

108TH CONGRESS  
2D SESSION

# H. R. 4943

To provide for a land exchange involving certain Bureau of Land Management lands in Pima County, Arizona for the purpose of consolidating Federal land ownership within the boundaries of the Ironwood Forest National Monument and the Las Cienegas National Conservation Area, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2004

Mr. GRIJALVA (for himself and Mr. KOLBE) introduced the following bill;  
which was referred to the Committee on Resources

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## A BILL

To provide for a land exchange involving certain Bureau of Land Management lands in Pima County, Arizona for the purpose of consolidating Federal land ownership within the boundaries of the Ironwood Forest National Monument and the Las Cienegas National Conservation Area, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Pima County Land  
5       Adjustment Act”.

1 **SEC. 2. LAND EXCHANGE, IRONWOOD-MOORE, EMPIRITA-**  
2 **SIMONSON, AND SAHUARITA PROPERTIES,**  
3 **ARIZONA.**

4 (a) EXCHANGE AUTHORIZED.—If Las Cienegas Con-  
5 servation, LLC, conveys to the Secretary of the Interior  
6 all right, title, and interest of Las Cienegas Conservation,  
7 LLC, in and to the Ironwood-Moore property and the  
8 Empirita-Simonson property, the Secretary shall convey to  
9 Las Cienegas Conservation, LLC, all right, title, and in-  
10 terest of the United States in and to the Sahuarita prop-  
11 erty.

12 (b) BOUNDARY ADJUSTMENT.—Upon receipt of the  
13 Empirita-Simonson property, the Secretary shall modify  
14 the boundaries of the Las Cienegas National Conservation  
15 Area to include the Empirita-Simonson property.

16 (c) TIME FOR EXCHANGE.—Except as otherwise pro-  
17 vided by this Act, the land exchange authorized under this  
18 section shall be completed prior to the expiration of the  
19 90-day period beginning on the later of the following  
20 dates:

21 (1) The date on which the title standards de-  
22 scribed in section 4(a) are met with regard to the  
23 properties to be conveyed to the United States.

24 (2) The date on which the appraisals described  
25 in section 4(c)(1) for the properties are approved by  
26 both the Secretary and Las Cienegas Conservation,

1 LLC, or in the case of a dispute concerning an ap-  
2 praisal or appraisal issue arising under that section,  
3 the date the dispute is resolved under that section.

4 (d) CASH EQUALIZATION PAYMENT.—

5 (1) IN GENERAL.—If the values of lands to be  
6 exchanged under this section are not equal, they  
7 shall be equalized by the payment of cash to the Sec-  
8 retary or Las Cienegas Conservation, LLC, as the  
9 circumstances dictate, in accordance with section  
10 206(b) of the Federal Land Policy and Management  
11 Act of 1976 (43 U.S.C. 1716(b)).

12 (2) DISPOSITION AND USE OF FUNDS.—Not-  
13 withstanding any other provision of law, any cash  
14 equalization payment received by the Secretary  
15 under this section shall be deposited into a separate  
16 account in the Treasury, which shall be available to  
17 the Secretary, without further appropriation and  
18 until expended, solely for the purpose of—

19 (A) the acquisition of land or interests in  
20 land within or adjacent to national conservation  
21 lands in southern Arizona; and

22 (B) resource management by the Bureau  
23 of Land Management in Pima County, Arizona.

24 (e) WATER RIGHTS.—

1           (1) LANDS OWNED BY PIMA COUNTY.—The ex-  
2       change under this section may not take place unless  
3       Neal Simonson and Pima County, Arizona, enter  
4       into an agreement under which Neal Simonson relin-  
5       quishes to Pima County any right to withdraw water  
6       from lands owned by Pima County in section 17,  
7       township 17 south, range 18 east, Gila and Salt  
8       River Baseline and Meridian.

9           (2) EMPIRITA-SIMONSON PROPERTY.—The ex-  
10      change under this section may not take place unless  
11      Neal Simonson and the Secretary enter into an  
12      agreement under which Neal Simonson limits his re-  
13      served withdrawal right on the Empirita-Simonson  
14      property to maximum of 550 acre feet per year.

15      (f) ROAD ACCESS PROHIBITED.—The Secretary may  
16      not construct or authorize the construction of any tem-  
17      porary or permanent road in any portion of the Empirita-  
18      Simonson property acquired under this section if the road  
19      would provide access to or from any property which is not  
20      within the Las Cienegas National Conservation Area.

21      (g) ENVIRONMENTAL REVIEW.—As a condition of  
22      the exchange, Las Cienegas Conservation, LLC, shall re-  
23      imburse the Secretary for the direct costs of all environ-  
24      mental reviews of the lands to be exchanged under this

1 section that are required by the National Environmental  
2 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

3 (h) ENDANGERED SPECIES ACT REVIEW.—The Sec-  
4 retary shall review the conveyance of the Sahuarita prop-  
5 erty under this section in accordance with section 7(a)(1)  
6 of the Endangered Species Act of 1973 (16 U.S.C.  
7 1536(a)(1)).

8 **SEC. 3. ACQUISITION AND CONVEYANCE OF TUMAMOC**  
9 **HILL PROPERTY.**

10 (a) ACQUISITION OF TUMAMOC HILL PROPERTY.—

11 (1) IN GENERAL.—Notwithstanding any other  
12 provision of law, upon the expiration of the 30-day  
13 period beginning on the date of the enactment of  
14 this Act, all right, title, and interest to, and the  
15 right to immediate possession of, the Tumamoc Hill  
16 property is hereby vested in the United States. The  
17 Tumamoc Hill property shall remain subject to ex-  
18 isting easements of record.

19 (2) COMPENSATION.—As consideration for the  
20 Tumamoc Hill property acquired under paragraph  
21 (1), the State of Arizona, State Land Department,  
22 shall receive an amount equal to the agreed nego-  
23 tiated value of the Tumamoc Hill property, deter-  
24 mined as of the date of the acquisition, or the just  
25 compensation determined by judgment.

1           (3) DETERMINATION OF VALUE BY COURT.—In  
2           the absence of agreement as to the amount of just  
3           compensation, the State of Arizona or the Secretary  
4           may initiate a proceeding in the United States Dis-  
5           trict Court for the District of Arizona seeking a de-  
6           termination of just compensation for the acquisition  
7           of the Tumamoc Hill property.

8           (b) CONVEYANCE AUTHORIZED.—

9           (1) IN GENERAL.—When Pima County, Ari-  
10          zona, pays to the State of Arizona, State Land De-  
11          partment, the amount of compensation determined  
12          under subsection (a), the Secretary shall convey to  
13          Pima County all right, title, and interest of the  
14          United States in and to the Tumamoc Hill property.

15          (2) TIME FOR CONVEYANCE.—The conveyance  
16          authorized under paragraph (1) shall be completed  
17          prior to the expiration of the 60-day period which  
18          begins on the date Pima County pays to the State  
19          of Arizona, State Land Department, the amount de-  
20          scribed in paragraph (1).

21   **SEC. 4. ADMINISTRATION OF LAND EXCHANGES.**

22          (a) TITLE STANDARDS.—The Secretary shall require  
23          that title to the lands to be exchanged under this Act con-  
24          form with the title standards of the Attorney General of  
25          the United States.

1 (b) CORRECTIONS TO LEGAL DESCRIPTIONS.—By  
2 mutual agreement, the Secretary and the party involved  
3 may adjust the legal descriptions contained in this Act to  
4 correct errors or to make minor adjustments in the bound-  
5 aries of the lands to be exchanged.

6 (c) APPRAISALS.—

7 (1) IN GENERAL.—The values of the lands to  
8 be exchanged under this Act shall be determined by  
9 the Secretary through an appraisal performed by a  
10 qualified appraiser mutually agreed to by the Sec-  
11 retary and the party involved and performed in con-  
12 formance with the Uniform Appraisal Standards for  
13 Federal Land Acquisitions (United States Depart-  
14 ment of Justice, December 2000), the Uniform  
15 Standards of Professional Appraisal Practice, and  
16 section 206(d) of the Federal Land Policy and Man-  
17 agement Act of 1976 (43 U.S.C. 1716(d)).

18 (2) DEADLINE FOR APPRAISALS.—All apprais-  
19 als under this Act shall be completed and submitted  
20 to the Secretary and the party involved for approval  
21 before the expiration of the 180-day period begin-  
22 ning on the date of the enactment of this Act.

23 (d) DEADLINE FOR ENVIRONMENTAL REVIEWS.—  
24 Before the expiration of the 180-day period beginning on  
25 the date of the enactment of this Act, the Secretary shall

1 complete all environmental reviews of lands to be ex-  
2 changed under this Act that are required by the National  
3 Environmental Policy Act of 1969 (42 U.S.C. 4321 et  
4 seq.).

5 **SEC. 5. DEFINITIONS.**

6 In this Act:

7 (1) The term “Empirita-Simonson property”  
8 means the parcel of land consisting of approximately  
9 2,490 acres in sections 14, 22, 23, 24, 25, 26, and  
10 36, township 17 south, range 18 east, Gila and Salt  
11 River Base and Meridian.

12 (2) The term “Ironwood-Moore property”  
13 means the parcel of land consisting of approximately  
14 600 acres in section 32, township 11 south, range 9  
15 east, Gila and Salt River Base and Meridian.

16 (3) The term “Sahuarita property” means the  
17 parcel of land consisting of approximately 1,280  
18 acres in sections 5, 7, and 8, township 17 south,  
19 range 15 east, Gila and Salt River Base and Merid-  
20 ian.

21 (4) The term “Secretary” means the Secretary  
22 of the Interior.

23 (5) The term “Tumamoc Hill property” means  
24 the parcel of land owned by the State of Arizona  
25 consisting of approximately 290 acres in sections 9,



1        10, 15, and 16 township 14 south, range 13 east,  
2        Gila and Salt River Base and Meridian, excluding  
3        approximately 30 acres of landfill as shown on the  
4        map on file in the records of Pima County, Arizona.

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