AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Calendar No. 889

106TH CONGRESS, 2d Session | SENATE | REPORT 106–444

KERN COUNTY CALIFORNIA LAND EXCHANGE ACT OF 2000

SEPTEMBER 29, 2000—Ordered to be printed

Filed under authority of the order of the Senate of September 28 (legislative day, September 22), 2000

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 1680]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1680) to provide for the conveyance of Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest, having considered the same, reports favorably thereon with an amendment and recommends that the Act, as amended, do pass.

The amendment is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kern County California Land Exchange Act of 2000".

SEC. 2. LAND EXCHANGE, CAMP OWEN AND RELATED PARCELS, KERN COUNTY, CALIFORNIA.

(a) EXCHANGE REQUIRED.—In exchange for the non-Federal lands and the additional consideration described in subsection (b), the Secretary of Agriculture shall convey to Kern County, California, all right, title, and interest of the United States in and to four parcels of land under the jurisdiction of the Forest Service in Kern County, as follows:

(1) Approximately 70 acres known as Camp Owen as depicted on the map entitled "Camp Owen", dated June 15, 2000.

(2) Approximately 4 acres known as Wofford Heights Park as depicted on the map entitled "Wofford Heights Park", dated June 15, 2000.

(3) Approximately 4 acres known as French Gulch maintenance yard as depicted on the map entitled "French Gulch Maintenance Yard", dated June 15, 2000.

(4) Approximately 14 acres known as the Kernville Fish Hatchery as depicted on the map entitled "Kernville Fish Hatchery", dated June 15, 2000.

(b) CONSIDERATION.—

(1) CONVEYANCE OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in subsection (a), Kern County shall convey to the Secretary a parcel of land for fair market value consisting of approximately 52 acres as depicted on the map entitled "Greenhorn Mountain Park", located in Kern County, California, dated June 18, 2000.

(2) REPLACEMENT FACILITY.—As additional consideration for the conveyance of the storage facility located at the maintenance yard referred to in subsection (a)(3), Kern County shall provide a replacement storage facility of comparable size and condition, as acceptable to the Secretary, at the Greenhorn Ranger District Lake Isabella Maintenance Yard property.

(3) CASH EQUALIZATION PAYMENT.—As additional consideration for the conveyance of the Federal lands referred to in subsection (a), Kern County shall tender a cash equalization payment specified by the Secretary. The cash equalization payment shall be based upon an appraisal performed at the option of the Forest Service pursuant to section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(c) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal lands to be conveyed under this section must be acceptable to the Secretary, and the conveyance shall be subject to valid existing rights of record. The non-Federal lands shall conform with the title approval standards applicable to Federal land acquisitions.

(d) TIME FOR CONVEYANCE.—Subject to subsection (c), the Secretary shall complete the conveyance of the Federal lands under subsection (a) within 3 months after Kern County tenders to the Secretary the consideration required by subsection (b).

(e) STATUS OF ACQUIRED LANDS.—Upon approval and acceptance of title by the Secretary, the non-Federal lands conveyed to the United States under this section shall become part of Sequoia National Forest, and the boundaries of the national forest shall be adjusted to include the acquired lands. The Secretary shall manage the acquired lands for recreational purposes in accordance with the laws and regulations pertaining to the National Forest System. For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the national forest, as adjusted pursuant to this section, shall be considered to be the boundaries of the national forest as of January 1, 1965.

(f) RELATIONSHIP TO ENVIRONMENTAL LIABILITY.—In connection with the conveyances under this section, the Secretary may require such additional terms and conditions related to environmental liability as the Secretary considers appropriate to protect the interests of the United States.

(g) LEGAL DESCRIPTIONS.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by a survey or surveys satisfactory to the Secretary. The costs of any such survey, as well as other administrative costs incurred to execute the land exchange (other than costs incurred by Kern County to comply with subsection (h)), shall be divided equally between the Secretary and Kern County.

(h) TREATMENT OF EXISTING UTILITY LINES AT CAMP OWEN.—Upon receipt of the Federal lands described in subsection (a)(1), Kern County shall grant an easement, and record the easement in the appropriate office, for permitted or licensed uses of those lands that are unrecorded as of the date of the conveyance.

(i) APPLICABLE LAW.—Except as otherwise provided in this section, any exchange of National Forest System land under this section shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

PURPOSE OF THE MEASURE

H.R. 1680 provides for a property exchange between the Federal Government and Kern County, California, involving land and structures within the boundaries of the Sequoia National Forest. The bill directs the Secretary of Agriculture to convey to the county about 92 acres of Federal property in exchange for about 52 acres of county-owned land within Sequoia National Forest. In addition to land, the county also would provide a storage facility to the Federal Government, and a cash equalization payment if necessary.

BACKGROUND AND NEED

H.R. 1680 provides for the transfer of three parcels of land on the Sequoia National Forest, totaling approximately 92 acres, to Kern

County, California, in exchange for one parcel of approximately 52 acres of land currently owned by Kern County and a storage facility.

The National Forest System lands to be conveyed include a 70-acre parcel known as Camp Owen, a juvenile justice facility which has been operated by Kern County for the last fifty years; Wofford Heights Park, consisting of approximately 4 acres in the small rural community of Wofford Heights; and the French Gulch maintenance yard, approximately 4 acres, which is used by Kern County for maintenance of its parks. A fish hatchery, operated by the State of California under permit from the Forest Service, is located across the road from Camp Owen and included within the parcel to be transferred to County ownership. No disruption of operations is anticipated because Kern County intends to continue the State's permit to operate the hatchery.

In exchange for the Federal lands to be conveyed, the County would transfer the Greenhorn Mountain Park to the Forest Service. Kern County owns and operates the Greenhorn Mountain Park, a 52-acre forested park located within the Sequoia National Forest. The park includes campsites, cabins, a recreational hall and mess halls, as well as an outdoor amphitheater. In addition, the Forest Service operates an emergency aid office, uses the roads and water system to serve other National Forest System lands, and uses sheds on the site to store Forest Service equipment.

The legislation eliminates an inholding on the National Forest and enables the Forest Service to use the Greenhorn property without a county permit. In exchange, Kern County would acquire Camp Owen and two minor properties, which do not have forest characteristics, are not used by the Forest Service, and in which the County has invested both time and money. The exchange also would assure the continued operation of the Camp Owen juvenile justice facility by Kern County without the need for a special use permit.

LEGISLATIVE HISTORY

H.R. 1680 was introduced on May 4, 1999, by Representative William M. Thomas. On March 21, 2000, H.R. 1680 passed the House by voice vote. The Subcommittee on Forests and Public Land Management held a hearing on H.R. 1680 on June 8, 2000. At the business meeting on September 20, 2000, the Committee on Energy and Natural Resources ordered H.R. 1680 reported favorably with a substitute amendment.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on September 20, 2000, by a voice vote of a quorum present, recommends that the Senate pass H.R. 1680 if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of H.R. 1680, the Committee adopted an amendment in the nature of a substitute that addresses the Administration's concerns that maps of the properties be referred to in the bill and that the $100,000 cash equalization cap be removed.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title of the bill, the "Kern County California Land Exchange Act of 2000."

Section 2 requires the Forest Service to transfer 92 acres of land to Kern County, California, in exchange for 52 acres of County land. This section also requires a cash equalization payment and identifies conditions for acceptance and conveyance.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office (CBO) estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report becomes available the Chairman will request that it be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1680. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy. Little, if any, additional paperwork would result from the enactment of H.R. 1680, as ordered reported.

EXECUTIVE COMMUNICATIONS

On September 25, 2000 the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 1680. These reports had not been received at the time the report on H.R. 1680 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. At the June 8 Subcommittee on Forests and Public Land Management hearing, the Administration testified as follows:

STATEMENT OF JACK CRAVEN, DIRECTOR OF LANDS, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to present the Administration's views concerning H.R. 1680, an Act to provide for the conveyance of Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest. I want to acknowledge the good work that Congressman Thomas has done to help resolve some of the issues the Administration had with the previous version of this bill. We would not object to this bill if it is amended as suggested.

This bill would convey 88 acres of national forest land to Kern County, California in exchange for approximately 52

acres of land owned by Kern County. Congressman Thomas has worked hard to meet some of the concerns we expressed at the House hearing on this bill; however, certain issues remain. This bill should be clarified to require that fair market value be established by an appraisal prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and approved by the Secretary. This bill also should be revised to remove the cap of $100,000 on the cash equalization payments. These amendments would ensure that the taxpayers receive fair market value for public assets. With these amendments, we would not object to this bill.

This concludes my testimony. I would be glad to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by H.R. 1680, as ordered reported.

○