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INYO NATIONAL FOREST LAND EXCHANGE ACT

DECEMBER 10, 2014.—Ordered to be printed

Ms. LANDRIEU, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 1241]

The Committee on Energy and Natural Resources, to which was referred an Act (H.R. 1241) to facilitate a land exchange involving certain National Forest System lands in the Inyo National Forest, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

The purpose of H.R. 1241 is to facilitate a land exchange involving certain National Forest System lands in the Inyo National Forest.

BACKGROUND AND NEED

H.R. 1241 authorizes the U.S. Forest Service to acquire two parcels of land outside the boundary of the Inyo National Forest in exchange for conveyance of 20 acres of national forest land to the Mammoth Mountain Ski Area (MMSA). The main base of the MMSA currently operates under a special-use permit from the Forest Service and has been working to acquire ownership of the parcel to allow for needed renovations. The Inyo National Forest currently operates facilities on land that is owned by the Los Angeles Department of Water and Power outside the boundary of the forest. H.R. 1241 authorizes the Inyo National Forest to acquire those parcels in the process of exchanging lands with the MMSA. In addition, the value of the parcels to be acquired by the MMSA exceeds the value of the lands to be exchanged to the Forest Service so the

legislation authorizes the Forest Service to accept a cash equalization payment greater than the 25 percent cap under current law.

LEGISLATIVE HISTORY

Representatives Cook, Costa, and McKeon introduced H.R. 1241 on March 18, 2013. Similar legislation was introduced by Senator Feinstein on December 20, 2013. On April 24, 2013, the Natural Resources Committee ordered H.R. 1241 favorably reported to the House of Representatives by unanimous consent (H. Rept. 113–281). The House passed H.R. 1241 without amendment by voice vote on December 3, 2014.

The Subcommittee on Public Lands, Forest and Mining held a hearing to consider H.R. 1241 on July 30, 2014. At its business meeting on November 13, 2014, the Committee ordered H.R. 1241 to be reported favorably without amendment.

In the 112th Congress, a similar bill, H.R. 2157, was introduced by Congressman McKeon on June 13, 2011. The bill was referred to the Committee on Natural Resources. On December 2, 2011, the Subcommittee on National Parks, Forests and Public Lands held a hearing on the bill. On February 29, 2012, the Full Natural Resources Committee met to consider the bill. The bill was ordered favorably reported to the House of Representatives by voice vote (H. Rept. 112–439). The House passed H.R. 2157 without amendment 376–2 on April 24, 2012.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on November 13, 2014, by a voice vote of a quorum present, recommends that the Senate pass H.R. 1241.

SECTION-BY-SECTION ANALYSIS

Section 1 authorizes the Secretary of Agriculture to accept for acquisition in exchange certain non-Federal lands outside of boundaries of the Inyo National Forest Land.

Subsection 1(b) authorizes the Secretary to accept a cash equalization payment in excess of 25 percent. This section further requires the Secretary to deposit payment into the Treasury of the United States.

Subsection 1(c) modifies the use of land exchange authorities already available to the Secretary as of the date of the enactment of this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

H.R. 1241—An act to facilitate a land exchange involving certain National Forest System lands in the Inyo National Forest, and for other purposes

H.R. 1241 would authorize the Secretary of Agriculture to accept certain nonfederal lands in exchange for 20 acres of federal land within the Inyo National Forest in California. Based on information provided by the Forest Service, CBO estimates that implementing the legislation would increase offsetting receipts and asso-

ciated direct spending; therefore, pay-as-you-go procedures apply. However, CBO expects that those changes would have no net effect on the deficit over the 2015–2019 and 2015–2024 periods. Enacting H.R. 1241 would not affect revenues.

H.R. 1241 would authorize the Secretary to accept private lands located outside of the Inyo National Forest in exchange for federal lands located within the forest. In addition, the act would allow the Secretary to accept a cash payment of any size to equalize the values of the properties that would be exchanged. Under current law, the Secretary can only exchange federal lands within a national forest for nonfederal lands located within that forest and cannot accept a cash equalization payment greater than 25 percent of the value of the federal lands exchanged.

Formal appraisals of the properties have not been completed; however, based on information provided by the Forest Service, CBO estimates that the cash equalization payment would be several million dollars because the federal land is probably more valuable than the private land. Under the act, amounts received from such a payment would be retained by the agency and spent, without further appropriation, to acquire other lands in California. CBO estimates that those amounts would be spent within five years of the act's enactment.

H.R. 1241 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On May 15, 2013, CBO transmitted a cost estimate for H.R. 1241, a bill to facilitate a land exchange involving certain National Forest System lands in the Inyo National Forest, and for other purposes, as ordered reported by the House Committee on Natural Resources on April 24, 2013. The two versions of the legislation are similar and the estimated costs are the same.

The CBO staff contact for this estimate is Jeff LaFave. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1241.

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. 1241, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 1241, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony of the Acting Associate Deputy chief of the Forest System on H.R. 1241 at the Subcommittee on Public Lands, Forests and Mining's July 30, 2014, hearing follows:

STATEMENT OF GREGORY SMITH, ACTING ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to provide the U.S. Department of Agriculture's (USDA) views regarding S. 1888.

S. 1888 would allow the Secretary of Agriculture, in a proposed land exchange involving the conveyance of certain National Forest System land located within the boundaries of the Inyo National Forest, to accept for acquisition certain non-Federal lands in California lying outside the boundaries of the Inyo National Forest, if the Secretary determines that the acquisition of the non-Federal lands is desirable for National Forest System purposes. In addition, S. 1888 would allow the Secretary of Agriculture to accept a cash equalization payment in excess of 25 percent, which would be deposited into the account in the Treasury of the United States, established by the Sisk Act, and would be made available to the Secretary for acquisition of land for addition to the National Forest System.

The Department supports S. 1888 as it will facilitate acquisition of highly-desirable parcels currently located outside the National Forest boundary. It will also simplify the land exchange process by authorizing a cash equalization payment in excess of 25 percent. All requirements otherwise applicable to the land exchange would continue to apply.

Mammoth Mountain Lodge Redevelopment LLC, commonly known as Mammoth Mountain Ski Area (MMSA), wishes to acquire 20 acres of National Forest System land in the Main Lodge area, currently managed as part of a Ski Area Term Special Use Permit, so it can redevelop aging lodging facilities, increase capacity, and develop employee housing and whole and fractional ownership condominiums. These latter plans are inconsistent with its Ski Area Term Special Use Permit.

MMSA has selected 12 non-Federal parcels suitable for acquisition in the Inyo, Stanislaus, Plumas, and Eldorado National Forests for the proposed exchange. These parcels were selected based on priorities identified in the respective Forest's Land Acquisition Plans, and include two Los Angeles Department of Water and Power (LADWP) parcels that are leased by the Forest Service as administrative sites. The southern parcel houses the Interagency Visitor Center near Lone Pine, California. The northern parcel is adjacent to the White Mountain Ranger Station in Bishop, California, and serves as a storage area for construction materials, recreation supplies and larger maintenance

trucks. Legislation is needed to acquire the LADWP parcels because they are located outside the declared boundary of the Inyo National Forest.

In addition, because the values of the agreed upon Federal and non-Federal lands are not likely to be within the 25 percent range limit as provided in the Federal Land Policy and Management Act (FLPMA), legislation is needed to authorize the Forest Service to accept cash equalization in excess of the limit. The Department recommends the legislation be modified to clarify that funds deposited in the Sisk Act account shall be made available to the Secretary without further appropriation to acquire land in the State of California as additions to the National Forest System.

I am happy to answer any questions you might have.

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 H.R. 1241, as ordered reported.

