

EXCHANGE OF LANDS WITH THE WATER CONSERVANCY  
DISTRICT OF WASHINGTON COUNTY, UTAH

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NOVEMBER 6, 1995.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

REPORT

[To accompany H.R. 1838]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1838) to provide for an exchange of lands with the Water Conservancy District of Washington County, Utah, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1838 is to provide for an exchange of Federal lands for private lands with the Water Conservancy District of Washington County, Utah.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1838 will allow the Water Conservancy District of Washington County, Utah, and the Department of the Interior to achieve a number of high priority objectives. As a result of the legislation, the Conservancy District will be authorized to acquire lands needed for the proposed Sand Hollow offstream water storage reservoir and lands inundated by the existing Quail Creek Reservoir and other lands essential to reservoir operation.

In exchange, the Department of the Interior will receive lands known as the Bulloch site and other lands adjacent to Zion National Park, which are important to preserve instream flows and operation of the natural hydrograph of the North Fork of the Virgin River through the Park. Exchange of these lands is an essential component in the resolution of Zion National Park's water flow

agreement with the State of Utah. The exchange will also allow the Department of the Interior to acquire critical habitat for the desert tortoise, a threatened species under the Endangered Species Act.

The Bulloch reservoir site lies above Zion National Park and its acquisition has been a goal of the National Park Service for many years. Locating an alternative water storage site in Sand Hollow is a good faith effort by the Water District to accommodate this concern.

#### COMMITTEE ACTION

Congressman James V. Hansen introduced H.R. 1838 on June 14, 1995. The bill was referred to the Committee on Resources, and within the Committee, to the Subcommittee on National Parks, Forests and Lands. The Subcommittee held a hearing on various land exchange bills, including H.R. 1838, on July 20, 1995.

Consideration and mark-up of H.R. 1838 was held in the Subcommittee on October 17, 1995. The bill was ordered favorably reported to the Full Committee by voice vote. Full Committee consideration and mark-up of H.R. 1838 was held on October 25, 1995. The bill was ordered favorably reported to the House of Representatives by unanimous consent, without amendment.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Exchange of lands with the Water Conservancy District of Washington County, Utah*

Within 18 months of enactment of the H.R. 1838, the Water Conservancy District of Washington County, the State of Utah shall transfer all right, title and interest in the Bulloch site to the Department of the Interior and in exchange receive from the Department of the Interior the Sand Hollow Site, the Quail Creek Pipeline and Quail Creek Reservoir.

Water rights associated with the trade shall be subject to an agreement between the District and the Secretary of the Interior. Subject to valid existing rights, the mineral interests underlying the Sand Hollow Site, the Quail Creek Reservoir, and the Quail Creek Pipeline shall be withdrawn from disposition. Grazing shall continue on the Sand Hollow Site under the terms and conditions of existing Federal grazing leases or permits. If the District terminates the leases, they shall fully compensate the holders of the terminated leases or permits.

##### *Sec. 2. Equalization of values*

The value of the lands transferred out of Federal ownership shall be equal in value to the lands received by the Secretary of the Interior.

##### *Sec. 3. Management of lands acquired by United States*

Lands acquired by the Secretary of the Interior shall be administered according to laws generally applicable to public lands, including the Federal Land Policy Management Act of 1976.

*Sec. 4. National Environmental Policy Act of 1969*

The exchange of lands under H.R. 1838 is not subject to the National Environmental Policy Act of 1969.

*Sec. 5. Definitions*

This section defines seven terms used in the bill.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 1838 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) 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 H.R. 1838. However, clause 7(d) 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 section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirements of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 1838 does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 1838.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI 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 H.R. 1838 from the Director of the Congressional Budget Office.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, November 2, 1995.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1838, a bill to provide for an exchange of lands with the Water Conservancy District of Washington County, Utah, as ordered reported by the House Committee on Resources on October 25, 1995. CBO estimates that enacting H.R. 1838 could affect direct spending but that any change in direct spending would be less than \$500,000 per year. Therefore, pay-as-you-go procedures would apply to the bill.

H.R. 1838 would authorize the Secretary of the Interior to transfer approximately 3,520 acres of federal lands known as the Sand Hollow Site, the Quail Creek Pipeline, and the Quail Creek Reservoir to the Water Conservancy District of Washington County, Utah. The Water Conservancy District seeks to acquire these lands for its reservoir operation. In exchange, the Secretary would receive approximately 1,380 acres of a water storage reservoir site known as the Bulloch Site in Kane County, Utah, adjacent to Zion National Park. That land would help preserve instream flows of the Virgin River through the park.

The exchanges are to be of equal value. If, after appraisals are completed, further land is needed to equal the value of the federal lands, the bill would require that, to the extent possible, the Department of the Interior acquire lands in Washington County that are within desert tortoise habitat, acquire approximately 1,550 acres known as the Smith Site in Washington County adjacent to Zion National Park, and equalize the exchange with cash payments. CBO estimates that any cash payments made to equalize the value of lands exchanged would be negligible.

According to information from the Bureau of Land Management (BLM), the parcels of federal land to be exchanged generate less than \$1,000 annually in offsetting receipts from grazing permits and rights-of-way rent. BLM expects that the lands received in exchange would generate about the same small amounts of offsetting receipts.

The land exchange authorized by this bill would be entered into voluntarily by the Washington County Water Conservancy District and would be an equal value exchange. Therefore, CBO estimates that this bill would impose no costs on state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Victoria V. Heid, and Marjorie Miller.

Sincerely,

JAMES L. BLUM  
(For June E. O'Neill, Director).

## CHANGES IN EXISTING LAW

If enacted, H.R. 1838 would make no changes in existing law.

DEPARTMENTAL REPORTS

The Committee has received no departmental reports on H.R. 1838.

