

SANTA ANA RIVER WASH PLAN LAND EXCHANGE ACT

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JUNE 2, 2017.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed  
—————

Mr. BISHOP of Utah, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 497]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 497) to direct the Secretary of the Interior to convey certain public lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain exchanged non-public lands, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Santa Ana River Wash Plan Land Exchange Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) CONSERVATION DISTRICT.—The term “Conservation District” means the San Bernardino Valley Water Conservation District, a political subdivision of the State of California.

(2) NON-FEDERAL LAND.—The term “non-Federal Land” means the approximately 310 acres of land owned by the Conservation District generally depicted as “SBVWCD to BLM” on the Map.

(3) MAP.—The term “Map” means the map titled “Santa Ana River Wash Land Exchange” and dated September 3, 2015.

(4) NON-FEDERAL EXCHANGE PARCEL.—The term “non-Federal exchange parcel” means the approximately 59 acres of land owned by the Conservation District generally depicted as “SBVWCD Equalization Land” on the Map and is to be conveyed to the United States if necessary to equalize the fair market values of the lands otherwise to be exchanged.

(5) FEDERAL EXCHANGE PARCEL.—The term “Federal exchange parcel” means the approximately 90 acres of Federal land administered by the Bureau of Land Management generally depicted as “BLM Equalization Land to SBVWCD” on

the Map and is to be conveyed to the Conservation District if necessary to equalize the fair market values of the lands otherwise to be exchanged.

(6) FEDERAL LAND.—The term “Federal land” means the approximately 327 acres of Federal land administered by the Bureau of Land Management generally depicted as “BLM Land to SBVWCD” on the Map.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

**SEC. 3. EXCHANGE OF LAND; EQUALIZATION OF VALUE.**

(a) EXCHANGE AUTHORIZED.—Notwithstanding the land use planning requirements of sections 202, 210, and 211 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1720–21), subject to valid existing rights, and conditioned upon any equalization payment necessary under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), and subsection (b) of this Act, as soon as practicable, but not later than 2 years after the date of enactment of this Act, if the Conservation District offers to convey the exchange land to the United States, the Secretary shall—

(1) convey to the Conservation District all right, title, and interest of the United States in and to the Federal land, and any such portion of the Federal exchange parcel as may be required to equalize the values of the lands exchanged; and

(2) accept from the Conservation District a conveyance of all right, title, and interest of the Conservation District in and to the non-Federal land, and any such portion of the non-Federal exchange parcel as may be required to equalize the values of the lands exchanged.

(b) EQUALIZATION PAYMENT.—To the extent an equalization payment is necessary under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), the amount of such equalization payment shall first be made by way of in-kind transfer of such portion of the Federal exchange parcel to the Conservation District, or transfer of such portion of the non-Federal exchange parcel to the United States, as the case may be, as may be necessary to equalize the fair market values of the exchanged properties. The fair market value of the Federal exchange parcel or non-Federal exchange parcel, as the case may be, shall be credited against any required equalization payment. To the extent such credit is not sufficient to offset the entire amount of equalization payment so indicated, any remaining amount of equalization payment shall be treated as follows:

(1) If the equalization payment is to equalize values by which the Federal land exceeds the non-Federal land and the credited value of the non-Federal exchange parcel, Conservation District may make the equalization payment to the United States, notwithstanding any limitation regarding the amount of the equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716). In the event Conservation District opts not to make the indicated equalization payment, the exchange shall not proceed.

(2) If the equalization payment is to equalize values by which the non-Federal land exceeds the Federal land and the credited value of the Federal exchange parcel, the Secretary shall order the exchange without requirement of any additional equalization payment by the United States to the Conservation District.

(c) APPRAISALS.—

(1) The value of the land to be exchanged under this Act shall be determined by appraisals conducted by 1 or more independent and qualified appraisers.

(2) The appraisals shall be conducted in accordance with nationally recognized appraisal standards, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(d) TITLE APPROVAL.—Title to the land to be exchanged under this Act shall be in a format acceptable to the Secretary and the Conservation District

(e) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of the enactment of this Act, the Secretary shall finalize a map and legal descriptions of all land to be conveyed under this Act. The Secretary may correct any minor errors in the map or in the legal descriptions. The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(f) COSTS OF CONVEYANCE.—As a condition of conveyance, any costs related to the conveyance under this section shall be paid by the Conservation District.

**SEC. 4. APPLICABLE LAW.**

(a) ACT OF FEBRUARY 20, 1909.—

(1) The Act of February 20, 1909 (35 Stat. 641), shall not apply to the Federal land and any public exchange land transferred under this Act.

(2) The exchange of lands under this section shall be subject to continuing rights of the Conservation District under the Act of February 20, 1909 (35 Stat.

641), on the non-Federal land and any exchanged portion of the non-Federal exchange parcel for the continued use, maintenance, operation, construction, or relocation of, or expansion of, groundwater recharge facilities on the non-Federal land, to accommodate groundwater recharge of the Bunker Hill Basin to the extent that such activities are not in conflict with any Habitat Conservation Plan or Habitat Management Plan under which such non-Federal land or non-Federal exchange parcel may be held or managed.

(b) FLPMA.—Except as otherwise provided in this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701, et seq.), shall apply to the exchange of land under this Act.

**SEC. 5. CANCELLATION OF SECRETARIAL ORDER 241.**

Secretarial Order 241, dated November 11, 1929 (withdrawing a portion of the Federal land for an unconstructed transmission line), is terminated and the withdrawal thereby effected is revoked.

Amend the title so as to read:

A bill to direct the Secretary of the Interior to convey certain Federal lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain non-Federal lands, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 497 is to direct the Secretary of the Interior to convey certain Federal lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain non-Federal lands.

BACKGROUND AND NEED FOR LEGISLATION

Beginning in 1993, stakeholders in the Upper Santa Ana Wash area began meeting to discuss comprehensive land use planning for their region. After numerous discussions and more than 15 years of planning among the cities, county, mining companies, wildlife agencies, and water organizations, the coalition formed the Wash Plan Task Force and developed the Upper Santa Ana Wash Land Management and Habitat Conservation Plan (Wash Plan). The Wash Plan covers 4,892 acres and identifies opportunities to expand existing aggregate mining operations to support new infrastructure developments, enhance water storage for the surrounding communities, and establish protected habitat for certain threatened and endangered plants and animals.

H.R. 497 facilitates a necessary component of the comprehensive Wash Plan by authorizing an exchange of 327 acres of Bureau of Land Management (BLM) land for 310 acres of land currently owned by the San Bernardino Valley Water Conservation District (SBVWCD). The exchange creates new opportunities to expand local mining operations by allowing SBVWCD to acquire the BLM land adjacent to existing aggregate mines. The BLM does not currently allow mining on the land due to a mineral withdrawal dating back to the 1930s for water conservation purposes. Two local mining companies currently own mining rights on land owned by SBVWCD and will use the new land to create greater efficiency in their mining operations. In exchange, BLM will acquire 310 acres of SBVWCD land that will consolidate checkerboard parcels to enhance water storage and conservation while protecting critical habitat for threatened and endangered species. In particular, the exchange will allow BLM to use its newly acquired land to recharge water in more than 77 water basins in the Upper Santa Ana Wash region.

## COMMITTEE ACTION

H.R. 497 was introduced on January 12, 2017, by Congressman Paul Cook (R-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On April 5, 2017, the Subcommittee held a hearing on the bill. On April 26, 2017, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Paul Cook offered an amendment designated #1 to the bill; it was adopted by unanimous consent. No further amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent on April 27, 2017.

## 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.

## COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 22, 2017.*

Hon. ROB BISHOP,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 497, the Santa Ana River Wash Plan Land Exchange Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL.

Enclosure.

*H.R. 497—Santa Ana River Wash Plan Land Exchange Act*

H.R. 497 would require the Bureau of Land Management (BLM) to convey 327 acres of federal land to the San Bernardino Valley Water Conservation District in California in exchange for 310 acres of land owned by the district. Under the bill, BLM would be required to complete the exchange if the district requests, under the condition that the parcels to be exchanged are of equal value. If the parcels are not of equal value, the number of acres conveyed by the party with the lower valued land would be increased. Any lands received by BLM in the exchange would be managed for conservation purposes.

CBO estimates that enacting H.R. 497 would affect direct spending; therefore, pay-as-you-go procedures apply. However, we estimate that any net effect on direct spending would be negligible. The federal lands that would be exchanged under the bill generate receipts totaling \$7,000 a year from several rights-of-way. If those lands were conveyed, the agency could request that the holders of those rights purchase permanent easements prior to the conveyance. The proceeds from the sale of those easements would partially or fully offset the lost receipts from the rights-of-way. Enacting the legislation would not affect revenues.

CBO also estimates that enacting H.R. 497 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 497 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. The land exchange authorized in the bill would benefit the San Bernardino Valley Water Conservation District. Any costs incurred by the district would be voluntary.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. 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 direct the Secretary of the Interior to convey certain Federal lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain non-Federal lands.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

#### 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.

