

116TH CONGRESS
1ST SESSION

S. 308

To direct the Secretary of the Interior to convey certain Federal lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain non-Federal lands, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2019

Mrs. FEINSTEIN (for herself and Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To direct the Secretary of the Interior to convey certain Federal lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain non-Federal lands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Santa Ana River Wash
5 Plan Land Exchange Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) CONSERVATION DISTRICT.—The term “Con-
2 servation District” means the San Bernardino Valley
3 Water Conservation District, a political subdivision
4 of the State of California.

5 (2) FEDERAL EXCHANGE PARCEL.—The term
6 “Federal exchange parcel” means the approximately
7 90 acres of Federal land administered by the Bu-
8 reau of Land Management generally depicted as
9 “BLM Equalization Land to SBVWCD” on the Map
10 and is to be conveyed to the Conservation District
11 if necessary to equalize the fair market values of the
12 lands otherwise to be exchanged.

13 (3) FEDERAL LAND.—The term “Federal land”
14 means the approximately 327 acres of Federal land
15 administered by the Bureau of Land Management
16 generally depicted as “BLM Land to SBVWCD” on
17 the Map.

18 (4) MAP.—The term “Map” means the map en-
19 titled “Santa Ana River Wash Land Exchange” and
20 dated September 3, 2015.

21 (5) NON-FEDERAL EXCHANGE PARCEL.—The
22 term “non-Federal exchange parcel” means the ap-
23 proximately 59 acres of land owned by the Conserva-
24 tion District generally depicted as “SBVWCD
25 Equalization Land” on the Map and is to be con-

1 veyed to the United States if necessary to equalize
2 the fair market values of the lands otherwise to be
3 exchanged.

4 (6) NON-FEDERAL LAND.—The term “non-Fed-
5 eral Land” means the approximately 310 acres of
6 land owned by the Conservation District generally
7 depicted as “SBVWCD Land to BLM” on the Map.

8 (7) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 **SEC. 3. EXCHANGE OF LAND; EQUALIZATION OF VALUE.**

11 (a) EXCHANGE AUTHORIZED.—Notwithstanding the
12 land use planning requirements of sections 202, 210, and
13 211 of the Federal Land Policy and Management Act of
14 1976 (43 U.S.C. 1712, 1720, 1721), subject to valid exist-
15 ing rights, and conditioned upon any equalization payment
16 necessary under section 206(b) of the Federal Land Policy
17 and Management Act of 1976 (43 U.S.C. 1716(b)), and
18 subsection (b), as soon as practicable, but not later than
19 2 years after the date of enactment of this Act, if the Con-
20 servation District offers to convey the exchange land to
21 the United States, the Secretary shall—

22 (1) convey to the Conservation District all
23 right, title, and interest of the United States in and
24 to the Federal land, and any such portion of the

1 Federal exchange parcel as may be required to
2 equalize the values of the lands exchanged; and

3 (2) accept from the Conservation District a
4 conveyance of all right, title, and interest of the
5 Conservation District in and to the non-Federal
6 land, and any such portion of the non-Federal ex-
7 change parcel as may be required to equalize the val-
8 ues of the lands exchanged.

9 (b) EQUALIZATION PAYMENT.—To the extent an
10 equalization payment is necessary under section 206(b) of
11 the Federal Land Policy and Management Act of 1976
12 (43 U.S.C. 1716(b)), the amount of such equalization pay-
13 ment shall first be made by way of in-kind transfer of such
14 portion of the Federal exchange parcel to the Conservation
15 District, or transfer of such portion of the non-Federal
16 exchange parcel to the United States, as the case may be,
17 as may be necessary to equalize the fair market values
18 of the exchanged properties. The fair market value of the
19 Federal exchange parcel or non-Federal exchange parcel,
20 as the case may be, shall be credited against any required
21 equalization payment. To the extent such credit is not suf-
22 ficient to offset the entire amount of equalization payment
23 so indicated, any remaining amount of equalization pay-
24 ment shall be treated as follows:

1 (1) If the equalization payment is to equalize
2 values by which the Federal land exceeds the non-
3 Federal land and the credited value of the non-Fed-
4 eral exchange parcel, Conservation District may
5 make the equalization payment to the United States,
6 notwithstanding any limitation regarding the
7 amount of the equalization payment under section
8 206(b) of the Federal Land Policy and Management
9 Act of 1976 (43 U.S.C. 1716(b)). In the event Con-
10 servation District opts not to make the indicated
11 equalization payment, the exchange shall not pro-
12 ceed.

13 (2) If the equalization payment is to equalize
14 values by which the non-Federal land exceeds the
15 Federal land and the credited value of the Federal
16 exchange parcel, the Secretary shall order the ex-
17 change without requirement of any additional equali-
18 zation payment by the United States to the Con-
19 servation District.

20 (c) APPRAISALS.—

21 (1) The value of the land to be exchanged
22 under this Act shall be determined by appraisals
23 conducted by one or more independent and qualified
24 appraisers.

1 (2) The appraisals shall be conducted in accord-
2 ance with nationally recognized appraisal standards,
3 including, as appropriate, the Uniform Appraisal
4 Standards for Federal Land Acquisitions and the
5 Uniform Standards of Professional Appraisal Prac-
6 tice.

7 (d) TITLE APPROVAL.—Title to the land to be ex-
8 changed under this Act shall be in a format acceptable
9 to the Secretary and the Conservation District.

10 (e) MAP AND LEGAL DESCRIPTIONS.—As soon as
11 practicable after the date of enactment of this Act, the
12 Secretary shall finalize a map and legal descriptions of all
13 land to be conveyed under this Act. The Secretary may
14 correct any minor errors in the map or in the legal descrip-
15 tions. The map and legal descriptions shall be on file and
16 available for public inspection in appropriate offices of the
17 Bureau of Land Management.

18 (f) COSTS OF CONVEYANCE.—As a condition of con-
19 veyance, any costs related to the conveyance under this
20 Act shall be paid by the Conservation District.

21 **SEC. 4. APPLICABLE LAW.**

22 (a) ACT OF FEBRUARY 20, 1909.—

23 (1) The Act of February 20, 1909 (35 Stat.
24 641), shall not apply to the Federal land and any
25 public exchange land transferred under this Act.

1 (2) The exchange of lands under this Act shall
2 be subject to continuing rights of the Conservation
3 District under the Act of February 20, 1909 (35
4 Stat. 641), on the non-Federal land and any ex-
5 changed portion of the non-Federal exchange parcel
6 for the continued use, maintenance, operation, con-
7 struction, or relocation of, or expansion of, ground-
8 water recharge facilities on the non-Federal land, to
9 accommodate groundwater recharge of the Bunker
10 Hill Basin to the extent that such activities are not
11 in conflict with any Habitat Conservation Plan or
12 Habitat Management Plan under which such non-
13 Federal land or non-Federal exchange parcel may be
14 held or managed.

15 (b) FLPMA.—Except as otherwise provided in this
16 Act, the Federal Land Policy and Management Act of
17 1976 (43 U.S.C. 1701 et seq.), shall apply to the exchange
18 of land under this Act.

19 **SEC. 5. CANCELLATION OF SECRETARIAL ORDER 241.**

20 Secretarial Order 241, dated November 11, 1929
21 (withdrawing a portion of the Federal land for an
22 unconstructed transmission line), is terminated and the
23 withdrawal thereby effected is revoked.

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