

113TH CONGRESS
1ST SESSION

H. R. 3411

To provide for an exchange of land between the United States Department of Agriculture and the Sabine River Authority of Texas.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2013

Mr. GOHMERT (for himself, Mr. FLEMING, Mr. STOCKMAN, Mr. BRADY of Texas, and Mr. HALL) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for an exchange of land between the United States Department of Agriculture and the Sabine River Authority of Texas.

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 “Sabine National Forest
5 Land Exchange Act of 2013”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) AUTHORITY.—The term “Authority” means
2 the Sabine River Authority of Texas.

3 (2) FEDERAL LAND.—The term “Federal land”
4 means—

5 (A) the approximately 4,000 acres of Na-
6 tional Forest System land, excluding the sub-
7 surface mineral estate and including certain
8 land in the wilderness area, located in Texas
9 within Sabine National Forest and the Toledo
10 Bend Project boundary, as generally depicted
11 on a map titled “Sabine National Forest Toledo
12 Bend Project Strip Lands”; and

13 (B) certain additional Federal land, ex-
14 cluding the subsurface mineral estate, occupied
15 by Forest Service campgrounds, including all
16 structures, buildings, fixtures, roads, and other
17 improvements on the land, adjacent to the To-
18 ledo Bend Project, as mutually agreed by the
19 Secretary and the Authority, and as generally
20 depicted on the map titled “Sabine National
21 Forest Campgrounds, Toledo Bend Project”.

22 (3) NON-FEDERAL LAND.—The term “non-Fed-
23 eral land” means the parcel or parcels of private
24 land, excluding the subsurface mineral estate, adja-
25 cent to Sabine National Forest—

1 (A) owned or to be acquired by the Au-
2 thority; and

3 (B) mutually agreed upon by the Authority
4 and the Secretary.

5 (4) SECRETARY.—The term “Secretary” means
6 the Secretary of Agriculture, acting through the
7 Chief of the Forest Service.

8 (5) TOLEDO BEND PROJECT.—The term “To-
9 ledo Bend Project” means Federal Energy Regu-
10 latory Commission Project numbered 2305.

11 (6) WILDERNESS AREA.—The term “wilderness
12 area” means the Indian Mounds Wilderness Area,
13 Sabine National Forest, as designated by section
14 2(4) of the Texas Wilderness Act of 1984 (Public
15 Law 98–574; 16 U.S.C. 1132 note).

16 (7) WILDERNESS CANDIDATE LAND.—The term
17 “wilderness candidate land” means certain non-Fed-
18 eral land adjacent to the wilderness area that is in-
19 tended for inclusion as part of the wilderness area
20 upon acquisition by the Secretary.

21 **SEC. 3. LAND EXCHANGE, SABINE NATIONAL FOREST.**

22 (a) LAND EXCHANGE AUTHORIZED AND DI-
23 RECTED.—In exchange for the non-Federal land and any
24 cash equalization payment authorized in subsection (d),
25 the Secretary shall convey to the Authority all right, title,

1 and interest of the United States in and to the Federal
2 land.

3 (b) EXISTING RIGHTS.—The conveyance of the Fed-
4 eral land under subsection (a) shall be subject to valid ex-
5 isting rights.

6 (c) IMPLEMENTATION.—

7 (1) APPRAISAL.—

8 (A) DEADLINE.—Not later than 180 days
9 after the date of the enactment of this Act, the
10 Secretary shall complete an appraisal of the
11 surface estate of the Federal land and non-Fed-
12 eral land.

13 (B) STANDARDS.—The appraisal under
14 this paragraph shall be performed in accordance
15 with—

16 (i) the Uniform Appraisal Standards
17 for Federal Land Acquisitions;

18 (ii) the Uniform Standards of Profes-
19 sional Appraisal Practice; and

20 (iii) appraisal instructions issued by
21 the Secretary.

22 (C) EFFECT OF RESTRICTIVE COV-
23 ENANT.—In determining the value of the Fed-
24 eral land, the Secretary shall account for the
25 limitations on the use of the Federal land after

1 conveyance imposed by the restrictive covenant
2 required by subsection (e)(3).

3 (2) SURVEY.—The exact acreage and legal de-
4 scription of the Federal land and non-Federal land,
5 including a separate accounting of the wilderness
6 candidate land, to be conveyed under subsection (a)
7 shall be determined by surveys or other means iden-
8 tifying and describing such land mutually agreed to
9 by the Secretary and the Authority.

10 (3) COSTS.—The costs of conducting the land
11 exchange under subsection (a) shall be shared equal-
12 ly by the Authority and the Secretary.

13 (d) CASH EQUALIZATION.—

14 (1) EQUAL VALUE EXCHANGE.—The land ex-
15 change under subsection (a) shall be conducted on
16 an equal value basis.

17 (2) LIMITS WAIVED.—The values of the lands
18 to be exchanged under subsection (a) may be equal-
19 ized through the use of a cash equalization payment
20 in an amount in excess of the statutory limit speci-
21 fied in section 206 of the Federal Land Policy and
22 Management Act of 1976 (43 U.S.C. 1716).

23 (3) DISPOSITION AND USE OF FUNDS.—Any
24 cash equalization payment received by the Secretary
25 under this subsection shall be deposited into the

1 fund established by Public Law 90–171 (commonly
2 known as the Sisk Act; 16 U.S.C. 484a). The pay-
3 ment shall be available to the Secretary for expendi-
4 ture, without further appropriation and until ex-
5 pended, for the acquisition of land or interests in
6 land for addition to the National Forest System.

7 (e) TITLE.—

8 (1) IN GENERAL.—Title to the non-Federal
9 land conveyed to the Secretary under this section
10 shall be acceptable to the Secretary and shall con-
11 form to the title approval standards of the Attorney
12 General of the United States applicable to land ac-
13 quisitions by the Federal Government.

14 (2) RESERVATION OF MINERAL ESTATE.—The
15 Secretary shall ensure that the deed of conveyance
16 to convey the Federal land to the Authority reserves
17 for the United States any subsurface mineral estate
18 owned by the United States in the Federal land, in-
19 cluding oil, gas, rock, sand, and gravel.

20 (3) RESTRICTIVE COVENANT.—

21 (A) IN GENERAL.—In the deed of convey-
22 ance that conveys the Federal land to the Au-
23 thority, the Secretary shall include a covenant,
24 running with the land, providing that the Fed-
25 eral land conveyed shall—

1 (i) be used in a manner consistent
2 with the management of adjacent National
3 Forest System land or wilderness area
4 land;

5 (ii) remain unsubdivided; and

6 (iii) not be used for commercial, resi-
7 dential, or industrial development.

8 (B) PROHIBITION.—The restrictive cov-
9 enant described in subparagraph (A) shall not
10 create any property interest of the United
11 States.

12 (f) CONTINUED CAMPGROUND OPERATION.—The
13 Authority may continue to operate and maintain the For-
14 est Service campgrounds described in section 2(2)(B) and
15 conveyed under subsection (a) consistent with the author-
16 ization granted by the Federal Energy Regulatory Com-
17 mission.

18 (g) TIME FOR COMPLETION.—It is the intent of Con-
19 gress that the land exchange under subsection (a) be com-
20 pleted not later than one year after the date of the enact-
21 ment of this Act.

1 **SEC. 4. BOUNDARY ADJUSTMENT, INDIAN MOUNDS WIL-**
2 **DERNESS AREA, SABINE NATIONAL FOREST.**

3 (a) BOUNDARY ADJUSTMENT.—Upon completion of
4 the land exchange under section 3(a), the Secretary shall
5 modify the boundaries of the wilderness area—

6 (1) to exclude all wilderness area land that, be-
7 fore the exchange, was located within the Toledo
8 Bend Project, and such land shall be removed from
9 wilderness designation and shall cease to be part of
10 the wilderness area and the National Wilderness
11 Preservation System under the Wilderness Act (16
12 U.S.C. 1131 et seq.); and

13 (2) to include as part of the wilderness area all
14 wilderness candidate land acquired by the Secretary
15 under such section, and such land shall be des-
16 ignated as wilderness and as a component of the Na-
17 tional Wilderness Preservation System.

18 (b) MAP AND LEGAL DESCRIPTION.—

19 (1) REQUIRED.—As soon as practicable after
20 completion of the land exchange under section 3(a),
21 the Secretary shall file with the Committee on Nat-
22 ural Resources of the House of Representatives and
23 the Committee on Energy and Natural Resources of
24 the Senate a map and legal description of the
25 changes made to the boundaries of the wilderness
26 area as a result of the land exchange.

1 (2) FORCE AND EFFECT.—The map and legal
2 description filed under paragraph (1) shall have the
3 same force and effect as if included in this Act, ex-
4 cept that the Secretary may correct clerical and ty-
5 pographical errors in the map and description.

6 (3) PUBLIC INSPECTION.—The map and legal
7 description also shall be on file and available for
8 public inspection in the appropriate offices of the
9 Forest Service.

○