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SHASTA-TRINITY NATIONAL FOREST ADMINISTRATIVE JURISDICTION TRANSFER ACT

MARCH 2, 2010.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 689]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 689) to interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the Act, 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 “Shasta-Trinity National Forest Administrative Jurisdiction Transfer Act”.

SEC. 2. TRANSFER OF ADMINISTRATIVE JURISDICTION TO THE BUREAU OF LAND MANAGEMENT.

(a) **IN GENERAL.**—Administrative jurisdiction over the Federal land described in subsection (b) is transferred from the Secretary of Agriculture to the Secretary of the Interior.

(b) **DESCRIPTION OF LAND.**—The Federal land referred to in subsection (a) is the land within the Shasta-Trinity National Forest in California, Mount Diablo Meridian, as generally depicted on the map entitled “Shasta-Trinity Administrative Jurisdiction Transfer: Transfer from Forest Service to BLM, Map 1” and dated November 23, 2009.

(c) **MANAGEMENT AND STATUS OF TRANSFERRED LAND.**—The Federal land described in subsection (b) shall be administered in accordance with—

- (1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and
- (2) any other applicable law (including regulations).

SEC. 3. TRANSFER OF ADMINISTRATIVE JURISDICTION TO THE FOREST SERVICE.

(a) **IN GENERAL.**—Administrative jurisdiction over the Federal land described in subsection (b) is transferred from the Secretary of the Interior to the Secretary of Agriculture.

(b) DESCRIPTION OF LAND.—The Federal land referred to in subsection (a) is the land administered by the Director of the Bureau of Land Management in the Mount Diablo Meridian, California, as generally depicted on the map entitled “Shasta-Trinity Administrative Jurisdiction Transfer: Transfer from BLM to Forest Service, Map 2” and dated November 23, 2009.

(c) MANAGEMENT AND STATUS OF TRANSFERRED LAND.—

(1) IN GENERAL.—The Federal land described in subsection (b) shall be—

- (A) withdrawn from the public domain;
- (B) reserved for administration as part of the Shasta-Trinity National Forest; and
- (C) managed in accordance with the laws (including the regulations) generally applicable to the National Forest System.

(2) WILDERNESS ADMINISTRATION.—The land transferred to the Secretary of Agriculture under subsection (a) that is within the Trinity Alps Wilderness shall—

- (A) not affect the wilderness status of the transferred land; and
- (B) be administered in accordance with—
 - (i) this section;
 - (ii) the Wilderness Act (16 U.S.C. 1131 et seq.); and
 - (iii) the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425).

SEC. 4. ADMINISTRATIVE PROVISIONS.

(a) CORRECTIONS.—

(1) MINOR ADJUSTMENTS.—The Secretary of Agriculture and the Secretary of the Interior may, by mutual agreement, make minor corrections and adjustments to the transfers under this Act to facilitate land management, including corrections and adjustments to any applicable surveys.

(2) PUBLICATIONS.—Any corrections or adjustments made under subsection (a) shall be effective on the date of publication of a notice of the corrections or adjustments in the Federal Register.

(b) HAZARDOUS SUBSTANCES.—

(1) NOTICE.—The Secretary of Agriculture and the Secretary of the Interior shall, with respect to the land described in sections 2(b) and 3(b), respectively—

- (A) identify any known sites containing hazardous substances; and
- (B) provide to the head of the Federal agency to which the land is being transferred notice of any sites identified under subparagraph (A).

(2) CLEANUP OBLIGATIONS.—To the same extent as on the day before the date of enactment of this Act, with respect to any Federal liability—

- (A) the Secretary of Agriculture shall remain responsible for any cleanup of hazardous substances on the Federal land described in section 2(b); and
- (B) the Secretary of the Interior shall remain responsible for any cleanup of hazardous substances on the Federal land described in section 3(b).

(c) EFFECT ON EXISTING RIGHTS AND AUTHORIZATIONS.—Nothing in this Act affects—

- (1) any valid existing rights; or
- (2) the validity or term and conditions of any existing withdrawal, right-of-way, easement, lease, license, or permit on the land to which administrative jurisdiction is transferred under this Act, except that beginning on the date of enactment of this Act, the head of the agency to which administrative jurisdiction over the land is transferred shall be responsible for administering the interests or authorizations (including reissuing the interests or authorizations in accordance with applicable law).

PURPOSE

The purpose of H.R. 689 is to interchange administrative jurisdiction over certain Federal lands between the Forest Service and the Bureau of Land Management.

BACKGROUND AND NEED

The Chappie-Shasta Off-Highway Vehicle Area is a popular area for off-highway vehicle (OHV) recreation near Redding, California. It offers some 200 miles of roads and trails on approximately 56,000 acres of land administered by three different agencies—25,000 acres by Bureau of Land Management (BLM) land, 11,760 acres by the Forest Service, and the remainder administered by the

Bureau of Reclamation or in private ownership. The mixed Federal ownership of the Chappie-Shasta Off-Highway Vehicle Area has at times complicated the administration of the Area for both the agencies and the public. At the same time, the BLM administers a parcel of land in a nearby wilderness area—the Trinity Alps Wilderness—that is primarily managed by the Forest Service.

H.R. 689 would consolidate a significant portion of the Chappie-Shasta Off-Highway Vehicle Area under BLM management by transferring administrative jurisdiction over approximately 11,760 acres of land from the Forest Service to the BLM. The Act also would transfer administrative jurisdiction over 3 parcels of BLM land totaling approximately 5,000 acres that are within or adjacent to the Shasta-Trinity National Forest to the Forest Service, including a parcel of approximately 4,830 acres that would unify the Trinity Alps Wilderness under Forest Service administration.

LEGISLATIVE HISTORY

H.R. 689 was introduced by Representative Wally Herger on January 26, 2009. The House of Representatives passed H.R. 689 by a voice vote on June 2, 2009. Senators Feinstein and Boxer introduced a similar bill, S. 1328, on June 23, 2009.

The Subcommittee on Public Lands and Forests held a hearing on H.R. 689 and S. 1328 on October 29, 2009. At its business meeting on December 16, 2009, the Committee on Energy and Natural Resources ordered H.R. 689 favorably reported with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on December 16, 2009, by a voice vote of a quorum present, recommends that the Senate pass H.R. 689, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of H.R. 689, the Committee adopted an amendment in the nature of a substitute. The amendment includes a number of technical amendments (including to the referenced maps), deletions of some unnecessary provisions, and a revision of the provision concerning the hazardous waste cleanup obligations of the agencies. The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the “Shasta-Trinity National Forest Administrative Jurisdiction Transfer Act.”

Section 2 transfers administrative jurisdiction over approximately 11,760 acres of land, as generally depicted on the referenced map, from the Forest Service to the BLM.

Section 3 transfers administrative jurisdiction over 3 parcels totaling approximately 5,000 acres, as generally depicted on the referenced map, from the BLM to the Forest Service. Paragraph (2) of subsection (c) simply clarifies that the parcel of land that is within the Trinity Alps Wilderness would remain part of that wil-

derness area to be administered as wilderness by the Forest Service.

Section 4(a) authorizes the Secretaries to make minor corrections and adjustments to the land transfers made by the Act.

Subsection (b) requires the Secretaries to identify any known sites on the lands to be transferred that contain a hazardous substance. Paragraph (2) provides that each agency shall retain liability—if any—for cleaning up any hazardous wastes on the lands they transfer to the same extent as before the transfer. The provision does not enlarge or diminish the existing liability, if any, of either agency or any other responsible party.

Subsection (c) provides that the transfer does not affect valid existing rights and that the terms and conditions of any existing withdrawal, right-of-way, easement, lease, license, or permit on transferred land would be unaffected, except that the administration of any withdrawal, right-of-way, easement, lease, license, or permit would be transferred to the new agency. The new agency would administer them in accordance with the laws applicable to the new agency.

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 689—Shasta-Trinity National Forest Administrative Jurisdiction Transfer Act

H.R. 689 would transfer administrative jurisdiction of certain lands between the Bureau of Land Management (BLM) and the Forest Service. Based on information provided by the agencies, CBO estimates that enacting the legislation would have no significant effect on the federal budget and would not affect direct spending or revenues.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

Under H.R. 689, BLM would assume responsibility for nearly 12,000 acres of land currently administered by the Forest Service. The Forest Service would simultaneously receive about 5,000 acres of land from BLM. The lands affected by the transfer, all of which are in northern California, are already owned by the federal government and would continue to be subject to federal regulations and land-use plans.

On May 5, 2009, CBO transmitted a cost estimate for H.R. 689, as ordered reported by the House Committee on Natural Resources on April 29, 2009. The two versions of the legislation are similar, and our cost estimates are the same.

The CBO staff contacts for this estimate are Deborah Reis and Daniel Hoople. The 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. 689.

The Act 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. 689, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 689, as ordered 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 provided by the Department of Agriculture and the Department of the Interior at the subcommittee hearing on H.R. 689 on October 29, 2009 follows:

STATEMENT OF JOEL HOLTROP, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman, Ranking Member Barrasso, and Members of the Subcommittee, I appreciate the opportunity to appear before you today to provide the Department of Agriculture's views on S. 1328, regarding the interchange of certain Federal lands between the Forest Service (FS) and the Bureau of Land Management (BLM). The Shasta-Trinity National Forest has worked closely with the Redding, California Field Office (BLM) to identify the appropriate lands for inclusion in the administrative jurisdiction transfer.

The Department supports this bill, which provides a seamless recreation experience and improved management of the Shasta-Chappie Off Highway Vehicle (OHV) Area as well as enabling the Forest Service to consolidate key landholdings, including the BLM's portion of the Trinity Alps Wilderness. We note that many of the same goals of this act could be achieved administratively through Service First Authority (PL 106-291), an authority available to both Departments to more efficiently and effectively manage the Federal estate. We would appreciate the opportunity to work with the Subcommittee and the BLM to address technical changes to the lands involved in the interchange.

Just 10 miles northwest of Redding, the Chappie-Shasta Off-Highway area offers 200 miles of roads and trails over 52,000 acres for off-road enthusiasts. The Chappie-Shasta area is conducive for mountain biking, camping, fishing, hiking, backpacking, and horseback riding, and hunting, in addition to the off-highway vehicle use.

S. 1328 transfers to the BLM administrative jurisdiction for approximately 11,760 acres of National Forest System lands located within the Chappie-Shasta OHV Area. In re-

turn, the bill transfers to the FS administrative jurisdiction for approximately 5,000 acres in three parcels of public land currently managed by the BLM in Trinity, Shasta, Humboldt, and Siskiyou Counties. The BLM lands include approximately 4,830 acres of the Tunnel Ridge portion of the Trinity Alps Wilderness, of which the FS manages approximately 517,000 acres. The other two parcels are approximately 217 acres adjacent to Shasta Lake and approximately 44 acres along California Highway 89.

The Shasta-Trinity National Forest currently issues four to six Special Use Permits per year for OHV race events within the Chappie-Shasta OHV Area. The OHV staging area is currently on National Forest System lands within the Whiskeytown-Shasta-Trinity National Recreation Area. However, large portions of the trails are on private and other federal lands administered by the FS, BLM, the Bureau of Recreation and the National Park Service.

The Shasta-Trinity National Forest and the Bureau of Land Management have a long history of working together in the development and management of the Chappie-Shasta Off-Highway Vehicle Area. However, the different permitting and administrative processes of the two agencies have caused difficulties for recreational users. In addition, each agency has been separately applying for grant funding for the OHV area, which is both inefficient and redundant.

Thank you for the opportunity to testify on S. 1328. I welcome any questions you may have.

STATEMENT OF ROBERT G. STANTON, DEPUTY ASSISTANT
SECRETARY FOR POLICY AND PROGRAM MANAGEMENT,
DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to testify on S. 1328 and H.R. 689, companion bills to transfer the administrative jurisdiction of certain Federal lands in California between the Bureau of Land Management (BLM) and the U.S. Forest Service (FS). The BLM supports H.R. 689 as passed by the House of Representatives.

BACKGROUND

The Chappie-Shasta Off-Highway Vehicle (OHV) Area consists of approximately 56,000 acres located within Shasta County, California. The area has a complex pattern of land ownership with approximately 25,000 acres administered by the BLM, 11,760 acres managed by the FS, and the rest in other Federal or private ownership. Each year, numerous special recreation events occur within this popular OHV area that require special recreation permits from both the BLM and the FS. In an effort to more consistently handle the recreational use, the BLM has taken the lead in managing the area and special events on both BLM and FS managed lands. Nonetheless, the mixed ownership and separate management and regulatory frame-

works between the two agencies have, at times, caused frustrations for the public.

S. 1328 AND H.R. 689

The House of Representatives passed H.R. 689 on June 2, 2009; our testimony addresses the House-passed bill.

H.R. 689 transfers to the BLM administrative jurisdiction of 11,760 acres of Federal land located within the Chappie-Shasta OHV Area that are currently managed by the FS. Consolidation of land ownership within the Chappie-Shasta OHV Area will allow for a more streamlined administration of recreation use and an improved recreation experience for the area's users.

In addition, the bill transfers to the FS administrative jurisdiction over three parcels totaling approximately 5,000 acres of public land currently managed by the BLM in Trinity, Shasta, Humboldt, and Siskiyou Counties. These lands are either adjacent to or within areas managed by the FS, and include the 4,830-acre Tunnel Ridge portion of the Trinity Alps Wilderness (currently managed by the FS through a Memorandum of Understanding with the BLM) which is within the FS-managed 517,000-acre Trinity Alps Wilderness. The other two parcels are a 217-acre parcel adjacent to Shasta Lake and a 44-acre parcel along California Highway 89. Both parcels are surrounded by FS lands and were identified for transfer to the FS in the 1993 BLM California Redding Resource Management Plan.

This interchange of administrative jurisdiction between the two agencies will lead to efficiencies in agency management, consistent management of Federal resources involved and better service to the public. H.R. 689 is the result of years of local efforts by the agencies, the public, and the sponsor. The BLM believes enactment of the bill would make land management adjustments where they are appropriate and beneficial to the public.

A number of technical amendments were made to H.R. 689 to address concerns raised by the BLM in testimony before the House Natural Resources Subcommittee on National Parks, Forests, and Public Lands on March 24, 2009. Since that time, additional minor mapping corrections have come to the BLM's attention. The Bureau would like to work with the Sponsor and Committee to prepare a new map.

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. 689, as ordered reported.