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113TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
113–591

TO AUTHORIZE A LAND EXCHANGE INVOLVING THE ACQUISITION OF PRIVATE LAND ADJACENT TO THE CIBOLA NATIONAL WILDLIFE REFUGE IN ARIZONA FOR INCLUSION IN THE REFUGE IN EXCHANGE FOR CERTAIN BUREAU OF LAND MANAGEMENT LANDS IN RIVERSIDE COUNTY, CALIFORNIA, AND FOR OTHER PURPOSES

SEPTEMBER 15, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 3006]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3006) to authorize a land exchange involving the acquisition of private land adjacent to the Cibola National Wildlife Refuge in Arizona for inclusion in the refuge in exchange for certain Bureau of Land Management lands in Riverside County, California, and for other purposes, 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. DEFINITIONS.

In this Act—

(1) MAP 1.—The term "Map 1" means the map entitled "Specified Parcel of Public Land in California" and dated July 18, 2014.

(2) MAP 2.—The term "Map 2" means the map entitled "River Bottom Farm Lands" and dated July 18, 2014.

SEC. 2. LAND EXCHANGE, CIBOLA NATIONAL WILDLIFE REFUGE, ARIZONA, AND BUREAU OF LAND MANAGEMENT LAND IN RIVERSIDE COUNTY, CALIFORNIA.

(a) CONVEYANCE OF BUREAU OF LAND MANAGEMENT LAND.—In exchange for the land described in subsection (b), the Secretary of the Interior shall convey to River Bottom Farms of La Paz County, Arizona, all right, title and interest of the United States in and to certain Federal land administered by the Secretary through the Bureau of Land Management consisting of a total of approximately 80 acres in Riverside County, California, identified as "Parcel A" on Map 1. The conveyed land shall be subject to valid existing rights, including easements, rights-of-way, utility lines, and any other valid encumbrances on the land as of the date of the conveyance under this section.

(b) CONSIDERATION.—As consideration for the conveyance of the Federal land under subsection (a), River Bottom Farms shall convey to the United States all right, title, and interest of River Bottom Farms in and to two parcels of land contiguous to the Cibola National Wildlife Refuge in La Paz County, Arizona, consisting of a total of approximately 40 acres in La Paz County, Arizona, identified as "Parcel 301-05-005B-9" and "Parcel 301-05-008-0" on Map 2.

(c) EQUAL VALUE EXCHANGE.—The values of the Federal land and non-Federal land to be exchanged under this section shall be equal or equalized by the payment of cash to the Secretary by River Bottom Farms, if appropriate, pursuant to section 206(b) of the Federal Land Policy Management Act (43 U.S.C. 1716(b)). The value of the land shall be determined by the Secretary through an appraisal performed by a qualified appraiser mutually agreed to by the Secretary and River Bottom Farms and performed in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (U.S. Department of Justice, December 2000). If the final appraised value of the non-Federal land ("Parcel 301-05-005B-9" and "Parcel 301-05-008-0" on Map 2) exceeds the value of the Federal land ("Parcel A" on Map 1), the surplus value of the non-Federal land shall be considered to be a donation by River Bottom Farms to the United States.

(d) EXCHANGE TIMETABLE.—The Secretary shall complete the land exchange under this section not later than one year after the date of the expiration of any existing Bureau of Land Management lease agreement or agreements affecting the Federal land ("Parcel A" on Map 1) to be exchanged under this section, unless the Secretary and River Bottom Farms mutually agree to extend such deadline.

(e) ADMINISTRATION OF ACQUIRED LAND.—The land acquired by the Secretary under subsection (b) shall become part of the Cibola National Wildlife Refuge and be administered in accordance with the laws and regulations generally applicable to the National Wildlife Refuge System.

PURPOSE OF THE BILL

The purpose of H.R. 3006 is to authorize a land exchange involving the acquisition of private land adjacent to the Cibola National Wildlife Refuge in Arizona for inclusion in the refuge in exchange for certain Bureau of Land Management lands in Riverside County, California.

BACKGROUND AND NEED FOR LEGISLATION

The Cibola National Wildlife Refuge, located in Cibola, Arizona, provides protection and habitat for migratory birds. Riverbottom Farms owns two parcels totaling approximately 40 acres immediately adjacent to the Refuge. These acres provide habitat for a private hunting club that operates on the acreage and also includes levees that protect the Refuge from flooding.

Riverbottom Farms also farms in the Palo Verde Irrigation District in Riverside County, California. Adjacent to their operations is an isolated Bureau of Land Management (BLM) parcel of approximately 80 acres. While these lands are located in California, they are managed by the Arizona BLM Office. The 80 acres managed by the BLM are identified in the Yuma Field Office 2010 Resource Management Plan as being suitable for disposal.

H.R. 3006 requires the Secretary of the Interior to convey the 80 acres of BLM lands in California to Riverbottom Farms. In exchange, Riverbottom Farms would be required to donate the 40 acre parcel in Arizona to the Cibola National Wildlife Refuge. Both land transfers will be subject to valid existing rights, rights-of-way and any other valid encumbrances on the land as of the date of the conveyance. The transaction will be executed as an equal value exchange, with values determined by appraisals conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice. Riverbottom Farms will reimburse the federal government

in the event the exchange difference is a detriment to the government. Any valuation of the privately donated parcel above the value of the BLM parcel will be deemed a donation to the federal government by Riverbottom Farms.

The acquisition of the lands adjacent to Cibola National Wildlife Refuge will provide an additional 40 acres of high-quality habitat, thereby enhancing the mission and effectiveness of the Refuge in the area. It will also increase the management efficiency of the Refuge and promote public access, use and enjoyment of the area. As part of the exchange, the levees will be managed by the Fish and Wildlife Service, thereby enhancing the government's ability to protect the Refuge and crucial wildlife habitat from flooding.

Divesting the BLM interest in the isolated Riverside County agricultural parcel via a land exchange to Riverbottom Farms will increase BLM management efficiency in the region, allowing the BLM to focus on lands with higher public use values.

COMMITTEE ACTION

H.R. 3006 was introduced on August 2, 2013, by Congressman Ken Calvert (R–CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On March 25, 2014, the Subcommittee held a hearing on the bill. On July 30, 2014, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Rob Bishop (R–UT) offered an amendment designated #1 to the bill; the amendment was adopted by unanimous consent. No further amendments were offered, and the bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

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. 3006—A bill to authorize a land exchange involving the acquisition of private land adjacent to the Cibola National Wildlife Refuge in Arizona for inclusion in the refuge in exchange for certain Bureau of Land Management lands in Riverside County, California, and for other purposes

H.R. 3006 would require the Secretary of the Interior to exchange 80 acres of federal land in California for 40 acres of private land in Arizona. Based on information provided by the Department of the Interior, CBO estimates that any administrative costs associated with the exchange would not be significant. Enacting H R 3006 would increase offsetting receipts, which are treated as reductions in direct spending; therefore, pay-as-you-go procedures apply. Enacting the legislation would not affect revenues.

Because CBO estimates that the private lands would have a lower value than the federal lands that would be conveyed under the bill, CBO expects that the private party in the exchange would provide a cash payment to Bureau of Land Management (BLM) equal to 25 percent of the value of the federal lands conveyed (the maximum amount that can be accepted in a land exchange under the Federal Land Policy and Management Act). Based on the value of similar lands in southern California, CBO estimates that the value of the BLM lands would total less than $300,000 and that the payment the agency would receive from the private party would be less than $75,000. Proceeds from the payment would be deposited in the United States Treasury.

H.R. 3006 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The land exchange between the federal government and a private business would have a small effect on property taxes collected by local governments in California and Arizona. That effect, however, would not result from an intergovernmental mandate as defined in UMRA.

The CBO staff contacts for this estimate are Jeff LaFave (for federal costs) and Jon Sperl (for the state and local impact). 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 provided by the Department of the Interior, CBO estimates that any administrative costs associated with the exchange would not be significant, and that enacting H.R. 3006 would increase offsetting receipts to the federal government.

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 is to authorize a land exchange involving the acquisition of private land adjacent to the Cibola National Wildlife Refuge in Arizona for inclusion in the refuge in exchange for certain Bureau of Land Management lands in Riverside County, California.

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.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

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.

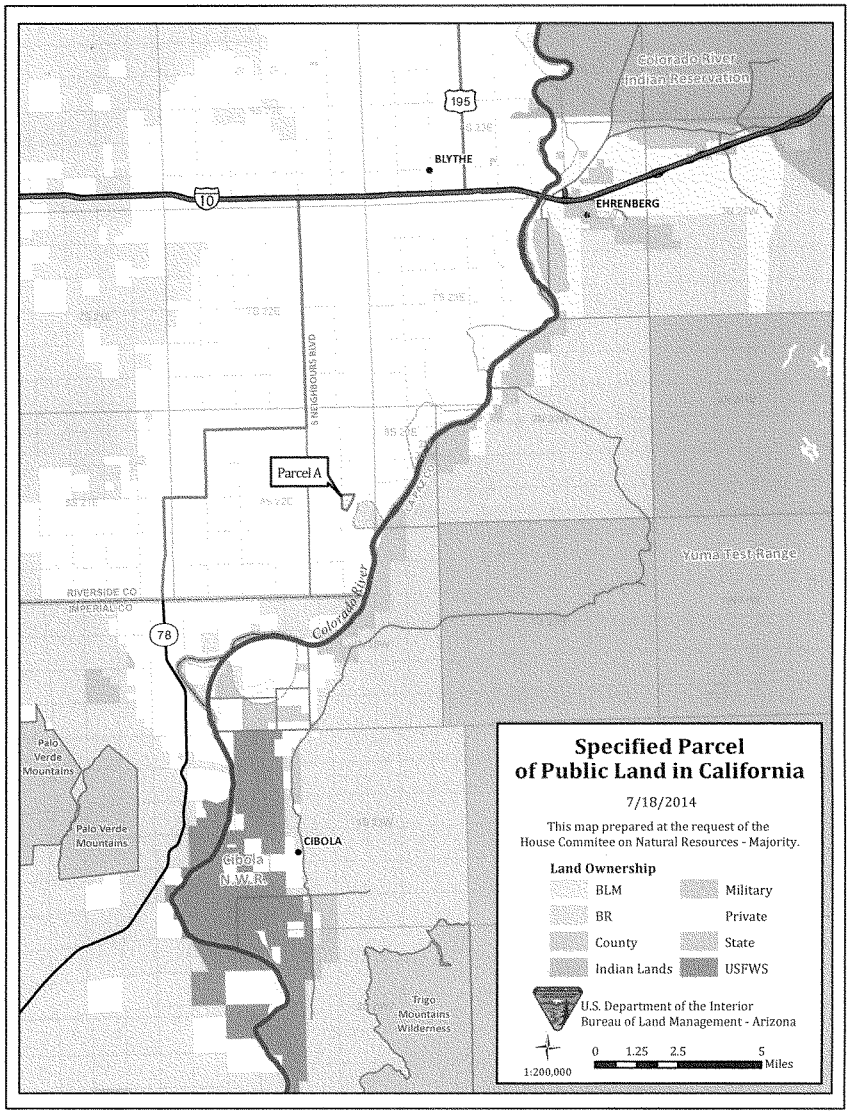
PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

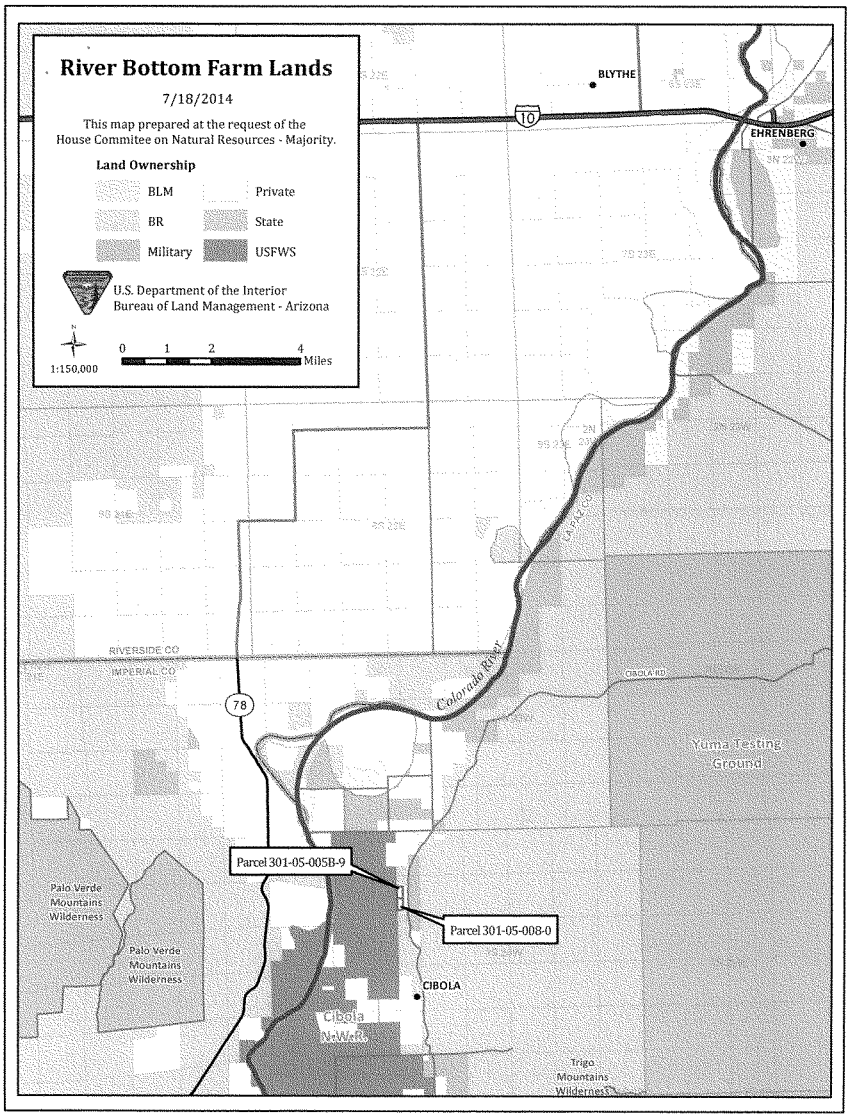
This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

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

APPENDIX I: MAPS




River Bottom Farm Lands
7/18/2014
This map prepared at the request of the
House Commitee on Natural Resources - Majority.
Land Ownership
BLM
Private
BR
State
Military
USFWS
U.S. Department of the Interior
Bureau of Land Management - Arizona
N
1:150,000
0 1 2 4
Miles
BLYTHE
10
EHRENBERG
RIVERSIDE CO
IMPERIAL CO
78
Colorado River
Yuma Testing Ground
Parcel 301-05-005B-9
Parcel 301-05-008-0
CIBOLA
Palo Verde Mountains Wilderness
Palo Verde Mountains Wilderness
Cibola N.W.R.
Trigo Mountains Wilderness