

SWANSON AND HUGH BUTLER RESERVOIRS LAND CONVEYANCES ACT

NOVEMBER 14, 2024.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 8413]

The Committee on Natural Resources, to whom was referred the bill (H.R. 8413) to provide for the conveyance of certain Federal land at Swanson Reservoir and Hugh Butler Reservoir in the State of Nebraska, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 8413 is to provide for the conveyance of certain Federal land at Swanson Reservoir and Hugh Butler Reservoir in the State of Nebraska, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 8413 authorizes the transfer of Bureau of Reclamation (Reclamation) lands at the Swanson Reservoir and the Hugh Butler Reservoir to Frontier County and Hitchcock County in Nebraska. These reservoirs were created by the construction of dams for flood control under the Pick-Sloan Missouri Basin Program which was authorized by the Flood Control Act in 1944. The Hugh Butler Reservoir was created by the construction of the Red Willow Dam and holds 86,630 acre-feet (AF) of water. The Swanson Reservoir was created by the construction of the Trenton Dam between 1949 and 1953 and can store 216,291 AF. Among other benefits, these reservoirs provide access to recreational outdoor activities with the two parks containing 5,960 acres available for public access hunting and recreational fishing access for many fish species including walleye, crappie, channel catfish, and several others.

The legislation was introduced at the request of Hitchcock and Frontier Counties with the hopes of placing certain concession areas surrounding the reservoirs under local control. This would solve years of dispute with Reclamation regarding the agency's decision to require the removal of mobile homes in the area by November 1, 2024. Local concessionaires have stated publicly that the removal of the mobile homes would cause a drastic loss in revenues and put their businesses at risk. The cost of this transfer to the counties has not been determined, however the bill mandates that an appraisal be conducted, and the counties will be responsible for providing fair market value for the respective conveyances.

COMMITTEE ACTION

H.R. 8413 was introduced on May 15, 2024, by Rep. Adrian Smith (R-NE). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Wildlife and Fisheries. On September 10, 2024, the Subcommittee on Water, Wildlife and Fisheries held a hearing on the bill. On September 19, 2024, the Committee on Natural Resources met to consider the bill. The Subcommittee on Water, Wildlife and Fisheries was discharged from further consideration of H.R. 8413 by unanimous consent. The bill was ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Wildlife and Fisheries held on September 10, 2024.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Establishes the short title of this bill as the "Swanson and Hugh Butler Reservoirs Land Conveyances Act".

Section 2. Definitions

Establishes definitions for eighteen terms relevant to the subject matter of the bill.

Section 3. Conveyances of federal land to Hitchcock County and Frontier County, Nebraska

Authorizes the conveyance of certain federal lands to Hitchcock and Frontier Counties. Upon enactment, the Secretary of the Interior has 3 years to enter negotiations with the counties for the transfer. The counties are responsible for providing reimbursement to the Reclamation Fund upon the completion of a third-party appraisal.

Section 4. Effect on reservations, easements, and other rights

Establishes that the conveyances are subject to any existing rights and that operational requirements of the Pick-Sloan Missouri River Basin Program remain in place. Also establishes that the United States reserves the rights to any untapped oil, gas, or mineral rights on the conveyed lands.

Section 5. Interim requirements

States that the United States shall retain any applicable permits during the interim period between the enactment of this bill and the date of conveyance.

Section 6. Compliance with other laws

Establishes that before the conveyance takes place the Secretary must carry out all activities relevant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and any other applicable laws.

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.* Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a budgetary analysis and a cost estimate of this bill.

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 provide for the conveyance of certain Federal land at Swanson Reservoir and Hugh Butler Reservoir in the State of Nebraska, and for other purposes.

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.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

EXISTING PROGRAMS

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.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill’s purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

As ordered reported by the Committee on Natural Resources, H.R. 8413 would make no changes in existing law.

