

LAS CIENEGAS ENHANCEMENT ACT

SEPTEMBER 6, 2006.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 5016]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 5016) to provide for the exchange of certain Bureau of Land Management land in Pima 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 “Las Cienegas Enhancement Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **FEDERAL LAND.**—The term “Federal land” means the Sahuarita parcel of land consisting of approximately 1,280 acres, as depicted on the map entitled “Las Cienegas Enhancement Act—Federal Land” and dated May 9, 2006.

(2) **LANDOWNER.**—The term “landowner” means Las Cienegas Conservation, LLC.

(3) **NON-FEDERAL LAND.**—The term “non-Federal land” means the Empirita-Simonson parcel of land consisting of approximately 2,392 acres, as depicted on the map entitled “Las Cienegas Enhancement Act—Non-Federal Land” and dated May 9, 2006.

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

SEC. 3. LAND EXCHANGE, BUREAU OF LAND MANAGEMENT LAND IN PIMA COUNTY, ARIZONA.

(a) **EXCHANGE AUTHORIZED.**—If the landowner offers to convey to the Secretary title to the non-Federal land, the Secretary shall accept the offer and convey to the landowner all right, title, and interest of the United States in and to the Federal land.

(b) **VALUATION, APPRAISALS, AND EQUALIZATION.**—

(1) **EQUAL VALUE EXCHANGE.**—The value of the Federal land and the non-Federal land to be exchanged under this section shall be equal. If the values are not equal, the values shall be equalized in accordance with paragraph (3).

(2) APPRAISAL.—To determine the value of the Federal land and the non-Federal land, the Federal land and the non-Federal land shall be subject to an appraisal by an independent, qualified appraiser agreed to by the Secretary and landowner. The appraiser shall consider the value of the Federal land and the non-Federal land as of the date of the enactment of this Act. The appraisal shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisition and the Uniform Standards of Professional Appraisal Practice. Not later than 180 days after the date of enactment of this Act, the appraisal shall be submitted to the Secretary and landowner for approval.

(3) EQUALIZATION OF VALUES.—If the values of the Federal land and non-Federal land are not equal, their values may be equalized—

(A) by reducing the acreage of the non-Federal land or the Federal land to be exchanged, as appropriate; or

(B) by the payment by the landowner or the Secretary of a cash equalization payment, which, in the case of a cash equalization payment made by the landowner, may exceed 25 percent of the value of the Federal land, notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(4) DISPOSITION AND USE OF PROCEEDS.—Any cash equalization payment received by the Secretary under paragraph (3) shall be deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)). Amounts so deposited shall be available to the Secretary, without further appropriation and until expended, for the acquisition of land and interests in land in southern Arizona.

(c) PROTECTION OF VALID EXISTING RIGHTS.—The exchange of the Federal land and the non-Federal land shall be subject to any easements, rights-of-way, and other valid encumbrances on the land in existence on the date of enactment of this Act.

(d) TIME FOR COMPLETION OF EXCHANGE.—The exchange of the Federal land and non-Federal land under this section shall be completed—

(1) except as provided in paragraph (2), not later than one year after the date of the enactment of this Act; or

(2) if there is a dispute concerning an appraisal of the Federal land or non-Federal land or appraisal issue arising under subsection (b), before the expiration of the 90-day period beginning on the date the dispute is resolved.

(e) ADMINISTRATIVE COSTS.—As a condition of the conveyance of the Federal land to the landowner, the landowner shall pay the costs of carrying out the exchange of the Federal land and non-Federal land under this section, including any direct costs relating to any environmental reviews and mitigation of the Federal land.

(f) CORRECTION OF ERRORS; MINOR BOUNDARY ADJUSTMENTS.—The Secretary and landowner may mutually agree—

(1) to correct minor errors in the legal descriptions of the Federal land and non-Federal land to be exchanged under this section; or

(2) to make minor adjustments to the boundaries of the Federal land and non-Federal land.

(g) ROAD ACCESS.—Not later than 18 months after the date on which the non-Federal land is acquired by the Secretary, the Secretary shall provide to the Secretary of Agriculture a right-of-way through the non-Federal land for motorized public road access to the boundary of the Coronado National Forest. The right-of-way shall be provided in accordance with section 507 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1767).

(h) ADMINISTRATION OF LAND ACQUIRED BY THE UNITED STATES.—On acquisition of the non-Federal land by the Secretary, the Secretary shall—

(1) include the acquired land as part of the Las Cienegas National Conservation Area; and

(2) administer the acquired land in accordance with Public Law 106–538 (16 U.S.C. 4600oo et seq.), which established the Las Cienegas National Conservation Area, and other applicable laws.

SEC. 4. MODIFICATION OF LAS CIENEGAS NATIONAL CONSERVATION AREA BOUNDARY.

The boundary of the Las Cienegas National Conservation Area is modified to exclude the 40-acre tract that, as of the date of the enactment of this Act, is leased by the Bureau of Land Management to the town of Elgin, Arizona, for a sanitary landfill.

SEC. 5. LAND CONVEYANCE, PIMA COUNTY, ARIZONA.

As an additional condition of the conveyance of the Federal land to the landowner under section 3, the landowner shall convey, without consideration, to Pima County, Arizona, a parcel of land consisting of approximately 98 acres, as depicted on the map referred to in section 2(1) as “land to be conveyed to Pima County”.

PURPOSE OF THE BILL

The purpose of H.R. 5016 is to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 5016 would consolidate Bureau of Land Management (BLM) lands within a national conservation area. The Las Cienegas National Conservation Area (NCA) is located 50 miles south of Tucson, Arizona, and was created by an act of Congress in 2000 sponsored by Congressman Jim Kolbe. The NCA consists of 42,000 acres managed by the BLM. The legislation convey 2,490 acres of private land, known as the Empirita-Simonson property and located within the boundary of the NCA, to the BL for inclusion in the NCA. This land would be exchanged for 1,280 acres of isolated BLM land desired by the private property owner of the Empirita-Simonson property.

The bill would also modify the boundary of the Las Cienegas National Conservation Area to exclude a 40 acre tract of land for a sanitary landfill. This area was inadvertently included in the original NCA boundary.

COMMITTEE ACTION

H.R. 5016 was introduced on March 28, 2006, by Congressman Jim Kolbe (R-AZ). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On April 5, 2006, the Subcommittee held a hearing on the bill. On July 19, 2006, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration by unanimous consent. Congressman Greg Walden (R-OR) offered an amendment in the nature of a substitute making minor substantive changes as requested by the BLM and the minority. It was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

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 Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, clause 3, and Article IV, section 3, clause 2 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has in-

cluded in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of H.R. 5016 could change offsetting receipts and associated direct spending, but “these effects would be less than \$500,000 and would largely offset each other over the next few years.”

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 5016—Las Cienegas Enhancement Act

H.R. 5016 would provide for an exchange of federal and private land near the Las Cienegas National Conservation Area in Arizona. CBO estimates that implementing the bill would have no significant effect on the federal budget. Implementing the bill could change offsetting receipts and associated direct spending, but we expect that these effects would be less than \$500,000 and would largely offset each other over the next few years. Enacting H.R. 5016 would not affect revenues.

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

Under H.R. 5016, the Bureau of Land Management (BLM) would convey about 1,280 acres of federal land to a private landowner in exchange for about 2,400 acres near the conservation area. The bill would provide that the value of the properties to be exchanged would be equalized by cash payment and that such payment could exceed 25 percent of the value of the federal property. (Under current law, a cash equalization payment received as part of a land exchange cannot exceed that amount.) Any payment received by the federal government would be deposited into BLM’s federal land disposal account and would be available, without further appropriation, to acquire land in southern Arizona.

Formal appraisals of the two properties have not been undertaken, but based on information provided by BLM, CBO estimates that the budgetary effects of the bill would be minimal. The federal government could receive a cash equalization payment (if the federal land is found to be more valuable than the private land), but we estimate that any such payment would be less than \$500,000. BLM would spend this amount, without further appropriation, over the next few years to acquire other Arizona lands.

According to BLM, the property to be conveyed by the federal government generates no significant offsetting receipts (a credit against direct spending) and is not expected to do so over the next

10 years. One-time administrative costs related to the exchange, such as appraisal and mapping expenses, would be paid by the private landowner. Finally, we estimate that any change in cost to manage the conservation areas after the exchange would be negligible.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

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.