

LOS PADRES NATIONAL FOREST CONVEYANCE

SEPTEMBER 23, 2011.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 241]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 241) to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California, 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. DEFINITIONS.

In this Act:

(1) **FEDERAL LAND.**—The term “Federal land” means the approximately 5 acres of National Forest System land in Santa Barbara County, California, as generally depicted on the map.

(2) **FOUNDATION.**—The term “Foundation” means the White Lotus Foundation, a nonprofit foundation located in Santa Barbara, California.

(3) **MAP.**—The term “map” means the map entitled “San Marcos Pass Encroachment for Consideration of Legislative Remedy” and dated June 1, 2009.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

SEC. 2. LAND CONVEYANCE.

(a) **IN GENERAL.**—Subject to the provisions of this section, if the Foundation offers to convey to the Secretary all right, title, and interest of the Foundation in and to a parcel of non-Federal land that is acceptable to the Secretary—

(1) the Secretary shall accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, the Secretary shall convey to the Foundation all right, title, and interest of the United States in and to the Federal land.

(b) **APPLICABLE LAW.**—The land exchange authorized under subsection (a) shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(c) TIME FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under subsection (a) shall be completed not later than 2 years after the date of enactment of this Act.

(d) AUTHORITY OF SECRETARY TO CONDUCT SALE OF FEDERAL LAND.—If the land exchange under subsection (a) is not completed by the date that is 2 years after the date of enactment of this Act, the Secretary may offer to sell to the Foundation the Federal land for fair market value.

(e) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) and any sale under subsection (d) shall be subject to—

- (1) valid existing rights;
- (2) the Secretary finding that the public interest would be well served by making the exchange or sale;
- (3) any terms and conditions that the Secretary may require; and
- (4) the Foundation paying the reasonable costs of any surveys, appraisals, and any other administrative costs associated with the land exchange or sale.

(f) APPRAISALS.—

(1) IN GENERAL.—The land conveyed under subsection (a) or (d) shall be appraised by an independent appraiser selected by the Secretary.

(2) REQUIREMENTS.—An appraisal under paragraph (1) shall be conducted in accordance with nationally recognized appraisal standards, including—

- (A) the Uniform Appraisal Standards for Federal Land Acquisitions; and
- (B) the Uniform Standards of Professional Appraisal Practice.

(g) MANAGEMENT AND STATUS OF ACQUIRED LAND.—Any non-Federal land acquired by the Secretary under this Act shall be managed by the Secretary in accordance with—

- (1) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and
- (2) any laws (including regulations) applicable to the National Forest System.

PURPOSE OF THE BILL

The purpose of H.R. 241, as ordered reported, is to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 241 gives the Secretary of Agriculture authority to convey for not less than the appraised market value approximately five acres within the Los Padres National Forest in California to the White Lotus Foundation. A short access road that loops into U.S. Forest Service land is the only road that allows White Lotus and the public access from San Marcos Pass Road. Due to steep topography, there is no reasonable alternative location for an access road and without this space the White Lotus Foundation will be forced to cease its operations.

COMMITTEE ACTION

H.R. 241 was introduced on January 7, 2011, by Congressman Elton Gallegly (R-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On May 4, 2011, the Subcommittee on National Parks, Forests and Public Lands held a hearing on the bill. On July 20, 2011, the Full Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment; the amendment was adopted by unanimous consent. The bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

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.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(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. 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. 241—A bill to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California

H.R. 241 would authorize the exchange of 5 acres of land in the Los Padres National Forest for unspecified lands owned by the White Lotus Foundation. If the land exchange does not occur within two years, the federal land could be sold to the foundation, and the proceeds would be deposited in the Treasury. Based on information from the Forest Service, CBO estimates that enacting H.R. 241 would have no significant impact on the federal budget because the agency is unlikely to exchange or sell this parcel of land, and if it was sold or exchanged, the net budgetary impact would be negligible.

If the Forest Service sold the affected land to the foundation, enacting H.R. 241 would increase offsetting receipts (a credit against direct spending); therefore, pay-as-you-go procedures apply. Based on information provided by the Forest Service, CBO estimates that enacting the legislation could increase offsetting receipts by less than \$150,000 after 2013. Enacting the legislation would not affect revenues.

H.R. 241 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no cost on state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

2. Section 308(a) of 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. CBO estimates that enacting H.R. 241 would have no significant impact on the federal budget because the agency is unlikely to exchange or sell the specified 5 acres of land in

the Los Padres National Forest, and if it was sold or exchanged, the net budgetary impact would be negligible.

If the Forest Service sold the affected land to the foundation, enacting H.R. 241 would increase offsetting receipts (a credit against direct spending); therefore, pay-as-you-go procedures apply. Based on information provided by the Forest Service, CBO estimates that enacting the legislation could increase offsetting receipts by less than \$150,000 after 2013. Enacting the legislation would not affect revenues.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

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.

