

Calendar No. 540

111TH CONGRESS
2^D SESSION**H. R. 129****[Report No. 111–270]**

IN THE SENATE OF THE UNITED STATES

JULY 20, 2009

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

AUGUST 5, 2010

Reported by Mr. BINGAMAN, with an amendment

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

AN ACT

To authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California.

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. LAND CONVEYANCE AUTHORITY, LOS PADRES**
4 **NATIONAL FOREST, CALIFORNIA.**

5 (a) ~~CONVEYANCE AUTHORITY.~~—Subject to valid ex-
6 isting rights, the Secretary of Agriculture may convey to
7 the White Lotus Foundation all right, title, and interest

1 of the United States in and to the real property within
 2 the Los Padres National Forest in California described in
 3 subsection (b).

4 (b) DESCRIPTION OF PROPERTY.—The real property
 5 subject to conveyance under this Act is certain land lo-
 6 cated in Santa Barbara County, California, consisting of
 7 approximately 5 acres, as shown on the map titled “San
 8 Marcos Pass Eneachment for Consideration of Legisla-
 9 tive Remedy”, dated June 1, 2009.

10 (c) SURVEY.—The exact acreage and legal descrip-
 11 tion of the real property to be conveyed under this Act
 12 shall be determined by a survey satisfactory to the Sec-
 13 retary.

14 (d) VALUATION.—Any appraisal of the real property
 15 to be conveyed under this Act shall conform to the Uni-
 16 form Appraisal Standards for Federal Land Acquisitions,
 17 and the appraisal shall be subject to the approval of the
 18 Secretary.

19 (e) CONSIDERATION.—Consideration for conveyance
 20 of real property under this Act shall be in an amount not
 21 less than the appraised fair market value.

22 (f) TREATMENT OF PROCEEDS.—The gross proceeds
 23 from the conveyance of real property under this Act shall
 24 be deposited in the fund established by Public Law 90-
 25 171 (commonly known as the “Sisk Act”, 16 U.S.C.

1 484a). The amount so deposited shall be available to the
2 Secretary, without further appropriation, for expenditure
3 in the Los Padres National Forest.

4 (g) ~~PRE-EXISTING RIGHTS.~~—As a condition of the
5 conveyance authorized under subsection (a), the Secretary
6 shall require the White Lotus Foundation to continue to
7 allow existing access to any roadway that may be conveyed
8 by this Act.

9 (h) ~~ADDITIONAL TERMS AND CONDITIONS.~~—The
10 Secretary may require such additional terms and condi-
11 tions in connection with the conveyance under this Act as
12 the Secretary considers appropriate to protect the inter-
13 ests of the United States.

14 (i) ~~SURVEY AND ADMINISTRATIVE COSTS.~~—The
15 White Lotus Foundation shall pay the reasonable costs of

1 survey, appraisal, and any other administrative costs asso-
 2 ciated with the conveyance.

3 **SECTION 1. DEFINITIONS.**

4 *In this Act:*

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

9 (2) *FOUNDATION.*—The term “Foundation”
 10 means the White Lotus Foundation, a nonprofit foun-
 11 dation located in Santa Barbara, California.

12 (3) *MAP.*—The term “map” means the map enti-
 13 tled “San Marcos Pass Encroachment for Consider-
 14 ation of Legislative Remedy” and dated June 1, 2009.

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

17 **SEC. 2. LAND CONVEYANCE.**

18 (a) *IN GENERAL.*—Subject to the provisions of this sec-
 19 tion, if the Foundation offers to convey to the Secretary all
 20 right, title, and interest of the Foundation in and to a par-
 21 cel of non-Federal land that is acceptable to the Secretary—

22 (1) the Secretary shall accept the offer; and

23 (2) on receipt of acceptable title to the non-Fed-
 24 eral land, the Secretary shall convey to the Founda-

1 *tion all right, title, and interest of the United States*
 2 *in and to the Federal land.*

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

7 *(c) TIME FOR COMPLETION OF LAND EXCHANGE.—It*
 8 *is the intent of Congress that the land exchange under sub-*
 9 *section (a) shall be completed not later than 2 years after*
 10 *the date of enactment of this Act.*

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

16 *(e) ADDITIONAL TERMS AND CONDITIONS.—The land*
 17 *exchange under subsection (a) and any sale under sub-*
 18 *section (d) shall be subject to—*

19 *(1) valid existing rights;*

20 *(2) the Secretary finding that the public interest*
 21 *would be well served by making the exchange or sale;*

22 *(3) any terms and conditions that the Secretary*
 23 *may require; and*

1 (4) *the Foundation paying the reasonable costs*
2 *of any surveys, appraisals, and any other adminis-*
3 *trative costs associated with the land exchange or sale.*

4 (f) *APPRAISALS.—*

5 (1) *IN GENERAL.—The land conveyed under sub-*
6 *section (a) or (d) shall be appraised by an inde-*
7 *pendent appraiser selected by the Secretary.*

8 (2) *REQUIREMENTS.—An appraisal under para-*
9 *graph (1) shall be conducted in accordance with na-*
10 *tionally recognized appraisal standards, including—*

11 (A) *the Uniform Appraisal Standards for*
12 *Federal Land Acquisitions; and*

13 (B) *the Uniform Standards of Professional*
14 *Appraisal Practice.*

15 (g) *DISPOSITION OF PROCEEDS.—*

16 (1) *IN GENERAL.—The Secretary shall deposit in*
17 *the fund established under Public Law 90–171 (com-*
18 *monly known as the “Sisk Act”) (16 U.S.C. 484a)*
19 *any amount received by the Secretary as the result*
20 *of—*

21 (A) *any cash equalization payment made*
22 *under subsection (b); and*

23 (B) *any sale carried out under subsection*
24 *(d).*

1 (2) *USE OF PROCEEDS.*—Amounts deposited
2 under paragraph (1) shall be available to the Sec-
3 retary, without further appropriation and until ex-
4 pended, for the acquisition of land or interests in
5 land in the Los Padres National Forest.

6 (h) *MANAGEMENT AND STATUS OF ACQUIRED LAND.*—
7 Any non-Federal land acquired by the Secretary under this
8 Act shall be managed by the Secretary in accordance with—
9 (1) the Act of March 1, 1911 (commonly known
10 as the “Weeks Law”) (16 U.S.C. 480 et seq.); and
11 (2) any laws (including regulations) applicable
12 to the National Forest System.

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