

TRINITY COUNTY LAND EXCHANGE ACT OF 2014

NOVEMBER 12, 2014.—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

[To accompany H.R. 3326]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3326) to provide for an exchange of land between the United States and the Trinity Public Utilities District of Trinity County, California, involving a parcel of National Forest System land in Shasta-Trinity National Forest, 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 “Trinity County Land Exchange Act of 2014”.

SEC. 2. LAND EXCHANGE, TRINITY PUBLIC UTILITIES DISTRICT, TRINITY COUNTY, CALIFORNIA, THE BUREAU OF LAND MANAGEMENT, AND THE FOREST SERVICE.

(a) LAND EXCHANGE REQUIRED.—If not later than three years after enactment of this Act, the Utilities District conveys to the Secretary of the Interior all right, title, and interest of the Utilities District in and to Parcel A, subject to such terms and conditions as the Secretary of the Interior may require, the Secretary of Agriculture shall convey Parcel B to the Utilities District, subject to such terms and conditions as the Secretary of Agriculture may require, including the reservation of easements for all roads and trails considered to be necessary for administrative purposes and to ensure public access to National Forest System lands.

(b) AVAILABILITY OF MAPS AND LEGAL DESCRIPTIONS.—Maps are entitled “Trinity County Land Exchange Act of 2014 – Parcel A” and “Trinity County Land Exchange Act of 2014 – Parcel B”, both dated March 24, 2014. The maps shall be on file and available for public inspection in the Office of the Chief of the Forest Service and the appropriate office of the Bureau of Land Management. With the agreement of the parties to the conveyances under subsection (a), the Secretary of the Interior and the Secretary of Agriculture may make technical corrections to the maps and legal descriptions.

(c) EQUAL VALUE EXCHANGE.—

(1) LAND EXCHANGE PROCESS.—The land exchange under this section shall be an equal value exchange. Except as provided in paragraph (3), the Secretary of the Interior and the Secretary of Agriculture shall carry out the land exchange in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) APPRAISAL OF PARCELS.—The values of Parcel A and Parcel B shall be determined by appraisals performed by a qualified appraiser mutually agreed to by the parties to the conveyances under subsection (a). The appraisals shall be approved by the Secretary of Interior and the Secretary of Agriculture and conducted in conformity with the Uniform Appraisal Standards for Federal Land.

(3) CASH EQUALIZATION.—If the values of Parcel A and Parcel B are not equal, the values may be equalized through the use of a cash equalization payment, however, if the final appraised value of Parcel A exceeds the value of Parcel B, the surplus value of Parcel A shall be considered to be a donation by the Utilities District. Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), a cash equalization payment may be made in excess of 25 percent of the appraised value of the Parcel B.

(d) DISPOSITION OF PROCEEDS.—Any cash equalization payment received by the United States under subsection (c) shall be deposited in the general fund of the Treasury to be used for deficit reduction.

(e) SURVEY.—The exact acreage and legal description of Parcel A and Parcel B shall be determined by a survey satisfactory to the Secretary of the Interior and the Secretary of Agriculture.

(f) COSTS.—As a condition of the land exchange under subsection (a), the Utilities District shall pay the costs associated with—

- (1) the surveys described in subsection (e);
- (2) the appraisals described in subsection (c)(2); and
- (3) any other reasonable administrative or remediation cost determined by the Secretary of Agriculture.

(g) MANAGEMENT OF ACQUIRED LAND.—Upon the acquisition of Parcel A, the Secretary of the Interior, acting through the Redding Field Office of the Bureau of Land Management, shall administer Parcel A as public land in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and the laws and regulations applicable to public land administered by the Bureau of Land Management, except that public recreation and public access to and for recreation shall be the highest and best use of Parcel A.

(h) COMPLETION OF LAND EXCHANGE.—Once the Utilities District offers to convey Parcel A to the Secretary of the Interior, the Secretary of Agriculture shall complete the conveyance of Parcel B not later than one year after the date of enactment of this Act.

(i) DEFINITIONS.—For the purposes of this section:

(1) PARCEL A.—The term “Parcel A” means the approximately 47 acres of land, known as the “Sky Ranch parcel”, adjacent to public land administered by the Redding Field Office of the Bureau of Land Management as depicted on the map entitled “Trinity County Land Exchange Act of 2014 – Parcel A”, dated March 24, 2014, more particularly described as a portion of Mineral Survey 178, south Highway 299, generally located in the S1/2 of the S1/2 of Section 7 and the N1/2 of the N1/2 of Section 8, Township 33 North, Range 10 West, Mount Diablo Meridian.

(2) PARCEL B.—The term “Parcel B” means the approximately 100 acres land in the Shasta-Trinity National Forest in the State of California near the Weaverville Airport in Trinity County as depicted on the map entitled “Trinity County Land Exchange Act of 2014 – Parcel B” dated March 24, 2014, more particularly described as Lot 8, SW1/4 SE1/4, and S1/2 N1/2 SE, Section 31, Township 34 North, Range 9 West, Mount Diablo Meridian.

(3) UTILITIES DISTRICT.—The term “Utilities District” means the Trinity Public Utilities District of Trinity County, California.

PURPOSE OF THE BILL

The purpose of H.R. 3326 is to provide for an exchange of land between the United States and the Trinity Public Utilities District of Trinity County, California, involving a parcel of National Forest System land in Shasta-Trinity National Forest.

BACKGROUND AND NEED FOR LEGISLATION

Trinity Public Utilities District (TPUD) owns 47 acres adjacent to the Trinity River known as the “Sky Ranch” parcel that was identified for acquisition by the Bureau of Land Management (BLM) in the Redding Resource Management Plan. In 2010, TPUD proposed a land exchange that would have given the Sky Ranch parcel to BLM and a different parcel not affected by this legislation to the U.S. Forest Service (USFS) in exchange for a 100-acre parcel near Weaverville’s airport that is owned by the USFS.

TPUD’s acquisition of the 100-acre parcel would facilitate access to another 77-acre parcel that TPUD already owns. This consolidated parcel would have access to State Highway 3 and offer desperately needed land in the Weaverville area that TPUD will make available for commercial, residential and industrial development. Currently, less than 15 acres of land in the entire Weaverville Basin is available for commercial/industrial development.

In the 112th Congress, Congressman Wally Herger (R–CA) introduced legislation (H.R. 1237) that provided for this three party land exchange between TPUD, BLM, and USFS. The House of Representatives passed H.R. 1237 in July 2012, but the legislation was not considered in the Senate during that Congress.

H.R. 3326 provides for a land exchange in Trinity County, California, that would convey the 100-acre parcel owned by USFS for a 47-acre parcel owned by TPUD. Specifically, in exchange for the 100 acres, TPUD would convey the 47-acre Sky Ranch to BLM.

COMMITTEE ACTION

H.R. 3326 was introduced on October 23, 2013, by Congressman Jared Huffman (D–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 September 9, 2014, the Subcommittee held a hearing on the bill. On September 18, 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 Doug LaMalfa (R–CA) offered an amendment designated .038 to the bill; the amendment was adopted by unanimous consent. 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 sec-

tion 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. 3326—Trinity County Land Exchange Act of 2014

H.R. 3326 would require the Secretary of Agriculture to exchange 100 acres of federal land in California for 50 acres of land owned by the Trinity Public Utilities District (Utilities District). Based on information provided by the Forest Service, CBO estimates that implementing the legislation would increase offsetting receipts, which are treated as reductions in direct spending; therefore, pay-as-you-go procedures apply. However, we estimate that any increase in receipts under the bill would not be significant. Enacting H.R. 3326 would not affect revenues.

Under the bill, if the value of the federal lands that would be conveyed exceeds the value of the lands the Forest Service would receive, the Secretary could accept a cash payment of any size to equalize the values of the properties. Under current law, the Secretary can only exchange federal lands within a national forest for nonfederal lands located within that forest and cannot accept a cash equalization payment greater than 25 percent of the value of the federal lands exchanged.

Formal appraisals of the properties that are the subject of this legislation have not been completed. Based on information provided by the Forest Service, CBO estimates that the affected lands have similar values (roughly \$3,000 per acre); however, because the Forest Service would convey twice as much acreage as it would receive under the bill, we estimate that the Utilities District would pay the Forest Service about \$150,000 in 2015. Those amounts would be deposited in the U.S. Treasury as offsetting receipts. In addition, under the bill, the Utilities District would be responsible for any administrative costs associated with the conveyance.

H.R. 3326 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit the Trinity Public Utilities District in California. Any costs to the district resulting from the land exchange would be incurred voluntarily.

The CBO staff contact for this estimate is Jeff LaFave. This 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 Forest Service, CBO estimates that implementing the legislation would increase offsetting receipts, which are treated as reductions in direct spending by \$150,000 in 2015.

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 provide for an exchange of land between the United States and the Trinity Public Utilities District of Trinity County,

California, involving a parcel of National Forest System land in Shasta-Trinity National Forest.

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

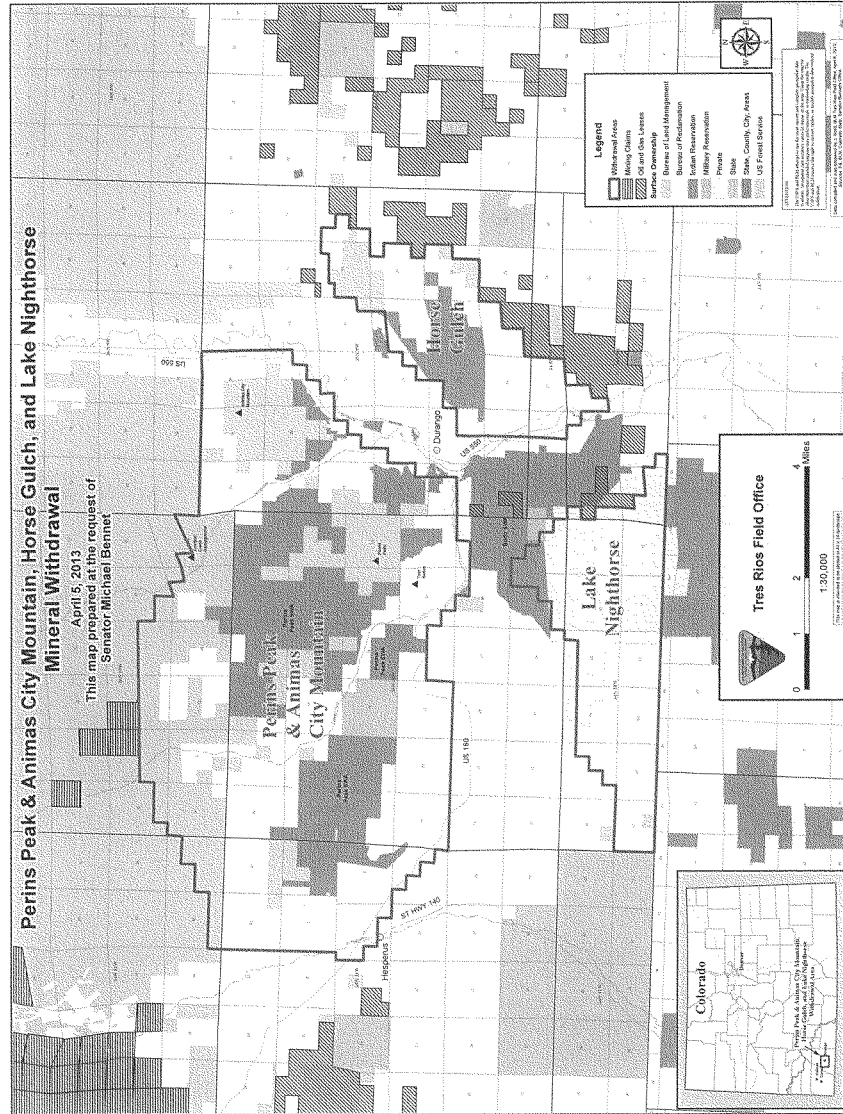
This bill is not intended to preempt any State, local or tribal law.

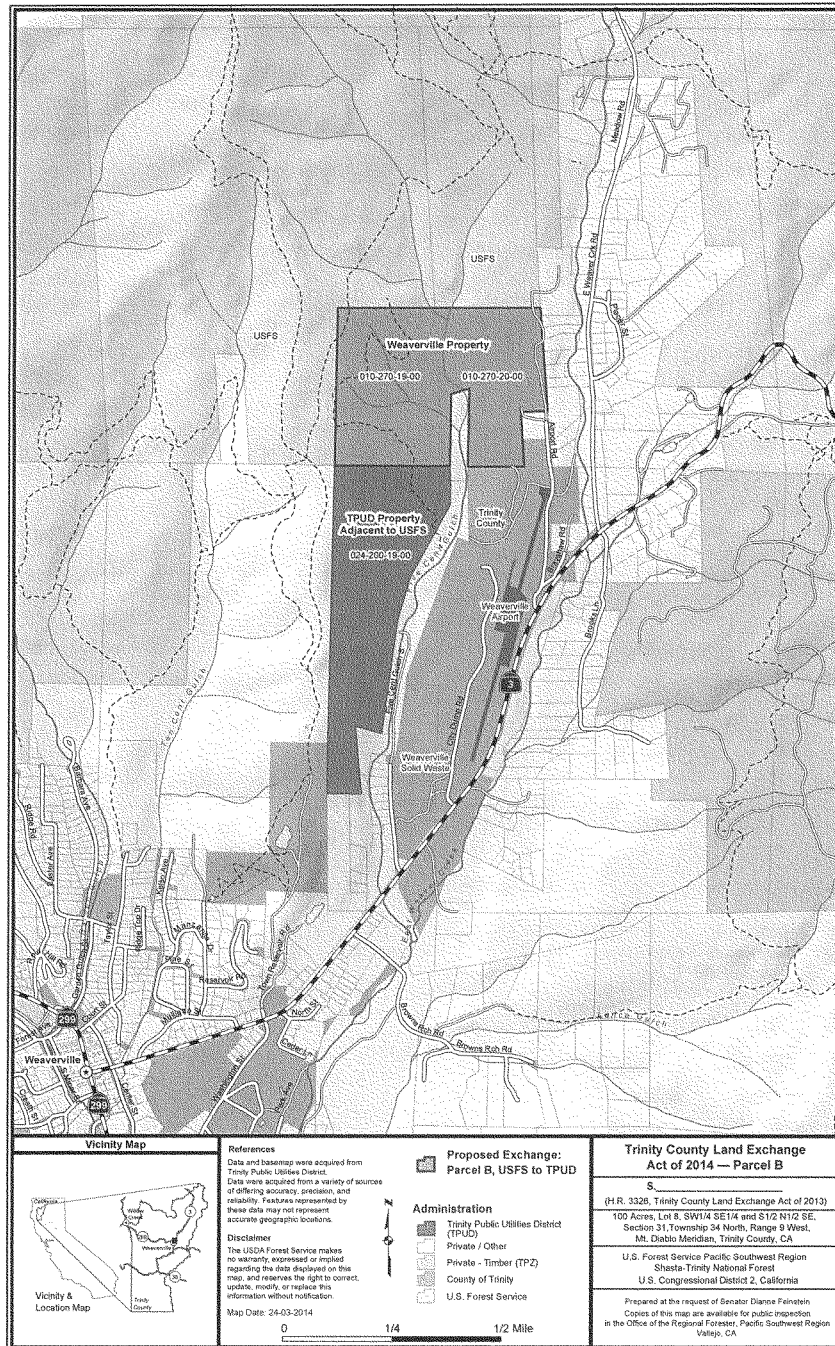
CHANGES IN EXISTING LAW

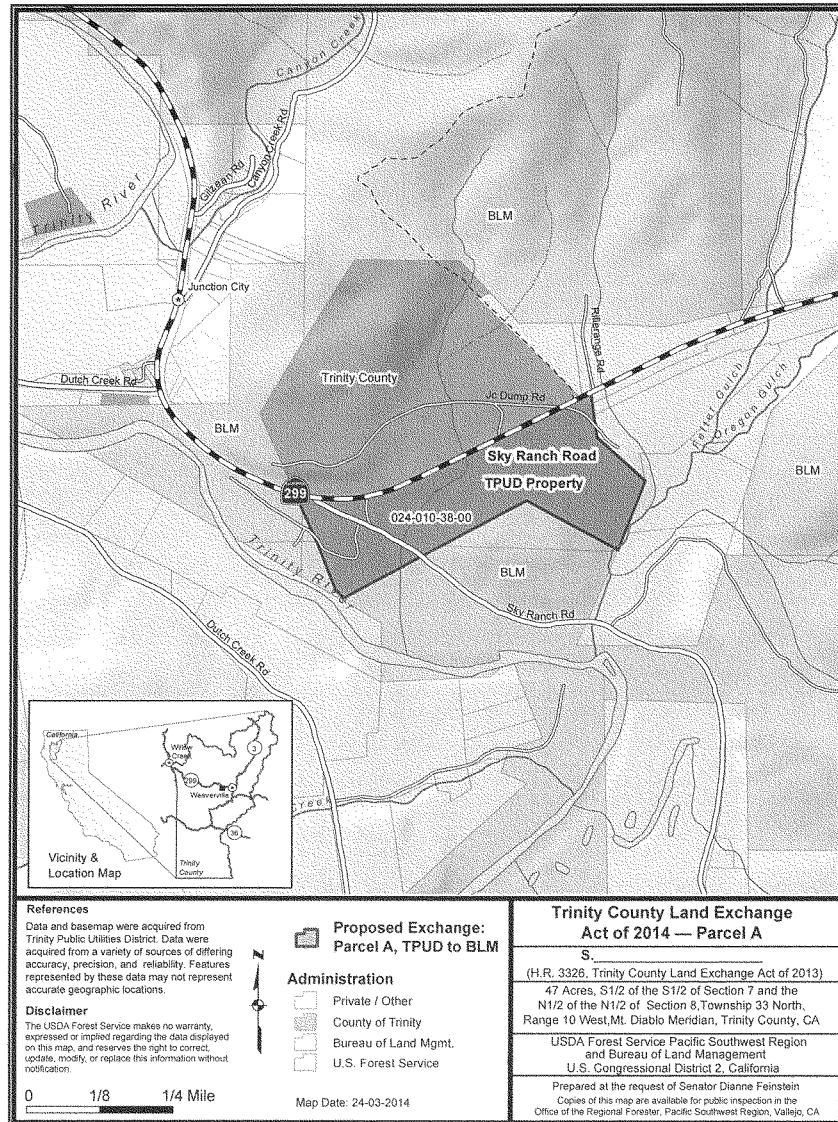
If enacted, this bill would make no changes in existing law.

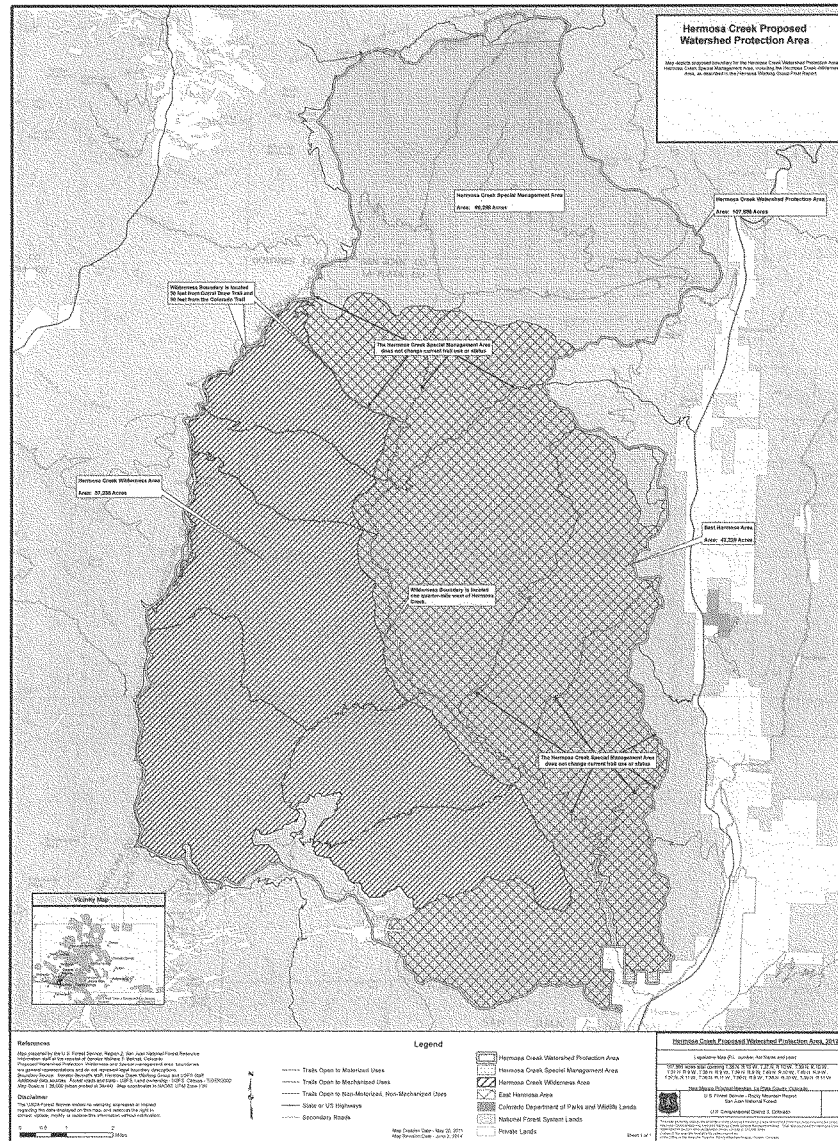
APPENDIX I: MAPS

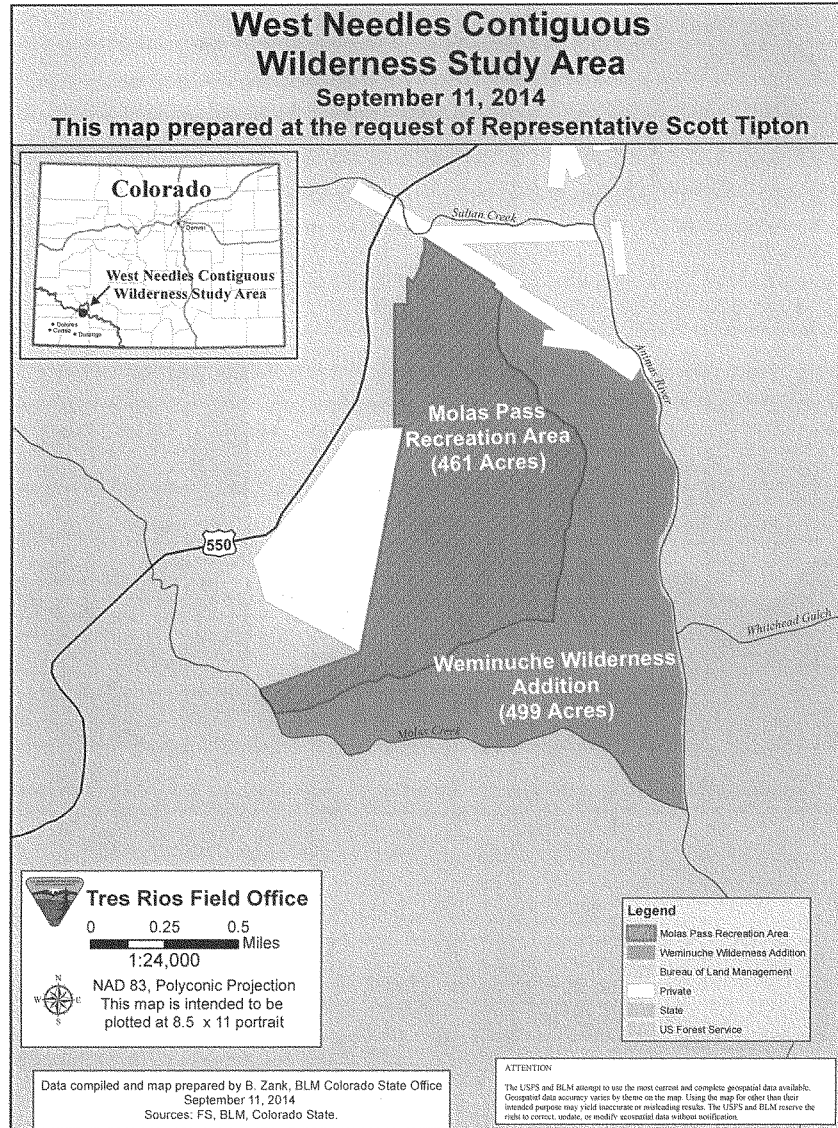












Winter Use Routes and Grooming Trails - 9/11/2014

This map was prepared at the request of Representative Scott Tipton.

