

106TH CONGRESS  
2D SESSION

# H. R. 3023

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## AN ACT

To authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry.



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## AN ACT

To authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry.

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

1 **SECTION 1. CONVEYANCE OF LANDS TO THE GREATER**  
2 **YUMA PORT AUTHORITY.**

3 (a) **AUTHORITY TO CONVEY.**—

4 (1) **IN GENERAL.**—The Secretary of the Inte-  
5 rior, acting through the Bureau of Reclamation,  
6 may, in the 5-year period beginning on the date of  
7 the enactment of this Act and in accordance with  
8 the conditions specified in subsection (b) convey to  
9 the Greater Yuma Port Authority the interests de-  
10 scribed in paragraph (2).

11 (2) **INTERESTS DESCRIBED.**—The interests re-  
12 ferred to in paragraph (1) are the following:

13 (A) All right, title, and interest of the  
14 United States in and to the lands comprising  
15 Section 23, Township 11 South, Range 24  
16 West, G&SRBM, Lots 1–4, NE<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub> NW<sup>1</sup>/<sub>4</sub>,  
17 excluding lands located within the 60-foot bor-  
18 der strip, in Yuma County, Arizona.

19 (B) All right, title, and interest of the  
20 United States in and to the lands comprising  
21 Section 22, Township 11 South, Range 24  
22 West, G&SRBM, East 300 feet of Lot 1, ex-  
23 cluding lands located within the 60-foot border  
24 strip, in Yuma County, Arizona.

25 (C) All right, title, and interest of the  
26 United States in and to the lands comprising

1           Section 24, Township 11 South, Range 24  
2           West, G&SRBM, West 300 feet, excluding  
3           lands in the 60-foot border strip, in Yuma  
4           County, Arizona.

5           (D) All right, title, and interest of the  
6           United States in and to the lands comprising  
7           the East 300 feet of the Southeast Quarter of  
8           Section 15, Township 11 South, Range 24  
9           West, G&SRBM, in Yuma County, Arizona.

10          (E) The right to use lands in the 60-foot  
11          border strip excluded under subparagraphs (A),  
12          (B), and (C), for ingress to and egress from the  
13          international boundary between the United  
14          States and Mexico.

15          (b) DEED COVENANTS AND CONDITIONS.—Any con-  
16          veyance under subsection (a) shall be subject to the fol-  
17          lowing covenants and conditions:

18               (1) A reservation of rights-of-way for ditches  
19               and canals constructed or to be constructed by the  
20               authority of the United States, this reservation  
21               being of the same character and scope as that cre-  
22               ated with respect to certain public lands by the Act  
23               of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945),  
24               as it has been, or may hereafter be amended.

1           (2) A leasehold interest in Lot 1, and the west  
2       100 feet of Lot 2 in Section 23 for the operation of  
3       a Cattle Crossing Facility, currently being operated  
4       by the Yuma-Sonora Commercial Company, Incorporated.  
5       The lease as currently held contains 24.68  
6       acres, more or less. Any renewal or termination of  
7       the lease shall be by the Greater Yuma Port Authority.  
8       ity.

9           (3) Reservation by the United States of a 245-  
10      foot perpetual easement for operation and maintenance  
11      of the 242 Lateral Canal and Well Field along  
12      the northern boundary of the East 300 feet of Section  
13      22, Section 23, and the West 300 feet of Section  
14      24 as shown on Reclamation Drawing Nos.  
15      1292-303-3624, 1292-303-3625, and 1292-303-  
16      3626.

17          (4) A reservation by the United States of all  
18      rights to the ground water in the East 300 feet of  
19      Section 15, the East 300 feet of Section 22, Section  
20      23, and the West 300 feet of Section 24, and the  
21      right to remove, sell, transfer, or exchange the water  
22      to meet the obligations of the Treaty of 1944 with  
23      the Republic of Mexico, and Minute Order No. 242  
24      for the delivery of salinity controlled water to Mexico.  
25      ico.

1           (5) A reservation of all rights-of-way and ease-  
2           ments existing or of record in favor of the public or  
3           third parties.

4           (6) A right-of-way reservation in favor of the  
5           United States and its contractors, and the State of  
6           Arizona, and its contractors, to utilize a 33-foot  
7           easement along all section lines to freely give ingress  
8           to, passage over, and egress from areas in the exer-  
9           cise of official duties of the United States and the  
10          State of Arizona.

11          (7) Reservation of a right-of-way to the United  
12          States for a 100-foot by 100-foot parcel for each of  
13          the Reclamation monitoring wells, together with un-  
14          restricted ingress and egress to both sites. One mon-  
15          itoring well is located in Lot 1 of Section 23 just  
16          north of the Boundary Reserve and just west of the  
17          Cattle Crossing Facility, and the other is located in  
18          the southeast corner of Lot 3 just north of the  
19          Boundary Reserve.

20          (8) An easement comprising a 50-foot strip  
21          lying North of the 60-foot International Boundary  
22          Reserve for drilling and operation of, and access to,  
23          wells.

24          (9) A reservation by the United States of  $15/16$   
25          of all gas, oil, metals, and mineral rights.

1           (10) A reservation of  $\frac{1}{16}$  of all gas, oil, metals,  
2           and mineral rights retained by the State of Arizona.

3           (11) Such additional terms and conditions as  
4           the Secretary considers appropriate to protect the  
5           interests of the United States.

6           (c) CONSIDERATION.—

7           (1) IN GENERAL.—As consideration for the con-  
8           veyance under subsection (a), the Greater Yuma  
9           Port Authority shall pay the United States consider-  
10          ation equal to the fair market value on the date of  
11          the enactment of this Act of the interest conveyed.

12          (2) DETERMINATION.—For purposes of para-  
13          graph (1), the fair market value of any interest in  
14          land shall be determined—

15                (A) taking into account that the land is  
16                undeveloped, that 80 acres of the land is in-  
17                tended to be dedicated to use by the Federal  
18                Government for Federal governmental purposes,  
19                and that an additional substantial portion of  
20                the land is dedicated to public right-of-way,  
21                highway, and transportation purposes; and

22                (B) deducting the cost of compliance with  
23                applicable Federal laws pursuant to subsection  
24                (e).



1 (d) USE.—The Greater Yuma Port Authority and its  
2 successors shall use the interests conveyed solely for the  
3 purpose of the construction and operation of an inter-  
4 national port of entry and related activities.

5 (e) COMPLIANCE WITH LAWS.—Before the date of  
6 the conveyance, actions required with respect to the con-  
7 veyance under the National Environmental Policy Act of  
8 1969 (42 U.S.C. 4321 et seq.), the Endangered Species  
9 Act of 1973 (16 U.S.C. 1531 et seq.), the National His-  
10 toric Preservation Act (16 U.S.C. 470 et seq.), and other  
11 applicable Federal laws must be completed at no cost to  
12 the United States.

13 (f) USE OF 60-FOOT BORDER STRIP.—Any use of  
14 the 60-foot border strip shall be made in coordination with  
15 Federal agencies having authority with respect to the 60-  
16 foot border strip.

17 (g) DESCRIPTION OF PROPERTY.—The exact acreage  
18 and legal description of property conveyed under this sec-  
19 tion, and of any right-of-way that is subject to a right  
20 of use conveyed pursuant to subsection (a)(2)(E), shall be  
21 determined by a survey satisfactory to the Secretary. The  
22 cost of the survey shall be borne by the Greater Yuma  
23 Port Authority.

24 (h) DEFINITIONS.—

1           (1) 60-FOOT BORDER STRIP.—The term “60-  
2       foot border strip” means lands in any of the Sec-  
3       tions of land referred to in this Act located within  
4       60 feet of the international boundary between the  
5       United States and Mexico.

6           (2) GREATER YUMA PORT AUTHORITY.—The  
7       term “Greater Yuma Port Authority” means Trust  
8       No. 84–184, Yuma Title & Trust Company, an Ari-  
9       zona Corporation, a trust for the benefit of the  
10      Cocopah Tribe, a Sovereign Nation, the County of  
11      Yuma, Arizona, the City of Somerton, and the City  
12      of San Luis, Arizona, or such other successor joint  
13      powers agency or public purpose entity as unani-  
14      mously designated by those governmental units.

15          (3) SECRETARY.—The term “Secretary” means  
16      the Secretary of the Interior, acting through the Bu-  
17      reau of Reclamation.

Passed the House of Representatives June 26, 2000.

Attest:

*Clerk.*