

APACHE COUNTY AND NAVAJO COUNTY CONVEYANCE
ACT OF 2024

DECEMBER 12, 2024.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3047]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3047) to require the Secretary of Agriculture to convey certain lands within the Apache-Sitgreaves National Forest, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends 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 “Apache County and Navajo County Conveyance Act of 2024”.

SEC. 2. CONVEYANCE OF CERTAIN LAND WITHIN THE APACHE-SITGREAVES NATIONAL FORESTS TO NAVAJO COUNTY, ARIZONA.

(a) **DEFINITIONS.**—In this section:

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

(2) **MAP.**—The term “map” means the map entitled “Pinedale Cemetery Expansion” and dated May 23, 2022.

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

(b) **CONVEYANCE REQUIRED.**—Subject to this section, if the County submits to the Secretary a written request for conveyance of the property described in subsection (c)(1) not later than 180 days after the date of enactment of this Act, the Secretary shall convey to the County all right, title, and interest of the United States in and to the property described in subsection (c)(1).

(c) **PROPERTY DESCRIBED.**—

(1) **IN GENERAL.**—The property referred to in subsection (b) is—

(A) the parcel of real property, including all land and improvements, generally depicted as “Exist. Cemetery” on the map, consisting of approximately 2.5 acres of National Forest System land located in the Apache-Sitgreaves National Forests in Arizona; and

(B) the parcel of real property, including all land and improvements, generally depicted as “Proposed Expansion” on the map, consisting of approximately 2.5 acres of National Forest System land located in the Apache-Sitgreaves National Forests in Arizona.

(2) MAP.—

(A) MINOR ERRORS.—The Secretary may correct minor errors in the map.

(B) AVAILABILITY.—A copy of the map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

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

(d) TERMS AND CONDITIONS.—The conveyance under subsection (b) shall—

(1) be subject to valid existing rights;

(2) be made without consideration;

(3) be made by quitclaim deed;

(4) not be subject to section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)); and

(5) be subject to any other terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(e) COSTS OF CONVEYANCE.—As a condition of the conveyance under subsection (b), the County shall pay all costs associated with the conveyance, including the cost of—

(1) a survey, if necessary, under subsection (c)(3); and

(2) any environmental analysis and resource surveys required by Federal law.

(f) REQUIRED USE AS CEMETERY.—The property conveyed to the County under subsection (b) shall be used by the County as a cemetery.

(g) REVERSION.—If the property conveyed under subsection (b) is used in a manner that is inconsistent with the requirement of subsection (f), all right, title, and interest in and to the property shall revert to the United States.

SEC. 3. CONVEYANCE OF CERTAIN LAND WITHIN THE APACHE-SITGREAVES NATIONAL FORESTS TO APACHE COUNTY, ARIZONA.

(a) DEFINITIONS.—In this section:

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

(2) MAP.—The term “map” means the map entitled “Exhibit, Alpine Cemetery Townsite” and dated October, 2019.

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

(b) CONVEYANCE REQUIRED.—Subject to this section, if the County submits to the Secretary a written request for conveyance of the property described in subsection (c)(1) not later than 365 days after the date of enactment of this Act, the Secretary shall convey to the County all right, title, and interest of the United States in and to the property described in subsection (c)(1).

(c) PROPERTY DESCRIBED.—

(1) IN GENERAL.—The property referred to in subsection (b) is—

(A) the parcel of real property, including all land and improvements, generally depicted as the “Existing Alpine Cemetery” on the map, consisting of approximately 2.56 acres of National Forest System land located in the Apache-Sitgreaves National Forests in Arizona; and

(B) the parcel of real property, including all land and improvements, generally depicted as the “Proposed Townsite Tract” on the map, consisting of approximately 8.06 acres of National Forest System land located in the Apache-Sitgreaves National Forests in Arizona.

(2) MAP.—

(A) MINOR ERRORS.—The Secretary may correct minor errors in the map.

(B) AVAILABILITY.—A copy of the map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

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

(d) TERMS AND CONDITIONS.—The conveyance under subsection (b) shall—

(1) be subject to valid existing rights;

(2) be made without consideration;

(3) be made by quitclaim deed;

(4) not be subject to section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)); and

(5) be subject to any other terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(e) COSTS OF CONVEYANCE.—As a condition of the conveyance under subsection (b), the County shall pay all costs associated with the conveyance, including the cost of—

(1) a survey, if necessary, under subsection (c)(3); and

(2) any environmental analysis and resource surveys required by Federal law.

(f) REQUIRED USE AS CEMETERY.—The property conveyed to the County under subsection (b) shall be used by the County as a cemetery.

(g) REVERSION.—If the property conveyed under subsection (b) is used in a manner that is inconsistent with the requirement of subsection (f), all right, title, and interest in and to the property shall revert to the United States.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 3047 is to require the Secretary of Agriculture to convey certain lands within the Apache-Sitgreaves National Forest, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Pinedale and Alpine are two small, rural communities in the eastern portion of Arizona surrounded by the Apache-Sitgreaves National Forests. Pinedale, located in Navajo County, contains less than 500 residents, while Alpine, located in Apache County, boasts a population of just 141 people.¹ Both communities struggled for more than a decade to find appropriate space to expand their respective cemeteries, given the large footprint of federal forest land. Both cemeteries are currently located on U.S. Forest Service (USFS) land and operate under special use permits. Without an expansion, the cemeteries will soon run out of burial plots, and families will be forced to travel long distances to bury their loved ones. To address this, Pinedale and Alpine worked with county representatives and local partners to identify additional land to expand their cemeteries.

H.R. 3047 would convey small parcels of land within the Apache-Sitgreaves National Forests to Apache and Navajo Counties for the purpose of expanding existing cemeteries. In Alpine, the bill would convey the existing 2.56-acre Alpine Cemetery, as well as an additional 8.06 acres of land adjacent to the cemetery, to Apache County. Likewise, the legislation would convey 5 acres of USFS land, including the existing 2.5-acre Pinedale Cemetery, to Navajo County. The additional land from both conveyances would be used to expand the respective cemeteries for the Alpine and Pinedale communities. The bill stipulates that the cost of the conveyances, including surveys and environmental analysis, will be paid for by the respective counties.

COMMITTEE ACTION

H.R. 3047 was introduced on May 2, 2023, by Rep. Elijah Crane (R-AZ). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On March 7, 2024, the Subcommittee on Federal Lands held a hearing on the bill. On November 20, 2024, the Committee on Natural Resources met to consider the bill. The Subcommittee on Federal Lands was discharged from further consideration of

¹Southwestern USA Hiking, “What is Pinedale, AZ famous for?”, Donna Yewchin, August 16, 2020, <https://www.southwesternusahiking.com/post/what-s-pinedale-az-famous-for>. World Population Review, “Alpine Arizona Population 2024”, <https://worldpopulationreview.com/us-cities/alpine-az-population>.

H.R. 3047 by unanimous consent. Chairman Bruce Westerman (R-AR) offered an Amendment in the Nature of a Substitute designated Westerman ANS. The amendment in the nature of a substitute was agreed to by unanimous consent. The bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Federal Lands held on March 7, 2024.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 names the bill the “Apache County and Navajo County Conveyance Act of 2024”.

Section 2. Conveyance of certain land within the Apache-Sitgreaves National Forests to Navajo County, Arizona

Section 2 conveys two parcels, including a 2.5-acre parcel encompassing the existing Pinedale Cemetery and 2.5 acres of adjacent USFS land to Navajo County, Arizona. Section 2 sets guidelines for finalizing the map of the conveyance and provides for technical corrections to the map. Section 2 also requires a survey of the parcels to determine the exact acreage and legal description in addition to requiring the conveyance to be done without consideration, subject to valid existing rights, and by quitclaim deed. Section 2 exempts the USFS from disclosure requirements under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Additionally, Section 2 requires Navajo County to pay for all associated costs with the conveyance, including a survey and any environmental analyses or resource surveys. Lastly, Section 2 clarifies that the conveyed parcel must be used as a cemetery and includes a reversionary clause that reverts the property back to the federal government if the parcel is used outside of its intended purpose.

Section 3. Conveyance of certain land within the Apache-Sitgreaves National Forests to Apache County, Arizona

Section 3 conveys two parcels, including a 2.56-acre parcel encompassing the existing Alpine Cemetery and 8.06 acres of adjacent USFS land to Apache County, Arizona. Section 3 sets guidelines for finalizing a map of the conveyance and provides for technical corrections to the map. This section requires a survey of the parcels to determine the exact acreage and legal description. Section 3 also requires the conveyance to be done without consideration, subject to valid existing rights, and by quitclaim deed. Additionally, Section 3 exempts the USFS from disclosure requirements under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Section 3 requires Apache County to pay for all associated costs with the conveyance, including a survey and any environmental analyses or resource surveys. Lastly, Section 3 clarifies that the conveyed parcel must be used as a cemetery and includes a reversionary clause that reverts the property back to the

federal government if the parcel is used outside of its intended purpose.

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.* Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a budgetary analysis and a cost estimate of this bill.

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 require the Secretary of Agriculture to convey certain lands within the Apache-Sitgreaves National Forest, and for other purposes.

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.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

EXISTING PROGRAMS

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.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or

accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

As ordered reported by the Committee on Natural Resources, H.R. 3047 would make no changes in existing law.

