

115TH CONGRESS
1ST SESSION

S. 357

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 SENATE OF THE UNITED STATES

FEBRUARY 13, 2017

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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:

1 (1) CONSERVATION DISTRICT.—The term “con-
2 servation district” means the San Bernardino Valley
3 Water Conservation District, a political subdivision
4 of the State of California.

5 (2) EXCHANGE LAND.—The term “Exchange
6 Land” means the approximately 310 acres of land
7 owned by the Conservation District generally de-
8 picted as “SBVWCD to BLM” on the Map.

9 (3) MAP.—The term “Map” means the map ti-
10 tled “Santa Ana River Wash Land Exchange” and
11 dated September 03, 2015.

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

20 (5) PUBLIC EXCHANGE PARCEL.—The term
21 “public exchange parcel” means the approximately
22 90 acres of Federal land administered by the Bu-
23 reau of Land Management generally depicted as
24 “BLM Equalization Land to SBVWCD” on the Map
25 and is to be conveyed to the Conservation District

1 if necessary to equalize the fair market values of the
2 lands otherwise to be exchanged.

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

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

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

11 (a) EXCHANGE AUTHORIZED.—Notwithstanding the
12 land use planning requirements of sections 202, 210, and
13 211 of the Federal Land Policy and Management Act of
14 1976 (43 U.S.C. 1712, 1720–21), subject to valid existing
15 rights, and conditioned upon any equalization payment
16 necessary under section 206(b) of the Federal Land Policy
17 and Management Act of 1976 (43 U.S.C. 1716(b)), and
18 subsection (b) of this Act, as soon as practicable, but not
19 later than 2 years after the date of enactment of this Act,
20 the Secretary shall—

21 (1) quitclaim to the conservation district all
22 right, title, and interest of the United States in and
23 to the public land, and any such portion of the pub-
24 lic exchange parcel as may be required to equalize
25 the values of the lands exchanged; and

1 (2) accept from the conservation district a con-
2 veyance of all right, title, and interest of the con-
3 servation district in and to the exchange land, and
4 any such portion of the non-public exchange parcel
5 as may be required to equalize the values of the
6 lands exchanged.

7 (b) EQUALIZATION PAYMENT.—To the extent an
8 equalization payment is necessary under section 206(b) of
9 the Federal Land Policy and Management Act of 1976
10 (43 U.S.C. 1716), the amount of such equalization pay-
11 ment shall first be made by way of in-kind transfer of such
12 portion of the public exchange parcel to the conservation
13 district, or transfer of such portion of the non-public ex-
14 change parcel to the United States, as the case may be,
15 as may be necessary to equalize the fair market values
16 of the exchanged properties, as such values are indicated
17 by the appraisal provided for under the Federal Land Pol-
18 icy and Management Act of 1976 (43 U.S.C. 1716). Such
19 appraisal shall include an appraisal of the public exchange
20 parcel and the non-public exchange parcel. The fair mar-
21 ket value of the public exchange parcel or non-public ex-
22 change parcel, as the case may be, shall be credited
23 against any required equalization payment. To the extent
24 such credit is not sufficient to offset the entire amount
25 of equalization payment so indicated, any remaining

1 amount of equalization payment shall be treated as fol-
2 lows:

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

14 (2) If the equalization payment is to equalize
15 values by which the exchange land exceeds the public
16 land and the credited value of the public exchange
17 parcel, the Secretary shall order the exchange with-
18 out requirement of any additional equalization pay-
19 ment by the United States to the conservation dis-
20 trict.

21 (c) MAP AND LEGAL DESCRIPTIONS.—As soon as
22 practicable after the date of the enactment of this Act,
23 the Secretary shall finalize a map and legal descriptions
24 of all land to be conveyed under this Act. The Secretary
25 may correct any minor errors in the map or in the legal

1 descriptions. The map and legal descriptions shall be on
2 file and available for public inspection in appropriate of-
3 fices of the Bureau of Land Management.

4 (d) COSTS OF CONVEYANCE.—As a condition of con-
5 veyance, any costs related to the conveyance under this
6 section shall be paid by the conservation district.

7 **SEC. 4. APPLICABLE LAW.**

8 (a) ACT OF FEBRUARY 20, 1909.—

9 (1) The Act of February 20, 1909 (35 Stat.
10 641), shall not apply to the public land and any pub-
11 lic exchange land transferred under this Act.

12 (2) The exchange of lands under this section
13 shall be subject to continuing rights of the conserva-
14 tion district under the Act of February 20, 1909 (35
15 Stat. 641), on the exchange land and any exchanged
16 portion of the non-public exchange parcel for the
17 continued use, maintenance, operation, construction,
18 or relocation of, or expansion of, groundwater re-
19 charge facilities on the exchange land, to accommo-
20 date groundwater recharge of the Bunker Hill Basin
21 to the extent that such activities are not in conflict
22 with any Habitat Conservation Plan or Habitat
23 Management Plan under which such exchange land
24 or non-public exchange parcel may be held or man-
25 aged.

1 (b) FLPMA.—Except as otherwise provided in this
2 Act, the Federal Land Policy and Management Act of
3 1976 (43 U.S.C. 1701 et seq.), shall apply to the exchange
4 of land under this Act.

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

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

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