

109TH CONGRESS
2D SESSION

H. R. 5016

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2006

Received

NOVEMBER 13, 2006

Read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Las Cienegas En-
3 hancement Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **FEDERAL LAND.**—The term “Federal land”
7 means the Sahuarita parcel of land consisting of ap-
8 proximately 1,280 acres, as depicted on the map en-
9 titled “Las Cienegas Enhancement Act—Federal
10 Land” and dated May 9, 2006.

11 (2) **LANDOWNER.**—The term “landowner”
12 means Las Cienegas Conservation, LLC.

13 (3) **NON-FEDERAL LAND.**—The term “non-Fed-
14 eral land” means the Empirita-Simonson parcel of
15 land consisting of approximately 2,392 acres, as de-
16 picted on the map entitled “Las Cienegas Enhance-
17 ment Act—Non-Federal Land” and dated May 9,
18 2006.

19 (4) **SECRETARY.**—The term “Secretary” means
20 the Secretary of the Interior.

21 **SEC. 3. LAND EXCHANGE, BUREAU OF LAND MANAGEMENT**
22 **LAND IN PIMA COUNTY, ARIZONA.**

23 (a) **EXCHANGE AUTHORIZED.**—If the landowner of-
24 fers to convey to the Secretary title to the non-Federal
25 land, the Secretary shall accept the offer and convey to

1 the landowner all, right, title, and interest of the United
2 States in and to the Federal land.

3 (b) VALUATION, APPRAISALS, AND EQUALIZATION.—

4 (1) EQUAL VALUE EXCHANGE.—The value of
5 the Federal land and the non-Federal land to be ex-
6 changed under this section shall be equal. If the val-
7 ues are not equal, the values shall be equalized in
8 accordance with paragraph (3).

9 (2) APPRAISAL.—To determine the value of the
10 Federal land and the non-Federal land, the Federal
11 land and the non-Federal land shall be subject to an
12 appraisal by an independent, qualified appraiser
13 agreed to by the Secretary and landowner. The ap-
14 praiser shall consider the value of the Federal land
15 and the non-Federal land as of the date of the en-
16 actment of this Act. The appraisal shall be con-
17 ducted in accordance with the Uniform Appraisal
18 Standards for Federal Land Acquisition and the
19 Uniform Standards of Professional Appraisal Prac-
20 tice. Not later than 180 days after the date of enact-
21 ment of this Act, the appraisal shall be submitted to
22 the Secretary and landowner for approval.

23 (3) EQUALIZATION OF VALUES.—If the values
24 of the Federal land and non-Federal land are not
25 equal, their values may be equalized—

1 (A) by reducing the acreage of the non-
2 Federal land or the Federal land to be ex-
3 changed, as appropriate; or

4 (B) by the payment by the landowner or
5 the Secretary of a cash equalization payment,
6 which, in the case of a cash equalization pay-
7 ment made by the landowner, may exceed 25
8 percent of the value of the Federal land, not-
9 withstanding section 206(b) of the Federal
10 Land Policy and Management Act of 1976 (43
11 U.S.C. 1716(b)).

12 (4) DISPOSITION AND USE OF PROCEEDS.—Any
13 cash equalization payment received by the Secretary
14 under paragraph (3) shall be deposited in the Fed-
15 eral Land Disposal Account established by section
16 206(a) of the Federal Land Transaction Facilitation
17 Act (43 U.S.C. 2305(a)). Amounts so deposited shall
18 be available to the Secretary, without further appro-
19 priation and until expended, for the acquisition of
20 land and interests in land in southern Arizona.

21 (c) PROTECTION OF VALID EXISTING RIGHTS.—The
22 exchange of the Federal land and the non-Federal land
23 shall be subject to any easements, rights-of-way, and other
24 valid encumbrances on the land in existence on the date
25 of enactment of this Act.

1 (d) TIME FOR COMPLETION OF EXCHANGE.—The ex-
2 change of the Federal land and non-Federal land under
3 this section shall be completed—

4 (1) except as provided in paragraph (2), not
5 later than one year after the date of the enactment
6 of this Act; or

7 (2) if there is a dispute concerning an appraisal
8 of the Federal land or non-Federal land or appraisal
9 issue arising under subsection (b), before the expira-
10 tion of the 90-day period beginning on the date the
11 dispute is resolved.

12 (e) ADMINISTRATIVE COSTS.—As a condition of the
13 conveyance of the Federal land to the landowner, the land-
14 owner shall pay the costs of carrying out the exchange
15 of the Federal land and non-Federal land under this sec-
16 tion, including any direct costs relating to any environ-
17 mental reviews and mitigation of the Federal land.

18 (f) CORRECTION OF ERRORS; MINOR BOUNDARY AD-
19 JUSTMENTS.—The Secretary and landowner may mutually
20 agree—

21 (1) to correct minor errors in the legal descrip-
22 tions of the Federal land and non-Federal land to be
23 exchanged under this section; or

24 (2) to make minor adjustments to the bound-
25 aries of the Federal land and non-Federal land.

1 (g) ROAD ACCESS.—Not later than 18 months after
 2 the date on which the non-Federal land is acquired by the
 3 Secretary, the Secretary shall provide to the Secretary of
 4 Agriculture a right-of-way through the non-Federal land
 5 for motorized public road access to the boundary of the
 6 Coronado National Forest. The right-of-way shall be pro-
 7 vided in accordance with section 507 of the Federal Land
 8 Policy and Management Act of 1976 (43 U.S.C. 1767).

9 (h) ADMINISTRATION OF LAND ACQUIRED BY THE
 10 UNITED STATES.—On acquisition of the non-Federal land
 11 by the Secretary, the Secretary shall—

12 (1) include the acquired land as part of the Las
 13 Cienegas National Conservation Area; and

14 (2) administer the acquired land in accordance
 15 with Public Law 106–538 (16 U.S.C. 460ooo et
 16 seq.), which established the Las Cienegas National
 17 Conservation Area, and other applicable laws.

18 **SEC. 4. MODIFICATION OF LAS CIENEGAS NATIONAL CON-**
 19 **SERVATION AREA BOUNDARY.**

20 The boundary of the Las Cienegas National Con-
 21 servation Area is modified to exclude the 40-acre tract
 22 that, as of the date of the enactment of this Act, is leased
 23 by the Bureau of Land Management to the town of Elgin,
 24 Arizona, for a sanitary landfill.

1 **SEC. 5. LAND CONVEYANCE, PIMA COUNTY, ARIZONA.**

2 As an additional condition of the conveyance of the
3 Federal land to the landowner under section 3, the land-
4 owner shall convey, without consideration, to Pima Coun-
5 ty, Arizona, a parcel of land consisting of approximately
6 98 acres, as depicted on the map referred to in section
7 2(1) as “land to be conveyed to Pima County”.

 Passed the House of Representatives September 27,
2006.

Attest:

KAREN L. HAAS,
Clerk.