

## Calendar No. 55

115TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
115-41

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### CLARIFICATION TO THE NORTHERN ARIZONA LAND EXCHANGE AND VERDE RIVER BASIN PARTNERSHIP ACT OF 2005

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MAY 3, 2017.—Ordered to be printed

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Ms. MURKOWSKI, from the Committee on Energy and Natural  
Resources, submitted the following

## R E P O R T

[To accompany S. 466]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 466) to clarify the description of certain Federal land under the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005 to include additional land in the Kaibab National Forest, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

### PURPOSE

The purpose of S. 466 is to clarify the description of certain Federal land under the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005 to include additional land in the Kaibab National Forest.

### BACKGROUND AND NEED

S. 466 clarifies the description of one parcel of land that was authorized for conveyance in the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005 (Public Law 109-110; 119 Stat. 2356). The 2005 legislation provided for the conveyance of 237.5 acres from the U.S. Forest Service (USFS) to Young Life for a camp near Williams, Arizona. Although the legislation described the 237.5-acre parcel (section 104(a)(5)), the map referenced in the same section erroneously depicted only 212.5 acres.

The 2005 Act provided that “in the case of any discrepancy between a map and legal description, the map shall prevail unless the Secretary and Yavapai Ranch agree otherwise.” (Public Law

109–110, section 102(a)(4)(B)). Despite the statutory authority to reconcile the description with the map, the Secretary of Agriculture has taken the position that the USFS lacks the legal authority to convey more than the 212.5 acres identified on the map. S. 466 amends the legal description to add the 25 acres and clarify that the USFS has the authority to convey the full 237.5 acres that was described in the text of the 2005 legislation.

#### LEGISLATIVE HISTORY

Senators Flake and McCain introduced S. 466 on January 5, 2017.

In the 114th Congress, Senators Flake and McCain introduced similar legislation, S. 1592, on June 17, 2015. The Subcommittee on Public Lands, Forests, and Mining held a hearing on the bill on October 8, 2015. On November 19, 2015, the Committee on Energy and Natural Resources met in open business session and ordered S. 1592 favorably reported without amendment.

The measure was included in Amendment No. 3234, which the Senate agreed to on April 19, 2016, as an amendment to S. 2012, the Energy Policy Modernization Act of 2016, which the Senate passed, as amended, on April 20, 2016.

The Committee on Energy and Natural Resources met in open business session on March 30, 2017, and ordered S. 466 favorably reported.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on March 30, 2017, by a majority voice vote of a quorum present, recommends that the Senate pass S. 466.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* amends section 104(a)(5) of the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005 (Public Law 109–110; 119 Stat. 2356) to clarify that the description of the Federal land to be conveyed to Yavapai Ranch as part of the land exchange includes the 25 acres referenced in this section.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office: S. 466 would amend current law to clarify that the Secretary of Agriculture is authorized to convey about 238 acres of federal land to a summer camp in Arizona. Under current law, the Secretary is authorized to convey 212 acres to the camp.

Based on information provided by the Forest Service, CBO estimates that implementing the legislation would not affect the federal budget. Because CBO expects that the acreage that could be conveyed under the bill would not generate any income over the next 10 years, enacting S. 466 would not affect direct spending. Enacting the bill also would not affect revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 466 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year period beginning in 2028.

S. 466 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would modify the terms of a land exchange between the federal government and a private business, which would have a small incidental effect on property taxes collected by the state and local governments in Arizona. That effect, however, would not result from an intergovernmental mandate as defined in UMRA.

The CBO staff contacts for this estimate are Jeff LaFave (for federal costs) and Jon Sperl (for intergovernmental mandates). The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 466. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 466, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

S. 466, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

#### EXECUTIVE COMMUNICATIONS

Because S. 466 is similar to legislation considered by the Committee in the 114th Congress, the Committee did not request Executive Agency views. The testimony provided by the USFS at the hearing before the Subcommittee on Public Lands, Forests, and Mining on October 8, 2015, follows:

STATEMENT OF GLENN CASAMASSA, ASSOCIATE DEPUTY  
CHIEF, NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE,  
U.S. DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 414, S. 1592, and S. 2069.

S. 1592, "A BILL TO CLARIFY THE DESCRIPTION OF CERTAIN FEDERAL LAND UNDER THE NORTHERN ARIZONA LAND EXCHANGE AND VERDE RIVER BASIN PARTNERSHIP ACT OF 2005 TO INCLUDE ADDITIONAL LAND IN THE KAIBAB NATIONAL FOREST"

S. 1592 would authorize the Secretary of Agriculture to convey an additional 25 acres to Young Life Lost Canyon Organizational Camp. The Department can support enactment of S. 1592, if a technical amendment is included that would provide an easement for a proposed extension for the Water Storage Tank Road.

This legislation clarifies the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005. The original Act authorized a land exchange with Yavapai Ranch and the United States that was not completed. The Act also authorized the sale of a parcel of National Forest System lands to Young Life Lost Canyon Organizational Camp on the Kaibab National Forest. The legislative map referenced by the Act for the Young Life private property showed an area of only approximately 212 acres to be conveyed, instead of the approximately 237.5 acres stated in the Act. The area shown on the legislative map excluded a particular 25-acre parcel. Because the legislative map controlled over the reference to approximately 237.5 acres, the Act did not authorize conveyance of the 25-acre parcel excluded by the map. S. 1592 was introduced to clarify that conveyance of the 25-acre parcel is also authorized, allowing the United States to convey a total of approximately 237.5 acres to Young Life.

In summary, S. 1592 would resolve the disparity between the legislative map and the total acreage authorized for conveyance, allowing the Secretary to proceed with the direct sale of a total of approximately 237.5 acres to Young Life Lost Canyon Organizational Camp. In order to ensure agreement between the acreage and the legal description, the Agency is willing to provide additional technical assistance to the Committee, and wants to work with the Committee to include the easement for the Water Tank Road Extension.

We look forward to working with the Committee and the Sponsor to resolve these issues.

This concludes my remarks. I would be happy to answer any questions. Thank you for the opportunity to testify.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the original bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**NORTHERN ARIZONA LAND EXCHANGE AND VERDE  
RIVER BASIN PARTNERSHIP ACT OF 2005**

\* \* \* \* \*

**SEC. 104. DESCRIPTION OF FEDERAL LAND.**

(a) IN GENERAL.—The Federal land referred to in this title consists of the following:

\* \* \*

(5) Certain land located in the Kaibab National Forest, comprising approximately 237.5 acres, as generally depicted on the map entitled “Yavapai Ranch Land Exchange, Younglife Lost Canyon”, dated August 2004, *which, notwithstanding section 102(a)(4)(B), includes the N 1/2, NE 1/4, SW 1/4, SW 1/4, the N 1/2, N 1/2, SE 1/4, SW 1/4, and the N 1/2, N 1/2, SW 1/4, SE 1/4, sec. 34, T. 22 N., R. 2 E., Gila and Salt River Meridian, Coconino County, comprising approximately 25 acres.*

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