

**Calendar No. 223**106<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 1088****[Report No. 106-115]**

To authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

MAY 20, 1999

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

JULY 21, 1999

Reported by Mr. MURKOWSKI, without amendment

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**A BILL**

To authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Arizona National For-  
3 est Improvement Act of 1999”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) CITY.—The term “City” means the city of  
7 Sedona, Arizona.

8 (2) SECRETARY.—The term “Secretary” means  
9 the Secretary of Agriculture.

10 **SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.**

11 (a) IN GENERAL.—The Secretary may, under such  
12 terms and conditions as the Secretary may prescribe, sell  
13 or exchange any and all right, title, and interest of the  
14 United States in and to the following National Forest Sys-  
15 tem land and administrative sites:

16 (1) The Camp Verde Administrative Site, com-  
17 prising approximately 213.60 acres, as depicted on  
18 the map entitled “Camp Verde Administrative Site”,  
19 dated April 12, 1997.

20 (2) A portion of the Cave Creek Administrative  
21 Site, comprising approximately 16 acres, as depicted  
22 on the map entitled “Cave Creek Administrative  
23 Site”, dated May 1, 1997.

24 (3) The Fredonia Duplex Housing Site, com-  
25 prising approximately 1.40 acres, and the Fredonia  
26 Housing Site, comprising approximately 1.58 acres,

1 as depicted on the map entitled “Fredonia Duplex  
2 Dwelling, Fredonia Ranger Dwelling”, dated August  
3 28, 1997.

4 (4) The Groom Creek Administrative Site, com-  
5 prising approximately 7.88 acres, as depicted on the  
6 map entitled “Groom Creek Administrative Site”,  
7 dated April 29, 1997.

8 (5) The Payson Administrative Site, comprising  
9 approximately 296.43 acres, as depicted on the map  
10 entitled “Payson Administrative Site”, dated May 1,  
11 1997.

12 (6) The Sedona Administrative Site, comprising  
13 approximately 21.41 acres, as depicted on the map  
14 entitled “Sedona Administrative Site”, dated April  
15 12, 1997.

16 (b) CONSIDERATION.—Consideration for a sale or ex-  
17 change of land under subsection (a) may include the ac-  
18 quisition of land, existing improvements, and improve-  
19 ments constructed to the specifications of the Secretary.

20 (c) APPLICABLE LAW.—Except as otherwise provided  
21 in this section, any sale or exchange of land under sub-  
22 section (a) shall be subject to the laws (including regula-  
23 tions) applicable to the conveyance and acquisition of land  
24 for the National Forest System.

1 (d) CASH EQUALIZATION.—Notwithstanding any  
2 other provision of law, the Secretary may accept a cash  
3 equalization payment in excess of 25 percent of the value  
4 of any land or administrative site exchanged under sub-  
5 section (a).

6 (e) SOLICITATION OF OFFERS.—

7 (1) IN GENERAL.—The Secretary may solicit  
8 offers for the sale or exchange of land under this  
9 section on such terms and conditions as the Sec-  
10 retary may prescribe.

11 (2) REJECTION OF OFFERS.—The Secretary  
12 may reject any offer made under this section if the  
13 Secretary determines that the offer is not adequate  
14 or not in the public interest.

15 (f) REVOCATIONS.—Notwithstanding any other provi-  
16 sion of law, on conveyance of land by the Secretary under  
17 this section, any public order withdrawing the land from  
18 any form of appropriation under the public land laws is  
19 revoked.

20 **SEC. 4. CONVEYANCE TO CITY OF SEDONA.**

21 (a) IN GENERAL.—The Secretary may sell to the city  
22 of Sedona, Arizona, by quitclaim deed in fee simple, all  
23 right, title, and interest of the United States in and to  
24 approximately 300 acres of land as depicted on the map  
25 in the environmental assessment entitled “Sedona Efflu-

1 ent Management Plan”, dated August 1998, for construc-  
2 tion of an effluent disposal system in Yavapai County, Ari-  
3 zona.

4 (b) DESCRIPTION.—A legal description of the land  
5 conveyed under subsection (a) shall be available for public  
6 inspection in the office of the Chief of the Forest Service,  
7 Washington, District of Columbia.

8 (c) CONSIDERATION.—

9 (1) FAIR MARKET VALUE.—As consideration for  
10 the conveyance of land under subsection (a), the  
11 City shall pay to the Secretary an amount equal to  
12 the fair market value of the land as determined by  
13 an appraisal acceptable to the Secretary and pre-  
14 pared in accordance with the Uniform Appraisal  
15 Standards for Federal Land Acquisitions.

16 (2) COST OF APPRAISAL.—The City shall pay  
17 the cost of the appraisal of the land.

18 (3) PAYMENT.—Payment of the amount deter-  
19 mined under paragraph (1) (including any interest  
20 payable under paragraph (4)) shall be paid, at the  
21 option of the City—

22 (A) in full not later than 180 days after  
23 the date of the conveyance of the land; or

24 (B) in 7 equal annual installments com-  
25 mencing not later than January 1 of the first

1           year following the date of the conveyance and  
2           annually thereafter until the total amount has  
3           been paid.

4           (4) INTEREST RATE.—Any payment due for the  
5           conveyance of land under this section shall accrue,  
6           beginning on the date of the conveyance, interest at  
7           a rate equal to the current (as of the date of the  
8           conveyance) market yield on outstanding, market-  
9           able obligations of the United States with maturities  
10          of 1 year.

11          (d) RELEASE.—Subject to compliance with all Fed-  
12          eral environmental laws by the Secretary before the date  
13          of conveyance of land under this section, on conveyance  
14          of the land, the City shall agree in writing to hold the  
15          United States harmless from any and all claims to the  
16          land, including all claims resulting from hazardous mate-  
17          rials on the conveyed land.

18          (e) RIGHT OF REENTRY.—At any time before full  
19          payment is made for the conveyance of land under this  
20          section, the conveyance shall be subject to a right of re-  
21          entry in the United States if the Secretary determines  
22          that—

23                  (1) the City has not complied with the require-  
24                  ments of this section or the conditions prescribed by  
25                  the Secretary in the deed of conveyance; or

1           (2) the conveyed land is not used for disposal  
2           of treated effluent or other purposes related to the  
3           construction of an effluent disposal system in  
4           Yavapai County, Arizona.

5 **SEC. 5. DISPOSITION OF FUNDS.**

6           (a) DEPOSIT OF PROCEEDS.—The Secretary shall de-  
7           posit the proceeds of a sale or exchange under this Act  
8           in the fund established under Public Law 90–171 (16  
9           U.S.C. 484a) (commonly known as the “Sisk Act”).

10          (b) USE OF PROCEEDS.—Funds deposited under sub-  
11          section (a) shall be available to the Secretary, without fur-  
12          ther Act of appropriation, for—

13                 (1) the acquisition, construction, or improve-  
14                 ment of administrative facilities for the Coconino  
15                 National Forest, Kaibab National Forest, Prescott  
16                 National Forest, and Tonto National Forest; or

17                 (2) the acquisition of land and or an interest in  
18                 land in the State of Arizona.

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