

# Committee on Natural Resources

Rob Bishop Chairman  
Markup Memorandum

July 16, 2018

To: All Natural Resources Committee Members

From: Majority Committee Staff – Chris Marklund and Rebekah Rodriguez  
Subcommittee on Federal Lands (x6-7736)

Markup: **H.R. 5923 (Rep. Bruce Westerman)**, To direct the Secretary of Agriculture to exchange certain public lands in Ouachita National Forest, and for other purposes.  
**July 18, 2018, 10:45 AM; 1324 Longworth House Office Building**

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## **H.R. 5923, “Walnut Grove Land Exchange Act”**

### **Summary of the Bill**

H.R. 5923, introduced by Representative Bruce Westerman (R-AR-04), would allow for the exchange of approximately 4 acres of U.S. Forest Service land for 6 acres of land in the Ouachita National Forest currently owned by the Walnut Grove Community Church. This bill would require the Church to pay for all costs related to the conveyance.

### **Cosponsors**

None.

### **Background**

The Walnut Grove Community Church (Church) is located in the unincorporated community of Jessieville, Arkansas. Originally built a mile up the road, in 1938, the congregation moved the church to its current location to be closer to its historic cemetery.<sup>[1]</sup> The church building, community center, and cemetery sit on approximately four acres of land owned by the U.S. Forest Service (USFS). The church was originally constructed on federal land at a time when oversight of these issues was far less stringent than even today. The tract also contains part of a USFS road connecting the parcel to additional USFS land to the South. Although the church owns the facilities, because USFS owns the underlying land, the Church has faced significant challenges as it seeks to maintain, improve and expand its facilities to meet the needs of its growing congregation.<sup>1</sup>

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<sup>[1]</sup> Based on information provided to the Subcommittee by the Walnut Grove Community Church.

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The Church owns approximately six acres of woodland inholdings within the Ouachita National Forest and has offered to exchange this six-acre tract for the four acres of land on which the Church's buildings and cemetery sit. The Church has been unsuccessfully seeking an administrative exchange of land with USFS for over twenty years.<sup>2</sup>

The legislation would authorize the land exchange between the church and USFS. The bill requires the Church to pay any appraisal, survey, and any other conveyance costs of the exchange. If the Church's offered parcel is determined to be of lower value than the selected tract currently owned by USFS, the Church will be required to make an equalization payment to the government. The USFS would not be required to make an equalization payment if the offered tract is determined to be of higher value than the selected USFS land.

The Subcommittee on Federal Lands will hold a legislative hearing on H.R. 5923 on July 17, 2018.

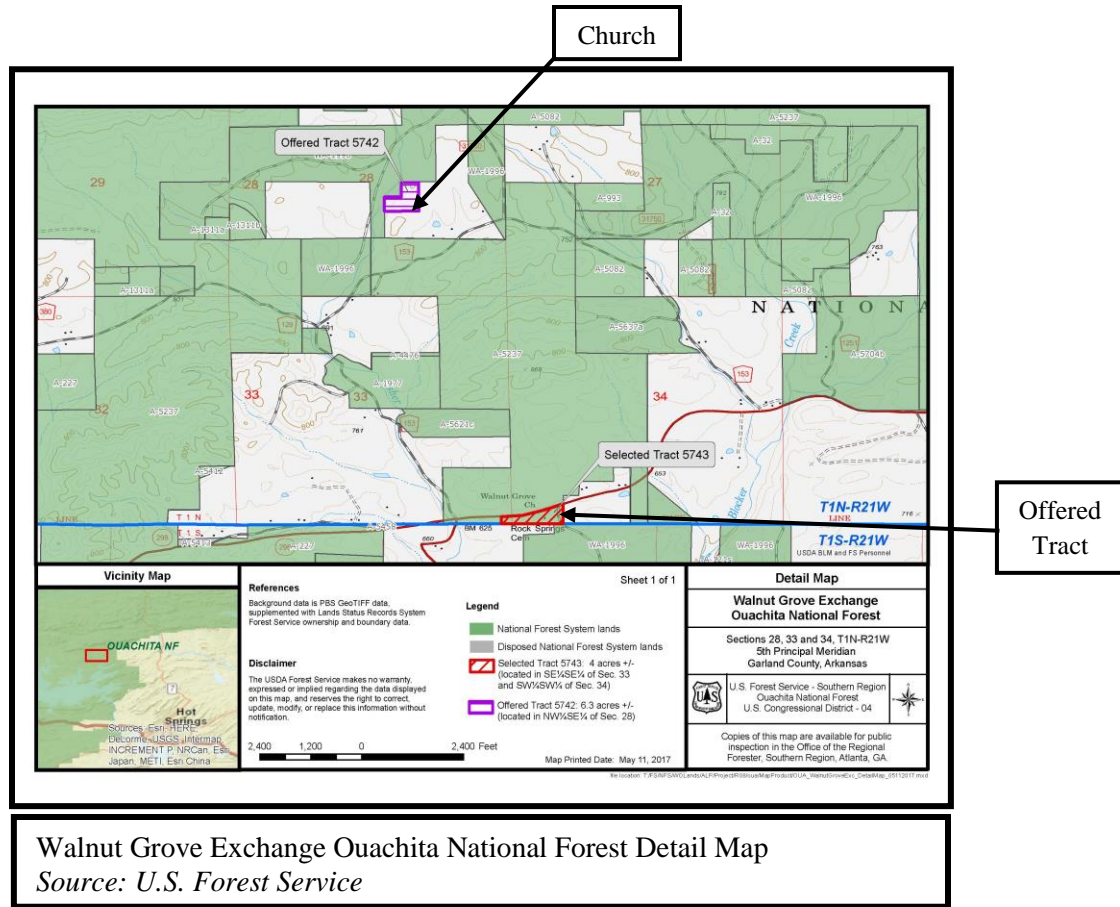
**Major Provisions/Analysis of H.R. 5923**

***Section 1: Short Title***

This Act may be cited as the Walnut Grove Land Exchange Act.

***Section 2: Definitions***

This section defines terms used in the Act.



<sup>2</sup> Based in information provided to the Subcommittee by the Bill Sponsor's office.

### ***Section 3: Exchange of Land; Equalization of Value***

This section directs the Secretary of Agriculture to exchange the land offered by the Walnut Grove Community Church with the offered Federal land and requires the exchange be subject to valid existing rights. It also requires the Church to pay any conveyance costs and for an equalization payment by the church if the value of the selected tract exceeds the value of the offered tract. The federal government would not be required to make an equalization payment if the value of the offered tract exceeds the value of the selected tract. The bill also requires an appraisal be conducted in accordance with existing laws and appraisal standards and grants the Secretary of Agriculture the authority to finalize a map and legal descriptions for the transfer, correct minor errors, and make the map publicly available.

#### **Cost**

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

#### **Administration Position**

The Administration's position is currently unknown.

#### **Anticipated Amendments**

Representative Westerman will offer an amendment to update the bill text to reference the most recent version of the map provided by the U.S. Forest Service, update the appraisal standards to conform it to standard language used by the Committee in similar legislation, and protect the continued rights of the United States to utilize the existing U.S. Forest Service road located on the offered tract.

#### **Effect on Current Law (Ramseyer)**

None.