

## Union Calendar No. 375

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5016

[Report No. 109-635]

To provide for the exchange of certain Bureau of Land Management land  
in Pima County, Arizona, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2006

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

SEPTEMBER 6, 2006

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 28, 2006]

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## A BILL

To provide for the exchange of certain Bureau of Land  
Management land in Pima County, 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. SHORT TITLE.**

2       *This Act may be cited as the “Las Cienegas Enhance-*  
 3 *ment Act”.*

4 **SEC. 2. DEFINITIONS.**

5       *In this Act:*

6           (1) *FEDERAL LAND.*—*The term “Federal land”*  
 7 *means the Sahuarita parcel of land consisting of ap-*  
 8 *proximately 1,280 acres, as depicted on the map enti-*  
 9 *tled “Las Cienegas Enhancement Act—Federal Land”*  
 10 *and dated May 9, 2006.*

11           (2) *LANDOWNER.*—*The term “landowner” means*  
 12 *Las Cienegas Conservation, LLC.*

13           (3) *NON-FEDERAL LAND.*—*The term “non-Fed-*  
 14 *eral land” means the Empirita-Simonson parcel of*  
 15 *land consisting of approximately 2,392 acres, as de-*  
 16 *scribed on the map entitled “Las Cienegas Enhance-*  
 17 *ment Act—Non-Federal Land” and dated May 9,*  
 18 *2006.*

19           (4) *SECRETARY.*—*The term “Secretary” means*  
 20 *the Secretary of the Interior.*

21 **SEC. 3. LAND EXCHANGE, BUREAU OF LAND MANAGEMENT**  
 22 **LAND IN PIMA COUNTY, ARIZONA.**

23           (a) *EXCHANGE AUTHORIZED.*—*If the landowner offers*  
 24 *to convey to the Secretary title to the non-Federal land, the*  
 25 *Secretary shall accept the offer and convey to the landowner*

1 *all, right, title, and interest of the United States in and*  
2 *to the Federal land.*

3 *(b) VALUATION, APPRAISALS, AND EQUALIZATION.—*

4 *(1) EQUAL VALUE EXCHANGE.—The value of the*  
5 *Federal land and the non-Federal land to be ex-*  
6 *changed under this section shall be equal. If the values*  
7 *are not equal, the values shall be equalized in accord-*  
8 *ance with paragraph (3).*

9 *(2) APPRAISAL.—To determine the value of the*  
10 *Federal land and the non-Federal land, the Federal*  
11 *land and the non-Federal land shall be subject to an*  
12 *appraisal by an independent, qualified appraiser*  
13 *agreed to by the Secretary and landowner. The ap-*  
14 *praiser shall consider the value of the Federal land*  
15 *and the non-Federal land as of the date of the enact-*  
16 *ment of this Act. The appraisal shall be conducted in*  
17 *accordance with the Uniform Appraisal Standards*  
18 *for Federal Land Acquisition and the Uniform*  
19 *Standards of Professional Appraisal Practice. Not*  
20 *later than 180 days after the date of enactment of this*  
21 *Act, the appraisal shall be submitted to the Secretary*  
22 *and landowner for approval.*

23 *(3) EQUALIZATION OF VALUES.—If the values of*  
24 *the Federal land and non-Federal land are not equal,*  
25 *their values may be equalized—*

1           (A) by reducing the acreage of the non-Fed-  
2           eral land or the Federal land to be exchanged, as  
3           appropriate; or

4           (B) by the payment by the landowner or the  
5           Secretary of a cash equalization payment, which,  
6           in the case of a cash equalization payment made  
7           by the landowner, may exceed 25 percent of the  
8           value of the Federal land, notwithstanding sec-  
9           tion 206(b) of the Federal Land Policy and  
10          Management Act of 1976 (43 U.S.C. 1716(b)).

11          (4) DISPOSITION AND USE OF PROCEEDS.—Any  
12          cash equalization payment received by the Secretary  
13          under paragraph (3) shall be deposited in the Federal  
14          Land Disposal Account established by section 206(a)  
15          of the Federal Land Transaction Facilitation Act (43  
16          U.S.C. 2305(a)). Amounts so deposited shall be avail-  
17          able to the Secretary, without further appropriation  
18          and until expended, for the acquisition of land and  
19          interests in land in southern Arizona.

20          (c) PROTECTION OF VALID EXISTING RIGHTS.—The  
21          exchange of the Federal land and the non-Federal land shall  
22          be subject to any easements, rights-of-way, and other valid  
23          encumbrances on the land in existence on the date of enact-  
24          ment of this Act.

1       (d) *TIME FOR COMPLETION OF EXCHANGE.*—*The ex-*  
2 *change of the Federal land and non-Federal land under this*  
3 *section shall be completed—*

4           (1) *except as provided in paragraph (2), not*  
5 *later than one year after the date of the enactment of*  
6 *this Act; or*

7           (2) *if there is a dispute concerning an appraisal*  
8 *of the Federal land or non-Federal land or appraisal*  
9 *issue arising under subsection (b), before the expira-*  
10 *tion of the 90-day period beginning on the date the*  
11 *dispute is resolved.*

12       (e) *ADMINISTRATIVE COSTS.*—*As a condition of the*  
13 *conveyance of the Federal land to the landowner, the land-*  
14 *owner shall pay the costs of carrying out the exchange of*  
15 *the Federal land and non-Federal land under this section,*  
16 *including any direct costs relating to any environmental*  
17 *reviews and mitigation of the Federal land.*

18       (f) *CORRECTION OF ERRORS; MINOR BOUNDARY AD-*  
19 *JUSTMENTS.*—*The Secretary and landowner may mutually*  
20 *agree—*

21           (1) *to correct minor errors in the legal descrip-*  
22 *tions of the Federal land and non-Federal land to be*  
23 *exchanged under this section; or*

24           (2) *to make minor adjustments to the boundaries*  
25 *of the Federal land and non-Federal land.*

1       (g) *ROAD ACCESS*.—Not later than 18 months after  
 2 the date on which the non-Federal land is acquired by the  
 3 Secretary, the Secretary shall provide to the Secretary of  
 4 Agriculture a right-of-way through the non-Federal land for  
 5 motorized public road access to the boundary of the Coro-  
 6 nado National Forest. The right-of-way shall be provided  
 7 in accordance with section 507 of the Federal Land Policy  
 8 and Management Act of 1976 (43 U.S.C. 1767).

9       (h) *ADMINISTRATION OF LAND ACQUIRED BY THE*  
 10 *UNITED STATES*.—On acquisition of the non-Federal land  
 11 by the Secretary, the Secretary shall—

12               (1) include the acquired land as part of the Las  
 13 Cienegas National Conservation Area; and

14               (2) administer the acquired land in accordance  
 15 with Public Law 106–538 (16 U.S.C. 460ooo et seq.),  
 16 which established the Las Cienegas National Con-  
 17 servation Area, and other applicable laws.

18 **SEC. 4. MODIFICATION OF LAS CIENEGAS NATIONAL CON-**  
 19 **SERVATION AREA BOUNDARY.**

20       The boundary of the Las Cienegas National Conserva-  
 21 tion Area is modified to exclude the 40-acre tract that, as  
 22 of the date of the enactment of this Act, is leased by the  
 23 Bureau of Land Management to the town of Elgin, Arizona,  
 24 for a sanitary landfill.

1 **SEC. 5. LAND CONVEYANCE, PIMA COUNTY, ARIZONA.**

2       *As an additional condition of the conveyance of the*  
3 *Federal land to the landowner under section 3, the land-*  
4 *owner shall convey, without consideration, to Pima County,*  
5 *Arizona, a parcel of land consisting of approximately 98*  
6 *acres, as depicted on the map referred to in section 2(1)*  
7 *as “land to be conveyed to Pima County”.*

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