

BLUE RIDGE PARKWAY AND TOWN OF BLOWING ROCK
LAND EXCHANGE ACT OF 2009

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JULY 24, 2009.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
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Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1121]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1121) to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes, 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 “Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- (2) TOWN.—The term “Town” means the Town of Blowing Rock in the State of North Carolina.
- (3) MAP.—The term “map” means the National Park Service map titled “Blue Ridge Parkway, Proposed Land Exchange with Town of Blowing Rock”, numbered “601/90,000A”, and dated “April, 2008”.
- (4) EXCHANGE.—The term “exchange” means the exchange of land authorized by section 3(a).

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—Subject to subsection (d), the Secretary may exchange approximately 20 acres of land within the boundary of the Blue Ridge Parkway that are generally depicted on the map as “Blowing Rock Reservoir”, for approximately 192

acres of land owned by the Town that are generally depicted on the map as “Town of Blowing Rock Exchange Lands”.

(b) MAP AVAILABILITY.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) TIMING.—The Secretary shall seek to complete the land exchange not later than three years after the date of the enactment of this Act.

(d) APPLICABLE LAWS; TERMS AND CONDITIONS.—The exchange shall be subject to—

(1) laws, regulations, and policies applicable to exchanges of land administered by the National Park Service, including those concerning land appraisals, equalization of values, and environmental compliance; and

(2) such terms and conditions as the Secretary considers appropriate.

(e) EQUALIZATION OF VALUES.—If the lands proposed for exchange are found to be not equal in value, the equalization of values may be achieved by adjusting the acreage amounts identified in subsection (a).

(f) BOUNDARY ADJUSTMENT.—Upon completion of the exchange, the Secretary shall adjust the boundary of the Blue Ridge Parkway to reflect the exchanged lands.

(g) ADMINISTRATION.—Lands acquired by the Secretary through the exchange shall be administered as part of the Blue Ridge Parkway in accordance with all applicable laws and regulations.

(h) FUTURE DISPOSITION OF PROPERTY.—If the Town desires to dispose of the reservoir property that is the subject of the exchange, the Secretary shall have the right of first refusal to acquire the property for the Blue Ridge Parkway.

PURPOSE OF THE BILL

The purpose of H.R. 1121 is to authorize the exchange of land between the Blue Ridge Parkway, a unit of the National Park System, and the Town of Blowing Rock, North Carolina.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1121 authorizes the exchange of approximately 20 acres of land within the Blue Ridge Parkway, containing the Blowing Rock Reservoir, for approximately 192 acres of nearby land owned by the Town of Blowing Rock, North Carolina.

This land exchange is supported by both the Town of Blowing Rock (the Town) and the National Park Service (NPS). The land containing the reservoir was willed to the federal government in 1908 upon the death of prominent local resident Moses Cone, but was held in trust until its actual donation in 1949. In the intervening years, Mr. Cone’s widow allowed the Town to remove water from a stream on the property and pipe it to the Town’s water system. The NPS issued the Town a Special Use Permit to construct a dam on the stream in 1955, creating a small reservoir.

Both parties agree that the best long-term resolution of the current situation would be to transfer the reservoir and its management to the Town, in exchange for other lands which support the mission and purposes of the Parkway.

The approximately 192 acre parcel to be acquired by the NPS is undeveloped land owned by the Town. It is desirable to the National Park Service because it will provide a buffer between the Blue Ridge Parkway and adjacent developed areas. It will also protect scenic views and enhance recreational opportunities on the Parkway.

COMMITTEE ACTION

H.R. 1121 was introduced on February 23, 2009 by Representative Virginia Foxx (R–NC). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On April

23, 2009, the Subcommittee held a hearing on the bill during which the Administration testified in favor of the legislation with several proposed amendments.

On July 9, 2009, the Subcommittee was discharged from further consideration of H.R. 1121 and the full Natural Resources Committee met to consider the bill. Subcommittee Chairman Grijalva (D-AZ) offered an amendment in the nature of a substitute to change the period in which the exchange should be completed to three years rather than two, to allow for the adjustment of exchanged acreage to equalize values, and to incorporate the correct map reference. The amendment was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides that this Act may be cited as the “ Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009.”

Section 2. Definitions

This section provides definitions for several terms referenced in the bill.

Section 3. Land exchange

Subsection 3(a) generally authorizes the Secretary of the Interior to exchange approximately 20 acres of land within the boundaries of the Blue Ridge Parkway for approximately 192 acres of land owned by the Town of Blowing Rock, North Carolina.

Subsection 3(b) provides that the National Park Service shall make the map of the exchanged lands available for public inspection in appropriate offices of the agency.

Subsection 3(c) provides that the Secretary shall seek to complete the exchange of lands within three years.

Subsection 3(d) requires that all laws, regulations, and policies regarding National Park Service land exchanges apply to this exchange; requires appropriate land appraisals, equalization of values, and environmental compliance; and allows the Secretary discretion to set other appropriate terms and conditions.

Subsection 3(e) provides that acreage of either parcel to be exchanged may be adjusted after appraisal to equalize values. This section was added in response to a suggestion from the Administration. The Committee’s intent in amending the bill to include this subsection is to ensure that the Department of the Interior has the appropriate mechanism to make an equitable exchange without requiring it to expend federal funds for Town lands.

Subsection 3(f) directs the Secretary to adjust the boundary of the parkway after the exchange is complete.

Subsection 3(g) requires that lands obtained by the National Park Service in the exchange be administered as part of the Blue Ridge Parkway in accordance with all applicable laws and regulations.

Subsection 3(h) provides that if the Town later chooses to dispose of the land received in the exchange, the Secretary has the right of first refusal to reacquire the land for the Blue Ridge Parkway.

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.

CONSTITUTIONAL AUTHORITY STATEMENT

Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) 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)(3)(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 section 402 of the Congressional Budget Act of 1974.

2. 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.

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 authorize the exchange of land between the Blue Ridge Parkway, a unit of the National Park System, and the Town of Blowing Rock, North Carolina.

4. Congressional Budget Office Cost Estimate. 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. 1121—Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009

H.R. 1121 would authorize the exchange of about 20 acres of federal land within the boundaries of the Blue Ridge Parkway in exchange for 192 acres of property owned by the town of Blowing Rock, North Carolina. Based on information provided by the National Park Service, which administers the parkway, CBO estimates that implementing H.R. 1121 would have no significant effect on discretionary spending and no effect on revenues or direct spending. We expect that the acreage to be added to the parkway (probably within the next three years) would remain open space.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

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

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 1121 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

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.