

JUAB COUNTY CONVEYANCE ACT OF 2018

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JULY 3, 2018.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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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. 3777]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3777) to direct the Secretary of Agriculture to convey certain National Forest System land containing the Nephi Work Center in Juab County, Utah, to Juab County, 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 “Juab County Conveyance Act of 2018”.

**SEC. 2. LAND CONVEYANCE, NEPHI WORK CENTER, JUAB COUNTY, UTAH.**

(a) CONVEYANCE REQUIRED.—Subject to valid existing rights, if the County submits a written request to the Secretary not later than 90 days after the date of enactment of this Act, the Secretary shall convey, without consideration and by quitclaim deed, to the County all right, title, and interest of the United States in and to the parcel of National Forest System land, including improvements thereon, described in subsection (b).

(b) DESCRIPTION OF LAND.—

(1) IN GENERAL.—The parcel of National Forest System land and improvements to be conveyed under subsection (a) is the Nephi Work Center at 740 South Main Street, Nephi, Utah, which consists of approximately 2.17 acres within Nephi Plat B Block of the Nephi Townsite Survey as Parcels #XA00-0545-1111 and #XA00-0545-2, and is identified on the map entitled “Nephi Plat B” and dated May 6, 1981.

(2) MAP AND LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practical after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a map and legal description of the parcel described in paragraph (1).

(B) MINOR MODIFICATIONS.—The map and legal description submitted under this paragraph shall have the same force and effect as if included in this Act, except that the Secretary may make minor modifications of any clerical or typographical errors in the map or the legal description.

(C) COPY ON FILE.—A copy of the map and the legal description shall be on file and available for public inspection in the appropriate field offices of the U.S. Forest Service.

(c) SURVEY.—The exact acreage and legal description of the National Forest System land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) COSTS OF CONVEYANCE.—As a condition for the conveyance under subsection (a), the County shall pay the reasonable costs incurred by the Secretary for—

- (1) the survey required by subsection (c); and
- (2) any environmental or administrative analysis required by law related to the conveyance.

(e) ADDITIONAL TERMS AND CONDITIONS.—The conveyance under subsection (a) is subject to any other terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(f) TIME FOR COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyance under subsection (a) not later than one year after the date on which the County submits the written request described in subsection (a).

(g) DEFINITIONS.—In this Act:

(1) COUNTY.—The term “County” means Juab County, Utah.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the U.S. Forest Service.

#### PURPOSE OF THE BILL

The purpose of H.R. 3777 is to direct the Secretary of Agriculture to convey certain National Forest System land containing the Nephi Work Center in Juab County, Utah, to Juab County.

#### BACKGROUND AND NEED FOR LEGISLATION

Juab County is located in western Utah, stretching from the Nevada border east toward its border with Sanpete County. Its county seat, Nephi, is located approximately 40 miles south of Provo on Interstate 15. Approximately 1.5 million acres (70.2%) of land in Juab County is land owned by the federal government.<sup>1</sup>

The United States currently owns approximately 2.61 acres of land within the community of Nephi, Utah, sometimes known as the Nephi Work Center. This property was used by the U.S. Forest Service (USFS) as a work center supporting management of the Spanish Fork Ranger District of the Uinta-Wasatch-Cache National Forest.<sup>2</sup> The property is currently not in use and was designated in 2013 by USFS for administrative disposal under the Forest Service Facilities Realignment and Enhancement Act of 2005 (Public Law 109–54, 16 U.S.C. 580d note).<sup>3</sup>

The Juab County Special Service Fire District (SSFD) provides fire suppression and wildland fire mitigation services to private and public lands in the unincorporated communities of Juab County, including parts of the Ashley, Manti-La Sal and Fish Lake Na-

<sup>1</sup>“2017 Payments in Lieu of Taxes—Juab County, UT.” NACo County Explorer, National Association of Counties, [explorer.naco.org/](http://explorer.naco.org/).

<sup>2</sup>Information provided by the U.S. Forest Service to the House Natural Resources Committee.

<sup>3</sup>“USDA Forest Service FY 2013 Budget Justification.” pp. 12–13., [www.fs.fed.us/sites/default/files/legacy\\_files/fy2013-justification.pdf](http://www.fs.fed.us/sites/default/files/legacy_files/fy2013-justification.pdf).

tional Forests.<sup>4</sup> Under a current agreement with USFS, the SSFD houses its fire mitigation program on the unused USFS Nephi site.

On August 15, 2017, Juab County sent a letter to the Secretary of Agriculture requesting the property be conveyed to the County. The County intends to utilize the land to house its Wildlands Fire Team and equipment, with plans to construct a new fire station to serve the residents of Nephi and Juab County. In addition, on April 27, 2018, the Juab County Commission passed Resolution No. 04272018, seeking conveyance of USFS's Nephi Work Center. The resolution declared the Commission's intent to request the land conveyance authorized by H.R. 3777 within 90 days of the enactment of the legislation.

H.R. 3777 would authorize the conveyance of approximately 2.61 acres of USFS land and improvements in Nephi to Juab County, Utah. The bill would require the County to pay all conveyance costs, including the costs of environmental analysis and surveying.

#### COMMITTEE ACTION

H.R. 3777 was introduced on September 14, 2017, by Congresswoman Mia B. Love (R-UT). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On May 17, 2018, the Subcommittee held a hearing on the bill. On June 6, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated #1; it was adopted by voice vote. Congresswoman Colleen Hanabusa (D-HI) offered an amendment designated 01; it was not adopted by a roll call vote of 15 ayes and 20 nays, as follows:

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<sup>4</sup>Information provided by Juab County through the office of Representative Love (UT-4).

## Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 06.06.18

Recorded Vote #:1

Meeting on / Amendment on: FC Markup Hanabusa amendment [01] to HR 3777 (Rep. Mia B. Love)

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Bishop, UT, Chairman</b>		X		<b>Mr. Cook, CA</b>		X	
<i>Mr. Grijalva, AZ, Ranking Member</i>	X			<i>Mr. McEachin, VA</i>	X		
<b>Mr. Young, AK, Chairman Emeritus</b>				<b>Mr. Westerman, AR</b>		X	
<i>Mrs. Napolitano, CA</i>				<i>Mr. Brown, MD</i>	X		
<b>Mr. Gohmert, TX, Vice Chairman</b>				<b>Mr. Graves, LA</b>		X	
<i>Ms. Bordallo, Guam</i>	X			<i>Mr. Clay, MO</i>			
<b>Mr. Lamborn, CO</b>		X		<b>Mr. Hice, GA</b>		X	
<i>Mr. Costa, CA</i>	X			<i>Mr. Gomez, CA</i>			
<b>Mr. Wittman, VA</b>		X		<b>Mrs. Radewagen, AS</b>			
<i>Mr. Sablan, CNMI</i>	X			<i>Ms. Velázquez, NY</i>	X		
<b>Mr. McClintock, CA</b>		X		<b>Mr. Webster, FL</b>		X	
<i>Ms. Tsongas, MA</i>	X			<b>Mr. Bergman, MI</b>		X	
<b>Mr. Pearce, NM</b>				<b>Ms. Cheney, WY</b>		X	
<i>Mr. Huffman, CA</i>	X			<b>Mr. Johnson, LA</b>		X	
<b>Mr. Thompson, PA</b>		X		<b>Ms. González-Colón, PR</b>		X	
<i>Mr. Lowenthal, CA</i>	X			<b>Mr. Gianforte, MT</b>		X	
<b>Mr. Gosar, AZ</b>				<b>Mr. Curtis, UT</b>		X	
<i>Mr. Beyer, VA</i>	X						
<b>Mr. Labrador, ID</b>		X					
<i>Mr. Gallego, AZ</i>	X						
<b>Mr. Tipton, CO</b>		X					
<i>Ms. Hanabusa, HI</i>	X						
<b>Mr. LaMalfa, CA</b>		X					
<i>Ms. Barragán, CA</i>	X						
<b>Mr. Denham, CA</b>		X					
<i>Mr. Soto, FL</i>	X			<b>TOTAL:</b>	15	20	

No additional amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by a bipartisan roll call vote of 23 ayes and 13 nays, as follows:

## Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 06.06.18

Recorded Vote #:2

Meeting on / Amendment on: **FC Markup Favorably Report HR 3777 (Rep. Mia B. Love)**

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Bishop, UT, Chairman</b>	X			<b>Mr. Cook, CA</b>	X		
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mr. McEachin, VA</i>		X	
<b>Mr. Young, AK, Chairman Emeritus</b>				<b>Mr. Westerman, AR</b>	X		
<i>Mrs. Napolitano, CA</i>				<i>Mr. Brown, MD</i>	X		
<b>Mr. Gohmert, TX, Vice Chairman</b>	X			<b>Mr. Graves, LA</b>	X		
<i>Ms. Bordallo, Guam</i>		X		<i>Mr. Clay, MO</i>			
<b>Mr. Lamborn, CO</b>	X			<b>Mr. Hice, GA</b>	X		
<i>Mr. Costa, CA</i>		X		<i>Mr. Gomez, CA</i>			
<b>Mr. Wittman, VA</b>	X			<b>Mrs. Radewagen, AS</b>			
<i>Mr. Sablan, CNMI</i>		X		<i>Ms. Velázquez, NY</i>		X	
<b>Mr. McClintock, CA</b>	X			<b>Mr. Webster, FL</b>	X		
<i>Ms. Tsongas, MA</i>		X		<b>Mr. Bergman, MI</b>	X		
<b>Mr. Pearce, NM</b>				<b>Ms. Cheney, WY</b>	X		
<i>Mr. Huffman, CA</i>		X		<b>Mr. Johnson, LA</b>	X		
<b>Mr. Thompson, PA</b>	X			<b>Ms. González-Colón, PR</b>	X		
<i>Mr. Lowenthal, CA</i>		X		<b>Mr. Gianforte, MT</b>	X		
<b>Mr. Gosar, AZ</b>				<b>Mr. Curtis, UT</b>	X		
<i>Mr. Beyer, VA</i>	X						
<b>Mr. Labrador, ID</b>	X						
<i>Mr. Gallego, AZ</i>		X					
<b>Mr. Tipton, CO</b>	X						
<i>Ms. Hanabusa, HI</i>		X					
<b>Mr. LaMalfa, CA</b>	X						
<i>Ms. Barragán, CA</i>		X					
<b>Mr. Denham, CA</b>	X						
<i>Mr. Soto, FL</i>		X		<b>TOTAL:</b>	23	13	

## 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, June 25, 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. 3777, the Juab County Conveyance Act of 2017.

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. 3777—Juab County Conveyance Act of 2017*

H.R. 3777 would require the Forest Service to convey, without consideration, a two-acre parcel of federal land to Juab County, Utah, at the county's request. The affected parcel, which is located in the town of Nephi, is not currently in use and has been designated for disposal under the Forest Service Facility Realignment and Enhancement Act. However, because the agency's authority to dispose of property under that act will expire on September 30, 2018, CBO does not expect the parcel to be conveyed under current law.

Based on information from the agency, CBO expects that the affected parcel will not generate any income for the federal government over the next 10 years. Any administrative costs associated with the conveyance would be paid by the town. On that basis, CBO estimates that enacting the bill would have no effect on the federal budget.

Enacting H.R. 3777 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 3777 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 3777 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 reviewed 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 direct the Secretary of Agriculture to convey certain National Forest System land containing the Nephi Work Center in Juab County, Utah, to Juab County.

#### 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.

## DISSENTING VIEWS

H.R. 3777 authorizes the conveyance of the Nephi Work Center—2.6 acres of U.S. Forest Service land—to Juab County, Utah. The conveyed land, which includes a former U.S. Forest Service fire station, is on loan to the county and currently houses the Special Service Fire District’s Wild Lands Fuels Mitigation crew. The county intends to continue this use following the conveyance authorized by this bill.

We support the sale or exchange of unused facilities that help municipal governments. However, any sale or exchange must be conducted in a manner that ensures some form of compensation to the taxpayer. A typical public purposes conveyance includes some form of reversionary interest, which stipulates that the property must be used for a certain purpose, otherwise ownership reverts to the United States. Including a reversionary interest is a balanced policy because it allows for a no-cost conveyance to move forward without immediate compensation of the property’s fair market value and prevents the future sale or misuse of the property. Unfortunately, H.R. 3777 does not follow standard appraisal procedures or require a reversionary interest or any form of compensation, which, ultimately, cheats the taxpayer.

At the Federal Lands Subcommittee hearing on this bill, a representative from Juab County said that the county is open to accepting the conveyance with a reversionary interest requirement. In the spirit of identifying a bipartisan path forward for the conveyance, Federal Lands Subcommittee Ranking Member Hanabusa offered an amendment during markup to add a public purpose requirement to the conveyance. This commonsense amendment was rejected by the Majority.

Again, we welcome the opportunity to advance bipartisan legislation to support the infrastructure and administration of municipal governments, but we must do so in a way that supports the integrity of our system of public lands and protects the interest of the American taxpayer. Unfortunately, this bill fails to meet those criteria.

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

GRACE F. NAPOLITANO.

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