

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3051

To provide for a land exchange involving certain Bureau of Land Management lands in Pima County, Arizona, for the purpose of consolidating Federal land ownership within the Las Cienegas National Conservation Area, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2005

Mr. KOLBE introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To provide for a land exchange involving certain Bureau of Land Management lands in Pima County, Arizona, for the purpose of consolidating Federal land ownership within the Las Cienegas National Conservation Area, 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Pima County Land  
5       Adjustment Act”.

1 **SEC. 2. LAND EXCHANGE, EMPIRITA-SIMONSON AND**  
2 **SAHUARITA PROPERTIES, ARIZONA.**

3 (a) EXCHANGE AUTHORIZED.—If Las Cienegas Con-  
4 servation, LLC, conveys to the Secretary of the Interior  
5 all right, title, and interest of Las Cienegas Conservation,  
6 LLC, in and to the Empirita-Simonson property, the Sec-  
7 retary shall convey to Las Cienegas Conservation, LLC,  
8 all right, title, and interest of the United States in and  
9 to the Sahuarita property.

10 (b) BOUNDARY ADJUSTMENT.—Upon receipt of the  
11 Empirita-Simonson property, the Secretary shall modify  
12 the boundaries of the Las Cienegas National Conservation  
13 Area to include the Empirita-Simonson property.

14 (c) TIME FOR EXCHANGE.—Except as otherwise pro-  
15 vided by this Act, the land exchange authorized under this  
16 section shall be completed prior to the expiration of the  
17 90-day period beginning on the later of the following  
18 dates:

19 (1) The date on which the title standards de-  
20 scribed in section 4(a) are met with regard to the  
21 properties to be conveyed to the United States.

22 (2) The date on which the appraisals described  
23 in section 4(c)(1) for the properties are approved by  
24 both the Secretary and Las Cienegas Conservation,  
25 LLC, or in the case of a dispute concerning an ap-

1 praisal or appraisal issue arising under that section,  
2 the date the dispute is resolved under that section.

3 (d) CASH EQUALIZATION PAYMENT.—

4 (1) IN GENERAL.—If the values of lands to be  
5 exchanged under this section are not equal, they  
6 shall be equalized by the payment of cash to the Sec-  
7 retary or Las Cienegas Conservation, LLC, as the  
8 circumstances dictate, in accordance with section  
9 206(b) of the Federal Land Policy and Management  
10 Act of 1976 (43 U.S.C. 1716(b)).

11 (2) DISPOSITION AND USE OF FUNDS.—Not-  
12 withstanding any other provision of law, any cash  
13 equalization payment received by the Secretary  
14 under this section shall be deposited into a separate  
15 account in the Treasury, which shall be available to  
16 the Secretary, without further appropriation and  
17 until expended, solely for the purpose of—

18 (A) the acquisition of land or interests in  
19 land within or adjacent to national conservation  
20 lands in southern Arizona; and

21 (B) resource management by the Bureau  
22 of Land Management in Pima County, Arizona.

23 (e) WATER RIGHTS.—

24 (1) LANDS OWNED BY PIMA COUNTY.—The ex-  
25 change under this section may not take place unless

1 Neal Simonson (or his successors in interest) and  
2 Pima County, Arizona, enter into an agreement  
3 under which Neal Simonson (or his successors in in-  
4 terest) relinquishes to Pima County any right to  
5 withdraw water from lands owned by Pima County  
6 in section 17, township 17 south, range 18 east, Gila  
7 and Salt River Baseline and Meridian.

8 (2) EMPIRITA-SIMONSON PROPERTY.—The ex-  
9 change under this section may not take place unless  
10 Neal Simonson (or his successors in interest) and  
11 the Secretary enter into an agreement under which  
12 Neal Simonson (or his successors in interest) limits  
13 his reserved withdrawal right on the Empirita-  
14 Simonson property to maximum of 550 acre feet per  
15 year.

16 (f) ROAD ACCESS.—Within 18 months after acqui-  
17 sition by the United States of title to the Empirita-  
18 Simonson property, the Secretary shall provide the Sec-  
19 retary of Agriculture a right of way for motorized public  
20 road access through the Empirita-Simonson property to  
21 the boundary of the Coronado National Forest, acting  
22 pursuant to section 507 of the Federal Land Policy and  
23 Management Act of 1976 (43 U.S.C. 1767).

24 (g) ENVIRONMENTAL REVIEW.—As a condition of  
25 the exchange authorized by this section, Las Cienegas

1 Conservation, LLC, shall pay direct costs incurred in con-  
2 nection with the environmental review and any required  
3 mitigation of the selected lands.

4 (h) ENDANGERED SPECIES ACT REVIEW.—The Sec-  
5 retary shall review the conveyance of the Sahuarita prop-  
6 erty under this section in accordance with section 7(a)(1)  
7 of the Endangered Species Act of 1973 (16 U.S.C.  
8 1536(a)(1)).

9 **SEC. 3. ACQUISITION AND CONVEYANCE OF TUMAMOC**  
10 **HILL PROPERTY.**

11 (a) ACQUISITION OF TUMAMOC HILL PROPERTY.—

12 (1) IN GENERAL.—Notwithstanding any other  
13 provision of law, upon the expiration of the 30-day  
14 period beginning on the date of the enactment of  
15 this Act, all right, title, and interest to, and the  
16 right to immediate possession of, the Tumamoc Hill  
17 property is hereby vested in the United States. The  
18 Tumamoc Hill property shall remain subject to ex-  
19 isting easements of record.

20 (2) COMPENSATION.—As consideration for the  
21 Tumamoc Hill property acquired under paragraph  
22 (1), the State of Arizona, State Land Department,  
23 shall receive an amount equal to the agreed nego-  
24 tiated value of the Tumamoc Hill property, deter-

1 mined as of the date of the acquisition, or the just  
2 compensation determined by judgment.

3 (3) DETERMINATION OF VALUE BY COURT.—In  
4 the absence of agreement as to the amount of just  
5 compensation, the State of Arizona or the Secretary  
6 may initiate a proceeding in the United States Dis-  
7 trict Court for the District of Arizona seeking a de-  
8 termination of just compensation for the acquisition  
9 of the Tumamoc Hill property.

10 (4) WITHDRAWAL.—Subject to valid existing  
11 rights, the Tumamoc Hill property is withdrawn  
12 from—

13 (A) all forms of entry and appropriation  
14 under the public land laws;

15 (B) location, entry, and patent under the  
16 mining laws; and

17 (C) operation of the mineral leasing, min-  
18 eral materials, and geothermal leasing laws.

19 (b) CONVEYANCE AUTHORIZED.—

20 (1) IN GENERAL.—When Pima County, Ari-  
21 zona, pays to the State of Arizona, State Land De-  
22 partment, the amount of compensation determined  
23 under subsection (a), the Secretary shall convey to  
24 Pima County all right, title, and interest of the  
25 United States in and to the Tumamoc Hill property.

1           (2) TIME FOR CONVEYANCE.—The conveyance  
2           authorized under paragraph (1) shall be completed  
3           prior to the expiration of the 180-day period which  
4           begins on the date Pima County pays to the State  
5           of Arizona, State Land Department, the amount de-  
6           scribed in paragraph (1).

7 **SEC. 4. ADMINISTRATION OF LAND EXCHANGES.**

8           (a) TITLE STANDARDS.—The Secretary shall require  
9           that title to the lands to be exchanged under this Act con-  
10          form with the title standards of the Attorney General of  
11          the United States.

12          (b) CORRECTIONS TO LEGAL DESCRIPTIONS.—By  
13          mutual agreement, the Secretary and the party involved  
14          may adjust the legal descriptions contained in this Act to  
15          correct errors or to make minor adjustments in the bound-  
16          aries of the lands to be exchanged.

17          (c) APPRAISALS.—

18               (1) IN GENERAL.—The values of the lands to  
19               be exchanged under this Act shall be determined by  
20               the Secretary through an appraisal performed by a  
21               qualified appraiser selected from the Department of  
22               the Interior approved contractor list and mutually  
23               agreed to by the Secretary and the party involved  
24               and performed in conformance with the Uniform Ap-  
25               praisal Standards for Federal Land Acquisitions

1 (United States Department of Justice, December  
2 2000), the Uniform Standards of Professional Ap-  
3 praisal Practice, and section 206(d) of the Federal  
4 Land Policy and Management Act of 1976 (43  
5 U.S.C. 1716(d)).

6 (2) DEADLINE FOR APPRAISALS.—All apprais-  
7 als under this Act shall be completed and submitted  
8 to the Secretary and the party involved for approval  
9 before the expiration of the 180-day period begin-  
10 ning on the date of the enactment of this Act.

11 (d) DEADLINE FOR ENVIRONMENTAL REVIEWS.—  
12 Before the expiration of the 180-day period beginning on  
13 the date of the enactment of this Act, the Secretary shall  
14 complete all environmental reviews of lands to be ex-  
15 changed under this Act that are required by the National  
16 Environmental Policy Act of 1969 (42 U.S.C. 4321 et  
17 seq.).

18 (e) ELGIN LANDFILL.—The boundary of the Las  
19 Cienegas National Conservation Area is modified to ex-  
20 clude the 40-acre tract presently leased by the Bureau of  
21 land management to the town of Elgin, Arizona, for a san-  
22 itary landfill.

23 **SEC. 5. DEFINITIONS.**

24 In this Act:

1           (1) The term “Empirita-Simonson property”  
2 means the parcel of land consisting of approximately  
3 2,490 acres in sections 14, 22, 23, 24, 25, 26, and  
4 36, township 17 south, range 18 east, Gila and Salt  
5 River Base and Meridian.

6           (2) The term “Sahuarita property” means the  
7 parcel of land consisting of approximately 1,280  
8 acres in sections 5, 7, and 8, township 17 south,  
9 range 15 east, Gila and Salt River Base and Merid-  
10 ian.

11           (3) The term “Secretary” means the Secretary  
12 of the Interior.

13           (4) The term “Tumamoc Hill property” means  
14 the parcel of land owned by the State of Arizona  
15 consisting of approximately 290 acres in sections 9,  
16 10, 15, and 16 township 14 south, range 13 east,  
17 Gila and Salt River Base and Meridian, excluding  
18 approximately 30 acres of landfill as shown on the  
19 map on file in the records of Pima County, Arizona.

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