

Calendar No. 644

110TH CONGRESS
2D SESSION

S. 1341

[Report No. 110–292]

To provide for the exchange of certain Bureau of Land Management land
in Pima County, Arizona, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2007

Mr. KYL (for himself and Mr. McCAIN) introduced the following bill; which
was read twice and referred to the Committee on Energy and Natural
Resources

APRIL 10, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

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 and Saguaro National Park Boundary Adjust-
4 ment Act”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) **CONSERVATION AREA.**—The term “Con-
8 servation Area” means the Las Cienegas National
9 Conservation Area.

10 (2) **COUNTY.**—The term “County” means Pima
11 County, Arizona.

12 (3) **FEDERAL LAND.**—The term “Federal land”
13 means the Sahuarita parcel of land, as generally de-
14 picted on the map entitled “Las Cienegas Enhance-
15 ment Act—Federal Land” and dated April 17,
16 2007.

17 (4) **LANDOWNER.**—The term “landowner”
18 means Las Cienegas Conservation, LLC.

19 (5) **NON-FEDERAL LAND.**—The term “non-Fed-
20 eral land” means—

21 (A) the Empirita-Simonson parcel of land
22 consisting of approximately 2,392 acres, as gen-
23 erally depicted on the map entitled “Las
24 Cienegas Enhancement Act—Non-Federal
25 Land” and dated April 17, 2007; and

1 ~~(B)~~ the Bloom parcel of land consisting of
 2 approximately 160 acres, as generally depicted
 3 on the map entitled “Saguaro National Park,
 4 Bloom Tract” and dated April 17, 2007.

5 ~~(6)~~ PARK.—The term “Park” means Saguaro
 6 National Park.

7 ~~(7)~~ SECRETARY.—The term “Secretary” means
 8 the Secretary of the Interior.

9 ~~(8)~~ WELL SITE.—The term “well site” means a
 10 well site that consists of approximately 98 acres of
 11 land, as generally depicted on the map entitled “Las
 12 Cienegas Enhancement Act—Non-Federal Land”
 13 and dated April 17, 2007.

14 **SEC. 3. LAND EXCHANGE.**

15 ~~(a)~~ IN GENERAL.—If the landowner offers to convey
 16 to the Secretary title to the non-Federal land that is ac-
 17 ceptable to the Secretary, the Secretary shall—

18 ~~(1)~~ accept the offer; and

19 ~~(2)~~ simultaneously convey to the landowner all
 20 right, title, and interest of the United States in and
 21 to the Federal land.

22 ~~(b)~~ VALUATION, APPRAISALS, AND EQUALIZATION.—

23 ~~(1)~~ IN GENERAL.—As of the date of enactment
 24 of this Act, the value of the Federal land and the
 25 non-Federal land—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

~~(2) APPRAISALS.—~~

~~(A) IN GENERAL.—~~The Federal land and the non-Federal land shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the landowner.

~~(B) REQUIREMENTS.—~~An appraisal under subparagraph (A) shall—

(i) be conducted in accordance with—

(I) the Uniform Appraisal Standards for Federal Land Acquisition; and

(II) the Uniform Standards of Professional Appraisal Practice; and

(ii) not later than 180 days after the date of enactment of this Act, be submitted to the Secretary and the landowner for approval.

~~(3) EQUALIZATION.—~~

1 ~~(A) IN GENERAL.—~~If the value of the Fed-
 2 eral land and the non-Federal land is not equal,
 3 the value may be equalized by—

4 (i) the Secretary by making a cash
 5 equalization payment to the landowner;

6 (ii) the landowner by making a cash
 7 equalization payment to the Secretary; or

8 (iii) reducing the acreage of the Fed-
 9 eral land or the non-Federal land to be ex-
 10 changed, as appropriate.

11 ~~(B) AMOUNT OF PAYMENT.—~~Notwith-
 12 standing section 206(b) of the Federal Land
 13 Policy and Management Act of 1976 (43 U.S.C.
 14 1716(b)), the Secretary may accept a cash
 15 equalization payment under subparagraph
 16 ~~(A)(ii)~~ in an amount that exceeds 25 percent of
 17 the value of the Federal land.

18 ~~(C) CASH EQUALIZATION PAYMENTS.—~~

19 (i) ~~DISPOSITION.—~~Any cash equali-
 20 zation payments received by the Secretary
 21 under subparagraph ~~(A)(ii)~~ shall be depos-
 22 ited in the Federal Land Disposal Account
 23 established by section 206(a) of the Fed-
 24 eral Land Transaction Facilitation Act (43
 25 U.S.C. 2305(a)).

1 (ii) USE.—Amounts deposited under
 2 clause (i) shall be available to the Sec-
 3 retary, without further appropriation and
 4 until expended, for the acquisition of land
 5 and interests in land in southern Arizona.

6 (c) CONDITIONS OF CONVEYANCE.—

7 (1) IN GENERAL.—As a condition of the con-
 8 veyance of the Federal land to the landowner, the
 9 landowner shall—

10 (A) pay the costs of carrying out the ex-
 11 change of the Federal land and the non-Federal
 12 land under this section, including any direct
 13 costs relating to any environmental reviews and
 14 any required mitigation of the Federal land;

15 (B) enter into an agreement with the
 16 County to convey to the County the well site;
 17 and

18 (C) relinquish to the County any water
 19 rights to the well site held by the landowner.

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

1 (d) **LEGAL DESCRIPTIONS.**—The Secretary and the
2 landowner may mutually agree to—

3 (1) correct minor errors in the legal descrip-
4 tions of the Federal land and the non-Federal land;
5 or

6 (2) make minor adjustments to the boundaries
7 of the Federal land and the non-Federal land.

8 (e) **DEADLINE FOR COMPLETION OF EXCHANGE.**—
9 It is the intent of Congress that the land exchange under
10 this section shall be completed—

11 (1) not later than 1 year after the date of en-
12 actment of this Act; or

13 (2) if there is a dispute with respect to the ap-
14 praisal, not later than 90 days after the date on
15 which the dispute is resolved.

16 **SEC. 4. ADMINISTRATION.**

17 (a) **ADMINISTRATION OF LAND ACQUIRED BY THE**
18 **UNITED STATES.**—

19 (1) **EMPIRITA-SIMONSON PARCEL.**—On acquisi-
20 tion by the Secretary, the parcel of non-Federal land
21 described in section 2(5)(A) shall—

22 (A) become part of the Conservation Area;
23 and

1 (B) be administered by the Secretary in
 2 accordance with Public Law 106–538 (16
 3 U.S.C. 460~~ooo~~ et seq.).

4 (2) BLOOM PARCEL.—On acquisition by the
 5 Secretary, the parcel of non-Federal land described
 6 in section 2(5)(B) shall—

7 (A) become part of the Park; and

8 (B) be administered by the Secretary in
 9 accordance with the Saguaro National Park Es-
 10 tablishment Act of 1994 (16 U.S.C. 410zz et
 11 seq.).

12 (b) NATIONAL CONSERVATION AREA BOUNDARY AD-
 13 JUSTMENT.—The boundary of the Conservation Area is
 14 modified to exclude the 40-acre tract of Bureau of Land
 15 Management that is leased to the town of Elgin, Arizona,
 16 for a sanitary landfill.

17 (c) ROAD ACCESS.—Not later than 18 months after
 18 the date on which the non-Federal land is acquired by the
 19 Secretary, the Secretary shall, in accordance with section
 20 507 of the Federal Land Policy and Management Act of
 21 1976 (43 U.S.C. 1767), provide to the Secretary of Agri-
 22 culture a right-of-way through the non-Federal land for
 23 motorized public road access to the boundary of the Coro-
 24 nado National Forest.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Las Cienegas Enhance-*
 3 *ment and Saguaro National Park Boundary Adjustment*
 4 *Act”.*

5 **SEC. 2. DEFINITIONS.**

6 *In this Act:*

7 (1) *CONSERVATION AREA.*—*The term “Conserva-*
 8 *tion Area” means the Las Cienegas National Con-*
 9 *servation Area.*

10 (2) *COUNTY.*—*The term “County” means Pima*
 11 *County, Arizona.*

12 (3) *FEDERAL LAND.*—*The term “Federal land”*
 13 *means the parcel of land consisting of approximately*
 14 *1,196 acres, as generally depicted on the map entitled*
 15 *“Las Cienegas Enhancement Act—Federal Land”*
 16 *and dated April 17, 2007.*

17 (4) *NON-FEDERAL LAND.*—*The term “non-Fed-*
 18 *eral land” means—*

19 (A) *the Empirita-Simonson parcel of land*
 20 *consisting of approximately 2,568 acres, as gen-*
 21 *erally depicted on the map entitled “Las*
 22 *Cienegas Enhancement Act—Non-Federal Land”*
 23 *and dated April 17, 2007; and*

24 (B) *the Bloom parcel of land consisting of*
 25 *approximately 160 acres, as generally depicted*

1 *on the map entitled “Saguaro National Park,*
 2 *Bloom Tract” and dated April 17, 2007.*

3 (5) *PARK.*—*The term “Park” means Saguaro*
 4 *National Park.*

5 (6) *SECRETARY.*—*The term “Secretary” means*
 6 *the Secretary of the Interior.*

7 (7) *WELL SITE.*—*The term “well site” means a*
 8 *well site that consists of approximately 98 acres of*
 9 *land, as generally depicted on the map entitled “Las*
 10 *Cienegas Enhancement Act—Non-Federal Land” and*
 11 *dated April 17, 2007.*

12 **SEC. 3. LAND EXCHANGE.**

13 (a) *IN GENERAL.*—*If the owner of the non-Federal*
 14 *land offers to convey to the Secretary title to the non-Fed-*
 15 *eral land that is acceptable to the Secretary, the Secretary*
 16 *shall—*

17 (1) *accept the offer; and*

18 (2) *simultaneously convey to the owner of the*
 19 *non-Federal land all right, title, and interest of the*
 20 *United States in and to the Federal land.*

21 (b) *VALUATION, APPRAISALS, AND EQUALIZATION.*—

22 (1) *IN GENERAL.*—*The value of the Federal land*
 23 *and the non-Federal land—*

1 (A) shall be equal, as determined by ap-
 2 praisals conducted in accordance with para-
 3 graph (2); or

4 (B) if not equal, shall be equalized in ac-
 5 cordance with paragraph (3).

6 (2) APPRAISALS.—

7 (A) IN GENERAL.—The Federal land and
 8 the non-Federal land shall be appraised by an
 9 independent, qualified appraiser that is agreed
 10 to by the Secretary and the owner of the non-
 11 Federal land.

12 (B) REQUIREMENTS.—An appraisal under
 13 subparagraph (A) shall—

14 (i) be conducted in accordance with—

15 (I) the Uniform Appraisal Stand-
 16 ards for Federal Land Acquisition; and

17 (II) the Uniform Standards of
 18 Professional Appraisal Practice; and

19 (ii) not later than 180 days after the
 20 date of enactment of this Act, be submitted
 21 to the Secretary and the owner of the non-
 22 Federal land for approval.

23 (3) EQUALIZATION.—

1 (A) *IN GENERAL.*—*If the value of the Fed-*
 2 *eral land and the non-Federal land is not equal,*
 3 *the value may be equalized by—*

4 (i) *the Secretary making a cash equali-*
 5 *zation payment to the owner of the non-*
 6 *Federal land;*

7 (ii) *the owner of the non-Federal land*
 8 *making a cash equalization payment to the*
 9 *Secretary; or*

10 (iii) *reducing the acreage of the Fed-*
 11 *eral land or the non-Federal land to be ex-*
 12 *changed, as appropriate.*

13 (B) *CASH EQUALIZATION PAYMENTS.*—

14 (i) *DISPOSITION.*—*Any cash equali-*
 15 *zation payments received by the Secretary*
 16 *under subparagraph (A)(ii) shall be depos-*
 17 *ited in the Federal Land Disposal Account*
 18 *established by section 206(a) of the Federal*
 19 *Land Transaction Facilitation Act (43*
 20 *U.S.C. 2305(a)).*

21 (ii) *USE.*—*Amounts deposited under*
 22 *clause (i) shall be available to the Secretary,*
 23 *without further appropriation and until ex-*
 24 *pended, for the acquisition of land and in-*
 25 *terests in land in southern Arizona.*

1 (c) *CONDITIONS OF CONVEYANCE.*—

2 (1) *IN GENERAL.*—As a condition of the convey-
 3 ance of the Federal land, the owner of the non-Federal
 4 land shall—

5 (A) pay the costs of carrying out the ex-
 6 change of the Federal land and the non-Federal
 7 land under this section, including any direct
 8 costs relating to any environmental reviews and
 9 any required mitigation of the Federal land;

10 (B) enter into an agreement with the Coun-
 11 ty to convey to the County the well site; and

12 (C) relinquish to the County any water
 13 rights to the well site held by the owner of the
 14 non-Federal land.

15 (2) *VALID EXISTING RIGHTS.*—The exchange of
 16 Federal land and non-Federal land shall be subject to
 17 any easements, rights-of-way, and other valid encum-
 18 brances in existence on the date of enactment of this
 19 Act.

20 (d) *LEGAL DESCRIPTIONS.*—The Secretary and the
 21 owner of the non-Federal land may mutually agree to—

22 (1) correct minor errors in the legal descriptions
 23 of the Federal land and the non-Federal land; or

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

1 (e) *DEADLINE FOR COMPLETION OF EXCHANGE.*—It is
 2 the intent of Congress that the land exchange under this
 3 section shall be completed not later than 1 year after the
 4 date of enactment of this Act.

5 **SEC. 4. ADMINISTRATION.**

6 (a) *ADMINISTRATION OF LAND ACQUIRED BY THE*
 7 *UNITED STATES.*—

8 (1) *EMPIRITA-SIMONSON PARCEL.*—On acquisi-
 9 tion by the Secretary, the parcel of non-Federal land
 10 described in section 2(4)(A) shall—

11 (A) become part of the Conservation Area;

12 and

13 (B) be administered by the Secretary in ac-
 14 cordance with Public Law 106–538 (16 U.S.C.
 15 460000 et seq.).

16 (2) *BLOOM PARCEL.*—On acquisition by the Sec-
 17 retary, the parcel of non-Federal land described in
 18 section 2(4)(B) shall—

19 (A) become part of the Park; and

20 (B) be administered by the Secretary in ac-
 21 cordance with the Saguaro National Park Estab-
 22 lishment Act of 1994 (16 U.S.C. 410zz et seq.).

23 (b) *NATIONAL CONSERVATION AREA BOUNDARY AD-*
 24 *JUSTMENT.*—The boundary of the Conservation Area is
 25 modified to exclude the 40-acre tract of Bureau of Land

1 *Management that is leased to the town of Elgin, Arizona,*
2 *for a sanitary landfill.*

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

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[Report No. 110-292]

A BILL

To provide for the exchange of certain Bureau of
Land Management land in Pima County, Ari-
zona, and for other purposes.

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