

Calendar No. 555

109TH CONGRESS }
2d Session }

SENATE

{ REPORT
109-312

PINE SPRINGS LAND EXCHANGE ACT

JULY 31, 2006.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 482]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 482) to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, 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 out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pine Springs Land Exchange Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term “Federal land” means the 3 parcels of Forest land (including any improvements on the land), comprising approximately 80 acres, as depicted on the map.

(2) FOREST.—The term “Forest” means the Lincoln National Forest in the State of New Mexico.

(3) MAP.—The term “map” means the map entitled “Pine Springs Land Exchange” and dated May 25, 2004.

(4) NON-FEDERAL LAND.—The term “non-Federal land” means the parcel of University land comprising approximately 80 acres, as depicted on the map.

(5) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(6) UNIVERSITY.—The term “University” means Lubbock Christian University in the State of New Mexico.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—In exchange for the conveyance to the Secretary of the non-Federal land by the University, the Secretary shall convey to the University, by quit-claim deed, all right, title, and interest of the United States in and to the Federal land.

(b) MAP.—

(1) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in—

- (A) the Office of the Chief of the Forest Service; and
- (B) the Office of the Supervisor of Lincoln National Forest.

(2) MINOR ERRORS.—The Secretary and the University may correct any minor errors in the map.

SEC. 4. EXCHANGE TERMS AND CONDITIONS.

(a) IN GENERAL.—The conveyance of Federal land under section 3(a) shall be subject to—

- (1) any valid existing rights; and
 - (2) any additional terms and conditions that the Secretary determines to be appropriate to protect the interests of the United States.
- (b) ACCEPTABLE TITLE.—Title to the non-Federal land shall—
- (1) conform with the title approval standards of the Attorney General applicable to Federal land acquisitions; and
 - (2) otherwise be acceptable to the Secretary.

(c) COMPLIANCE WITH FEDERAL LAND POLICY AND MANAGEMENT ACT.—The land exchange authorized under section 3(a) shall be carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(d) COSTS.—The costs of carrying out the exchange of Federal land and non-Federal land shall be shared equally by the Secretary and the University.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) REVOCATION AND WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land in accordance with this Act.

(2) WITHDRAWAL OF FEDERAL LAND.—Subject to valid existing rights, pending the completion of the land exchange under section 3(a), the Federal land is withdrawn from all forms of location, entry, and patent under the public land laws, including—

- (A) the mining and mineral leasing laws; and
- (B) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(b) ADMINISTRATION OF LAND ACQUIRED BY THE UNITED STATES.—

(1) BOUNDARY ADJUSTMENT.—On acceptance of title by the Secretary to the non-Federal land—

- (A) the non-Federal land shall become part of the Forest; and
- (B) the boundaries of the Forest shall be adjusted to include the acquired land.

(2) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Forest, as modified under paragraph (1), shall be considered to be boundaries of the Forest as of January 1, 1965.

(3) MANAGEMENT.—The Secretary shall manage the non-Federal land acquired under section 3(a) in accordance with—

- (A) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and
- (B) any other laws (including regulations) applicable to National Forest System land.

(c) DUTIES OF SECRETARY.—In exercising any discretion necessary to carry out this Act, the Secretary shall ensure that the public interest is well served.

PURPOSE OF THE MEASURE

The purpose of H.R. 482 is to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes.

BACKGROUND AND NEED

Lubbock Christian University’s Pine Springs Camp is used in the summer for week-long camp sessions and in the winter by college groups, youth groups, and churches for retreats. In recent years, the camp has seen an increase in visitors and will soon run out of room, forcing the camp to turn visitors away. The university has offered to exchange 80 acres of land completely surrounded by the

Lincoln National Forest in consideration for 80 acres adjacent to the camp. The exchange provides an opportunity for the Lincoln National Forest to consolidate ownership and for the Pine Springs Camp to accomplish a needed expansion.

LEGISLATIVE HISTORY

H.R. 482 was introduced on February 1, 2005, by Representative Neugebauer for himself and Representative Pearce and referred to the Committee on Resources. On April 12, 2005, the bill passed the House of Representatives by voice vote. The Subcommittee on Public Lands and Forests held a hearing on H.R. 482 on November 2, 2005 (S. Hrg. 109–347). The Committee on Energy and Natural Resources ordered H.R. 482 favorably reported with an amendment in the nature of a substitute on May 24, 2006. The bill was introduced in the 108th Congress as H.R. 4806 on July 9, 2004, by Representative Neugebauer for himself and Representative Pearce and passed the House by voice vote on September 22, 2004.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on May 24, 2006, by a unanimous voice vote of a quorum present recommends that the Senate pass H.R. 482, if amended as described herein.

COMMITTEE AMENDMENT

The Committee adopted an amendment in the nature of a substitute to ensure the environmental analyses and public process needed to assess the potential impacts of this exchange are completed prior to implementation of the exchange and to remove legal descriptions in order to avoid any potential conflicts with the exchange map.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title of the Act.

Section 2 provides definitions for the Act.

Section 3 directs the Secretary of Agriculture to undertake an equal value exchange of approximately 80 acres of Federal land for approximately 80 acres of land controlled by Lubbock Christian University.

Section 4 provides the terms and conditions of the exchange, including that the exchange be conducted in compliance with Section 206 of the Federal Land Policy and Management Act of 1976.

Section 5 allows for minor corrections to the referenced maps and revokes any public orders with regard to the Federal lands that would interfere with the exchange and withdraws the Federal lands from all forms of location, entry, and patent under public land laws pending completion of the exchange. Also directs that the acquired lands become part of the Lincoln National Forest and that they be managed in accordance with all laws applicable to National Forest System Lands.

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 482—Pine Springs Land Exchange Act

H.R. 482 would direct the Secretary of Agriculture to convey 80 acres of land in the Lincoln National Forest, New Mexico, to Lubbock Christian University. In exchange, the university would convey an 80-acre parcel of land that lies within that forest. If the values of the properties to be exchanged are not equal, the Secretary could accept or make cash payments to equalize those values. Any federal spending for such payments would be subject to the availability of appropriated funds.

Based on information from the Forest Service, CBO estimates that implementing H.R. 482 would have no significant impact on the federal budget. Enacting the legislation would not affect revenues. According to the agency, the land to be conveyed currently generates no significant receipts and is not expected to do so over the next 10 years; therefore, we estimate that conveying the land would not affect offsetting receipts (a credit against direct spending). Based on information regarding the value of the properties involved in the proposed exchange, we estimate that any cash equalization payments exchanged under H.R. 482 would be minimal. Finally, we estimate that the proposed exchange would not significantly affect the Forest Service's costs to manage the Lincoln National Forest.

H.R. 482 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, 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. 482.

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. 482.

EXECUTIVE COMMUNICATIONS

The views of the Administration were included in testimony received by the Committee at a hearing on the bill on November 2, 2005, as follows:

STATEMENT OF GLORIA MANNING, ASSOCIATE DEPUTY
CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DE-
PARTMENT OF AGRICULTURE

Mr. Chairman: Thank you for the opportunity to appear before you today to provide the Department views on H.R.

482, to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico.

H.R. 482—PINE SPRINGS LAND EXCHANGE

H.R. 482 would direct the Secretary of Agriculture to exchange with the Lubbock Christian University all right, title and interest in approximately 80 acres of National Forest System land within the Lincoln National Forest, New Mexico upon receipt of acceptable title to approximately 80 acres of non-federal land. The University has operated a summer camp in the Lincoln National Forest for over 40 years on 40 acres that it owns. The University seeks to exchange 80 acres that it owns elsewhere in the Forest for 80 acres immediately adjacent to its existing camp. The bill directs that the exchange be equal in value, that the appraisal conform to the uniform appraisal standards for Federal Land Acquisition and that the proponent of the exchange and the United States share the costs of implementing the exchange equally.

The Forest Service and Lubbock Christian University have discussed an administrative land exchange since 2001, roughly comprising the lands described in the bill. While the Department is not opposed to the exchange, we would like to work with the Subcommittee and the bill's sponsor on amendments to insure that land management issues related to floodplains and wetlands are adequately addressed.

This concludes my statement, I would be happy to answer any questions that you may 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 the Act H.R. 482 as ordered reported.

