

AUTHORIZING THE CONVEYANCE OF CERTAIN NATIONAL
FOREST SYSTEM LANDS IN THE LOS PADRES NA-
TIONAL FOREST IN CALIFORNIA

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JULY 10, 2009.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
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Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 129]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 129) to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California, 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. LAND CONVEYANCE AUTHORITY, LOS PADRES NATIONAL FOREST, CALIFORNIA.

(a) **CONVEYANCE AUTHORITY.**—Subject to valid existing rights, the Secretary of Agriculture may convey to the White Lotus Foundation all right, title, and interest of the United States in and to the real property within the Los Padres National Forest in California described in subsection (b).

(b) **DESCRIPTION OF PROPERTY.**—The real property subject to conveyance under this Act is certain land located in Santa Barbara County, California, consisting of approximately 5 acres, as shown on the map titled “San Marcos Pass Encroachment for Consideration of Legislative Remedy”, dated June 1, 2009.

(c) **SURVEY.**—The exact acreage and legal description of the real property to be conveyed under this Act shall be determined by a survey satisfactory to the Secretary.

(d) **VALUATION.**—Any appraisal of the real property to be conveyed under this Act shall conform to the Uniform Appraisal Standards for Federal Land Acquisitions, and the appraisal shall be subject to the approval of the Secretary.

(e) **CONSIDERATION.**—Consideration for conveyance of real property under this Act shall be in an amount not less than the appraised fair market value.

(f) **TREATMENT OF PROCEEDS.**—The gross proceeds from the conveyance of real property under this Act shall be deposited in the fund established by Public Law 90-171 (commonly known as the “Sisk Act”; 16 U.S.C. 484a). The amount so depos-

ited shall be available to the Secretary, without further appropriation, for expenditure in the Los Padres National Forest.

(g) PRE-EXISTING RIGHTS.—As a condition of the conveyance authorized under subsection (a), the Secretary shall require the White Lotus Foundation to continue to allow existing access to any roadway that may be conveyed by this Act.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this Act as the Secretary considers appropriate to protect the interests of the United States.

(i) SURVEY AND ADMINISTRATIVE COSTS.—The White Lotus Foundation shall pay the reasonable costs of survey, appraisal, and any other administrative costs associated with the conveyance.

PURPOSE OF THE BILL

The purpose of H.R. 129 is to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 129 would authorize the U.S. Forest Service (FS) to sell for fair market value five acres within the Los Padres National Forest.

A yoga studio owned by the White Lotus Foundation encroaches on those five acres of the National Forest. The previous owner of the facility was aware of the encroachment; however, the White Lotus Foundation did not have any knowledge of the encroachment when it purchased the facility. Subsequent notices from the FS alerted the Foundation to the problem.

H.R. 129 would make it possible for the White Lotus Foundation to purchase those acres from the FS. The five acres in question are separated from the majority of the Los Padres National Forest by a road. Currently, both the access road to the White Lotus Foundation yoga studio and a cabin sit on the land detailed in H.R. 129.

COMMITTEE ACTION

H.R. 129 was introduced on January 6, 2009 by Representative Elton Gallegly (R-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. At a hearing before the Subcommittee on May 14, 2009, the Administration testified in opposition to the bill as a matter of general policy (since passage of the legislation would result in a net loss of lands to the federal government).

On June 10, 2009, the Subcommittee was discharged from further consideration of H.R. 129 and the Full Natural Resources Committee met to consider the bill. Subcommittee Chairman Grijalva offered an amendment in the nature of a substitute, which was agreed to by unanimous consent. The bill, as amended, was then favorably reported to the House of Representatives by unanimous consent.

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 IV, section 3 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 authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in 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:

H.R. 129—A bill to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California

H.R. 129 would authorize the Secretary of Agriculture to sell 5 acres of land in the Los Padres National Forest to the White Lotus Foundation. The proceeds of the sale would be available to the Forest Service, without further appropriation, to acquire other lands within the Los Padres National Forest. Administrative costs of the sale would be borne by the foundation.

CBO estimates that enacting H.R. 129 would have no significant net effect on the federal budget. CBO expects that proceeds from the sale would be collected in 2010 and that the Forest Service would spend the proceeds within the next five years.

H.R. 129 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no cost on state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The 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. 129 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.

