

TO INTERCHANGE THE ADMINISTRATIVE JURISDICTION OF CERTAIN FEDERAL LANDS BETWEEN THE FOREST SERVICE AND THE BUREAU OF LAND MANAGEMENT, AND FOR OTHER PURPOSES

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MAY 14, 2009.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. RAHALL, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 689]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 689) to interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management, and for other purposes, 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 all after the enacting clause and insert the following:

**SECTION 1. INTERCHANGE OF LANDS TO THE BUREAU OF LAND MANAGEMENT.**

(a) INTERCHANGE.—Effective on the date of the enactment of this Act, administrative jurisdiction of the federally owned lands described in subsection (b) is transferred from the Secretary of Agriculture to the Secretary of the Interior to be subject to the laws, rules, and regulations applicable to the public lands administered by the Bureau of Land Management (hereafter in this Act referred to as the “BLM”).

(b) LANDS AFFECTED.—Except as provided in subsection (c), the lands transferred to the administration of the Secretary of the Interior, through the BLM, under subsection (a) are those heretofore within the Shasta-Trinity National Forest in California, Mount Diablo Meridian, as shown on the map titled “H.R. 689, Transfer from Forest Service to BLM, Map 1”, dated April 21, 2009.

(c) EXCEPTED LANDS.—Excepted from the transfer under this section are those lands within the Shasta Dam Reclamation Zone which shall continue to be administered by the Secretary of the Interior through the Bureau of Reclamation.

**SEC. 2. INTERCHANGE OF LANDS TO THE FOREST SERVICE.**

(a) INTERCHANGE.—Effective on the date of the enactment of this Act, administrative jurisdiction of the federally owned lands described in subsection (b) is transferred from the Secretary of the Interior to the Secretary of Agriculture to be subject to the laws, rules, and regulations applicable to the National Forest System. Such lands are hereby withdrawn from the public domain and reserved for administration as part of the Shasta-Trinity National Forest.

(b) **LANDS AFFECTED.**—The lands transferred to the administration of the Secretary of Agriculture, through the Forest Service, under subsection (a), are those heretofore administered by the BLM in California, Mount Diablo Meridian, as shown on the map titled “H.R. 689, Transfer from BLM to Forest Service, Map 2”, dated April 21, 2009.

(c) **WILDERNESS ADMINISTRATION.**—The transfer of administrative jurisdiction from the BLM to the Forest Service of certain lands previously designated as part of the Trinity Alps Wilderness shall not affect the wilderness status of such lands.

(d) **LAND AND WATER CONSERVATION FUND.**—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Shasta-Trinity National Forest, as adjusted pursuant to this Act, shall be considered the boundaries of that national forest as of January 1, 1965.

**SEC. 3. EXISTING RIGHTS AND AUTHORIZATIONS.**

Nothing in this Act shall affect any valid existing rights, nor affect the validity or term and conditions of any existing withdrawal, right-of-way, easement, lease, license or permit on lands transferred by this Act, except that any such authorization shall be administered by the agency having jurisdiction of the land after the enactment of this Act in accordance with applicable law. Reissuance of any such authorization shall be in accordance with applicable law and regulations of the agency having jurisdiction.

**SEC. 4. HAZARDOUS SUBSTANCES.**

(a) **NOTICE.**—The Forest Service for lands described in section 1, and the BLM for lands described in section 2, shall identify any known sites containing hazardous substances and provide such information to the receiving agency.

(b) **CLEANUP OBLIGATIONS.**—The cleanup of hazardous substances on lands transferred by this Act shall be the responsibility of the agency having jurisdiction over the lands on the day before the date of the enactment of this Act.

**SEC. 5. CORRECTIONS.**

(a) **MINOR ADJUSTMENTS.**—The Director of the BLM and the Chief of the Forest Service, may, by mutual agreement, effect minor corrections and adjustments to the interchange provided for in this Act to facilitate land management, including survey.

(b) **PUBLICATIONS.**—Any corrections or adjustments made under subsection (a) shall be effective upon publication of a notice in the Federal Register.

**PURPOSE OF THE BILL**

The purpose of H.R. 689 is to interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management, and for other purposes.

**BACKGROUND AND NEED FOR LEGISLATION**

H.R. 689 would authorize the interchange of lands administered by the Secretary of Agriculture, through the Forest Service (FS), with lands administered by the Secretary of the Interior, through the Bureau of Land Management (BLM) in the State of California.

The purpose of the exchange is to ease problems that off-highway vehicle (OHV) users are having regarding OHV use on the Trinity-Shasta National Forest and adjacent public lands. Due to the “patchwork” nature of the federal lands in that area, OHV permitting is currently split between the BLM and the FS, and thus OHV users have to deal with two agencies, and conflicting regulations on OHV use, when trying to obtain a permit. Upon enactment of this exchange into law, OHV use in the area will be consolidated on BLM-administered public lands and users will need only obtain permits from the BLM.

**COMMITTEE ACTION**

H.R. 689 was introduced on January 26, 2009 by Representative Herger (R-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Na-

tional Parks, Forests and Public Lands. At a hearing before the Subcommittee on March 24, 2009, the Administration testified in support of the bill.

On April 29, 2009, the Full Natural Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of H.R. 689. Subcommittee Chairman Grijalva offered an amendment in the nature of a substitute and it was agreed to by unanimous consent. The bill was then favorably reported to the House of Representatives, as amended, by unanimous consent.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Interchange of Lands to the Bureau of Land Management*

Subsection (a) transfers administrative control of the lands described in subsection (b) from the Secretary of Agriculture to the Secretary of the Interior. The laws, rules, and regulations that apply to all public lands managed by the BLM would apply to the newly transferred lands.

Subsection (b) describes the lands to be transferred as those located in the Shasta-Trinity National Forest, California, Mount Diablo Meridian, as shown on the map titled "H.R. 689, Transfer from Forest Service to BLM Map 1", dated April 21, 2009.

Subsection (c) states that lands within the Shasta Dam Reclamation Zone will not be transferred and would continue to be administered by the Secretary of the Interior through the Bureau of Reclamation.

##### *Section 2. Interchange of Lands to the Forest Service*

Subsection (a) transfers administrative control of the lands described in subsection (b) from the Secretary of the Interior to the Secretary of Agriculture. The laws, rules, and regulations that apply to the National Forest System would apply to the newly transferred lands. It also provides that the transferred lands will be withdrawn from the public domain.

Subsection (b) describes the lands to be transferred as those currently managed by the BLM in California, Mount Diablo Meridian, as shown on the map titled "H.R. 689, Transfer from BLM to Forest Service, Map 2", dated April 21, 2009.

Subsection (c) states that lands transferred that were previously designated as part of the Trinity Alps Wilderness will maintain their wilderness status.

Subsection (d) provides that the lands added to the Shasta-Trinity National Forest will for purposes of section 7 of the Land and Water Conservation Fund Act of 1965, be considered the boundaries of the National Forest as of January 1, 1965.

##### *Section 3. Existing Rights and Authorizations*

Section 3 states that nothing in this Act would affect valid existing rights or any existing withdrawals, rights-of-way, easements, leases, licenses, or permits. However, those existing rights and authorizations for the lands transferred within this Act would be administered by the agency in control of the lands as a result of this Act.

*Section 4. Hazardous Substances*

Subsection (a) requires that the Forest Service and the BLM reveal any information about hazardous substances contained on the lands being transferred to each agency.

Subsection (b) provides that the agency with jurisdiction over the lands transferred in this Act prior to this Act going into effect is responsible for cleanup of any hazardous substances, even once the Act goes into effect.

*Section 5. Corrections*

Subsection (a) allows the Director of the BLM and the Chief of the Forest Service to make minor adjustments to the interchange authorized by this Act, provided there is agreement between the two agencies.

Subsection (b) states that any such adjustments go into effect once they are published in the Federal Register.

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 Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants 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 revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of Rule XIII, the general performance goal or objective of this bill is to interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management.

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:

*H.R. 689—A bill to interchange the administrative jurisdiction of certain federal lands between the Forest Service and the Bureau of Land Management*

H.R. 689 would transfer administrative jurisdiction of certain lands between the Bureau of Land Management (BLM) and the Forest Service. Based on information provided by the agencies, CBO estimates that enacting the legislation would have no significant effect on the federal budget and would not affect revenues or direct spending.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

Under H.R. 689, BLM would assume responsibility for nearly 12,000 acres of land currently administered by the Forest Service. The Forest Service would simultaneously receive about 5,000 acres of land from BLM. The lands affected by the transfer, all of which are in northern California, are already owned by the federal government and would continue to be subject to federal regulations and land-use plans.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 689 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

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