

109TH CONGRESS
1ST SESSION

H. R. 4162

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

OCTOBER 27, 2005

Mr. GALLEGLY introduced the following bill; which was referred to the
Committee on 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 of 2005”.

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

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

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

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

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

25 (3) “Tract C”—S1/2SE1/4 of section 16 (ap-
26 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) MAPS AND CORRECTIONS AUTHORITY.—The
8 lands to be exchanged under this section are depicted on
9 maps entitled “Los Padres National Forest Land Ex-
10 change” and dated June 1, 2005. The maps shall be on
11 file and available for public inspection in appropriate of-
12 fices of the Forest Service until completion of the land
13 exchange. By mutual agreement, the Secretary and the
14 District may adjust the legal descriptions specified in sub-
15 sections (b) and (c) and the boundaries depicted on the
16 maps based upon survey or a determination that a modi-
17 fication would be in the public interest to correct errors
18 or make minor adjustments in the lands to be exchanged
19 under this section.

20 (e) PROCESSING OF LAND EXCHANGE.—

21 (1) EQUAL VALUE EXCHANGE.—The land ex-
22 change under this section shall be conducted on an
23 equal value basis, as determined by the appraisal
24 done in conformity with the Uniform Appraisal

1 Standards for Federal Lands Standards for Acquisi-
2 tion and Forest Service appraisal instructions.

3 (2) TITLE STANDARDS.—The Secretary shall
4 require that title to the District lands to be acquired
5 by the Secretary under this section is in conformity
6 with the title standards of the Attorney General.

7 (3) COMPLETION.—The Secretary shall endeavor
8 or to complete the land exchange under this section
9 within one year after the date of the enactment of
10 this Act.

11 (4) ENVIRONMENTAL ANALYSES.—Congress
12 finds that the Forest Service has conducted ade-
13 quate analyses and reviews of the environmental im-
14 pacts of the land exchange authorized under this
15 section. No further administrative or environmental
16 analyses or examinations are required to carry out
17 the land exchange or any other activities authorized
18 by this section.

19 (f) EASEMENTS AND ACCESS.—

20 (1) RESERVATION.—In the conveyance of the
21 National Forest System lands under this section, the
22 Secretary shall reserve easements for all roads and
23 trails that the Secretary considers to be necessary or
24 desirable to provide for administrative purposes and
25 to ensure public access to National Forest System

1 lands. In particular, the Secretary shall reserve per-
2 petual unrestricted rights of pedestrian and eques-
3 trian access over all existing roads and trails.

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

15 (g) PARTIAL REVOCATION OF WITHDRAWALS.—The
16 public lands withdrawals provided by the Act of May 29,
17 1928 (Chapter 868; 45 Stat. 956), Power Site Classifica-
18 tion No. 414—USGS, June 22, 1951, FERC Power
19 Project No. 2153, January 15, 1957, and Forest Service
20 Land Order No. 3338, February 28, 1964, are hereby re-
21 voked insofar as they effect the National Forest System
22 lands conveyed under this section.

23 (h) WATER RIGHTS.—The land exchange under this
24 section does not include any water rights owned by the
25 District or the United States.

1 (i) CASH EQUALIZATION.—

2 (1) LIMITS WAIVED.—The values of the lands
3 to be exchanged under this section may be equalized
4 through the payment of a cash equalization payment
5 in an amount in excess of the statutory limit speci-
6 fied in section 206 of the Federal Land Policy and
7 Management Act of 1976 (43 U.S.C. 1716).

8 (2) DISPOSITION AND USE OF FUNDS.—Any
9 cash equalization payment received by the Secretary
10 under this section shall be deposited into the fund
11 established by Public Law 90–171 (commonly known
12 as the Sisk Act; 16 U.S.C. 484a). The payment shall
13 be available to the Secretary for expenditure, with-
14 out further appropriation and until expended, for
15 the acquisition, construction, or improvement of ad-
16 ministrative or recreational facilities for the Los Pa-
17 dres National Forest in Ventura County, Santa Bar-
18 bara County, and San Luis Obispo County, Cali-
19 fornia, or for the acquisition of land or interests in
20 land in such counties.

21 (j) ADMINISTRATIVE COSTS.—The costs of con-
22 ducting the land exchange under this section shall be
23 shared equally by the District and the Secretary. The costs
24 to be shared include expenditures incurred for survey,
25 mapping, appraisals, closing costs, recording fees, and

1 similar expenditures, but do not include staff salaries, ad-
2 ministrative overhead, attorney' fees, the cost of construc-
3 tion required by subsection (f)(2), or the costs to cure any
4 title defects.

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

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