

110TH CONGRESS
2D SESSION

H. R. 5177

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2008

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

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, BLOOM,**
2 **AND 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 in and to the Empirita-
6 Simonson property and the Bloom property, the Secretary
7 shall convey to Las Cienegas Conservation, LLC, all right,
8 title, and interest in and to the Sahuarita property.

9 (b) BOUNDARY ADJUSTMENT.—Upon receipt of the
10 Empirita-Simonson property and the Bloom property, the
11 Secretary shall—

12 (1) modify the boundaries of the Las Cienegas
13 National Conservation Area to include the Empirita-
14 Simonson property; and

15 (2) modify the boundaries of the Saguaro Na-
16 tional Park to include the Bloom property.

17 (c) TIME FOR EXCHANGE.—Except as otherwise pro-
18 vided by this Act, the land exchange authorized under this
19 section shall be completed prior to the expiration of the
20 90-day period beginning on the later of the following
21 dates:

22 (1) The date on which the title standards de-
23 scribed in this Act are met with regard to the prop-
24 erties to be conveyed to the United States.

25 (2) The date on which the appraisals described
26 in this Act for the properties are approved by both

1 the Secretary and Las Cienegas Conservation, LLC,
2 or in the case of a dispute concerning an appraisal
3 or appraisal issue arising under that section, the
4 date the dispute is resolved under that section.

5 (d) WATER RIGHTS.—

6 (1) LANDS OWNED BY PIMA COUNTY.—The ex-
7 change under this section may not take place unless
8 Neal Simonson (or his successors in interest) and
9 Pima County, Arizona, enter into an agreement
10 under which Neal Simonson (or his successors in in-
11 terest) relinquishes to Pima County any right to
12 withdraw water from lands owned by Pima County
13 in section 17, township 17 south, range 18 east, Gila
14 and Salt River Baseline and Meridian.

15 (2) EMPIRITA-SIMONSON PROPERTY.—The ex-
16 change under this section may not take place unless
17 Neal Simonson (or his successors in interest) and
18 the Secretary enter into an agreement under which
19 Neal Simonson (or his successors in interest) limits
20 his reserved withdrawal right on the Empirita-
21 Simonson property to maximum of 550 acre feet per
22 year.

23 (e) ENVIRONMENTAL REVIEW.—As a condition of the
24 exchange authorized by this section, Las Cienegas Con-
25 servation, LLC, shall pay direct costs incurred in connec-

1 tion with the environmental review and any required miti-
2 gation of the selected lands.

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

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

10 (a) ACQUISITION OF TUMAMOC HILL PROPERTY.—

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

19 (2) COMPENSATION.—As consideration for the
20 Tumamoc Hill property acquired under paragraph
21 (1) and as a condition of the exchange under section
22 2, the Las Cienegas Conservation, LLC, shall pay to
23 the State of Arizona, State Land Department, an
24 amount equal to the agreed negotiated value of the
25 Tumamoc Hill property, determined as of the date

1 of the acquisition, or the just compensation deter-
2 mined 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, upon acquisition under this section, the
12 Tumamoc Hill property is withdrawn 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.—

20 (1) IN GENERAL.—Upon payment of costs
21 under paragraph (2) of this subsection and payment
22 of compensation in accordance with subsection
23 (a)(2), the United States shall convey all right, title,
24 and interest of the United States to the Tumamoc
25 Hill property to Pima County.

1 (2) COSTS.—Pima County shall pay all costs
2 (not including the compensation required under sub-
3 section (a)(2) associated with the conveyance author-
4 ized by paragraph (1).

5 (3) USE OF LAND.—Pima County shall—

6 (A) own and manage the property con-
7 veyed under paragraph (1) in such a manner
8 that the property shall be preserved forever in
9 its predominantly open, scenic, undeveloped,
10 and natural condition;

11 (B) promote the conservation purposes of
12 the property; and

13 (C) prevent any uses of the property that
14 will significantly impair or interfere with the bi-
15 ological and cultural importance of the prop-
16 erty.

17 (c) REVERTER.—If the property conveyed under sub-
18 section (b) ceases to be owned and managed in accordance
19 with subsection (b), all right, title, and interest to the
20 property shall revert to the United States to be used for
21 those purposes, if the Secretary determines that such a
22 reversion is in the best interests of the United States.

23 **SEC. 4. VALUATION OF LAND EXCHANGED.**

24 (a) EXCHANGE VALUATION.—

1 (1) IN GENERAL.—The values of the lands to
2 be exchanged under this Act shall be determined by
3 the Secretary through concurrent appraisals con-
4 ducted in accordance with paragraph (2).

5 (2) APPRAISALS.—

6 (A) IN GENERAL.—An appraisal under this
7 section shall be—

8 (i) performed by an appraiser mutu-
9 ally agreed to by the parties to the ex-
10 change;

11 (ii) performed in accordance with—

12 (I) the Uniform Appraisal Stand-
13 ards for Federal Land Acquisitions
14 (Department of Justice, 5th Edition,
15 December 20, 2000);

16 (II) the Uniform Standards of
17 Professional Appraisal Practice; and

18 (III) Forest Service appraisal in-
19 structions; and

20 (iii) submitted to the Secretary for re-
21 view and approval.

22 (B) REAPPRAISALS AND UPDATED AP-
23 PRAISED VALUES.—After the final appraised
24 value of a parcel is determined and approved
25 under subparagraph (A), the Secretary shall

1 not be required to reappraise or update the
2 final appraised value.

3 (C) DEADLINE FOR APPRAISALS.—All ap-
4 praisals under this Act shall be completed and
5 submitted to the Secretary and the party in-
6 volved for approval before the expiration of the
7 180-day period beginning on the date of the en-
8 actment of this Act.

9 (D) PUBLIC REVIEW.—Before carrying out
10 a land exchange under this Act, the Secretary
11 shall make available for public review a sum-
12 mary of the appraisals of the land to be ex-
13 changed.

14 (b) VALUES DEEMED EQUAL.—If the values of lands
15 to be exchanged under section 2 are not found to be equal
16 under the appraisals required under this Act—

17 (1) the values shall be deemed to be equal for
18 the purposes of the land exchanges authorized under
19 this Act;

20 (2) no equalization payment or land adjustment
21 shall be made based on the values; and

22 (3) a party to the exchange may decide not to
23 move forward with the exchange, if the land that
24 party will transfer (or, in the case of Las Cienegas
25 Conservation, LLC, the land that party will transfer

1 plus the amount that party will pay under section
2 3(a)(2)) is determined to be of greater value than
3 the land the party will receive based on the apprais-
4 als required under this Act.

5 **SEC. 5. ADMINISTRATION OF LAND EXCHANGES.**

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

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

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

22 (d) ELGIN LANDFILL.—The boundary of the Las
23 Cienegas National Conservation Area is modified to ex-
24 clude the 40-acre tract presently leased by the Bureau of

1 land management to the town of Elgin, Arizona, for a san-
2 itary landfill.

3 **SEC. 6. DEFINITIONS.**

4 In this Act:

5 (1) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 (2) EMPIRITA-SIMONSON PROPERTY.—The term
8 “Empirita-Simonson property” means the parcel of
9 land consisting of approximately 2,490 acres in sec-
10 tions 14, 22, 23, 24, 25, 26, and 36, township 17
11 south, range 18 east, Gila and Salt River Base and
12 Meridian.

13 (3) BLOOM PROPERTY.—The term “Bloom
14 property” means the parcel of land consisting of ap-
15 proximately 160 acres, as generally depicted on the
16 map titled “Saguaro National Park, Bloom Tract”
17 and dated April 17, 2007.

18 (4) SAHUARITA PROPERTY.—The term
19 “Sahuarita property” means the parcel of land con-
20 sisting of approximately 1,280 acres in sections 5, 7,
21 and 8, township 17 south, range 15 east, Gila and
22 Salt River Base and Meridian.

23 (5) TUMAMOC HILL PROPERTY.—The term
24 “Tumamoc Hill property” means the parcel of land
25 owned by the State of Arizona consisting of approxi-

1 mately 290 acres in sections 9, 10, 15, and 16 town-
2 ship 14 south, range 13 east, Gila and Salt River
3 Base and Meridian, excluding approximately 30
4 acres of landfill as shown on the map on file in the
5 records of Pima County, Arizona.

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