

TO ALLOW CERTAIN PROPERTY IN THE TOWN OF LOUISA, VIRGINIA, TO
BE USED FOR PURPOSES RELATED TO COMPLIANCE WITH WATER
QUALITY STANDARDS, AND FOR OTHER PURPOSES

NOVEMBER 16, 2016.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 5032]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5032) to allow certain property in the town of Louisa, Virginia, to be used for purposes related to compliance with water quality standards, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 5032 is to allow certain property in the town of Louisa, Virginia, to be used for purposes related to compliance with water quality standards.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 5032 removes a federal use restriction on a parcel of land in the town of Louisa, Virginia, to help the municipality comply with federal drinking water quality standards.

The town purchases its drinking water from the Louisa County Water Authority and redistributes that water to approximately 766 customers. Since 2009, the town has experienced compliance issues with the Environmental Protection Agency's (EPA) disinfection by-products rule. Specifically, the town has received 11 Notices of Violation for exceeding the Primary Maximum Contaminant Level for Total Trihalomethanes and 11 Notices of Violation for exceeding

the Primary Maximum Contaminant Level for Haloacetic Acids. According to the EPA, these contaminants can lead to liver, kidney or central nervous problems and an increased risk of cancer. In 2015, the town entered into a Consent Order to take corrective actions to bring its water back into compliance. Failure to comply with the order could result in civil penalties.

The town has spent over \$1 million of public funds on engineering studies and actions to help find a solution for reducing the concentrations of these contaminants. For example, the town reactivated two wells and one spring that had not been used in over 25 years to dilute the contaminants out of its drinking water. During that process it was discovered that the wells and the spring were contaminated and unsuitable for this purpose. The town then searched for other sources of suitable groundwater, which was eventually found under the Louisa Community Park.

In 2004, the town received a \$75,000 Land and Water Conservation Fund (LWCF) state assistance grant to develop the Community Park. The town is required to maintain land purchased with LWCF grant money for public recreation purposes. The law stipulates that "no property acquired or developed with assistance under this section shall, without the approval of the Secretary [of the Interior], be converted to other than public outdoor recreation use." To comply with the EPA standards, the town wishes to repurpose a two percent portion of the Community Park so that it can convert the test well into a production well and build a small building covering the well. Bringing this well online will help bring the town's drinking water back into compliance with EPA drinking water requirements and could provide water for park restroom development.

The Department of the Interior has indicated that the town must find suitable lands to offset for the land used for the well site, or be provided with an exemption by the Department or Congress. A Louisa official testified at a June 23, 2016, Water, Power and Oceans Subcommittee hearing that the town does not wish to pursue an offset because one of the contiguous properties that could be acquired is located outside of the town's limits and it would be cost prohibitive. In addition, the State of Virginia's Department of Conservation and Recreation sent a letter to the National Park Service (NPS) in December 2015 requesting an exemption stating:

[T]o require replacement property for such an insignificant impact that does not cause or contribute to any adverse consequences to the human environment or displace or disrupt any recreation would create unnecessary delays and burden the Town of Louisa in its quest to provide safe and healthy drinking water for its citizens.

Although the town contends that an exemption can be granted by the National Park Service, the federal agency has indicated that it does not have the legal authority to do so. H.R. 5032, which can be implemented at no cost to the federal government, removes the LWCF land conversion restrictions on the Community Park so that the town can move forward in developing the well and bring its drinking water back into compliance with federal water quality standards. The town and community leaders, the State of Virginia's Department of Conservation and Recreation, and the head of the

local National Association for the Advancement of Colored People chapter support H.R. 5032.

SECTION-BY-SECTION ANALYSIS

Section 1 stipulates that the LWCF land use restriction shall not apply to any portion of the land known as the “Community Park” in the town that is used for activities designed to improve compliance with water quality standards.

COMMITTEE ACTION

H.R. 5032 was introduced on April 21, 2016, by Congressman Dave Brat (R-VA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands and the Subcommittee on Water, Power and Oceans. On June 23, 2016, the Subcommittee on Water, Power and Oceans held a hearing on the bill. On September 7, 2016, the Natural Resources Committee met to consider the bill. The Subcommittees were discharged by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by a roll call vote of 22 ayes to 12 nays on September 8, 2016, as follows:

Committee on Natural Resources

U.S. House of Representatives

114th Congress

Date: 09.08.16

Recorded Vote: #6

FC Mark Up on 4 bills: **On Favorably Reporting H.R. 5032 (Rep. Dave Brat)**, To allow certain property in the town of Louisa, Virginia, to be used for purposes related to compliance with water quality standards, and for other purposes.

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Bishop, UT, Chairman	X			Mr. LaMalfa, CA	X		
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mrs. Dingell, MI</i>			
Mr. Young, AK				Mr. Denham, CA	X		
<i>Mrs. Napolitano, CA</i>		X		<i>Mr. Gallego, AZ</i>			
Mr. Gohmert, TX	X			Mr. Cook, CA	X		
<i>Mrs. Bordallo, Guam</i>		X		<i>Mrs. Capps, CA</i>		X	
Mr. Lamborn, CO	X			Mr. Westerman, AR	X		
<i>Mr. Costa, CA</i>		X		<i>Mr. Polis, CO</i>			
Mr. Wittman, VA	X			Mr. Graves, LA			
<i>Mr. Sablan, CNMI</i>				<i>Mr. Clay, MO</i>		X	
Mr. Fleming, LA	X			Mr. Newhouse, WA	X		
<i>Mrs. Tsongas, MA</i>		X		Mr. Zinke, MT	X		
Mr. McClintock, CA	X			Mr. Hice, GA	X		
<i>Mr. Pierluisi, Puerto Rico</i>				Mrs. Radewagen, AS	X		
Mr. Thompson, PA	X			Mr. MacArthur, NJ	X		
<i>Mr. Huffman, CA</i>		X		Mr. Mooney, WV	X		
Mrs. Lummis, WY	X			Mr. Hardy, NV	X		
<i>Mr. Ruiz, CA</i>		X		Mr. LaHood, IL			
Mr. Benishke, MI	X						
<i>Mr. Lowenthal, CA</i>		X					
Mr. Duncan, SC	X						
<i>Mr. Cartwright, PA</i>							
Mr. Gosar, AZ	X						
<i>Mr. Beyer, VA</i>		X					
Mr. Labrador, ID							
<i>Mrs. Torres, CA</i>		X		TOTALS	22	12	

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 and the Congressional Budget Act of 1974. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 13, 2016.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5032, a bill to allow certain property in the town of Louisa, Virginia, to be used for purposes related to compliance with water quality standards, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jon Sperl.

Sincerely,

MARK P. HADLEY,
(For Keith Hall).

Enclosure.

H.R. 5032—A bill to allow certain property in the town of Louisa, Virginia, to be used for purposes related to compliance with water quality standards, and for other purposes

H.R. 5032 would remove a federal use restriction on a parcel of property within Louisa Community Park in the town of Louisa, Virginia. The use restriction was originally included as a condition of a grant provided by the National Park Service (NPS) to the town to develop the park and stipulates that property be used only for outdoor recreational purposes. Removing the use restriction would allow the town to repurpose a portion of the property to build a production well to help the town comply with federal drinking water quality standards.

Based on information from the NPS, CBO estimates that implementing the legislation would not affect the federal budget.

Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 5032 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

HR. 5032 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jon Sperl. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

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 allow certain property in the town of Louisa, Virginia, to be used for purposes related to compliance with water quality standards.

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.

DISSENTING VIEWS

If enacted, H.R. 5032 would waive the land-replacement requirements of the Land and Water Conservation Fund Act for a town in Central Virginia.

H.R. 5032 represents an ill-advised effort to undermine a key aspect of the Land and Water Conservation Fund. For more than fifty years, the Land and Water Conservation Fund (LWCF) has helped protect and enhance our nation's irreplaceable lands and outdoor recreation opportunities by reinvesting a portion of energy revenues from offshore oil and gas exploration into conservation of our land, water and recreation resources.

LWCF investments include grants to towns and counties to purchase lands for new public parks. In keeping with the LWCF's mission to provide recreation opportunities for the American people, communities accepting LWCF grants must use the land it buys for public recreation. If a town or county decides later to use the land for non-recreational purposes, the LWCF Act simply requires the town to replace the lost land with comparable land of reasonably equivalent recreational utility. H.R. 5032 waives this reasonable requirement for the town of Louisa, Virginia, despite the fact that the town of Louisa agreed to the land-replacement requirements of the LWCF Act when it took LWCF funds.

Over the past fifty years, thousands of communities have abided by the LWCF's land-replacement requirements. There is a well-established and uncontroversial process allowing communities to convert lands to non-recreational uses. The process has been used by thousands of communities with positive result. H.R. 5032 circumvents this well-established process and undermines the integrity of the LWCF state grant program in the process. For these reasons, we oppose H.R. 5032.

RAÚL M. GRIJALVA.
*Ranking Member, Committee
on Natural Resources.*

GRACE F. NAPOLITANO.

DONALD S. BEYER, JR.

JARED POLIS.

NIKI TSONGAS.

JARED HUFFMAN.

ALAN LOWENTHAL.

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