

Calendar No. 930

106TH CONGRESS
2^D SESSION**H. R. 3023****[Report No. 106-481]**

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2000

Received; read twice and referred to the Committee on Energy and Natural
Resources

OCTOBER 3 (legislative day, SEPTEMBER 22), 2000

Reported by Mr. MURKOWSKI, with an amendment

[Omit the part struck through and insert the part printed in *italie*]

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, NE¹/₄, N¹/₂ NW¹/₄,
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 (2) *DETERMINATION.*—*For purposes of para-*
2 *graph (1), the fair market value of any interest in*
3 *land shall be determined taking into account that the*
4 *land is undeveloped, that 80 acres is intended to be*
5 *dedicated to use by the United States for Federal gov-*
6 *ernmental purposes, and that an additional substan-*
7 *tial portion of the land is dedicated to public right-*
8 *of-way, highway, and transportation purposes.*

9 (d) *USE.*—The Greater Yuma Port Authority and its
10 successors shall use the interests conveyed solely for the
11 purpose of the construction and operation of an inter-
12 national port of entry and related activities.

13 (e) *COMPLIANCE WITH LAWS.*—Before the date of
14 the conveyance, actions required with respect to the con-
15 veyance under the National Environmental Policy Act of
16 1969 (42 U.S.C. 4321 et seq.), the Endangered Species
17 Act of 1973 (16 U.S.C. 1531 et seq.), the National His-
18 toric Preservation Act (16 U.S.C. 470 et seq.), and other
19 applicable Federal laws must be completed at no cost to
20 the United States.

21 (f) *USE OF 60-FOOT BORDER STRIP.*—Any use of
22 the 60-foot border strip shall be made in coordination with
23 Federal agencies having authority with respect to the 60-
24 foot border strip.

1 (g) DESCRIPTION OF PROPERTY.—The exact acreage
2 and legal description of property conveyed under this sec-
3 tion, and of any right-of-way that is subject to a right
4 of use conveyed pursuant to subsection (a)(2)(E), shall be
5 determined by a survey satisfactory to the Secretary. The
6 cost of the survey shall be borne by the Greater Yuma
7 Port Authority.

8 (h) DEFINITIONS.—

9 (1) 60-FOOT BORDER STRIP.—The term “60-
10 foot border strip” means lands in any of the Sec-
11 tions of land referred to in this Act located within
12 60 feet of the international boundary between the
13 United States and Mexico.

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

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

Passed the House of Representatives June 26, 2000.

Attest:

JEFF TRANDAHL,

Clerk.

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