

frequent trips to the forest. In addition, United Water has pledged to increase patrols around the campground's arroyo toad habitat, which the Forest Service admits does not have the resources necessary to adequately patrol and maintain.

In addition, United Water will own all of the land surrounding Lake Piru. This will allow the United Water district to better manage its operations with less bureaucracy. The Forest Service will gain ownership over the entire western part of the Lisk Ranch, which is within the boundaries of the Los Padres and open space.

The cost of this exchange would be minimal. Both United Water and the Forest Service have agreed to share the cost of the appraisals and land surveys to be done after enactment. I believe this exchange is a win/win for the public, the Los Padres National Forest, and the United Water Conservation District; and I urge the House to adopt this measure.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume. We on the minority side have no problems with the legislation and we support it.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4917.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1615

TONTO AND COCONINO NATIONAL FORESTS LAND EXCHANGE ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4919) to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tonto and Coconino National Forests Land Exchange Act".

TITLE I—TONTO AND COCONINO NATIONAL FORESTS LAND EXCHANGE

SEC. 101. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Certain private lands adjacent to the Montezuma Castle National Monument in Yavapai County, Arizona, are desirable for Federal acquisition to protect important riparian values along Beaver Creek and the scenic backdrop for the National Monument.

(2) Certain other inholdings in the Coconino National Forest are desirable for

Federal acquisition to protect important public values near Double Cabin Park.

(3) Approximately 108 acres of land within the Tonto National Forest, northeast of Payson, Arizona, are currently occupied by 45 residential cabins under special use permits from the Secretary of Agriculture, and have been so occupied since the mid-1950s, rendering such lands of limited use and enjoyment potential for the general public. Such lands are, therefore, appropriate for transfer to the cabin owners in exchange for lands that will have higher public use values.

(4) In return for the privatization of such encumbered lands the Secretary of Agriculture has been offered approximately 495 acres of non-Federal land (known as the Q Ranch) within the Tonto National Forest, east of Young, Arizona, in an area where the Secretary has completed previous land exchanges to consolidate public ownership of National Forest lands.

(5) The acquisition of the Q Ranch non-Federal lands by the Secretary will greatly increase National Forest management efficiency and promote public access, use, and enjoyment of the area and surrounding National Forest System lands.

(b) PURPOSE.—The purpose of this title is to authorize, direct, facilitate, and expedite the consummation of the land exchanges set forth herein in accordance with the terms and conditions of this title.

SEC. 102. DEFINITIONS.

As used in this title:

(1) DPSHA.—The term "DPSHA" means the Diamond Point Summer Homes Association, a nonprofit corporation in the State of Arizona.

(2) FEDERAL LAND.—The term "Federal land" means land to be conveyed into non-Federal ownership under this title.

(3) FLPMA.—The term "FLPMA" means the Federal Land Policy Management Act of 1976.

(4) MCJV.—The term "MCJV" means the Montezuma Castle Land Exchange Joint Venture Partnership, an Arizona Partnership.

(5) NON-FEDERAL LAND.—The term "non-Federal land" means land to be conveyed to the Secretary of Agriculture under this title.

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, unless otherwise specified.

SEC. 103. MONTEZUMA CASTLE LAND EXCHANGE.

(a) LAND EXCHANGE.—Upon receipt of a binding offer from MCJV to convey title acceptable to the Secretary to the land described in subsection (b), the Secretary shall convey to MCJV all right, title, and interest of the United States in and to the Federal land described in subsection (c).

(b) NON-FEDERAL.—The land described in this subsection is the following:

(1) The approximately 157 acres of land adjacent to the Montezuma Castle National Monument, as generally depicted on the map entitled "Montezuma Castle Contiguous Lands", dated May 2002.

(2) Certain private land within the Coconino National Forest, Arizona, comprising approximately 108 acres, as generally depicted on the map entitled "Double Cabin Park Lands", dated September 2002.

(c) FEDERAL LAND.—The Federal land described in this subsection is the approximately 222 acres in the Tonto National Forest, Arizona, and surveyed as Lots 3, 4, 8, 9, 10, 11, 16, 17, and Tract 40 in section 32, Township 11 North, Range 10 East, Gila and Salt River Meridian, Arizona.

(d) EQUAL VALUE EXCHANGE.—The values of the non-Federal and Federal land directed to be exchanged under this section shall be equal or equalized as determined by the Secretary through an appraisal performed by a

qualified appraiser mutually agreed to by the Secretary and MCJV and performed in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (U.S. Department of Justice, December 2000), and section 206(d) of the FLPMA (43 U.S.C. 1716(d)). If the values are not equal, the Secretary shall delete Federal lots from the conveyance to MCJV in the following order and priority, as necessary, until the values of Federal and non-Federal land are within the 25 percent cash equalization limit of 206(b) of FLPMA:

- (1) Lot 3.
- (2) Lot 4.
- (3) Lot 9.
- (4) Lot 10.
- (5) Lot 11.
- (6) Lot 8.

(e) CASH EQUALIZATION.—Any difference in value remaining after compliance with subsection (d) shall be equalized by the payment of cash to the Secretary or MCJV, as the circumstances dictate, in accordance with section 206(b) of FLPMA (43 U.S.C. 1716(b)). Public Law 90-171 (16 U.S.C. 484a; commonly known as the "Sisk Act") shall, without further appropriation, apply to any cash equalization payment received by the United States under this section.

SEC. 104. DIAMOND POINT—Q RANCH LAND EXCHANGE.

(a) IN GENERAL.—Upon receipt of a binding offer from DPSHA to convey title acceptable to the Secretary to the land described in subsection (b), the Secretary shall convey to DPSHA all right, title, and interest of the United States in and to the land described in subsection (c).

(b) NON-FEDERAL LAND.—The land described in this subsection is the approximately 495 acres of non-Federal land generally depicted on the map entitled "Diamond Point Exchange—Q Ranch Non-Federal Lands", dated May 2002.

(c) FEDERAL LAND.—The Federal land described in this subsection is the approximately 108 acres northeast of Payson, Arizona, as generally depicted on a map entitled "Diamond Point Exchange—Federal Land", dated May 2002.

(d) EQUAL VALUE EXCHANGE.—The values of the non-Federal and Federal land directed to be exchanged under this section shall be equal or equalized as determined by the Secretary through an appraisal performed by a qualified appraiser mutually agreed to by the Secretary and DPSHA and in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (U.S. Department of Justice, December 2000), and section 206(d) of FLPMA (43 U.S.C. 1716(d)). If the values are not equal, they shall be equalized by the payment of cash to the Secretary or DPSHA pursuant to section 206(b) of FLPMA (43 U.S.C. 1716(b)). Public Law 90-171 (16 U.S.C. 484a; commonly known as the "Sisk Act") shall, without further appropriation, apply to any cash equalization payment received by the United States under this section.

(e) SPECIAL USE PERMIT TERMINATION.—Upon execution of the land exchange authorized by this section, all special use cabin permits on the Federal land shall be terminated.

SEC. 105. MISCELLANEOUS PROVISIONS.

(a) EXCHANGE TIMETABLE.—Not later than 6 months after the Secretary receives an offer under section 103 or 104, the Secretary shall execute the exchange under section 103 or 104, respectively, unless the Secretary and MCJV or DPSHA, respectively, mutually agree to extend such deadline.

(b) EXCHANGE PROCESSING.—Prior to executing the land exchanges authorized by this title, the Secretary shall perform any necessary land surveys and required

preexchange clearances, reviews, and approvals relating to threatened and endangered species, cultural and historic resources, wetlands and floodplains and hazardous materials. If 1 or more of the Federal land parcels or lots, or portions thereof, cannot be transferred to MCJV or DPSHA due to hazardous materials, threatened or endangered species, cultural or historic resources, or wetland and flood plain problems, the parcel or lot, or portion thereof, shall be deleted from the exchange, and the values of the lands to be exchanged adjusted in accordance with subsections (d) and (e) of section 103 or section 104(d), as appropriate. In order to save administrative costs to the United States, the costs of performing such work, including the appraisals required pursuant to this title, shall be paid by MCJV or DPSHA for the relevant property, except for the costs of any such work (including appraisal reviews and approvals) that the Secretary is required or elects to have performed by employees of the Department of Agriculture.

(c) **FEDERAL LAND RESERVATIONS AND ENCUMBRANCES.**—The Secretary shall convey the Federal land under this title subject to valid existing rights, including easements, rights-of-way, utility lines and any other valid encumbrances on the Federal land as of the date of the conveyance under this title. If applicable to the land conveyed, the Secretary shall also retain any right of access as may be required by section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9620(h)) for remedial or corrective action relating to hazardous substances as may be necessary in the future.

(d) **ADMINISTRATION OF ACQUIRED LAND.**—The land acquired by the Secretary pursuant to this title shall become part of the Tonto or Coconino National Forest, as appropriate, and be administered as such in accordance with the laws, rules, and regulations generally applicable to the National Forest System. Such land may be made available for domestic livestock grazing if determined appropriate by the Secretary in accordance with the laws, rules, and regulations applicable thereto on National Forest System land.

(e) **TRANSFER OF LAND TO PARK SERVICE.**—Upon their acquisition by the United States, the “Montezuma Castle Contiguous Lands” identified in section 103(d)(1) shall be transferred to the administrative jurisdiction of the National Park Service, and shall thereafter be permanently incorporated in, and administered by the Secretary of the Interior as part of, the Montezuma Castle National Monument.

TITLE II—MENDOCINO NATIONAL FOREST LAND CONVEYANCE

SEC. 201. LAND CONVEYANCE, FARAWAY RANCH, MENDOCINO NATIONAL FOREST, CALIFORNIA.

(a) **CONVEYANCE REQUIRED.**—Subject to subsection (b), the Secretary of Agriculture shall convey to the owner of the property known as the Faraway Ranch in Lake County, California (in this section referred to as the “recipient”), by quitclaim deed, all right, title, and interest of the United States in and to the following National Forest System lands in Mendocino National Forest in Lake County, California:

(1) “Faraway Ranch, Tract 39” (approximately 15.8 acres) consisting of a portion of lot 6 of section 4, township 18 north, range 10 west, Mount Diablo base and meridian, as generally depicted on the map entitled “Faraway Ranch, Tracts 39 and 40” and dated June 30, 2002.

(2) “Faraway Ranch, Tract 40” (approximately 105.1 acres) consisting of a portion of the N½SW¼ and lot 7 of section 4, and a portion of lots 15 and 16 of section 5, township 18

north, range 10 west, Mount Diablo base and meridian, as generally depicted on the map entitled “Faraway Ranch, Tracts 39 and 40” and dated June 30, 2002.

(b) **TIME FOR CONVEYANCE.**—The Secretary shall make the conveyance under subsection (a) not later than 120 days after the date on which the recipient deposits sufficient funds with the Bureau of Land Management, California State Office, Branch of Geographic Services, to cover survey work costs and with the Forest Service, Mendocino National Forest, to cover Forest Service direct transaction costs described in subsection (e).

(c) **CORRECTIONS.**—With the agreement of the recipient, the Secretary may make minor corrections to the legal descriptions and map of the lands to be conveyed pursuant to this section.

(d) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the recipient shall pay to the Secretary an amount equal to the fair market value of the National Forest System lands conveyed under such subsection. The fair market value of such lands shall be determined by an appraisal that is acceptable to the Secretary and conforms with the Federal appraisal standards, as defined in the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

(e) **PAYMENT OF COSTS.**—All direct transaction costs associated with the conveyance under section (a), including the costs of appraisal, title, and survey work, shall be paid by the recipient.

(f) **USE OF PROCEEDS.**—

(1) **DEPOSIT.**—The Secretary shall deposit the amounts received by the Secretary as consideration under subsection (d) in the fund established by Public Law 90-171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

(2) **USE.**—Funds deposited under paragraph (1) shall be available to the Secretary until expended, without further appropriation—

(A) for the acquisition of land and interests in land for National Forest System purposes in the State of California; and

(B) for reimbursement of costs incurred by the Forest Service in making the conveyance under subsection (a).

(3) **STATUS OF ACQUIRED LAND.**—Notwithstanding Public Law 85-862 (16 U.S.C. 521a), any lands acquired under paragraph (2)(A) shall be managed as lands acquired under the March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480, 500, 515 et seq.), regardless of whether any of the lands conveyed under subsection (a) were reserved from the public domain.

(g) **WITHDRAWAL.**—Subject to valid existing rights, the lands to be conveyed under subsection (a) are hereby withdrawn from all forms of location, entry, and patent under the public land laws and the mining and mineral leasing laws of the United States.

The **SPEAKER** pro tempore (Mr. BASS). Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill directs the Secretary of Agriculture to conduct two land exchanges, the Montezuma Castle land exchange in the Coconino National Forest, and the Diamond Point land exchange in the Tonto National Forest.

In the Montezuma Castle land exchange, the National Park Service will

acquire some riparian areas which are part of the viewshed for the Montezuma Castle National Monument, and the Forest Service will acquire Double Cabin Park. In exchange, 122 acres of National Forest System land adjacent to the town of Payson Municipal Airport will be transferred to private ownership.

In the Diamond Point land exchange, the Forest Service will receive a 495-acre parcel known as the Q Ranch in an area where they have completed previous acquisitions and consolidated Federal lands. In exchange, the Diamond Point Summer Homes Association will acquire 108 acres of Federal land which has been occupied by the association's 45 residential cabins since the 1950s. The Tonto National Forest plan specifically recommends conveyance of the Federal land to the cabin owners.

The second part of this bill authorizes the Secretary of Agriculture to convey certain lands in the Mendocino National Forest in California to correct recently discovered errors in the original survey. In the last few years, we have discovered many problems with surveys conducted in the late 1800s. In this case, the faulty survey has allowed unintentional encroachment of ranch structures into nearby national forest lands. This bill remedies outstanding encroachment issues by authorizing the transfer of 120 acres of adjacent national forest land in exchange for payment of the fair market value of these lands.

The payments will be deposited into the Sisk Act and used to purchase non-Federal lands adjacent to national forest lands in California. This is the text of H.R. 5032, authored by the gentleman from California (Mr. THOMPSON), and ordered reported from the Committee on Resources on September 12.

Mr. Speaker, I urge adoption of these measures, and I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while I initially had some minor problems with H.R. 4919 when it was considered in committee, our colleague, the gentleman from Arizona (Mr. PASTOR), came and spoke to me. In no uncertain terms he made it clear he would like to see this legislation passed. Therefore, I decided it would be a good idea to move it forward.

I would also note that the inclusion by our colleague, the gentleman from California (Mr. THOMPSON), of his legislation in this legislation is facilitating its consideration on the floor today. The gentleman from California is to be commended for his leadership, and is a very capable and effective representative of his constituents. I salute him for his work on this particular bill.

Mr. HAYWORTH. I am grateful for the opportunity to speak today about my bill, H.R. 4919, the Tonto and Coconino National Forests Land Exchange.

This legislation authorizes two commonsense land exchanges that will benefit not only

my constituents, but the U.S. Forest Service. Most importantly, this bill will authorize a land exchange that will allow the Town of Payson to purchase a portion of the conveyed property to create private sector business development and job opportunities. Payson is totally surrounded by national forest lands, virtually land-locking the community. Local officials feel that the lack of land for industry and affordable housing is the major obstacle to economic development in the region.

The legislation also authorizes the Forest Service to acquire a 495-acre parcel known as the Q Ranch, which is currently owned by The Conservation Fund. In exchange, the Diamond Point Summer Homes Association will acquire 108 acres of federal land that has been occupied by the group's 45 residential cabins since the 1950's.

The Tonto National Forest Plan has specifically recommended conveyance of the federal land. The exchange will transfer land of limited public use to the association in exchange for private lands that will increase management efficiency and enhance public access, use and enjoyment of the surrounding national forest lands.

In summary, the bill contains common-sense legislation that accomplishes goals that the Forest Service has stated are a priority. These land exchanges are endorsed by the Gila County Board of Supervisors, the Rim County Regional Chamber of Commerce, the Town of Payson, the Payson Regional Economic Development Corporation, and the National Park Service, among others.

I have been honored to serve the community of Payson in the House of Representatives for eight years. Due to redistricting, I will no longer have the opportunity to directly represent this beautiful part of Arizona. Nevertheless, even as congressional lines change, the issues remain the same, and I hope to convey to my friends in Payson that I will remain a strong advocate of their interests.

With that, I urge an "aye" vote on H.R. 4919.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4919, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MIAMI CIRCLE PARK FEASIBILITY STUDY

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1894) to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of the Biscayne National Park, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—MIAMI CIRCLE SITE SPECIAL RESOURCE STUDY

SEC. 101. FINDINGS AND PURPOSES.

- (a) FINDINGS.—The Congress finds that—
- (1) the Tequesta Indians were one of the earliest groups to establish permanent villages in southeast Florida;
 - (2) the Tequestas had one of only two North American civilizations that thrived and developed into a complex social chiefdom without an agricultural base;
 - (3) the Tequesta sites that remain preserved today are rare;
 - (4) the discovery of the Miami Circle, occupied by the Tequesta approximately 2,000 years ago, presents a valuable new opportunity to learn more about the Tequesta culture; and
 - (5) Biscayne National Park also contains and protects several prehistoric Tequesta sites.
- (b) PURPOSE.—The purpose of this title is to direct the Secretary to conduct a special resource study to determine the national significance of the Miami Circle site as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park.

SEC. 102. DEFINITIONS.

In this title:

- (1) MIAMI CIRCLE.—The term "Miami Circle" means the Miami Circle archaeological site in Miami-Dade County, Florida.
- (2) PARK.—The term "Park" means Biscayne National Park in the State of Florida.
- (3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 103. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—Not later than one year after the date funds are made available, the Secretary shall conduct a special resource study as described in subsection (b). In conducting the study, the Secretary shall consult with the appropriate American Indian tribes and other interested groups and organizations.

(b) COMPONENTS.—In addition to a determination of national significance, feasibility, and suitability, the special resource study shall include the analysis and recommendations of the Secretary with respect to—

- (1) which, if any, particular areas of or surrounding the Miami Circle should be included in the Park;
- (2) whether any additional staff, facilities, or other resources would be necessary to administer the Miami Circle as a unit of the Park; and
- (3) any impact on the local area that would result from the inclusion of Miami Circle in the Park.

(c) REPORT.—Not later than 30 days after completion of the study, the Secretary shall submit a report describing the findings and recommendations of the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the United States House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE II—GATEWAY COMMUNITIES COOPERATION

SEC. 201. IMPROVED RELATIONSHIP BETWEEN FEDERAL LAND MANAGERS AND GATEWAY COMMUNITIES TO SUPPORT COMPATIBLE LAND MANAGEMENT OF BOTH FEDERAL AND ADJACENT LANDS.

(a) FINDINGS.—The Congress finds the following:

(1) Communities that are adjacent to or near Federal lands, including units of the National Park System, units of the National Wildlife Refuge System, units of the National Forest System, and lands administered by the Bureau of Land Management, are vitally impacted by the management and public use of these Federal lands.

(2) These communities, commonly known as gateway communities, fulfill an integral part in the mission of the Federal lands by providing necessary services, such as schools, roads, search and rescue, emergency, medical, provisioning, logistical support, living quarters, and drinking water and sanitary systems, for both visitors to the Federal lands and employees of Federal land management agencies.

(3) Provision of these vital services by gateway communities is an essential ingredient for a meaningful and enjoyable experience by visitors to the Federal lands because Federal land management agencies are unable to provide, or are prevented from providing, these services.

(4) Gateway communities serve as an entry point for persons who visit the Federal lands and are ideal for establishment of visitor services, including lodging, food service, fuel and auto repairs, emergency services, and visitor information.

(5) Development in these gateway communities affect the management and protection of these Federal lands, depending on the extent to which advance planning for the local development is coordinated between the communities and Federal land managers.

(6) The planning and management decisions of Federal land managers can have unintended consequences for gateway communities and the Federal lands, when the decisions are not adequately communicated to, or coordinated with, the elected officials and residents of gateway communities.

(7) Experts in land management planning are available to Federal land managers, but persons with technical planning skills are often not readily available to gateway communities, particularly small gateway communities.

(8) Gateway communities are often affected by the policies and actions of several Federal land agencies and both the communities and the agencies would benefit from greater interagency coordination of those policies and actions.

(9) Persuading gateway communities to make decisions and undertake actions in their communities that would also be in the best interest of the Federal lands is most likely to occur when such decisionmaking and actions are built upon a foundation of cooperation and coordination.

(b) PURPOSE.—It is the purpose of this title to require Federal land managers to communicate, coordinate, and cooperate with gateway communities in order to—

(1) improve the relationships among Federal land managers, elected officials, and residents of gateway communities;

(2) enhance the facilities and services in gateway communities available to visitors to Federal lands, when compatible with the management of these lands; and

(3) result in better local land use planning and decisions by Federal land managers.

(c) DEFINITIONS.—In this section:

(1) GATEWAY COMMUNITY.—The term "gateway community" means a county, city,