

CLEVELAND NATIONAL FOREST LAND EXCHANGE ACT OF
1995

NOVEMBER 6, 1995.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 207]

The Committee on Resources, to whom was referred the bill (H.R. 207) to authorize the Secretary of Agriculture to enter into a land exchange involving the Cleveland National Forest, California, and to require a boundary adjustment for the national forest to reflect the land exchange, 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 out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cleveland National Forest Land Exchange Act of 1995".

SEC. 2. LAND EXCHANGE, CLEVELAND NATIONAL FOREST, CALIFORNIA.

(a) CONVEYANCE BY THE SECRETARY OF AGRICULTURE.—

(1) CONVEYANCE.—In exchange for the conveyance described in subsection (b), the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall convey to the Orange County Council of the Boy Scouts of America all right, title, and interest of the United States in and to the parcel of land described in paragraph (2) located in the Cleveland National Forest. The parcel conveyed by the Secretary shall be subject to valid existing rights and to any easements that the Secretary considers necessary for public and administrative access.

(2) DESCRIPTION OF PARCEL.—The parcel of land referred to in paragraph (1) consists of not more than 60 acres of land in Section 28, Township 9 South, Range 4 East, San Bernardino Meridian, in the unincorporated territory of San Diego County, California.

(b) CONVEYANCE BY THE BOY SCOUTS OF AMERICA.—

(1) CONVEYANCE.—In exchange for the conveyance described in subsection (a), the Orange County Council of the Boy Scouts of America shall convey to the United States all right, title, and interest to the parcel of land described in paragraph (2). The parcel conveyed under this subsection shall be subject to

such valid existing rights of record as may be acceptable to the Secretary, and the title to the parcel shall conform with the title approval standards applicable to Federal land acquisitions.

(2) DESCRIPTION OF PARCEL.—The parcel of land referred to in paragraph (1) shall be approximately equal in value to the lands described in subsection (a)(2) and shall be at least the Southerly 94 acres of the Westerly ½ of Section 34, Township 9 South, Range 4 East, San Bernardino Meridian, in the unincorporated territory of San Diego County, California.

(c) BOUNDARY ADJUSTMENT.—Upon the completion of the land exchange authorized under this section, the Secretary shall adjust the boundaries of the Cleveland National Forest to exclude the parcel conveyed by the Secretary under subsection (a) and to include the parcel obtained by the Secretary under subsection (b). For purposes of section 7 of the Land and Water Conservation Fund Act of 1964 (16 U.S.C. 4601-9), the boundary of the Cleveland National Forest, as modified by this Act, shall be considered the boundary of the forest as of January 1, 1965.

(d) INCORPORATION INTO CLEVELAND NATIONAL FOREST.—Upon acceptance of title by the Secretary, the parcel obtained by the Secretary under subsection (b) shall become part of the Cleveland National Forest and shall be subject to all laws applicable to such national forest.

PURPOSE OF THE BILL

The purpose of H.R. 207 is to authorize the Secretary of Agriculture to enter into a land exchange involving the Cleveland National Forest, California, and to require a boundary adjustment to reflect the land exchange.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 207 would clear up a problem between the Boy Scouts of America and the Cleveland National Forest. The Lost Valley Scout Reservation, located in a remote area of northern San Diego County and bordered by the Cleveland National Forest, is the principal summer camp for the 80,000 youth now served annually by the Orange County Council of the Boy Scouts of America. This 1,400-acre property was acquired by the Council in 1956 through deeds based on an 1880 survey.

In 1987, the Forest Service surveyed the shared boundaries, and finding the 1880 surveys inaccurate, discovered a number of encroachments on Forest Service land. These include permanent buildings, a year-round residence, an unauthorized road, and buried water and electrical lines. The land is also heavily impacted by Scout use, as it lies between two camp activity centers.

The bill would authorize the exchange of 43 acres of the Cleveland National Forest presently encroached upon or heavily impacted by the Lost Valley Scout Reservation for 94 acres now owned by the Council.

COMMITTEE ACTION

H.R. 207 was introduced on January 4, 1995, by Congressman Christopher Cox. The bill was referred to the Committee on Resources, and within the Committee, to the Subcommittee on National Parks, Forests and Lands. The Subcommittee held a hearing on July 20, 1995, on various land exchange measures, including H.R. 207.

The Subcommittee met to mark up H.R. 207 on October 17, 1995. The bill was ordered reported to the Full Committee by voice vote, without amendment. Full Committee consideration and mark-up of H.R. 207 was held on October 25, 1995. During Committee consid-

eration, an amendment in the nature of a substitute was offered by Mr. Hansen. The amendment was requested by the United States Forest Service to clarify what lands would be traded by the Federal Government and what lands would be traded by the Orange County Council of the Boy Scouts. The Hansen amendment was accepted by voice vote. The bill, as amended, was ordered reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This Act may be cited as the "Cleveland National Forest Land Exchange Act of 1995."

Section 2. Land exchange, Cleveland National Forest, California

The Secretary of Agriculture shall convey to the Orange County Council of the Boy Scouts of America all right, title, and interest of the United States to approximately 43 acres of land described in the bill. In exchange for the approximately 43 acres of land received by the Boy Scouts, the Orange County Council of the Boy Scouts of America shall convey to the Secretary of Agriculture all right, title, and interest to the approximately 94 acres of land as described. Upon the completion of the land exchange, the Secretary of Agriculture shall adjust the boundaries of the Cleveland National Forest to exclude the parcel conveyed by the Secretary and to include the parcel obtained by the Secretary. Upon acceptance of title by the Secretary of Agriculture, the parcel obtained by the Secretary shall become part of the Cleveland National Forest.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 207 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 207. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 207 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 207.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 207 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 3, 1995.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 207, the Cleveland National Forest Land Exchange Act of 1995, as ordered reported by the House Committee on Resources on October 25, 1995. Enacting H.R. 207 would have no significant impact on the federal budget. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

The bill would authorize the Secretary of Agriculture to exchange up to 60 acres of land in the Cleveland National Forest, California, for about 94 acres of land owned by the Orange County Council of the Boy Scouts. The bill also would adjust the boundary of the Cleveland National Forest to reflect the land exchange. The exchanges are to be of approximately equal value.

The Orange County Council of the Boy Scouts is currently using the land in the Cleveland National Forest but pays no fees for its use. Therefore, no loss of offsetting receipts would occur as a result of the land exchange. The Forest Service estimates that the discretionary costs to carry out the surveys for the boundary adjustment would total about \$100,000. Enacting H.R. 207 would have no significant impact on the budgets of state or local governments.

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

Sincerely,

JUNE E. O'NEILL, *Director.*

CHANGES IN EXISTING LAW

If enacted, H.R. 207 would make no changes in existing law.

DEPARTMENTAL REPORTS

The Committee received an unfavorable report on H.R. 207 from the Department of Agriculture on February 21, 1995. No other reports have been received.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, February 15, 1995.

Hon. DON YOUNG,
Chairman, Committee on Resources,
Washington, DC.

DEAR MR. CHAIRMAN: This is in reply to your January 13, 1995, request for our views on H.R. 207, a bill "To authorize the Secretary of Agriculture to enter into a land exchange involving the Cleveland National Forest, California, and to require a boundary adjustment for the National Forest to reflect the land exchange, and for other purposes."

This Department would not object to H.R. 207, if amended. Although the approach taken in H.R. 207 is not our preferred solution, we have taken the liberty of drafting a substitute bill that addresses our concerns.

H.R. 207 would direct the Secretary of Agriculture to convey approximately 43 acres of land located in the Cleveland National Forest to the Orange County Council of the Boy Scouts of America (BSA) in exchange for approximately 94 acres of land outside the National Forest boundary. The National Forest boundary would be adjusted to include the lands acquired by the United States. The lands conveyed to the United States would become part of the Cleveland National Forest.

The 43-acre National Forest parcel is located adjacent to the Lost Valley Boy Scout Camp in a remote area of northern San Diego County. Improvements constructed by BSA in the late 1950's and early 1960's were believed to be on land owned by the BSA until the Forest Service surveyed a portion of the National Forest boundary adjacent to the Camp in the late 1980's. This partial survey revealed that a number of facilities, including permanent buildings, a year-around residence, a road, and utility lines had been constructed on National Forest Land.

The BSA and the Forest Service could resolve these encroachments under existing authorities without adjusting the boundary of the Cleveland National Forest. This could be accomplished by exchanging the affected Federal land (the Lost Valley Boy Scout Camp) for non-Federal land within the Forest boundary and this would be our preferred solution.

H.R. 207 would resolve this encroachment situation by directing an exchange for land owned by BSA outside the Forest boundary and would adjust the boundary to include this parcel within the Cleveland National Forest. Any resolution that would entail adjustment of a National Forest boundary would require legislation.

We believe the public would be served best by exchanging the Federal land on which the encroachments are located for non-Federal land that has been identified by the Forest Service for acquisition within the existing Forest boundary. However, legislation in-

volving the exchange of land owned by the BSA outside, but adjacent to, the boundary would be acceptable to the Department if it completely resolves the encroachment issue with the BSA.

We are concerned that facilities and other improvements in addition to those that are located on the Federal land described in H.R. 207 may be encroaching on the Cleveland National Forest. The full extent of the encroachment has not yet been determined because the survey of the property lines around the Lost Valley Boy Scout Camp has not been completed.

We would not object to legislation that provides the Department and the BSA with the flexibility to accommodate the results of a completed survey. This could be accomplished by avoiding any specific reference to the parcels to be exchanged. For your consideration, the enclosed supplemental statement contains a draft substitute bill for H.R. 207 that would address our concerns by requiring the Secretary to enter into negotiations with the BSA for the purpose of either exchanging or selling to the BSA the federally owned lands that are currently occupied and used by the BSA.

The draft bill would also require that the BSA pay for and provide a survey of the affected Federal land and would authorize the Secretary of Agriculture, in the case of an exchange, to accept non-Federal land or interests in land within, or adjacent to, the Cleveland National Forest boundary.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD E. ROMINGER,
Acting Secretary.

SUPPLEMENTAL STATEMENT

A BILL To require the Secretary of Agriculture to enter into negotiations for the exchange or sale of certain lands within the Cleveland National Forest, and for other purposes.

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

Section 1. Short title

This act may be cited as the "Cleveland National Forest Land Transfer Act of 1995."

Section 2. Land exchange

(a) IN GENERAL.—The Secretary of Agriculture (hereafter "Secretary") shall enter into negotiations with the Orange County Council of the Boy Scouts of America (hereafter "BSA") for the purpose of developing a mutual agreement for a land exchange or sale that would convey to the BSA certain Federally owned lands within the Cleveland National Forest which are currently occupied and used by the BSA.

(b) AUTHORITY TO EXCHANGE; BOUNDARY ADJUSTMENT.—The Secretary is authorized to accept in exchange for land conveyed by the United States under subsection (a), any land or interest in lands lying within or adjacent to the boundaries of the Cleveland National Forest: Provided that, upon conveyance, the boundaries of

the Cleveland National Forest shall be deemed to encompass any lands conveyed by the BSA to the United States which may lie outside the existing boundaries. For purposes of section 7 of the Land and Water Conservation Fund Act of 1964 (16 U.S.C. 4601-9), the boundary of the Cleveland National Forest, as modified by any exchange authorized by this Act, shall be considered the boundary of the forest as of January 1, 1965.

(c) APPLICABLE AUTHORITIES.—Except as specifically provided in this section, any exchange shall be in conformity with existing exchange authorities and regulations of the Secretary, including provisions for equal value, title acceptable to the Secretary, and adequate legal description.

Section 3. Authority to sell

(a) IN GENERAL.—As an alternative to the land exchange authorized by section 2, the Secretary is authorized to sell and quitclaim to the BSA such lands and interests therein as are currently occupied and used by the BSA, the boundaries of which parcel are acceptable to the Secretary and, in consideration therefor, to receive monies from the BSA equal to the fair market value of the lands.

(b) DEPOSIT OF PAYMENT.—All monies so received shall be deposited into the fund provided by the Act of December 4, 1967 (16 U.S.C. 484a), known as the Sisk Act, and shall, upon appropriation, be available for expenditure for the acquisition of lands pursuant to the Sisk Act.

Section 4. Surveys

The Federal land and interests in land to be exchanged or sold by the United States under this Act shall be determined by a survey, including monumentation and preparation of plats, provided and paid for by the BSA and subject to the approval of the Secretary.

SECTION-BY-SECTION ANALYSIS

Section 1

Section 1 contains the short title of the bill.

Section 2

Section 2(a) would require the Secretary of Agriculture (Secretary) to enter into negotiations with the Orange County Council of the Boy Scouts of America (BSA) for the purpose of developing a mutual agreement for the exchange or sale of certain federally owned lands within the Cleveland National Forest which are currently occupied and used by the BSA. This subsection accommodates the need to complete the landline survey in the vicinity of the Lost Valley Boy Scout Camp to ensure that the exchange resolves the entire boundary issue.

Section 2(b) would authorize the Secretary to accept non-Federal land or interests in land within, or adjacent to, the Cleveland National Forest boundary in exchange for the federally owned land conveyed under subsection (a). Subsection (b) would adjust the boundaries of the Cleveland National Forest to encompass any non-Federal land outside of the existing Forest boundary acquired in

the exchange by the United States. Any new boundary would be considered the same as the 1965 boundary of the Cleveland National Forest for purposes of section 7 of the Land and Water Conservation Fund Act of 1964 (16 U.S.C. 4601–9), which only allows the use of the Fund to buy inholdings in National Forests “as the boundaries of the Forest exist on January 1, 1965.”

Section 2(c) would require any exchange to conform with the Secretary’s existing exchange authorities and regulations, including section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), which requires that the exchanged lands or interests in land be either equal in value or equalized by a cash payment not to exceed 25 percent of the value of the Federal land. Title to the non-Federal lands or interests in lands conveyed by the BSA must be acceptable to the Secretary and contain an adequate legal description.

Section 3

Section 3(a) would authorize the Secretary, as an alternative to the exchange under section 2, to sell and quitclaim to the BSA the same Federal land provided that the boundaries of the parcel to be conveyed are acceptable to the Secretary. The Secretary would be authorized to receive monies from the BSA equal to fair market value in consideration for the conveyance of the Federal land.

Section 3(b) would require the deposit of monies received under subsection (a) into the fund provided by the Act of December 4, 1967 (16 U.S.C. 484a), known as the Sisk Act, and would make such monies available, upon appropriation, for the acquisition of lands under the Sisk Act.

Section 4

Section 4 would require that the Federal land conveyed by the United States either under section 2 or section 3 be determined by a survey, including monumentation and preparation of plats, provided and paid for by the BSA and subject to the approval of the Secretary.