

111TH CONGRESS
1ST SESSION

H. R. 130

To provide for an exchange of lands between the Secretary of Agriculture and the United Water Conservation District of California to eliminate certain private inholdings in the Los Padres National Forest, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Mr. GALLEGLY introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To provide for an exchange of lands between the Secretary of Agriculture and the United Water Conservation District of California to eliminate certain private inholdings in the Los Padres National Forest, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Los Padres National
5 Forest Land Exchange Act”.

1 **SEC. 2. LAND EXCHANGE, LOS PADRES NATIONAL FOREST,**
2 **CALIFORNIA.**

3 (a) LAND EXCHANGE.—In exchange for all right,
4 title, and interest of the United Water Conservation Dis-
5 trict of California (in this section referred to as the “Dis-
6 trict”) in and to the lands described in subsection (b), the
7 Secretary of Agriculture may convey to the District all
8 right, title, and interest of the United States in and to
9 the National Forest System lands described in subsection
10 (c). The conveyance of National Forest System lands
11 under this section shall be subject to valid existing rights
12 and to such terms, conditions, and reservations as may
13 be required by this section or considered necessary by the
14 Secretary.

15 (b) LANDS TO BE CONVEYED BY DISTRICT.—The
16 lands to be conveyed by the District under subsection (a)
17 consist of approximately 340 acres located within township
18 5 north, range 18 west, San Bernardino base and merid-
19 ian and are more fully described as follows:

20 (1) “Tract A”—SE1/4NE1/4 of section 16 (ap-
21 proximately 40 acres).

22 (2) “Tract B”—NE1/4SE1/4 of section 16 (ap-
23 proximately 40 acres).

24 (3) “Tract C”—S1/2SE1/4 of section 16 (ap-
25 proximately 80 acres).

1 (4) “Tract D”—NE1/4 of section 21 (approx-
2 imately 160 acres).

3 (5) “Tract E”—N1/2SW1/4SW1/4 of section
4 15 (approximately 20 acres).

5 (c) LANDS TO BE CONVEYED BY SECRETARY.—The
6 National Forest System lands to be conveyed by the Sec-
7 retary under subsection (a) consist of approximately 440
8 acres located within township 5 north, range 18 west, San
9 Bernardino base and meridian and are more fully de-
10 scribed as follows:

11 (1) “Tract 1”—E1/2SW1/4 of section 10 (ap-
12 proximately 80 acres).

13 (2) “Tract 2”—NE1/4NW1/4 of section 15
14 (approximately 40 acres).

15 (3) “Tract 3”—S1/2SW1/4SW1/4SE1/4 of sec-
16 tion 15 (approximately 5 acres).

17 (4) “Tract 4”—N1/2S1/2S1/2SE1/4 of section
18 15 (approximately 20 acres).

19 (5) “Tract 5”—S1/2N1/2SW1/4SE1/4 of sec-
20 tion 15 (approximately 10 acres).

21 (6) “Tract 6”—N1/2NW1/4SW1/4SE1/4 of
22 section 15 (approximately 5 acres).

23 (7) “Tract 7”—SW1/4SE1/4 of section 15 (ap-
24 proximately 2.5 acres).

1 (8) “Tract 8”—S1/2NW1/4SE1/4SE1/4 of sec-
2 tion 15 (approximately 5 acres).

3 (9) “Tract 9”—SW1/4NE1/4SE1/4SE1/4 of
4 section 15 (approximately 2.5 acres).

5 (10) “Tract 10”—W1/2W1/2NW1/4SE1/4 of
6 section 15 (approximately 10 acres).

7 (11) “Tract 11”—SE1/4SW1/4NW1/4SE1/4 of
8 section 15 (approximately 2.5 acres).

9 (12) “Tract 12”—SW1/4SE1/4NW1/4SE1/4 of
10 section 15 (approximately 2.5 acres).

11 (13) “Tract 13”—W1/2W1/2SW1/4NE1/4 of
12 section 15 (approximately 10 acres).

13 (14) “Tract 14”—SW1/4SW1/4NE1/4 of sec-
14 tion 22 (approximately 10 acres).

15 (15) “Tract 15”—NW1/4NW1/4NW1/4NE1/4
16 of section 22 (approximately 2.5 acres).

17 (16) “Tract 16”—SW1/4NW1/4SW1/4NE1/4
18 of section 22 (approximately 2.5 acres).

19 (17) “Tract 17”—W1/2NW1/4SE1/4 of section
20 22 (approximately 20 acres).

21 (18) “Tract 18”—SW1/4SE1/4 of section 22
22 (approximately 40 acres).

23 (19) “Tract 19”—E1/2SW1/4 of section 22
24 (approximately 80 acres).

1 (20) “Tract 20”—N1/2NW1/4SW1/4 of section
2 22 (approximately 20 acres).

3 (21) “Tract 21”—W1/2NE1/4 of section 27
4 (approximately 60 acres).

5 (22) “Tract 22”—NE1/4SW1/4NW1/4 of sec-
6 tion 27 (approximately 10 acres).

7 (d) IMPLEMENTATION OF LAND EXCHANGE.—

8 (1) MAPS; PUBLIC AVAILABILITY.—The lands to
9 be exchanged under this section are depicted on
10 maps entitled “Los Padres National Forest Land
11 Exchange” and dated June 1, 2005. The maps shall
12 be on file and available for public inspection in ap-
13 propriate offices of the Forest Service until comple-
14 tion of the land exchange. The Secretary may also
15 correct errors in the maps or the accompanying legal
16 descriptions.

17 (2) MODIFICATION OF STATUTORY TERMS OF
18 EXCHANGE.—By mutual agreement to facilitate the
19 land exchange under this section, the Secretary and
20 the District may reduce the number of tracts of land
21 involved in the land exchange or adjust the legal de-
22 scriptions specified in subsections (b) and (c) and
23 the boundaries depicted on the maps referred to in
24 paragraph (1) based upon the environmental anal-
25 ysis conducted and public input obtained in com-

1 plying with the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4331 et seq.).

3 (3) PRIORITY FOR COMPLETION.—The Sec-
4 retary shall order completion of the land exchange
5 under this section to be a priority for the Forest
6 Service, which shall endeavor to complete the land
7 exchange within one year after the date of the enact-
8 ment of this Act.

9 (4) ADMINISTRATIVE COSTS.—The costs of con-
10 ducting the land exchange under this section shall be
11 shared equally by the District and the Secretary.
12 The costs to be shared include expenditures incurred
13 for survey, mapping, appraisals, closing costs, re-
14 cording fees, and similar expenditures, but do not
15 include staff salaries, administrative overhead, attor-
16 ney fees, the cost of construction required by sub-
17 section (e)(2), or the costs to cure any title defects.

18 (5) TITLE STANDARDS.—The Secretary shall
19 require that title to the District lands to be acquired
20 by the Secretary under this section is in conformity
21 with the title standards of the Attorney General.

22 (e) EASEMENTS AND ACCESS.—

23 (1) RESERVATION.—In the conveyance of the
24 National Forest System lands under this section, the
25 Secretary shall reserve easements for all roads and

1 trails that the Secretary considers to be necessary or
2 desirable to provide for administrative purposes and
3 to ensure public access to National Forest System
4 lands. In particular, the Secretary shall reserve per-
5 petual unrestricted rights of pedestrian and eques-
6 trian access over all existing roads and trails.

7 (2) CONSTRUCTION OF PARKING LOT.—As a
8 condition on the receipt of National Forest System
9 lands under this section, the District shall agree to
10 construct a gravel parking area upon District lands
11 to provide access to the Potholes trail of the Los Pa-
12 dres National Forest. The site design for the park-
13 ing area shall be subject to the approval by the Sec-
14 retary. The District may reasonably regulate vehic-
15 ular access to the parking area in accordance with
16 rules and regulations promulgated in accordance
17 with applicable law.

18 (f) PARTIAL REVOCATION OF WITHDRAWALS.—The
19 public lands withdrawals provided by the Act of May 29,
20 1928 (Chapter 868; 45 Stat. 956), Power Site Classifica-
21 tion No. 414—USGS, June 22, 1951, FERC Power
22 Project No. 2153, January 15, 1957, and Forest Service
23 Land Order No. 3338, February 28, 1964, are hereby re-
24 voked insofar as they effect the National Forest System
25 lands conveyed under this section.

1 (g) WATER RIGHTS.—The land exchange under this
2 section does not include any water rights owned by the
3 District or the United States.

4 (h) CASH EQUALIZATION.—

5 (1) EQUAL VALUE EXCHANGE.—Subject to
6 paragraph (2), the land exchange under this section
7 shall be conducted on an equal value basis, as deter-
8 mined by the appraisal done in conformity with the
9 Uniform Appraisal Standards for Federal Lands
10 Standards for Acquisition and Forest Service ap-
11 praisal instructions.

12 (2) LIMITS WAIVED.—The values of the lands
13 to be exchanged under this section may be equalized
14 through the payment of a cash equalization payment
15 in an amount in excess of the statutory limit speci-
16 fied in section 206 of the Federal Land Policy and
17 Management Act of 1976 (43 U.S.C. 1716).

18 (3) DISPOSITION AND USE OF FUNDS.—Any
19 cash equalization payment received by the Secretary
20 under this section shall be deposited into the fund
21 established by Public Law 90–171 (commonly known
22 as the Sisk Act; 16 U.S.C. 484a). The payment shall
23 be available to the Secretary for expenditure, with-
24 out further appropriation and until expended, for
25 the acquisition, construction, or improvement of ad-

1 ministrative or recreational facilities for the Los Pa-
2 dres National Forest in Ventura County, Santa Bar-
3 bara County, and San Luis Obispo County, Cali-
4 fornia, or for the acquisition of land or interests in
5 land in such counties.

6 (i) EFFECT OF EXCHANGE; MANAGEMENT OF AC-
7 QUIRED LANDS.—For purposes of section 7 of the Land
8 and Water Conservation Fund Act of 1965 (16 U.S.C.
9 4601–9), the boundaries of the Los Padres National For-
10 est, as adjusted as a result of the land exchange under
11 this section, shall be considered to be the boundaries of
12 that national forest as of January 1, 1965. The District
13 lands acquired by the Secretary under this section shall
14 be added to and administered as part of the Los Padres
15 National Forest in accordance with the laws and regula-
16 tions applicable to that national forest.

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