

Committee on Natural Resources

Rob Bishop, Chairman
Mark-Up Memorandum

April 24, 2017

To: All Committee on Natural Resources Members

From: Majority Committee Staff – Aniela Butler
Subcommittee on Federal Lands (x 6-7736)

Mark-up: **H.R. 497 (Rep. Paul Cook)**, To direct the Secretary of the Interior to convey certain public lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain exchanged non-public lands, and for other purposes.
April 26 & 27, 2017; 1324 Longworth HOB.

H.R. 497 (Rep. Paul Cook), “Santa Ana River Wash Plan Land Exchange Act”

Summary of the Bill

H.R. 497, introduced by Representative Paul Cook (R-CA-08), is a bipartisan bill that exchanges 327 acres of Bureau of Land Management land for 310 acres of land currently owned by the San Bernardino Valley Water Conservation District for infrastructure development and water and habitat conservation.

Cosponsors

Rep. Pete Aguilar (D-CA-31)

Background

Beginning in 1993, stakeholders in the Upper Santa Ana Wash area began meeting to discuss comprehensive land use planning for the region.¹ After numerous discussions and more than 15 years of planning among the cities, county, mining companies, wildlife agencies, and water organizations, the coalition formed the Wash Plan Task Force and developed the Upper Santa Wash Land Management and Habitat Conservation Plan (Wash Plan). The Wash Plan covers 4,892 acres and identifies opportunities to expand existing aggregate mining operations to support new infrastructure developments; enhance water storage for the surrounding communities; and establish protected habitat for certain threatened and endangered plants and animals.²

¹ San Bernardino Valley Water Conservation District, “Upper Santa Ana Wash Land Management and Habitat Conservation Plan (Wash Plan)”, <http://www.sbvwd.org/our-projects/wash-plan.html?showall=&start=1>.

² Ibid.

H.R. 497 authorizes an exchange of 327 acres of Bureau of Land Management (BLM) land for 310 acres of land currently owned by the San Bernardino Valley Water Conservation District (SBVWCD). Since the 1930's, the land currently held by BLM has been withdrawn from mineral development for water conservation purposes. CEMEX and Robertson's Ready Mix currently own mining rights on land owned by SBVWCD and require the full implementation of the Wash Plan to expand their current mining operations. The exchange creates greater efficiency in the companies' mining operations by allowing SBVWCD to acquire the BLM land adjacent to the existing CEMEX and Robertson's Ready Mix aggregate mines. In exchange, BLM will acquire 310 acres of SBVWCD land that will consolidate checkerboard parcels to enhance water storage and conservation while protecting critical habitats for threatened and endangered species. In particular, the exchange will allow BLM to use their newly acquired land to recharge water in more than 77 basins in the area.³

The exchange facilitates a necessary component of the comprehensive Wash Plan to allow for aggregate mining to expand the growing construction industry in the region and meet increasing infrastructure demands. CEMEX and Robertson's Ready Mix estimate the bill will result in approximately \$8.5 million in new infrastructure projects and a \$36 million increase in annual payrolls from the new site.⁴ According to Inland Action, H.R. 497 will create numerous benefits for local infrastructure needs including "widening roads, [and] installing traffic controls, trails and water recharge projects."⁵

The San Bernardino Valley Water Conservation District, San Bernardino Valley Municipal Water District, San Bernardino County, the City of Highland, California, the City of Redlands, California, CEMEX, the Endangered Habitats League, Robertson's Ready Mix, and Inland Action all support the bill. Senator Dianne Feinstein (D-CA) introduced a Senate companion version, S. 357, on February 13, 2017.

Major Provisions

- Authorizes an equal value exchange of all right, title, and interest in land between the Secretary of the Interior and the San Bernardino Valley Water Conservation District within 2 years after the enactment of the bill
- Revokes Secretarial Order 241 from 1929 withdrawing a portion of land for an unconstructed transmission line and clarifies the applicability of the Act of February 20, 1909

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

Administration Position

The Administration position is unknown at this time.

³ Inland Action, March 2017, "Federal Legislative Advocacy", pg. 10

⁴ Ibid. Pg. 10.

⁵ Ibid. Pg. 9.

Anticipated Amendments

Rep. Paul Cook will offer an amendment making technical corrections to the bill.

Effect on Current Law

None.