

116TH CONGRESS  
1ST SESSION

# H. R. 1067

To direct the Secretary of the Interior to convey certain Federal lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain non-Federal lands, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2019

Mr. AGUILAR (for himself and Mr. COOK) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To direct the Secretary of the Interior to convey certain Federal lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain non-Federal 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) FEDERAL EXCHANGE PARCEL.—The term  
6           “Federal exchange parcel” means the approximately  
7           90 acres of Federal land administered by the Bu-  
8           reau of Land Management generally depicted as  
9           “BLM Equalization Land to SBVWCD” on the Map  
10          and is to be conveyed to the Conservation District  
11          if necessary to equalize the fair market values of the  
12          lands otherwise to be exchanged.

13          (3) FEDERAL LAND.—The term “Federal land”  
14          means the approximately 327 acres of Federal land  
15          administered by the Bureau of Land Management  
16          generally depicted as “BLM Land to SBVWCD” on  
17          the Map.

18          (4) MAP.—The term “Map” means the map en-  
19          titled “Santa Ana River Wash Land Exchange” and  
20          dated September 3, 2015.

21          (5) NON-FEDERAL EXCHANGE PARCEL.—The  
22          term “non-Federal exchange parcel” means the ap-  
23          proximately 59 acres of land owned by the Conserva-  
24          tion District generally depicted as “SBVWCD  
25          Equalization Land” on the Map and is to be con-

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

4           (6) NON-FEDERAL LAND.—The term “non-Fed-  
5       eral Land” means the approximately 310 acres of  
6       land owned by the Conservation District generally  
7       depicted as “SBVWCD Land to BLM” on 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, 1721), subject to valid exist-  
15       ing 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), as soon as practicable, but not later than  
19       2 years after the date of enactment of this Act, if the Con-  
20       servation District offers to convey the exchange land to  
21       the United States, the Secretary shall—

22           (1) convey to the Conservation District all  
23       right, title, and interest of the United States in and  
24       to the Federal land, and any such portion of the

1 Federal exchange parcel as may be required to  
2 equalize the values of the lands exchanged; and

3 (2) accept from the Conservation District a  
4 conveyance of all right, title, and interest of the  
5 Conservation District in and to the non-Federal  
6 land, and any such portion of the non-Federal ex-  
7 change parcel as may be required to equalize the val-  
8 ues of the lands exchanged.

9 (b) EQUALIZATION PAYMENT.—To the extent an  
10 equalization payment is necessary under section 206(b) of  
11 the Federal Land Policy and Management Act of 1976  
12 (43 U.S.C. 1716(b)), the amount of such equalization pay-  
13 ment shall first be made by way of in-kind transfer of such  
14 portion of the Federal exchange parcel to the Conservation  
15 District, or transfer of such portion of the non-Federal  
16 exchange parcel to the United States, as the case may be,  
17 as may be necessary to equalize the fair market values  
18 of the exchanged properties. The fair market value of the  
19 Federal exchange parcel or non-Federal exchange parcel,  
20 as the case may be, shall be credited against any required  
21 equalization payment. To the extent such credit is not suf-  
22 ficient to offset the entire amount of equalization payment  
23 so indicated, any remaining amount of equalization pay-  
24 ment shall be treated as follows:

1           (1) If the equalization payment is to equalize  
2 values by which the Federal land exceeds the non-  
3 Federal land and the credited value of the non-Fed-  
4 eral exchange parcel, Conservation District may  
5 make the equalization payment to the United States,  
6 notwithstanding any limitation regarding the  
7 amount of the equalization payment under section  
8 206(b) of the Federal Land Policy and Management  
9 Act of 1976 (43 U.S.C. 1716(b)). In the event Con-  
10 servation District opts not to make the indicated  
11 equalization payment, the exchange shall not pro-  
12 ceed.

13           (2) If the equalization payment is to equalize  
14 values by which the non-Federal land exceeds the  
15 Federal land and the credited value of the Federal  
16 exchange parcel, the Secretary shall order the ex-  
17 change without requirement of any additional equali-  
18 zation payment by the United States to the Con-  
19 servation District.

20           (c) APPRAISALS.—

21           (1) The value of the land to be exchanged  
22 under this Act shall be determined by appraisals  
23 conducted by one or more independent and qualified  
24 appraisers.

1           (2) The appraisals shall be conducted in accord-  
2           ance with nationally recognized appraisal standards,  
3           including, as appropriate, the Uniform Appraisal  
4           Standards for Federal Land Acquisitions and the  
5           Uniform Standards of Professional Appraisal Prac-  
6           tice.

7           (d) TITLE APPROVAL.—Title to the land to be ex-  
8           changed under this Act shall be in a format acceptable  
9           to the Secretary and the Conservation District.

10          (e) MAP AND LEGAL DESCRIPTIONS.—As soon as  
11          practicable after the date of enactment of this Act, the  
12          Secretary shall finalize a map and legal descriptions of all  
13          land to be conveyed under this Act. The Secretary may  
14          correct any minor errors in the map or in the legal descrip-  
15          tions. The map and legal descriptions shall be on file and  
16          available for public inspection in appropriate offices of the  
17          Bureau of Land Management.

18          (f) COSTS OF CONVEYANCE.—As a condition of con-  
19          veyance, any costs related to the conveyance under this  
20          Act shall be paid by the Conservation District.

21       **SEC. 4. APPLICABLE LAW.**

22          (a) ACT OF FEBRUARY 20, 1909.—

23               (1) The Act of February 20, 1909 (35 Stat.  
24               641), shall not apply to the Federal land and any  
25               public exchange land transferred under this Act.

1           (2) The exchange of lands under this Act shall  
2           be subject to continuing rights of the Conservation  
3           District under the Act of February 20, 1909 (35  
4           Stat. 641), on the non-Federal land and any ex-  
5           changed portion of the non-Federal exchange parcel  
6           for the continued use, maintenance, operation, con-  
7           struction, or relocation of, or expansion of, ground-  
8           water recharge facilities on the non-Federal land, to  
9           accommodate groundwater recharge of the Bunker  
10          Hill Basin to the extent that such activities are not  
11          in conflict with any Habitat Conservation Plan or  
12          Habitat Management Plan under which such non-  
13          Federal land or non-Federal exchange parcel may be  
14          held or managed.

15          (b) FLPMA.—Except as otherwise provided in this  
16          Act, the Federal Land Policy and Management Act of  
17          1976 (43 U.S.C. 1701 et seq.), shall apply to the exchange  
18          of land under this Act.

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

20          Secretarial Order 241, dated November 11, 1929  
21          (withdrawing a portion of the Federal land for an  
22          unconstructed transmission line), is terminated and the  
23          withdrawal thereby effected is revoked.

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