

KERN COUNTY, CALIFORNIA, FOREST SERVICE LAND
EXCHANGE

OCTOBER 12, 1998.—Ordered to be printed

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

REPORT

[To accompany H.R. 4023]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4023) to provide for the conveyance of the Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment (stated in terms of the page and line number of the introduced bill) is as follows:

On page 2, line 4, strike “140” and insert “104”.

PURPOSE OF THE BILL

The purpose of H.R. 4023 is to provide for the conveyance of the Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 4023 provides for the transfer of three parcels of land on the Sequoia National Forest, totaling approximately 148 acres, to Kern County, in exchange for one parcel of approximately 160 acres of land currently owned by Kern County. The conveyance of non-federal lands to the Forest Service shall be subject to such valid existing rights as may be acceptable to the Secretary of Agriculture, and the lands shall conform with the title approval standards applicable to federal land acquisitions.

The Forest Service lands to be conveyed include a 140-acre parcel containing Camp Owen, a juvenile justice facility which has been

operated by Kern County for the last 50 years; Wofford Heights Park, consisting of approximately four acres in the small rural community of Wofford Heights; and the French Gulch maintenance yard (approximately 3.4 acres), which is used by Kern County for maintenance of its parks. A fish hatchery, operated by the State of California under permit from the Forest Service, is located across the road from Camp Owen and included within the parcel to be transferred to County ownership. No disruption of operations is anticipated, since Kern County intends to continue the State's permit to operate the hatchery. A technical amendment approved by the Committee on Resources on August 5, 1998, reduced the acreage of the Camp Owen property to be exchanged to 104 acres.

The County owns and operates the Greenhorn Mountain Park, a 160-acre forested park located within the Sequoia National Forest. The park includes camp sites, cabins, a recreational hall and mess halls, as well as an outdoor amphitheater. In addition, the Forest Service operates an emergency aid office, uses the roads and water system to serve other National Forest lands, and uses sheds on the site to store Forest Service equipment. The Greenhorn Mountain Park generates approximately \$10,000 per year in income. These lands would be conveyed to the Forest Service.

The Sequoia National Forest lands and those owned by Kern County each total approximately \$1.2 million in value and are deemed to be of equal value. The legislation would ensure the future of the juvenile justice facility by transferring to Kern County ownership of Camp Owen and two minor properties which do not have forest characteristics, are not used by the Forest Service, and in which Kern County has invested both time and money. In exchange, the transfer of the County lands to the Forest Service would eliminate an inholding on the National Forest and enable the Forest Service to use the Greenhorn Mountain property without requiring a permit from the County.

After nearly ten years of negotiations, Kern County and the Forest Service have reached an impasse. During discussions last year, the Forest Service indicated the County should remove all structures on the Greenhorn Mountain Park before the agency would consider an exchange. The bill directs the Secretary to complete the conveyance of federal land to Kern County within three months after the County transfers its land to the Forest Service. It also provides that the United States and Kern County shall not be liable under federal, State or local laws solely as a result of the acquisition of lands.

COMMITTEE ACTION

H.R. 4023 was introduced on June 9, 1998, by Congressman William Thomas (R-CA). The bill was referred to the Committee on Resources, and in addition to the Committee on Commerce and the Committee on Transportation and Infrastructure. Within the Committee on Resources, the bill was referred to the Subcommittee on Forests and Forest Health. On July 21, 1998, the Subcommittee on Forests and Forest Health held a hearing on H.R. 4023, where the Administration testified in opposition to the bill but expressed interest in the conveyance of the Camp Owen special use permit area and the French Gulch facility to the County. The Administration

testified that the Forest Service does not have the resources to assume responsibility for Greenhorn Mountain Park and identified several technical concerns with the bill.

On August 5, 1998, the Full Resources Committee met to consider H.R. 4023. The Subcommittee on Forests and Forest Health was discharged from further consideration of the bill by unanimous consent. A technical amendment to change the acreage of the Camp Owen property to be exchanged, reducing it from 140 to 104 acres, was offered by Congressman Helen Chenoweth (R-ID) and adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(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.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3, of the Constitution of the United States grant Congress the authority to enact H.R. 4023.

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. 4023. 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(1)(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. 4023 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of H.R. 4023 would increase offsetting receipts by less than \$15,000 per year.

2. With respect to the requirement of clause 2(1)(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. 4023.

3. With respect to the requirement of clause 2(1)(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. 4023 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
 Washington, DC, August 28, 1998.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4023, a bill to provide for the conveyance of the Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Victoria V. Heid (for federal costs), and Leo Lex (for the state and local impact).

Sincerely,

PAUL VAN DE WATER
 (for June E. O'Neill, Director).

Enclosure.

H.R. 4023—A bill to provide for the conveyance of the Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest

SUMMARY: H.R. 4023 would provide for a property exchange between the federal government and Kern County, California, involving land and structures within the boundaries of the Sequoia National Forest. The bill provides that if the county conveys about 160 acres to the federal government, the Secretary of Agriculture would be required to convey to the county in exchange about 110 acres of federal land. The bill would deem the exchange approximately equal in value and it states that no additional property valuations of cash equalization payments would be required. Provisions regarding environmental remediation would limit the extent to which certain state and local laws apply to the lands involved in this exchange.

CBO estimates that enacting H.R. 4023 would not have a significant effect on the federal budget. Implementing the bill would necessitate additional discretionary spending, but the increase would likely total less than \$500,000 each year over the 1999–2003 period, subject to appropriation of the necessary funds. Because the bill would affect offsetting receipts, which are classified as direct spending, pay-as-you-go procedures would apply, but CBO estimates that any change in direct spending would total less than \$15,000 each year.

The preemption of state and local laws governing environmental remediation would be an intergovernmental mandate as defined by the Unfunded Mandates Reform Act (UMRA). However, the preemption is intended to protect the county from additional liability and may actually result in savings. This bill would impose no new private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: According to the Forest Service, the federal land to be conveyed to the county in the proposed exchange includes a 56-acre site used as a juvenile justice

facility by Kern County under permit from the Forest Service. The federal acreage also includes a fish hatchery, a maintenance yard, and a maintenance building.

The county land to be acquired by the federal government encompasses two group campsites with several buildings and a water supply and distribution system. Users of the campsites currently pay recreational fees to the county. Thus, implementing the exchange could increase offsetting receipts to the federal government if the government continued to operate the campsites, but CBO estimates that the increase in receipts would total less than \$15,000 each year. Furthermore, according to the Forest Service, infrastructure on the country land is in disrepair. Pipes in the water system would have to be replaced to meet state health regulations. In addition, several buildings may require environmental remediation to remove asbestos and other contaminants. Because the Forest Service has not surveyed the buildings on the land that would be acquired from the county, however, the magnitude of the potential remediation is unknown. CBO estimates that such work on the acquired land would probably total less than \$500,000 each year over the next five years, subject to the availability of appropriated funds.

Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending and receipts. Implementing the exchange authorized by this bill could increase offsetting receipts if the government continued to operate campsites, but the estimated collections would not be significant.

Estimated impact on State, local, and tribal governments: H.R. 4023 would preempt state and local laws governing environmental remediation in association with the lands exchanged between the U.S. Forest Service and Kern County, California. This preemption would be an intergovernmental mandate as defined by UMRA. However, the preemption is designed to protect Kern County, as well as the United States government and officials, from additional liability. Consequently, the preemption would likely result in savings.

Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal costs: Victoria V. Heid; impact on State, local, and tribal governments: Leo Lex.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

Although H.R. 4023 contains an intergovernmental mandate (section 1(g) preempting state and local laws governing environmental remediation), the Congressional Budget Office concluded that it may actually result in savings. Therefore, H.R. 4023 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 4023 would make no changes in existing law.

