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H. R. 2907

IN THE SENATE OF THE UNITED STATES

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Read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership.

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 “Northern Arizona Na-
3 tional Forest Land Exchange Act of 2003”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—Congress finds that—

6 (1) certain parcels of private land in the ap-
7 proximately 170 square miles of land commonly
8 known as the “Yavapai Ranch” and located in
9 Yavapai County, Arizona, are intermingled with Na-
10 tional Forest System land owned by the United
11 States and administered by the Secretary of Agri-
12 culture as part of Prescott National Forest;

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

20 (3) a significant portion of the private land
21 within the checkerboard area (including the land lo-
22 cated in or near the Pine Creek watershed, Juniper
23 Mesa Wilderness Area, Haystack Peak, and the Luis
24 Maria Baca Float No. 5) is located in environ-
25 mentally valuable areas that possess attributes for
26 public management, use, and enjoyment, including—

1 (A) outdoor recreation;

2 (B) preservation of stands of old growth
3 forest;

4 (C) largely unfragmented habitat for ante-
5 lope, deer, elk, mountain lion, wild turkey, and
6 other wildlife species;

7 (D) scientific research;

8 (E) rangeland;

9 (F) cultural and archaeological resources;

10 and

11 (G) scenic vistas;

12 (4) the checkerboard ownership pattern of pri-
13 vate and public land within Prescott National Forest
14 impedes sound and efficient management of the
15 intermingled National Forest System land;

16 (5) if the private land in the checkerboard area
17 is subdivided or developed, the intermingled National
18 Forest System land will become highly fragmented
19 and lose much of the value of the land for wildlife
20 habitat and future public access, use, and enjoy-
21 ment;

22 (6) acquisition by the United States of certain
23 parcels of land that have been offered by Yavapai
24 Ranch Limited Partnership and the Northern
25 Yavapai, L.L.C., for addition to Prescott National

1 Forest will serve important public objectives, includ-
2 ing—

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

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

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

11 (ii) efficient management of the land;

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

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

17 (i) consolidation of Federal land hold-
18 ings for more efficient land management
19 and planning;

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

23 (iii) reduction of right-of-way, special
24 use, and other permit processing and

1 issuance for roads and other facilities on
2 National Forest System land;

3 (7) parcels of National Forest System land have
4 been identified for conveyance to Yavapai Ranch
5 Limited Partnership or the Northern Yavapai,
6 L.L.C., through a land exchange because the par-
7 cels—

8 (A) have significantly lower recreational,
9 wildlife, ecological, and other public purpose
10 values than the land to be acquired by the
11 United States; and

12 (B) are encumbered by special use permits
13 and rights-of-way for a variety of purposes (in-
14 cluding summer youth camps, municipal water
15 treatment facilities, sewage treatment facilities,
16 city parks, and airport-related facilities) that—

17 (i) limit the usefulness of the parcels
18 for general National Forest System pur-
19 poses; but

20 (ii) are logical for pass-through con-
21 veyances from Yavapai Ranch Limited
22 Partnership and the Northern Yavapai,
23 L.L.C., to the permit or right-of-way hold-
24 ers; and

1 (8) it is in the public interest of all water users
2 in the Verde Valley, Arizona, that water conserva-
3 tion easements be established that limit future water
4 use on the Federal land that—

5 (A) is located near the communities of
6 Camp Verde, Cottonwood, and Clarkdale; and

7 (B) is to be conveyed by the United States
8 to Yavapai Ranch Limited Partnership or the
9 Northern Yavapai, L.L.C.

10 (b) PURPOSE.—The purpose of this Act is to author-
11 ize, direct, and facilitate the exchange of Federal land and
12 non-Federal land between the United States, Yavapai
13 Ranch Limited Partnership, and the Northern Yavapai,
14 L.L.C.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) CAMP.—The term “camp” means Camp
18 Pearlstein, Friendly Pines, Patterdale Pines, Pine
19 Summit, Sky Y, and YoungLife Lost Canyon camps
20 in the State of Arizona.

21 (2) FEDERAL LAND.—The term “Federal land”
22 means the land described in section 4(a)(2).

23 (3) MANAGEMENT PLAN.—The term “Manage-
24 ment Plan” means the land and resource manage-
25 ment plan for Prescott National Forest.

1 (4) NON-FEDERAL LAND.—The term “non-Fed-
2 eral land” means the approximately 35,000 acres of
3 non-Federal land located within the boundaries of
4 Prescott National Forest, as generally depicted on
5 the map entitled “Yavapai Ranch Land Exchange
6 Non-Federal Lands”, dated April 2002.

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

9 (6) YAVAPAI RANCH.—The term “Yavapai
10 Ranch” means—

11 (A) the Yavapai Ranch Limited Partner-
12 ship, an Arizona Limited Partnership; and

13 (B) the Northern Yavapai, L.L.C., an Ari-
14 zona Limited Liability Company.

15 **SEC. 4. LAND EXCHANGE.**

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

18 (1) IN GENERAL.—On receipt of an offer from
19 Yavapai Ranch to convey the non-Federal land, the
20 Secretary shall convey to Yavapai Ranch by patent
21 or quitclaim deed, subject to easements, rights-of-
22 way, utility lines, and any other valid encumbrances
23 on the Federal land in existence on the date of en-
24 actment of this Act and any other reservations that
25 may be agreed to by the Secretary and Yavapai

1 Ranch, all right, title, and interest of the United
2 States in and to the Federal land described in para-
3 graph (2).

4 (2) DESCRIPTION OF FEDERAL LAND.—The
5 Federal land referred to in paragraph (1) shall con-
6 sist of the following:

7 (A) Certain land comprising approximately
8 15,300 acres located in Yavapai County, Ari-
9 zona, as generally depicted on the map entitled
10 “Yavapai Ranch Land Exchange Yavapai
11 Ranch Area Federal Lands”, dated April 2002.

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

14 (i) comprising approximately 1,500
15 acres located in Coconino National Forest,
16 Coconino County, Arizona, as generally de-
17 picted on the map entitled “Yavapai Ranch
18 Land Exchange Flagstaff Federal Lands-
19 Airport Parcel”, dated April 2002; and

20 (ii) comprising approximately 28.26
21 acres in 2 separate parcels, as generally
22 depicted on the map entitled “Yavapai
23 Ranch Land Exchange Flagstaff Federal
24 Lands—Wetzel School and Mt. Elden Par-
25 cels”, dated September 2002.

1 (C) Certain land referred to as Williams
2 Airport, Williams golf course, Williams Sewer,
3 Buckskinner Park, Williams Railroad, and Well
4 parcels numbers 2, 3, and 4, comprising ap-
5 proximately 950 acres, located in Kaibab Na-
6 tional Forest, Coconino County, Arizona, as
7 generally depicted on the map entitled “Yavapai
8 Ranch Land Exchange Williams Federal
9 Lands”, dated April 2002.

10 (D) Certain land comprising approximately
11 2,200 acres located in Prescott National Forest,
12 Yavapai County, Arizona, as generally depicted
13 on the map entitled “Yavapai Ranch Land Ex-
14 change Camp Verde Federal Land—General
15 Crook Parcel”, dated April 2002.

16 (E) Certain land comprising approximately
17 820 acres located in Prescott National Forest
18 in Yavapai County, Arizona, as generally de-
19 picted on the map entitled “Yavapai Ranch
20 Land Exchange Camp Verde Federal Lands—
21 Cottonwood/Clarkdale Parcel”, dated April
22 2002.

23 (F) Certain land comprising approximately
24 237.5 acres located in Kaibab National Forest,
25 Coconino County, Arizona, as generally depicted

1 on the map entitled “Yavapai Ranch Land Ex-
2 change Younglife/Lost Canyon”, dated April
3 2002.

4 (G) Certain land comprising approximately
5 200 acres located in Prescott National Forest,
6 Yavapai County, Arizona, and including Friend-
7 ly Pines, Patterdale Pines, Camp Pearlstein,
8 Pine Summit, and Sky Y, as generally depicted
9 on the map entitled “Yavapai Ranch Land Ex-
10 change Prescott Federal Lands—Summer
11 Youth Camp Parcels”, dated April 2002.

12 (H) Perpetual and nonexclusive easements
13 that—

14 (i) run with and benefit land owned
15 by or conveyed to Yavapai Ranch across
16 certain land of the United States;

17 (ii) are for the purposes of—

18 (I) operating, maintaining, re-
19 pairing, improving, and replacing elec-
20 tric power lines or water pipelines (in-
21 cluding related storage tanks, valves,
22 pumps, and hardware); and

23 (II) providing rights of reason-
24 able ingress and egress necessary for

1 the activities described in subclause
2 (I);
3 (iii) are 20 feet in width; and
4 (iv) are located 10 feet on either side
5 of each line depicted on the map entitled
6 “Yavapai Ranch Land Exchange YRLP
7 Acquired Easements for Water Lines”,
8 dated April 2002.

9 (3) CONDITIONS.—

10 (A) PERMITS.—Permits or other legal oc-
11 cupancies of the Federal land by third parties
12 in existence on the date of transfer of the Fed-
13 eral land to Yavapai Ranch shall be addressed
14 in accordance with—

15 (i) part 254.15 of title 36, Code of
16 Federal Regulations (or any successor reg-
17 ulation); and

18 (ii) other applicable laws (including
19 regulations).

20 (B) ESTABLISHMENT OF CONSERVATION
21 EASEMENTS ON CERTAIN PARCELS.—

22 (i) IN GENERAL.—To conserve water
23 in the Verde Valley, Arizona, and to mini-
24 mize the adverse impacts from future de-
25 velopment of the parcels described in sub-

1 paragraphs (D) and (E) of paragraph (2)
2 on current and future users of water and
3 holders of water rights in existence on the
4 date of enactment of this Act and the
5 Verde River and National Forest System
6 land retained by the United States, the
7 United States shall limit in perpetuity the
8 use of water on the parcels by reserving
9 conservation easements that—

10 (I) prohibit golf course develop-
11 ment on the parcels;

12 (II) require that public parks and
13 greenbelts on the parcels be watered
14 with treated effluent;

15 (III)(aa) with respect to the par-
16 cel described in paragraph (2)(D),
17 limit total post-exchange water use to
18 not more than 700 acre-feet of water
19 per year; and

20 (bb) with respect to the parcel
21 described in paragraph (2)(E), limit
22 total post-exchange water use to not
23 more than 150 acre-feet of water per
24 year; and

1 (IV) require that any water used
2 for the parcels not be withdrawn from
3 wells perforated in the Holocene allu-
4 vium of the Verde River unless sup-
5 plied by municipalities or private
6 water companies; however any water
7 supplied by municipalities or private
8 water companies shall count toward
9 the water use limitations set out in
10 the preceding subclauses (III)(aa) and
11 (III)(bb).

12 (ii) RECORDATION.—The conservation
13 easements described in clause (i) shall be
14 recorded to encumber the title to parcels
15 described in subparagraphs (D) and (E) of
16 paragraph (2) that are conveyed by the
17 Secretary to Yavapai Ranch.

18 (iii) SUBSEQUENT CONVEYANCE.—

19 (I) IN GENERAL.—On acquisition
20 of title to the parcels described in sub-
21 subparagraphs (D) and (E) of paragraph
22 (2), Yavapai Ranch may convey all or
23 a portion of the parcels to 1 or more
24 successors-in-interest.

1 (II) WATER USE APPORTION-
2 MENT.—A conveyance under sub-
3 clause (I) shall, in accordance with
4 the terms described in clause (i), in-
5 clude a recorded and binding agree-
6 ment on the amount of water avail-
7 able for use on the parcel or portion
8 of the parcel conveyed, as determined
9 by the Yavapai Ranch.

10 (iv) ENFORCEMENT.—The Secretary
11 shall enter into one or more assignments
12 with a political subdivision of the State of
13 Arizona authorizing the political subdivi-
14 sion to enforce the terms described in
15 clause (i) in any manner provided by law.
16 Until such time as the Secretary executes
17 the assignments, the Secretary shall hold
18 and enforce the conservation easements.

19 (v) LIABILITY.—

20 (I) IN GENERAL.—Any action for
21 a breach of the terms of the conserva-
22 tion easements described in clause (i)
23 shall be against the owner or owners
24 of the parcel or portion of the parcel,
25 at the time of the breach, whose ac-

1 tion or failure to act has resulted in
2 the breach.

3 (II) HOLD HARMLESS.—To the
4 extent that the United States or a
5 successor-in-interest to the United
6 States no longer holds title to the par-
7 cels or any portion of the parcels de-
8 scribed in subparagraph (D) or (E) of
9 paragraph (2), the United States or
10 such successor-in-interest shall be held
11 harmless from damages or injuries at-
12 tributable to any breach of the terms
13 of the conservation easements de-
14 scribed in clause (i) by a subsequent
15 successor-in-interest.

16 (b) CONVEYANCE OF NON-FEDERAL LAND BY
17 YAVAPAI RANCH.—

18 (1) IN GENERAL.—On receipt of title to the
19 Federal land, Yavapai Ranch shall simultaneously
20 convey to the United States, by deed acceptable to
21 Secretary and subject to any encumbrances accept-
22 able to the Secretary, all right, title, and interest of
23 Yavapai Ranch in and to the non-Federal land.

24 (2) EASEMENTS.—

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

5 (i) perpetual easements and water
6 rights that run with and benefit the land
7 retained by Yavapai Ranch for—

8 (I) the operation, maintenance,
9 repair, improvement, development,
10 and replacement of not more than 3
11 wells in existence on the date of enact-
12 ment of this Act;

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

15 (III) pipelines to points of use;
16 and

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

20 (B) EXISTING WELLS.—

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

23 (I) 40 acres in area; and

24 (II) to the maximum extent prac-
25 ticable—

1 (aa) centered on the existing
2 well; and

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

5 (ii) LIMITATION.—Within a 40-acre
6 easement described in clause (i), the
7 United States and any permittees or licens-
8 ees of the United States shall be prohibited
9 from undertaking any activity that materi-
10 ally interferes with the use of the wells by
11 Yavapai Ranch, without the written con-
12 sent of Yavapai Ranch.

13 (iii) RESERVATION OF WATER FOR
14 THE UNITED STATES.—The United States
15 shall be entitled to $\frac{1}{2}$ the production of
16 each existing or replacement well, not to
17 exceed a total of 3,100,000 gallons of
18 water annually, for watering wildlife and
19 stock and for other National Forest Sys-
20 tem purposes from the 3 wells.

21 (C) REASONABLE ACCESS.—Each ease-
22 ment for ingress and egress shall be at least 20
23 feet in width.

24 (D) LOCATION.—The locations of the ease-
25 ments and wells shall be the locations generally

1 depicted on a map entitled “Yavapai Ranch
2 Land Exchange YRLP Reserved Easements for
3 Waterlines and Wells”, dated April 2002.

4 (c) LAND TRANSFER PROBLEMS.—

5 (1) FEDERAL LAND.—If a parcel of Federal
6 land (or a portion of the parcel) cannot be conveyed
7 to Yavapai Ranch because of the presence of haz-
8 ardous materials or if the proposed title to a parcel
9 of Federal land (or a portion of the parcel) is unac-
10 ceptable to Yavapai Ranch because of the presence
11 of threatened or endangered species, cultural or his-
12 toric resources, unpatented mining claims, or other
13 third party rights under public land laws—

14 (A) the parcel of Federal land or portion
15 of the parcel shall be excluded from the ex-
16 change; and

17 (B) the non-Federal land shall be adjusted
18 in accordance with section 5(c).

19 (2) NON-FEDERAL LAND.—If 1 or more of the
20 parcels of non-Federal land or a portion of such a
21 parcel cannot be conveyed to the United States be-
22 cause of the presence of hazardous materials or if
23 the proposed title to a parcel or a portion of the par-
24 cel is unacceptable to the Secretary—

1 (A) the parcel of non-Federal land or por-
2 tion of the parcel shall be excluded from the ex-
3 change; and

4 (B) the Federal land shall be adjusted in
5 accordance with section 5(c).

6 (d) CONVEYANCE OF FEDERAL LAND TO CITIES AND
7 CAMPS.—

8 (1) IN GENERAL.—Following the acquisition of
9 the Federal land, Yavapai Ranch shall convey to the
10 cities of Flagstaff, Williams, and Camp Verde and
11 the camps the parcels of Federal land or portions of
12 parcels located in or near the cities or camps under
13 any terms agreed to by Yavapai Ranch, the cities,
14 and camps before the date on which the exchange is
15 completed.

16 (2) DELETION FROM EXCHANGE.—If Yavapai
17 Ranch and the cities or camps referred to in para-
18 graph (1) have not agreed to the terms and condi-
19 tions of a subsequent conveyance of a parcel or por-
20 tion of a parcel of Federal land before the comple-
21 tion of the exchange, the Secretary, on notification
22 by Yavapai Ranch, the cities, or camps, shall delete
23 the parcel or any portion of the parcel from the ex-
24 change. Any parcel or portion of a parcel to be de-
25 leted may be configured by the Secretary to leave

1 the United States with manageable post-exchange
2 land and boundaries.

3 (3) EASEMENTS.—In accordance with section
4 120(h) of the Comprehensive Environmental Re-
5 sponse, Compensation, and Liability Act of 1980 (42
6 U.S.C. 9620(h)), the United States shall reserve
7 easements in any land transferred to Yavapai
8 Ranch.

9 **SEC. 5. EXCHANGE VALUATION, APPRAISALS, AND EQUALI-**
10 **ZATION.**

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

14 (1) shall be equal, as determined by the Sec-
15 retary; or

16 (2) if the values are not equal, shall be equal-
17 ized in accordance with subsection (c).

18 (b) APPRAISALS.—

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

22 (A) the Uniform Appraisal Standards for
23 Federal Land Acquisitions, fifth edition (De-
24 cember 20, 2000); and

1 (B) the Uniform Standards of Professional
2 Appraisal Practice.

3 (2) APPROVAL.—In accordance with part
4 254.9(a)(1) of title 36, Code of Federal Regulations
5 (or any successor regulation), the appraiser shall
6 be—

7 (A) acceptable to the Secretary and
8 Yavapai Ranch; and

9 (B) a contractor, the clients of which shall
10 be the Secretary and Yavapai Ranch.

11 (3) REQUIREMENTS.—During the appraisal
12 process the appraiser shall—

13 (A) consider the effect on value of the Fed-
14 eral land or non-Federal land because of the ex-
15 istence of encumbrances on each parcel, includ-
16 ing—

17 (i) permitted uses on Federal land
18 that cannot be reasonably terminated be-
19 fore the appraisal; and

20 (ii) facilities on Federal land that can-
21 not be reasonably removed before the ap-
22 praisal; and

23 (B) determine the value of each parcel of
24 Federal land and non-Federal land (including
25 the value of each individual section of the inter-

1 mingled Federal and non-Federal land of the
2 Yavapai Ranch) as an assembled transaction
3 consistent with the applicable provisions of
4 parts 254.5 and 254.9(b)(1)(v) of title 36, Code
5 of Federal Regulations (or any successor regu-
6 lation).

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

11 (A) section 206(d) of the Federal Land
12 Policy and Management Act of 1976 (43 U.S.C.
13 1716(d)); and

14 (B) part 254.10 of title 36, Code of Fed-
15 eral Regulations (or any successor regulation).

16 (5) APPRAISAL PERIOD.—After the final ap-
17 praised values of the Federal land and non-Federal
18 land have been reviewed and approved by the Sec-
19 retary or otherwise determined in accordance with
20 the requirements of paragraph (4), the final ap-
21 praised values—

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

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

4 (6) AVAILABILITY.—In accordance with the poli-
5 icy of the Forest Service, and to ensure the timely
6 and full disclosure of the appraisals to the public,
7 the appraisals approved by the Secretary shall be
8 made available for public inspection in the Offices of
9 the Supervisors for Prescott, Coconino, and Kaibab
10 National Forests.

11 (c) EQUALIZATION OF VALUES.—

12 (1) SURPLUS OF NON-FEDERAL LAND.—

13 (A) IN GENERAL.—If, after any adjust-
14 ments are made to the non-Federal land or
15 Federal land under subsection (c) or (d) of sec-
16 tion 4, the final appraised value of the non-Fed-
17 eral land exceeds the final appraised value of
18 the Federal land, the Federal land and non-
19 Federal land shall be adjusted in accordance
20 with subparagraph (B) until the values are ap-
21 proximately equal.

22 (B) ADJUSTMENTS.—An adjustment re-
23 ferred to in subparagraph (A) shall be accom-
24 plished by beginning at the east boundary of
25 section 30, T. 20 N., R. 6 W., Gila and Salt

1 River Base and Meridian, Yavapai County, Ari-
2 zona, and adding to the Federal land in $\frac{1}{8}$ sec-
3 tion increments (N-S 64th line) and lot lines
4 across the section, while deleting in the same
5 increments portions of sections 19 and 31, T.
6 20 N., R. 6 W., Gila and Salt River Base and
7 Meridian, Yavapai County, Arizona, to establish
8 a linear and continuous boundary that runs
9 north to south across the sections.

10 (2) SURPLUS OF FEDERAL LAND.—

11 (A) IN GENERAL.—If, after any adjust-
12 ments are made to the non-Federal land or
13 Federal land under subsection (c) or (d) of sec-
14 tion 4, the final appraised value of the Federal
15 land exceeds the final appraised value of the
16 non-Federal land, the Federal land and non-
17 Federal land shall be adjusted in accordance
18 with subparagraph (B) until the values are ap-
19 proximately equal.

20 (B) ADJUSTMENTS.—Adjustments under
21 subparagraph (A) shall be made in the fol-
22 lowing order:

23 (i) Beginning at the south boundary
24 of section 31, T. 20 N., R. 5 W., Gila and
25 Salt River Base and Meridian, Yavapai

1 County, Arizona, and sections 33 and 35,
2 T. 20 N., R. 6 W., Gila and Salt River
3 Base and Meridian, Yavapai County, by
4 adding to the non-Federal land to be con-
5 veyed to the United States in $\frac{1}{8}$ section
6 increments (E-W 64th line) while deleting
7 from the conveyance to Yavapai Ranch
8 Federal land in the same incremental por-
9 tions of section 32, T. 20 N., R. 5 W., Gila
10 and Salt River Base and Meridian,
11 Yavapai County, Arizona, and sections 32,
12 34, and 36, in T. 20 N., R. 6 W., Gila and
13 Salt River Base and Meridian, Yavapai
14 County, Arizona, to establish a linear and
15 continuous boundary that runs east to
16 west across the sections.

17 (ii) By deleting the following parcels:

18 (I) The Wetzel School parcel
19 identified on the map described in sec-
20 tion 4(a)(2)(B)(ii).

21 (II) The Williams Sewer parcel
22 identified on the map described in sec-
23 tion 4(a)(2)(C).

24 (III) That part of the Williams
25 Railroad parcel identified on the map

1 described in section 4(a)(2)(C) that
2 lies south of Business I-40.

3 (IV) A portion of the Cotton-
4 wood/Clarkdale Federal Lands identi-
5 fied on the map described in Section
6 4(a)(2)(E) and further described as
7 the S¹/₂S¹/₂ of Section 8, Township 15
8 North, Range 3 East, Gila and Salt
9 River Base and Meridian, Yavapai
10 County, Arizona.

11 (V) The Buckskinner Park parcel
12 identified on the map described in sec-
13 tion 4(a)(2)(C).

14 (VI) Approximately 316 acres of
15 the Camp Verde Federal Land-Gen-
16 eral Crook Parcel identified on the
17 map described in Section 4(a)(2)(D)
18 and further described as Lots 1, 5,
19 and 6 and the NE¹/₄NE¹/₄ of Section
20 26, and the N¹/₂N¹/₂ of Section 27,
21 Township 14 North, Range 4 East,
22 Gila and Salt River Base and Merid-
23 ian, Yavapai County, Arizona.

24 (VII) A portion of the Cotton-
25 wood/Clarkdale Federal Lands identi-

1 fied on the map described in section
2 4(a)(2)(E) and further described as
3 the N¹/₂S¹/₂ of Section 8, Township
4 15 North, Range 3 East, Gila and
5 Salt River Base and Meridian,
6 Yavapai County, Arizona.

7 (VIII) Approximately 314 acres
8 of the Camp Verde Federal Land-
9 General Crook Parcel identified on the
10 map described in section 4(a)(2)(D)
11 and further described as Lots 2, 7, 8
12 and 9 and the SE¹/₄NE¹/₄ of Section
13 26, and the S¹/₂N¹/₂ of Section 27,
14 Township 14 North, Range 4 East,
15 Gila and Salt River Base and Merid-
16 ian, Yavapai County, Arizona.

17 (IX) The Mt. Elden parcel identi-
18 fied on the map described in section
19 4(a)(2)(B)(ii).

20 (C) MODIFICATIONS.—By mutual agree-
21 ment by the Secretary and the Yavapai Ranch,
22 the land and acreage in subclauses (I) through
23 (IX) may be modified to conform with a survey
24 approved by the Bureau of Land Management

1 or to leave the United States with manageable
2 post-exchange land and boundaries.

3 (3) ADDITIONAL EQUALIZATION OF VALUES.—

4 If, after the values are adjusted in accordance with
5 paragraph (1) or (2), the values of the Federal land
6 and non-Federal land are not equal, then the Sec-
7 retary and Yavapai Ranch may by agreement adjust
8 the acreage of the Federal land and non-Federal
9 land until the values of that land are equal.

10 (d) CASH EQUALIZATION.—

11 (1) IN GENERAL.—After the values of the non-
12 Federal and Federal land are equalized to the max-
13 imum extent practicable under subsection (c), any
14 balance due the Secretary or Yavapai Ranch shall be
15 paid—

16 (A) through cash equalization payments
17 under section 206(b) of the Federal Land Pol-
18 icy and Management Act of 1976 (43 U.S.C.
19 1716(b)); or

20 (B) in accordance with standards estab-
21 lished by the Secretary and Yavapai Ranch.

22 (2) LIMITATION.—

23 (A) ADJUSTMENTS.—If the value of the
24 Federal land exceeds the value of the non-Fed-
25 eral land by more than \$50,000, the Secretary

1 and Yavapai Ranch shall, by agreement, delete
2 additional Federal land from the exchange until
3 the values of the Federal land and non-Federal
4 land are equal.

5 (B) DEPOSIT.—Any amounts received by
6 the United States under this Act—

7 (i) shall be deposited in a fund estab-
8 lished under Public Law 90–171 (16
9 U.S.C. 484a) (commonly known as the
10 “Sisk Act”); and

11 (ii) shall be available, without further
12 appropriation, for the acquisition of land
13 or interests in land for National Forest
14 System purposes in the State of Arizona.

15 **SEC. 6. MISCELLANEOUS PROVISIONS.**

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

20 (b) WITHDRAWAL OF FEDERAL LAND.—The Federal
21 land is withdrawn from all forms of entry and appropria-
22 tion under the public land laws, including the mining and
23 mineral leasing laws and the Geothermal Steam Act of
24 1970 (30 U.S.C. 1001 et seq.), until the date on which

1 the exchange of Federal land and non-Federal land is com-
2 pleted.

3 (c) SURVEYS, INVENTORIES, AND CLEARANCES.—

4 Before completing the exchange of Federal land and non-
5 Federal land under this Act, the Secretary shall carry out
6 land surveys and preexchange inventories, clearances, re-
7 views, and approvals relating to hazardous materials,
8 threatened and endangered species, cultural and historic
9 resources, and wetlands and floodplains.

10 (d) COSTS OF IMPLEMENTING THE EXCHANGE.—

11 (1) IN GENERAL.—

12 (A) The United States shall bear the costs
13 or other responsibilities or requirements associ-
14 ated with land surveys, title searches, archeo-
15 logical and cultural surveys and salvage, re-
16 moval of encumbrances and curing title defi-
17 ciencies necessary to bring the Federal land
18 into a condition where it is acceptable for ex-
19 change purposes.

20 (B) Yavapai Ranch shall bear the costs or
21 other responsibilities or requirements associated
22 with land surveys, title searches, archeological
23 and cultural surveys and salvage, removal of en-
24 cumbrances and curing title deficiencies nec-
25 essary to bring the non-Federal land into a con-

1 dition where it is acceptable for exchange pur-
2 poses.

3 (2) INELIGIBLE REIMBURSEMENTS.—No
4 amount paid by Yavapai Ranch under this sub-
5 section shall be eligible for reimbursement under sec-
6 tion 206(f) of the Federal Land Policy and Manage-
7 ment Act of 1976 (43 U.S.C. 1716(f)).

8 (e) TIMING.—It is the intent of Congress that the
9 exchange of Federal land and non-Federal land directed
10 by this Act be completed not later than 18 months after
11 the date of enactment of this Act.

12 (f) CONTRACTORS.—

13 (1) IN GENERAL.—If the Secretary lacks ade-
14 quate staff or resources to complete the exchange by
15 the date specified in subsection (e), the Yavapai
16 Ranch may contract with independent third-party
17 contractors to carry out any work necessary to com-
18 plete the exchange by that date, subject to the mu-
19 tual agreement of the Secretary and the Yavapai
20 Ranch on the contractor or contractors, scope of
21 work, estimated cost of work, and approval of any
22 such work by the Secretary.

23 (2) REIMBURSEMENT.—In the event that
24 Yavapai Ranch contracts with independent third
25 party contractors to carry out or complete any re-

1 sponsibilities or requirements that would be per-
2 formed by the Secretary but for the lack of adequate
3 staff or resources, then the Secretary shall reim-
4 burse Yavapai Ranch for Yavapai Ranch's costs or
5 expenses for such contractors in accordance with
6 section 206(f) of the Federal Land Policy and Man-
7 agement Act of 1976 (43 U.S.C. 1716(f)).

8 **SEC. 7. STATUS AND MANAGEMENT OF LAND AFTER EX-**
9 **CHANGE.**

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

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

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

16 (A) this Act;

17 (B) the laws (including regulations) appli-
18 cable to the National Forest System; and

19 (C) other authorized uses of the National
20 Forest System.

21 (b) **MANAGEMENT PLAN.**—

22 (1) **IN GENERAL.**—Acquisition of the non-Fed-
23 eral land under this Act shall not require a revision
24 or amendment to the Management Plan.

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

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

8 (1) IN GENERAL.—On acquisition by the United
9 States, the non-Federal land acquired by the United
10 States and any National Forest System land outside
11 the Juniper Mesa Wilderness Area but formerly
12 intermingled with the acquired non-Federal land
13 shall be managed in accordance with—

14 (A) paragraphs (2) through (6); and

15 (B) the laws (including regulations) gen-
16 erally applicable to National Forest System
17 land.

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

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

25 (B) suitability for livestock grazing; and

1 (C) aesthetic values.

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

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

7 (B) continue to be subject to grazing in ac-
8 cordance with the laws (including regulations)
9 generally applicable to domestic livestock graz-
10 ing on National Forest System land.

11 (4) ROADS.—

12 (A) IMPROVEMENT AND MAINTENANCE.—
13 The Secretary shall maintain or improve a sys-
14 tem of roads and trails on the non-Federal land
15 to provide opportunities for hunting, motorized
16 and nonmotorized recreation, and other uses of
17 the land by the public.

18 (B) PUBLIC ACCESS ROAD.—

19 (i) CONSTRUCTION.—The Secretary
20 shall improve or construct a public access
21 road linking Forest Road 7 (Pine Creek
22 Road) to Forest Road 1 (Turkey Canyon
23 Road) through portions of sections 33, 32,
24 31, and 30, T. 19 N., R. 6 W., Gila and
25 Salt River Base and Meridian.

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

4 (I) until the date on which the
5 new public access road is completed,
6 remain open; and

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

10 (C) EASEMENTS.—

11 (i) IN GENERAL.—On completion of
12 the land exchange under this Act, the Sec-
13 retary and Yavapai Ranch shall grant each
14 other at no charge reciprocal easements for
15 ingress, egress, and utilities across, over,
16 and through—

17 (I)(aa) the routes depicted on the
18 map entitled “Yavapai Ranch Land
19 Exchange Road and Trail Ease-
20 ments—Yavapai Ranch Area” dated
21 April 2002; and

22 (bb) any other inholdings re-
23 tained by the United States or
24 Yavapai Ranch; or

1 (II) any relocated routes that are
2 agreed to by the Secretary and
3 Yavapai Ranch.

4 (ii) REQUIREMENTS.—An easement
5 described in clause (i)—

6 (I) shall be unlimited, perpetual,
7 and nonexclusive in nature; and

8 (II) shall run with and benefit
9 the land of the grantee.

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

12 (I) any successors-in-interest, as-
13 signs, and transferees of Yavapai
14 Ranch; and

15 (II) in the case of the Secretary,
16 members of the general public, as de-
17 termined to be appropriate by the
18 Secretary.

19 (5) TIMBER HARVESTING.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B), timber harvesting for com-
22 modity production shall be prohibited on the
23 non-Federal land.

24 (B) EXCEPTIONS.—Timber harvesting may
25 be conducted on the non-Federal land if the

1 Secretary determines that timber harvesting is
2 necessary—

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

6 (ii) to protect or enhance grassland
7 habitat, watershed values, native plants,
8 trees, and wildlife species; or

9 (iii) to improve forest health.

10 (6) WATER IMPROVEMENTS.—Nothing in this
11 Act prohibits the Secretary from authorizing or con-
12 structing new water improvements in accordance
13 with the laws (including regulations) applicable to
14 water improvements on National Forest System land
15 for—

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

18 (B) the improvement of forest health or
19 forest restoration; or

20 (C) other National Forest purposes.

21 (d) MAPS.—

22 (1) IN GENERAL.—The Secretary and Yavapai
23 Ranch may correct any minor errors in the maps of,
24 legal descriptions of, or encumbrances on the Fed-
25 eral land or non-Federal land.

1 (2) DISCREPANCY.—In the event of any dis-
2 crepancy between a map and legal description, the
3 map shall prevail unless the Secretary and Yavapai
4 Ranch agree otherwise.

5 (3) AVAILABILITY.—All maps referred to in this
6 Act shall be on file and available for inspection in
7 the Office of the Supervisor, Prescott National For-
8 est, Prescott, Arizona.

9 (e) EFFECT.—Nothing in this Act precludes, pro-
10 hibits, or otherwise restricts Yavapai Ranch from subse-
11 quently granting, conveying, or otherwise transferring title
12 to the Federal land after its acquisition of the Federal
13 land.

14 **SEC. 8. CONVEYANCE OF ADDITIONAL LAND.**

15 (a) IN GENERAL.—The Secretary shall convey to an
16 individual or entity that represents the majority of land-
17 owners with encroachments on the lot by quitclaim deed
18 the parcel of land described in subsection (b).

19 (b) DESCRIPTION OF LAND.—The parcel of land re-
20 ferred to in subsection (a) is lot 8 in section 11, T. 21
21 N., R. 7 E., Gila and Salt River Base and Meridian,
22 Coconino County, Arizona.

23 (c) AMOUNT OF CONSIDERATION.—In exchange for
24 the land described in subsection (b), the individual or enti-

1 ty acquiring the land shall pay to the Secretary consider-
2 ation in the amount of—

3 (1) \$2500; plus

4 (2) any costs of re-monumenting the boundary
5 of land.

6 (d) TIMING.—

7 (1) IN GENERAL.—Not later than 90 days after
8 the date on which the Secretary receives a power of
9 attorney executed by the individual or entity acquir-
10 ing the land, the Secretary shall convey to the indi-
11 vidual or entity the land described in subsection (b).

12 (2) LIMITATION.—If, by the date that is 270
13 days after the date of enactment of this Act, the
14 Secretary does not receive the power of attorney de-
15 scribed in paragraph (1)—

16 (A) the authority provided under this sub-
17 section shall terminate; and

18 (B) any conveyance of the land shall be
19 made under Public Law 97–465 (16 U.S.C.
20 521c et seq.).

21 **SEC. 9. COMPENSATION FOR PERSONS HOLDING GRAZING**
22 **PERMITS.**

23 Persons holding grazing permits for land transferred
24 into private ownership under this Act shall be com-
25 pensated in accordance with section 402(g) of the Federal

1 Land Policy and Management Act of 1976 (43 U.S.C.
2 1752(g)).

3 **SEC. 10. CONVEYANCE OF LEASED LAND.**

4 (a) IN GENERAL.—The Secretary shall convey to an
5 individual or entity that represents the majority of land-
6 owners with a lease on the lot by quitclaim deed the parcel
7 of land described in subsection (b).

8 (b) DESCRIPTION OF LAND.—The parcel of land re-
9 ferred to in subsection (a) is approximately 4.87 acres lo-
10 cated in section 27, T. 22 N., R. 2 E., Gila and Salt River
11 Base and Meridian, Coconino County, Arizona.

12 (c) MAPS.—

13 (1) IN GENERAL.—The Secretary may make
14 minor modifications to the descriptions or recon-
15 figure the descriptions of the properties referenced
16 in subsection (b) in order to facilitate a conveyance,
17 to address management, or boundary considerations
18 or correct errors. If any land adjacent to the 4.87
19 acre parcel described in subsection (b) is conveyed to
20 the Yavapai Ranch, any such minor modifications
21 shall be by mutual agreement between the Secretary
22 and the Yavapai Ranch.

23 (2) DISCREPANCY.—In the event of any dis-
24 crepancy between a map and legal description, the
25 map shall prevail.

1 (3) AVAILABILITY.—All maps referred to in this
2 Act shall be on file and available for inspection in
3 the Office of the Supervisor, Kaibab National For-
4 est, Williams, Arizona.

5 (d) AMOUNT OF CONSIDERATION.—In exchange for
6 the land described in subsection (b), the individual or enti-
7 ty acquiring the land shall pay to the Secretary consider-
8 ation in the amount of—

9 (1) market value; plus

10 (2) any costs of re-monumenting the boundary
11 of land.

12 (e) APPRAISAL.—

13 (1) IN GENERAL.—The values of the Federal
14 land shall be determined by appraisal using the ap-
15 praisal standards in—

16 (A) the Uniform Appraisal Standards for
17 Federal Land Acquisitions, fifth edition (De-
18 cember 20, 2000); and

19 (B) the Uniform Standards of Professional
20 Appraisal Practice.

21 (2) APPROVAL.—In accordance with part
22 254.9(a)(1) of title 36, Code of Federal Regulations
23 (or any successor regulation), the appraiser shall
24 be—

25 (A) acceptable to the Secretary

1 (B) a third party contractor.

2 (f) TIMING.—

3 (1) IN GENERAL.—Not later than 180 days
4 after the date on which the Secretary receives a
5 power of attorney executed by the individual or enti-
6 ty acquiring the land, the Secretary shall convey to
7 the individual or entity the land described in sub-
8 section (b).

9 (2) LIMITATION.—If, by the date that is 270
10 days after the date of enactment of this Act, the
11 Secretary does not receive the power of attorney de-
12 scribed in paragraph (1)—

13 (A) the authority provided under this sub-
14 section shall terminate; and

15 (B) any conveyance of the land shall be
16 made under Public Law 97–465 (16 U.S.C.
17 521c et seq.).

Passed the House of Representatives November 18,
2003.

Attest:

JEFF TRANDAHL,

Clerk.