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HOUSE OF REPRESENTATIVES
REPORT
112–525

YERINGTON LAND CONVEYANCE AND SUSTAINABLE DEVELOPMENT ACT

JUNE 15, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 4039]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4039) to convey certain Federal land to the city of Yerington, Nevada, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Yerington Land Conveyance and Sustainable Development Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the city of Yerington, Nevada, which has an unemployment rate of 16 percent, has the highest unemployment rate in the State of Nevada;

(2) for over 4 years, the city of Yerington and Lyon County, Nevada, have been working with private business partners to develop a sustainable development plan that would enable all parties to benefit from the use of private land adjacent to the city of Yerington for potential commercial and industrial development, mining activities, recreation opportunities, and the expansion of community and cultural events;

(3) the sustainable development plan referred to in paragraph (2) requires the conveyance of certain Federal land administered by the Bureau of Land Management to the City for consideration in an amount equal to the fair market value of the Federal land;

(4) the Federal land to be conveyed to the City under the sustainable development plan has very few environmental, historical, wildlife, or cultural resources of value to the public, but is appropriate for responsible development;

(5) the Federal land that would be conveyed to the City under the sustainable development plan—

(A) is adjacent to the boundaries of the City; and

(B) would be used—

(i) to enhance recreational, cultural, commercial, and industrial development opportunities in the City;

(ii) for future economic development, regional use, and as an open space buffer to the City; and

(iii) to allow the City to provide critical infrastructure services;

(6) commercial and industrial development of the Federal land would enable the community to benefit from the transportation, power, and water infrastructure that would be put in place with the concurrent development of commercial and industrial operations;

(7) the conveyance of the Federal land would—

(A) help the City and County to grow; and

(B) provide additional tax revenue to the City and County;

(8) industrial and commercial development of the Federal land would create thousands of long-term, high-paying jobs for the City and County; and

(9) the Lyon County Commission and the City unanimously approved resolutions in support of the conveyance of the Federal land because the conveyance would facilitate a sustainable model for long-term economic and industrial development.

SEC. 3. DEFINITIONS.

In this title:

(1) CITY.—The term "City" means the city of Yerington, Nevada.

(2) FEDERAL LAND.—The term "Federal land" means the land located in Lyon County and Mineral County, Nevada, that is identified on the map as "City of Yerington Sustainable Development Conveyance Lands".

(3) MAP.—The term "map" means the map entitled "Yerington Land Conveyance and Sustainable Development Act" and dated May 31, 2012.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. CONVEYANCES OF LAND TO CITY OF YERINGTON, NEVADA.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this title, subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the City, subject to the City's agreement and in exchange for consideration in an amount equal to the fair market value of the Federal land, all right, title, and interest of the United States in and to the Federal land identified on the map.

(b) APPRAISAL TO DETERMINE OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the Federal land to be conveyed—

(1) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) based on an appraisal that is conducted in accordance with nationally recognized appraisal standards, including—

(A) the Uniform Appraisal Standards for Federal Land Acquisition; and

(B) the Uniform Standards of Professional Appraisal Practice.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) APPLICABLE LAW.—Beginning on the date on which the Federal land is conveyed to the City, the development of and conduct of activities on the Federal land shall be subject to all applicable Federal laws (including regulations).

(e) ADMINISTRATIVE COSTS.—The City shall be responsible for all survey, appraisal, and other administrative costs associated with the conveyance of the Federal land to the City under this title.

SEC. 5. RELEASE OF THE UNITED STATES.

Upon making the conveyance under section 4, notwithstanding any other provision of law, the United States is released from any and all liabilities or claims of any kind or nature arising from the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, petroleum product (or derivative of a petroleum product of any kind), solid waste, mine materials or mining related features (including tailings, overburden, waste rock, mill remnants, pits, or other hazards resulting from the presence of mining related features) on the Federal Land in existence on or before the date of the conveyance.

PURPOSE OF THE BILL

The purpose of H.R. 4039, as ordered reported, is to convey certain Federal land to the city of Yerington, Nevada.

BACKGROUND AND NEED FOR LEGISLATION

The City of Yerington, located in Lyon County, Nevada, currently suffers from 16 percent unemployment, which is the highest unemployment rate in the State of Nevada. The conveyance of the federal land authorized by this bill will help the City and Lyon County to grow and provide additional tax revenue. In addition, the industrial and commercial development of the federal land would create thousands of long-term, high-paying jobs.

For over 4 years, Yerington and Lyon County have been working with private business partners to develop a sustainable development plan that would enable all parties to benefit from the use of private land adjacent to Yerington for potential commercial and industrial development, mining activities, recreation opportunities, and the expansion of community and cultural events. The plan requires the conveyance of certain federal land administered by the Bureau of Land Management (BLM) to the City for fair market value. The federal land to be conveyed to the City has very few environmental, historical, wildlife, or cultural resources of value, but is appropriate for responsible development. The federal land is adjacent to the City and would be used to enhance recreational, cultural, commercial, and industrial development opportunities. It would also provide critical infrastructure services and benefit future economic development, regional use, and as an open space buffer. The commercial and industrial development of the federal land will enable the community to benefit from the transportation, power, and water infrastructure that would be put in place with the concurrent development of commercial and industrial operations.

The Lyon County Commission and the City of Yerington unanimously approved resolutions in support of H.R. 4039, as it will facilitate a sustainable model for long-term economic and industrial development.

During Full Committee consideration of H.R. 4039, the Committee adopted an amendment offered by Congressman Rob Bishop (R–UT) to update a reference to a new BLM map. It also addressed concerns raised by the Administration, who wanted to ensure that Yerington supported the conveyance and to release the United States is of all liabilities and claims pertaining to the land following the conveyance.

COMMITTEE ACTION

H.R. 4039 was introduced on February 15, 2012, by Congressman Mark Amodei (R–NV). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On April 17, 2012, the Subcommittee held a hearing on the bill. On June 7, 2012, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Rob Bishop (R–UT) offered amendment designated .059; the amendment was

adopted by voice vote. Congressman Raúl Grijalva (D–AZ) offered amendment designated .062 to the bill; the amendment was not adopted by voice vote. The bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by a bipartisan roll call vote of 24–15, as follows:

Committee on Natural Resources
U.S. House of Representatives
112th Congress

Date: June 7, 2012 Recorded Vote #: 2

Meeting on / Amendment: **H.R. 4039** – Adopted and favorably reported to the House of Representatives by a roll call vote of 24 yeas and 15 nays.

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Hastings, WA Chairman	X			*Mr. Heinrich, NM*	X		
Mr. Markey, MA Ranking		X		**Mr. Benishek, MI**	X		
Mr. Young, AK				*Mr. Lujan, NM*		X	
Mr. Kildee, MI		X		**Mr. Rivera, FL**	X		
Mr. Duncan of TN				*Ms. Sutton, OH*		X	
Mr. Defazio, OR		X		**Mr. Duncan of SC**	X		
Mr. Gohmert, TX				*Ms. Tsongas, MA*		X	
Mr. Faleomavaega, AS		X		**Mr. Tipton, CO**	X		
Mr. Bishop, UT	X			*Mr. Pierluisi, PR*		X	
Mr. Pallone, NJ		X		**Mr. Gosar, AZ**	X		
Mr. Lamborn, CO				*Mr. Garamendi, CA*			
Mrs. Napolitano, CA		X		**Mr. Labrador, ID**	X		
Mr. Wittman, VA	X			*Ms. Hanabusa, HI*		X	
Mr. Holt, NJ		X		**Ms. Noem, SD**	X		
Mr. Broun, GA	X			*Mr. Tonko, NY*		X	
Mr. Grijalva, AZ		X		**Mr. Southerland, FL**	X		
Mr. Fleming, LA	X			**Mr. Flores, TX**	X		
Ms. Bordallo, GU		X		**Mr. Harris, MD**			
Mr. Coffman, CO	X			**Mr. Landry, LA**	X		
Mr. Costa, CA	X			**Mr. Runyan, NJ**	X		
Mr. McClintock, CA	X			**Mr. Johnson, OH**	X		
Mr. Boren, OK				**Mr. Amodei, NV**	X		
Mr. Thompson, PA	X						
Mr. Sablan, CNMI							
Mr. Denham, CA	X						
				TOTALS	24	15	

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

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 4039—Yerington Land Conveyance and Sustainable Development Act

H.R. 4039 would require the Secretary of the Interior to sell about 11,500 acres of federal land at fair market value to the city of Yerington, Nevada. Based on information about the value of similar lands in western Nevada, CBO estimates that enacting the legislation would increase offsetting receipts (a credit against direct spending) by $2 million in 2013; therefore, pay-as-you-go procedures apply. Because the bill would require the city to cover any administrative costs associated with the conveyance, CBO estimates that the bill would not affect discretionary spending. Enacting the bill would not affect revenues.

H.R. 4039 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. The land conveyance would benefit the city of Yerington; any costs to the city would be incurred involuntarily.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information about the value of similar lands in western Nevada, CBO estimates that enacting the legislation would increase offsetting receipts (a credit against direct spending) by $2 million in 2013; therefore, pay-as-you-go procedures apply. Because the bill would require the city to cover any administrative costs associated with the conveyance, CBO estimates that the bill would not affect discretionary spending.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective

of this bill, as ordered reported, is to convey certain Federal land to the city of Yerington, Nevada.

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.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS

We oppose H.R. 4039 because it overrides existing authorities to move lands out of federal ownership. Current law establishes processes for land conveyances that ensure the complete range of taxpayer interests are considered and protected; Congress should make certain these requirements are applied uniformly, not approve rifle-shot exemptions for specific deals.

H.R. 4039 would direct the Secretary of the Interior to convey approximately 11,000 acres of federal lands to the city of Yerington, Nevada, in exchange for fair market value. However, the bill would mandate the conveyance and require it to be completed within an arbitrary time-limit of 90 days after enactment.

During the hearing on April 17, 2012, the Department of the Interior (DOI) testified that the 90-day time period, "does not allow time to perform complete reviews under the National Environmental Policy Act and the National Historic Preservation Act." Furthermore, the 90-day time period for the conveyance does not even allow time to properly appraise the fair market value of the land to be transferred. DOI has testified that a mineral report would need to be completed prior to appraisal of the surface and mineral estates.

The Majority rejected an amendment from National Parks, Forests and Public Lands Ranking Member Grijalva that would respect the current conveyance process by offering two small changes to the bill. The Grijalva amendment would have authorized the conveyance, but not mandated it, and would have struck the 90-day time limit. This common-sense amendment would have allowed the land transfer to occur safely with time to consider environmental and cultural concerns.

H.R. 4039 needlessly circumvents an effective, established process for protecting the interests of American taxpayers and for this reason we cannot support the bill.

EDWARD J. MARKEY.
RAÚL M. GRIJALVA.

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