

KERN COUNTY CALIFORNIA LAND EXCHANGE ACT OF 2000

MARCH 2, 2000.—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. 1680]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (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, report favorably thereon with an amendment and recommend that the bill 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.
- (2) Approximately 4 acres known as Wofford Heights Park.
- (3) Approximately 4 acres known as the French Gulch maintenance yard.
- (4) Approximately 14 acres known as the Kernville Fish Hatchery.

(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 consisting of approximately 52 acres of Greenhorn Mountain Park in Kern County, California, which is owned by Kern County within Sequoia National Forest.

(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, but not to exceed \$100,000. Subject to such limitation, 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 three 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 BILL

The purpose of H.R. 1680 is 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.

#### BACKGROUND AND NEED FOR LEGISLATION

H.R. 1680 provides for the exchange of land in the Sequoia National Forest for land and other items currently owned by Kern County, California.

In the bill as introduced, the Sequoia National Forest lands to be conveyed included a 104-acre parcel known as Camp Owen, a juvenile justice facility which has been operated by Kern County for the last 50 years; Wofford Heights Park, consisting of approximately 4 acres in the small rural community of Wofford Heights; and the French Gulch maintenance yard (approximately 3.4 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 was included within the parcel to be transferred to County owner-

ship. No disruption of operations is anticipated, since Kern County intends to continue the State's permit to operate the hatchery.

Kern County owns and operates the Greenhorn Mountain Park, a 160-acre forested park located within the Sequoia National Forest. The Park includes camp sites, cabins, a recreational hall and mess halls, as well as an outdoor amphitheater. In addition, the Forest Service operates an emergency aid office there, uses the roads and water system to serve other national forest lands, and uses sheds on the site to store Forest Service equipment. In exchange for the federal lands to be conveyed, under the bill as introduced, the County would have transferred the entire 160-acre parcel to the Forest Service.

As introduced, the legislation would eliminate an inholding in the Sequoia National Forest and enable the Forest Service to use the Greenhorn property without requiring 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 would also assure the continued operation of the Camp Owen juvenile justice facility by Kern County without the need for a special use permit.

Following the hearing on this bill, the bill was amended at Full Committee to reflect a recent agreement between the County and the Forest Service. As reported, H.R. 1680 would provide that approximately 92 acres of National Forest land be conveyed to Kern County and approximately 52 acres of the County's Greenhorn Mountain Park be conveyed to the U.S. Forest Service (eliminating the developed acreage at Greenhorn Mountain Park from the exchange). It also provides for a cash equalization payment from Kern County to the Forest Service not to exceed \$100,000. In addition, as consideration for the conveyance of a storage facility at the French Gulch maintenance yard, Kern County will provide a replacement storage facility of comparable size and condition. This requirement may be met by moving the existing facility or replacing it with a comparable one, to be installed on a prepared site at the Forest Service offices at Lake Isabella. The bill as reported also provides that an easement will be granted by Kern County for existing utility lines on the Camp Owen property. These changes were developed in final negotiations between Kern County and the Sequoia National Forest to address the Administration's concerns with the introduced bill and to provide continued access for the owner of existing utility lines at Camp Owen.

#### COMMITTEE ACTION

H.R. 1680 was introduced on May 4, 1999, by Congressman William Thomas (R-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On October 19, 1999, the Subcommittee held a hearing on the bill, where Rep. Thomas and the Forest Service testified. The Forest Service opposed the legislation as drafted and expressed its willingness to find a compromise. On November 2, 1999, the Subcommittee met to mark up the bill. No amendments were offered and the bill was ordered favorably reported to the Full Committee by voice vote. On February 16, 2000, the Full Resources Committee met to consider the bill. Chairman Don

Young (R-AK) offered an amendment in the nature of a substitute, as described above. The amendment was adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

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

##### *Section 2. Land exchange, Camp Owen and related parcels, Kern County, California*

Section 2 (as amended) provides for the exchange of 92 acres of National Forest land to Kern County, California, and 52 acres of County land to the U.S. Forest Service; a cash equalization payment; and conditions for acceptance and conveyance.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources’ oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(2) 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 this bill. However, clause 3(d)(3)(B) 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 402 of the Congressional Budget Act of 1974.

2. **Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of H.R. 1680 would result in increased offsetting receipts of approximately \$30,000 to \$50,000.

3. **Government Reform Oversight Findings.** Under clause 3(c)(4) of rule XIII 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 on this bill.

4. **Congressional Budget Office Cost Estimate.** Under clause 3(c)(3) of rule XIII 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 this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
 CONGRESSIONAL BUDGET OFFICE,  
 Washington, DC, February 29, 2000.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1680, the Kern County California Land Exchange Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON  
 (For Dan L. Crippen, Director).

Enclosure.

*H.R. 1680—Kern County California Land Exchange Act of 2000*

CBO estimates that enacting H.R. 1680 would have no significant effect on the federal budget. Because the bill could increase offsetting receipts (a form of direct spending), pay-as-you-go procedures would apply, but CBO estimates that the one-time increase in receipts would be between \$30,000 and \$50,000 in fiscal year 2001. H.R. 1680 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Any costs incurred by Kern County to achieve this exchange would be voluntary. Enactment of the bill would have no other significant impact on the budgets of state, local, or tribal governments.

H.R. 1680 would provide 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 would direct 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 convey a storage facility to the federal government, and a cash payment of up to \$100,000.

According to the Forest Service, the federal land to be conveyed to the county in the proposed exchange includes a 56-acre site as a juvenile justice facility by Kern County under permit from the Forest Service. The federal acreage also includes a fish hatchery, a maintenance yard, and a maintenance building. Based on information provided by the Agency, CBO estimates that the difference in the value of the lands to be exchanged is between \$30,000 and \$50,000, necessitating a cash equalization payment to the federal government. The county land to be acquired is undeveloped land in Greenhorn Mountain Park. Administering the new acreage would not have any significant impact on the Forest Service budget. The land would remain undeveloped.

The CBO staff contact is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

