

S. 238

*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 “Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization Feasibility Study Act of 2001”.

**SEC. 2. STUDY.**

The Secretary of the Interior may conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, S. 238 is similar to the House-passed bill H.R. 1883 introduced and authored by the gentleman from Oregon (Mr. WALDEN).

I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN) to explain this legislation.

Mr. WALDEN of Oregon. Mr. Speaker, I appreciate the opportunity to speak in favor of S. 238.

This legislation would authorize the Secretary of the Interior to engage in feasibility investigations for the Burnt, Malheur and Owyhee River basins in eastern Oregon. It is the next step in the United States Bureau of Reclamation process now that their initial study has been completed. The U.S. Bureau of Reclamation's earlier studies examined problems associated with such use as excess nutrients and surface water, sedimentation, high water temperatures, degraded fish habitat, low stream flows, and lack of adequate stream-side vegetation.

The feasibility studies that S. 238 authorizes would help find the most logical approaches to address these issues.

Mr. Speaker, the farmers and ranchers are the driving force behind this legislation and its companion that I sponsored here in the House, as they have proven over and over again that it is the farmers and ranchers who are some of our strongest conservationists. They care deeply about the land and water that they will use to grow the crops and raise the livestock that feed us all. This bill will set a process in motion that will allow the farmers to leave more water in-stream while maintaining their current yields.

The bill is supported by the Burnt River Irrigation District, the Powder Valley Water Control District, the Baker Valley Irrigation District, the Owyhee Irrigation District, the Owyhee Ditch Company, the Vale Oregon Irrigation District, and the Warm Springs Irrigation District. It is a simple, straightforward bill that deserves the

support of my colleagues, and I ask for that.

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

Mr. Speaker, we have no objections to this measure, but it is our hope that an equally important water resource measure for Austin, Texas, will also be considered by the House in the near future.

My colleagues on the Committee on Resources may recall that when we met on July 10 to consider Senator WYDEN's bill for these river basins in Oregon, we also supported the bill of our colleague, the gentleman from Texas (Mr. DOGGETT), H.R. 4739. He works hard for his constituents and is to be commended for his leadership on this issue as well. The Doggett bill would authorize Federal financial assistance for a water recycling project in the Austin, Texas, area.

As I recall, the committee approved the Doggett bill without amendment and by unanimous consent. I have no doubt that S. 238 is meritorious. I hope my colleagues on the other side of the aisle might be able to now schedule this other equally important water legislation in the foreseeable future.

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

Mr. HANSEN. 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 Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 238.

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

A motion to reconsider was laid on the table.

#### SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 640) to adjust the boundaries of Santa Monica Mountains National Recreation Area, and for other purposes.

The Clerk read as follows:

Senate amendment:

Page 2, lines 16 and 17, strike out “numbered 80,047, and dated February 2001” and insert “numbered 80,047-C and dated August 2001”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, H.R. 640 was introduced by the gentleman from California (Mr. GALLEGLY), our colleague on the Committee on Resources.

I yield to him such time as he may consume to explain this legislation.

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

Mr. GALLEGLY. Mr. Speaker, I would like to thank the Committee on Resources chairman, the gentleman from Utah (Mr. HANSEN), and subcommittee chairman, the gentleman from California (Mr. RADANOVICH), for bringing this bill before the floor today.

Mr. Speaker, this legislation passed the House of Representatives on June 6 of last year by a voice vote and passed the Senate with an amendment by unanimous consent on August 1 of this year.

This bill, which I introduced with my colleague, the gentleman from California (Mr. SHERMAN), would adjust the boundaries of the Santa Monica Mountains Recreation Area to enhance and protect the principal wildlife corridor between the Simi Hills in my district and the Santa Monica Mountains in Mr. SHERMAN's district. It adds nearly 3,492 acres of private land in the recreational area at no cost to the taxpayer.

Of that, 2,797 acres that were previously donated to the Santa Monica Mountains Conservancy, a State agency, will be transferred to the Park Service. Another 362 acres is publicly and privately owned open space. The rest, about 330 acres, is comprised of developed residential areas in the cities of Calabasas and Agoura Hills.

The changes made by the Senate exclude three parcels of private property whose owners wish not to have their property included within the boundary adjustment. The changes were made by Senator DIANE FEINSTEIN and Senator JEFF BINGAMAN at my request. I thank the Senators for helping ensure that the rights of these individuals are protected. All the other property owners impacted by this legislation have agreed to be within the proposed boundaries of the recreation area.

Mr. Speaker, I ask my colleagues to support these changes and this bill.

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

We support the measure on this side of the aisle. I would also like to note the work of our colleague, the gentleman from California (Mr. SHERMAN), who has been very supportive and worked hard for this legislation as well.

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

Mr. HANSEN. 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 Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendment to H.R. 640.

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

A motion to reconsider was laid on the table.

# LOS PADRES NATIONAL FOREST LAND EXCHANGE ACT OF 2002

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4917) to provide for an exchange of lands with the United Water Conservation District of California to eliminate private inholdings in the Los Padres National Forest, and for other purposes.

The Clerk read as follows:

H.R. 4917

*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 "Los Padres National Forest Land Exchange Act of 2002".

## SEC. 2. LAND EXCHANGE, LOS PADRES NATIONAL FOREST, CALIFORNIA.

### (a) EXCHANGE AUTHORIZED.—

(1) IN GENERAL.—If the United Water Conservation District of California (in this section referred to as the "District") conveys to the Secretary of Agriculture (in this section referred to as the "Secretary") all of right, title, and interest of the District in and to the lands described in subsection (b)(1), the Secretary shall convey to the District, in exchange for such lands, all right, title, and interest of the United States in and to the National Forest System lands described in subsection (b)(2).

(2) EXISTING RIGHTS.—The conveyance of National Forest System lands under this section shall be subject to valid existing rights and to such terms, conditions, and reservations as may be required by this section or considered necessary by the Secretary.

(3) TIME FOR EXCHANGE.—The Secretary and the District shall endeavor to complete the exchange in a timely manner.

### (b) EXCHANGE LANDS.—

(1) LANDS TO BE CONVEYED BY DISTRICT.—The lands to be conveyed by the District under this section consist of approximately 340 acres as follows:

(A) "Tract A"—Approximately 40 acres, located in township 5 north, range 18 west, section 16, NE¼SE¼, San Bernardino base and meridian.

(B) "Tract B"—Approximately 40 acres, located in township 5 north, range 18 west, section 16, SE¼NE¼, San Bernardino base and meridian.

(C) "Tract C"—Approximately 80 acres, located in township 5 north, range 18 west, section 16, S½SE¼, San Bernardino base and meridian.

(D) "Tract D"—Approximately 160 acres, located in township 5 north, range 18 west, section 21, NE¼, San Bernardino base and meridian.

(E) "Tract E"—Approximately 20 acres, located in township 5 north, range 18 west, section 15, N½SW¼SW¼, San Bernardino base and meridian.

(2) LANDS TO BE CONVEYED BY SECRETARY.—The National Forest System lands to be conveyed by the Secretary under this section consist of approximately 420 acres as follows:

(A) "Tract 1"—Approximately 80 acres, located in township 5 north, range 18 west, section 10, E½SW¼, San Bernardino base and meridian.

(B) "Tract 2"—Approximately 40 acres, located in township 5 north, range 18 west, section 15, NE¼NW¼, San Bernardino base and meridian.

(C) "Tract 3"—Approximately 40 acres, located in township 5 north, range 18 west, section 15, SW¼SE¼, San Bernardino base and meridian.

(D) "Tract 4"—Approximately 10 acres, located in township 5 north, range 18 west, sec-

tion 22, SW¼SW¼NE¼, San Bernardino base and meridian.

(E) "Tract 5"—Approximately 20 acres, located in township 5 north, range 18 west, section 22, W½NW¼SE¼, San Bernardino base and meridian.

(F) "Tract 6"—Approximately 40 acres, located in township 5 north, range 18 west, section 22, SW¼SE¼, San Bernardino base and meridian.

(G) "Tract 7"—Approximately 80 acres, located in township 5 north, range 18 west, section 22, E½SW¼, San Bernardino base and meridian.

(H) "Tract 8"—Approximately 20 acres, located in township 5 north, range 18 west, section 22, N½NW¼SW¼, San Bernardino base and meridian.

(I) "Tract 9"—Approximately 80 acres, located in township 5 north, range 18 west, section 27, W½NE¼, San Bernardino base and meridian.

(J) "Tract 10"—Approximately 10 acres, located in township 5 north, range 18 west, section 27, NE¼SW¼NW¼, San Bernardino base and meridian.

(3) CORRECTIONS TO LEGAL DESCRIPTIONS.—By mutual agreement, the Secretary and the District may adjust the legal descriptions contained in this subsection to correct errors or to make minor adjustments in the lands to be exchanged.

### (c) PROCESSING OF LAND EXCHANGE.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary shall process the land exchange under this section in accordance with Forest Service land exchange regulations in subpart A of part 254 of title 36, Code of Federal Regulations.

(2) TITLE STANDARDS.—The Secretary shall require that title to the District lands acquired by the Secretary under this section is in conformity with the title standards of the Attorney General of the United States.

### (d) EASEMENTS AND ACCESS.—

(1) RESERVATION.—In the conveyance of the National Forest System lands authorized by this section, the Secretary shall reserve easements for all roads and trails that the Secretary considers to be necessary or desirable to provide for administrative purposes and to ensure public access to National Forest System lands. In particular, the Secretary shall reserve perpetual unrestricted rights of pedestrian access to the Potholes trailhead of the Los Padres National Forest.

(2) ACCESSIBILITY.—In the case of the District lands acquired by the Secretary under this section, the Secretary shall provide reasonable access to privately owned inholdings consistent with section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)).

(3) CONSTRUCTION OF PARKING LOT.—As a condition on the receipt of National Forest System lands under this section, the District shall agree to construct a gravel parking area upon District lands for the Potholes trailhead of the Los Padres National Forest, subject to the following requirements:

(A) The District may reasonably regulate vehicular access to the trailhead in accordance with rules and regulations promulgated in accordance with applicable law.

(B) Foot traffic to the trailhead shall be perpetual and unrestricted.

(e) SPECIAL USE AUTHORIZATION AND EASEMENTS.—All special use authorizations and term easements issued by the Secretary with respect to the National Forest System lands described in subsection (b)(2) shall not be renewed or reauthorized after the date of enactment of this Act.

(f) WATER RIGHTS.—The land exchange authorized by this section does not include any water rights owned by the District or the United States.

### (g) CASH EQUALIZATION.—

(1) LIMITS WAIVED.—The District or the Secretary, as appropriate, may equalize the values of the lands to be exchanged under this section by a cash payment without regard to any statutory limit on the amount of such a cash equalization payment.

(2) DISPOSITION AND USE OF FUNDS.—Any cash equalization payment received by the Secretary under this section shall be deposited into the fund established by Public Law 90-171 (commonly known as the Sisk Act; 16 U.S.C. 484a). The payment shall be available to the Secretary for expenditure, without further appropriation, for the acquisition, construction, or improvement of administrative or recreational facilities for the Los Padres National Forest in Ventura County, Santa Barbara County, and San Luis Obispo County, California, or for the acquisition of land or interests in land in such counties.

(h) MANAGEMENT OF ACQUIRED LANDS.—The District lands acquired by the Secretary under this section shall be added to and administered as part of the Los Padres National Forest in accordance with the laws and regulations applicable to that national forest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 4917, which provides for an exchange of lands between the United States Water Conservation District of California and the U.S. Forest Service, was authored by the gentleman from California (Mr. GALLEGLY); and I yield such time as he may consume to him to explain this legislation.

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

Mr. GALLEGLY. Mr. Speaker, I would like to again thank the gentleman from Utah (Mr. HANSEN), the full committee chairman, and the gentleman from Colorado (Mr. MCINNIS), the subcommittee chairman, for helping bring this bill to the floor today.

Mr. Speaker, H.R. 4917, the Los Padres National Forest Land Exchange Act, will facilitate a land exchange between the U.S. Forest Service and the United Water Conservation District, a local public agency.

Under this legislation, the U.S. Forest Service will convey 420 acres to United Water. Of that total, 290 acres are mud-flats surrounded by Lake Piru, 80 acres are campground, and 50 acres are primarily two separate sections of Blue Point Road. United Water will convey to the Forest Service 340 acres. The land is open space within the Los Padres National Forest previously leased for grazing.

Both the Forest Service and United Water benefit from the exchange. The Blue Point Campground, which has been closed by the Forest Service since 1995, will be opened on a limited basis by United Water. This will provide additional recreational opportunities for families and outdoor enthusiasts for