

108TH CONGRESS
1ST SESSION

H. R. 622

IN THE SENATE OF THE UNITED STATES

APRIL 2, 2003

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

AN ACT

To provide for the exchange of certain lands in the Coconino
and Tonto National Forests in Arizona, 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. FINDINGS; PURPOSE.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Certain private lands adjacent to the Mon-
4 tezuma Castle National Monument in Yavapai Coun-
5 ty, Arizona, are desirable for Federal acquisition to
6 protect important riparian values along Beaver
7 Creek and the scenic backdrop for the National
8 Monument.

9 (2) Certain other inholdings in the Coconino
10 National Forest are desirable for Federal acquisition
11 to protect important public values near Double
12 Cabin Park.

13 (3) Approximately 108 acres of land within the
14 Tonto National Forest, northeast of Payson, Ari-
15 zona, are currently occupied by 45 residential cabins
16 under special use permits from the Secretary of Ag-
17 riculture, and have been so occupied since the mid-
18 1950s, rendering such lands of limited use and en-
19 joyment potential for the general public. Such lands
20 are, therefore, appropriate for transfer to the cabin
21 owners in exchange for lands that will have higher
22 public use values.

23 (4) In return for the privatization of such en-
24 cumbered lands the Secretary of Agriculture has
25 been offered approximately 495 acres of non-Federal
26 land (known as the Q Ranch) within the Tonto Na-

1 tional Forest, east of Young, Arizona, in an area
2 where the Secretary has completed previous land ex-
3 changes to consolidate public ownership of National
4 Forest lands.

5 (5) The acquisition of the Q Ranch non-Federal
6 lands by the Secretary will greatly increase National
7 Forest management efficiency and promote public
8 access, use, and enjoyment of the area and sur-
9 rounding National Forest System lands.

10 (b) PURPOSE.—The purpose of this Act is to author-
11 ize, direct, facilitate, and expedite the consummation of
12 the land exchanges set forth herein in accordance with the
13 terms and conditions of this Act.

14 **SEC. 2. DEFINITIONS.**

15 As used in this Act:

16 (1) DPSHA.—The term “DPSHA” means the
17 Diamond Point Summer Homes Association, a non-
18 profit corporation in the State of Arizona.

19 (2) FEDERAL LAND.—The term “Federal land”
20 means land to be conveyed into non-Federal owner-
21 ship under this Act.

22 (3) FLPMA.—The term “FLPMA” means the
23 Federal Land Policy Management Act of 1976.

1 (4) MCJV.—The term “MCJV” means the
2 Montezuma Castle Land Exchange Joint Venture
3 Partnership, an Arizona Partnership.

4 (5) NON-FEDERAL LAND.—The term “non-Fed-
5 eral land” means land to be conveyed to the Sec-
6 retary of Agriculture under this Act.

7 (6) SECRETARY.—The term “Secretary” means
8 the Secretary of Agriculture, unless otherwise speci-
9 fied.

10 **SEC. 3. MONTEZUMA CASTLE LAND EXCHANGE.**

11 (a) LAND EXCHANGE.—Upon receipt of a binding
12 offer from MCJV to convey title acceptable to the Sec-
13 retary to the land described in subsection (b), the Sec-
14 retary shall convey to MCJV all right, title, and interest
15 of the United States in and to the Federal land described
16 in subsection (c).

17 (b) NON-FEDERAL.—The land described in this sub-
18 section is the following:

19 (1) The approximately 157 acres of land adja-
20 cent to the Montezuma Castle National Monument,
21 as generally depicted on the map entitled “Monte-
22 zuma Castle Contiguous Lands”, dated May 2002.

23 (2) Certain private land within the Coconino
24 National Forest, Arizona, comprising approximately
25 108 acres, as generally depicted on the map entitled

1 “Double Cabin Park Lands”, dated September
2 2002.

3 (c) FEDERAL LAND.—The Federal land described in
4 this subsection is the approximately 222 acres in the
5 Tonto National Forest, Arizona, and surveyed as Lots 3,
6 4, 8, 9, 10, 11, 16, 17, and Tract 40 in section 32, Town-
7 ship 11 North, Range 10 East, Gila and Salt River Merid-
8 ian, Arizona.

9 (d) EQUAL VALUE EXCHANGE.—The values of the
10 non-Federal and Federal land directed to be exchanged
11 under this section shall be equal or equalized as deter-
12 mined by the Secretary through an appraisal performed
13 by a qualified appraiser mutually agreed to by the Sec-
14 retary and MCJV and performed in conformance with the
15 Uniform Appraisal Standards for Federal Land Acquisi-
16 tions (U.S. Department of Justice, December 2000), and
17 section 206(d) of the FLPMA (43 U.S.C. 1716(d)). If the
18 values are not equal, the Secretary shall delete Federal
19 lots from the conveyance to MCJV in the following order
20 and priority, as necessary, until the values of Federal and
21 non-Federal land are within the 25 percent cash equali-
22 zation limit of 206(b) of FLPMA:

- 23 (1) Lot 3.
24 (2) Lot 4.
25 (3) Lot 9.

1 (4) Lot 10.

2 (5) Lot 11.

3 (6) Lot 8.

4 (e) CASH EQUALIZATION.—Any difference in value
5 remaining after compliance with subsection (d) shall be
6 equalized by the payment of cash to the Secretary or
7 MCJV, as the circumstances dictate, in accordance with
8 section 206(b) of FLPMA (43 U.S.C. 1716(b)). Public
9 Law 90–171 (16 U.S.C. 484a; commonly known as the
10 “Sisk Act”) shall, without further appropriation, apply to
11 any cash equalization payment received by the United
12 States under this section.

13 **SEC. 4. DIAMOND POINT—Q RANCH LAND EXCHANGE.**

14 (a) IN GENERAL.—Upon receipt of a binding offer
15 from DPSHA to convey title acceptable to the Secretary
16 to the land described in subsection (b), the Secretary shall
17 convey to DPSHA all right, title, and interest of the
18 United States in and to the land described in subsection
19 (c).

20 (b) NON-FEDERAL LAND.—The land described in
21 this subsection is the approximately 495 acres of non-Fed-
22 eral land generally depicted on the map entitled “Diamond
23 Point Exchange—Q Ranch Non-Federal Lands”, dated
24 May 2002.

1 (c) FEDERAL LAND.—The Federal land described in
2 this subsection is the approximately 108 acres northeast
3 of Payson, Arizona, as generally depicted on a map enti-
4 tled “Diamond Point Exchange—Federal Land”, dated
5 May 2002.

6 (d) EQUAL VALUE EXCHANGE.—The values of the
7 non-Federal and Federal land directed to be exchanged
8 under this section shall be equal or equalized as deter-
9 mined by the Secretary through an appraisal performed
10 by a qualified appraiser mutually agreed to by the Sec-
11 retary and DPSHA and in conformance with the Uniform
12 Appraisal Standards for Federal Land Acquisitions (U.S.
13 Department of Justice, December 2000), and section
14 206(d) of FLPMA (43 U.S.C. 1716(d)). If the values are
15 not equal, they shall be equalized by the payment of cash
16 to the Secretary or DPSHA pursuant to section 206(b)
17 of FLPMA (43 U.S.C. 1716(b)). Public Law 90–171 (16
18 U.S.C. 484a; commonly known as the “Sisk Act”) shall,
19 without further appropriation, apply to any cash equali-
20 zation payment received by the United States under this
21 section.

22 (e) SPECIAL USE PERMIT TERMINATION.—Upon
23 execution of the land exchange authorized by this section,
24 all special use cabin permits on the Federal land shall be
25 terminated.

1 **SEC. 5. MISCELLANEOUS PROVISIONS.**

2 (a) EXCHANGE TIMETABLE.—Not later than 6
3 months after the Secretary receives an offer under section
4 3 or 4, the Secretary shall execute the exchange under
5 section 3 or 4, respectively, unless the Secretary and
6 MCJV or DPSHA, respectively, mutually agree to extend
7 such deadline.

8 (b) EXCHANGE PROCESSING.—Prior to executing the
9 land exchanges authorized by this Act, the Secretary shall
10 perform any necessary land surveys and required
11 preexchange clearances, reviews, and approvals relating to
12 threatened and endangered species, cultural and historic
13 resources, wetlands and floodplains and hazardous mate-
14 rials. If 1 or more of the Federal land parcels or lots, or
15 portions thereof, cannot be transferred to MCJV or
16 DPSHA due to hazardous materials, threatened or endan-
17 gered species, cultural or historic resources, or wetland
18 and flood plain problems, the parcel or lot, or portion
19 thereof, shall be deleted from the exchange, and the values
20 of the lands to be exchanged adjusted in accordance with
21 subsections (d) and (e) of section 3 or section 4(d), as
22 appropriate. In order to save administrative costs to the
23 United States, the costs of performing such work, includ-
24 ing the appraisals required pursuant to this Act, shall be
25 paid by MCJV or DPSHA for the relevant property, ex-
26 cept for the costs of any such work (including appraisal

1 reviews and approvals) that the Secretary is required or
2 elects to have performed by employees of the Department
3 of Agriculture.

4 (c) FEDERAL LAND RESERVATIONS AND ENCUM-
5 BRANCES.—The Secretary shall convey the Federal land
6 under this Act subject to valid existing rights, including
7 easements, rights-of-way, utility lines and any other valid
8 encumbrances on the Federal land as of the date of the
9 conveyance under this Act. If applicable to the land con-
10 veyed, the Secretary shall also retain any right of access
11 as may be required by section 120(h) of the Comprehen-
12 sive Environmental Response, Compensation and Liability
13 Act of 1980 (42 U.S.C. 9620(h)) for remedial or corrective
14 action relating to hazardous substances as may be nec-
15 essary in the future.

16 (d) ADMINISTRATION OF ACQUIRED LAND.—The
17 land acquired by the Secretary pursuant to this Act shall
18 become part of the Tonto or Coconino National Forest,
19 as appropriate, and be administered as such in accordance
20 with the laws, rules, and regulations generally applicable
21 to the National Forest System. Such land may be made
22 available for domestic livestock grazing if determined ap-
23 propriate by the Secretary in accordance with the laws,
24 rules, and regulations applicable thereto on National For-
25 est System land.

1 (e) TRANSFER OF LAND TO PARK SERVICE.—Upon
2 their acquisition by the United States, the “Montezuma
3 Castle Contiguous Lands” identified in section 3(d)(1)
4 shall be transferred to the administrative jurisdiction of
5 the National Park Service, and shall thereafter be perma-
6 nently incorporated in, and administered by the Secretary
7 of the Interior as part of, the Montezuma Castle National
8 Monument.

Passed the House of Representatives April 1, 2003.

Attest:

JEFF TRANDAHL,

Clerk.