

Union Calendar No. 102

115TH CONGRESS
1ST SESSION

H. R. 497

[Report No. 115–155]

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2017

Mr. COOK (for himself and Mr. AGUILAR) introduced the following bill; which was referred to the Committee on Natural Resources

JUNE 2, 2017

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on January 12, 2017]

A BILL

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.

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 “Santa Ana River Wash*
5 *Plan Land Exchange Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

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

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

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

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

1 (5) *FEDERAL EXCHANGE PARCEL.*—*The term*
2 *“Federal exchange parcel” means the approximately*
3 *90 acres of Federal land administered by the Bureau*
4 *of Land Management generally depicted as “BLM*
5 *Equalization Land to SBVWCD” on the Map and is*
6 *to be conveyed to the Conservation District if nec-*
7 *essary to equalize the fair market values of the lands*
8 *otherwise to be exchanged.*

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

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

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

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

1 *Conservation District offers to convey the exchange land to*
2 *the United States, the Secretary shall—*

3 (1) *convey to the Conservation District all right,*
4 *title, and interest of the United States in and to the*
5 *Federal land, and any such portion of the Federal ex-*
6 *change parcel as may be required to equalize the val-*
7 *ues of the lands exchanged; and*

8 (2) *accept from the Conservation District a con-*
9 *veyance of all right, title, and interest of the Con-*
10 *servation District in and to the non-Federal land,*
11 *and any such portion of the non-Federal exchange*
12 *parcel as may be required to equalize the values of the*
13 *lands exchanged.*

14 (b) *EQUALIZATION PAYMENT.—To the extent an*
15 *equalization payment is necessary under section 206(b) of*
16 *the Federal Land Policy and Management Act of 1976 (43*
17 *U.S.C. 1716), the amount of such equalization payment*
18 *shall first be made by way of in-kind transfer of such por-*
19 *tion of the Federal exchange parcel to the Conservation Dis-*
20 *trict, or transfer of such portion of the non-Federal ex-*
21 *change parcel to the United States, as the case may be, as*
22 *may be necessary to equalize the fair market values of the*
23 *exchanged properties. The fair market value of the Federal*
24 *exchange parcel or non-Federal exchange parcel, as the case*
25 *may be, shall be credited against any required equalization*

1 *payment. To the extent such credit is not sufficient to offset*
2 *the entire amount of equalization payment so indicated,*
3 *any remaining amount of equalization payment shall be*
4 *treated as follows:*

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

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

23 *(c) APPRAISALS.—*

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

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

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

13 (e) *MAP AND LEGAL DESCRIPTIONS.—As soon as prac-*
14 *ticable after the date of the enactment of this Act, the Sec-*
15 *retary shall finalize a map and legal descriptions of all*
16 *land to be conveyed under this Act. The Secretary may cor-*
17 *rect any minor errors in the map or in the legal descrip-*
18 *tions. The map and legal descriptions shall be on file and*
19 *available for public inspection in appropriate offices of the*
20 *Bureau of Land Management.*

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

24 **SEC. 4. APPLICABLE LAW.**

25 (a) *ACT OF FEBRUARY 20, 1909.—*

1 (1) *The Act of February 20, 1909 (35 Stat. 641),*
2 *shall not apply to the Federal land and any public*
3 *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 (35*
7 *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 1976*
20 *(43 U.S.C. 1701, et seq.), shall apply to the exchange of*
21 *land under this Act.*

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

23 *Secretarial Order 241, dated November 11, 1929 (with-*
24 *drawing a portion of the Federal land for an unconstructed*

- 1 *transmission line), is terminated and the withdrawal there-*
- 2 *by 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.”.

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