

115TH CONGRESS  
1ST SESSION

# H. R. 497

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IN THE SENATE OF THE UNITED STATES

JUNE 28, 2017

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

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.

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

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) CONSERVATION DISTRICT.—The term “Con-  
7 servation District” means the San Bernardino Valley  
8 Water Conservation District, a political subdivision  
9 of the State of California.

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

14 (3) MAP.—The term “Map” means the map ti-  
15 tled “Santa Ana River Wash Land Exchange” and  
16 dated September 3, 2015.

17 (4) NON-FEDERAL EXCHANGE PARCEL.—The  
18 term “non-Federal exchange parcel” means the ap-  
19 proximately 59 acres of land owned by the Conserva-  
20 tion District generally depicted as “SBVWCD  
21 Equalization Land” on the Map and is to be con-  
22 veyed to the United States if necessary to equalize  
23 the fair market values of the lands otherwise to be  
24 exchanged.

25 (5) FEDERAL EXCHANGE PARCEL.—The term  
26 “Federal exchange parcel” means the approximately

1 90 acres of Federal land administered by the Bu-  
2 reau of Land Management generally depicted as  
3 “BLM Equalization Land to SBVWCD” on the Map  
4 and is to be conveyed to the Conservation District  
5 if necessary to equalize the fair market values of the  
6 lands otherwise to be exchanged.

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

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

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

15 (a) EXCHANGE AUTHORIZED.—Notwithstanding the  
16 land use planning requirements of sections 202, 210, and  
17 211 of the Federal Land Policy and Management Act of  
18 1976 (43 U.S.C. 1712, 1720–21), subject to valid existing  
19 rights, and conditioned upon any equalization payment  
20 necessary under section 206(b) of the Federal Land Policy  
21 and Management Act of 1976 (43 U.S.C. 1716(b)), and  
22 subsection (b) of this Act, as soon as practicable, but not  
23 later than 2 years after the date of enactment of this Act,  
24 if the Conservation District offers to convey the exchange  
25 land to the United States, the Secretary shall—

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

6           (2) accept from the Conservation District a  
7 conveyance of all right, title, and interest of the  
8 Conservation District in and to the non-Federal  
9 land, and any such portion of the non-Federal ex-  
10 change parcel as may be required to equalize the val-  
11 ues of the lands exchanged.

12       (b) EQUALIZATION PAYMENT.—To the extent an  
13 equalization payment is necessary under section 206(b) of  
14 the Federal Land Policy and Management Act of 1976  
15 (43 U.S.C. 1716), the amount of such equalization pay-  
16 ment shall first be made by way of in-kind transfer of such  
17 portion of the Federal exchange parcel to the Conservation  
18 District, or transfer of such portion of the non-Federal  
19 exchange parcel to the United States, as the case may be,  
20 as may be necessary to equalize the fair market values  
21 of the exchanged properties. The fair market value of the  
22 Federal exchange parcel or non-Federal exchange parcel,  
23 as the case may be, shall be credited against any required  
24 equalization payment. To the extent such credit is not suf-  
25 ficient to offset the entire amount of equalization payment

1 so indicated, any remaining amount of equalization pay-  
2 ment shall be treated as follows:

3           (1) If the equalization payment is to equalize  
4 values by which the Federal land exceeds the non-  
5 Federal land and the credited value of the non-Fed-  
6 eral exchange parcel, Conservation District may  
7 make the equalization payment to the United States,  
8 notwithstanding any limitation regarding the  
9 amount of the equalization payment under section  
10 206(b) of the Federal Land Policy and Management  
11 Act of 1976 (43 U.S.C. 1716). In the event Con-  
12 servation District opts not to make the indicated  
13 equalization payment, the exchange shall not pro-  
14 ceed.

15           (2) If the equalization payment is to equalize  
16 values by which the non-Federal land exceeds the  
17 Federal land and the credited value of the Federal  
18 exchange parcel, the Secretary shall order the ex-  
19 change without requirement of any additional equali-  
20 zation payment by the United States to the Con-  
21 servation District.

22 (c) APPRAISALS.—

23           (1) The value of the land to be exchanged  
24 under this Act shall be determined by appraisals

1 conducted by one or more independent and qualified  
2 appraisers.

3 (2) The appraisals shall be conducted in accord-  
4 ance with nationally recognized appraisal standards,  
5 including, as appropriate, the Uniform Appraisal  
6 Standards for Federal Land Acquisitions and the  
7 Uniform Standards of Professional Appraisal Prac-  
8 tice.

9 (d) TITLE APPROVAL.—Title to the land to be ex-  
10 changed under this Act shall be in a format acceptable  
11 to the Secretary and the Conservation District.

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

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

23 **SEC. 4. APPLICABLE LAW.**

24 (a) ACT OF FEBRUARY 20, 1909.—

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

4           (2) The exchange of lands under this section  
5           shall be subject to continuing rights of the Conserva-  
6           tion District under the Act of February 20, 1909  
7           (35 Stat. 641), on the non-Federal land and any ex-  
8           changed portion of the non-Federal exchange parcel  
9           for the continued use, maintenance, operation, con-  
10          struction, or relocation of, or expansion of, ground-  
11          water recharge facilities on the non-Federal land, to  
12          accommodate groundwater recharge of the Bunker  
13          Hill Basin to the extent that such activities are not  
14          in conflict with any Habitat Conservation Plan or  
15          Habitat Management Plan under which such non-  
16          Federal land or non-Federal exchange parcel may be  
17          held or managed.

18          (b) FLPMA.—Except as otherwise provided in this  
19          Act, the Federal Land Policy and Management Act of  
20          1976 (43 U.S.C. 1701, et seq.), shall apply to the ex-  
21          change of land under this Act.

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

23          Secretarial Order 241, dated November 11, 1929  
24          (withdrawing a portion of the Federal land for an

- 1 unconstructed transmission line), is terminated and the
- 2 withdrawal thereby effected is revoked.

Passed the House of Representatives June 27, 2017.

Attest:

KAREN L. HAAS,

*Clerk.*