

(1) **TRANSFER.**—There is transferred to the Secretary of the Interior administrative jurisdiction over National Forest lands depicted on the map referred to in subsection (a)(1).

(2) **INCLUSION IN PARK.**—Upon the effective date of this subsection, the boundary of Mount Rainier National Park shall be modified to include the lands referred to in paragraph (1).

(c) **ADMINISTRATIVE SITE.**—In addition to lands acquired under subsection (a), in order to provide public information for visitors accessing public lands along the Carbon and Mowich Corridors, the Secretary of the Interior may acquire land in the vicinity of Wilkeson, Washington, not to exceed .5 acre, by purchase, donation, or exchange, and from willing owners only.

(d) **ADMINISTRATION OF ACQUIRED LANDS.**—The Secretary of the Interior shall administer lands acquired under this section as part of Mount Rainier National Park and in accordance with applicable laws and regulations.

(e) **AVAILABILITY OF MAP.**—The map referred to in subsection (a)(1) shall be on file in the appropriate offices of the National Park Service.

Mr. HANSEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

YAVAPAI RANCH LAND EXCHANGE REFINEMENT ACT OF 2002

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the bill (H.R. 5513) to authorize and direct the exchange of certain land in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5513

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 “Yavapai Ranch Land Exchange Refinement Act of 2002”.

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds that—

(1) certain parcels of private land in the approximately 170 square miles of land commonly known as the “Yavapai Ranch” and located in Yavapai County, Arizona, are intermingled with National Forest System land owned by the United States and administered by the Secretary of Agriculture as part of Prescott National Forest;

(2) the private land is owned by the Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C. in an intermingled checkerboard pattern, with the United States or Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C. owning alternate square mile sections of land or fractions of square mile sections;

(3) much of the private land within the checkerboard area (including the land located in or near the Pine Creek watershed, Juniper Mesa Wilderness Area, Haystack Peak, and the Luis Maria Baca Float No. 5) is located in environmentally sensitive areas that possess outstanding attributes and values for public management, use, and enjoyment, including opportunities for—

(A) outdoor recreation;

(B) preservation of stands of old growth forest;

(C) important and largely unfragmented habitat for antelope, deer, elk, mountain lion, wild turkey, and other wildlife species;

(D) watershed protection and enhancement;

(E) scientific research;

(F) rangeland;

(G) ecological and archaeological resources; and

(H) scenic vistas;

(4) the checkerboard ownership pattern of land within the Yavapai Ranch detracts from sound and efficient management of the intermingled National Forest System land;

(5) if the private land in the checkerboard area is subdivided or developed, the intermingled National Forest System land will become highly fragmented and lose much of the value of the land for wildlife habitat and future public access, use, and enjoyment;

(6) acquisition by the United States of certain parcels of land that have been offered by Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C. for addition to Prescott National Forest will serve important public objectives, including—

(A) acquiring private land that meets the criteria for inclusion in the National Forest System in exchange for land with lower public, environmental, and ecological values;

(B) consolidating a large area of National Forest System land to preserve—

(i) permanent public access, use, and enjoyment of the land; and

(ii) efficient management of the land;

(C) minimizing cash outlays by the United States to achieve the objectives described in subparagraphs (A) and (B);

(D) significantly reducing administrative costs to the United States through—

(i) consolidation of Federal land holdings for more efficient land management and planning;

(ii) elimination of approximately 350 miles of boundary between private land and the Federal parcels;

(iii) reduced right-of-way, special use, and other permit processing and issuance for roads and other facilities on National Forest System land; and

(iv) other administrative cost savings;

(E) significantly protecting the watershed and stream flow of the Verde River in Arizona by reducing the land available for future development within that watershed by approximately 25,000 acres; and

(F) conserving the waters of the Verde River through the recording of declarations restricting the use of water on Federal land located near the communities of Camp Verde, Cottonwood and Clarkdale to be exchanged by the United States to Yavapai Ranch Limited Partnership or the Northern Yavapai, L.L.C.;

(7) Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C. have selected parcels of National Forest System land that are logical for conveyance to

Yavapai Ranch Limited Partnership or the Northern Yavapai, L.L.C. through a land exchange because the parcels—

(A) are located in less environmentally sensitive areas than the land to be acquired by the United States;

(B) have significantly lower recreational, wildlife, ecological, aesthetic, and other public purpose values than the land to be acquired by the United States; and

(C) are encumbered by special use permits and rights-of-way for a variety of purposes (including summer youth camps, municipal water treatment facilities, sewage treatment facilities, city parks, and airport-related facilities) that—

(i) limit the usefulness of the parcels for general National Forest System purposes; but

(ii) are logical for pass-through conveyances from Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C. to the permit or right-of-way holders;

(8) because of residential and ranchette-style subdivisions and developments on land adjacent to the Yavapai Ranch, it is in the interest of the public—

(A) to authorize, direct, facilitate, and expedite the exchange of Federal land and non-Federal land; and

(B) to establish a large consolidated area of National Forest System land; and

(9) without a land exchange, Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C. will be forced to initiate development of the non-Federal land.

(b) **PURPOSE.**—The purpose of this Act is to further the public interest by authorizing, directing, facilitating, and expediting the exchange of Federal land and non-Federal land between the United States, Yavapai Ranch Limited Partnership, and the Northern Yavapai, L.L.C.

SEC. 3. DEFINITIONS.

In this Act:

(1) **CAMP VERDE DECLARATION.**—The term “Camp Verde Declaration” means the Declaration of Covenants, Conditions, and Restrictions executed by Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C., on or about August 12, 2002, and recorded in the official records of Yavapai County, Arizona, that is intended to run with the land and imposes certain water use restrictions, water source limitations, and water conservation measures on the future development of the land described in section 4(a)(2)(D).

(2) **COTTONWOOD DECLARATION.**—The term “Cottonwood Declaration” means the Declaration of Covenants, Conditions and Restrictions executed by Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C., on or about August 12, 2002, and recorded in the official records of Yavapai County, Arizona, that is intended to run with the land and imposes certain water use restrictions, water source limitations, and water conservation measures on the future development of the land described in section 4(a)(2)(E).

(3) **DECLARATIONS.**—The term “Declarations” collectively means the Camp Verde Declaration and the Cottonwood Declaration, both of which Congress is requiring to be recorded as encumbrances on the Camp Verde Federal land described in section 4(a)(2)(D) and the Cottonwood/Clarkdale Federal land described in section 4(a)(2)(E) in order to conserve water resources in the Verde River Valley, Arizona.

(4) **FEDERAL LAND.**—The term “Federal land” means the land directed for exchange to YRLP in section 4(a)(2).

(5) **MANAGEMENT PLAN.**—The term “Management Plan” means the land and resource management plan for Prescott National Forest.

(6) **NON-FEDERAL LAND.**—The term “non-Federal land” means the approximately 35,000 acres of non-Federal land located within the boundaries of Prescott National Forest and directed for exchange to the United States, as generally depicted on the map entitled “Yavapai Ranch Non-Federal Lands”, dated April 2002.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(8) **SUMMER CAMPS.**—The term “summer camps” means Camp Pearlstein and Friendly Pines, Patterdale Pines, Pine Summit, Sky Y, and YoungLife Lost Canyon camps in the State of Arizona.

(9) **YRLP.**—

(A) **IN GENERAL.**—The term “YRLP” means—

(i) the Yavapai Ranch Limited Partnership, an Arizona Limited Partnership; and

(ii) the Northern Yavapai, L.L.C., an Arizona Limited Liability Company.

(B) **INCLUSIONS.**—Except as otherwise expressly provided in this Act, the term “YRLP” includes successors-in-interest, assigns, transferees, and affiliates of YRLP.

SEC. 4. LAND EXCHANGE.

(a) **CONVEYANCE OF FEDERAL LAND BY THE UNITED STATES.**—

(1) **IN GENERAL.**—On receipt of an offer from YRLP to convey the non-Federal land, the Secretary shall convey to YRLP by deed acceptable to YRLP all right, title, and interest of the United States in and to the Federal land described in paragraph (2), subject to easements, rights-of-way, utility lines, and any other valid encumbrances on the Federal land in existence on the date of enactment of this Act and such other reservations as may be mutually agreed to by the Secretary and YRLP.

(2) **DESCRIPTION OF FEDERAL LAND.**—The Federal land referred to in paragraph (1) shall consist of the following:

(A) Certain land comprising approximately 15,300 acres located in Yavapai County, Arizona, as generally depicted on the map entitled “Yavapai Ranch-Ranch Area Federal Lands”, dated April 2002.

(B) Certain land in the Coconino National Forest, Coconino County Arizona—

(i) comprising approximately 1,500 acres located in Coconino National Forest, Coconino County, Arizona, as generally depicted on the map entitled “Flagstaff Federal Lands—Airport Parcel”, dated April 2002; and

(ii) comprising approximately 28.26 acres in 2 separate parcels, as generally depicted on the map entitled “Flagstaff Federal Lands—Wetzel School and Mt. Elden Parcels”, dated September 2002.

(C) Certain land referred to as Williams Airport, Williams golf course, Williams Sewer, Buckskinner Park, Williams Railroad, and Well parcels numbers 2, 3, and 4, comprising approximately 950 acres, all located in Kaibab National Forest, Coconino County, Arizona, as generally depicted on the map entitled “Williams Federal Lands”, dated April 2002.

(D) Certain land comprising approximately 2,200 acres located in Prescott National Forest, Yavapai County, Arizona, as generally depicted on the map entitled “Camp Verde Federal Land—General Crook Parcel”, dated April 2002, and title to which shall be conveyed to Yavapai Ranch Limited Partnership or the Northern Yavapai, L.L.C., but not to any successor-in-interest, assign, transferee or affiliate of Yavapai Ranch Limited Partnership or the Northern Yavapai, L.L.C., or any other person or entity holding or acquiring any interest in Yavapai Ranch.

(E) Certain land comprising approximately 820 acres located in Prescott National Forest in Yavapai County, Arizona, as generally depicted on the map entitled “Cottonwood/

Clarkdale Federal Lands”, dated April 2002, and title to which shall be conveyed to Yavapai Ranch Limited Partnership or the Northern Yavapai, L.L.C., but not to any successor-in-interest, assign, transferee or affiliate of Yavapai Ranch Limited Partnership or the Northern Yavapai, L.L.C., or any other person or entity holding or acquiring any interest in Yavapai Ranch.

(F) Certain land comprising approximately 237.5 acres located in Kaibab National Forest, Coconino County, Arizona, as generally depicted on the map entitled “Younglife Lost Canyon”, dated April 2002.

(G) Certain land comprising approximately 200 acres located in Prescott National Forest, Yavapai County, Arizona, and including Friendly Pines, Patterdale Pines, Camp Pearlstein, Pine Summit, and Sky Y, as generally depicted on the map entitled “Prescott Federal Lands—Summer Youth Camp Parcels”, dated April 2002.

(H) Perpetual, unrestricted, and nonexclusive easements that—

(i) run with and benefit land owned by or conveyed to YRLP across certain land of the United States;

(ii) are for—

(I) the purposes of operating, maintaining, repairing, improving, and replacing electric power lines or water pipelines (including related storage tanks, valves, pumps, and hardware); and

(II) rights of reasonable ingress and egress necessary for the purposes described in subclause (I);

(iii) are 20 feet in width; and

(iv) are located 10 feet on either side of each line depicted on the map entitled “YRLP Acquired Easements for Water Lines”, dated April 2002.

(3) **CONDITIONS.**—

(A) **PERMITS.**—Permits or other legal occupancies of the Federal land by third parties in existence on the date of transfer of the Federal land to YRLP shall be addressed in accordance with—

(i) part 254.15 of title 36, Code of Federal Regulations (or any successor regulation); and

(ii) other applicable laws (including regulations).

(B) **CONVEYANCE OF CERTAIN PARCELS.**—

(i) **CAMP VERDE.**—

(I) **IN GENERAL.**—Before YRLP acquires the parcel described in paragraph (2)(D), YRLP shall execute and record the Camp Verde Declaration.

(II) **AMENDED DECLARATION.**—Following the acquisition of the parcel described in paragraph (2)(D), YRLP shall execute and record with the Yavapai County Recorder an amended declaration in which the legal description of the land referred to in the Camp Verde Declaration is amended to conform to the legal description in paragraph (2)(D).

(ii) **COTTONWOOD/CLARKDALE.**—

(I) **IN GENERAL.**—Before YRLP acquires the parcel described in paragraph (2)(E), YRLP shall execute and record the Cottonwood Declaration.

(II) **AMENDED DECLARATION.**—Following the acquisition of the parcel described in paragraph (2)(E), YRLP shall execute and record with the Yavapai County Recorder an amended declaration in which the legal description of the land referred to in the Cottonwood Declaration is amended to conform to the legal description in paragraph (2)(E).

(b) **CONVEYANCE OF NON-FEDERAL LAND BY YRLP.**—

(1) **IN GENERAL.**—On receipt of title to the Federal land, YRLP shall simultaneously convey to the United States, by deed acceptable to Secretary and subject to any encumbrances, all right, title, and interest of YRLP in and to the non-Federal land.

(2) **EASEMENTS.**—

(A) **IN GENERAL.**—The conveyance of non-Federal land to the United States under paragraph (1) shall be subject to the reservation of—

(i) perpetual and unrestricted easements and water rights that run with and benefit the land retained by YRLP for—

(I) the operation, maintenance, repair, improvement, development, and replacement of not more than 3 existing wells;

(II) related storage tanks, valves, pumps, and hardware; and

(III) pipelines to points of use; and

(ii) easements for reasonable ingress and egress to accomplish the purposes of the easements described in clause (i).

(B) **EXISTING WELLS.**—

(i) **IN GENERAL.**—Each easement for an existing well shall be—

(I) 40 acres in area; and

(II) to the maximum extent practicable—

(aa) centered on the existing well; and

(bb) located in the same square mile section of land.

(ii) **LIMITATION.**—Within a 40-acre easement described in clause (i), the United States and any permittees or licensees of the United States shall be prohibited from undertaking any activity that interferes with the use of the wells by YRLP, without the written consent of YRLP.

(iii) **RESERVATION OF WATER FOR THE UNITED STATES.**—The United States shall be entitled to ½ of the production of each existing well, not to exceed a total of 3,100,000 gallons of water annually, for watering wildlife and stock from all 3 wells.

(C) **REASONABLE ACCESS.**—Each easement for ingress and egress shall be at least 20 feet in width.

(D) **LOCATION.**—The locations of the easements and wells shall be the locations generally depicted on a map entitled “YRLP Reserved Easements for Water Lines and Wells”, dated April 2002.

(c) **LAND TRANSFER PROBLEMS.**—

(1) **FEDERAL LAND.**—If all or part of any parcels of Federal land cannot be transferred to YRLP because of hazardous materials, or if the proposed title to a Federal land parcel or parcels or fraction thereof is unacceptable to YRLP because of the existence of unpatented mining claims, or in the event of the presence of threatened or endangered species or cultural or historic resources which cannot be mitigated, or other third party rights under the public land laws, the parcel or parcels or parts thereof shall be deleted from the exchange and the Secretary and YRLP may mutually agree to exchange other Federal land in lieu of the deleted parcel or part thereof in accordance with section 5(c). If the parcel or parcels are deleted from the exchange, the non-Federal land shall be adjusted in accordance with section 5(c) as necessary to achieve equal value.

(2) **NON-FEDERAL LAND.**—If 1 or more of the parcels of non-Federal land or a portion of such a parcel cannot be conveyed to the United States because of the presence of hazardous materials or because the proposed title to a parcel or a portion of the parcel is unacceptable to the Secretary—

(A) the parcel or any portion of the parcel shall be excluded from the exchange; and

(B) the Federal land shall be adjusted in accordance with section 5(c) to achieve approximate equal value.

(d) **PASS-THROUGH CONVEYANCES.**—

(1) **IN GENERAL.**—On or after the acquisition of the Federal land, YRLP may subsequently pass through or convey to the cities of Flagstaff, Williams, Camp Verde, Cottonwood, and the summer camps the parcels of Federal land or portions of parcels located in or near the cities or summer camps.

(2) **DELETION FROM EXCHANGE.**—If YRLP and the cities or summer camps referred to

in paragraph (1) have not agreed to the terms and conditions of a pass-through or subsequent conveyance of a parcel or portion of a parcel of Federal land before the completion of the exchange, the Secretary, on notice by YRLP, shall delete the parcel or any portion of the parcel from the exchange, provided that any portion so deleted shall be configured by the Secretary to leave the United States with manageable post-exchange lands and boundaries.

(3) EASEMENTS.—In accordance with section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the United States shall reserve easements in any land transferred to YRLP.

SEC. 5. EXCHANGE VALUATION, APPRAISALS, AND EQUALIZATION.

(a) EQUAL VALUE EXCHANGE.—The values of the non-Federal and Federal land directed to be exchanged under this Act—

(1) shall be equal, as determined by the Secretary; or

(2) if the values are not equal, shall be equalized in accordance with subsection (c).

(b) APPRAISALS.—

(1) IN GENERAL.—The values of the Federal land and non-Federal land shall be determined by appraisals using the appraisal standards in—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions, fifth edition (December 20, 2000); and

(B) the Uniform Standards of Professional Appraisal Practice.

(2) APPROVAL.—In accordance with part 254.9(a)(1) of title 36, Code of Federal Regulations (or any successor regulation), the appraiser shall be—

(A) acceptable to the Secretary and YRLP; and

(B) a contractor, the clients of which shall be both the Secretary and YRLP.

(3) REQUIREMENTS.—During the appraisal process—

(A) the Secretary and YRLP shall have equal access to the appraiser; and

(B) the Secretary and YRLP shall cooperate with each other and the appraiser to prepare appraisal instructions which shall require the appraiser to—

(i) consider the effect on value of the Federal land or non-Federal land because of the existence of encumbrances on each parcel, including—

(I) permitted uses on Federal land that cannot be reasonably terminated before the appraisal;

(II) facilities on Federal land that cannot be reasonably removed before the appraisal; and

(III) the reduction in value attributable to the conservation measures and restrictions on water use under the Declarations; and

(ii) determine the value of each parcel of Federal land and non-Federal land (including the value of each individual section of the intermingled Federal and non-Federal land of the Yavapai Ranch) as an assembled transaction consistent with the applicable provisions of parts 254.5 and 254.9(b)(1)(v) of title 36, Code of Federal Regulations (or any successor regulation).

(4) DISPUTE RESOLUTION.—A dispute relating to the appraised values of the Federal land or non-Federal land following completion of the appraisal shall be processed in accordance with—

(A) section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)); and

(B) part 254.10 of title 36, Code of Federal Regulations (or any successor regulation).

(5) APPRAISAL PERIOD.—After the final appraised values of the Federal land and non-Federal land have been reviewed and approved by the Secretary or otherwise deter-

mined in accordance with the requirements of paragraph (4), the final appraised values—

(A) shall not be reappraised or updated by the Secretary before the completion of the land exchange; and

(B) shall be considered to be the values of the Federal land and non-Federal land on the date of the transfer of the title.

(6) AVAILABILITY.—A comprehensive summary of the appraisals approved by the Secretary shall be made available for public inspection in the Offices of the Supervisors for Prescott, Coconino, and Kaibab National Forests at the time the exchange is consummated.

(c) EQUALIZATION OF VALUES.—

(1) SURPLUS OF NON-FEDERAL LAND.—

(A) IN GENERAL.—If, after any adjustments are made to the non-Federal land or Federal land under subsection (c) or (d) of section 4, the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land, the Federal land and non-Federal land shall be adjusted in accordance with subparagraph (B) until the values are approximately equal.

(B) ADJUSTMENTS.—An adjustment referred to in subparagraph (A) shall be accomplished by beginning at the east boundary of section 30, T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, and adding to the Federal land to be conveyed to YRLP in $\frac{1}{4}$ section increments (N-S 64th line) and lot lines across the section, while deleting from the conveyance to the United States non-Federal land in the same incremental portions of sections 19 and 31, T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, to establish a linear and continuous boundary that runs north to south across the sections.

(2) SURPLUS OF FEDERAL LAND.—

(A) IN GENERAL.—If, after any adjustments are made to the non-Federal land or Federal land under subsection (c) or (d) of section 4, the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the Federal land and non-Federal land shall be adjusted in accordance with subparagraph (B) until the values are approximately equal.

(B) ADJUSTMENTS.—Adjustments under subparagraph (A) shall be made in the following order:

(i) Beginning at the south boundary of section 31, T. 20 N., R. 5 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 33 and 35, T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, by adding to the non-Federal land to be conveyed to the United States in $\frac{1}{4}$ section increments (E-W 64th line) while deleting from the conveyance to YRLP Federal land in the same incremental portions of section 32, T. 20 N., R. 5 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 32, 34, and 36, in T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, to establish a linear and continuous boundary that runs east to west across the sections.

(ii) By deleting the following parcels:

(I) The Williams Sewer parcel, comprising approximately 20 acres, located in Kaibab National Forest, and more particularly described as the $E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ portion of section 21, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(II) The Williams railroad parcel, located in the Kaibab National Forest, and more particularly described as—

(aa) the $W\frac{1}{2}SW\frac{1}{4}$ portion of section 26, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion northeast of the southwestern right-of-way line of the Burlington Northern and Santa Fe Railway (Seligman

Subdivision), comprising approximately 30 acres;

(bb) the $NE\frac{1}{4}NW\frac{1}{4}$, the $N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, the $SE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, the $NE\frac{1}{4}$, the $SE\frac{1}{4}SW\frac{1}{4}$, and the $SE\frac{1}{4}$ portions of section 27, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion north of the southern right-of-way of Interstate 40 and any portion northeast of the southwestern right-of-way line of the Burlington Northern and Santa Fe Railway (Seligman Subdivision), any portion south of the northern right-of-way of the Burlington Northern and Santa Fe Railway (Phoenix Subdivision), and any portion within Exchange Survey No. 677, comprising approximately 220 acres;

(cc) the $NE\frac{1}{4}NE\frac{1}{4}$ portion of section 34, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion southwest of the northeastern right-of-way line of the Burlington Northern and Santa Fe Railway (Phoenix Subdivision), comprising approximately 2 acres; and

(dd) the $N\frac{1}{2}$ portion of section 35, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion north of the southern right-of-way line of the Burlington Northern and Santa Fe Railway (Seligman Subdivision) and any portion south of the northern right-of-way of the Burlington Northern and Santa Fe Railway (Phoenix Subdivision), comprising approximately 60 acres.

(III) Bucks Skinner Park, comprising approximately 50 acres, located in Kaibab National Forest, and more particularly described as the $SW\frac{1}{4}SW\frac{1}{4}$, and the $S\frac{1}{2}S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$ portions of section 33, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(IV) The Cottonwood/Clarkdale parcel, comprising approximately 820 acres, located in Prescott National Forest, and more particularly described as—

(aa) lots 3, 4, 6, portions of lots 7, 8, and 9, and the $W\frac{1}{2}NW\frac{1}{4}$ and the $SW\frac{1}{4}SE\frac{1}{4}$ portions of section 5, T. 15 N., R. 3 E., Gila and Salt River Base and Meridian, Yavapai County, Arizona; and

(bb) the $S\frac{1}{2}S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$, the $E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$, the $E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$, the $NW\frac{1}{4}NE\frac{1}{4}$, the $S\frac{1}{2}NE\frac{1}{4}$, the $S\frac{1}{2}NW\frac{1}{4}$, and the $S\frac{1}{2}$ portions of section 8, T. 15 N., R. 3 E., Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(V) A portion of the Camp Verde parcel, comprising approximately 511 acres, located in Prescott National Forest, consisting of the land south of the southeastern boundary of the I-17 right-of-way, and more particularly described as the $SE\frac{1}{4}$ portion of section 26, the $E\frac{1}{2}$ and the $E\frac{1}{2}W\frac{1}{2}$ portions of section 35, and lots 5 through 7 of section 36, T. 14 N., R. 4 E., Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(VI) The Wetzel school parcel, comprising approximately 10.89 acres, located in Coconino National Forest, and more particularly described as lot 9 of section 11, T. 21 N., R. 7 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(VII) The Mt. Eldon parcel, comprising approximately 17.21 acres, located in Coconino National Forest, and more particularly described as lot 7 of section 7, T. 21 N., R. 8 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(VIII) A portion of the Camp Verde parcel, comprising approximately 316 acres, located in Prescott National Forest, and more particularly described as the $NENE\frac{1}{4}$ and lots 1, 5, and 6 of section 26, and the $N\frac{1}{2}N\frac{1}{2}$ of section 27, T. 14 N., R. 4 E., Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(IX) A portion of the Camp Verde parcel, comprising approximately 314 acres, located in Prescott National Forest, and more particularly described as the SENE¼ and lots 2, 7, 8, and 9 of section 26, and the S½N½ of section 27, T. 14 N., R. 4 E., Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(C) MODIFICATIONS.—The descriptions of land and acreage provided in subclauses (III), (IV), and (V) of subparagraph (B)(ii) may be modified to conform with a survey approved by the Bureau of Land Management.

(3) ADDITIONAL EQUALIZATION OF VALUES.—If, after the values are adjusted in accordance with paragraph (1) or (2), the values of the Federal land and non-Federal land are not equal, then the Secretary and YRLP may by mutual agreement adjust the acreage of the Federal land and non-Federal land until the values of that land are equal.

(d) CASH EQUALIZATION.—

(1) IN GENERAL.—After the values of the non-Federal and Federal land are equalized to the maximum extent practicable under subsection (c), any balance due to the Secretary or to YRLP shall be paid—

(A) through cash equalization payments under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(B) in accordance with standards established by the Secretary and YRLP.

(2) LIMITATION.—

(A) IN GENERAL.—YRLP shall not be required to make any cash equalization payment to the Secretary in an amount that exceeds \$50,000.

(B) ADJUSTMENTS.—If the value of the Federal land exceeds the value of the non-Federal land by more than \$50,000, the Secretary and YRLP shall by mutual agreement delete additional Federal land from the exchange until the values of the Federal land and non-Federal land are equal.

(C) DEPOSIT.—Any money received by the United States under this Act shall, without further appropriation, be deposited in a fund established under Public Law 90-171 (16 U.S.C. 484(a)) (commonly known as the “Sisk Act”) for the acquisition of land or interests in land for National Forest System purposes in the State of Arizona.

SEC. 6. MISCELLANEOUS PROVISIONS.

(a) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(b) WITHDRAWAL OF FEDERAL LAND.—The Federal land is withdrawn from all forms of entry and appropriation under the public land laws, including the mining and mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), until the date on which the exchange of Federal land and non-Federal land is completed.

(c) SURVEYS, INVENTORIES, AND CLEARANCES.—Before completing the exchange of Federal land and non-Federal land directed by this Act, the Secretary shall carry out land surveys and preexchange inventories, clearances, reviews, and approvals relating to hazardous materials, threatened and endangered species, cultural and historic resources, and wetlands and floodplains.

(d) COSTS OF IMPLEMENTING THE EXCHANGE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall be responsible for any costs of implementing the exchange of Federal land and non-Federal land.

(2) EXCEPTIONS.—Subject to paragraph (3), YRLP shall be responsible for paying—

(A) 100 percent of the costs of—

(i) conducting the appraisals of the Federal land and non-Federal land;

(ii) the preparation of necessary land surveys and verified legal descriptions of the Federal land and non-Federal land; and

(iii) title insurance; and

(B) 50 percent of the costs of—

(i) conducting cultural and historic resource surveys;

(ii) conducting surveys of hazardous materials;

(iii) escrow; and

(iv) publication of notice of the proposed exchange.

(3) LIMITATIONS.—

(A) IN GENERAL.—YRLP shall not pay more than \$500,000 of the costs described in paragraph (2).

(B) CREDIT.—Any costs paid by YRLP for cultural or historic resource surveys before the date of enactment of this Act shall be credited against the maximum amount required to be paid by YRLP under subparagraph (A).

(4) REIMBURSEMENT.—No amount paid by YRLP under this subsection shall be eligible for reimbursement under section 206(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(f)).

(e) TIMING.—It is the intent of Congress that the exchange of Federal land and non-Federal land directed by this Act be completed not later than 1 year after the date of enactment of this Act.

(f) CONTRACTORS.—

(1) IN GENERAL.—If the Secretary lacks adequate staff or resources to complete the exchange by the date referred to in subsection (e), or if the costs described in subsection (d)(2) exceed the limitation described in subsection (d)(3), the Secretary shall reimburse YRLP for the costs of 1 or more independent third party contractors, subject to the approval of the Secretary and YRLP, to carry out any activities necessary to complete the exchange by that date.

(2) CREDITS.—If the Secretary lacks funds with which to reimburse YRLP in accordance with paragraph (1), the Secretary shall credit any amounts paid by YRLP to third party independent contractors against the value of the Federal land in accordance with section 206(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(f)).

SEC. 7. STATUS AND MANAGEMENT OF LAND AFTER EXCHANGE.

(a) IN GENERAL.—Non-Federal land acquired by the United States under this Act—

(1) shall become part of the Prescott National Forest; and

(2) shall be administered by the Secretary in accordance with—

(A) this Act; and

(B) the laws (including regulations) applicable to the National Forest System.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Acquisition of the land authorized by this Act shall not, of itself, require a revision or amendment to the Management Plan for Prescott National Forest.

(2) AMENDMENT OR REVISION OF PLAN.—If the Management Plan is amended or revised after the date of acquisition of non-Federal land under this Act, the Management Plan shall be amended to reflect the acquisition of the non-Federal land.

(c) POST-EXCHANGE MANAGEMENT OF CERTAIN LAND.—

(1) IN GENERAL.—Following its acquisition by the United States, the non-Federal land acquired by the United States and adjoining National Forest System land shall be managed in accordance with paragraphs (2) through (6), and the laws, rules, and regulations generally applicable to the National Forest System.

(2) PROTECTION OF NATURAL RESOURCES.—The land shall be managed in a manner that maintains the species, character, and natural values of the land, including—

(A) deer, pronghorn antelope, wild turkey, mountain lion, and other resident wildlife and native plant species;

(B) suitability for livestock grazing; and

(C) aesthetic values.

(3) GRAZING.—Each area located in the Yavapai Ranch grazing allotment as of the date of enactment of this Act shall—

(A) remain in the Yavapai Ranch grazing allotment; and

(B) continue to be subject to grazing in accordance with the laws, rules, and regulations generally applicable to domestic livestock grazing on National Forest System land.

(4) ROADS.—

(A) IMPROVEMENT AND MAINTENANCE.—The Secretary shall maintain or improve a system of roads and trails on the land to provide opportunities for hunting, motorized and nonmotorized recreation, and other uses of the land by the public.

(B) PUBLIC ACCESS ROAD.—

(i) CONSTRUCTION.—The Secretary shall improve or construct a public access road linking Forest Road 7 (Pine Creek Road) to Forest Road 1 (Turkey Canyon Road) through portions of sections 33, 32, 31, and 30, T. 19 N., R. 6 W., Gila and Salt River Base and Meridian.

(ii) EXISTING ROAD.—The existing road linking Pine Creek and Gobbler Knob—

(I) shall remain open until the date on which the new public access road is completed; and

(II) after the date on which the new public access road is completed, shall be obliterated.

(C) EASEMENTS.—

(i) IN GENERAL.—Simultaneously with completion of the land exchange directed by this Act, the Secretary and YRLP shall mutually grant to each other at no charge reciprocal easements for ingress, egress, and utilities across, over, and through—

(I) the routes depicted on the map entitled “Road and Trail Easements—Yavapai Ranch Area” dated April 2002; and any other inholdings retained by the United States or YRLP; or

(II) any relocated routes that are mutually agreed to by the Secretary and YRLP.

(ii) REQUIREMENTS.—Easements granted under this subparagraph shall be unlimited, perpetual, and nonexclusive in nature, and shall run with and benefit the land of the grantee.

(iii) RIGHTS OF GRANTEE.—The rights of the grantee shall extend to—

(I) in the case of YRLP, any successors-in-interest, assigns, and transferees of YRLP; and

(II) in the case of the Secretary, members of the general public, as determined to be appropriate by the Secretary.

(5) TIMBER HARVESTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), timber harvesting for commodity production shall be prohibited on the non-Federal land.

(B) EXCEPTIONS.—Timber harvesting may be conducted on the land if the Secretary determines that timber harvesting is necessary—

(i) to prevent or control fires, insects, and disease through forest thinning or other forest management techniques; or

(ii) to protect or enhance grassland habitat, watershed values, or native plants, trees, and wildlife species.

(6) WATER IMPROVEMENTS.—Nothing in this Act prohibits the Secretary from authorizing or constructing new water improvements in accordance with the laws, rules, and regulations applicable to water improvements on National Forest System land for—

(A) the benefit of domestic livestock or wildlife management; or

(B) the improvement of forest health or forest restoration.

(d) MAPS.—

(1) IN GENERAL.—The Secretary and YRLP may correct any minor errors in the maps of, legal descriptions of, or encumbrances on the Federal land or non-Federal land.

(2) DISCREPANCY.—In the event of any discrepancy between a map, acreage, and a legal description, the map shall prevail unless the Secretary and YRLP agree otherwise.

(3) AVAILABILITY.—The Declarations and all maps referred to in this Act shall be on file and available for inspection in the Office of the Supervisor, Prescott National Forest, Prescott, Arizona.

(e) EFFECT.—Nothing in this Act precludes, prohibits, or otherwise restricts YRLP from subsequently granting, conveying, or otherwise transferring title to the Federal land after its acquisition of the Federal land and recordation of the Declarations and any conforming amendments to the Declarations.

(f) ENCROACHMENT LAND IN FLAGSTAFF.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed lot 8 in section 11, T. 21 N., R. 7 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, to a single individual or entity, either of which represent the majority of landowners with encroachments on such lot.

(2) PAYMENT TO THE UNITED STATES.—In consideration of the conveyance directed by paragraph (1), the individual or entity representing the majority of landowners with encroachments on lot 8 shall pay to the Secretary the sum of \$2500 plus any costs of re-monumenting the boundary of lot 8.

(3) TIMING.—The Secretary shall convey lot 8 in accordance with this subsection within 90 days of receipt of powers of attorney executed to a single individual or entity representing the majority of landowners with encroachments on lot 8. If the powers of attorney are not delivered to the Secretary within 270 days of the date of enactment of this Act, the authorization under this subsection shall expire and, thereafter, any conveyances shall be made under Public Law 97-465 (16 U.S.C. 521c et seq.).

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HANSEN:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prescott and San Isabel National Forests Land Exchange Act of 2002".

TITLE I—YAVAPAI RANCH LAND EXCHANGE, ARIZONA

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) certain parcels of private land in the approximately 170 square miles of land commonly known as the "Yavapai Ranch" and located in Yavapai County, Arizona, are intermingled with National Forest System land owned by the United States and administered by the Secretary of Agriculture as part of Prescott National Forest;

(2) the private land is owned by the Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C. in an intermingled checkerboard pattern, with the United States or Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C. owning alternate square mile sections of land or fractions of square mile sections;

(3) much of the private land within the checkerboard area (including the land lo-

cated in or near the Pine Creek watershed, Juniper Mesa Wilderness Area, Haystack Peak, and the Luis Maria Baca Float No. 5) is located in environmentally sensitive areas that possess outstanding attributes and values for public management, use, and enjoyment, including opportunities for—

(A) outdoor recreation;

(B) preservation of stands of old growth forest;

(C) important and largely unfragmented habitat for antelope, deer, elk, mountain lion, wild turkey, and other wildlife species;

(D) watershed protection and enhancement;

(E) scientific research;

(F) rangeland;

(G) ecological and archaeological resources; and

(H) scenic vistas;

(4) the checkerboard ownership pattern of land within the Yavapai Ranch detracts from sound and efficient management of the intermingled National Forest System land;

(5) if the private land in the checkerboard area is subdivided or developed, the intermingled National Forest System land will become highly fragmented and lose much of the value of the land for wildlife habitat and future public access, use, and enjoyment;

(6) acquisition by the United States of certain parcels of land that have been offered by Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C. for addition to Prescott National Forest will serve important public objectives, including—

(A) acquiring private land that meets the criteria for inclusion in the National Forest System in exchange for land with lower public, environmental, and ecological values;

(B) consolidating a large area of National Forest System land to preserve—

(i) permanent public access, use, and enjoyment of the land; and

(ii) efficient management of the land;

(C) minimizing cash outlays by the United States to achieve the objectives described in subparagraphs (A) and (B);

(D) significantly reducing administrative costs to the United States through—

(i) consolidation of Federal land holdings for more efficient land management and planning;

(ii) elimination of approximately 350 miles of boundary between private land and the Federal parcels;

(iii) reduced right-of-way, special use, and other permit processing and issuance for roads and other facilities on National Forest System land; and

(iv) other administrative cost savings;

(E) significantly protecting the watershed and stream flow of the Verde River in Arizona by reducing the land available for future development within that watershed by approximately 25,000 acres; and

(F) conserving the waters of the Verde River through the recording of declarations restricting the use of water on Federal land located near the communities of Camp Verde, Cottonwood and Clarkdale to be exchanged by the United States to Yavapai Ranch Limited Partnership or the Northern Yavapai, L.L.C.; and

(7) Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C. have selected parcels of National Forest System land that are logical for conveyance to Yavapai Ranch Limited Partnership or the Northern Yavapai, L.L.C. through a land exchange because the parcels—

(A) are located in less environmentally sensitive areas than the land to be acquired by the United States;

(B) have significantly lower recreational, wildlife, ecological, aesthetic, and other public purpose values than the land to be acquired by the United States; and

(C) are encumbered by special use permits and rights-of-way for a variety of purposes (including summer youth camps, municipal water treatment facilities, sewage treatment facilities, city parks, and airport-related facilities) that—

(i) limit the usefulness of the parcels for general National Forest System purposes; but

(ii) are logical for pass-through conveyances from Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C. to the permit or right-of-way holders.

(b) PURPOSE.—The purpose of this title is to authorize, direct, and facilitate the exchange of Federal land and non-Federal land between the United States, Yavapai Ranch Limited Partnership, and the Northern Yavapai, L.L.C.

SEC. 102. DEFINITIONS.

In this title:

(1) CAMP VERDE DECLARATION.—The term "Camp Verde Declaration" means the Declaration of Covenants, Conditions, and Restrictions executed by Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C., on or about August 12, 2002, and recorded in the official records of Yavapai County, Arizona, that is intended to run with the land and imposes certain water use restrictions, water source limitations, and water conservation measures on the future development of the land described in section 103(a)(2)(D).

(2) COTTONWOOD DECLARATION.—The term "Cottonwood Declaration" means the Declaration of Covenants, Conditions and Restrictions executed by Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C., on or about August 12, 2002, and recorded in the official records of Yavapai County, Arizona, that is intended to run with the land and imposes certain water use restrictions, water source limitations, and water conservation measures on the future development of the land described in section 103(a)(2)(E).

(3) DECLARATIONS.—The term "Declarations" collectively means the Camp Verde Declaration and the Cottonwood Declaration, both of which Congress is requiring to be recorded as encumbrances on the Camp Verde Federal land described in section 103(a)(2)(D) and the Cottonwood/Clarkdale Federal land described in section 103(a)(2)(E) in order to conserve water resources in the Verde River Valley, Arizona.

(4) FEDERAL LAND.—The term "Federal land" means the land directed for exchange to YRLP in section 103(a)(2).

(5) MANAGEMENT PLAN.—The term "Management Plan" means the land and resource management plan for Prescott National Forest.

(6) NON-FEDERAL LAND.—The term "non-Federal land" means the approximately 35,000 acres of non-Federal land located within the boundaries of Prescott National Forest and directed for exchange to the United States, as generally depicted on the map entitled "Yavapai Ranch Non-Federal Lands", dated April 2002.

(7) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(8) SUMMER CAMPS.—The term "summer camps" means Camp Pearlstein and Friendly Pines, Patterdale Pines, Pine Summit, Sky Y, and YoungLife Lost Canyon camps in the State of Arizona.

(9) YRLP.—

(A) IN GENERAL.—The term "YRLP" means—

(i) the Yavapai Ranch Limited Partnership, an Arizona Limited Partnership; and

(ii) the Northern Yavapai, L.L.C., an Arizona Limited Liability Company.

(B) INCLUSIONS.—Except as otherwise expressly provided in this title, the term

"YRLP" includes successors-in-interest, assigns, transferees, and affiliates of YRLP.

SEC. 103. LAND EXCHANGE.

(a) CONVEYANCE OF FEDERAL LAND BY THE UNITED STATES.—

(1) IN GENERAL.—On receipt of an offer from YRLP to convey the non-Federal land, the Secretary shall convey to YRLP by deed acceptable to YRLP all right, title, and interest of the United States in and to the Federal land described in paragraph (2), subject to easements, rights-of-way, utility lines, and any other valid encumbrances on the Federal land in existence on the date of enactment of this Act and such other reservations as may be mutually agreed to by the Secretary and YRLP.

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) shall consist of the following:

(A) Certain land comprising approximately 15,300 acres located in Yavapai County, Arizona, as generally depicted on the map entitled "Yavapai Ranch-Ranch Area Federal Lands", dated April 2002.

(B) Certain land in the Coconino National Forest, Coconino County Arizona—

(i) comprising approximately 1,500 acres located in Coconino National Forest, Coconino County, Arizona, as generally depicted on the map entitled "Flagstaff Federal Lands-Airport Parcel", dated April 2002; and

(ii) comprising approximately 28.26 acres in 2 separate parcels, as generally depicted on the map entitled "Flagstaff Federal Lands—Wetzel School and Mt. Elden Parcels", dated September 2002.

(C) Certain land referred to as Williams Airport, Williams golf course, Williams Sewer, Bucksinner Park, Williams Railroad, and Well parcels numbers 2, 3, and 4, comprising approximately 950 acres, all located in Kaibab National Forest, Coconino County, Arizona, as generally depicted on the map entitled "Williams Federal Lands", dated April 2002.

(D) Certain land comprising approximately 2,200 acres located in Prescott National Forest, Yavapai County, Arizona, as generally depicted on the map entitled "Camp Verde Federal Land—General Crook Parcel", dated April 2002, and title to which shall be conveyed to Yavapai Ranch Limited Partnership or the Northern Yavapai, L.L.C., but not to any successor-in-interest, assign, transferee or affiliate of Yavapai Ranch Limited Partnership or the Northern Yavapai, L.L.C., or any other person or entity holding or acquiring any interest in Yavapai Ranch.

(E) Certain land comprising approximately 820 acres located in Prescott National Forest in Yavapai County, Arizona, as generally depicted on the map entitled "Cottonwood/Clarkdale Federal Lands", dated April 2002, and title to which shall be conveyed to Yavapai Ranch Limited Partnership or the Northern Yavapai, L.L.C., but not to any successor-in-interest, assign, transferee or affiliate of Yavapai Ranch Limited Partnership or the Northern Yavapai, L.L.C., or any other person or entity holding or acquiring any interest in Yavapai Ranch.

(F) Certain land comprising approximately 237.5 acres located in Kaibab National Forest, Coconino County, Arizona, as generally depicted on the map entitled "Younglife Lost Canyon", dated April 2002.

(G) Certain land comprising approximately 200 acres located in Prescott National Forest, Yavapai County, Arizona, and including Friendly Pines, Patterdale Pines, Camp Pearlstein, Pine Summit, and Sky Y, as generally depicted on the map entitled "Prescott Federal Lands—Summer Youth Camp Parcels", dated April 2002.

(H) Perpetual, unrestricted, and nonexclusive easements that—

(i) run with and benefit land owned by or conveyed to YRLP across certain land of the United States;

(ii) are for—

(I) the purposes of operating, maintaining, repairing, improving, and replacing electric power lines or water pipelines (including related storage tanks, valves, pumps, and hardware); and

(II) rights of reasonable ingress and egress necessary for the purposes described in subclause (I);

(iii) are 20 feet in width; and

(iv) are located 10 feet on either side of each line depicted on the map entitled "YRLP Acquired Easements for Water Lines", dated April 2002.

(3) CONDITIONS.—

(A) PERMITS.—Permits or other legal occupancies of the Federal land by third parties in existence on the date of transfer of the Federal land to YRLP shall be addressed in accordance with—

(i) part 254.15 of title 36, Code of Federal Regulations (or any successor regulation); and

(ii) other applicable laws (including regulations).

(B) CONVEYANCE OF CERTAIN PARCELS.—

(i) CAMP VERDE.—Following the acquisition of the parcel described in paragraph (2)(D), YRLP shall execute and record with the Yavapai County Recorder an amended declaration in which the legal description of the land referred to in the Camp Verde Declaration is amended to conform to the legal description in paragraph (2)(D).

(ii) COTTONWOOD/CLARKDALE.—Following the acquisition of the parcel described in paragraph (2)(E), YRLP shall execute and record with the Yavapai County Recorder an amended declaration in which the legal description of the land referred to in the Cottonwood Declaration is amended to conform to the legal description in paragraph (2)(E).

(b) CONVEYANCE OF NON-FEDERAL LAND BY YRLP.—

(1) IN GENERAL.—On receipt of title to the Federal land, YRLP shall simultaneously convey to the United States, by deed acceptable to Secretary and subject to any encumbrances, all right, title, and interest of YRLP in and to the non-Federal land.

(2) EASEMENTS.—

(A) IN GENERAL.—The conveyance of non-Federal land to the United States under paragraph (1) shall be subject to the reservation of—

(i) perpetual and unrestricted easements and water rights that run with and benefit the land retained by YRLP for—

(I) the operation, maintenance, repair, improvement, development, and replacement of not more than 3 existing wells;

(II) related storage tanks, valves, pumps, and hardware; and

(III) pipelines to points of use; and

(ii) easements for reasonable ingress and egress to accomplish the purposes of the easements described in clause (i).

(B) EXISTING WELLS.—

(i) IN GENERAL.—Each easement for an existing well shall be—

(I) 40 acres in area; and

(II) to the maximum extent practicable—
(aa) centered on the existing well; and
(bb) located in the same square mile section of land.

(ii) LIMITATION.—Within a 40-acre easement described in clause (i), the United States and any permittees or licensees of the United States shall be prohibited from undertaking any activity that interferes with the use of the wells by YRLP, without the written consent of YRLP.

(iii) RESERVATION OF WATER FOR THE UNITED STATES.—The United States shall be entitled to ½ of the production of each existing well,

not to exceed a total of 3,100,000 gallons of water annually, for watering wildlife and stock and for other National Forest System purposes from all 3 wells.

(C) REASONABLE ACCESS.—Each easement for ingress and egress shall be at least 20 feet in width.

(D) LOCATION.—The locations of the easements and wells shall be the locations generally depicted on a map entitled "YRLP Reserved Easements for Water Lines and Wells", dated April 2002.

(c) LAND TRANSFER PROBLEMS.—

(1) FEDERAL LAND.—If all or part of any parcels of Federal land cannot be transferred to YRLP because of hazardous materials, or if the proposed title to a Federal land parcel or parcels or fraction thereof is unacceptable to YRLP because of the existence of unpatented mining claims, or in the event of the presence of threatened or endangered species or cultural or historic resources which cannot be mitigated, or other third party rights under the public land laws, the parcel or parcels or parts thereof shall be deleted from the exchange and the Secretary and YRLP may mutually agree to exchange other Federal land in lieu of the deleted parcel or part thereof in accordance with section 104(c). If the parcel or parcels are deleted from the exchange, the non-Federal land shall be adjusted in accordance with section 104(c) as necessary to achieve equal value.

(2) NON-FEDERAL LAND.—If 1 or more of the parcels of non-Federal land or a portion of such a parcel cannot be conveyed to the United States because of the presence of hazardous materials or because the proposed title to a parcel or a portion of the parcel is unacceptable to the Secretary—

(A) the parcel or any portion of the parcel shall be excluded from the exchange; and

(B) the Federal land shall be adjusted in accordance with section 104(c).

(d) PASS-THROUGH CONVEYANCES.—

(1) IN GENERAL.—On or after the acquisition of the Federal land, YRLP may subsequently pass through or convey to the cities of Flagstaff, Williams, Camp Verde, Cottonwood, and the summer camps the parcels of Federal land or portions of parcels located in or near the cities or summer camps.

(2) DELETION FROM EXCHANGE.—If YRLP and the cities or summer camps referred to in paragraph (1) have not agreed to the terms and conditions of a pass-through or subsequent conveyance of a parcel or portion of a parcel of Federal land before the completion of the exchange, the Secretary, on notice by YRLP, shall delete the parcel or any portion of the parcel from the exchange, provided that any portion so deleted shall be configured by the Secretary to leave the United States with manageable post-exchange lands and boundaries.

(3) EASEMENTS.—In accordance with section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the United States shall reserve easements in any land transferred to YRLP.

SEC. 104. EXCHANGE VALUATION, APPRAISALS, AND EQUALIZATION.

(a) EQUAL VALUE EXCHANGE.—The values of the non-Federal and Federal land directed to be exchanged under this title—

(1) shall be equal, as determined by the Secretary; or

(2) if the values are not equal, shall be equalized in accordance with subsection (c).

(b) APPRAISALS.—

(1) IN GENERAL.—The values of the Federal land and non-Federal land shall be determined by appraisals using the appraisal standards in—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions, fifth edition (December 20, 2000); and

(B) the Uniform Standards of Professional Appraisal Practice.

(2) APPROVAL.—In accordance with part 254.9(a)(1) of title 36, Code of Federal Regulations (or any successor regulation), the appraiser shall be—

(A) acceptable to the Secretary and YRLP; and

(B) a contractor, the clients of which shall be both the Secretary and YRLP.

(3) REQUIREMENTS.—During the appraisal process—

(A) the Secretary and YRLP shall have equal access to the appraiser; and

(B) the Secretary and YRLP shall cooperate with each other and the appraiser to prepare appraisal instructions which shall require the appraiser to—

(i) consider the effect on value of the Federal land or non-Federal land because of the existence of encumbrances on each parcel, including—

(I) permitted uses on Federal land that cannot be reasonably terminated before the appraisal; and

(II) facilities on Federal land that cannot be reasonably removed before the appraisal.

(ii) determine the value of each parcel of Federal land and non-Federal land (including the value of each individual section of the intermingled Federal and non-Federal land of the Yavapai Ranch) as an assembled transaction consistent with the applicable provisions of parts 254.5 and 254.9(b)(1)(v) of title 36, Code of Federal Regulations (or any successor regulation).

(4) DISPUTE RESOLUTION.—A dispute relating to the appraised values of the Federal land or non-Federal land following completion of the appraisal shall be processed in accordance with—

(A) section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)); and

(B) part 254.10 of title 36, Code of Federal Regulations (or any successor regulation).

(5) APPRAISAL PERIOD.—After the final appraised values of the Federal land and non-Federal land have been reviewed and approved by the Secretary or otherwise determined in accordance with the requirements of paragraph (4), the final appraised values—

(A) shall not be reappraised or updated by the Secretary before the completion of the land exchange; and

(B) shall be considered to be the values of the Federal land and non-Federal land on the date of the transfer of title.

(6) AVAILABILITY.—The appraisals approved by the Secretary shall be made available for public inspection in the Offices of the Supervisors for Prescott, Coconino, and Kaibab National Forests in accordance with Forest Service policy.

(7) ALLOCATION OF CHANGES.—For purposes of the land exchange directed by this title, any change in land value attributable to the conservation measures and restrictions on water use under the Declarations shall be allocated 50 percent to the Secretary and 50 percent to YRLP.

(c) EQUALIZATION OF VALUES.—

(1) SURPLUS OF NON-FEDERAL LAND.—

(A) IN GENERAL.—If, after any adjustments are made to the non-Federal land or Federal land under subsection (c) or (d) of section 103, the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land, the Federal land and non-Federal land shall be adjusted in accordance with subparagraph (B) until the values are approximately equal.

(B) ADJUSTMENTS.—An adjustment referred to in subparagraph (A) shall be accomplished by beginning at the east boundary of section

30, T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, and adding to the Federal land to be conveyed to YRLP in $\frac{1}{4}$ section increments (N-S 64th line) and lot lines across the section, while deleting from the conveyance to the United States non-Federal land in the same incremental portions of sections 19 and 31, T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, to establish a linear and continuous boundary that runs north to south across the sections.

(2) SURPLUS OF FEDERAL LAND.—

(A) IN GENERAL.—If, after any adjustments are made to the non-Federal land or Federal land under subsection (c) or (d) of section 103, the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the Federal land and non-Federal land shall be adjusted in accordance with subparagraph (B) until the values are approximately equal.

(B) ADJUSTMENTS.—Adjustments under subparagraph (A) shall be made in the following order:

(i) Beginning at the south boundary of section 31, T. 20 N., R. 5 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 33 and 35, T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, by adding to the non-Federal land to be conveyed to the United States in $\frac{1}{4}$ section increments (E-W 64th line) while deleting from the conveyance to YRLP Federal land in the same incremental portions of section 32, T. 20 N., R. 5 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 32, 34, and 36, in T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, to establish a linear and continuous boundary that runs east to west across the sections.

(ii) By deleting the following parcels:

(I) The Williams Sewer parcel, comprising approximately 20 acres, located in Kaibab National Forest, and more particularly described as the $E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ portion of section 21, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(II) The Williams railroad parcel, located in the Kaibab National Forest, and more particularly described as—

(aa) the $W\frac{1}{2}SW\frac{1}{4}$ portion of section 26, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion northeast of the southwestern right-of-way line of the Burlington Northern and Santa Fe Railway (Seligman Subdivision), comprising approximately 30 acres;

(bb) the $NE\frac{1}{4}NW\frac{1}{4}$, the $N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, the $SE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, the $NE\frac{1}{4}$, the $SE\frac{1}{4}SW\frac{1}{4}$, and the $SE\frac{1}{4}$ portions of section 27, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion north of the southern right-of-way of Interstate 40 and any portion northeast of the southwestern right-of-way line of the Burlington Northern and Santa Fe Railway (Seligman Subdivision), any portion south of the northern right-of-way of the Burlington Northern and Santa Fe Railway (Phoenix Subdivision), and any portion within Exchange Survey No. 677, comprising approximately 220 acres;

(cc) the $NE\frac{1}{4}NE\frac{1}{4}$ portion of section 34, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion southwest of the northeastern right-of-way line of the Burlington Northern and Santa Fe Railway (Phoenix Subdivision), comprising approximately 2 acres; and

(dd) the $N\frac{1}{2}$ portion of section 35, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion north of the southern right-of-

way line of the Burlington Northern and Santa Fe Railway (Seligman Subdivision) and any portion south of the northern right-of-way of the Burlington Northern and Santa Fe Railway (Phoenix Subdivision), comprising approximately 60 acres.

(III) Bucksinner Park, comprising approximately 50 acres, located in Kaibab National Forest, and more particularly described as the $SW\frac{1}{4}SW\frac{1}{4}$, and the $S\frac{1}{2}S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$ portions of section 33, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(IV) The Cottonwood/Clarkdale parcel, comprising approximately 820 acres, located in Prescott National Forest, and more particularly described as—

(aa) lots 3, 4, 6, portions of lots 7, 8, and 9, and the $W\frac{1}{2}NW\frac{1}{4}$ and the $SW\frac{1}{4}SE\frac{1}{4}$ portions of section 5, T. 15 N., R. 3 E., Gila and Salt River Base and Meridian, Yavapai County, Arizona; and

(bb) the $S\frac{1}{2}S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$, the $E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$, the $E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$, the $NW\frac{1}{4}NE\frac{1}{4}$, the $S\frac{1}{2}NE\frac{1}{4}$, the $S\frac{1}{2}NW\frac{1}{4}$, and the $S\frac{1}{2}$ portions of section 8, T. 15 N., R. 3 E., Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(V) The Wetzel school parcel, comprising approximately 10.89 acres, located in Coconino National Forest, and more particularly described as lot 9 of section 11, T. 21 N., R. 7 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(VI) The Mt. Eldon parcel, comprising approximately 17.21 acres, located in Coconino National Forest, and more particularly described as lot 7 of section 7, T. 21 N., R. 8 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(VII) A portion of the Camp Verde parcel, comprising approximately 316 acres, located in Prescott National Forest, and more particularly described as the $NENE\frac{1}{4}$ and lots 1, 5, and 6 of section 26, and the $N\frac{1}{2}N\frac{1}{2}$ of section 27, T. 14 N., R. 4 E., Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(VIII) A portion of the Camp Verde parcel, comprising approximately 314 acres, located in Prescott National Forest, and more particularly described as the $SENE\frac{1}{4}$ and lots 2, 7, 8, and 9 of section 26, and the $S\frac{1}{2}N\frac{1}{2}$ of section 27, T. 14 N., R. 4 E., Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(C) MODIFICATIONS.—The descriptions of land and acreage provided in subclauses (III), (IV), and (V) of subparagraph (B)(ii) may be modified to conform with a survey approved by the Bureau of Land Management.

(3) ADDITIONAL EQUALIZATION OF VALUES.—If, after the values are adjusted in accordance with paragraph (1) or (2), the values of the Federal land and non-Federal land are not equal, then the Secretary and YRLP may by mutual agreement adjust the acreage of the Federal land and non-Federal land until the values of that land are equal.

(d) CASH EQUALIZATION.—

(1) IN GENERAL.—After the values of the non-Federal and Federal land are equalized to the maximum extent practicable under subsection (c), any balance due to the Secretary or to YRLP shall be paid—

(A) through cash equalization payments under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(B) in accordance with standards established by the Secretary and YRLP.

(2) LIMITATION.—

(A) IN GENERAL.—YRLP shall not be required to make any cash equalization payment to the Secretary in an amount that exceeds \$50,000.

(B) ADJUSTMENTS.—If the value of the Federal land exceeds the value of the non-Federal land by more than \$50,000, the Secretary and YRLP shall by mutual agreement delete additional Federal land from the exchange until the values of the Federal land and non-Federal land are equal.

(C) DEPOSIT.—Any money received by the United States under this title shall, without further appropriation, be deposited in a fund established under Public Law 90-171 (16 U.S.C. 484(a); commonly known as the Sisk Act) for the acquisition of land or interests in land for National Forest System purposes in the State of Arizona.

SEC. 105. MISCELLANEOUS PROVISIONS.

(a) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(b) WITHDRAWAL OF FEDERAL LAND.—The Federal land is withdrawn from all forms of entry and appropriation under the public land laws, including the mining and mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), until the date on which the exchange of Federal land and non-Federal land is completed.

(c) SURVEYS, INVENTORIES, AND CLEARANCES.—Before completing the exchange of Federal land and non-Federal land directed by this title, the Secretary shall carry out land surveys and preexchange inventories, clearances, reviews, and approvals relating to hazardous materials, threatened and endangered species, cultural and historic resources, and wetlands and floodplains.

(d) COSTS OF IMPLEMENTING THE EXCHANGE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall be responsible for any costs of implementing the exchange of Federal land and non-Federal land.

(2) EXCEPTIONS.—Subject to paragraph (3), YRLP shall be responsible for paying—

- (A) 100 percent of the costs of—
 - (i) conducting the appraisals of the Federal land and non-Federal land;
 - (ii) the preparation of necessary land surveys and verified legal descriptions of the Federal land and non-Federal land; and
 - (iii) title insurance; and
- (B) 50 percent of the costs of—
 - (i) conducting cultural and historic resource surveys;
 - (ii) conducting surveys of hazardous materials;
 - (iii) escrow; and
 - (iv) publication of notice of the proposed exchange.

(3) LIMITATIONS.—

(A) IN GENERAL.—YRLP shall not pay more than \$500,000 of the costs described in paragraph (2).

(B) CREDIT.—Any costs paid by YRLP for cultural or historic resource surveys before the date of enactment of this Act shall be credited against the maximum amount required to be paid by YRLP under subparagraph (A).

(4) REIMBURSEMENT.—No amount paid by YRLP under this subsection shall be eligible for reimbursement under section 206(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(f)).

(e) TIMING.—It is the intent of Congress that the exchange of Federal land and non-Federal land directed by this title be completed not later than 1 year after the date of enactment of this Act.

(f) CONTRACTORS.—

(1) IN GENERAL.—If the Secretary lacks adequate staff or resources to complete the exchange by the date referred to in subsection (e), or if the costs described in sub-

section (d)(2) exceed the limitation described in subsection (d)(3), the Secretary shall reimburse YRLP for the costs of 1 or more independent third party contractors, subject to the approval of the Secretary and YRLP, to carry out any activities necessary to complete the exchange by that date.

(2) CREDITS.—If the Secretary lacks funds with which to reimburse YRLP in accordance with paragraph (1), the Secretary shall credit any amounts paid by YRLP to third party independent contractors against the value of the Federal land in accordance with section 206(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(f)).

SEC. 106. STATUS AND MANAGEMENT OF LAND AFTER EXCHANGE.

(a) IN GENERAL.—Non-Federal land acquired by the United States under this title—

(1) shall become part of the Prescott National Forest; and

(2) shall be administered by the Secretary in accordance with—

- (A) this title; and
- (B) the laws (including regulations) applicable to the National Forest System.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Acquisition of the land authorized by this title shall not, of itself, require a revision or amendment to the Management Plan for Prescott National Forest.

(2) AMENDMENT OR REVISION OF PLAN.—If the Management Plan is amended or revised after the date of acquisition of non-Federal land under this title, the Management Plan shall be amended to reflect the acquisition of the non-Federal land.

(c) POST-EXCHANGE MANAGEMENT OF CERTAIN LAND.—

(1) IN GENERAL.—Following its acquisition by the United States, the non-Federal land acquired by the United States and adjoining National Forest System land shall be managed in accordance with paragraphs (2) through (6), and the laws, rules, and regulations generally applicable to the National Forest System.

(2) PROTECTION OF NATURAL RESOURCES.—The land shall be managed in a manner that maintains the species, character, and natural values of the land, including—

- (A) deer, pronghorn antelope, wild turkey, mountain lion, and other resident wildlife and native plant species;
- (B) suitability for livestock grazing; and
- (C) aesthetic values.

(3) GRAZING.—Each area located in the Yavapai Ranch grazing allotment as of the date of enactment of this Act shall—

(A) remain in the Yavapai Ranch grazing allotment; and

(B) continue to be subject to grazing in accordance with the laws, rules, and regulations generally applicable to domestic livestock grazing on National Forest System land.

(4) ROADS.—

(A) IMPROVEMENT AND MAINTENANCE.—The Secretary shall maintain or improve a system of roads and trails on the land to provide opportunities for hunting, motorized and nonmotorized recreation, and other uses of the land by the public.

(B) PUBLIC ACCESS ROAD.—

(i) CONSTRUCTION.—The Secretary shall improve or construct a public access road linking Forest Road 7 (Pine Creek Road) to Forest Road 1 (Turkey Canyon Road) through portions of sections 33, 32, 31, and 30, T. 19 N., R. 6 W., Gila and Salt River Base and Meridian.

(ii) EXISTING ROAD.—The existing road linking Pine Creek and Gobbler Knob—

(I) shall remain open until the date on which the new public access road is completed; and

(II) after the date on which the new public access road is completed, shall be obliterated.

(C) EASEMENTS.—

(i) IN GENERAL.—Simultaneously with completion of the land exchange directed by this title, the Secretary and YRLP shall mutually grant to each other at no charge reciprocal easements for ingress, egress, and utilities across, over, and through—

(I) the routes depicted on the map entitled “Road and Trail Easements—Yavapai Ranch Area” dated April 2002; and any other inholdings retained by the United States or YRLP; or

(II) any relocated routes that are mutually agreed to by the Secretary and YRLP.

(ii) REQUIREMENTS.—Easements granted under this subparagraph shall be unlimited, perpetual, and nonexclusive in nature, and shall run with and benefit the land of the grantee.

(iii) RIGHTS OF GRANTEE.—The rights of the grantee shall extend to—

(I) in the case of YRLP, any successors-in-interest, assigns, and transferees of YRLP; and

(II) in the case of the Secretary, members of the general public, as determined to be appropriate by the Secretary.

(5) TIMBER HARVESTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), timber harvesting for commodity production shall be prohibited on the land.

(B) EXCEPTIONS.—Timber harvesting may be conducted on the land if the Secretary determines that timber harvesting is necessary—

(i) to prevent or control fires, insects, and disease through forest thinning or other forest management techniques; or

(ii) to protect or enhance grassland habitat, watershed values, or native plants, trees, and wildlife species.

(6) WATER IMPROVEMENTS.—Nothing in this title prohibits the Secretary from authorizing or constructing new water improvements in accordance with the laws, rules, and regulations applicable to water improvements on National Forest System land for—

(A) the benefit of domestic livestock or wildlife management; or

(B) the improvement of forest health or forest restoration.

(d) MAPS.—

(1) IN GENERAL.—The Secretary and YRLP may correct any minor errors in the maps of, legal descriptions of, or encumbrances on the Federal land or non-Federal land.

(2) DISCREPANCY.—In the event of any discrepancy between a map, acreage, and a legal description, the map shall prevail unless the Secretary and YRLP agree otherwise.

(3) AVAILABILITY.—The Declarations and all maps referred to in this title shall be on file and available for inspection in the Office of the Supervisor, Prescott National Forest, Prescott, Arizona.

(e) EFFECT.—Nothing in this title precludes, prohibits, or otherwise restricts YRLP from subsequently granting, conveying, or otherwise transferring title to the Federal land after its acquisition of the Federal land and recordation of the Declarations and any conforming amendments to the Declarations.

(f) ENCROACHMENT LAND IN FLAGSTAFF.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed lot 8 in section 11, T. 21 N., R. 7 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, to a single individual or entity, either of which represent the majority of landowners with encroachments on such lot.

(2) PAYMENT TO THE UNITED STATES.—In consideration of the conveyance directed by

paragraph (1), the individual or entity representing the majority of landowners with encroachments on lot 8 shall pay to the Secretary the sum of \$2500 plus any costs of re-monumenting the boundary of lot 8.

(3) **TIMING.**—The Secretary shall convey lot 8 in accordance with this subsection within 90 days of receipt of powers of attorney executed to a single individual or entity representing the majority of landowners with encroachments on lot 8. If the powers of attorney are not delivered to the Secretary within 270 days of the date of enactment of this Act, the authorization under this subsection shall expire and, thereafter, any conveyances shall be made under Public Law 97-465 (16 U.S.C. 521c et seq.).

TITLE II—SAN ISABEL NATIONAL FOREST LAND EXCHANGE, COLORADO

SEC. 201. LAND EXCHANGE, SAN ISABEL NATIONAL FOREST, COLORADO.

(a) **EXCHANGE REQUIRED.**—In exchange for the private property described in subsection (b), the Secretary of Agriculture shall convey to E. Michael Senter of Buena Vista, Colorado (in this section referred to as the "recipient"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 2.2 acres in the San Isabel National Forest, Colorado, as generally depicted on the map entitled "Senter Exchange", dated September 20, 2002. The conveyance under this subsection shall be made upon the receipt by the Secretary of a binding offer for the conveyance of title acceptable to the Secretary to the property described in subsection (b).

(b) **CONSIDERATION.**—As consideration for the property to be conveyed by the Secretary under subsection (a), the recipient shall convey to the Secretary a parcel of real property consisting of approximately 2.0 acres located within the boundaries of the San Isabel National Forest. This parcel is also generally depicted on the map referred to in subsection (a).

(c) **EQUAL VALUE EXCHANGE; APPRAISAL.**—The values of the properties to be exchanged under this section shall be equal or equalized as provided in subsection (d). The value of the properties shall be determined through an appraisal performed by a qualified appraiser mutually agreed to by the Secretary and the recipient. The appraisal shall be performed in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (Department of Justice, December 2000) and shall be completed not later than 120 days after the date of the enactment of this Act.

(d) **CASH EQUALIZATION.**—Any difference in the value of the properties to be exchanged under this section shall be equalized through the making of a cash equalization payment. The Secretary shall deposit any cash equalization payment received by the Secretary under this subsection in the fund established by Public Law 90-171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

(e) **PAYMENT OF COSTS.**—All direct costs associated with the conveyances under this section, including the costs of appraisal, title, and survey work, shall be borne by the Secretary.

(f) **ADMINISTRATION OF ACQUIRED LAND.**—The property acquired by the Secretary under this section shall become part of the San Isabel National Forest and be administered as such in accordance with the laws, rules, and regulations generally applicable to the National Forest System.

Mr. HANSEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership and a land exchange in the State of Colorado to acquire a private inholding in the San Isabel National Forest, and for other purposes."

A motion to reconsider was laid on the table.

AMERICAN WILDLIFE ENHANCEMENT ACT OF 2001

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 990) to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

Mr. GILCHREST. Mr. Speaker, reserving the right to object, and I will not object, but I just want to take this moment to tell the gentleman from Utah, the chairman of the Committee on Resources, that he has stayed the course, he has given that committee dignity, he has worked to improve the resources and nature's bounty and the approachability to use those resources for human progress; and I just wanted to say, Jim, thank you for your service to your country. I enjoyed serving on your committee.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would like to join in extending congratulations. We have just talked about two of our colleagues who are retiring. They were not in the Chamber. We actually have three of our colleagues in the Chamber at this moment at 2:22 in the morning as we retire.

Of course, we have our friend, the gentleman from Texas (Mr. ARMEY), who is always in this Chamber, no matter what; and our friend, the gentleman from Utah (Mr. HANSEN); and our friend, the gentleman from Oklahoma (Mr. WATKINS), here as well.

I would like to say to all three of our colleagues who are retiring how much we have appreciated their extraordinary service to this institution.

I had the privilege of being elected in 1980 with Jim Hansen. He came as a

former speaker of the House of Representatives of the State legislature in Utah and did a phenomenal job there, and came in with a class that was actually larger than the one that will be coming in for the 108th Congress. We ended up with a class of, in a bipartisan way, I think about 76 Members or so. We had 53 Republicans who came in, and it was the day that Ronald Reagan was elected President of the United States that Jim Hansen and I were elected to the House of Representatives. He provided just extraordinary leadership to us.

I want to say on this issue that he has dealt with on the Committee on Resources dealing with the challenges that especially those of us in the West face, that I have appreciated his great service and his wonderful friendship; and I would like to say he will be missed, along with our friends, the gentleman from Texas (Mr. ARMEY) and, of course, the gentleman from Oklahoma (Mr. WATKINS), who we are going to be hearing from I expect before too terribly long. He has just informed me he will be in both Oklahoma and Washington, D.C., and I am not going to say exactly why he will be in both locations. His wife told him that there is a reason for that, but I am not going to state it right now. But his service here has been extraordinary, working very hard in his work on the Committee on Ways and Means.

I thank all of our friends who are retiring, but especially those three who are here at now 2:25 in the morning.

Mr. TOM DAVIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Speaker, let me commend my friend, the gentleman from Utah (Mr. HANSEN), for a distinguished career here, not only his stewardship of the Committee on Resources, but his stewardship of the most popular committee in the House, the Committee on Standards of Official Conduct. I know that could the gentleman have stayed on the Committee on Standards of Official Conduct as chairman, he would have probably stayed in this body, and his disappointment at going off that.

But Jim was a pillar of integrity, picked by the leadership because of that, because of his objectivity in dealing with these kinds of issue, and the gentleman added a great dimension to this body. We will miss you and I hope you stay active, Jim.

Mr. FARR of California. Mr. Speaker, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from California.

Mr. FARR of California. Mr. Speaker, I would like to rise also. I came here as a freshman and was assigned to the Committee on Resources, which I think is probably the most important committee in Congress, because it really deals with the terrain of America, the landscape of America, the things that brings us such respect for this country,