

Calendar No. 889

106TH CONGRESS
2D SESSION

H. R. 1680

[Report No. 106-444]

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2000

Received; read twice and referred to the Committee on Energy and Natural
Resources

SEPTEMBER 29, 2000

Reported under authority of the order of the Senate of September 28 (legisla-
tive day, September 22), 2000, by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kern County Cali-
5 fornia Land Exchange Act of 2000”.

1 **SEC. 2. LAND EXCHANGE, CAMP OWEN AND RELATED PAR-**
2 **CELS, KERN COUNTY, CALIFORNIA.**

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

10 (1) Approximately 70 acres known as Camp
11 Owen.

12 (2) Approximately 4 acres known as Wofford
13 Heights Park.

14 (3) Approximately 4 acres known as the French
15 Gulch maintenance yard.

16 (4) Approximately 14 acres known as the
17 Kernville Fish Hatchery.

18 (b) **CONSIDERATION.**—

19 (1) **CONVEYANCE OF NON-FEDERAL LANDS.**—

20 As consideration for the conveyance of the Federal
21 lands referred to in subsection (a), Kern County
22 shall convey to the Secretary a parcel of land con-
23 sisting of approximately 52 acres of Greenhorn
24 Mountain Park in Kern County, California, which is
25 owned by Kern County within Sequoia National For-
26 est.

1 (2) REPLACEMENT FACILITY.—As additional
2 consideration for the conveyance of the storage facil-
3 ity located at the maintenance yard referred to in
4 subsection (a)(3), Kern County shall provide a re-
5 placement storage facility of comparable size and
6 condition, as acceptable to the Secretary, at the
7 Greenhorn Ranger District Lake Isabella Mainte-
8 nance Yard property.

9 (3) CASH EQUALIZATION PAYMENT.—As addi-
10 tional consideration for the conveyance of the Fed-
11 eral lands referred to in subsection (a), Kern County
12 shall tender a cash equalization payment specified by
13 the Secretary, but not to exceed \$100,000. Subject
14 to such limitation, the cash equalization payment
15 shall be based upon an appraisal performed at the
16 option of the Forest Service pursuant to section
17 206(b) of the Federal Land Policy and Management
18 Act of 1976 (43 U.S.C. 1716(b)).

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

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

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

19 (f) RELATIONSHIP TO ENVIRONMENTAL LIABIL-
20 ITY.—In connection with the conveyances under this sec-
21 tion, the Secretary may require such additional terms and
22 conditions related to environmental liability as the Sec-
23 retary considers appropriate to protect the interests of the
24 United States.

1 (g) ~~LEGAL DESCRIPTIONS.~~—The exact acreage and
 2 legal description of the real property to be exchanged
 3 under this section shall be determined by a survey or sur-
 4 veys satisfactory to the Secretary. The costs of any such
 5 survey, as well as other administrative costs incurred to
 6 execute the land exchange (other than costs incurred by
 7 Kern County to comply with subsection (h)), shall be di-
 8 vided equally between the Secretary and Kern County.

9 (h) ~~TREATMENT OF EXISTING UTILITY LINES AT~~
 10 ~~CAMP OWEN.~~—Upon receipt of the Federal lands de-
 11 scribed in subsection (a)(1), Kern County shall grant an
 12 easement, and record the easement in the appropriate of-
 13 fice, for permitted or licensed uses of those lands that are
 14 unrecorded as of the date of the conveyance.

15 (i) ~~APPLICABLE LAW.~~—Except as otherwise provided
 16 in this section, any exchange of National Forest System
 17 land under this section shall be subject to the laws (includ-
 18 ing regulations) applicable to the conveyance and acquisi-
 19 tion of land for the National Forest System.

20 ***SECTION 1. SHORT TITLE.***

21 *This Act may be cited as the “Kern County California*
 22 *Land Exchange Act of 2000”.*

1 **SEC. 2. LAND EXCHANGE, CAMP OWEN AND RELATED PAR-**
2 **CELS, KERN COUNTY, CALIFORNIA.**

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

9 (1) *Approximately 70 acres known as Camp*
10 *Owen as depicted on the map entitled “Camp Owen”,*
11 *dated June 15, 2000.*

12 (2) *Approximately 4 acres known as Wofford*
13 *Heights Park as depicted on the map entitled*
14 *“Wofford Heights Park”, dated June 15, 2000.*

15 (3) *Approximately 4 acres known as the French*
16 *Gulch maintenance yard as depicted on the map enti-*
17 *tled “French Gulch Maintenance Yard”, dated June*
18 *15, 2000.*

19 (4) *Approximately 14 acres known as the*
20 *Kernville Fish Hatchery as depicted on the map enti-*
21 *tled “Kernville Fish Hatchery”, dated June 15, 2000.*

22 (b) *CONSIDERATION.*—

23 (1) *CONVEYANCE OF NON-FEDERAL LANDS.*—*As*
24 *consideration for the conveyance of the Federal lands*
25 *referred to in subsection (a), Kern County shall con-*
26 *vey to the Secretary a parcel of land for fair market*

1 *value consisting of approximately 52 acres as de-*
2 *picted on the map entitled “Greenhorn Mountain*
3 *Park”, located in Kern County, California, dated*
4 *June 18, 2000.*

5 (2) *REPLACEMENT FACILITY.—As additional*
6 *consideration for the conveyance of the storage facility*
7 *located at the maintenance yard referred to in sub-*
8 *section (a)(3), Kern County shall provide a replace-*
9 *ment storage facility of comparable size and condi-*
10 *tion, as acceptable to the Secretary, at the Greenhorn*
11 *Ranger District Lake Isabella Maintenance Yard*
12 *property.*

13 (3) *CASH EQUALIZATION PAYMENT.—As addi-*
14 *tional consideration for the conveyance of the Federal*
15 *lands referred to in subsection (a), Kern County shall*
16 *tender a cash equalization payment specified by the*
17 *Secretary. The cash equalization payment shall be*
18 *based upon an appraisal performed at the option of*
19 *the Forest Service pursuant to section 206(b) of the*
20 *Federal Land Policy and Management Act of 1976*
21 *(43 U.S.C. 1716(b)).*

22 (c) *CONDITIONS ON ACCEPTANCE.—Title to the non-*
23 *Federal lands to be conveyed under this section must be ac-*
24 *ceptable to the Secretary, and the conveyance shall be sub-*
25 *ject to valid existing rights of record. The non-Federal lands*

1 *shall conform with the title approval standards applicable*
2 *to Federal land acquisitions.*

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

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

21 (f) *RELATIONSHIP TO ENVIRONMENTAL LIABILITY.*—
22 *In connection with the conveyances under this section, the*
23 *Secretary may require such additional terms and condi-*
24 *tions related to environmental liability as the Secretary*

1 *considers appropriate to protect the interests of the United*
 2 *States.*

3 (g) *LEGAL DESCRIPTIONS.—The exact acreage and*
 4 *legal description of the real property to be exchanged under*
 5 *this section shall be determined by a survey or surveys satis-*
 6 *factory to the Secretary. The costs of any such survey, as*
 7 *well as other administrative costs incurred to execute the*
 8 *land exchange (other than costs incurred by Kern County*
 9 *to comply with subsection (h)), shall be divided equally be-*
 10 *tween the Secretary and Kern County.*

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

17 (i) *APPLICABLE LAW.—Except as otherwise provided*
 18 *in this section, any exchange of National Forest System*
 19 *land under this section shall be subject to the laws (includ-*
 20 *ing regulations) applicable to the conveyance and acquisi-*
 21 *tion of land for the National Forest System.*

Passed the House of Representatives March 21,
 2000.

Attest:

JEFF TRANDAHL,
 Clerk.

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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.

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