

# MODOC NATIONAL FOREST BOUNDARY ADJUSTMENT ACT

Mr. COOLEY. Mr. Speaker, I move that the House suspend the rules and pass the bill (H.R. 1585) to expand the boundary of the Modoc National Forest to include lands presently owned by the Bank of California, N.A. Trustee, to facilitate a land exchange with the Forest Service, and for other purposes. The Clerk read as follows:

H.R. 1585

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Modoc National Forest Boundary Adjustment Act".

## SEC. 2. FINDINGS.

The Congress finds the following:

(1) Certain private lands presently owned by the Bank of California, N.A. Trustee, are adjacent to the Modoc National Forest and are logical extensions of the forest.

(2) A boundary adjustment will facilitate a land exchange which involves approximately 4,240 acres of National Forest land and 11,804 acres of private land, of which only 760 acres are outside the present Modoc National Forest boundary.

(3) Bank of California, N.A. Trustee, and the Forest Service are prepared to exchange these lands under existing authority of the Secretary of Agriculture which will benefit both the private landowners and the United States by consolidating their respective landownership patterns, providing reduced costs for each party in implementing their land management objectives, providing increased recreation opportunities and fishery habitat for the American public, and providing commercial timber lands to the private landowners.

## SEC. 3. BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Modoc National Forest is hereby modified to include and encompass 760 acres, more or less, on the following described lands: Mount Diablo Meridian, Lassen County, California, T. 38 N., R. 10 E., sec. 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ; sec. 8, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , sec. 16, W $\frac{1}{2}$ ; sec. 25, Lots 13, 14 and 15 (S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ); T. 37 N., R. 11 E., Sec. 20, NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

(b) RULE FOR 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 boundary of the Modoc National Forest, as modified by this Act, shall be considered to be the boundary of that National Forest as of January 1, 1965.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. COOLEY] and the gentleman from New Mexico [Mr. RICHARDSON] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. COOLEY].

(Mr. COOLEY asked and was given permission to revise and extend his remarks.)

Mr. COOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1585, sponsored by Mr. HERGER, which would expand the boundary of the Modoc National Forest to include lands presently owned by the Bank of California, N.A., Trustee, and to facilitate a land exchange with the Forest Service.

The Ash Creek Exchange was entered into by the Bank of California, N.A.,

Trustee [BankCal], and the Forest Service to consolidate their respective holdings in parts of the Lassen, Modoc, and Plumas National Forests. Because certain private lands subject to the exchange were outside but contiguous to the boundary of the Modoc National Forest, the exchange was structured in two phases.

The first phase was completed in June 1993. In phase 1 of the transaction, 11,044 acres of private land were exchanged for 3,757 acres of Forest Service land. Phase 2 of the transaction, which is the subject of this legislation, would transfer approximately 11,804 acres of private land to the Forest Service and approximately 4,240 acres of Forest Service land to private ownership.

The remaining 760 acres of private land is located outside, but contiguous to, the proclamation boundary of the Modoc National Forest. The proposed boundary adjustment will provide for these lands to be acquired by the Forest Service.

H.R. 1585 was favorably reported by the Committee on Resources by unanimous voice vote. I commend the work of my friend, Mr. HERGER, on this measure and urge the Members of the House to support this bill.

□ 1530

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, this authorization will authorize the final phase of a two-step process to consolidate lands in parts of the Lassen, Modoc, and Plumas National Forests. It will facilitate the transfer of approximately 11,804 acres of private land to the Forest Service in exchange for the 4,240 acres of Forest Service land to be transferred to private ownership. This bill has been worked out with all interested parties and is supported by the administration.

It is a good bill, introduced by the gentleman from California [Mr. HERGER], who has worked very hard on this issue. We welcome passing this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. COOLEY. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. HERGER], the sponsor of this bill.

Mr. HERGER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 1585. I would like to thank the gentleman from Utah [Mr. HANSEN] and the gentleman from Oregon [Mr. COOLEY] for their strong support, and also the gentleman from New Mexico [Mr. RICHARDSON] on the minority side.

Mr. Speaker, this is a noncontroversial bill that completes an equal value

land exchange between the Modoc National Forest and the Bank of California. This legislation enjoys strong support from the Forest Service and local communities in the Lassen and Modoc Counties of northern California.

The land exchange was commenced by the Bank of California and the Forest Service to consolidate their respective holdings in parts of the Lassen, Modoc, and Plumas National Forests. Because the transaction would require a boundary change in the Modoc National Forest, the exchange was structured in two phases. The first phase was completed in June 1993. This legislation will help complete phase 2 of the transaction. The land that will be added to the Modoc National Forest is currently used for grazing and tree production, both of which are consistent with the current land management plan.

Mr. Speaker, this exchange will not adversely affect any existing property or land use rights, and will complete a reasonable and fair transaction. By consolidating Federal landholdings, it will reduce land management costs, increase fishery habitat, and provide additional recreational opportunities within the Modoc National Forest.

Mr. Speaker, I give this bill my full endorsement, and strongly urge my colleagues to vote in favor of final passage.

Mr. RICHARDSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COOLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from Oregon [Mr. COOLEY] that the House suspend the rules and pass the bill, H.R. 1585.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## EXCHANGE OF LANDS WITH THE WATER CONSERVANCY DISTRICT OF WASHINGTON COUNTY, UT

Mr. COOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1838) to provide for an exchange of lands with the Water Conservancy District of Washington County, UT.

The Clerk read as follows:

H.R. 1838

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. EXCHANGE OF LANDS WITH THE WATER CONSERVANCY DISTRICT OF WASHINGTON COUNTY, UTAH.

(a) IN GENERAL.—Subject to the provisions of this Act, if within 18 months after the date of the enactment of this Act, the Water Conservancy District of Washington County, Utah, offers to transfer to the United States all right, title, and interest of the District in and to the Bulloch Site, the Secretary of the Interior shall, in exchange, transfer to the

District all right, title, and interest of the United States in and to the Sand Hollow Site, the Quail Creek Pipeline and Quail Creek Reservoir, subject to valid existing rights.

(b) **WATER RIGHTS ASSOCIATED WITH THE BULLOCH SITE.**—The water rights associated with the Bulloch Site shall not be included in the transfer under subsection (a) but shall be subject to an agreement between the District and the Secretary that the water remain in the Virgin River as an instream flow from the Bulloch Site to the diversion point of the District at the Quail Creek Reservoir.

(c) **WITHDRAWAL OF MINERAL INTERESTS.**—Subject to valid existing rights, the mineral interests underlying the Sand Hollow Site, the Quail Creek Reservoir, and the Quail Creek Pipeline are hereby withdrawn from disposition under the public land laws and from location, entry, and patent under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, from the operation of the Geothermal Steam Act of 1970, and from the operation of the Act of July 31, 1947, commonly known as the "Materials Act of 1947" (30 U.S.C. 601 et seq.).

(d) **GRAZING.**—The exchange of lands under subsection (a) shall be subject to agreement by the District to continue to permit the grazing of domestic livestock on the Sand Hollow Site under the terms and conditions of existing Federal grazing leases or permits, except that the District, upon terminating any such lease or permit, shall fully compensate the holder of the terminated lease or permit.

#### SEC. 2. EQUALIZATION OF VALUES.

The value of the lands transferred out of Federal ownership under section 1 either shall be equal to the value of the lands received by the Secretary under section 1 or, if not, shall be equalized by—

(1) to the extent possible, transfer of all right, title, and interest of the District in and to lands in Washington County, Utah, and water rights of the District associated thereto, which are within the area providing habitat for the desert tortoise, as determined by the Director of the Bureau of Land Management;

(2) transfer of all right, title, and interest of the District in and to lands in the Smith Site and water rights of the District associated thereto; and

(3) the payment of money of the Secretary, to the extent that lands and rights transferred under paragraphs (1) and (2) are not sufficient to equalize the values of the lands exchanged under section 1.

#### SEC. 3. MANAGEMENT OF LANDS ACQUIRED BY UNITED STATES.

Lands acquired by the Secretary under this Act shall be administered by the Secretary, acting through the Director of the Bureau of Land Management, in accordance with the provisions of law generally applicable to the public lands, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

#### SEC. 4. NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.

The exchange of lands under this Act is not subject to section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

#### SEC. 5. DEFINITIONS.

As used in this Act:

(1) **DISTRICT.**—The term "District" means the Water Conservancy District of Washington County, Utah.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(3) **BULLOCH SITE.**—The term "Bulloch Site" means the lands located in Kane County, Utah, adjacent to Zion National Park, more particularly described as follows:

#### BULLOCH SITE

Section	Acres
T 39 S R 9 W (Private)	
32 S 1/2	320
33 SW 1/4, S 1/2 SW 1/4 NW 1/4	180
Total	500
T 40 S R 9 W (State)	
5 S 1/2, SW 1/4 NE 1/4, NE 1/4 NE 1/4	400
6 S 1/2, NE 1/4	480
Total	880
GRAND TOTAL	1,380

(4) **SAND HOLLOW SITE.**—The term "Sand Hollow Site" means the lands located in Washington County, Utah, more particularly described as follows:

#### SAND HOLLOW RESERVOIR SITE

Section	Acres
T 42 S R 14 W	
13 SW 1/4	160
23 E 1/2, E 1/2 W 1/2	480
24 All	640
26 NE 1/4, E 1/2 NW 1/4, N 1/2 SE 1/2	320
25 All	640
T 42 S R 13 W	
19 W 1/2, SW 1/4 SE 1/4	360
30 W 1/2, W 1/2 NE 1/4	400
GRAND TOTAL	3,000

(5) **QUAIL CREEK PIPELINE.**—The term "Quail Creek Pipeline" means the lands located in Washington County, Utah, more particularly described as follows:

#### QUAIL CREEK PIPELINE

Section	Acres
T 41 S R 12 W River-pipeline	
30 NW 1/4 NW 1/4	40
Total	40

(6) **QUAIL CREEK RESERVOIR.**—The term "Quail Creek Reservoir" means the lands located in Washington County, Utah, more particularly described as follows:

#### QUAIL CREEK RESERVOIR

Section	Acres
T 41 S R 14 W	
23 Tract 38	9.51
23 Lot 2	40.00
23 SW 1/4 SW 1/4 SE 1/4 SE 1/4	2.50
Total	52.01
25 W 1/2 SW 1/4 NW 1/4	20
25 SE 1/4 SW 1/4 NW 1/4	10
25 W 1/2 SE 1/4 SE 1/4 NW 1/4	5
25 NW 1/4 SW 1/4	40
25 W 1/2 W 1/2 NE 1/4 SW 1/4	10
Total	85
26 Lot 1	15.97
26 Lot 8	40.00
26 Lot 12	17.45
26 Lot 15	42.23
26 Lot 16	42.39
26 SE 1/4 NE 1/4	40.00

#### QUAIL CREEK RESERVOIR—Continued

Section	Acres
Total	198.04
35 E 1/2 E 1/2 NW 1/4	40.00
35 SW 1/4 NE 1/4	40.00
35 W 1/2 SE 1/4 NE 1/4	20.00
35 NE 1/4 SE 1/4 NE 1/4	10.00
35 N 1/2 NW 1/4 SE 1/4	20.00
35 NW 1/4 NE 1/4 SE 1/4	10.00
35 N 1/2 SE 1/4 NW 1/4 SE 1/4	5.00
Total	145.00
Grand Total	480.05

(7) **SMITH SITE.**—The term "Smith Site" means the lands located in Washington County, Utah, adjacent to Zion National Park and more particularly described as follows:

#### SMITH PROPERTY

Section	Acres
T 40 S R 11 W	
5 Lots 3, 4, 5, 6, 7, 8, 9, 10, & 11 E 1/2 SW 1/4, SE 1/4 NW 1/4	
6 Lot 1, S 1/2, NE 1/4 and beginning at a point 2 rods west of the northeast corner of the northeast quarter of the southeast quarter; thence east 2 rods; thence south 80 rods; thence west 16 rods; thence in a northeasterly direction to the point of beginning	
8 E 1/2 NW 1/4, E 1/2 SW 1/4 and lots 1 & 2 excepting the south 1200 feet of the SE 1/4 SW 1/4	
T 39 S R 11 W	
30 W 1/2 NE 1/4, W 1/2 SE 1/4, SE 1/4 SW 1/4, W 1/2 SE 1/4 NE 1/4, W 1/2 E 1/2 SE 1/4	
31 E 1/2, E 1/2 SW 1/4 and lots 3 & 4	
32 SW 1/4	
Containing 1,550 acres more or less	

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. COOLEY] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. COOLEY].

(Mr. COOLEY asked and was given permission to revise and extend his remarks.)

Mr. COOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1838, sponsored by Mr. HANSEN, which would allow the Water Conservancy District of Washington County, UT, and the Department of the Interior to achieve a number of high priority objectives. As a result of the legislation, the conservancy district will be authorized to acquire lands needed for the proposed Sand Hollow offstream water storage reservoir and lands inundated by the existing Quail Creek Reservoir and other lands essential to reservoir operation.

In exchange, the Department of the Interior would receive the Bulloch water storage reservoir site and other lands adjacent to Zion National Park, which are important to preserve

instream flows and operation of the natural hydrograph of the North Fork of the Virgin River through the park. Exchange of these lands is an essential component in the resolution of the parks water flow agreement with the State of Utah. The exchange will also allow the Department of the Interior to acquire critical habitat for the desert tortoise, a threatened species.

The Bulloch Reservoir site lies above Zion National Park and its acquisition has been a goal of the National Park Service for many years. Locating an alternative water storage site in Sand Hollow is a good-faith effort by the water district to accommodate this concern.

This noncontroversial bill was favorably reported by the Committee on Resources by voice vote. I commend the chairman of the subcommittee for his excellent work on this measure and urge the Members of the House to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, this land exchange will allow the Department of the Interior to acquire needed land for the Bulloch Water Storage Reservoir Site as well as lands adjacent to the Zion National Park in exchange for lands needed by the Washington County Water Conservancy District for water storage. The exchange will also provide the Department of the Interior with critical habitat lands for the desert tortoise.

The administration supports this land exchange, and I encourage my colleagues to support it.

Mr. Speaker, I urge support of this bill and I yield back the balance of my time.

Mr. COOLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. COOLEY] that the House suspend the rules and pass the bill, H.R. 1838.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### EXCHANGE OF CERTAIN LANDS IN GILPIN COUNTY, CO

Mr. COOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2437), to provide for the exchange of certain lands in Gilpin County, CO, as amended.

The Clerk read as follows:

H.R. 2437

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds and declares that—

(1) certain scattered parcels of Federal land located within Gilpin County, Colorado, are currently administered by the Secretary of the Interior as part of the Royal Gorge Resource Area, Canon City District, United States Bureau of Land Management;

(2) these land parcels, which comprises approximately 133 separate tracts of land, and range in size from approximately 38 acres to much less than an acre have been identified as suitable for disposal by the Bureau of Land Management through its resource management planning process and are appropriate for disposal; and

(3) even though the Federal land parcels in Gilpin County, Colorado, are scattered and small in size, they nevertheless by virtue of their proximity to existing communities appear to have a fair market value which may be used by the Federal Government to exchange for lands which will better lend themselves to Federal management and have higher values for future public access, use and enjoyment, recreation, the protection and enhancement of fish and wildlife and fish and wildlife habitat, and the protection of riparian lands, wetlands, scenic beauty and other public values.

(b) PURPOSE.—It is the purpose of this Act to authorize, direct, facilitate and expedite the land exchange set forth herein in order to further the public interest by disposing of Federal lands with limited public utility and acquire in exchange therefor lands with important values for permanent public management and protection.

#### SEC. 2. LAND EXCHANGE.

(a) IN GENERAL.—The exchange directed by this Act shall be consummated if within 90 days after enactment of this Act, Lake Gulch, Inc., a Colorado Corporation (as defined in section 4 of this Act) offers to transfer to the United States pursuant to the provisions of this Act the offered lands or interests in land described herein.

(b) CONVEYANCE BY LAKE GULCH.—Subject to the provisions of section 3 of this Act, Lake Gulch shall convey to the Secretary of the Interior all right, title, and interest in and to the following offered lands—

(1) certain lands comprising approximately 40 acres with improvements thereon located in Larimer County, Colorado, and lying within the boundaries of Rocky Mountain National Park as generally depicted on a map entitled "Circle C Church Camp", dated August 1994, which shall upon their acquisition by the United States and without further action by the Secretary of the Interior be incorporated into Rocky Mountain National Park and thereafter be administered in accordance with the laws, rules and regulations generally applicable to the National Park System and Rocky Mountain National Park;

(2) certain lands located within and adjacent to the United States Bureau of Land Management San Luis Resource Area in Conejos County, Colorado, which comprise approximately 3,993 acres and are generally depicted on a map entitled "Quinlan Ranches Tract", dated August 1994; and

(3) certain lands located within the United States Bureau of Land Management Royal Gorge Resource Area in Huerfano County, Colorado, which comprise approximately 4,700 acres and are generally depicted on a map entitled "Bonham Ranch-Cucharas Canyon", dated June 1995: Provided, however, That it is the intention of Congress that such lands may remain available for the grazing of livestock as determined appropriate by the Secretary in accordance with applicable laws, rules, and regulations: Provided further, That if the Secretary determines that certain of the lands acquired adjacent to Cucharas Canyon hereunder are not needed for public purposes they may be sold in

accordance with the provisions of section 203 of the Federal Land Policy and Management Act of 1976 and other applicable law.

(c) SUBSTITUTION OF LANDS.—If one or more of the precise offered land parcels identified above is unable to be conveyed to the United States due to appraisal or other problems, Lake Gulch and the Secretary may mutually agree to substitute therefor alternative offered lands acceptable to the Secretary.

(d) CONVEYANCE BY THE UNITED STATES.—(1) Upon receipt of title to the lands identified in subsection (a) the Secretary shall simultaneously convey to Lake Gulch all right, title, and interest of the United States, subject to valid existing rights, in and to the following selected lands—

(A) certain surveyed lands located in Gilpin County, Colorado, Township 3 South, Range 72 West, Sixth Principal Meridian, Section 18, Lots 118-220, which comprise approximately 195 acres and are intended to include all federally owned lands in section 18, as generally depicted on a map entitled "Lake Gulch Selected Lands", dated July 1994;

(B) certain surveyed lands located in Gilpin County, Colorado, Township 3 South, Range 72 West, Sixth Principal Meridian, Section 17, Lots 37, 38, 39, 40, 52, 53, and 54, which comprise approximately 96 acres, as generally depicted on a map entitled "Lake Gulch Selected Lands", dated July 1994; and

(C) certain unsurveyed lands located in Gilpin County, Colorado, Township 3 South, Range 73 West, Sixth Principal Meridian, Section 13, which comprise approximately 11 acres, and are generally depicted as parcels 302-304, 306 and 308-326 on a map entitled "Lake Gulch Selected Lands", dated July 1994: Provided, however, That a parcel or parcels of land in section 13 shall not be transferred to Lake Gulch if at the time of the proposed transfer the parcel or parcels are under formal application for transfer to a qualified unit of local government. Due to the small and unsurveyed nature of such parcels proposed for transfer to Lake Gulch in section 13, and the high cost of surveying such small parcels, the Secretary is authorized to transfer such section 13 lands to Lake Gulch without survey based on such legal or other description as the Secretary determines appropriate to carry out the basic intent of the map cited in this subparagraph.

(2) If the Secretary and Lake Gulch mutually agree, and the Secretary determines it is in the public interest, the Secretary may utilize the authority and direction of this Act to transfer to Lake Gulch lands in sections 17 and 13 that are in addition to those precise selected lands shown on the map cited herein, and which are not under formal application for transfer to a qualified unit of local government, upon transfer to the Secretary of additional offered lands acceptable to the Secretary or upon payment to the Secretary by Lake Gulch of cash equalization money amounting to the full appraised fair market value of any such additional lands. If any such additional lands are located in section 13 they may be transferred to Lake Gulch without survey based on such legal or other description as the Secretary determines appropriate as long as the Secretary determines that the boundaries of any adjacent lands not owned by Lake Gulch can be properly identified so as to avoid possible future boundary conflicts or disputes. If the Secretary determines surveys are necessary to convey any such additional lands to Lake Gulch, the costs of such surveys shall be paid by Lake Gulch but shall not be eligible for any adjustment in the value of such additional lands pursuant to section 206(f)(2) of the Federal Land Policy and Management Act of 1976 (as amended by the Federal Land Exchange Facilitation Act of 1988) (43 U.S.C. 1716(f)(2)).

(3) Prior to transferring out of public ownership pursuant to this Act or other authority of law any lands which are contiguous to North Clear Creek southeast of the City of Black