

LA PAZ COUNTY LAND CONVEYANCE ACT

JANUARY 29, 2018.—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

ADDITIONAL VIEWS

[To accompany H.R. 2630]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2630) to authorize the Secretary of the Interior to convey certain land to La Paz County, Arizona, 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. SHORT TITLE.

This Act may be cited as the “La Paz County Land Conveyance Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNTY.—The term “County” means La Paz County, Arizona.

(2) FEDERAL LAND.—The term “Federal land” means the approximately 8,800 acres of land managed by the Bureau of Land Management and designated as “Federal land to be conveyed” on the map.

(3) MAP.—The term “map” means the map prepared by the Bureau of Land Management entitled “Proposed La Paz County Land Conveyance” and dated May 24, 2017.

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

SEC. 3. CONVEYANCE TO LA PAZ COUNTY, ARIZONA.

(a) IN GENERAL.—Not later than 90 days after the date on which the Secretary receives a request from the County to convey all or a portion of the Federal land, subject to valid existing rights and to such terms and conditions as the Secretary determines to be necessary and notwithstanding the land use planning require-

ments 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 County all right, title, and interest of the United States in and to the Federal land identified on the map.

(b) PHASED CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall convey the public land described in subsection (a) in parcels over a period of up to 20 years, as is required to carry out the phased development of renewable energy or other economic development.

(2) PAYMENT OF FAIR MARKET VALUE.—A parcel shall be conveyed by the Secretary on payment by La Paz County, Arizona, to the Secretary, of the fair market value of the parcel, as determined under paragraph (3).

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

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

(B) based on an appraisal that is conducted in accordance with—

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

(ii) the Uniform Standards of Professional Appraisal Practice.

(c) PROTECTION OF TRIBAL CULTURAL ARTIFACTS.—To the greatest extent practicable, the County and all subsequent owners of land conveyed under this Act shall—

(1) make good faith efforts to avoid disturbing Tribal artifacts;

(2) minimize impacts on Tribal artifacts if they are disturbed;

(3) work with the Colorado River Indian Tribes Tribal Historic Preservation Office to identify artifacts of cultural and historic significance; and

(4) allow Tribal representatives to rebury unearthened artifacts at or near where they were discovered.

(d) AVAILABILITY OF MAP.—

(1) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(2) CORRECTIONS.—The Secretary and the County may, by mutual agreement—

(A) make minor boundary adjustments to the Federal land to be conveyed under subsection (a); and

(B) correct any minor errors in the map, an acreage estimate, or the description of the Federal land.

(e) WITHDRAWAL.—The Federal land is withdrawn from the operation of the mining and mineral leasing laws of the United States.

(f) COSTS.—As a condition of the conveyance of the Federal land under subsection (a), the County shall pay—

(1) an amount equal to the appraised value determined in accordance with subsection (b)(3); and

(2) all costs related to the conveyance, including all surveys, appraisals, and other administrative costs associated with the conveyance of the Federal land to the County under subsection (a).

PURPOSE OF THE BILL

The purpose of H.R. 2630 is to authorize the Secretary of the Interior to convey certain land to La Paz County, Arizona.

BACKGROUND AND NEED FOR LEGISLATION

Nearly 95% of La Paz County, Arizona, is owned by federal, State, or tribal governments, with 61% of the federal ownership controlled by the Bureau of Land Management (BLM).¹ Uniquely positioned between the metropolitan areas of Phoenix and Southern California, the County seeks a land conveyance from BLM to provide ground for the construction of a solar field. The County will

¹Arizona Department of Transportation, “La Paz Transportation Planning Study Final Report,” Page 25, June 2010, https://apps.azdot.gov/ADOTLibrary/Multimodal_Planning_Division/Planning_Assistance_for_Rural_Areas_Studies/PARA-La_Paz_Transportation_Planning_Study-FR-1006.pdf.

pay fair market value for the land, as well as any administrative costs.

The county has already worked with BLM to identify a site adjacent to preexisting and proposed electric, fiber optic and natural gas transmission lines. Review of the proposed site by the BLM has not revealed any endangered species or historic resources in the area, and much of the proposed site already has a significant amount of surface disturbance.²

La Paz County is 27% Latino and 18% Native American, and currently has an unemployment rate nearly 2% higher than the national average.³ Not only would this land conveyance help provide renewable energy to both the Southern California and Phoenix markets, but it would help bring family-wage jobs to the county.

COMMITTEE ACTION

H.R. 2630 was introduced on May 24, 2017, by Congressman Paul A. Gosar (R–AZ). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On October 11, 2017, the Subcommittee held a hearing on the legislation. On November 29, 2017, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Paul A. Gosar offered an amendment designated #1; it was adopted by unanimous consent. No further amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent on November 30, 2017.

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 AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. 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 following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 23, 2018.

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. 2630, the La Paz County Land Conveyance Act.

² Information provided to the Committee by Rep. Gosar's office (AZ–04).

³ U.S. Census Bureau, "La Paz County Statistics," U.S. Census Quickfacts, July 1, 2016, <https://www.census.gov/quickfacts/fact/table/lapazcountyarizona/PST045216>.

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

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 2630—La Paz County Land Conveyance Act

H.R. 2630 would direct the Department of the Interior (DOI) to convey, upon request, up to 8,800 acres of federal land to La Paz County, Arizona. The county would be required to pay the estimated fair-market value for the affected lands, which would be used by commercial entities to produce solar energy. Under the bill, the county would have up to 20 years to acquire those lands and would be required to pay any administrative costs associated with their conveyance.

Based on the value of similar lands in La Paz County, CBO estimates that the county would pay DOI between \$500 and \$1,000 per acre to acquire those lands or about \$6 million in total. Because the 2018–2027 period is half of the 20 years within which the county could acquire the land, for the purposes of this estimate, CBO assumes that about half of the total value—\$3 million—would be conveyed in the first 10 years following enactment.

Because enacting H.R. 2630 would affect direct spending, pay-as-you-go procedures apply. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 2630 would not increase net direct spending or budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 2630 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Jeff LaFave. 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 authorize the Secretary of the Interior to convey certain land to La Paz County, Arizona.

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. This bill does not contain any directed rule makings.

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 to existing law.

ADDITIONAL VIEWS

H.R. 2630 authorizes the conveyance, at fair market value, of 8,000 acres of Federal land to La Paz County, Arizona. La Paz County plans to use the land for the development of a solar energy installation.

As introduced, the bill authorized to conveyance through the Recreation and Public Purposes Act, a law that authorizes the Bureau of Land Management to convey federal land for the establishment of parks and other suitable public uses. However, at markup the committee adopted an amendment by Representative Gosar to authorize a phased conveyance at fair market value. The amended bill is a significant improvement, but we have concerns that we hope can be addressed as this bill moves through the legislative process.

Federal land is a public resource, and the conveyance of any part of this resource should include guarantees to protect the public's interest. Congress should only authorize a conveyance for a discreet public purpose and the proceeds should be reinvested back into federal conservation efforts. Without these guarantees, the accumulation of individual conveyances potentially threatens the viability of our system of public lands.

RAÚL M. GRIJALVA,
Ranking Member, House Natural Resources Committee.

