

COTTONWOOD LAND EXCHANGE ACT OF 2018

—————
AUGUST 10, 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

[To accompany H.R. 6146]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 6146) to authorize, direct, expedite, and facilitate a land exchange in Yavapai 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 “Cottonwood Land Exchange Act of 2018”.

SEC. 2. DEFINITIONS.

In this Act:

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

(2) FEDERAL LAND.—The term “Federal land” means all right, title, and interest of the United States in and to approximately 80 acres of land within the Coconino National Forest, in Yavapai County, Arizona, generally depicted as “Coconino National Forest Parcels ‘Federal Land’” on the map.

(3) MAP.—The term “map” means the map entitled “Cottonwood Land Exchange”, with the revision date July 5, 2018\Version 1.

(4) NON-FEDERAL LAND.—The term “non-Federal land” means the approximately 369 acres of land in Yavapai County, Arizona, generally depicted as “Yavapai County Parcels ‘Non-Federal Land’” on the map.

(5) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, unless otherwise specified.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—If the County offers to convey to the Secretary all right, title, and interest of the County in and to the non-Federal land, the Secretary shall accept the offer and simultaneously convey to the County all right, title, and interest of the United States to the Federal land.

(b) LAND TITLE.—Title to the non-Federal land conveyed to the Secretary under this Act shall be acceptable to the Secretary and shall conform to the title approval

standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

(c) EXCHANGE COSTS.—The County shall pay for all land survey, appraisal, and other costs to the Secretary as may be necessary to process and consummate the exchange under this Act, including reimbursement to the Secretary, if the Secretary so requests, for staff time spent in such processing and consummation.

SEC. 4. EQUAL VALUE EXCHANGE AND APPRAISALS.

(a) APPRAISALS.—The values of the lands to be exchanged under this Act shall be determined by the Secretary through appraisals performed in accordance with—

- (1) the Uniform Appraisal Standards for Federal Land Acquisitions;
- (2) the Uniform Standards of Professional Appraisal Practice;
- (3) appraisal instructions issued by the Secretary; and
- (4) shall be performed by an appraiser mutually agreed to by the Secretary and the County.

(b) EQUAL VALUE EXCHANGE.—The values of the Federal and non-Federal land parcels exchanged shall be equal, or if they are not equal, shall be equalized as follows:

(1) SURPLUS OF FEDERAL LAND VALUE.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the County shall make a cash equalization payment to the United States as necessary to achieve equal value, including, if necessary, an amount in excess of that authorized pursuant to section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) USE OF FUNDS.—Any cash equalization moneys received by the Secretary under paragraph (1) shall be—

(A) deposited in the fund established under Public Law 90–171 (commonly known as the “Sisk Act”; 16 U.S.C. 484a); and

(B) made available to the Secretary for the acquisition of land or interests in land in Region 3 of the Forest Service.

(3) SURPLUS OF NON-FEDERAL LAND VALUE.—If the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land, the United States shall not make a cash equalization payment to the County, and surplus value of the non-Federal land shall be considered a donation by the County to the United States for all purposes of law.

SEC. 5. WITHDRAWAL PROVISIONS.

Lands acquired by the Secretary under this Act are, upon such acquisition, automatically and permanently withdrawn from all forms of appropriation and disposal under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1930 (30 U.S.C. 1001 et seq.).

SEC. 6. MANAGEMENT OF LAND.

Land acquired by the Secretary under this Act shall become part of the Coconino National Forest and be managed in accordance with the laws, rules, and regulations applicable to the National Forest System.

SEC. 7. MAPS, ESTIMATES, AND DESCRIPTIONS.

(a) MINOR ERRORS.—The Secretary and the County may, by mutual agreement—

- (1) make minor boundary adjustments to the Federal and non-Federal lands involved in the exchange; and
- (2) correct any minor errors in any map, acreage estimate, or description of any land to be exchanged.

(b) CONFLICT.—If there is a conflict between a map, an acreage estimate, or a description of land under this Act, the map shall control unless the Secretary and the County mutually agree otherwise.

(c) AVAILABILITY.—The Secretary shall file and make available for public inspection in the headquarters of the Coconino National Forest a copy of all maps referred to in this Act.

PURPOSE OF THE BILL

The purpose of H.R. 6146 is to authorize, direct, expedite, and facilitate a land exchange in Yavapai County, Arizona.

BACKGROUND AND NEED FOR LEGISLATION

Yavapai County, located in central Arizona, is comprised of an area totaling 520,000 acres and encompassing portions of three National Forests. Like many western counties, Yavapai County has

encountered significant population growth over the last 100 years, rising from a population of 16,000 people in 1920 to 211,033 people today. Also like in many western counties, the federal government owns nearly 50% of the land in Yavapai County.¹

The U.S. Forest Service (USFS) currently owns an 80-acre island parcel near the City of Cottonwood in Yavapai County. The 80-acres is not contiguous or adjacent to any other federal- or State-owned land and is surrounded by County and privately-owned parcels.²

The County plans to use the 80 acres as a park serving the residents of Cottonwood and the nearby neighborhood of Cornville. Plans for the park include new trails, a pedestrian bridge, and the addition of new acreage to the park following the land exchange authorized by the bill.³

In exchange for the 80 acres of federal land, Yavapai County has offered 369 acres of County land to the USFS for inclusion in the Coconino National Forest. The 369 acres would connect tracts of land already owned by the USFS. The land is habitat for the endangered Arizona Cliff Rose among other sensitive species.⁴

The land exchange is supported by the Yavapai County Board of Supervisors, which on October 19, 2015, passed a resolution in support of the land exchange.⁵

COMMITTEE ACTION

H.R. 6146 was introduced on June 19, 2018, 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 July 17, 2018, the Subcommittee held a hearing on the bill. On July 18, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Gosar offered an amendment designated #1; it was adopted by unanimous consent. No additional amendments were offered, and the bill, as amended, was 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.

¹"About Yavapai County." Yavapai County AZ Government. <http://www.yavapai.us/about-us>.

²Randall Garrison. *Testimony of Supervisor Randall Garrison Before the House Natural Resources Subcommittee on Federal Lands In Support of H.R. 6146 The Cottonwood Land Exchange Act, July 17, 2018.* https://naturalresources.house.gov/uploadedfiles/7.17_testimony_garrison.pdf.

³Randall Garrison. *Testimony of Supervisor Randall Garrison Before the House Natural Resources Subcommittee on Federal Lands In Support of H.R. 6146 The Cottonwood Land Exchange Act, July 17, 2018.* https://naturalresources.house.gov/uploadedfiles/7.17_testimony_garrison.pdf.

⁴United States Department of Agriculture Forest Service. "Purshia subintegra, Arizona Cliffrose." Threatened, Endangered, and Proposed (TEP Plant Profile). https://www.fs.fed.us/wildflowers/Rare_Plants/profiles/TEP/purshia_subintegra/index.shtml.

⁵Yavapai County Board of Supervisors Resolution No. 1922.

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, August 7, 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. 6146, the Cottonwood Land Exchange Act of 2018.

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. 6146—Cottonwood Land Exchange Act of 2018

H.R. 6146 would require the Forest Service to exchange, at the request of Yavapai County, Arizona, 80 acres of federal lands in the Coconino National Forest for 369 acres of lands owned by the county. CBO expects that the value of the lands received by the Forest Service would exceed the value of the federal lands conveyed to the county. Under the bill, the agency would not be required to compensate the county for that difference in value. However, CBO estimates that the federal lands will generate payments to the Forest Service for land use permits that total about \$250 a year.

On that basis, CBO estimates that enacting H.R. 6146 would reduce offsetting receipts, which are treated as reductions in direct spending; therefore, pay-as-you-go procedures apply. Those lost receipts would total roughly \$2,500 over the 2019–2028 period. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 6146 would not significantly increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

Because H.R. 6146 would require the county to pay any administrative costs associated with the land exchange and CBO expects that any updates to maps or signage would be completed in conjunction with scheduled reprinting and routine maintenance, CBO estimates that implementing the bill would not affect spending subject to appropriation.

H.R. 6146 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 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, direct, expedite, and facilitate a land exchange in Yavapai 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.