

116TH CONGRESS
1ST SESSION

S. 48

To authorize, direct, expedite, and facilitate a land exchange in Yavapai County, Arizona, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 8, 2019

Ms. MCSALLY (for herself and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize, direct, expedite, and facilitate a land exchange in Yavapai 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cottonwood Land Ex-
5 change Act of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COUNTY.—The term “County” means
9 Yavapai County, Arizona.

1 (2) FEDERAL LAND.—The term “Federal land”
 2 means all right, title, and interest of the United
 3 States in and to approximately 80 acres of land
 4 within the Coconino National Forest, in Yavapai
 5 County, Arizona, generally depicted as “Coconino
 6 National Forest Parcels ‘Federal Land’” on the
 7 map.

8 (3) MAP.—The term “map” means the map en-
 9 titled “Cottonwood Land Exchange”, with the revi-
 10 sion date July 5, 2018\Version 1.

11 (4) NON-FEDERAL LAND.—The term “non-Fed-
 12 eral land” means the approximately 369 acres of
 13 land in Yavapai County, Arizona, generally depicted
 14 as “Yavapai County Parcels ‘Non-Federal Land’”
 15 on the map.

16 (5) SECRETARY.—The term “Secretary” means
 17 the Secretary of Agriculture, unless otherwise speci-
 18 fied.

19 **SEC. 3. LAND EXCHANGE.**

20 (a) IN GENERAL.—If the County offers to convey to
 21 the Secretary all right, title, and interest of the County
 22 in and to the non-Federal land, the Secretary shall accept
 23 the offer and simultaneously convey to the County all
 24 right, title, and interest of the United States to the Fed-
 25 eral land.

1 (b) LAND TITLE.—Title to the non-Federal land con-
 2 veyed to the Secretary under this Act shall be acceptable
 3 to the Secretary and shall conform to the title approval
 4 standards of the Attorney General of the United States
 5 applicable to land acquisitions by the Federal Government.

6 (c) EXCHANGE COSTS.—The County shall pay for all
 7 land survey, appraisal, and other costs to the Secretary
 8 as may be necessary to process and consummate the ex-
 9 change under this Act, including reimbursement to the
 10 Secretary, if the Secretary so requests, for staff time spent
 11 in such processing and consummation.

12 **SEC. 4. EQUAL VALUE EXCHANGE AND APPRAISALS.**

13 (a) APPRAISALS.—The values of the lands to be ex-
 14 changed under this Act shall be determined by the Sec-
 15 retary through appraisals performed—

16 (1) in accordance with—

17 (A) the Uniform Appraisal Standards for
 18 Federal Land Acquisitions;

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

21 (C) appraisal instructions issued by the
 22 Secretary; and

23 (2) by an appraiser mutually agreed to by the
 24 Secretary and the County.

1 (b) EQUAL VALUE EXCHANGE.—The values of the
 2 Federal and non-Federal land parcels exchanged shall be
 3 equal, or if they are not equal, shall be equalized as fol-
 4 lows:

5 (1) SURPLUS OF FEDERAL LAND VALUE.—If
 6 the final appraised value of the Federal land exceeds
 7 the final appraised value of the non-Federal land,
 8 the County shall make a cash equalization payment
 9 to the United States as necessary to achieve equal
 10 value, including, if necessary, an amount in excess of
 11 that authorized pursuant to section 206(b) of the
 12 Federal Land Policy and Management Act of 1976
 13 (43 U.S.C. 1716(b)).

14 (2) USE OF FUNDS.—Any cash equalization
 15 moneys received by the Secretary under paragraph
 16 (1) shall be—

17 (A) deposited in the fund established under
 18 Public Law 90–171 (commonly known as the
 19 “Sisk Act”; 16 U.S.C. 484a); and

20 (B) made available to the Secretary for the
 21 acquisition of land or interests in land in Re-
 22 gion 3 of the Forest Service.

23 (3) SURPLUS OF NON-FEDERAL LAND VALUE.—
 24 If the final appraised value of the non-Federal land
 25 exceeds the final appraised value of the Federal

1 land, the United States shall not make a cash
2 equalization payment to the County, and surplus
3 value of the non-Federal land shall be considered a
4 donation by the County to the United States for all
5 purposes of law.

6 **SEC. 5. WITHDRAWAL PROVISIONS.**

7 Lands acquired by the Secretary under this Act are,
8 upon such acquisition, automatically and permanently
9 withdrawn from all forms of appropriation and disposal
10 under the public land laws (including the mining and min-
11 eral leasing laws) and the Geothermal Steam Act of 1930
12 (30 U.S.C. 1001 et seq.).

13 **SEC. 6. MANAGEMENT OF LAND.**

14 Land acquired by the Secretary under this Act shall
15 become part of the Coconino National Forest and be man-
16 aged in accordance with the laws, rules, and regulations
17 applicable to the National Forest System.

18 **SEC. 7. MAPS, ESTIMATES, AND DESCRIPTIONS.**

19 (a) MINOR ERRORS.—The Secretary and the County
20 may, by mutual agreement—

21 (1) make minor boundary adjustments to the
22 Federal and non-Federal lands involved in the ex-
23 change; and

1 (2) correct any minor errors in any map, acre-
2 age estimate, or description of any land to be ex-
3 changed.

4 (b) CONFLICT.—If there is a conflict between a map,
5 an acreage estimate, or a description of land under this
6 Act, the map shall control unless the Secretary and the
7 County mutually agree otherwise.

8 (c) AVAILABILITY.—The Secretary shall file and
9 make available for public inspection in the headquarters
10 of the Coconino National Forest a copy of all maps re-
11 ferred to in this Act.

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