

## Calendar No. 445

105TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 105-231

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### TAHOE NATIONAL FOREST, CALIFORNIA, LAND CONVEYANCE

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JUNE 26, 1998.—Ordered to be printed

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Mr. MURKOWSKI, from the Committee on Energy and Natural  
Resources, submitted the following

### REPORT

[To accompany H.R. 1439]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1439) to facilitate the sale of certain land in Tahoe National Forest in the State of California to Placer County, California, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

#### PURPOSE OF THE MEASURE

H.R. 1439, as ordered reported, would facilitate the sale of 35 acres of land, on the Tahoe National Forest, in Squaw Valley, California, to Placer County. In return, the county would pay an amount equal to the fair market value of the property.

#### BACKGROUND AND NEED

H.R. 1439 would allow Placer County to create a community park in Squaw Valley, California. There is substantial community support for this proposal. The Placer County Parks Commission has allocated \$250,000 for acquisition and development of the park. Currently, there are no public parks in Squaw Valley and the nearest park facility is approximately ten miles away.

#### LEGISLATIVE HISTORY

On June 3, 1997, H.R. 1439 passed the House of Representatives by a voice vote. The Subcommittee on Forests and Public Land Management held a hearing on March 25, 1998. At the Business

Meeting on May 13, 1998, the Committee on Energy and Natural Resources ordered H.R. 1439 favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 13, 1998, by unanimous vote of a quorum present, recommends that the Senate pass H.R. 1439 without amendment.

The rollcall vote on reporting the measure was 20 yeas, no nays as follows:

YEAS	NAYS
Mr. Murkowski	
Mr. Domenici	
Mr. Nickles	
Mr. Craig	
Mr. Campbell	
Mr. Thomas	
Mr. Kyl	
Mr. Grams <sup>1</sup>	
Mr. Smith	
Mr. Gorton	
Mr. Burns <sup>1</sup>	
Mr. Bumpers	
Mr. Ford	
Mr. Bingaman	
Mr. Akaka	
Mr. Dorgan <sup>1</sup>	
Mr. Graham <sup>1</sup>	
Mr. Wyden	
Mr. Johnson	
Ms. Landrieu	

<sup>1</sup> Indicates vote by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1(a) authorizes the Secretary of Agriculture to sell to Placer County, California, all right, title, and interest of the United States in and to a parcel of real property. This section describes the parcel as approximately 35 acres located on the Tahoe National Forest, California, to permit the County to create a community park in Squaw Valley.

Subsection (b) further describes the parcel to be conveyed under subsection (a) as generally depicted on a map entitled Placer County Conveyance, dated April 1997 and contains standard language concerning the filing of maps.

Subsection (c) states that, as consideration for the conveyance under subsection (a), the County shall pay to the United States an amount equal to the fair market value of the conveyed parcel in accordance with the document entitled "Uniform Appraisal Standards for Federal Land Acquisitions (1992)." This subsection further states that the proceeds from the sale and any expenditures of funds will be in accordance with the Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act).

Subsection (d) requires the county, as a condition of the conveyance, to provide for continuation of any existing non-Federal improvements or uses.

Subsection (e) states that the Secretary may require additional terms and conditions in connection with the conveyance under subsection (a) as appropriate.

COST AND BUDGETARY CONSIDERATIONS

The cost and budgetary considerations prepared by the Congressional Budget Office are as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 14, 1998.*

Hon. FRANK H. MURKOWSKI,  
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1439, an act to facilitate the sale of certain land in Tahoe National Forest in the state of California to Placer County, California.

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 Marjorie A. Miller (for the state and local impact).

Sincerely,

JUNE E. O'NEIL, *Director.*

Enclosure.

*H.R. 1439—An Act To Facilitate the Sale of Certain Land in Tahoe National Forest in the State of California to Placer County, California*

CBO estimates that enacting this legislation would have no significant impact on the federal budget. Enacting H.R. 1439 would not affect direct spending or receipts relative to current law; therefore, pay-as-you-go procedures do not apply. H.R. 1439 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no costs on state, local, or tribal governments.

H.R. 1439 would authorize the Secretary of Agriculture to sell about 35 acres of federal land in Tahoe National Forest to Placer County, California. The act would require Placer County to pay any survey costs incurred in the transaction.

According to the Forest Service, the Secretary already has authority to sell this land under current law (7 U.S.C. 1012a and 16 U.S.C. 484a). Therefore, CBO estimates that this legislation would not result in any additional receipts to the federal government. H.R. 1439 provides that proceeds from the sale be deposited in an existing special fund in the Treasury, which is available to the Secretary of Agriculture, subject to appropriation, for land acquisition in the same state.

The transaction authorized by this act would be voluntary on the part of Placer County. Should the county decide to purchase the land, it would pay fair market value for the land, probably about \$350,000, and any survey costs. The survey costs would not be significant. The county has also budgeted about \$250,000 for construction of a park on this property.

The CBO staff contacts for this estimate are Victoria V. Heid (for federal costs), who can be reached at 226-2860, and Marjorie A. Miller (for the state and local impact), who can be reached at 225-3220. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

The bill is not a regulatory measure in the sense of imposing Government established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of H.R. 1439.

#### EXECUTIVE COMMUNICATIONS

On April 23, 1998, the Committee on Energy and Natural Resources requested executive comment from the Department of Agriculture and the Office of Management and Budget on H.R. 1439. These legislative reports were not available at the time this report was filed. When the requested reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by Forest Service at the Subcommittee hearing follows:

#### STATEMENT OF ELEANOR TOWNS, FOREST SERVICE U.S. DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the Administration's view on these ten bills proposing the transfer, conveyance, exchange, boundary adjustment, sale of public lands and management of wilderness. I am Eleanor Towns, the Director of Lands for the Forest Service.

Before I address each bill individually, let me summarize the Administration's position on all ten: The Administration supports: S. 1109, the Devil's Backbone Boundary Adjustment, S. 1752, the Authority to Convey Administrative Sites in Arizona, and H.R. 1439, Conveyance of Lands to Placer County. The Administration would support with amendments: S. 890, Dutch John Conveyances; S. 1510, Conveyance of Lands and Improvements to Rio Arriba County; S. 1683, Land Transfer between Lake Chelan National Recreation Area and the Wenatchee National Forest; and S. 1719, Big Sky Land Exchange. The Administration objects to: S. 1468, Conveyance of Lands to Jemez Springs; and S. 1469, Expansion of El Rito Cemetery by Special Use Designation. The Administration opposes H.R. 1663, Operation and Maintenance of Structures in Emigrant Wilderness.

Now, I will address the particulars of each bill.

S. 1109, to make minor adjustment in the exterior boundary of the Devil's Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements.

The Administration recommends enactment of S. 1109 to exclude approximately two acres in Ozark county, Missouri from the wilderness and to modify the exterior boundary of the Devil's Backbone Wilderness.

S. 1109 would make a small adjustment to the exterior boundary of the Devil's Backbone Wilderness in the Mark Twain National Forest to exclude "approximately two acres in Ozark County, Missouri." A 1995 property line survey revealed a survey error over 100 years old. The new survey indicated that a portion of the building and improvements of an adjacent landowner are in trespass on National Forest System lands within the Devil's Backbone Wilderness.

This inadvertent trespass cannot be resolved because the Wilderness Act prohibits conveyances within Wilderness boundaries. A boundary adjustment will allow the landowner to acquire the encroached upon property at fair market value and clear title to their full property. It was not the intent of Congress or the Forest Service to include these privately owned, man-made improvements within the Wilderness. Had the survey been available prior to passage of the Act designating the Devil's Backbone Wilderness, the trespass would have been resolved and the two acres around these improvements (which predate the Wilderness) would have been excluded from the Wilderness.

The Administration supports S. 1109.

S. 1752, Convey certain administrative sites and use the proceeds for acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino, Kaibab, Prescott and Tonto National Forests in the State of Arizona.

S. 1752 would provide for the conveyance a total of six administrative sites, on four National Forests in Arizona. The fair market compensation received through sale or exchange transactions is authorized to be used for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for National Forests in Arizona consistent with all applicable laws.

Several Administrative sites in the State of Arizona no longer provide effective public services. District offices that were once on the perimeter of communities are now in the middle of residential or commercial districts, not easily located by visitors. Other units have identified a need to collocated services and improve efficiencies. Our analysis indicates that six sites in the state of Arizona totaling approximately 560 acres could be effectively used in the private sector.

S. 1752 would allow the Forest Service to offer sites and existing improvements to the private sector in equal value exchange for replacement or improved facilities. These isolated parcels would be returned to private use and operations and costs could be streamlined.

Mr. Chairman, we support this legislation without amendment. We want to recognize and express our appreciation to Senator Kyl and his staff who have worked with the local communities and National Forests to develop this legislation.

H.R. 1439, The sale of 35 acres from the Tahoe National Forest to Placer County, California.

H.R. 1439 authorizes the sale of 35 acres of the Tahoe National Forest to Placer County for a community park. The bill provides for compensation to the United States for the land at fair market value.

The Administration supports this bill. This conveyance has been under discussion for a number of years, but the County was unable to acquire equal value lands appropriate for the Forest Service to acquire. The bill was amended in the House at our request to allow the funds generated by the sale of land to be available for future land acquisition in the State of California. Also, this bill is consistent with a negotiated agreement between the National Forest and Placer County for sale of these lands at fair market value under the authority of the Townsite Act.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.S. 1439, as ordered reported.

