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113TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
113–615

TRINITY COUNTY LAND EXCHANGE ACT OF 2014

NOVEMBER 12, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 3326]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3326) to provide for an exchange of land between the United States and the Trinity Public Utilities District of Trinity County, California, involving a parcel of National Forest System land in Shasta-Trinity National Forest, 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 "Trinity County Land Exchange Act of 2014".

SEC. 2. LAND EXCHANGE, TRINITY PUBLIC UTILITIES DISTRICT, TRINITY COUNTY, CALIFORNIA, THE BUREAU OF LAND MANAGEMENT, AND THE FOREST SERVICE.

(a) LAND EXCHANGE REQUIRED.—If not later than three years after enactment of this Act, the Utilities District conveys to the Secretary of the Interior all right, title, and interest of the Utilities District in and to Parcel A, subject to such terms and conditions as the Secretary of the Interior may require, the Secretary of Agriculture shall convey Parcel B to the Utilities District, subject to such terms and conditions as the Secretary of Agriculture may require, including the reservation of easements for all roads and trails considered to be necessary for administrative purposes and to ensure public access to National Forest System lands.

(b) AVAILABILITY OF MAPS AND LEGAL DESCRIPTIONS.—Maps are entitled "Trinity County Land Exchange Act of 2014 – Parcel A" and "Trinity County Land Exchange Act of 2014 – Parcel B", both dated March 24, 2014. The maps shall be on file and available for public inspection in the Office of the Chief of the Forest Service and the appropriate office of the Bureau of Land Management. With the agreement of the parties to the conveyances under subsection (a), the Secretary of the Interior and the Secretary of Agriculture may make technical corrections to the maps and legal descriptions.

(c) EQUAL VALUE EXCHANGE.—

(1) LAND EXCHANGE PROCESS.—The land exchange under this section shall be an equal value exchange. Except as provided in paragraph (3), the Secretary of the Interior and the Secretary of Agriculture shall carry out the land exchange in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) APPRAISAL OF PARCELS.—The values of Parcel A and Parcel B shall by determined by appraisals performed by a qualified appraiser mutually agreed to by the parties to the conveyances under subsection (a). The appraisals shall be approved by the Secretary of Interior and the Secretary of Agriculture and conducted in conformity with the Uniform Appraisal Standards for Federal Land.

(3) CASH EQUALIZATION.—If the values of Parcel A and Parcel B are not equal, the values may be equalized through the use of a cash equalization payment, however, if the final appraised value of Parcel A exceeds the value of Parcel B, the surplus value of Parcel A shall be considered to be a donation by the Utilities District. Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), a cash equalization payment may be made in excess of 25 percent of the appraised value of the Parcel B.

(d) DISPOSITION OF PROCEEDS.—Any cash equalization payment received by the United States under subsection (c) shall be deposited in the general fund of the Treasury to be used for deficit reduction.

(e) SURVEY.—The exact acreage and legal description of Parcel A and Parcel B shall be determined by a survey satisfactory to the Secretary of the Interior and the Secretary of Agriculture.

(f) COSTS.—As a condition of the land exchange under subsection (a), the Utilities District shall pay the costs associated with—

(1) the surveys described in subsection (e);

(2) the appraisals described in subsection (c)(2); and

(3) any other reasonable administrative or remediation cost determined by the Secretary of Agriculture.

(g) MANAGEMENT OF ACQUIRED LAND.—Upon the acquisition of Parcel A, the Secretary of the Interior, acting through the Redding Field Office of the Bureau of Land Management, shall administer Parcel A as public land in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and the laws and regulations applicable to public land administered by the Bureau of Land Management, except that public recreation and public access to and for recreation shall be the highest and best use of Parcel A.

(h) COMPLETION OF LAND EXCHANGE.—Once the Utilities District offers to convey Parcel A to the Secretary of the Interior, the Secretary of Agriculture shall complete the conveyance of Parcel B not later than one year after the date of enactment of this Act.

(i) DEFINITIONS.—For the purposes of this section:

(1) PARCEL A.—The term "Parcel A" means the approximately 47 acres of land, known as the "Sky Ranch parcel", adjacent to public land administered by the Redding Field Office of the Bureau of Land Management as depicted on the map entitled "Trinity County Land Exchange Act of 2014 – Parcel A", dated March 24, 2014, more particularly described as a portion of Mineral Survey 178, south Highway 299, generally located in the S1/2 of the S1/2 of Section 7 and the N1/2 of the N1/2 of Section 8, Township 33 North, Range 10 West, Mount Diablo Meridian.

(2) PARCEL B.—The term "Parcel B" means the approximately 100 acres land in the Shasta-Trinity National Forest in the State of California near the Weaverville Airport in Trinity County as depicted on the map entitled "Trinity County Land Exchange Act of 2014 – Parcel B" dated March 24, 2014, more particularly described as Lot 8, SW1/4 SE1/4, and S1/2 N1/2 SE, Section 31, Township 34 North, Range 9 West, Mount Diablo Meridian.

(3) UTILITIES DISTRICT.—The term "Utilities District" means the Trinity Public Utilities District of Trinity County, California.

PURPOSE OF THE BILL

The purpose of H.R. 3326 is to provide for an exchange of land between the United States and the Trinity Public Utilities District of Trinity County, California, involving a parcel of National Forest System land in Shasta-Trinity National Forest.

BACKGROUND AND NEED FOR LEGISLATION

Trinity Public Utilities District (TPUD) owns 47 acres adjacent to the Trinity River known as the "Sky Ranch" parcel that was identified for acquisition by the Bureau of Land Management (BLM) in the Redding Resource Management Plan. In 2010, TPUD proposed a land exchange that would have given the Sky Ranch parcel to BLM and a different parcel not affected by this legislation to the U.S. Forest Service (USFS) in exchange for a 100-acre parcel near Weaverville's airport that is owned by the USFS.

TPUD's acquisition of the 100-acre parcel would facilitate access to another 77-acre parcel that TPUD already owns. This consolidated parcel would have access to State Highway 3 and offer desperately needed land in the Weaverville area that TPUD will make available for commercial, residential and industrial development. Currently, less than 15 acres of land in the entire Weaverville Basin is available for commercial/industrial development.

In the 112th Congress, Congressman Wally Herger (R–CA) introduced legislation (H.R. 1237) that provided for this three party land exchange between TPUD, BLM, and USFS. The House of Representatives passed H.R. 1237 in July 2012, but the legislation was not considered in the Senate during that Congress.

H.R. 3326 provides for a land exchange in Trinity County, California, that would convey the 100-acre parcel owned by USFS for a 47-acre parcel owned by TPUD. Specifically, in exchange for the 100 acres, TPUD would convey the 47-acre Sky Ranch to BLM.

COMMITTEE ACTION

H.R. 3326 was introduced on October 23, 2013, by Congressman Jared Huffman (D–CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On September 9, 2014, the Subcommittee held a hearing on the bill. On September 18, 2014, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Doug LaMalfa (R–CA) offered an amendment designated .038 to the bill; the amendment was adopted by unanimous consent. The bill, as amended, was then adopted and 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.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under sec-

tion 402 of the Congressional Budget Act of 1974. 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. 3326—Trinity County Land Exchange Act of 2014

H.R. 3326 would require the Secretary of Agriculture to exchange 100 acres of federal land in California for 50 acres of land owned by the Trinity Public Utilities District (Utilities District). Based on information provided by the Forest Service, CBO estimates that implementing the legislation would increase offsetting receipts, which are treated as reductions in direct spending; therefore, pay-as-you-go procedures apply. However, we estimate that any increase in receipts under the bill would not be significant. Enacting H.R. 3326 would not affect revenues.

Under the bill, if the value of the federal lands that would be conveyed exceeds the value of the lands the Forest Service would receive, the Secretary could accept a cash payment of any size to equalize the values of the properties. Under current law, the Secretary can only exchange federal lands within a national forest for nonfederal lands located within that forest and cannot accept a cash equalization payment greater than 25 percent of the value of the federal lands exchanged.

Formal appraisals of the properties that are the subject of this legislation have not been completed. Based on information provided by the Forest Service, CBO estimates that the affected lands have similar values (roughly $3,000 per acre); however, because the Forest Service would convey twice as much acreage as it would receive under the bill, we estimate that the Utilities District would pay the Forest Service about $150,000 in 2015. Those amounts would be deposited in the U.S. Treasury as offsetting receipts. In addition, under the bill, the Utilities District would be responsible for any administrative costs associated with the conveyance.

H.R. 3326 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit the Trinity Public Utilities District in California. Any costs to the district resulting from the land exchange would be incurred voluntary.

The CBO staff contact for this estimate is Jeff LaFave. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of 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, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the Forest Service, CBO estimates that implementing the legislation would increase offsetting receipts, which are treated as reductions in direct spending by $150,000 in 2015.

3. 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 provide for an exchange of land between the United States and the Trinity Public Utilities District of Trinity County,

California, involving a parcel of National Forest System land in Shasta-Trinity National Forest.

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. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

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.

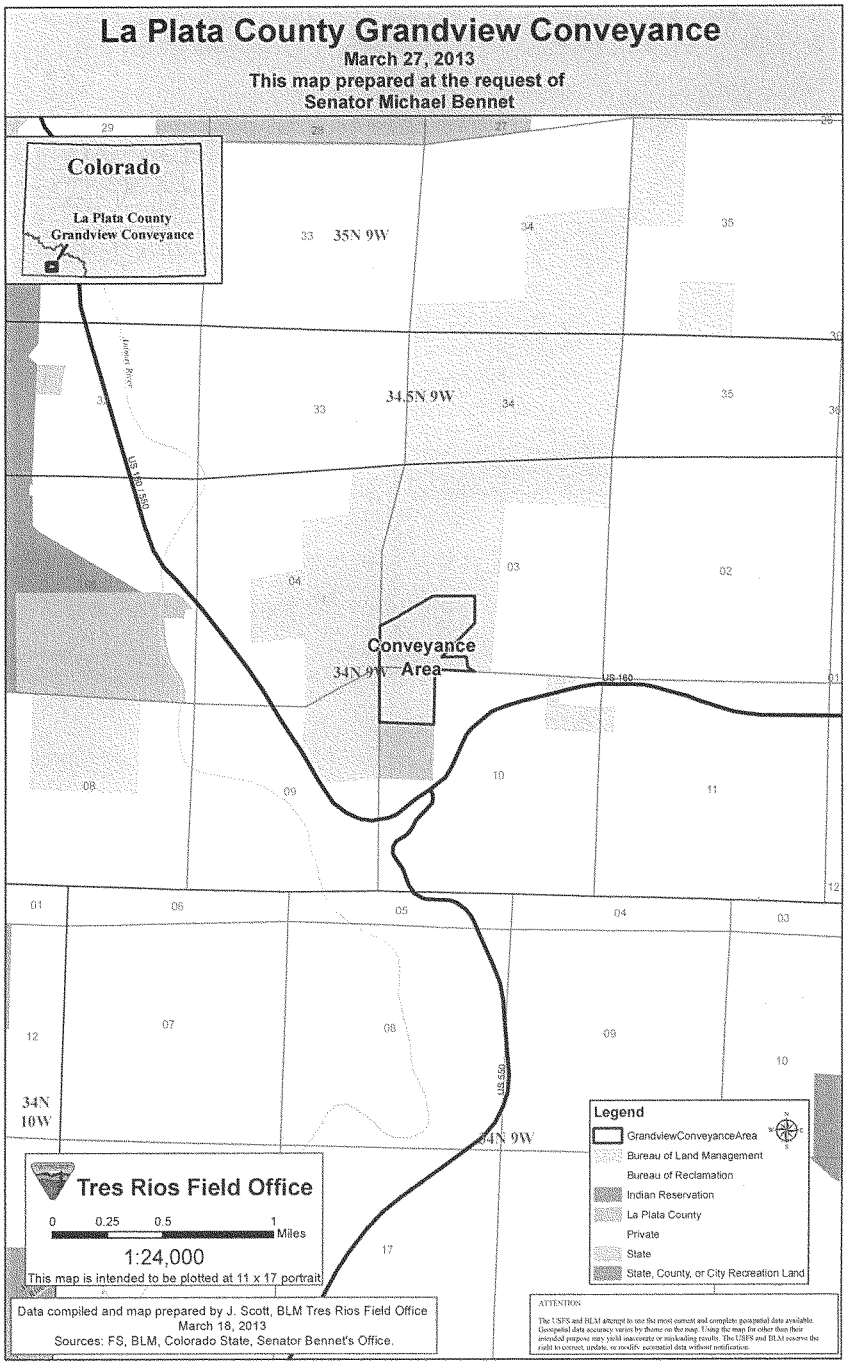
PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

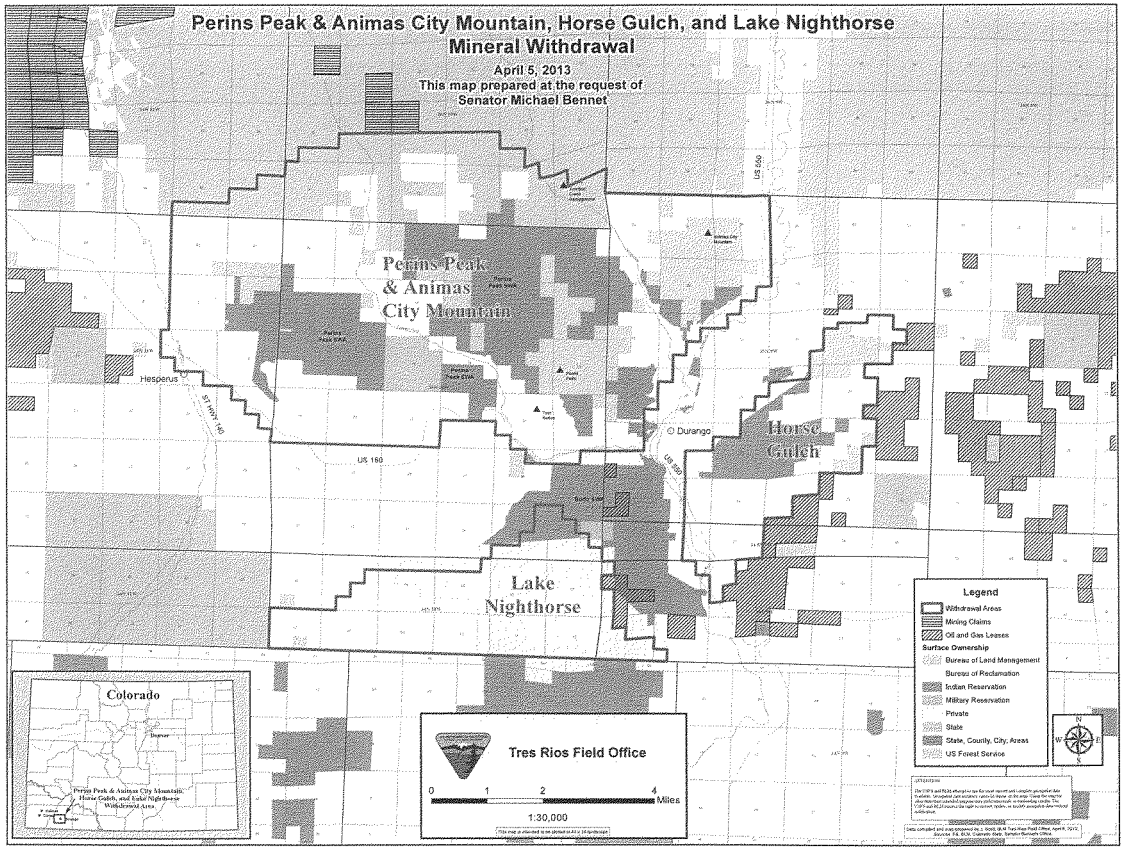
This bill is not intended to preempt any State, local or tribal law.

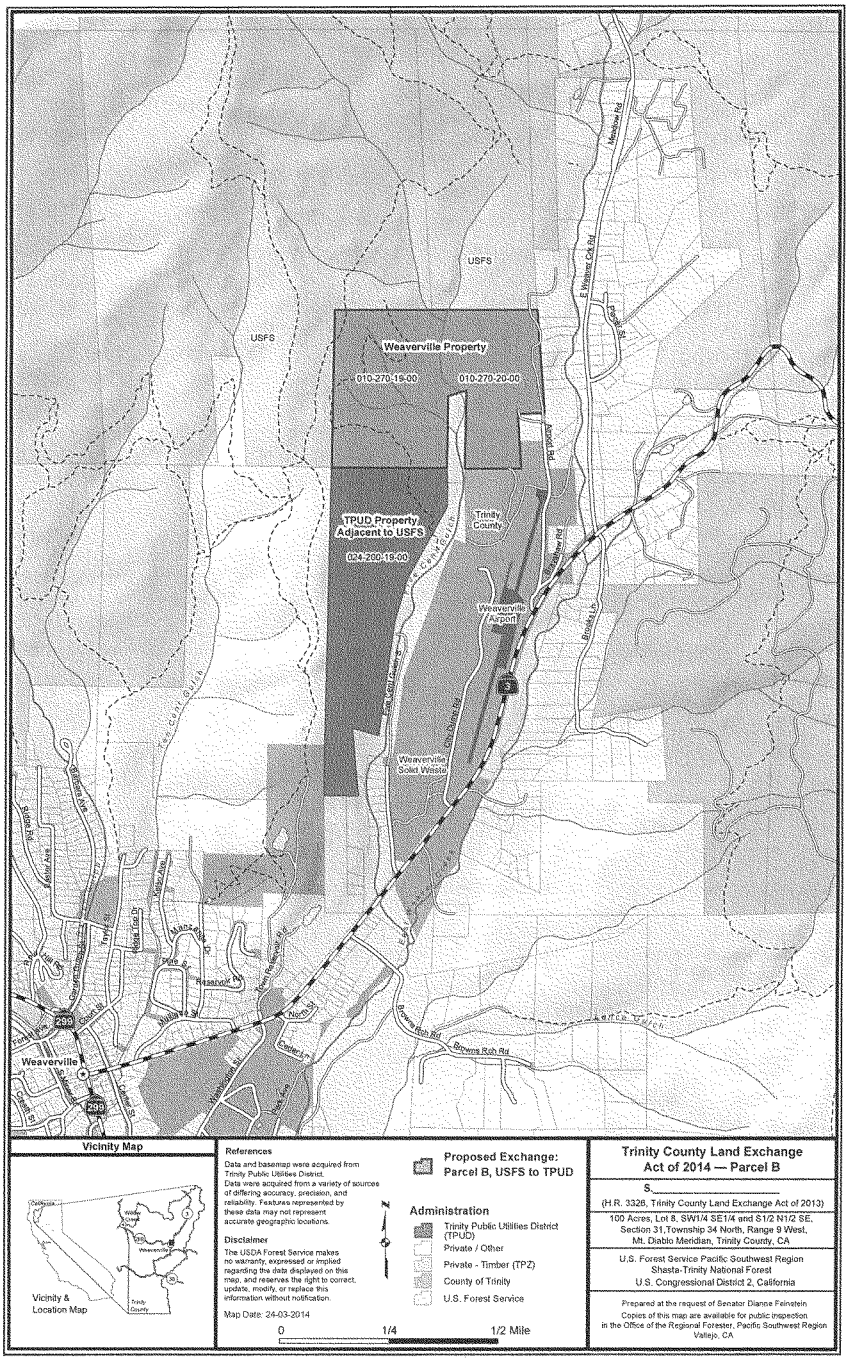
CHANGES IN EXISTING LAW

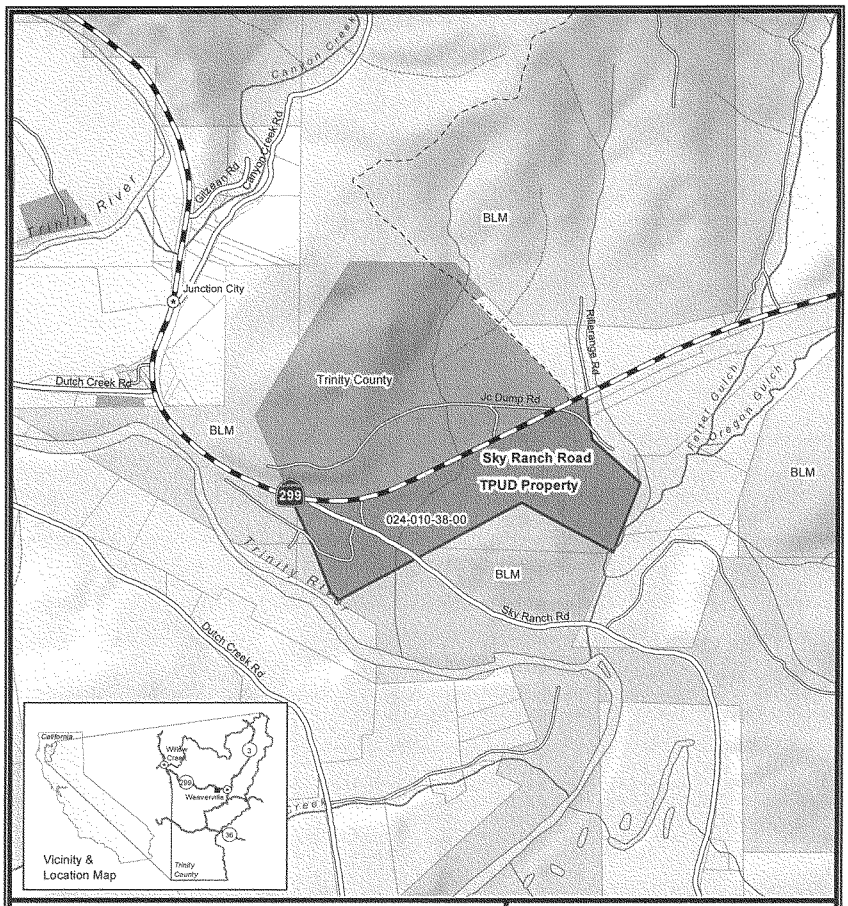
If enacted, this bill would make no changes in existing law.

APPENDIX I: MAPS


La Plata County Grandview Conveyance
March 27, 2013
This map prepared at the request of
Senator Michael Bennet
Colorado
La Plata County
Grandview Conveyance
35N 9W
34.5N 9W
34N 9W
34N
10W
Conveyance
Area
US 160
US 550
Animas River
Legend
GrandviewConveyanceArea
Bureau of Land Management
Bureau of Reclamation
Indian Reservation
La Plata County
Private
State
State, County, or City Recreation Land
Tres Rios Field Office
0 0.25 0.5 1 Miles
1:24,000
This map is intended to be plotted at 11 x 17 portrait
Data compiled and map prepared by J. Scott, BLM Tres Rios Field Office
March 18, 2013
Sources: FS, BLM, Colorado State, Senator Bennet's Office.
ATTENTION
The USFS and BLM attempt to use the most current and complete geospatial data available. Geospatial data accuracy varies by theme on the map. Using the map for other than their intended purpose may yield inaccurate or misleading results. The USFS and BLM reserve the right to correct, update, or modify geospatial data without notification.


Perins Peak & Animas City Mountain, Horse Gulch, and Lake Nighthorse
Mineral Withdrawal
April 5, 2013
This map prepared at the request of
Senator Michael Bennet
Perins Peak
& Animas
City Mountain
Horse
Gulch
Lake
Nighthorse
Hesperus
Durango
US 160
US 550
ST HWY 140
Legend
Withdrawal Areas
Mining Claims
Oil and Gas Leases
Surface Ownership
Bureau of Land Management
Bureau of Reclamation
Indian Reservation
Military Reservation
Private
State
State, County, City, Areas
US Forest Service
Colorado
Tres Rios Field Office
0
1
2
4
Miles
1:30,000
Perins Peak & Animas City Mountain, Horse Gulch, and Lake Nighthorse Withdrawal Area


Weaverville Property
010-270-15-00
010-270-20-00
TPUD Property Adjacent to USFS
024-260-19-00
USFS
USFS
Trinity County
Weaverville Airport
Weaverville Solid Waste
Weaverville
Vicinity Map
Vicinity & Location Map
References
Data and basemap were acquired from Trinity Public Utilities District.
Data were acquired from a variety of sources of differing accuracy, precision, and reliability. Features represented by these data may not represent accurate geographic locations.
Disclaimer
The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.
Map Date: 24-03-2014
Proposed Exchange: Parcel B, USFS to TPUD
Administration
Trinity Public Utilities District (TPUD)
Private / Other
Private - Timber (TPZ)
County of Trinity
U.S. Forest Service
0
1/4
1/2 Mile
Trinity County Land Exchange Act of 2014 — Parcel B
S.
(H.R. 3326, Trinity County Land Exchange Act of 2013)
100 Acres, Lot 8, SW1/4 SE1/4 and S1/2 N1/2 SE, Section 31,Township 34 North, Range 9 West, Mt. Diablo Meridian, Trinity County, CA
U.S. Forest Service Pacific Southwest Region
Shasta-Trinity National Forest
U.S. Congressional District 2, California
Prepared at the request of Senator Dianne Feinstein
Copies of this map are available for public inspection in the Office of the Regional Forester, Pacific Southwest Region Vallejo, CA



References

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0 1/8 1/4 Mile

Proposed Exchange: Parcel A, TPUD to BLM

Administration

- Private / Other
- County of Trinity
- Bureau of Land Mgmt.
- U.S. Forest Service

Map Date: 24-03-2014

Trinity County Land Exchange Act of 2014 — Parcel A

S._____

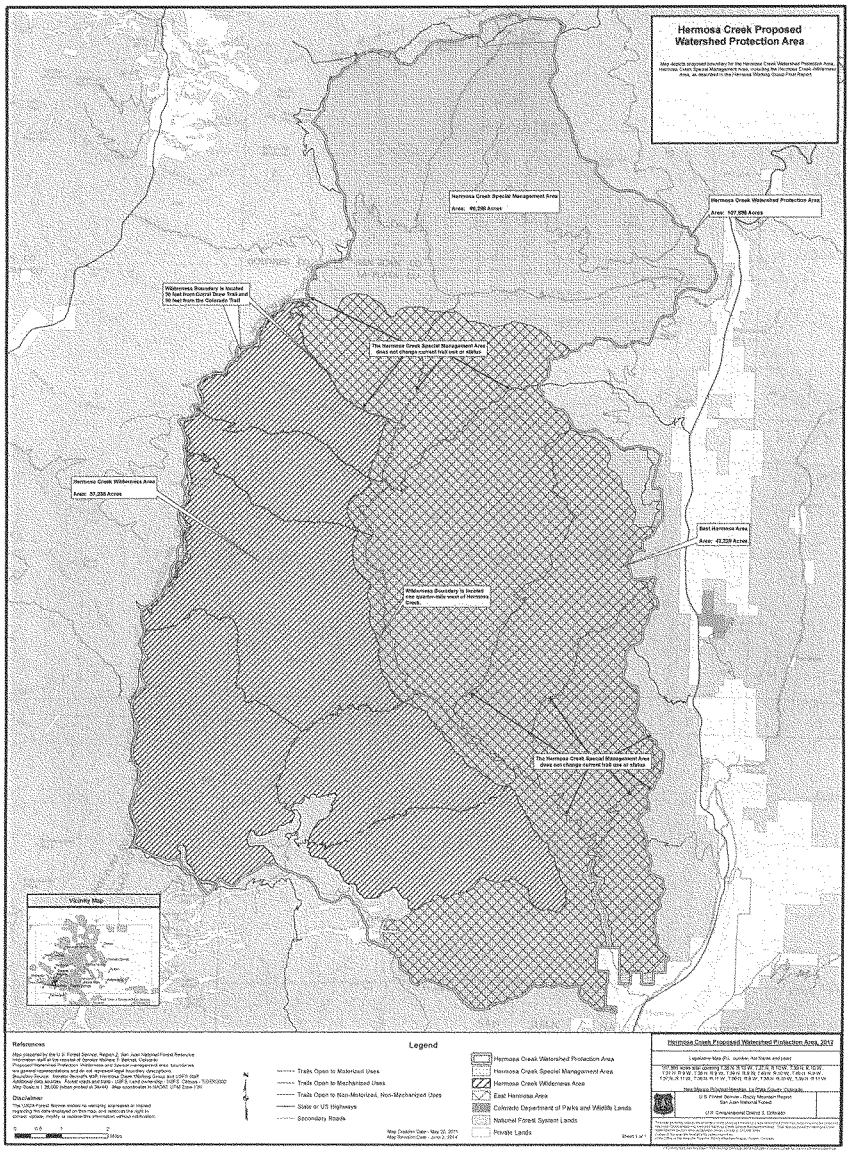
(H.R. 3326, Trinity County Land Exchange Act of 2013)

47 Acres, S1/2 of the S1/2 of Section 7 and the N1/2 of the N1/2 of Section 8,Township 33 North, Range 10 West,Mt. Diablo Meridian, Trinity County, CA

USDA Forest Service Pacific Southwest Region and Bureau of Land Management U.S. Congressional District 2, California

Prepared at the request of Senator Dianne Feinstein

Copies of this map are available for public inspection in the Office of the Regional Forester, Pacific Southwest Region, Vallejo, CA


Hermosa Creek Proposed Watershed Protection Area
Map depicts proposed boundary for the Hermosa Creek Watershed Protection Area, Hermosa Creek Special Management Area, including the Hermosa Creek Wilderness Area, as described in the Hermosa Working Group Final Report.
Hermosa Creek Special Management Area
Area: 49,280 Acres
Hermosa Creek Watershed Protection Area
Area: 107,990 Acres
Wilderness Boundary is located 50 feet from Colorado Trail and 50 feet from the Colorado Trail
The Hermosa Creek Special Management Area does not change current trail use or status
Hermosa Creek Wilderness Area
Area: 57,250 Acres
East Hermosa Area
Area: 42,220 Acres
Wilderness Boundary is located one quarter-mile west of Hermosa Creek
The Hermosa Creek Special Management Area does not change current trail use or status
Vicinity Map
References
Map prepared by the U.S. Forest Service, Region 2, San Juan National Forest Resource Information staff at the request of Denise Wolfers, Durango, Colorado.
Map depicts proposed boundary for the Hermosa Creek Watershed Protection Area, boundaries are the general representations and do not represent legal boundaries.
Shapefiles Source: Renato Benatti, staff, Hermosa Creek Working Group and USFS GIS staff
Additional data sources: Forest roads and trails - USFS; Land ownership - NIFS; Contours - 10/3/2000
Map Scale is 1:36,000 (when printed on 24x44) Map coordinates in NAD83 UTM Zone 13N
Disclaimer
The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or delete this information without notification.
0 0.5 1 2 Miles
Legend
Trails Open to Motorized Uses
Trails Open to Mechanized Uses
Trails Open to Non-Motorized, Non-Mechanized Uses
State or US Highways
Secondary Roads
Hermosa Creek Watershed Protection Area
Hermosa Creek Special Management Area
Hermosa Creek Wilderness Area
East Hermosa Area
Colorado Department of Parks and Wildlife Lands
National Forest System Lands
Private Lands
Map Creation Date - May 20, 2011
Map Revision Date - June 2, 2014
Sheet 1 of 1
Hermosa Creek Proposed Watershed Protection Area, 2012
Legislative Map (Pt. number, Act Name and year)
107,990 acres total (currently 1 [illegible] 6 [illegible] 7 [illegible] 8 [illegible] 9 [illegible] 10 [illegible] 11 [illegible] 12 [illegible] 13 [illegible] 14 [illegible] 15 [illegible] 16 [illegible] 17 [illegible] 18 [illegible] 19 [illegible] 20 [illegible] 21 [illegible] 22 [illegible] 23 [illegible] 24 [illegible] 25 [illegible] 26 [illegible] 27 [illegible] 28 [illegible] 29 [illegible] 30 [illegible] 31 [illegible] 32 [illegible] 33 [illegible] 34 [illegible] 35 [illegible] 36 [illegible] 37 [illegible] 38 [illegible] 39 [illegible] 40 [illegible] 41 [illegible] 42 [illegible] 43 [illegible] 44 [illegible] 45 [illegible] 46 [illegible] 47 [illegible] 48 [illegible] 49 [illegible] 50 [illegible] 51 [illegible] 52 [illegible] 53 [illegible] 54 [illegible] 55 [illegible] 56 [illegible] 57 [illegible] 58 [illegible] 59 [illegible] 60 [illegible] 61 [illegible] 62 [illegible] 63 [illegible] 64 [illegible] 65 [illegible] 66 [illegible] 67 [illegible] 68 [illegible] 69 [illegible] 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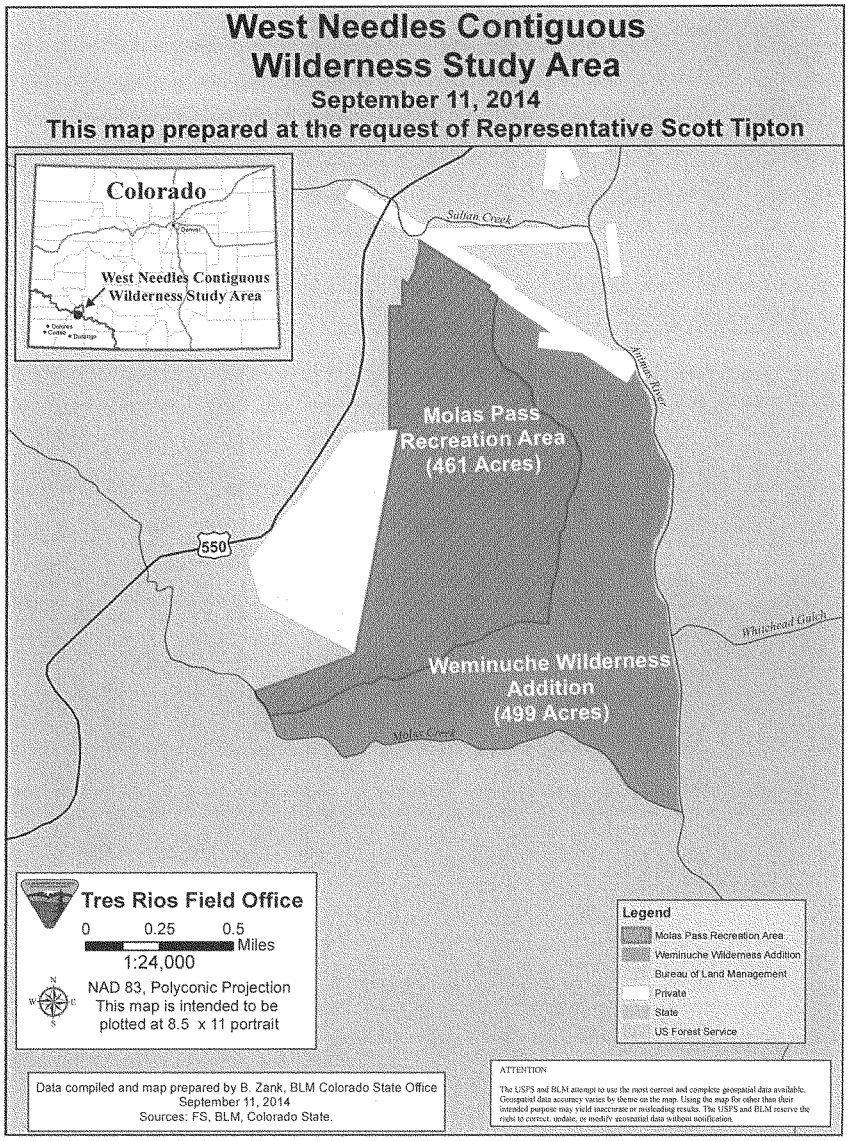
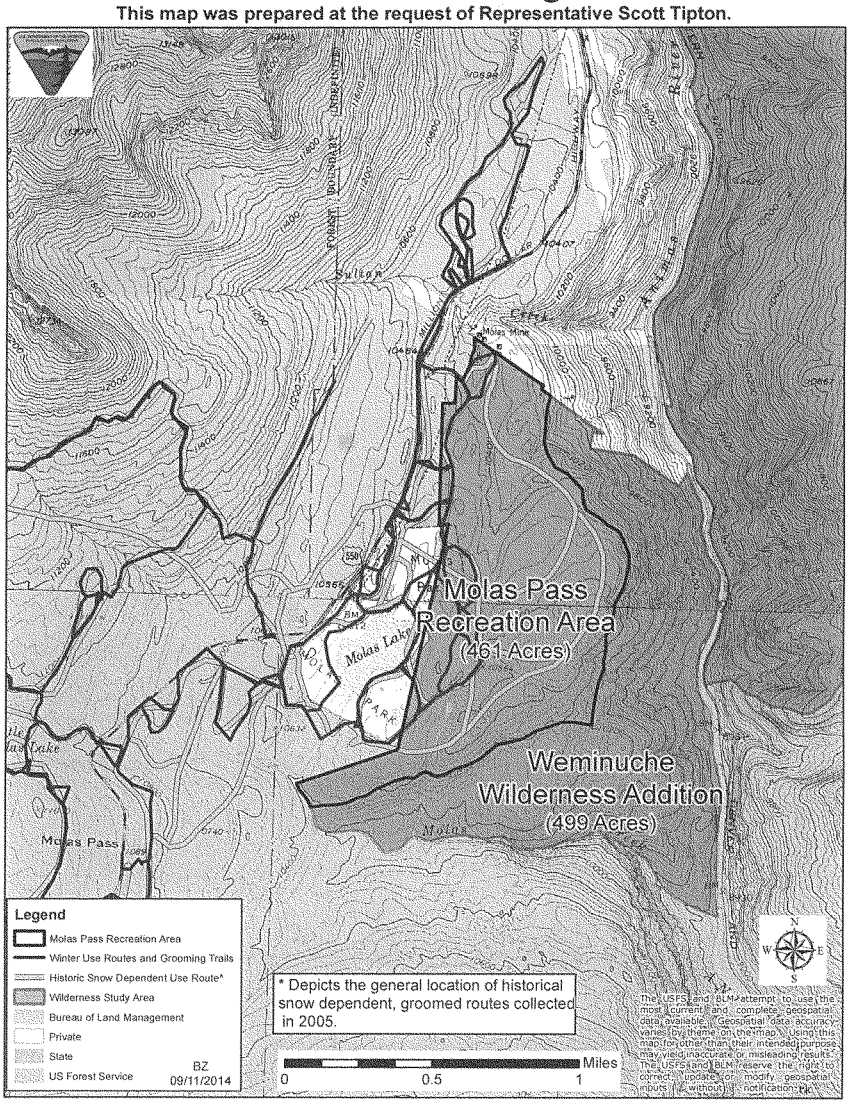

West Needles Contiguous
Wilderness Study Area
September 11, 2014
This map prepared at the request of Representative Scott Tipton
Colorado
West Needles Contiguous
Wilderness Study Area
Sultan Creek
Animas River
Molas Pass
Recreation Area
(461 Acres)
550
Whitehead Gulch
Weminuche Wilderness
Addition
(499 Acres)
Molas Creek
Tres Rios Field Office
0 0.25 0.5
Miles
1:24,000
NAD 83, Polyconic Projection
This map is intended to be
plotted at 8.5 x 11 portrait
Legend
Molas Pass Recreation Area
Weminuche Wilderness Addition
Bureau of Land Management
Private
State
US Forest Service
Data compiled and map prepared by B. Zank, BLM Colorado State Office
September 11, 2014
Sources: FS, BLM, Colorado State.
ATTENTION
The USFS and BLM attempt to use the most current and complete geospatial data available. Geospatial data accuracy varies by theme on the map. Using the map for other than their intended purpose may yield inaccurate or misleading results. The USFS and BLM reserve the right to correct, update, or modify geospatial data without notification.

Winter Use Routes and Grooming Trails - 9/11/2014

This map was prepared at the request of Representative Scott Tipton.