law 93–439). This area of East Texas has been called the “biological crossroads of North America” and contains plants and animals characteristic of many regions of the country including: moist eastern hardwood forests, tropical coastal marshes, central prairies, and southwest deserts.

The establishment legislation for the preserve permits oil and gas exploration and extraction, grazing, agriculture, hunting, fishing and trapping. Regulations have been established by the National Park Service to control these activities.

The preserve has 12 units—eight tracts and four corridors—comprising a total of 84,550 acres. Most of these lands were under pri-

vate ownership at the time of the preserve's establishment. Virtually all of the preserve lands have now been acquired by the Federal Government at an estimated cost of approximately \$96 million. The effective management of these 12 widely-separated units requires considerable time, effort and cost.

Nearly all of the Big Thicket has been logged to some degree. Big Thicket is also crisscrossed by numerous oil and gas pipelines. There have been over 150 wells drilled within the park, and many of these remain in production. Forest products and petrochemical industries remain the primary contributors to the region's economy.

S. 80, which passed during the 103d Congress, authorized an exchange of Forest Service lands (to be acquired by the timber companies) for timber company lands (to be acquired by the National Park Service). This equal value land exchange consisting of approximately 11,000 acres was to be completed in two years. Very little has been completed by the agencies and it is quite clear that the Forest Service has dragged their feet in the process because they are the net losers of acreage in this exchange.

COMMITTEE ACTION

H.R. 826 was introduced on February 3, 1995, by Congressman Charles Wilson of Texas. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Forests and Lands. On May 18, 1995, the Subcommittee held a hearing on H.R. 826, where testimony was received in favor of the legislation. The Administration testified in support of H.R. 826. On October 17, 1995, the Subcommittee met to mark up H.R. 826. An amendment in the nature of a substitute was offered by Congressman James V. Hansen. The Hansen amendment extends the authorization by three years and then terminates the exchange authority if not completed by the deadline. Additionally, a six month progress report is now required. Lastly, the Subcommittee added a small exchange of 3.67 acres of private land for 2.38 acres of Federal land for emergency access for a private holder. Mr. Hansen then offered a unanimous motion to make a technical correction to the amendment in the nature of a substitute. The motion was agreed to, and the amendment in the nature of a substitute was adopted by voice vote. The bill was then ordered favorably reported by a voice vote to the Full Committee in the presence of a quorum. On October 25, 1995, the Full Resources Committee met to consider H.R. 826. No amendments were offered and the bill as amended was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Findings

This section provides the findings for the bill.

Sec. 2. Time period for land exchange

This section amends 16 U.S.C. 698(d) to extend the authorization for land exchanges from two to five years. It also instructs the Secretary of the Interior to consider independent appraisals submitted by private landowners. Furthermore, an expiration date of July 1,

1998, is established on the authority of the Secretary to exchange these lands.

Sec. 3. Reporting requirement

After the date of enactment, it is required that the Secretary of the Interior and the Secretary of Agriculture each submit a progress report to the House Committee on Resources and the Senate Energy and Natural Resources Committee every six months until the earlier of the exchange completion or July 1, 1998.

Sec. 4. Land exchange in Liberty County, Texas

This section authorizes the exchange of approximately 3.67 acres of privately owned land in Liberty County, Texas, for approximately 2.38 acres of Federal lands located in the Menard Creek Corridor Unit of the Big Thicket National Preserve. The Secretary of the Interior is instructed to accept the offer of private lands and transfer all right, title, and interest of the U.S. in and to the Federal lands to Liberty County, Texas. The lands acquired by the Secretary shall be added to and administered as part of the Menard Creek Corridor Unit of the Big Thicket National Preserve.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Subcommittee on National Parks, Forests and Lands held a hearing on H.R. 826 on May 18, 1995, and the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 826 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) 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 H.R. 826. However, clause 7(d) 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 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 826 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. The bill will reduce

offsetting receipts by about \$500,000 annually but reduce Federal payments to the State of Texas.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 826.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI 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 H.R. 826 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 28, 1995.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 826, a bill to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas, and for other purposes, as ordered reported by the House Resources Committee on October 25, 1995. The bill would extend until July 1, 1998, the deadline for completing certain land exchanges in the Big Thicket National Preserve in Texas. The bill also would direct the Secretary of the Interior to accept, if offered, the transfer of about four acres of private land in Liberty County, Texas, in exchange for about two acres of federal land in the preserve.

Enacting H.R. 826 would affect direct spending. Therefore, pay-as-you-go procedures would apply to the bill. The increase in direct spending would be less than \$500,000 a year beginning in fiscal year 1997.

Beginning in 1993 and continuing through July 1, 1995, the Secretary of the Interior, in cooperation with the Secretary of Agriculture, was authorized to transfer to private ownership about 5,000 acres of federally owned timber lands (administered by the Forest Service) in the vicinity of the Big Thicket National Preserve. In exchange, the National Park Service was to receive 10,766 acres of privately owned commercial timber lands within the boundary of the preserve. During the two-year period of authorization, however, no acreage was exchanged. This bill would extend that authorization another three years, until July 1, 1998.

Federal Budgetary Impact.—Based on information from the Department of the Interior, CBO estimates that enacting H.R. 826 would reduce offsetting receipts from timber harvesting by about \$500,000 annually. The land exchange would enlarge the preserve (administered by the National Park Service) but reduce the amount of timber acreage now administered by the Forest Service. Since timber harvesting is planned on the currently held federal land, but would not be permitted on the preserve, this land exchange

would reduce offsetting receipts to the federal government. After accounting for payments to states equal to 25 percent of the gross receipts, we estimate that federal outlays would increase by about \$375,000 annually. Because of the need for additional time to complete land surveys and timber appraisals, CBO estimates that the exchange would take place by the end of fiscal year 1996 and the loss of receipts would begin in fiscal year 1997.

According to the Forest Service, \$500,000 in appropriated funds was transferred from the National Park Service to the Forest Service in fiscal year 1995 to carry out the exchange, and the agency believes that additional funds may be required from the National Park Service in fiscal year 1996 to complete the exchange. Based on information from the Forest Service, CBO estimates that completing the land exchange would cost about \$275,000, to be transferred from funds already appropriated to the Park Service for this land exchange.

In addition, payments in lieu of taxes (PILT) to local governments within Texas would increase, subject to appropriations of the necessary amounts, because the bill would increase the amount of federally owned land in the state. The amount of such an increase would not be significant.

We estimate that the proposed land exchange in Liberty County, Texas, also included in this bill, would not affect direct spending or receipts and would have no significant impact on discretionary spending.

State and Local Government Budgetary Impact.—Because we estimate that this bill would reduce federal receipts from timber harvesting, we also estimate that it would reduce federal payments to the state of Texas. (State and local governments receive 25 percent of timber receipts.) As a result, Texas would lose about \$125,000 annually. Implementing this bill would increase PILT to local governments in Texas because it would increase the amount of federally owned land in the state, but the increase would not be significant.

If you wish further details on this estimate, we will be pleased to provide them. The staff contact is Victoria V. Heid and, for State and local impacts, Marjorie Miller.

Sincerely,

JUNE E. O'NEILL, *Director.*

DEPARTMENTAL REPORTS

The Committee has received no departmental reports on H.R. 826.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF OCTOBER 11, 1974

AN ACT To authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) * * **

* * * * *

(d) Within sixty days after the date of enactment of this subsection, the Secretary and the Secretary of Agriculture shall identify lands within their jurisdiction located within the vicinity of the preserve which may be suitable for exchange for commercial timber lands within the preserve. In so doing, the Secretary of Agriculture shall seek to identify for exchange National Forest lands that are near or adjacent to private lands that are already owned by the commercial timber companies. Such National Forest lands shall be located in the Sabine National Forest in Sabine County, Texas, in the Davy Crockett National Forest south of Texas State Highway 7, or in other sites deemed mutually agreeable, and within reasonable distance of the timber companies' existing mills. In exercising this exchange authority, the Secretary and the Secretary of Agriculture may utilize any authorities or procedures otherwise available to them in connection with land exchanges, and which are not inconsistent with the purposes of this Act. Land exchanges authorized pursuant to this subsection shall be of equal value and shall be completed as soon as possible, but no later than [two years after date of enactment] *five years after the date of enactment* of this subsection. *The Secretary, in considering the values of the private lands to be exchanged under this subsection, shall consider independent appraisals submitted by the owners of the private lands. The authority to exchange lands under this subsection shall expire on July 1, 1998.*

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