

DEAFY GLADE LAND EXCHANGE ACT

SEPTEMBER 18, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 6159]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 6159) to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, 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 all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Deafy Glade Land Exchange Act”.

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

(a) LAND EXCHANGE REQUIRED.—If Solano County, California (in this section referred to as the “County”) conveys to the Secretary of Agriculture all right, title, and interest of the County in and to four parcels of land consisting of a total of approximately 160 acres identified on the map entitled “Fouts Springs-Deafy Glade Federal and Non-Federal Lands” and dated July 17, 2008, the Secretary shall convey to the County, in exchange, all right, title, and interest of the United States in and to the parcel of land in the Mendocino National Forest in the State of California (including any improvements on the land) comprising approximately 82 acres and known as the Fouts Springs Ranch, as also depicted on the map.

(b) AVAILABILITY OF MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in the Office of the Chief of the Forest Service. With the agreement of the County, the Secretary may make technical corrections to the map and the legal descriptions of the land to be exchanged under this section.

(c) LAND EXCHANGE PROCESS.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange under this section.

(d) SURVEY AND ADMINISTRATIVE COSTS.—The exact acreage and legal description of the land to be exchanged under subsection (a) shall be determined by a survey

satisfactory to the Secretary. The costs of the survey and any administrative costs related to the land exchange shall be borne by the County.

(e) **CONDITION ON USE OF CONVEYED LAND.**—As a condition of the conveyance to the County under subsection (a), the County shall agree to continue to use the land acquired by the County under such subsection for purposes consistent with the purposes listed in the special use authorization for the Fouts Springs Ranch in effect as of the date of the enactment of this Act. For a period of 10 years commencing on the date of the enactment of this Act, the County shall continue to pay the Secretary the special use permit fee in effect as of that date.

(f) **EASEMENT AUTHORITY.**—The Secretary may grant an easement to provide continued access to, and maintenance and use of, the facilities covered by the special use authorization referred to in subsection (e) as necessary for the continued operation of the Fouts Springs Ranch conveyed under subsection (a).

(g) **MANAGEMENT OF ACQUIRED LAND.**—The lands acquired by the Secretary under subsection (a) shall be added to and administered as part of the Mendocino National Forest and managed in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.) and the laws and regulations applicable to the National Forest System.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The land exchange under subsection (a) shall be subject to such additional terms and conditions as the Secretary and the County may agree upon.

PURPOSE OF THE BILL

The purpose of H.R. 6159 is to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 6159 provides for a land exchange between the Forest Service and Solano County, California. Solano County currently has a special use permit for the Fouts Springs Youth Correctional Facility on 82 acres of land in the Mendocino National Forest. The County has been working diligently for years to acquire wilderness quality forest lands to exchange with the Forest Service in order to acquire the lands occupied by the youth correctional facility.

Solano County, which operates the youth facility, is located on the east side of the San Francisco Bay Area. However, the land to be exchanged is located in Colusa County, which lies north of San Francisco. Both Solano County and Colusa County support H.R. 6159.

In June of 2006, the Forest Service prepared a Feasibility Analysis on the proposed Fouts Springs Land Exchange. The Feasibility Analysis found that “the subject appraisals . . . demonstrate the potential for an equal value exchange,” and that “the hazardous fuels program would benefit from the exchange.” Furthermore, the lands the Forest Service would acquire are wilderness-quality lands bordering the Snow Mountain Wilderness Area and have been identified as priority areas for land acquisition by the Forest Service dating as far back as 1992. Nevertheless, the Forest Service has raised concerns about the land exchange due to the potential impact it may have on off-highway vehicle (OHV) use in the area. The Feasibility Analysis concluded that the proposed land exchange should not move forward and that “the OHV user community would likely be opposed to the exchange.” H.R. 6159, however, recognizes the public benefits of the land exchange.

COMMITTEE ACTION

H.R. 6159 was introduced on May 22, 2008 by Representative George Miller (D-CA). The bill was referred to the Committee on

Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On July 15, 2008, the Subcommittee held a legislative hearing on the bill during which the Administration testified in opposition to the legislation.

On July 23, 2008, the Subcommittee was discharged from further consideration and the Full Natural Resources Committee met to consider the bill. Representative Miller offered an amendment in the nature of a substitute to update the map for H.R. 6159; require that the County continue to use the land conveyed for the purposes listed in the special use permit they currently have to operate the Fouts Springs Youth Correctional Facility; require the County to continue to pay the current special use permit fee to the Forest Service for a period of 10 years; and authorize the Secretary to grant an easement to provide continued access to, and maintenance and use of, facilities necessary for the continued operation of the Fouts Springs Youth Correctional Facility. It was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that the Act may be cited as the “Deafy Glade Land Exchange Act”.

Section 2. Land Exchange, Mendocino National Forest, California

Section 2(a) requires Solano County to convey four parcels of approximately 160 acres of wilderness-quality lands bordering the Snow Mountain Wilderness Area in exchange for the 82-acre parcel of Mendocino National Forest land currently occupied by the Fouts Springs Youth Correctional Facility.

Section 2(b) requires that the map for the land exchange shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

Section 2(c) requires that Section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716) apply to this land exchange. Therefore, the land exchange would be conducted according to standards in the Federal Land Policy Management Act related to equal-value exchanges and Uniform Appraisal Standards.

Section 2(d) states that the exact acreage and legal description of the land to be exchanged shall be determined by a survey satisfactory to the Secretary. It further states that the costs of the survey and any administrative costs related to the land exchange shall be borne by the County.

Section 2(e) requires that as a condition of the land exchange, the County shall agree to continue to use the land acquired for purposes consistent with the purposes listed in the special use authorization for the Fouts Springs Ranch is in effect as of the date of enactment of this Act. Furthermore, for a period of 10 years, the County shall continue to pay the Secretary the current special use permit fee.

The current special use authorization for the Fouts Spring Ranch is dated June 27, 2000, and there was an amendment on February 25, 2008. Under the special use authorization, Solano County pays the Secretary an annual special use permit fee of \$6,250.00. H.R.

6159 requires that the special use permit fee continue to be paid for a period of 10 years in order to satisfy House “pay as you go” requirements.

The Committee expects that Solano County, California, will utilize the lands they acquire pursuant to H.R. 6159 for the purposes of operation of the Fouts Springs Youth Correctional Facility.

Section 2(f) authorizes the Secretary to grant an easement to provide continued access to, and maintenance and use of, facilities necessary for the continued operation of the Fouts Springs Ranch.

Section 2(g) requires that the land exchange be subject to such additional terms and conditions as the Secretary and the County may agree upon.

The Committee expects the Secretary and the County to come to agreement regarding water rights. The Committee recommends that the County acquire the water rights associated with the property, and that any water not necessary for the operation of the Fouts Springs facility or put to reasonable and beneficial use should be dedicated for instream beneficial uses. The County shall be responsible for obtaining any necessary change in use.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) 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 this bill. However, clause 3(d)(3)(B) 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 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII 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 this bill from the Director of the Congressional Budget Office:

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H.R. 6159 would authorize the Secretary of Agriculture to exchange 82 acres of land in the Mendocino National Forest for 160 acres owned by Solano County, California. Under current law, the county pays the Forest Service about \$6,000 per year for the use of facilities on Forest Service land. As a condition of the proposed land exchange, the county would be required to continue to pay the \$6,000 per year for 10 years after the date of enactment of the legislation, but would have no payment obligation after that point. In addition, the administrative costs of the exchange would be paid for by the county.

Based on information from the Forest Service, CBO estimates that implementing H.R. 6159 would have a negligible effect on direct spending and no effect on revenues or discretionary outlays. The transactions authorized by the bill would reduce offsetting receipts from existing fees by about \$60,000 over the 2009–2018 period, but most of that cost would be offset by the amounts paid by the county as a condition of the exchange. By selling the land to Solano County on an installment basis, the federal government would effectively provide a direct loan to the county for the purposes of completing the property sale. Following the requirements of the Federal Credit Reform Act, which specifies how to account for the costs of government loans and loan guarantees, the budget would record an upfront payment equivalent to the net present value of the county's future payments, adjusted for any risk of defaults. Based on information about the credit risk of such loans, CBO estimates that the net present value of the county payments would total \$45,000. Thus, CBO estimates that enacting this bill would increase net direct spending by \$15,000 over the next 10 years.

H.R. 6159 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Tyler Kruzich. This estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 6159 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.