

Committee on Natural Resources

Rob Bishop, Chairman
Markup Memorandum

July 24, 2017

To: All Natural Resources Committee Members

From: Majority Committee Staff, Aniela Butler
Subcommittee on Federal Lands, (x6-7736)

Markup: **H.R. 1547 (Rep. Martha McSally)**, To provide for the unencumbering of title to non-Federal land owned by the city of Tucson, Arizona, for purposes of economic development by conveyance of the Federal reversionary interest to the City.
July 25 & 26, 2017; 1324 Longworth HOB.

H.R. 1547 (Rep. McSally), “Udall Park Land Exchange Completion Act”

Summary of the Bill

H.R. 1547, introduced by Rep. Martha McSally (R-AZ-02), is a bipartisan bill that conveys, without consideration, the reversionary interest of the United States in approximately 173 acres located in Tucson, Arizona known as Udall Park.

Cosponsors

Rep. Tom O'Halleran (D-AZ-1), Rep. Paul Gosar (R-AZ-4), Rep. Andy Biggs (R-AZ-5), Rep. David Schweikert (R-AZ-6), Rep. Ruben Gallego (D-AZ-7), Rep. Trent Franks (R-AZ-8), Rep. Kyrsten Sinema (D-AZ-9)

Background

In 1980, the Bureau of Land Management (BLM) issued a Recreation and Public Purposes lease for approximately 173 acres of land to the City of Tucson for the purpose of operating a public park. As a part of this lease, the BLM included a reversionary interest that specified the BLM could take back the Park if the City no longer used the land for public purposes or if the City used the Park for commercial purposes. After acquiring the land through the lease, the City of Tucson began making improvements to the Park and invested millions of dollars to create a large community recreation and senior center, swimming pool, walking track, athletic fields, and picnic areas within the Park.

While making these improvements, the City of Tucson and BLM began negotiating a deal in 1989 to give the City clear title to the Park and remove the reversionary interest in

exchange for 297 acres of land owned by the City valued at \$4 million.¹ After accepting this land from the City, the BLM participated in further land exchanges with other entities to obtain an area that included office buildings for the BLM's Tucson headquarters and environmentally sensitive parcels in the Las Cienegas National Conservation Area and Empirita Ranch Multi Species Conservation Area.² In addition to the exchange, the City agreed to resolve a long-standing legal dispute between the BLM and Browne/Tankersley Trust and Pioneer Trust regarding a sand and gravel trespass on an adjacent parcel of land to the Park.³ Despite a clear agreement between the City of Tucson and BLM, the City never received clear title to Udall Park after transferring the 297 acres of land and resolving the trespass issue for the BLM.

For nearly three decades, officials in the City of Tucson believed the agreement from 1989 removed the reversionary interest in Udall Park. However, in 2010, the BLM sent a letter to the City of Tucson threatening to use the reversionary interest to take back Udall Park if the City did not stop a small farmer's market located within the Park.⁴ The prohibition on commercial uses in the Park also prevented the City from siting cellular towers in the Park to offset the cost of the Park's maintenance.⁵ After these complications, the City began pursuing legislative options to resolve the reversionary interest issue in order to have clear title to the land and complete control over jurisdictional decisions regarding the use of the Park.

H.R. 1547, "*Udall Park Land Exchange Completion Act*", removes the reversionary interest of the United States in Udall Park so the City of Tucson can continue to expand activities, including commercial uses, and make improvements in the Park. The bill directs the BLM to make this conveyance without further consideration, reflecting the completion of the deal the City and BLM negotiated over 28 years ago. The bipartisan bill is supported by the entire Arizona Congressional delegation, with the exception of one member. Senators Jeff Flake and John McCain introduced a Senate companion bill, S. 612, on March 13, 2017.

Major Provisions of the Bill

Section 1: Short Title

Section 2: Definitions

Section 3: Conveyance of Federal Reversionary Interest in Land Located in Tucson, Arizona

- Directs the Secretary of the Interior to convey to the City of Tucson, without consideration, the reversionary interests of the United States in and to the non-Federal land known as Udall Park
- Specifies that the City shall pay all costs associated with the conveyance

¹ Rep. Martha McSally, "Udall Park Land Exchange Completion Act", <https://mcsally.house.gov/media-center/press-releases/us-rep-mcsally-introduces-bipartisan-bill-help-improve-udall-park>.

² Information provided by the City of Tucson to the Committee on Natural Resources.

³ City of Tucson, "Summary of Recent Historical Records of Udall Park Issue", pg. 2.

⁴ Information provided by the City of Tucson to the Committee on Natural Resources.

⁵ Ibid.

Cost

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

Administration Position

During a Subcommittee on Federal Lands legislative hearing on July 14, 2017, the Bureau of Land Management testified that the administration supported the goals of H.R. 1547 and recommended minor amendments to the bill.⁶

Anticipated Amendments

None.

Effect on Current Law

None.

⁶ Timothy R. Spisak, Testimony on H.R. 1547, Subcommittee on Federal Lands legislative hearing, 07/14/17, https://naturalresources.house.gov/uploadedfiles/testimony_spisak.pdf.