

BIG BEAR LAND EXCHANGE ACT

OCTOBER 30, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 5513]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5513) to provide for an exchange of lands with San Bernardino County, California, to enhance management of lands within the San Bernardino National Forest, 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. SHORT TITLE.

This Act may be cited as the “Big Bear Land Exchange Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNTY.—The term “County” means the County of San Bernardino, California.

(2) FEDERAL LAND.—The term “Federal land” means the approximately 73 acres of Federal land administered by the Forest Service generally depicted as “Federal Land Proposed for Exchange” on the Map.

(3) NON-FEDERAL LAND.—The term “non-Federal land” means the approximately 71 acres owned by the County generally depicted as “Non-Federal Land Proposed for Exchange” on the Map.

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

(5) MAP.—The term “Map” means the map titled “Big Bear Land Exchange” and dated August 6, 2018.

SEC. 3. EXCHANGE OF LAND; EQUALIZATION OF VALUE.

(a) EXCHANGE AUTHORIZED.—Subject to valid existing rights and the terms of this Act, no later than one year after the date that the portion of the Pacific Crest National Scenic Trail is relocated in accordance with subsection (h), if the County offers to convey the non-Federal land to the United States, the Secretary shall—

(1) convey to the County all right, title, and interest of the United States in and to the Federal land; and

- (2) accept from the County a conveyance of all right, title, and interest of the County in and to the non-Federal land.
- (b) EQUAL VALUE AND CASH EQUALIZATION.—
- (1) EQUAL VALUE EXCHANGE.—The land exchange under this section shall be for equal value, or the values shall be equalized by a cash payment as provided for under this subsection or an adjustment in acreage. At the option of the County, any excess value of the non-Federal lands may be considered a gift to the United States.
- (2) CASH EQUALIZATION PAYMENT.—The County may equalize the values of the lands to be exchanged under this section by cash payment without regard to any statutory limit on the amount of such a cash equalization payment.
- (3) DEPOSIT AND USE OF FUNDS RECEIVED FROM COUNTY.—Any cash equalization payment received by the Secretary under this subsection shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a; commonly known as the Sisk Act). The funds so deposited shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for the San Bernardino National Forest.
- (c) APPRAISAL.—The Secretary shall complete an appraisal of the land to be exchanged under subsection (a) in accordance with—
- (1) the Uniform Appraisal Standards for Federal Land Acquisitions; and
 - (2) the Uniform Standards of Professional Appraisal Practice.
- (d) TITLE APPROVAL.—Title to the land to be exchanged under this Act shall be in a format acceptable to the Secretary and the County.
- (e) SURVEY OF NON-FEDERAL LANDS.—Before completing the exchange under this Act, the Secretary shall inspect the non-Federal lands to ensure that the land meets Federal standards, including hazardous materials and land line surveys.
- (f) COSTS OF CONVEYANCE.—As a condition of conveyance, any costs related to the exchange under this section shall be paid by the County.
- (g) MANAGEMENT OF ACQUIRED LANDS.—The Secretary shall manage the non-Federal land acquired under this section in accordance with the Act of March 1, 1911 (16 U.S.C. 480 et seq.; commonly known as the Weeks Act), and other laws and regulations pertaining to National Forest System lands.
- (h) PACIFIC CREST NATIONAL SCENIC TRAIL RELOCATION.—No later than three years after the date of enactment of this Act, the Secretary, in accordance with applicable laws, shall relocate the portion of the Pacific Crest National Scenic Trail located on the Federal land to—
- (1) adjacent National Forest System land;
 - (2) land owned by the County, subject to County approval;
 - (3) land within the Federal land, subject to County approval; or
 - (4) a combination of paragraphs (1), (2), and (3).
- (i) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of the enactment of this Act, the Secretary shall finalize a map and legal descriptions of all land to be conveyed under this Act. The Secretary may correct any minor errors in the map or in the legal descriptions. The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the Forest Service.

PURPOSE OF THE BILL

The purpose of H.R. 5513 is to provide for an exchange of lands with San Bernardino County, California, to enhance management of lands within the San Bernardino National Forest.

BACKGROUND AND NEED FOR LEGISLATION

San Bernardino County, located in southeastern California, is the largest county in the contiguous United States, spanning nearly 13 million acres.¹ The mountain region of the County is home to a large section of the San Bernardino National Forest and like many counties in the western United States, almost 80% of the entire county is owned by the federal government.²

The County currently owns approximately 71 acres of land within the San Bernardino Forest northeast of Big Bear City and has

¹“County Profile.” 2015 San Bernardino County Community Indicators Report. http://cms.sbcounty.gov/Portals/21/Resources%20Documents/CIR_2015_Report.pdf

²*Id.*

proposed to convey this land to the U.S. Forest Service (USFS) in exchange for 73 acres of USFS land further north.³ H.R. 5513 authorizes this conveyance. The bill also requires the County to pay for all required surveys, appraisals, and any other costs necessary to facilitate the exchange.

The federal land parcel in this exchange contains a portion of the Pacific Crest National Scenic Trail. As a result, H.R. 5513 would require that USFS relocate that portion of the Trail before the completion of the land exchange.

The County plans to use the 73 acres to build a timber processing facility in a safe and remote site further away from Big Bear City and closer to the trees being processed.⁴ Currently, trees from the Forest are driven down the mountain through a narrow and winding pass to a processing facility in the valley, resulting in multiple traffic accidents yearly.⁵ The land exchange and the subsequent new processing facility will help alleviate the traffic and make the mountain road safer for those who live in and visit the Forest.

The land exchange has strong local support including: The City of Big Bear Lake, Friends of Big Bear Valley, the Big Bear Fire Department, the Big Bear City Community Services District, Big Bear Municipal Water District, Bear Valley Community Healthcare District, the Big Bear Chamber of Commerce, and the local Big Bear Group chapter of the Sierra Club.⁶

COMMITTEE ACTION

H.R. 5513 was introduced on April 13, 2018, by Congressman Paul Cook (R-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On September 5, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Paul Cook offered an amendment designated #1; it was adopted by unanimous consent. No additional amendments were offered, and 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 AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has

³U.S. Forest Service "*Big Bear Land Exchange*" Vicinity Map dated August 6, 2018.

⁴Letter of Support for the Big Bear Land Exchange from 8 Big Bear Agencies and Groups.

⁵Information provided to the Committee by the bill sponsor.

⁶Letter of Support for the Big Bear Land Exchange from 8 Big Bear Agencies and Groups.

received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 20, 2018.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5513, the Big Bear Land Exchange Act.

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

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 5513—Big Bear Land Exchange Act

H.R. 5513 would direct the Forest Service to exchange, at the request of San Bernardino County, California, 73 acres of federal lands in the San Bernardino National Forest for 71 acres of lands owned by the county. The bill would require the county to pay any administrative costs associated with the land exchange.

H.R. 5513 also would direct the Forest Service to relocate a portion of the Pacific Crest National Scenic Trail that is currently located on the federal lands to be exchanged. Using information from the Forest Service, CBO estimates that relocating the trail would cost less than \$500,000; such spending would be subject to the availability of appropriated funds. Most of those costs would be for environmental reviews and trail construction.

Enacting H.R. 5513 could affect direct spending; therefore, pay-as-you-go procedures apply. CBO expects that the value of the federal lands to be conveyed would exceed the value of the county lands. Under the bill, the county would be required to adjust the acreage of the land exchange or to make a cash equalization payment. Those payments would be recorded as offsetting receipts, which are treated as reductions in direct spending, and would be available to spend without further appropriation for acquiring land within the San Bernardino National Forest. CBO estimates that any such payment would not be significant and would be offset by subsequent direct spending; thus, the net effect on direct spending would be negligible. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 5513 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 5513 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. 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 provide for an exchange of lands with San

Bernardino County, California, to enhance management of lands within the San Bernardino National Forest.

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.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

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 to existing law.